

Mr [REDACTED] M [REDACTED] - v - West Northamptonshire Council

Appeal Details

Case number:	NP00034-2303	Appeal Raised:	20/03/2023
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	18/04/2023
Number of PCNs:	1	Adjudicator:	Philippa Alderson

Decision - PCN NP88300377

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

You need to pay the penalty charge to West Northamptonshire Council.

Penalty Charge Amount: £70.00

Issued: 30/09/2022

Contravention: 30/09/2022 21:43

Grove Road, Northampton

1 - Parked in a restricted street during prescribed hours

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. The Appellant is appealing a Penalty Charge Notice issued in respect of parking on a restricted street during prescribed hours.
2. The Enforcement Authority relies upon the contemporaneous evidence of the Civil Enforcement Officer, a copy of the PCN, a map and a copy of the relevant legislation.
3. The Appellant contends that the relevant carriageway markings were inadequate, and that the PCN was not properly served.
4. I have carefully considered all the evidence in this matter.
5. The vehicle was observed to be parked on double yellow lines at the location. The photographic evidence of the CEO shows that both the front and rear driver's side wheels were on the lines. The lines are clearly visible and unambiguous. The vehicle was first observed ten minutes prior to the PCN being issued. No evidence of any loading activity was observed.
6. The Appellant contends that he was loading scaffolding at the relevant time and also that he had to use the toilet. However, no evidence has been provided in support of the contention that loading activity was taking place. The fact that he needed to use the toilet does not afford the Appellant a ground of appeal, but is mitigation only which I may not take into account.
7. The Appellant further contends that the PCN was not properly served and that the PCN itself was not contained within the yellow PCN envelope. The envelope itself is visible, affixed to the windscreen of the vehicle. I cannot exclude the possibility that by the time the Appellant returned to the vehicle a third party had tampered with the envelope, and I find it unlikely that the envelope would have been affixed to the vehicle without the PCN inside it. It is unfortunate if a third party has removed the PCN but it does not however provide the Appellant with a ground of appeal. I note that the EA, in its Notice of Rejection dated 16th February 2023, afforded the Appellant a further opportunity to pay the discounted sum of £35.
8. I am satisfied to the requisite standard that a contravention took place and accordingly I must dismiss this appeal.

Philippa Alderson
Adjudicator
18/04/2023