

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

### Appeal Details

Case number: MC00649-2211

Vehicle: [REDACTED]

Representative: N/A

Number of PCNs: 1

Appeal Raised: 16/11/2022

Hearing: All parties attended the  
hearing

Decision: 19/01/2023

Adjudicator: Judith Ordish

### Decision - PCN MC22369259

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

You need to pay the penalty charge to Manchester City Council.

Penalty Charge Amount: £70.00

Issued: 28/08/2022

Contravention: 28/08/2022 08:31

Corporation Street

23 - Parked in a parking place or area not designated for that class of vehicle

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. Mr [REDACTED] accepts his vehicle had been parked in a loading bay in Corporation Street when the PCN was issued but he appeals on the basis he had been in the process of unloading the vehicle at the time. Mr [REDACTED] says he had been unloading some items and assisting someone who was disabled to McDonalds but it was clear from his evidence he had not appreciated he had parked in a goods vehicle loading bay and nor was he aware of the difference between this type of bay and any other loading bay.

2. Mr [REDACTED] had seen the carriageway marking, "Loading Only," but he was not aware of the parking sign in the bay and was not familiar with the term, "goods vehicle." Mr [REDACTED] says he had been unloading, the vehicle is used for work purposes for an interior design business and so says his car was being used as a multi purpose goods vehicle in any event.

3. The civil enforcement officer had issued the PCN not because he had not seen any loading activity, although he had not seen any, but because the vehicle, a Tesla car, is not a "goods vehicle," and as such, in the council's submission, there was no entitlement to park in the bay.

4. The council say the vehicle is not a goods vehicle within the definition contained in the Traffic Regulation Order, it is not, "a motor vehicle or a trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description," and nor had the vehicle been adapted or altered in any way to show that its primary usage was for the transportation of goods rather than as a vehicle for passengers. Lorries and vans are goods vehicles, they need larger parking bays to enable them to park and load or unload safely and whilst Mr [REDACTED] may have been unloading, although he did not specify the items, neither this, or the use of the car, can amount to an adaptation of the vehicle for the purposes of the legal definition.

5. Given the legal definition of a goods vehicle I am unable to find the vehicle had been 'adapted' in any way such that the vehicle could correctly be defined as a goods vehicle rather than as a private motor vehicle despite the 'use,' to which the vehicle may have been put. The putting down of the seats, the insurance status or the display of a laminated sign for example would not change the nature of the vehicle and although Mr [REDACTED] had not known there was a difference between the two types of loading bay, this lack of knowledge cannot be a defence to the contravention.

6. In considering the photographs and the representations made by Mr [REDACTED] I do accept he may not have seen the parking sign in the middle of the bay but the photographs show there were no other vehicles in the vicinity of his car and there were no obstructions between his car and the sign on the post next to his car. The photographs of the bay show that it had been signed correctly with a sign saying, "goods vehicles loading only Mon - Sun 4am - 10pm," and even if Mr [REDACTED] had not seen the sign, I consider it was capable of being seen and was adequate on its

# Adjudicator's Decision

own to alert a driver to the restriction. The loading bay is for goods vehicles only and as Mr [REDACTED]'s vehicle is a car, there was no entitlement to park in the bay.

7. In reaching my decision I also accept the council did consider the mitigating circumstances put to them although they were rejected but where mitigation has been considered and rejected an adjudicator has no power to set the decision aside.

8. Accordingly, whilst I accept Mr [REDACTED] does not agree with my decision or the basis upon which it was made, I find the contravention proved and also refuse the appeal.

Judith Ordish

Adjudicator

19/01/2023