

THE EXECUTIVE

10 MAY 2005

REPORT OF THE DIRECTOR OF HOUSING AND HEALTH

ABANDONED TROLLEY ENFORCEMENT	FOR DECISION	
<p><i>The decision to apply schedule 4 of the Environmental Protection Act to the whole Borough is reserved to the Assembly under the Act.</i></p> <p>Summary</p> <p>This report outlines an enforcement scheme that we are confident will reduce the number of abandoned trolleys currently being discovered in the Borough.</p> <p>The Environmental Protection Act 1990 section 99 and schedule 4 allows authorised officers to seize abandoned trolleys and charge the owners a fee for the collection, storage and return of the trolleys that are seized.</p> <p>Ward Affected - All Wards</p> <p>Recommendations</p> <p>The Executive is asked to recommend to the Assembly to:</p> <ol style="list-style-type: none">1. To adopt Schedule 4 of the Environmental Protection Act 1990 throughout Barking and Dagenham;2. Apply the proposed fee for the collection, storage and return of trolleys to the owners (set out in paragraph 3.2 of the report); and3. Delegate authority to the Director of Housing and Health to agree any proposed voluntary scheme of trolley collection submitted by local businesses. <p>Reason</p> <p>To allow Council Operatives to remove abandoned trolleys from land covered by the Act and set the charges and fees for the collection, storage and return of those trolleys seized. To assist the Council in meeting its Community Priority of making the Borough Cleaner, Greener and safer.</p>		
<p>Contact: Tony Chapman</p>	<p>Team Leader - Street Warden Service</p>	<p>Tel: 020 8227 5652 Fax: 020 8227 5699 Minicom: 020 8227 2685 E-mail: tony.chapman@lbbd.gov.uk</p>

1. Background

- 1.1. Reducing nuisance behaviour and environmental crime are key actions within Barking and Dagenham's community Strategy under Community Priority of making the Borough Cleaner, Greener and Safer.
- 1.2. Abandoned shopping trolleys within the Borough have attracted negative headlines in the local press and raised awareness of this issue within the community leading to increased numbers of complaints and demands that something is done.
- 1.3. Abandoned trolleys are found throughout the Borough including: Highways, alleys, parks, rivers, ponds, school grounds, nature reserve.
- 1.4. The retailers who operate trolley services for the convenience of their customers are currently running no voluntary system of collection. However, they advise that should a trolley be reported to them, it is collected.
- 1.5. Statistics are not kept by Regeneration and Environment concerning the number of trolleys that are collected but it is estimated that up to 100 trolleys are collected each month from around the Borough.
- 1.6. Trolleys that are collected by the Council are taken immediately to one of the Boroughs Waste Depots. The full cost of removing and disposal of abandoned trolleys are currently met by the Council.
- 1.7. A key action within Barking and Dagenham's Community Strategy is Raising Awareness of Rights and Responsibilities. Introducing an enforcement process as proposed in this report will reinforce the Councils commitment to reducing nuisance and environmental crime in the Borough.

2. Legal Matters

- 2.1. The Environmental Protection Act 1990 section 99 requires the local authority to apply Schedule 4 to the Borough, before any action can be taken under the Act.
- 2.2. Before the local authority can resolve to apply schedule 4, a consultation period will be entered into in which time those agencies or businesses affected by this action may make representations to the local authority.
- 2.3. Schedule 4 specifies the following:
 1. Land to which the Act applies with reference to abandoned trolleys.
 2. Power of seizure and storage of abandoned trolleys for up to six weeks.
 3. Abandoned trolleys cannot be removed from private land unless:
 - a) the local authority has received permission from the landowner to remove it, or

b) notice has been served on the landowner of the local authority intention to remove it.

4. The local authority shall, following seizure, notify the owner of the trolley that it has been seized. This notice will include the location of storage and charges that will be incurred for storage and collection.
5. No trolleys shall be disposed of unless reasonable enquiries have been made to ascertain who owns it.
6. The local authority may set charges sufficient to cover the cost of removing, storing and disposing of seized trolleys.
7. The local authority may agree with persons who own trolleys to accept a voluntary scheme for the owner to make regular collections of trolleys. If the voluntary scheme is acceptable, no charges will be levied on the owner by the local authority while the scheme is operating within agreed parameters.
8. On completion of the consultation period the local authority may resolve to apply schedule 4 to the Borough. The resolution will come into force no earlier than three months from the date of the resolution.
9. A notice will appear in at least one newspaper circulated in its own area that the local authority has passed a resolution under this section and indicate the general effect of that schedule.

2.4 In some instances, it may be appropriate to take criminal proceedings against offenders who fail to introduce a voluntary system of trolley collection. Criminal proceedings will be taken using appropriate legislation dependent on the situation.

3. Financial Implications

- 3.1. The Act allows the local authority to charge claimants such as to be sufficient to cover the cost of removing, storing and disposing of trolleys.
- 3.2. The true cost of removal will depend entirely on the situation in which the abandoned trolley is found. A trolley on the public highway will be less expensive to remove than one found in a river or lake. It is recommended that an average fee is set to reflect the overall cost burden on the local authority.

An example of a fee structure is provided below for Members to consider.

Fee for Collection Per Trolley	Storage Per Day Per Trolley	Delivery to Owner Per Trolley	Collection by Owner Per Trolley
£75	£5	£20	£5

3.3 A review of the enforcement scheme and charges will take place 6 months from the introduction of the scheme.

4. Trolley collection by the Local Authority

4.1. Officers from Health and Consumer Services (H&CS) in partnership with Regeneration and Environment will pilot the initial process of trolley collection. There will be one designated area for trolley storage situated at Frizlands Depot.

4.2. Council Operatives, specifically Cleansing Supervisors and Street Wardens will respond to complaints received about abandoned trolleys. These officers will be responsible for organising the collection of abandoned trolleys and the capture of necessary evidence to bill the owners for its return.

4.3. A vehicle, suitable for this use, will be made available for the collection of abandoned trolleys across the Borough. During the initial pilot period, recommended to be at least 3 months, this vehicle will be operated by Street Wardens and Cleansing Supervisors working in partnership or sharing rotas.

4.4. The administration of this process will be overseen by the Enforcement Support Officer based within H&CS. This role includes the notification of owners, service of Notice on landowners, keeping an audit trail of seized trolleys, preparation of legal documents to be used in any Court hearing.

5. Conclusion

5.1. Unless positive action is taken to address the increasing problem of abandoned trolleys within the Borough, the problem will continue to grow.

5.2. Retailers are aware of the issues concerning abandoned trolleys and make some efforts to collect their own trolleys within the immediate vicinity of their business premises. However, efforts are required to educate those retailers who fail to take responsibility for their property found further a field.

5.3. This recommended enforcement action compliments the Community Priority to raise Awareness of the Communities Rights and Responsibilities.

6. Consultation

Lead Member for Cleaner, Greener, Safer:
Councillor Milton McKenzie.

Community Forum:
River, Village, Goresbrook.

Department of Regeneration and Environment.
Mike Mitchell-Head of Environmental Management
Peter Blanchard-General Manager Infrastructure
Mike Neale-Highways and Street Cleansing Manager

Legal Services-Corporate Strategy.

William Sempala - Corporate Legal Manager

Key Stakeholders including:

- Asda
- Tesco
- Lidl
- Safeway
- CO-OP
- Approximately 80 smaller retail outlets that potentially operate a trolley system has been written too. (Please see appendix 1)

Background Papers

- Environmental Protection Act 1990
- Minutes-Key Stakeholder Meeting 29/10/04