

## Ms [REDACTED] C [REDACTED] - v - Derbyshire County Council

### Appeal Details

Case number:	DJ00019-2304	Appeal Raised:	27/04/2023
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	21/05/2023
Number of PCNs:	1	Adjudicator:	James Richardson

Decision - PCN DJ2107712A

**Ms [REDACTED] C [REDACTED], you have lost this appeal.**

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

Penalty Charge Amount: £50.00

Issued: 08/03/2023

Contravention: 08/03/2023 15:28

Piccadilly Road, Chesterfield

30 - Parked for longer than permitted

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. I have determined this appeal as a written decision without a hearing.
2. Ms C■■■■'s motor car was observed on 8th March 2023, parked on Piccadilly Road. The vehicle was parked in a limited waiting bay. The restriction operates between 10am and 4pm, Monday to Friday. Signage confirming the restriction was in place.
3. Ms C■■■■ says "I live on Piccadilly Road where the relevant parking bay is. I do not use the parking bays if I have choice. My home is in a small terrace without driveways or frontages - we have to park on the road. Unfortunately as most of the rest of the road and immediate area is restricted people use the space outside my home as free parking for the town centre and railway station. I have no alternative sometimes but to use the parking bays until the space in front of my home is made free. I move my car back to outside my home as soon as I am able. I do not think it fair that I should be penalised because other motorists block me from my home.".
4. The CEO recorded in their hand-held device details of the vehicle, including its valve positions, at 12:17 and at 15:28. They concluded because of the information available to them, that the vehicle had not moved between the two observations. Ms C■■■■ does not challenge the act or period of parking.
5. I find that the vehicle had not been moved. I find, because the vehicle remained parked for longer than three hours and ten minutes, that a contravention occurred. The absence of available parking outside Ms C■■■■'s home does not alter that fact or permit her to park for longer than permitted while waiting for a space to become available.
6. Lack of intention, or even mitigating circumstances, are not one of the statutory grounds of challenge set out in the Appeals Regulations 2022. The lack of available parking and the problems caused could be a matter of mitigation but that was for the Council to consider when exercising discretion based on the particular facts of the case whether it is necessary to enforce the penalty charge. Because mitigation is not a ground of challenge, I do not have the authority or power to direct the penalty to be cancelled.
7. This appeal has been lost.