

Mr [REDACTED] C [REDACTED] - v - Cheshire West and Chester Council

Appeal Details

Case number:	AW00054-2210	Appeal Raised:	26/10/2022
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	15/11/2022
Number of PCNs:	1	Adjudicator:	Mackenzie Robinson

Decision - PCN AW44126731

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

You need to pay the penalty charge to Cheshire West and Chester Council.

Penalty Charge Amount: £70.00

Issued: 01/09/2022

Contravention: 01/09/2022 16:06

Somerset Street, Chester

12 - Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. This matter was decided without a hearing on 15 November 2022.
2. Mr C█ appeals on the basis that the signage for this location was inadequate to properly inform him that parking was reserved for permit holders only.
3. Mr C█ has provided detailed legal arguments including the requirements for Control Parking Zones. However it is clear that this area is a Permit Parking Area, and so this decision will concentrate on the correct signage for such an area only.
4. Both the Council and Mr C█ are well aware of the Traffic Signs Manual, which offers advice on best practice for local authorities installing signage. Councils are not bound to follow its advice to the letter, as every physical location will vary, and so the Traffic Signs Manual cannot hope to provide a definitive answer in every situation.
5. The Council point out that the only entry point to the area where Mr C█ parked is at the junction of Cornwall Street and St Anne Street. Other possible entry points are one way or pedestrianised.
6. The Council has erected signs on either side of Cornwall Street advising of the restriction. Having considered the photographs I find that both are clear and well sighted. The test I need to apply is whether the situation, looked at as a whole, gives adequate warning to motorists of the restriction, and I find that this pair of signs pass that test.
7. Mr C█ has particularly highlighted the lack of repeater signs in these streets generally, and in the street in which he parked. The Traffic Signs Manual at paragraph 13.10.3 has the following to say regarding repeater signs – *‘The entry signs may be supplemented by “permit holders only” signs shown in Figure 13-32, used as reminders in the individual streets. Such repeater signs are not mandatory and might not be required at all in a short cul-de-sac or where parking by non-permit holders is not likely to be a problem.’*
8. Since this is a small group of streets in a residential area only accessible by one entry point, in my view the lack of repeater signs does not render the signage scheme inadequate. Had Mr C█ seen the signs at the entry point to Cornwall Street, would or should he have understood that parking for non-permit holders was prohibited in Somerset Street? The answer to that, in my judgement, is yes.
9. The entry point signs at the beginning of Cornwall Street were there to be seen, even if Mr C█ did not see or understand them. Mr C█ therefore should have known not to park where he did, and the contravention did occur.

Adjudicator's Decision

10. Mr O■■ has also raised the fact that his colleague, who parked close to him, did not receive a penalty charge notice. However that is not sufficient for me to find that there has been inconsistent or unfair enforcement in this case. Civil enforcement officers have to patrol a certain number streets in a certain amount of time, and may therefore only have time to issue a certain number of PCNs in a particular street before moving on. Alternatively they are sometimes called away to deal with particular issues at particular locations, such as disabled bays or dropped kerbs being obstructed. There is insufficient evidence before me to find that Mr O■■ has been unfairly singled out for enforcement.
11. I therefore dismiss this appeal, and direct that the penalty of £70 be paid within 28 days.

Mackenzie Robinson
Adjudicator
15/11/2022