

Mr [REDACTED] J [REDACTED] - v - Reading Borough Council

Appeal Details

Case number:	RG00089-2305	Appeal Raised:	05/05/2023
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	28/05/2023
Number of PCNs:	1	Adjudicator:	Judith Ordish

Decision - PCN RG9140215A

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

You need to pay the penalty charge to Reading Borough Council
Penalty Charge Amount: £70.00

Issued: 21/04/2023
34 - Being in a bus lane

Contravention: 12/04/2023 23:50

Stanshawe Road

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. Mr J [REDACTED] accepts his vehicle, a private hire vehicle had been driven in the bus lane when his vehicle was captured by a camera but he appeals on the basis he believed the vehicle, a taxi, was entitled to use the bus lane. Mr J [REDACTED] is a private hire driver for Uber, his vehicle is licensed in Chichester and on this occasion he had a trip to Reading but it was dark and raining heavily and he did not notice the bus lane. Mr J [REDACTED] provides a copy of his licence in support of his representations, it is a private hire licence and he believes it permits him to drive in a bus lane and if this were not the case, where this was an unintentional mistake, he considers the PCN should not be enforced.
2. I have therefore reviewed the council's evidence of the contravention including library photographs of the signage and camera footage of the driving and this shows the vehicle being driven in the bus lane. The footage shows it was dark but the area was well lit and as Mr J [REDACTED] was stationary at the traffic lights, he was next to one of the regulatory signs and the carriageway markings of the restriction can be seen clearly in the footage and it is my finding the signs were capable of being seen and adequately indicate the restriction even though Mr J [REDACTED] may not have seen them.
3. The signs shown in the council's library photographs of the bus lane, which are supported by the traffic regulation order do say a, "wheelchair accessible taxi," may use the bus lane but this refers to hackney carriages only and a private hire vehicle does not fall within this definition.
4. Although the licensing of both private hire vehicles and hackney carriages may be found in the same legislation the two types of vehicle are not the same. The definition of a hackney carriage can be found in the Town Police Clauses Act 1847 which says a hackney carriage is a plated vehicle that can stand or ply for hire in any street; it can be hailed in the street unlike a private hire vehicle that has to be pre-booked, a distinction that may not have been understood by Mr J [REDACTED] as a private hire driver but this is irrespective of any commonly understood definition of the word 'taxi,' because it is the legal definition in legislation that applies. The bus lane signs are authorised signs and where a bus lane sign says, "taxis" and nothing else, in the absence of any other information the driver should conclude only a hackney carriage would be permitted to drive in the bus lane. It may be that private hire drivers are permitted to drive in bus lanes in Chichester but this does not mean this entitlement applies anywhere else.
5. 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 this decision aside or alter the amount to be paid.
6. Whilst I accept Mr J [REDACTED] may have made an unintentional error when he drove in the bus lane there was no entitlement for him to drive in the bus lane and I do therefore find the contravention

proved and also refuse the appeal.

Judith Ordish
Adjudicator
28/05/2023