

Mr [REDACTED] S [REDACTED] - v - Birmingham City Council

Appeal Details

Case number:	KW02338-2306	Appeal Raised:	06/06/2023
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	21/06/2023
Number of PCNs:	1	Adjudicator:	Jill Yates

Decision - PCN KW25067930

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

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

Penalty Charge Amount: £120.00

Issued: 17/04/2023

Entered: 28/03/2023 16:42

Birmingham Clean Air Zone

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. Mr S [REDACTED] does not dispute that the vehicle was in the clean air zone, that a charge was payable and that it was not paid. However, he says that the vehicle was on hire at the time. He has provided a copy hire agreement and a copy driving licence to support his appeal.
2. The council say that the hire agreement does not include the registration number of the vehicle and point out that Mr S [REDACTED] has provided two different hire agreements signed by different people and that he stated that each of the agreements related to this vehicle.
3. On the basis of the evidence provided, I am satisfied that the vehicle was in the clean air zone and that a charge was due and not paid. The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 provide that, subject to certain exceptions, a clean air zone charge is payable by the registered keeper of the vehicle.
4. One of the exceptions is where the keeper is a vehicle-hire firm and has stated that the vehicle was out on hire at the time. The keeper must provide a copy of the hire agreement and a copy of a statement of liability signed by the hirer acknowledging liability for road user or penalty charges.
5. In the agreement provided, the name and address of the hirer has not been completed. There is no mention of the vehicle that the agreement relates to and no statement of liability. The hire agreement contains a commencement date, but no end date. Mr S [REDACTED] has provided two documents at different times, each of which he said related to the vehicle, but these documents were signed in different names.
6. Having considered the evidence provided by Mr S [REDACTED], I find that he has not shown that vehicle registration [REDACTED] was on hire on the day it was in the clean air zone nor, if it was, who the hirer was and that this person had signed a statement of liability. It follows that I find that Mr S [REDACTED] remains liable to pay the penalty charge and I dismiss the appeal.

Jill Yates
Adjudicator
21/06/2023