

Report to: Cabinet
Date of meeting: 7th October 13
Report of: Head of Corporate Strategy and Client Services
Title: Abandoned Shopping Trolley Collections

The Mayor has agreed that this report can be taken as a late item. The reason for urgency is that the Council needs to implement the charge at the earliest opportunity following the consultation process outlined in the report.

1.0 SUMMARY

1.1 Through usual Street Cleansing operations shopping trolleys are regularly found across the Borough which have been abandoned by their users. In order to preserve the cleanliness of Watford these trolleys are collected by the relevant Street Cleansing team.

Schedule 4 of the Environmental Protection Act 1990 entitles Local Authorities to make a charge to the owners of those trolleys for the collection and return of abandoned shopping trolleys. In order to be able to exercise the powers granted under schedule 4 the Council must first resolve to apply the schedule to its area under section 99 of the Act.

1.2 As the Council's street cleansing service is now operated on it's behalf by Veolia this report is also seeking Cabinets agreement for Veolia to operate the powers under schedule 4 including collecting the applicable charges (detailed in section 3.6 of this report) from the relevant trolley owner on the council's behalf.

2.0 RECOMMENDATIONS

2.1 Cabinet resolves that Schedule 4 of the Environmental Protection Act 1990 will apply to the Borough of Watford and notes that Schedule 4 will be effective in the Borough on 8 January 2014.

2.2 That Veolia Environmental Services Ltd implement and operate the provisions of Schedule 4 of the Environmental Protection Act 1990 on behalf of Watford Borough Council.

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Report approved by: Lesley Palumbo, Head of Corporate Strategy and Client Services

3.0 DETAILED PROPOSAL

3.1 Schedule 4 of the Environmental Protection Act 1990 allows councils to charge for the collection and return of abandoned shopping trolleys to their owners. However this schedule is only operative in a council's area if the council resolve to apply it under section 99 of the same Act.

3.2 If a council is minded to apply the schedule it must first consult with those persons who would be affected by the application of Schedule 4 namely any businesses that use shopping trolleys, and any landowners that might also be affected.

3.3 In order to comply with consultation requirements a letter setting out the Councils position has been sent to all premises to both the Store Managers and Company Secretaries who facilitate the use of their own shopping trolleys within the Borough (Appendix1). The letter has also been sent to rail operators as key owners of private land in the Borough whereby abandoned trolleys are found or reported.

The Council has only had one formal response to those consultation letters sent out from Marks & Spencers, Watford, regarding the application of a delivery charge for abandoned the abandoned trolleys

3.4 Should Cabinet agree to apply Schedule 4 to the Borough it will need to be advertised at least one newspaper circulating within the Borough. In addition the operation of the Schedule cannot come into force until at least 3 months from the date the resolution is passed. In this case it will be 8 January 2014.

3.5 Proposed charges for the seizure of abandoned trolleys are detailed below and would also be subject to VAT

- 3.6
- 1) Trolley seized and removed from:
 - i) Highway or Open Space £31.00
 - ii) Water body or aquatic margins £42.00
 - iii) Private land £48.00 (includes Notice to landowner/occupier)
 - 2) Storage £6.20 (up to the disposal date maximum 42days storage)
 - 3) Disposal £1.80 (taking account of current materials prices and handling/carriage costs).

In addition to the above and subject to service commitments, it is proposed that owners wishing to have their trolleys delivered to their local premises may do so at an additional charge, including VAT, as may be agreed with the Veolia.

4.0 IMPLICATIONS

4.1 Financial

The Contract with Veolia Environmental Services details that a charge can be made for the collection of shopping trolleys found abandoned within the Borough. This charge is designed to both encourage premises to deter the event and absorb associated costs for this service. Should a decision be made not to apply Schedule 4 associated costs will not be seen.

4.1.1 The Head of the Shared Finance Service comments that there is already a budget for Income from Trolley Collection. Any additional income will be taken into account when the budget is set for the 2014/15 financial year.

4.2 Legal Issues

4.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report. If Cabinet does not resolve to apply Schedule 4, trolleys will continue to be collected but no charge can be levied and Veolia may look to the Council for any additional costs for this service.

4.3 Equalities

There are no associated Equalities issues related to this report

4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Trolley owners object to pay for collection	2	2	4

4.5 Staffing

4.5.1 There are no staffing issues relating to this report

4.6 Accommodation

4.6.1 There are no accommodation issues relating to this report

4.7 Community Safety

4.7.1 The application of Schedule 4 of the EPA Act 1990 will see that Watford's Street Scene continues to be kept at the best standard with associated costs being met.

4.8 Sustainability

4.8.1 The application of Schedule 4 of the EPA Act 1990 will provide a sustainable and long term solution to the collection of abandoned trolleys

Appendices

Appendix 1 – Consultation letter sent to all premises within the Borough which have shopping trolleys as part of their operations

Background Papers

No papers were used in the preparation of this report

File Reference

None