

CITY SERVICES - ENFORCEMENT DIVISION

Operational Policy Subject: **Abandoned Shopping Trolley's**

Approved By:

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Version revised by: **W Malachi/S Campbell**

1. Scope

1.1 This policy is related to trolley's abandoned within the Leeds District. It also includes trolley's that are abandoned in water courses and private land. It excludes trolley's left within the perimeters of supermarket premises and car parks.

2. Objective

2.1 To seek an improvement in the visual street environment by the prevention and reduction of unsightly abandoned trolley's deposited in the City.

2.2 To ensure that powers contained within the legislation to tackle abandoned trolley's is applied fairly and consistently.

2.3 To ensure water courses are kept free from obstructions caused by abandoned trolley's that can exasperate flooding problems.

3. Link to Council Plan

3.1 Ensuring that all neighbourhoods are safe, clean, green and well maintained is one theme of the seven priorities for the Corporate Plan 2006-08. Improving the physical appearance and condition of the streets and immediate surroundings to improve quality of life helps support this aim.

3.2 This Policy contributes to The Vision for Leeds 2004-2020 to make Leeds an internationally competitive city and the best place in the country to live, work and learn, with a high quality of life for everyone.

4. Application of the Environmental Enforcement Policy

5. Legislation

5.1 Schedule 4, Environmental Protection Act 1990 1.—(1) Subject to sub-paragraph (2) below, this Schedule applies where any shopping or luggage trolley is found by an authorised officer of the local authority on any land in the open air and appears to him to be abandoned.

(2) This Schedule does not apply in relation to a shopping or luggage trolley found on the following descriptions of land, that is to say—

- (a) land in which the owner of the trolley has a legal estate or, in Scotland, of which the owner of the trolley is the owner or occupier;
- (b) where an off-street parking place affords facilities to the customers of shops for leaving there shopping trolleys used by them, land on which those facilities are afforded;
- (c) where any other place designated by the local authority for the purposes of this Schedule affords like facilities, land on which those facilities are afforded; and
- (d) as respects luggage trolleys, land which is used for the purposes of their undertaking by persons authorised by an enactment to carry on any railway, light railway, tramway or road transport undertaking or by a relevant airport operator (within the meaning of Part V of the [1986 c. 31.] Airports Act 1986).

2.—(1) Where this Schedule applies in relation to a shopping or luggage trolley, the local authority may, subject to sub-paragraph (2) below,—

- (a) seize the trolley; and
- (b) remove it to such place under its control as the authority thinks fit.

(2) When a shopping or luggage trolley is found on any land appearing to the authorised officer to be occupied by any person, the trolley shall not be removed without the consent of that person unless—

- (a) the local authority has served on that person a notice stating that the authority proposes to remove the trolley; and
- (b) no notice objecting to its removal is served by that person on the local authority within the period of fourteen days beginning with the day on which the local authority served the notice of the proposed removal on him.

3.—(1) Subject to the following sub-paragraphs, the local authority, as respects any shopping or luggage trolley it has seized and removed,—

- (a) shall keep the trolley for a period of six weeks; and
- (b) may sell or otherwise dispose of the trolley at any time after the end of that period.

(2) The local authority shall, as respects any trolley it has seized or removed, as soon as reasonably practicable (but not later than fourteen days) after its removal, serve on the person (if any) who appears to the authority to be the owner of the trolley a notice stating—

- (a) that the authority has removed the trolley and is keeping it;
- (b) the place where it is being kept; and
- (c) that, if it is not claimed, the authority may dispose of it.

(3) Subject to sub-paragraph (4) below, if, within the period mentioned in sub-paragraph (1)(a) above, any person claims to be the owner of a shopping or luggage trolley being kept by the authority under that sub-paragraph, the local authority shall, if it appears that the claimant is the owner, deliver the trolley to him.

(4) A person claiming to be the owner of a shopping or luggage trolley shall not be entitled to have the trolley delivered to him unless he pays the local authority, on demand, such charge as the authority requires.

(5) No shopping or luggage trolley shall be disposed of by the local authority unless (where it has not been claimed) the authority has made reasonable enquiries to ascertain who owns it.

4.—(1) The local authority, in fixing the charge to be paid under paragraph 3 above by the claimant of a shopping or luggage trolley, shall secure that the charges so payable by claimants shall be such as are sufficient, taking one financial year with another, to cover the cost of removing, storing and disposing of such trolleys under this Schedule.

(2) The local authority may agree with persons who own shopping or luggage trolleys and make them available for use in its area a scheme for the collection by them of trolleys they make available for use; and where such an agreement is in force with any person, no charge may be demanded under paragraph 3 above by the local authority in respect of any trolley within the scheme in relation to which the provisions of the scheme are complied with.

5. In this Schedule—

"luggage trolley" means a trolley provided by a person carrying on an undertaking mentioned in paragraph 1(2)(d) above to travellers for use by them for carrying their luggage to, from or within the premises used for the purposes of his undertaking, not being a trolley which is power-assisted; and

"shopping trolley", means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop, not being a trolley which is power-assisted.

5.2 Environmental Protection Act 1990, section 99.—(1) A local authority may, subject to subsection (3) below, resolve that Schedule 4 to this Act is to apply in its area; and if a local authority does so resolve, that Schedule shall come into force in its area on the day specified in the resolution, which must not be before the expiration of the period of three months beginning with the day on which the resolution is passed.

(2) A local authority shall publish in at least one newspaper circulating in its area a notice that the authority has passed a resolution under this section and indicating the general effect of that Schedule.

(3) It shall be the duty of a local authority, before making any resolution for the application of Schedule 4 to this Act in its area, to consult with the persons or representatives of persons who appear to the authority to be persons who will be affected by the application of that Schedule.

(4) It shall be the duty of a local authority from time to time to consult about the operation of Schedule 4 to this Act with the persons or representatives of persons who appear to be affected by its operation.

(5) In this section "local authority" means—

- (a) the council of a district;
- (b) the council of a London borough;
- (c) the Common Council of the City of London;
- (d) the council of the Isles of Scilly; and
- (e) in Scotland, an islands or district council.

(6) In Schedule 4 to this Act "the local authority" means any local authority which has resolved that that Schedule is to apply in its area.

5.3 Clean Neighbourhoods & Environment Act 2005, section 99 –

(1) Schedule 4 to the Environmental Protection Act 1990 (c. 43) is amended as follows.

(2) In paragraph 3(2) (retention, return and disposal of trolleys: notice to owner) for "seized or removed" substitute "seized and removed".

(3) After paragraph 3 insert-

3A (1) This paragraph applies where the local authority is entitled to sell or otherwise dispose of a shopping or luggage trolley in accordance with paragraph 3(1)(b).

(2) If it appears to the authority that a particular person is the owner of the trolley, the authority may charge him a sum in respect of the removal, storage and disposal of the trolley.

(3) The charge is payable to the authority on demand.

(4) The sum payable as a charge under this paragraph is recoverable by the authority as a debt due to it.

(5) In proceedings against a person under sub-paragraph (4) for enforcement of a charge, it is a defence for the person to prove that he was not the owner of the trolley to which the charge relates at the time it was removed."

(4) In paragraph 4 (charges)-

(a) in sub-paragraph (1)-

(i) for the words from "in fixing" to "sufficient" substitute "in fixing the charges to be paid under this Schedule, shall secure that the charges so payable are such as are sufficient", and

(ii) for "such trolleys" substitute "shopping or luggage trolleys", and

(b) in sub-paragraph (2), after "paragraph 3" insert "or 3A".

6. Policy

- 6.1 Leeds City Council is currently undertaking partnership working to facilitate the removal of abandoned trolley's in the Leeds area. A partner company has set up a collection scheme with a large number of stores and will remove and return abandoned trolley's to the stores in the scheme. Trolley's collected belonging to stores not in the collection scheme will be returned to the stores concerned, but only after liaising with Leeds City Council and a charge has been made against the store.
- 6.2 Reports of abandoned trolley's will be made to Leeds City Council's call centre via telephone, direct to the Enforcement Division via email or by an authorised officer of Leeds City Council.
- 6.3 All reports will be directed to T.C.S. Plc who will visit the location within 24 hours. If the trolley is located on the street, T.C.S. will remove the trolley, and if belonging to the scheme, will return the trolley to the store. If the trolley belongs to a store not in the scheme, the trolley will be returned to LCC storage by T.C.S. free of charge. A charge will be levied against the store concerned prior to the return of the trolley.
- 6.4 All reports of trolley's on occupied land will be referred to the Enforcement Division. An authorised officer will serve notice on the landowner advising that LCC will enter the land on a specified date to facilitate the removal of an abandoned trolley. There is a 14 day right of appeal to the Head of Service against the requirements of the notice.
- 6.5 Trolley's located in Sites of Special Scientific Interest, Special Areas of Conservation or in waterways will be referred to Leeds City Council's Species Conservation Officer to make an assessment of any wildlife implications in accordance with legislation. No trolley's from these locations will be removed without authority from the Species Conservation Officer. Once authority to remove has been given, T.C.S. will instruct their Aquatic Retrieval Unit to remove the trolley and return to store/LCC storage.

- 6.6 Trolley's returned to LCC storage that cannot be identified to a store will be disposed of after 6 weeks in accordance with the statutory time scale. The cost of disposal will be met by the authority.