

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....5th October 2006

1. Title of Item/Report

Environmental Protection Act 1990, Section 99 and Schedule 4 and Clean Neighbourhoods and Environment Act 2005 - Control of abandoned Trolleys

2. Record of the Decision

Members considered a report that sought formal approval of a scheme for the control of abandoned trolleys within the Borough.

It was explained that abandoned shopping and luggage trolleys were a source of public nuisance, attracted acts of anti-social behaviour and contributed to the decline of the quality of the local environment.

Members noted that Schedule 4 of the Environmental Protection Act 1990 allowed a Local Authority to seize, store and dispose of abandoned shopping and luggage trolleys found in its area. The Clean Neighbourhoods & Environment Act 2005 improved the ability of local authorities to reclaim costs involved on demand.

Schedule 4 applied, subject to certain exceptions, to any shopping or luggage trolley that was found by an authorised officer on 'any land in the open air', including land covered by water, if it appeared to him/her to be abandoned.

Where the land (the site of trolley abandonment) was occupied the consent of the occupier had to be obtained before removal of the trolley commenced or, as an alternative, the Local Authority could serve notice that it intended to remove the trolley. If no notice of objection was received in response, the Council could remove the trolley after 14 days.

The Local Authority had to, before destruction, sale or disposal, store the trolley for a period of six weeks.

A notice had to be served on anyone who appeared to be the owner of the trolley as soon as reasonably practicable and at least within 14 days, giving notice that the Authority had removed the trolley and providing details of where it was being kept and that the Authority could dispose of

the trolley if not claimed. If the trolley was not claimed the Local Authority was not permitted to dispose of it unless reasonable enquiries had been made to ascertain who owned it.

If the owner failed to claim and or claimed the trolley but had not paid the charges as demanded by the Council, the Authority was entitled to sell or dispose of it.

In such case the Authority could charge a person who appeared to the Authority to be the owner, an amount to cover the removal, storage and disposal of the trolley. A standard charge would be set based on the average cost of dealing with trolleys in the Borough. This would be recoverable as a debt by the Authority if not paid.

Members noted that experience from a trial carried out earlier this year, under which trolleys were collected and returned to retailers, free of charge, mainly in Thornaby and Hardwick, suggested that the main impact of introducing a formal scheme, with the potential of cost sanctions, would be to encourage retailers to improve the effectiveness of their own systems for management and recovery of trolleys, and that the adoption of a formal scheme would therefore have a beneficial impact on the Borough. The value of trolleys varied according to quality, usually with the size of the retailer concerned, but the value of the robust versions used by major multiple retailers was of the order of £200.

The proposed scheme was provided to Members as an appendix to the report

RESOLVED That the scheme set out at Appendix A be approved, to take effect from 5 January 2007.

3. Reasons for the Decision

To encourage retailers to take all steps available to them to ensure that trolleys do not become abandoned, and to ensure that the Council has an effective system for dealing with trolleys if and when they do become abandoned.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not Applicable

7. Date and Time by which Call In must be executed

By no later than midnight on Friday 13th October 2006

Proper Officer  
09 October 2006