

Shopping Trolley Management Policy

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Strategic Pillar	Natural Landscapes & Health
Responsible Branch	Development & Environment

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1 OUTCOMES

- 1.1 The purpose of this Policy is to provide a guide as a more responsible course of action for Council staff, retailers, developers and the community on how to manage shopping trolleys. The primary intent is to reduce the problem of shopping trolleys being abandoned or left unattended in public places.
- 1.2 QPRC has specifically noted the ongoing proliferation of abandoned shopping trolleys across Queanbeyan urban areas, the impact of abandoned shopping trolleys on the visual environment, the danger presented to the natural habitat of the Queanbeyan River (particularly the platypus) and the propensity for improper use by some in the community. Abandoned shopping trolleys on footpaths also pose risks to members of the community who have limited mobility or vision impairment, and if abandoned on roads presents a road safety risk. Additionally, litter detracts from the amenity of public spaces and reduces the value of our natural environment.

2 POLICY

- 2.1 Council in consultation with retailers has explored options to dramatically reduce the number of abandoned shopping trolleys in Queanbeyan.
- 2.2 Where customers are not deterred from taking trolleys away from the vicinity of the retailer there is a reasonable likelihood that trolleys will be abandoned in public places or open private places and surveys indicate that the trolleys are being deposited in a disorderly manner, therefore satisfying the definition of 'litter'. Legal advice has confirmed that shopping trolleys that are discarded or abandoned away from their originating retail precinct are a form of litter, and, because of their size, they are a particularly visible form of litter.
- 2.3 Aims:
- 2.3.1 The aims of the Policy are:
- a) To work with shopping trolley providers to implement effective shopping trolley management systems.
 - b) To recognise and respond to community expectations in minimising the problem of abandoned shopping trolleys from retail businesses.
 - c) To guide retailers and shopping centre management on the on-going expectations for management of shopping trolleys and incorporation of trolley containment systems that encourage confinement of trolleys on the premises.
 - d) To ensure retailers and shopping centre management address on the on-going expectations for litter management on their premises.
 - e) To provide a procedure for Council staff in dealing with abandoned shopping trolleys.
 - f) To minimise the potential safety hazards posed by abandoned shopping trolleys.
 - g) To protect the visual amenity of Queanbeyan CBD and streetscapes from abandoned shopping trolleys.
 - h) To maintain the balance between the convenience of the provision of shopping trolleys and the responsible use and return of trolleys by building relationships with local retail shopping trolley providers and shopping trolley users.

3 SCOPE OF THE POLICY

3.1 The policy applies to:

- a) Retailers who provide trolleys for use by their customers
- b) Community members who use trolleys supplied by retailers
- c) Community members reporting trolleys
- d) Council staff reporting trolleys

4 DEFINITIONS

4.1 **Litter** - is broadly defined in the Protection of the Environment Operations Act 1997 (POEO Act), as any material, substance or thing deposited in or on a place if its size, shape or nature makes the place where it is deposited disorderly or detrimentally affects the proper use of that place.

4.2 **Open private space** – (a) a private place that is situated in or on land and that is not within a building on the land, or (b) a private place that is situated in or on waters.

4.3 **Public land** - means any land (including a public reserve) vested in or under the control of the council, but does not include: (a) a public road, or (b) land to which the Crown Land Management Act 2016 applies, or (c) a common, or (d) a regional park under the National Parks and Wildlife Act 1974.

4.4 **Public place** – (a) a public reserve, public bathing reserve, public baths or public swimming pool, or (b) a public road, public bridge, public wharf or public road-ferry, or (c) a Crown reserve comprising land reserved for future public requirements, or (d) public land or Crown land that is not: (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or (ii) a common, or (iii) land subject to the Trustees of Schools of Arts Enabling Act 1902, or (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or (e) land that is declared by the regulations to be a public place for the purposes of this definition.

4.4.1 **Retail Landlord** – means the owner of the land on which a shopping centre is situated.

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

5.1 The following legislation and standards are relevant:

- a) Local Government Act 1993 (LG Act)
- b) Impounding Act 1993
- c) Roads Act 1993
- d) Protection of the Environment Operations Act 1997 (POEO Act)
- e) Environmental Planning and Assessment Act 1979 (EP&A Act)
- f) Code of Practice for the Management of Shopping Trolleys, by Local Government Association of NSW, Shires Association of NSW and the Australian Retailers Association NSW

5.2 Council is aware of the impending gazettal of the new *Public Spaces (Unattended Property) Act* by NSW Parliament. When the new Act is in force, Council will be able to issue Penalty Notices where trolleys are not collected in a reasonable timeframe after being reported. This is considered to be a significant improvement to Council's ability to manage abandoned trolleys.

6 CONTENT

6.1 Retailer and Retail Landlord Requirements:

- 6.1.1 Council requires all businesses providing the use of shopping trolleys for use by their customers to have in operation a Shopping Trolley Management Plan (STMP). This plan must incorporate an appropriate shopping trolley management system. This means that retailers and retail landlords are required to introduce a system specifically designed for that business to take all reasonable and practical means to adequately manage the supply and retrieval of shopping trolleys.
- 6.1.2 General litter is often left or accumulated in shopping trolleys and must also be addressed by the retailers. The provision of an adequate number of litter bins and property cleaning schedules for preventing and managing litter are required to maintain properties in an acceptable environmental condition.
- 6.1.3 The following remedial steps should be incorporated into the trolley management system:
- a) That retailers and retail landlords prepare an appropriate STMP specific to the store vicinity requirements. This plan must include a system of control such as coin/token operated system with refund or perimeter control systems.
 - b) Retailers, subject to receiving consent from the retail landlord, must place signage advising customers against taking shopping trolleys outside a shopping centre precinct. The sign must be at or near the customer exits in the retailer's premises. It must also be able to be seen and easily read by customers.
 - c) Shopping trolleys must be clearly labelled with the retailer's name.
 - d) Retail Landlords provide a sufficient number of trolley bays to encourage trolley return, particularly so that customers with young children can safely return a trolley and maintain a line of sight to their vehicle as children may be in a car seat when goods are unloaded.
 - e) Retailers and Retail Landlords use their best efforts to ensure all trolleys owned by or associated with the operation of the premises are to be kept within the confines of the premises or approved collection bay.
 - f) Retailers and Retail landlords are to attempt to ensure daily collection of shopping trolleys within the CBD area within 24 hours.
 - g) Retailers and Retail landlords are to ensure best efforts to ensure reported shopping trolleys outside the CBD area are collected within 24 hours.
 - h) Retailers and Retail Landlords must ensure that trolley collection services are sufficiently resourced to enable collection within the 24 hour timeframes.

- i) New shopping centre developments must provide shopping trolley bays near public transport points where these are adjacent to stores/ shopping complexes, with prior approval and consultation of Council.
- j) Retailers and Retail Landlords are to attempt to ensure that they retrieve all shopping trolleys within the building, or secure the trolley allocated bays when stores are closed.
- k) Retailers are urged to adopt policies that aid customers who are unable to easily get their shopping home or to a nearby car park or public transport stop. These incentives could include working with volunteer groups for free home delivery – possibly on certain days and/or to certain groups (Aged Pensioners, disabled persons, etc), or direct assistance to individuals.

6.2 Community Responsibilities:

6.2.1 The community is asked to recognise that shopping trolleys are provided by retailers as a courtesy and a service. Technically the shopping trolleys are being abandoned by customers and not the retailers themselves. Individuals should be aware that they may be liable for a \$250 fine for general littering, by abandoning a shopping trolley in a public place.

6.2.2 Customer information and advice should include the following:

- a) Shopping trolleys be returned to the collection bays provided.
- b) Shopping trolleys should not be removed from the retail premises or abandoned.
- c) Penalties may apply for dumping of trolleys outside the retail outlet/complex.
- d) Contact details for collection of abandoned shopping trolley contractor services
- e) Anti-litter slogans.

6.2.3 Retailers (subject to any required Retail Landlord consent) are encouraged to develop and implement education campaigns in partnership with Council such as:

- a) Trolley return signage at entry and exit points of stores and carparks;
- b) Signage on trolleys advising customers to return trolleys;
- c) Website and/or other forms of information in stores explaining the Code of Practice and the need for customer co-operation in returning trolleys eg. On the back of customer receipts.
- d) Local media publicity on the impacts of abandoned trolleys;
- e) Publicity through local media
- f) Publicity of existing Apps and contacts of trolley collection services;
- g) Appeal for community-spirited, responsible use of trolleys;
- h) Information in regard to penalties for people leaving trolleys unattended in public places;
- i) In-store announcements on the Company environmental values, initiatives and programs;

6.3 Offsite Retrieval:

- 6.3.1 Council accepts 24 hours as a reasonable “un-notified” time to have shopping trolleys collected from the CBD and River parkland along Queen Elizabeth Park. See Appendix 1 for map identifying this area.
- 6.3.2 For outer urban areas, Council accepts a 24 hr “notified” collection of Shopping Trolleys in public places.
- 6.3.3 Notified means submitted to the store or trolley collection contractor by App or phone.
- 6.3.4 Where Council staff become aware of a trolley which is considered to be a risk to the public safety or to property, Council may undertake one of the following:
- a) Instruct the retailer, or agent which the retailer has notified in writing to the Council as identified on the trolley as being a designated agent of the retailer, to organise the collection of the trolley as a matter of urgency. This may be through a trolley
 - b) collection App such as: Trolley Tracker or Coles App.
 - c) Immediately remove trolleys from sensitive and hazardous areas and relocate to a less dangerous situation, or contact the store for collection.
 - d) Failure to collect trolleys within a reasonable time once notified can be classified as an offence. Council may impound the Shopping Trolley.

6.4 Enforcement:

- 6.4.1 Whilst Council recognises that most retailers are doing the right thing, some retailers may appear reluctant to take responsibility for their trolleys. In these cases, when consultative processes have been exhausted, councils can use their discretion in the application of appropriate regulatory actions based on the level of goodwill, co-operation and compliance with council policy that exists with particular retailers.
- 6.4.2 If an unattended shopping trolley has not been collected within the time limit (24 hours), the council may proceed to impound the shopping trolley.
- 6.4.3 Authorised Council officer(s) will take record of the ownership, time, date and location of the shopping trolley as soon as possible and take action as necessary.

6.5 Impounding

- 6.5.1 Shopping trolleys that have been removed from shopping centre precincts and abandoned in public places may be collected and impounded by Council. Where shopping trolleys have been impounded, the retailer identified as owning the trolley will receive an Impoundment Notice and will be required to pay a fee to release the impounded trolley/s.
- 6.5.2 Impounding is to be used as an action of last resort. An impoundment fee is consistent with the approved ‘Fees and Charges’ adopted by Council.

6.6 Other Legal Options:

6.6.1 Any breach of this policy may result in enforcement action that includes, but is not limited to:

- a) Issue of a Notice of Intent
- b) Impoundment of trolleys
- c) Issue of Prevention Notice.

6.6.2 Where records and evidence demonstrate that an individual store has failed to comply with the requirements of this Policy, a Prevention Notice under s96 of the POEO Act can be issued.

6.6.3 There is a wide scope for the type of action the Council could require under a prevention notice, including that retailers prepare and carry out a plan of action to control, prevent or minimise any contravention of the POEO Act. The action specified in the notice should be limited to what is strictly required to ensure that the provision of shopping trolleys is carried out in an environmentally satisfactory manner.

6.7 Retail Landlord consents:

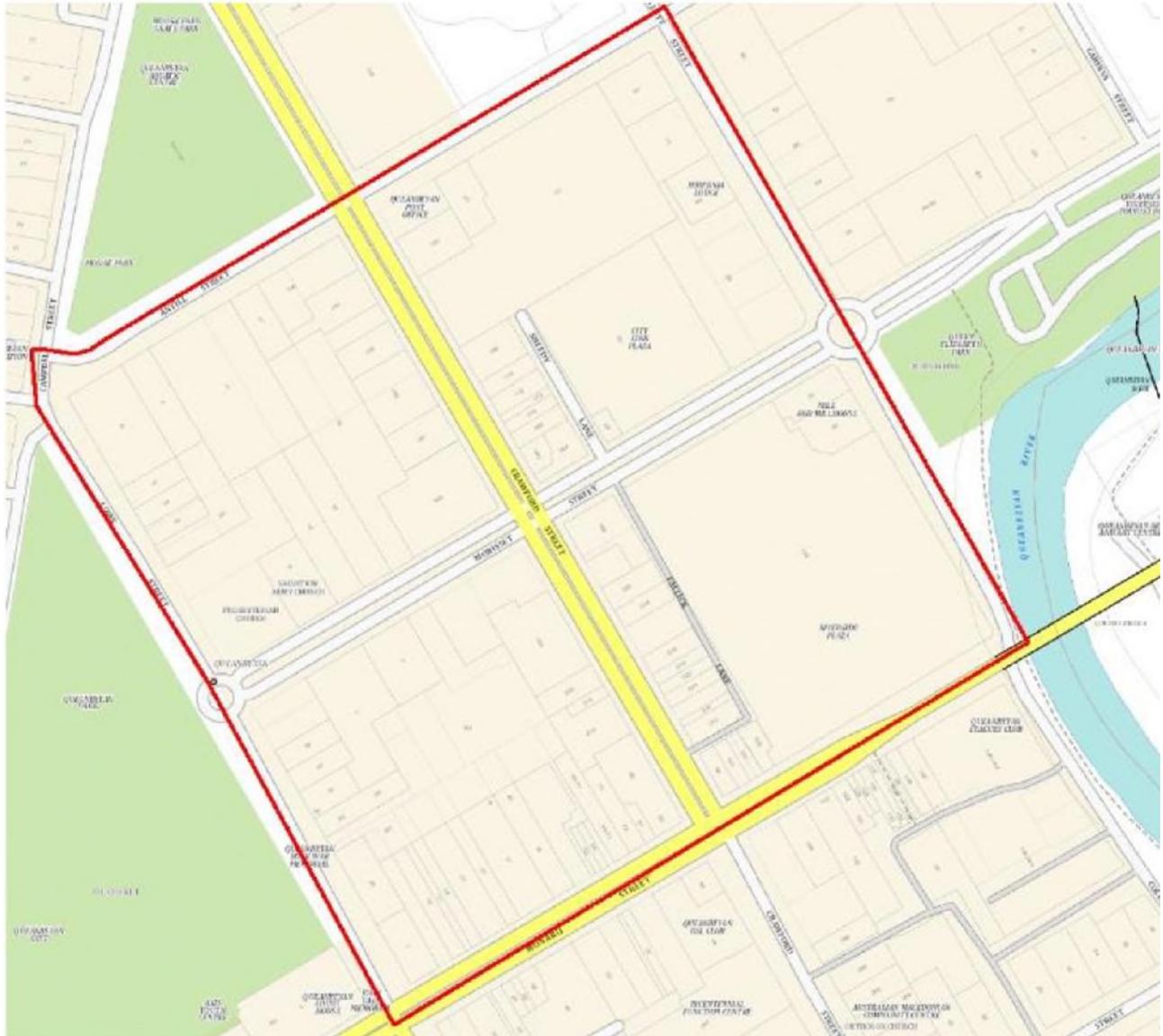
6.7.1 It is the Retailers' responsibility to liaise with the Retail Landlord and develop a Shopping Trolley Management Plan and Trolley Management System which best encourages and services collection of shopping trolleys back to the vicinity of the store.

7 REVIEW

7.1 This policy will be reviewed every four years or earlier as necessary if:

- a) legislation requires it, or
- b) Council's functions, structure or activities change

8 APPENDIX ONE- CBD COLLECTIONS MAP



Map showing:

CBD Zone including both sides of the boundary road and expecting 24 hour daily collections.