Fixed Penalty Notice (FPN) – dispute procedure

Fixed Penalty Notices (FPNs) are designed to give an offender the opportunity to discharge any liability to conviction for an offence - which means that by admitting the offence and paying the fine, an offender can avoid being prosecuted for that offence.

There is no formal appeal process for certain FPN’s. However if you disagree that you have committed an offence, you can decide not to pay the Fixed Penalty Fine, and the matter will then be decided by a Court. However, this can be expensive and time-consuming for both parties. Consequently Gloucester City Council and its partner 3GS has developed this internal appeals process that can help to resolve disputes before they get to Court.

## When can you appeal a FPN?

Cases where an appeal might be considered favourably include, but are not limited to, instances where you can demonstrate that;

* No offence was committed, or the fixed penalty notice has been wrongly issued.
* The offence was committed by someone else.
* The offence wasn't the fault of the person against whom the Notice was served.
* The Notice should not have been issued because the offender is under 17, or is physically or mentally incapacitated or has some other incapacity that prevented the person from understanding that they committed an offence.
* Serving the Notice is not considered to be in the public interest – but don’t forget, the Council has a duty to enforce the law. Fixed Penalty Notices are designed to be a quick and easy way to deal with minor offences.

In order to serve an FPN, the issuing officer will have evidence that an offence was committed by the person against whom the Notice was issued. Any dispute must therefore clearly show the reasons why the FPN should be cancelled. You will be required to provide evidence, such as photos, witnesses etc. so that we can fully consider the dispute.

There are a range of reasons where a dispute shall not be considered, and these include;

* Ignorance of the law – the test would be whether a reasonable person would be aware that an offence had been committed – it is common knowledge that dropping litter, fly tipping and allowing dogs to foul is wrong.
* You didn't know an offence had been committed – the test would be whether a reasonable person would have known what had happened – for example, this includes knowing where your dog is and what it is doing so that you can clear up any mess it leaves.
* You couldn't prevent the offence - the test would be whether a reasonable person could have taken steps to prevent the offence occurring, for example by keeping your dog under control so that it doesn't enter a banned area or keeping litter in your pocket until you can find a public litter bin or get home to dispose of it.
* The offence was minor – that’s why a FPN has been issued, as this gives the opportunity to avoid going to Court. More serious offences may be prosecuted straight away.
* It’s not in the public interest to pursue the offence – although these are minor offences, the levels of litter, fly tipping and dog faeces etc. are something that concern local residents and Ward Councillors. Gloucester City Council needs to respond to these concerns by making sure the law is enforced. The Authority also spends a lot of money cleaning the streets, and anything we can do to stop litter, fly tipping dog fouling etc. helps us to do this more effectively.

## How do we deal with disputes

If you are issued a FPN by Gloucester City Council or 3GS, but you disagree that you have committed an offence or feel that it was unreasonable for the Notice to be issued, you can dispute (in writing) to;

Gloucester City Council issued FPN:

* By post – City Centre Improvement Team, PO Box 3252, Gloucester, GL1 9FW
* By email – cityimprovement@gloucester.gov.uk

3GS issued FPN:

* By post – Payment Manager, Payment Centre, PO Box 6941, Basingstoke, RG24 4UZ
* By email – info@3gs.co.uk

Every appeal will:

* Be considered on its merits, on the basis of the information and evidence provided by the appellant and by the person who issued the Notice.
* Receive a full written response, normally within 10 working days.

Where disputes are not upheld, the reasons for this will be explained.