

# Fixed penalty notices: Frequently asked questions

## What are fixed penalty notices?

We have the power to serve fixed penalty notices for a wide range of offences. The following information relates to fixed penalty notices that are issued for offences relating to dogs and litter, waste, graffiti and fly-posting. Fixed penalty notices are served for an environmental crime that damages Belfast's street scene, such as;

- Dropping litter which will include items such as chewing gum, cigarette butts and fast food
- Failure to manage your waste
- Allowing a build up of litter or waste in your garden or on your land
- Failing to pick up after your dog or not disposing of dog litter in the correct way
- Allowing a dog you are responsible for to stray.

A fixed penalty notice provides you with the option to settle an offence without the need to go through the court system. If you pay a fixed penalty notice, all liability for the offence is discharged and the offence doesn't form part of your criminal record. This method of dealing with offences not only saves time compared with prosecuting cases at court, but the cost of the fixed penalty may be a lot lower than any fine imposed by the courts. Payment of the fixed penalty notice is not an admission of guilt to an offence.

## How much is a fixed penalty notice?

£80, which, if paid within 10 days is reduced to;

£60 for littering

£50 for dog fouling

£50 for permitting a dog to stray (if paid within 14 days)

However if you do not pay the fixed penalty notice you will be summonsed to appear in court and be faced with a conviction that could cost you up to £2,500.

## Can I appeal a fixed penalty notice?

There are no formal grounds of appeal against a fixed penalty notice.

## **But I don't agree that I committed the offence for which I have received a fixed penalty notice?**

If you want to dispute the fine you need to write to us within 14 days from the date of issue of the fixed penalty notice after it has been issued.

In this letter you should:

- quote the fixed penalty notice reference number (in the top right corner of the notice)
- include all relevant information for your dispute.

We'll review your case and advise you of the outcome. If you're unsuccessful you must pay the fine or chose to allow the case proceed to Court where a Magistrate will decide on the outcome based on the facts that you and the Council present in the Court.

## **I don't see why I should pay if there are no signs about littering or dog fouling in the area?**

The council is not required to place signs in every street, park or open space, however there are many signs in Belfast advising the public that they can be fined for littering or not disposing of their dog waste correctly.

## **I didn't know that this was an offence, has the Council informed the public?**

Similar environmental legislation applies throughout the UK and in the Republic of Ireland. We have run a number of campaigns over recent years targeting littering and dog fouling. The current campaign highlights litter enforcement including notices on bins, vehicles, regular press releases and articles in the council's magazine "City Matters".

## **Why should I pay a fixed penalty notice when there were no litter or dog bins nearby at the time?**

As with signage it is not possible for the council to put litter bins in every street, road and highway in the borough, every effort is made to place bins where they are most needed and where there are the greatest levels of pedestrian footfall.

Dog waste, once bagged can be placed in any litter bin in the city.

Where bins are not available then it is up to everyone to act responsibly and either take their litter home or carry it until a litter bin is available.

**I received a fixed penalty notice for dropping a cigarette butt, surely that can't be considered littering?**

Litter includes not only cigarette butts but also chewing gum. In many ways these items are more of a nuisance and more expensive to clean up than other items of rubbish.

**If I pick up the litter after an officer has approached me, do I still receive a fine?**

Littering offences relate to the dropping of litter so whether or not you volunteer to pick up your litter afterwards, you have still committed an offence and will receive a fixed penalty notice.

**But I wasn't given a warning, surely that is not fair?**

We have promoted the litter enforcement message through our anti litter campaigns and education programmes in schools and communities. We adopt a robust enforcement approach to those who disregard the anti litter message.

**I have limited funds and I will not be able to pay within the 14 days what can I do?**

If you contact us before 14 days to explain your circumstances this will be reviewed and you may be granted a time extension to pay the fixed penalty notice. The fixed penalty notice cannot be paid in installments.

**What happens if I don't pay the fine?**

If you don't pay the fixed penalty you'll be summonsed to appear in court and if convicted you could face a fine of up to £2,500. Once a summons is issued we may accept payment of the fixed penalty. However, you'll also be liable for the additional administration and legal costs incurred. These additional costs will be at least £41.