

Mrs [REDACTED] K [REDACTED] - v - Birmingham City Council

Appeal Details

Case number:	KW01851-2304	Appeal Raised:	28/04/2023
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	24/05/2023
Number of PCNs:	1	Adjudicator:	Sarah Tozzi

Decision - PCN KW24482019

Mrs [REDACTED] K [REDACTED], you have lost this appeal.

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

Penalty Charge Amount: £120.00

Issued: 09/03/2023

Entered: 22/02/2023 13:29

Birmingham Clean Air Zone

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. Mrs K■■■ appeals on the basis that she was relying on her sat nav at the time and was unaware she had driven into the clean air zone (CAZ). The Council maintain that the obligation is on the motorist to act on traffic signs and they note that Mrs K■■■ had received four previous PCNs for non-payment of the CAZ charge so was likely aware of the scheme. They rely upon drive through footage showing the signage on the possible routes taken by Mrs K■■■.
2. It is common ground that the vehicle was within the CAZ and no payment of the charge was made. Noting the proximity with which Mrs K■■■ lived to Birmingham and noting she had received four previous PCNs, I consider that it is more likely than not that she was aware of the CAZ scheme. It may be that Mrs K■■■ was relying on her sat nav at the time but the obligation was on the motorist to look for and act upon signage. Given the facts in this case, I find that a contravention did occur and the PCN was properly issued.
3. I am satisfied that the Council considered the representations made but they decided not to cancel the PCN. That was a decision they were entitled to make.
4. The appeal is dismissed. Mrs K■■■ remains liable for the PCN at £120.

Sarah Tozzi
Adjudicator
24/05/2023