

## Mrs [REDACTED] W [REDACTED] - v - Derbyshire County Council

### Appeal Details

Case number:	DJ00043-2210	Appeal Raised:	17/10/2022
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	08/11/2022
Number of PCNs:	1	Adjudicator:	Jo Garbett

Decision - PCN DJ12486354

**Mrs [REDACTED] W [REDACTED], you have lost this appeal.**

You need to pay the penalty charge to Derbyshire County Council .

Penalty Charge Amount: £70.00

Issued: 19/08/2022

Contravention: 19/08/2022 16:04

St Johns Street, Wirksworth

1 - Parked in a restricted street during prescribed hours

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. The Penalty Charge Notice ("PCN") was issued to Mrs W [REDACTED]'s vehicle for being parked in contravention of a no waiting restriction in St John's Street, Wirksworth on 19/08/2022.
2. Mrs W [REDACTED] appeals on the basis that the vehicle was observed at 16:04 and the ticket issued at 16:04. She says the vehicle was not parked for one minute or one second.
3. The Council rely on the evidence of the issuing Civil Enforcement Officer ("CEO"). They say that legally they do not have to give an observation period when the vehicle is parked in a no waiting restriction.

### Findings

4. The CEO's photographs establish that Mrs W [REDACTED]'s vehicle was parked adjacent to a single yellow line. A single yellow line means that there is a waiting restriction in force at certain times of the day. The times of operation are stated on the nearby sign plate outside Ivory Fox bridal shop as being Monday - Saturday 8am to 6pm.
5. A no waiting restriction means that vehicles are not permitted to wait, or park, on the single yellow lines during restricted times.
6. The CEO's records (evidence tab 5) show that Mrs W [REDACTED]'s vehicle was observed at 16:04:17 and 16:04:33. The vehicle had no driver or passenger within and the engine does not appear to be running.
7. The Council is correct in that they have no obligation to observe a vehicle parked in this way for any length of time before issuing a ticket. Some Councils will operate a discretionary five minute observation period to ascertain whether an exempt activity was occurring, for example, loading, but the Council are not required by law to do so.
8. I am satisfied that Mrs W [REDACTED]'s vehicle was parked in contravention of the no waiting restriction. The matters she has raised in her appeal do not give rise to an exemption.
9. The appeal is refused and she is liable to pay the penalty charge in the sum of £70.

Jo Garbett  
Adjudicator  
08/11/2022