

A Manifesto Club Report

THE CORRUPTION OF PUNISHMENT: HOW LITTER FINES BECAME A BUSINESS

Josie Appleton



Campaign
Against
On-the-Spot
Fines

October 2012

www.manifestoclub.com/pavementinjustice

MANIFESTO CLUB

FOR FREEDOM IN EVERYDAY LIFE

The Manifesto Club campaigns against the hyper-regulation of everyday life. We support free movement across borders, free expression and free association. We challenge booze bans, photo bans, vetting and speech codes - all new ways in which the state regulates everyday life on the streets, in workplaces and in our private lives.

Our rapidly growing membership hails from all political traditions and none, and from all corners of the world. To join this group of free thinkers and campaigners, see: manifestoclub.com



Josie Appleton founded and is director of the Manifesto Club. She coordinates the club's campaigns for freedom in everyday life, including campaigns against vetting, booze bans and photo bans. She writes articles and essays about contemporary freedom issues (from the French burqa ban to drinks regulation), and seeks to develop a political theory of contemporary state regulation and the rebellion against it.

This report was produced with financial assistance from the Joseph Rowntree Reform Trust Ltd.

Design: Tom Mower

INTRODUCTION

Councils have always used fines to punish serious instances of public littering. Fines tended to be used as a last resort, to discipline wilful offenders when other methods – public awareness campaigns, provision of litter bins, and so on – had failed.

In the past few years, in some councils, litter fines have taken on a very different role: fines have become a first resort, used at every available opportunity. People are being punished not because of the grievousness of their offence, but because the council wants to issue as many fines as possible.

The reason for this is that fines are not being issued in the public interest, but as a money-making operation for cash-strapped public authorities, and for their growing army of private contractors.

Some councils are using fines to fund their own budgets. With the relaxing of rules governing the use of fixed penalty notices, environmental enforcement officers' salaries can be part-funded by fines. Other councils are employing private companies to issue litter fines, either on a commission basis, or on an understanding that a certain number of fines will be issued.

Such financial incentives have led to a corruption of punishment. The official issuing the fine has a (direct or indirect) financial interest in punishing people. Their concern becomes not to discharge a public service, but to look for people they can fine. There is no room for leniency, or for issuing a warning, since every missed fine is missed income.

This is the context for the rapid rise in English councils' litter fines, from 727 in 1997 to 63,883 in 2011–12. As a result of several councils' recently signed commission arrangements with private companies, fines will continue to grow rapidly in the year ahead.

Increasingly, fines are being used in a way that serves no observable public purpose. People are being fined, not for the most serious offences, but for the most trivial, which are common

and easy to catch. Several members of the public have been fined for dropping things by accident, or which they were in the process of picking up.

Litter officials have been reported for kinds of behaviour we would not expect of public officials. Members of the public have reported litter wardens hiding around corners, following smokers around, or chasing elderly women – behaving in a way that looks suspiciously like entrapment.

This goes against hard-won principles. Since the nineteenth century, it has been established that public officials should not profit from their position. Before that it was common for some officials – including game keepers, custom officials and tax collectors – to raise their salary from fees or fines. This led to a notorious corruption, with officials tending to fine at any available opportunity, for minor incidents or upon flimsy evidence. By the mid-nineteenth century, the battle against ‘old corruption’ was won: public positions were strictly geared to the discharging of public duties, and separated from all financial interest.

This report argues that we need an urgent review of these fining practices. Already local papers abound with complaints about the behaviour of enforcement officers, who start to be viewed with the wariness of gamekeepers of old. Such a climate is not conducive to law enforcement, or to public support for councils’ environmental policies.

The report recommends that litter fines be used proportionately, for significant and intentional offences. It also questions the wisdom of fining-by-commission arrangements, and of local authorities’ retention of fine income. Finally, the report recommends local authorities using more positive and public-spirited methods, such as adequate bin provision and encouraging pride in local areas, as alternative ways to keep the streets clean.

THE RISE OF FINES

Over the past 15 years, English councils’ litter fines have increased from 727 in 1997 to 63,883 in 2011–12. Much of that increase has come in the past three years.

In addition to this, there were 9,653 fines issued in Wales, Scotland, and Northern Ireland in 2011–12: a national total of 73,536.

There is substantial variation between local authorities’ use of litter fines. Some councils issue a lot of fines: only 15 local authorities are responsible for over half the national total. On the other hand, many authorities issue few or no fines: of 375 authorities who responded to our FOI request, 157 councils issue under 10 fines a year. The reason for this disparity is not different levels of litter, but different approaches to litter fines. The top-fining authorities are not messier, but those that have started to make a business out of fining.

Litter fines issued by local authorities in England, 1997–2012

Year	Litter fines issued by local authorities in England
1997-98	727
1998-99	4,777
1999-00	2,970
2000-01	2,247
2001-02	11,615
2002-03	12,820
2003-04	7,565
2004-05	25,216
2005-06	33,066
2006-07	42,058
2007-08	33,693
2008-09	35,465
2011-12	63,883

Data from 1997 until 2008-9 is available from the Defra website [www.defra.gov.uk/corporate/docs/data/]. Defra stopped collecting litter fine data in 2009. Data from 2011-12 obtained from Manifesto Club FOI requests to all UK local authorities.

The top 15 councils for litter fines (see Appendix for the full list of councils)

Council	Number of litter fines, 2011-12
Newham London Borough Council	8,865
Enfield London Borough Council	4,491
Nottingham City Council	4,057
Maidstone Borough Council	3,967
Trafford Metropolitan Borough	3,561
Broxbourne Borough Council	3,412
Hillingdon London Borough Council	3,048
Islington London Borough Council	2,348
Birmingham City Council	2,019
Doncaster Metropolitan Borough Council	1,720
Belfast City Council	1,603
Edinburgh City Council	1,384
Blaenau Gwent County Borough Council	1,147
Westminster City Council	1,122
Hammersmith and Fulham London Borough Council	1,088

Data from Manifesto Club FOI requests, to all UK local authorities

In high-fining authorities, there was generally a point in the past at which fines increased dramatically. This was the point at which there was a policy change within the council: the department expanded its environmental enforcement department, or employed a private company in a commission arrangement.

For example, Blaenau Gwent County Borough Council issued 7 litter fines in 2010–11; after contracting a private company on a commission basis in October 2011, its fines shot up to 1147 in 6 months. Trafford Metropolitan Borough Council issued 442 fines for cigarette butts in 2008; this increased to 1818 in 2009, and 2812 in 2010.¹ The reason for this increase

¹ FOI Request to Trafford Metropolitan Borough Council www.whatdotheyknow.com/request/punishments_for_littering_offenc#outgoing-188244

was the expansion of the environmental enforcement team, and the empowerment of 53 police community support officers to issue fines on the council's behalf.²

FINING THE TRIVIAL – IGNORING THE SERIOUS

Where litter fines become a business, there is a tendency for people to be fined for increasingly trivial incidents. This is because the official's aim is to issue as many fines as possible, rather than to fine in the public interest and according to the gravity of the offence.

People have been fined for dropping small biodegradable items. A man was recently fined £250 for throwing an apple core in a hedge,³ people have been fined for feeding the ducks,⁴ and a mother was fined because her child dropped a crisp. In the past year, our FOI request reveals that Hillingdon Council has fined people for dropping items including nut shells (three fines), orange peel (three fines), and a match stick (one fine). In addition, since 1 April 2012, Hillingdon Council has fined 45 people for spitting,⁵ which it would be very difficult to describe as 'littering'.

These biodegradable items arguably differ little from a twig falling off a tree, and those punished did not believe that they were littering. The man fined for throwing an apple core in a hedge said: 'To me an apple is biodegradable. There are insects and various things in the hedgerows that can benefit from it. I didn't feel that it was anywhere close to litter.'⁶

These are law-abiding members of the public: they are being fined only because authorities have stretched the definition of

² Telephone interview with leader of Trafford community safety patrol team

³ Apple core litter fine angers County Down driver, 5 October 2012 www.bbc.co.uk/news/uk-northern-ireland-19846121

⁴ Mother fined £75 for feeding ducks, Daily Mail, 12 November 2009 www.dailymail.co.uk/news/article-1227188/Mother-fined-75-feeding-ducks-officious-warden-says-toddler-son-hes-young-prosecute.html

⁵ FOI request to London Borough of Hillingdon

⁶ Apple core litter fine angers County Down driver, 5 October 2012 www.bbc.co.uk/news/uk-northern-ireland-19846121

'litter' to breaking point. Penalising such individuals brings environmental fines into public disrepute.

Several members of the public have been fined for things they dropped by accident, or even that they were in the process of picking up. A woman in Wales was fined when she put out her cigarette on her own front doorstep, and then picked it up.⁷ One lady was fined while she was in the process of picking up a wrapper she had dropped accidentally.⁸ A man was fined for dropping a £10 note.⁹

Another Welsh lady was fined when a thread fell from her glove. She described the incident:

FINED WHEN A THREAD FELL FROM A GLOVE

'I had just been shopping and took the glove off as I was crossing to the other side of the road with my bags. Then this man came out and handed me a £75 fine and told me I had dropped litter. I told him I hadn't dropped litter at all and then I realised what must have happened. I had caught my watch on my glove and a piece of cotton had come off and fallen on the ground and I hadn't realised. I told him it was a complete accident but he told me it was still litter and to take the matter up in court.'¹⁰

Fines for accidental littering run contrary to the principles of justice: namely, that offences should involve the element of intent. Since the person was not wilfully littering, there is no public interest in fining them. Without the inducement of profit it is unlikely that the official would have pursued the fine: instead, he would have pointed out the dropped item, issued a warning, or just ignored it.

⁷ Dropped fag end costs smoker £465, Pontypridd Observer, November 17 2011 www.dailypost.co.uk/news/local-north-wales-news/pontypridd-news/2011/11/17/dropped-fag-end-costs-smoker-465-55578-29788519/

⁸ Grandmother, 64, fined £50 after PICKING UP a cigarette packet cellophane, Daily Mail, 28 January 2011 www.dailymail.co.uk/news/article-1351121/Grandmother-Lesley-Apps-fined-50-PICKING-UP-piece-rubbish.html#ixzz1pe1JHwCJ

⁹ Cops hit man with £50 fine - for dropping £10 note in the street, 11 June 2011 www.dailypress.com/news/scottish-news/exclusive-cops-hit-man-with-50-1026888

¹⁰ Pensioner fined... for dropping a thread of cotton, Gwent Gazette, 1 March 2012 www.walesonline.co.uk/news/south-wales-news/blaenau-gwent/2012/03/01/pensioner-fined-for-dropping-a-thread-of-cotton-91466-30426344/

Such fines are also contrary to Defra guidance, which warns authorities against fines for offences 'so small that it would not be in the public interest to issue a fixed penalty notice or to prosecute in the magistrates' court', and cites as examples: 'A dropped crisp; Some bread that is dropped on the ground to feed some ducks; A piece of orange peel.' The guidance also states that: 'Defra's view is that a fixed penalty notice should only be issued where there is evidence of intent; this is to say that someone clearly meant to drop the litter in the first place.'¹¹ It suggests that evidence of intent would be gained if the person was asked to pick it up, and they refused.

Some environmental enforcement officers also fine for dog offences, and show a similar focus on the trivial. A common complaint is that people are fined for walking their dogs in no-dog zones they did not know about. A lady in Newham was fined for walking her dog without a lead in a new dog control zone: 'The officer said I should have read all about it in the *Newham Magazine*. Well, I don't read the *Newham Magazine*. This is the most well behaved dog I have ever had. I didn't know I'd done wrong. If I had been given a warning or a caution then I would know for next time.'¹²

Officials with targets are unlikely to give warnings, or evaluate the gravity of the offence: if a fine could be issued, it will be.

CIGARETTE BUTTS

Overall, the majority of litter fines are for dropped cigarette butts. In Enfield, out of 4440 fines in the past year, 4169 were for cigarette butts.¹³ Hillingdon Council issued 3105 litter fines between September 2011 and March 2012, of which 3024 were for

¹¹ Local environmental enforcement - Guidance on the use of fixed penalty notices, Defra, 2007 <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/fixed-penalty-guidance.pdf>

¹² North Woolwich dog walker vows to fight fine, 7 December 2011 www.newhamrecorder.co.uk/news/north-woolwich-dog-walker-vows-to-fight-fine_11147265

¹³ FOI response, Enfield Council

cigarette butts. Similar proportions are found in other high-fining local authorities.¹⁴

The reason for the large number of fines is that cigarette butts are the most common form of littering. The cigarette butt is a small, semi-biodegradable item, which many people, especially elderly people, do not consider to be 'litter'. Few councils provide cigarette disposal litter bins, and smokers may believe that they should not put their butt in an ordinary bin because it would risk setting the bin on fire.¹⁵

One man emailed us: 'I was smoking outside my office building in Exeter, and when I'd finished I put my butt down a drain to avoid littering. I was approached by a council operative telling me I would receive a £75 on-the-spot fine. He indicated that I should have used a nearby bin. My reply was that in my opinion the bin was not a proper ashtray and therefore a fire risk. In short, I'm being fined for disposing of my cigarette butt in what I thought was a proper manner.'

The other reason cigarette butts are targeted is because they are easy to catch. Wardens simply find a group of smokers, at a bus stop or the entrance to a supermarket, and watch until somebody drops a cigarette. A warden near a bus stop can issue a dozen fines a day.

When people fail to pay the fine, the council takes them to court, where they can end up paying hundreds of pounds in costs and fines.¹⁶ Trafford Magistrate's Court frequently hears private prosecutions by Trafford Metropolitan Borough Council for people who have thrown a cigarette butt out of their car window. Judges have little choice but to convict, but no doubt think that they could be spending their time on more serious matters.

¹⁴ In Maidstone, 97% of 9000 fines were for cigarette related litter; while in Westminster, there were 1116 fines for cigarettes, and only 6 for other street litter

¹⁵ Having put out a fire in a litter bin in a busy residential area, I can testify that this view is not unfounded.

¹⁶ The Welsh mother of three was fined £465, for the cigarette butt on her doorstep.

One lady wrote to her local newspaper describing how she 'watched council wardens hiding out of view of elderly smokers at Maidstone bus station, then running to "pounce" on a pensioner when she dropped her cigarette'. Another man described how a group of enforcement officers followed him as he walked down the road smoking a cigarette.¹⁷

A lady was personally visited by two council officers after she was accused of throwing a butt from her car window, a charge (as a non-smoker) she denies. 'The supervisor asked the warden if I was the lady who committed the offence. It sounded very formal and serious'. After taking legal advice, she paid the fine: 'It seems so unfair when you get a fine for something that you haven't done'.¹⁸

(Indeed, other councils are also less than thorough when it comes to establishing the identity of the person who threw a cigarette butt from a car. It is common practice to fine the owner of the car, even though this contravenes Defra guidelines which state that the driver's identity should be established before a fine is issued.)

Smokers in Enfield accused the council's litter squad of 'lying in wait' and spying on them, and dubbed the officers 'black watch' after their uniforms.¹⁹ The litter squad in Hackney was accused of 'chasing suspects on foot through traffic to capture them on camera and to have invaded a cafe while looking for a woman suspected of dropping a cigarette end'.²⁰

Many councils are spending more time investigating and prosecuting people for cigarette butts, than for fly tipping. This is surely the wrong way around. A warning, along with publicity

¹⁷ More than 1,000 smokers fined in littering clampdown, Kent Messenger, 7 October 2010 www.kentonline.co.uk/kent_messenger/news/2010/october/7/smokers_fined_in_littering.aspx

¹⁸ Non-smoker fined for 'throwing cigarette from car', Metro, 20 July 2011 www.metro.co.uk/news/869929-non-smoker-fined-for-throwing-cigarette-from-car#ixzz1pebq6dPb

¹⁹ 'Black watch' litter police accused of spying on smokers, Evening Standard, 23 February 2009 www.standard.co.uk/news/black-watch-litter-police-accused-of-spying-on-smokers-6936883.html

²⁰ Council's 'litter police' spy on people - BEFORE they drop rubbish, Daily Mail, 3 January 2009 www.dailymail.co.uk/news/article-1104144/Councils-litter-police-spy-people--BEFORE-drop-rubbish.html#ixzz24rIF73Sa

campaigns and the provision of butt-friendly litter bins, would be a more reasonable way of tackling the issue, and encouraging a change in public behaviour.

But instead of engaging with the public, councils are treating people as a source of revenue, hiding around corners and pouncing on them. Perversely, when butts become such a lucrative source of revenue, councils lose interest in persuading people not to drop them in the first place.

WHO ARE THE LITTER POLICE?

In part, fining is the result of the growth in dedicated ‘environmental enforcement’ officers, whose main role is to patrol and fine people for littering. These are often linked with councils’ ‘street warden’ schemes, a pseudo-police force which marks a shift in local authorities away from public service provision and towards law enforcement activities.

In total, there are 7128 officials in the UK with the power to issue litter fines. Most of these are council officials, generally members of environmental or ‘city clean’ departments. In addition, some councils have also empowered police community support officers (PCSOs) or private contractors to issue fines on their behalf. 14 local authorities have empowered 607 PCSOs, a number that is likely to increase, with growing collaboration between councils and the police. The 153 private contractors are employed across 32 local authorities: although these are relatively small in number, these issue a disproportionate number of fines (see section below, ‘Fining on commission’).²¹

When large numbers of officials are empowered, it is likely that more members of the public will be issued with fines. Doncaster, for example, has empowered 194 council staff, who together issued 1720 fines in 2011–12. Nottingham City Council has empowered 52 council staff, and 103 PCSOs, and in total

²¹ From a Manifesto Club FOI request

they issued 4057 fines in 2011–12. Islington employs 45 private staff, and in total they issued 2348 litter fines.

The number of fining officials would be further increased by the upcoming London Local Authorities Bill, which empowers PCSOs to issue litter fines on the council’s behalf, and also increases enforcement powers of council officials.²²

Official type	No. of officials with litter fining powers
Council officers	6,368
CSOs	607
Private security guards	153
TOTAL	7,128

(The Appendix contains a breakdown of litter police, by local authority)

COUNCILS – FINING AS REVENUE RAISING

Certain key legislative changes cleared the way for councils to approach litter fining as a source of revenue. The 2005 Neighbourhoods and Environment Act expanded councils’ power to issue littering fines, making it an offence to refuse to give your name and address to a council officer. The act also allowed local authorities greater flexibility in the use of the money from fixed penalties, with certain authorities being able to ‘use (the money) on any function’.^{1,23}

This meant that the local authority department issuing the fine could retain the funds for its own use, and therefore, that wardens could have an interest in issuing a greater number of fines. This goes against the general principle that public bodies should not profit from punishment: a police department does not

²² London Local Authorities Bill www.publications.parliament.uk/pa/cm201011/cmprbill/11a/210411/10001--a.htm#3

²³ Fixed Penalties, on the Defra website www.defra.gov.uk/environment/quality/local/fixed-penalties/

keep the receipts from its on-the-spot fines, a magistrates court is not directly funded by its court fines.

In certain councils, litter fines have become a substantial source of income, up to £600,000 a year (see table opposite).

These are not large sums in the context of the whole council budget, but they are significant to a departmental budget. At a time of public cuts, where all departments are having to cut back, environmental enforcement employees can in effect go out and raise their own revenue. When questioned as to how his department used the monies from fines, the head of Trafford Council's Community Safety Patrol Team said: 'We employ 16 people, these are part-funded by the receipts from fixed penalties'.²⁴ This is a circular economy, which does little for the public good: the fines pay for wardens to go out and fine people, which pays for more wardens to issue more fines.

Council officers may be encouraged to issue fines, either by their line managers or by general policy. Some officials feel uncomfortable with the things they are asked to do. A former contractor for Islington Council says that he was originally contracted to fine people for dog fouling, but the focus shifted to fining cigarette smokers 'when they [his employer] noticed it was not making enough money'.

He recounts: 'They started pushing for any sort of ticket. We spent our time stalking people who were smoking cigarettes. We would watch and wait for people to drop their butts, which isn't right – and we were filming them. I have seen colleagues chase behind people to issue tickets, go into shops after people and take them out – you can't do that. I felt it was not right morally'.²⁵

This shows how fining is driven by the relative ease of issuing tickets, rather than the gravity of the offence, and the unscrupulous behaviour involved.

²⁴ Telephone interview with leader of Trafford community safety patrol team

²⁵ Whistleblower: public misled on Islington's dog squad, Islington Gazette, 24 August 2012
www.islingtongazette.co.uk/news/whistleblower_public_misled_on_islington_s_dog_squad_1_1491537

Local authority	Litter fines (2011-12)	Value of fines (£)
Newham London Borough Council	8,865	664,875
Enfield London Borough Council	4,491	336,825
Nottingham City Council	4,057	304,275
Maidstone Borough Council	3,967	297,525
Trafford Metropolitan Borough Council	3,561	267,075

FINING ON COMMISSION

There are currently 12 councils in the UK which employ a private security company, Xfor, to issue litter fines. In all but one of these councils – Birmingham – the company has a commission arrangement, meaning that its officers are not paid but instead retain a portion of every fine issued. Every council that has employed Xfor has experienced a rapid rise in litter fines.

The first council to employ Xfor for litter fining on commission was Peterborough, in 2007, and it is no coincidence that Peterborough had the highest litter fine rate (3110) of any English council in 2008–9. Over time, Xfor has been able to command a greater share of fine income: where Peterborough paid Xfor £35 of every £75 fine, most councils now pay Xfor £45 from every fine.

As councils cut back on fixed posts, commission arrangements are growing at a rapid rate.²⁶ Indeed, 9 of these 11 councils signed their deal with Xfor in the past 18 months, and Xfor's twitter page suggests that it is in discussion with several other councils.

These are often councils in less-well-off areas, which may lack their own warden infrastructure. The deal with Xfor is viewed as a 'no-risk' arrangement: the council does not invest its own

²⁶ Shepway Council's employment of Xfor coincided with halving the numbers of directly employed workers: 'Private litter gang hand out 149 fines in Shepway in two weeks', This is Kent, 6 August 2012 www.thisiskent.co.uk/Private-litter-gang-hand-149-fines-Shepway-weeks/story-16635640-detail/story.html

staff or resources, and can expect to receive a certain income from fines. (The risk to the public of being unfairly fined is apparently not considered.)

So far, Xfor has issued 43,478 fines, and taken £1,636,547 in income. This income stream is growing fast, as a result of several recent contracts. Xfor wardens are currently issuing fines at an average of 80 per week per local authority. Across all local authorities, Xfor officers are issuing fines at a rate of 753.8 a week. Over the next year, this means a total of nearly 40,000 fines, and an income for the company of over £1.5 million.

Three councils have just started contracts with Xfor in the past month, which is likely to raise that annual total to around 50,000 fines, and an income for the company of around £2 million.²⁷

This would mean that a private company, with only a few dozen patrolling staff, would be responsible for issuing half of all UK litter fines.

More fines are issued in commission arrangements. Birmingham City Council employs Xfor on an hourly rate, but has significantly lower levels of fines (38 per week; 2019 a year) than local authorities employing the company on a commission basis. Still, Xfor assures that its officers will issue sufficient fines to cover their hourly rate: 'through careful auditing it is ensured that Xfor generate the income to cover the service from the penalties issued'.²⁸ Many of its officers are former members of the armed forces, and so are capable of meeting targets.

Here punishment becomes an overt profit-making enterprise, and so further disconnected from public good. Private security guards are unlikely to be motivated by a public mission, whether serving the interests of justice or achieving cleaner streets. They are ultimately more accountable to their employer, profit margins and targets.

²⁷ Assuming that they issue the average, of 75 a week

²⁸ Xfor website www.Xforlas.co.uk/faq

Councils employing Xfor to issue litter fines

Local authority	Contract start date	Fines issued to date	Amount paid to Xfor (£)	Current week rate of fines	No. of private staff
Basildon District Council	Apr 2012	960	43,200	101	4
Birmingham City Council	Jun 2005	-	-	38.8	3
Blaenau Gwent County Borough Council	3 Oct 2011	2,398	117,729	50	4
Bromley London Borough Council	Sep 2012	-	-	-	7
Broxbourne Borough Council	Sep 2010	5,552	240,312	63	8
Denbighshire County Council	Oct 2012	-	-	-	-
Enfield London Borough Council	Feb 2009	14,659	631,506.1	85.5	5
Hillingdon London Borough Council	Sep 2011	4,788	211,410	112.2	5
Knowsley Borough Council	Oct 2012	-	-	-	-
Maidstone Borough Council	Jun 2011	9,000	180,575	147.5	6
Peterborough City Council	2007*	5,625	196,875	-	2
Shepway District Council	9 Jul 2012	149	-	74.5	7
Vale of Glamorgan Council	30 Jul 2012	347	14,940	81.3	-
TOTAL	-	43,478	1,636,547	753.8	51

* now expired

We have been contacted by a number of people who have been fined by Xfor. The Welsh lady who dropped a thread from her glove by accident was fined by Xfor, in Blaenau Gwent, Wales.²⁹ Another lady in the same area was fined for walking her dog in a field she had been using for 30 years;³⁰ she was unaware it had been turned into a no-dog zone, since there were

²⁹ Pensioner fined... for dropping a thread of cotton, Gwent Gazette, 1 March 2012 www.walesonline.co.uk/news/south-wales-news/blauenau-gwent/2012/03/01/pensioner-fined-for-dropping-a-thread-of-cotton-91466-30426344/

³⁰ Dog owner angry at £75 fine for walking in new Nantyglo 'control' zone, Gwent Gazette, 23 February 2012 www.walesonline.co.uk/news/south-wales-news/blauenau-gwent/2012/02/23/dog-owner-angry-at-75-fine-for-walking-in-new-nantyglo-control-zone-91466-30377738/#ixzz1oM0VXI6T

no signs at her entrance. She knows four other people in her neighbourhood who have been fined for the same 'offence'.

A former prison governor, fined for dropping a cigarette butt in the Vale of Glamorgan, Wales, objects to the way in which fines are given out:

'My wife and I each received a fixed fine notice for, in my case, stubbing my cigarette out in the gutter, and in her case, dropping it down a street drain. Of concern to me was: 1. A private company, Xfor, were issuing the fines; 2. One of the two present was filming us - he told me halfway through our "interview"; 3 .He showed me his notebook, which told him how to issue a policetype caution. "anything you say,etc".

I do not believe this firm have the legal right to film us, and certainly do not have the powers of a police constable, and cannot, in my view, issue cautions.³¹ I showed him my driver's licence as requested, and he checked it by radio! Unbelievable, that Xfor appear to have such details in their possession. Frankly, these procedures are akin to a serious crime allegedly committed, not for littering. We never denied the situation, and a warning would have been appropriate.

I am 61 yrs old, and a retired prison governor. My wife is the same age, and a retired teacher. We fully support law and order, and were unaware of the new Zero Tolerance Policy of the Vale of Glamorgan. All of this happened in Barry, a town distinguished by the failure of the authority to clear rubbish from the main street. I observed these two private company employees, hiding round a corner to catch miscreants. There are no notices posted on the topic, and only a few bins of the cigarette disposal type.'³²

FINED FOR DROPPING
A CIGARETTE BUTT

³¹ Other councils have also used the caution when issuing litter fines, as described on this forum: <http://forums.pepipoo.com/lofiversion/index.php/t72318.html>

³² Email sent to Manifesto Club

CONCLUSION AND RECOMMENDATIONS

Over the past few years, in some councils, litter fines have become a business. This trend is growing rapidly, which makes it crucial that the phenomenon is subject to scrutiny at this stage.

When punishment is motivated by profit, it is more likely that fines will be issued for more minor but easy to catch offences, rather than those that are harming the public amenity.

Fines become disconnected from the interests of justice, the principle established since Magna Carta that the penalty should be proportionate to the offence.³³ Litter fines also become disconnected from the public good, even the public good of clean streets. The perverse result is that councils have no incentive to stop people littering, if it provides a lucrative source of income.

This report argues that these trends represent a significant break from long-established principles, particularly the separation of profit from punishment in public service roles. Our concern is that a new corruption is breaking out, the like of which has not been seen since the 'old corruption' of the eighteenth century.

Ultimately, it is the decline of a public service ethic which allows local authorities to relate to their residents in such a venal, profit-seeking manner.

This report recommends that:

A REVIEW OF FINING ON COMMISSION

We would question whether private companies working on commission should be issuing fines for environmental offences. We ask councils and central government to consider seriously the results of these practices, and whether they are advisable.

³³ Magna Carta states: 'A freeman shall not be amerced for a small offence, but only according to the degree of the offence; and for a great crime according to the heinousness of it'

We would encourage members of the public and local media to have this debate at a local level.

A REVIEW OF COUNCILS' USE OF LITTER FINES

We ask whether there should be more restrictions on councils' use of fines, to prevent the department issuing the fine from directly profiting from it.

A MORE POSITIVE APPROACH TO KEEPING THE STREETS CLEAN

Some councils appear to be using fining as the primary way of communicating with their residents about their environmental policies. We recommend that litter fines be accompanied by more positive and public-spirited measures, such as the provision of litter bins (including for cigarette butts) and public awareness campaigns.

After all, the main thrust of the Keep Britain Tidy Campaign, which transformed post-war littering habits, was to encourage people to take pride in their public spaces. Ultimately, it is this pride – and public vigilance – which is the most effective way to stop littering, since there can never be a litter warden around every corner.

Appendix

Number of litter fines (2011-12), and staff empowered to give out litter fines, in UK local authorities.

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Aberdeen City Council	641	81	0	0
Aberdeenshire Council	0	-	0	0
Adur District Council	1	5	0	0
Allerdale Borough Council	51	7	0	0
Amber Valley Borough Council	20	4	0	0
Angus Council	10	28	-	0
Ards Borough Council	12	22	0	0
Argyll and Bute Council	3	9	-	0
Armagh City and District Council	1	31	0	0
Arun District Council	0	32	0	0
Ashfield District Council	270	28	-	1
Ashford Borough Council	1	4	0	0
Aylesbury Vale District Council	0	10	20	0
Babergh District Council	7	6	0	0
Ballymena Borough Council	31	2	0	0
Ballymoney Borough Council	4	8	0	0
Barking and Dagenham London Borough Council	156	-	-	-
Barnet London Borough Council	46	7	0	0
Barnsley Metropolitan Borough Council	76	5	0	0
Barrow in Furness Borough Council	8	14	16	0
Basildon District Council	44	5	0	0
Basingstoke and Deane Borough Council	0	18	-	1
Bassetlaw District Council	27	18	0	1
Bath and North East Somerset Council	166	8	0	0
Bedford Borough Council	112	20	0	0
Belfast City Council	1,603	22	0	0
Bexley London Borough Council	0	6	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Birmingham City Council	2,019	62	0	3
Blaby District Council	96	6	0	0
Blackburn with Darwen Borough Council	0	7	0	2
Blackpool Borough Council	77	30	0	0
Blaenau Gwent County Borough Council	1,147	-	-	4
Bolsover District Council	45	18	0	0
Bolton Metropolitan Borough Council	64	8	-	0
Boston Borough Council	0	1	0	0
Bournemouth Borough Council	157	-	-	-
Bracknell Forest Borough Council	13	13	0	0
Bradford Metropolitan District Council	33	96.5	194	0
Braintree District Council	210	15	0	0
Breckland District Council	3	3	0	0
Brent London Borough Council	186	3	0	0
Brentwood Borough Council	0	-	-	0
Bridgend County Borough Council	63	8	0	0
Brighton and Hove City Council	2	24	0	12
Bristol City Council	43	10	0	0
Broadland District Council	0	3	0	0
Bromley London Borough Council	12	13	0	7
Bromsgrove District Council	0	4	0	0
Broxbourne Borough Council	3,412	7	-	8
Broxtowe Borough Council	3	4	0	0
Burnley Borough Council	150	11	0	0
Bury Metropolitan Borough Council	0	44	0	1
Caerphilly County Borough Council	136	16	0	0
Calderdale Metropolitan Borough Council	244	76	0	0
Cambridge City Council	71	5	0	0
Camden London Borough Council	78	30	0	0
Cannock Chase District Council	69	28	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Canterbury City Council	14	14	0	0
Cardiff Council	138	55	0	0
Carlisle City Council	0	0	-	0
Carmarthenshire County Council	180	9	0	0
Carrickfergus Borough Council	13	7	0	0
Castle Point Borough Council	0	6	0	0
Castlereagh Borough Council	22	67	0	0
Central Bedfordshire County Council	0	4	0	0
Charnwood Borough Council	54	16	0	1
Cheltenham Borough Council	13	21	0	0
Cherwell District Council	70	14	0	0
Cheshire East	60	8	0	0
Cheshire West and Chester Council	5	37	0	0
Chesterfield Borough Council	215	13	-	0
Chichester District Council	9	11	0	0
Chiltern District Council	0	-	-	0
Chorley Borough Council	49	21	-	0
Christchurch Borough Council	91	11	0	0
City of London	91	9	0	0
Clackmannanshire Council	0	-	-	-
Colchester Borough Council	5	2	0	0
Conwy County Borough Council	88	35	0	0
Corby Borough Council	305	8	0	0
Cotswold District Council	0	5	0	0
Coventry City Council	92	20	0	0
Craigavon Borough Council	1,046	6	0	0
Craven District Council	6	3	0	0
Crawley Borough Council	156	12	0	0
Croydon London Borough Council	36	26	0	0
Dacorum Borough Council	0	8	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Darlington Borough Council	277	4	-	0
Dartford Borough Council	15	6	-	0
Daventry District Council	21	11	0	0
Denbighshire County Council	254	35	-	0
Derby City Council	23	62	0	0
Derbyshire Dales District Council	0	7	0	0
Derry City Council	0	52	0	0
Doncaster Metropolitan Borough Council	1,720	194	0	0
Dover District Council	0	4	-	1
Down District Council	61	21	0	0
Dudley Metropolitan Borough Council	200	8	-	0
Dumfries and Galloway Council	58	25	0	0
Dungannon and South Tyrone Borough Council	1	3	0	0
Durham County Council	643	66	0	0
Ealing London Borough Council	65	17	0	0
East Ayrshire Council	-	2	0	0
East Cambridgeshire District Council	0	1	0	0
East Devon District Council	5	21	0	0
East Dorset District Council	0	2	0	0
East Dunbartonshire Council	25	26	0	0
East Hampshire District Council	0	7	0	0
East Hertfordshire District Council	10	7	0	0
East Lindsey District Council	0	0	0	0
East Lothian District Council	1	22	0	0
East Northamptonshire District Council	2	8	0	0
East Renfrewshire Council	140	19	-	0
East Riding of Yorkshire Council	13	19	0	0
East Staffordshire Borough Council	74	18	-	0
Eastbourne Borough Council	110	18	0	0
Eastleigh Borough Council	0	8	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Eden District Council	0	0	0	0
Edinburgh City Council	1,384	47	0	0
Elmbridge Borough Council	3	7	-	0
Enfield London Borough Council	4,491	15	-	5
Epping Forest District Council	37	9	0	0
Epsom and Ewell Borough Council	0	4	0	0
Erewash Borough Council	80	10	0	0
Exeter City Council	372	28	0	0
Falkirk Council	455	9	0	0
Fareham Borough Council	32	4	0	0
Fenland District Council	20	5	0	0
Fermanagh District Council	8	25	0	0
Fife Council	295	18	0	0
Flintshire County Council	2	6	0	0
Forest Heath District Council	5	7	0	0
Forest of Dean District Council	5	4	0	0
Fylde Borough Council	11	16	0	0
Gateshead Metropolitan Borough Council	495	9	0	0
Gedling Borough Council	101	20	0	0
Glasgow City Council	0	36	0	0
Gloucester City Council	6	15	60	0
Gosport Borough Council	14	9	0	0
Gravesham Borough Council	31	25	0	0
Great Yarmouth Borough Council	0	21	0	0
Greenwich London Borough Council	738	50	0	0
Guildford Borough Council	0	9	0	0
Gwynedd County Council	154	20	-	0
Hackney London Borough Council	122	20	0	0
Halton Borough Council	365	34	0	0
Hambleton District Council	29	2	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Hammersmith and Fulham London Borough Council	1,088	8	0	0
Harborough District Council	4	2	0	1
Haringey London Borough Council	158	21		0
Harlow District Council	1	19	0	0
Harrogate Borough Council	0	16	0	0
Harrow London Borough Council	0	0	0	0
Hart District Council	0	0	-	0
Hartlepool Borough Council	579	9	0	0
Hastings Borough Council	34	20	0	0
Havant Borough Council	14	9	-	0
Havering London Borough Council	273	14	0	0
Herefordshire County Council	68	10	0	0
Hertsmere Borough Council	21	10	0	0
High Peak Borough Council	28	-	-	-
Highland Council	76	59	0	0
Hillingdon London Borough Council	3,048	21	-	5
Hinckley and Bosworth Borough Council	80	13	0	0
Horsham District Council	0	2	0	0
Hounslow London Borough Council	36	12	0	0
Hull City Council	221	29	0	0
Huntingdonshire District Council	0	3	0	0
Hyndburn Borough Council	0	-	-	1
Ipswich Borough Council	83	2	0	0
Isle of Anglesey County Council	2	6	0	0
Isle of Wight Council	1	12	4	0
Islington London Borough Council	2,348	35		45
Kensington and Chelsea Royal Borough Council	122	23	0	0
Kettering Borough Council	128	8	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
King's Lynn and West Norfolk Borough Council	0	3	0	0
Kingston upon Hull City Council	221	29	0	0
Kingston upon Thames Royal Borough	0	-	-	-
Kirklees Council	223	150	0	0
Knowsley Metropolitan Borough Council	9	38	0	0
Lambeth London Borough Council	216	6	0	0
Lancaster City Council	37	31	0	0
Larne Borough Council	23	7	0	0
Leeds City Council	507	51	-	0
Leicester City Council	838	57	0	0
Lewes District Council	0	15	0	0
Lewisham London Borough Council	0	9	-	0
Lichfield District Council	0	17	0	0
Limavady Borough Council	4	3	0	0
Lincoln City Council	0	4	0	0
Lisburn City Council	-	7	0	0
Liverpool City Council	328	22	0	0
Luton Borough Council	26	8	0	0
Magherafelt Council	0	-	-	-
Maidstone Borough Council	3,967	6.5	-	5
Maldon District Council	1	8	0	0
Malvern Hills District Council	16	4	-	0
Manchester City Council	79	90	-	9
Mansfield District Council	645	18	-	0
Medway Council	397	52	0	0
Melton Borough Council	0	8	0	0
Mendip District Council	0	16	0	3
Merthyr Tydfil County Borough Council	1	26	0	0
Merton London Borough Council	0	0	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Mid Devon District Council	71	6	0	0
Mid Suffolk District Council	0	0	0	0
Mid Sussex District Council	0	7	0	0
Middlesbrough Council	5	39	0	0
Midlothian Council	0	9	0	0
Milton Keynes Council	34	17	71	0
Mole Valley District Council	0	0.25	0	0
Monmouthshire County Council	1	6	25	0
Moray Council	0	17	0	0
Moyle District Council	5	7	0	0
Neath Port Talbot County Borough Council	147	7	0	0
New Forest District Council	0	24	0	0
Newark and Sherwood District Council	1	19	12	3
Newcastle under Lyme Borough Council	713	-	-	-
Newcastle upon Tyne City Council	252	-	-	-
Newham London Borough Council	8,865	-	0	0
Newport City Council	100	55	0	0
North Ayrshire Council	0	23	0	0
North Devon District Council	9	6	-	3
North Dorset District Council	0	3	-	1
North East Derbyshire District Council	7	10	0	0
North East Lincolnshire Council	31	27	0	0
North Hertfordshire District Council	0	0	0	0
North Kesteven District Council	1	13	0	0
North Lanarkshire Council	-	53	0	0
North Lincolnshire Council	15	13	0	0
North Norfolk District Council	30	10	0	0
North Somerset District Council	1	25	0	0
North Tyneside Metropolitan Borough Council	120	9	0	0
North Warwickshire Borough Council	8	7	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
North West Leicestershire District Council	74	17	0	0
Northampton Council	66	24	-	0
Northumberland County Council	2	33	0	0
Norwich City Council	1	15	0	0
Nottingham City Council	4,057	52	103	0
Oadby and Wigston Borough Council	1	7	-	-
Oldham Metropolitan Borough Council	202	31	0	0
Oxford City Council	186	27	0	0
Pendle Borough Council	0	-	-	-
Perth and Kinross Council	61	17	0	0
Peterborough City Council	227	9	0	0
Plymouth City Council	56	12	0	0
Poole Borough	19	104	0	0
Portsmouth City Council	18	7	0	0
Powys County Council	0	1	0	0
Preston City Council	17	24	0	1
Purbeck District Council	1	8	0	0
Reading Borough Council	0	8	-	0
Redbridge London Borough Council	65	12	12	0
Redcar and Cleveland Borough Council	333	37	0	0
Redditch Borough Council	11	5	0	0
Reigate and Banstead Borough Council	75	20	0	0
Renfrewshire Council	423	27	0	0
Rhondda Cynon Taf County Borough Council	210	48	-	0
Ribble Valley Borough Council	0	6	0	0
Richmond upon Thames London Borough Council	13	4	0	0
Richmondshire District Council	29	5	-	0
Rochdale Metropolitan Borough Council	128	11	0	0
Rochford District Council	0	0	0	0
Rossendale Borough Council	0	8	-	1

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Rother District Council	2	10	0	0
Rotherham Metropolitan Borough Council	452	38	0	0
Rugby Borough Council	21	18	0	0
Runnymede Borough Council	0	0	0	0
Rushcliffe Borough Council	1	9	0	0
Rushmoor Borough Council	17	10	0	0
Rutland County Council	0	0	-	0
Ryedale District Council	0	1	12	0
Salford City Council	228	40	-	0
Sandwell Borough Council	975	24	0	0
Scarborough Borough Council	4	5	0	0
Scottish Borders Council	16	41	0	0
Sedgemoor District Council	37	10	0	0
Selby District Council	0	6	0	0
Sevenoaks District Council	3	6	0	0
Sheffield City Council	77	56	0	0
Shepway District Council	5	39	0	0
Shetland Islands Council	6	10	-	0
Shropshire Council	47	29	0	0
Slough Borough Council	24	22	0	0
Solihull Metropolitan Borough Council	1	9	0	0
South Bucks District Council	0	-	-	-
South Cambridgeshire District Council	28	2	-	0
South Derbyshire District Council	13	3	0	0
South Gloucestershire Council	5	18	0	0
South Hams District Council	26	13	0	0
South Holland District Council	11	24	-	1
South Kesteven District Council	9	12	0	0
South Lakeland District Council	0	12	0	0
South Norfolk Council	0	0	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
South Northamptonshire Council	1	13	0	0
South Oxfordshire District Council	0	11	0	0
South Somerset District Council	0	5	0	0
South Staffordshire Council	9	2	-	0
South Tyneside Metropolitan Borough Council	5	59	0	0
Southampton City Council	29	36	0	0
Southend on Sea Borough Council	0	0	0	0
Southwark London Borough Council	789	54	0	0
Spelthorne Borough Council	2	-	-	-
St Albans District Council	0	22	0	0
St Edmundsbury Borough Council	3	25	0	0
St Helens Metropolitan Borough Council	0	4	0	0
Stafford Borough Council	43	9	0	0
Staffordshire Moorlands District Council	28	-	-	-
Stevenage Borough Council	9	16	0	0
Stirling Council	51	18	0	0
Stockport Metropolitan Borough Council	1	-	-	0
Stockton-on-Tees Borough Council	204	28	0	0
Stoke on Trent City Council	336	96	0	0
Strabane District Council	18	3	-	0
Stratford on Avon District Council	1	6	0	0
Stroud District Council	9	15	0	0
Suffolk Coastal District Council	104	7	0	0
Sunderland City Council	107	11	0	0
Sutton London Borough Council	123	6	-	0
Swale Borough Council	55	19	-	0
Swansea City and Borough Council	21	50	-	0
Swindon Borough Council	40	30	0	0
Tamworth Borough Council	64	17	0	0
Tandridge District Council	0	2	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
Taunton Deane District Council	0	11	0	1
Teignbridge District Council	16	4	0	0
Telford and Wrekin Borough Council	130	3	-	0
Tendring District Council	5	27	0	0
Test Valley Borough Council	32	51	0	0
Tewkesbury Borough Council	0	0	-	0
Thanet District Council	6	9	0	0
Three Rivers District Council	1	6	0	0
Tonbridge and Malling Borough Council	117	13	0	0
Torbay Council	13	8	0	0
Torfaen County Borough Council	8	20	-	0
Torrige District Council	2	4	0	0
Tower Hamlets London Borough Council	797	35	0	0
Trafford Metropolitan Borough	3,561	16	56	-
Tunbridge Wells Borough Council	56	3	0	0
Vale of Glamorgan Council	55	3	0	0
Vale of White Horse	27	2	0	0
Wakefield Metropolitan District Council	796	15	0	0
Walsall Metropolitan Borough Council	5	31	0	0
Waltham Forest London Borough	251	23	0	0
Wandsworth Borough Council	172	18	12	0
Warrington Borough Council	12	2	0	0
Watford Borough Council	285	3	0	0
Waveney District Council	152	7	-	2
Waverley Borough Council	0	0	0	0
Wealden District Council	0	3	0	0
Wellingborough Borough Council	40	5	0	0
Welwyn Hatfield District Council	21	5	0	0
West Berkshire Council	0	0	-	1
West Dorset District Council	0	15	0	0

Local authority	Litter fines	No. of staff - council	No. of PCSOs	No. of staff - private
West Dunbartonshire Council	58	9	0	0
West Lancashire District Council	51	-	-	-
West Lindsey District Council	0	5	0	0
West Lothian Council	251	16	0	0
West Norfolk	0	3	0	0
West Oxfordshire District Council	11	13	0	0
West Somerset District Council	0	7	10	2
Westminster City Council	1,122	82	-	1
Weymouth and Portland Borough Council	11	13	0	0
Wigan Metropolitan Borough Council	0	7	-	0
Wiltshire Council	15	38	0	0
Winchester City Council	145	13	0	0
Windsor and Maidenhead Royal Borough Council	685	32	0	0
Wirral Metropolitan Borough Council	89	25	0	20
Woking Borough Council	5	12	0	0
Wokingham District Council	0	5	-	0
Wolverhampton City Council	192	49	0	0
Wrexham County Borough Council	140	8	0	0
Wychavon District Council	23	1	0	0
Wycombe District Council	10	5	0	0
Wyre Borough Council	20	6	0	0
Wyre Forest District Council	2	25	0	0
York City Council	90	11	0	0
TOTAL	73,536	6,368	607	153

The Manifesto Club campaigns against the hyper-regulation of everyday life. We support free movement across borders, free expression and free association. We challenge booze bans, photo bans, vetting and speech codes – all new ways in which the state regulates everyday life on the streets, in workplaces and in our private lives.

Our rapidly growing membership hails from all political traditions and none, and from all corners of the world. To join this group of free thinkers and campaigners, see: manifestoclub.com