

## **Abandoned Shopping Trolley Policy**

Section 99 Schedule 4 of the Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment act 2005) allows local authorities to recharge the costs incurred as a result of dealing with abandoned shopping trolleys. This refers to trolleys that are seized and stored by the council, with the whereabouts notified to the assumed owners.

If an owner claims the trolley, the Council must return the trolley to the owner, but is entitled to make a charge for all costs associated with this procedure. If the owner does not claim or refuses to accept delivery of the trolley, after six weeks the Council is entitled to dispose of the said trolley and recover the associated costs from the owner. These costs may be recovered as a debt.

A shopping trolley is defined as, 'a trolley provided by the owner of a shop to customers to enable them to carry goods purchased at the shop'. This definition excludes power -assisted trolleys. The powers in the Clean Neighbourhoods and Environment Act 2005 apply to trolleys in any condition and therefore may be used in relation to unserviceable trolleys and trolley parts.

### **Recovery of abandoned shopping trolleys.**

#### **Voluntary Protocol – Store Recovery.**

The Council's approach to dealing with abandoned shopping trolleys is to work with local retailers to prevent the escape of trolleys, rather than their recovery afterwards. It is not the Council's preferred choice to seize shopping trolleys but rather that the relevant store be notified of a report of an abandoned trolley and that a response is made for its removal within a reasonable timescale.

Schedule 4 of the Environmental Protection Act 1990 permits local authorities to enter into agreements with local retailers, in which the retailers undertake (either directly or via a specialist company) to collect all abandoned trolleys notified within a specified period of time.

Retailers will have the opportunity to enter into a voluntary protocol whereby they will be notified of the location of abandoned trolleys and given a period of time to collect them prior to the council intervention. The council has determined that in the interests of community safety an abandoned shopping trolley, dealt with through a voluntary protocol, should be removed by the responsible owner by **5pm the next working day**.

In addition the store is required to notify the Council that an abandoned trolley has been removed. Should the store fail to notify the council and subsequent checks are required to ascertain that removal has taken place, the store may be recharged for the costs incurred by the council.

### **Council Recovery**

The Council will take all reasonable steps to ensure that trolleys identified for removal by a local store are collected. However, the council will enact its powers under legislation and arrange for the seizure of abandoned shopping trolleys in the following circumstances;

- Should a trolley be identified as belonging to a store that has not signed up to the Council's voluntary protocol.
- Should a store fail to adhere to the commitments it made in a voluntary protocol (by not responding and removing abandoned shopping trolleys by 5pm the following working day).

## Seized Trolleys

Following the seizure of an abandoned shopping trolley by the Council, the assumed owner (relevant store) will be advised either by telephone or email. The store will be requested to take ownership of the trolley and collect it from the council within 48 hours of notification. If the store is unable to provide a collection service, the council will arrange for the trolley to be returned. In accordance with guidance, the Council shall store the trolley for six weeks.

The Clean Neighbourhoods and Environment Act 2005 states that where the six-week period has expired and the trolley has not been claimed (or has been claimed but the demanded charges not paid), the authority is entitled to sell or dispose of it.

The Council shall serve a notice on the owner within 14 days of its removal stating that the Council has removed the trolley and is keeping it, the place where it is being kept and informing them that if it is not claimed then the Council may dispose of it in accordance with legislation. The notice will also advise of the associated costs involved.

Once a trolley has been collected by or returned to a store, or has been disposed of, an invoice for all associated costs incurred by the council will be sent to the store.

Legislation allows Cheltenham Borough Council to recover costs associated in dealing with shopping trolleys escaping from store confines. These costs will be recovered as a debt. Details of charges to be applied in respect of abandoned shopping trolleys are as follows;

- Owners of shopping trolleys seized by the council will be notified within 24 hours a seizure and will be offered the opportunity to collect their trolleys. A storage cost of £5 per day per trolley will apply. A charge of £50 for the initial collection by the council will also be payable.
- Owners can request the return of each trolley collected by the council for which a charge of £100 per trolley will apply. This shall be in addition to the daily storage charge that shall be payable.
- The Council shall store shopping trolleys for a period of up to 6 weeks (42 days). Should the assumed owners, after having been informed of its whereabouts and having been given the option to recover a seized shopping trolley, fail to do so, then the Council shall dispose of the trolley. In the event that the council disposes of a trolley that it has collected and stored, a charge shall be made to the assumed owner of £310 per trolley.

#### Summary of Charges

- Collection by the council (including administration costs) – £50 per trolley.
- Storage (up to a maximum of 42 days) – £5 per day per trolley.
- Return to owner by the council (including administration costs) – £50 per trolley.
- Trolley disposal (including administration costs) – £50 per trolley.