

## Scrutiny

The big problem with this scheme is the contract, the contractor receives nothing up front, but receives a rather generous portion of the fines issued.

The obvious problems are that –

Discretion goes against innocent until proven guilty, if in doubt, hand a ticket out.

Targets. Profits.

The focus will be on maximising revenues, by focussing on easy prey, smokers, with over 90% of fines being issued for smoking litter, or as an FOI to Bristol revealed, 98.37%. Think we can tell that the focus is on profit rather than effective and balanced enforcement.

It could be argued that as Councils get to keep a portion of the fine money, they might also be quite happy with this general ineffectiveness. A profitable perpetuation of pointlessness.

The worst part is that, presumably blinded by cash, nobody seems to identify the big flaw that means it can never work. If incidences of littering falls, the contractors income shrinks so that they either pull out, or the staff stretch the laws and definitions to the limits to keep the fines flowing. If littering increases, the contractor makes more profit, so unless the goal is revenue maximisation, success = failure and failure = success.

A few other points of note –

Section 87 of the EPA 1990 is the only law these companies need to know, the market leader Kingdom Securities mis-quotes the law, fundamentally changing the offence. Would you employ an electrician who can't quite grasp the concept of electricity???

When an FPN is issued, the litter generally stays on the ground, the enforcement officers don't pick it up, and generally the offender doesn't, so the number of fines issued bears no resemblance to litter reduction.

In many Councils now, we are starting to see Mission Creep, a company brought into tackle litter suddenly increases it's scope, PSPO's, parking, anything where the public can be fined. Dog PSPO's are increasing, enforced with great over-zealousness. Cllr Warren hinted at other duties, perhaps he could elaborate on exactly what the public that he serves, can expect.

To quote DEFRA - Where external contractors are used, private firms should not be able to receive greater revenue or profits just from increasing the volume of penalties, since this runs contrary to the overall aim of reducing the number of offences committed.

I have been asked what am I trying to achieve? Simple.

Litter enforcement that is balances, also focuses on major offences, is effective, is proportionate and fair, has public support, and above all, is LAWFUL

I have been researching this for about a year, flawed contracts, targets, profit driven, leading to over-zealous and utterly ineffective enforcement . Plus plenty of evidence of unlawful enforcement.

The key being over-zealous – as evidenced elsewhere, we all have plenty to fear.