

Mr [REDACTED] R [REDACTED] - v - Manchester City Council

Appeal Details

Case number:	MC00371-2207	Appeal Raised:	12/07/2022
Vehicle:	[REDACTED]	Hearing:	All parties attended the
Representative:	N/A	hearing	
Number of PCNs:	1	Decision:	06/09/2022
		Adjudicator:	Shan Cole

Decision - PCN MC10438649

Mr [REDACTED] R [REDACTED], you have lost this appeal.

You need to pay the penalty charge to Manchester City Council

Penalty Charge Amount: £60.00

Issued: 07/06/2022

Contravention: 30/05/2022 19:37 Portland Street (south-west Bound)

34 - Being in a bus lane

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. This is a telephone hearing. Mr R [REDACTED] was present. Mr H [REDACTED] was representing the Council.
2. Mr R [REDACTED] says that his partner was driving his car at the time. He says that she only had his permission to drive if she obeys all traffic laws. He says that he cannot be liable if she does something wrong.
3. I am satisfied from the evidence that the contravention occurred. The issue I have to consider is liability for the PCN.
4. The registered keeper/owner of the vehicle is liable for a PCN, unless at the relevant time, it can be demonstrated that the vehicle was taken without consent, in other words, it was stolen.
5. In this case, Mr R [REDACTED]'s partner was insured to drive the vehicle, had access to the vehicle's keys, and regularly drove the car. Mr R [REDACTED] says that he gave her permission to use the car on condition that she obeyed parking laws. However, the fact that she inadvertently drove in a bus lane does not equate to "taking without consent". This is a domestic arrangement rather than an alleged theft.
6. DVLA records show Mr R [REDACTED] to be the registered keeper of the vehicle and he is therefore liable for the PCN, even though he was not driving at the time. Mr R [REDACTED]'s only option if he wishes to recoup his loss is to attempt to recover the penalty from the driver.
7. I therefore find the contravention proved and I refuse this appeal. Mr R [REDACTED] is liable for the penalty charge of £60.00.
8. The amount for a bus lane contravention in England starts at £60. The law requires the Council to offer a 50% discount in the PCN. After that, any later discount is only at the discretion of the Council. They used their discretion to repeat the 50% discount in the Notice of Rejection but that offer passed. Mr R [REDACTED] is therefore liable to pay £60.

Shan Cole
Adjudicator
06/09/2022