

Mr [REDACTED] M [REDACTED] - v - Buckinghamshire Council

Appeal Details

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| Case number: | AA00049-2307 | Appeal Raised: | 05/07/2023 |
| Vehicle: | [REDACTED] | Hearing: | The Appellant did not attend |
| Representative: | Miss [REDACTED] M [REDACTED] | Decision: | 14/08/2023 |
| Number of PCNs: | 1 | Adjudicator: | James Richardson |

Decision - PCN AA50639463

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

You need to pay the penalty charge to Buckinghamshire Council.

Penalty Charge Amount: £70.00

Issued: 19/04/2023

Contravention: 19/04/2023 14:51 Desborough Road, High Wycombe

25 - Parked in a loading place or bay during restricted hours without loading

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. Miss M■■■■ could not be reached at the time of the scheduled telephone hearing. A voicemail message was left. She did not join during the hearing. Mrs W■■■■ represented the Council. I have deemed it appropriate to proceed on the basis of the appeal submitted in Miss M■■■■'s absence.
2. On 19th April 2023 at 14:51, Mr M■■■■'s motor car was parked on Desborough Road. The vehicle was observed in a marked bay.
3. Miss M■■■■ says there were no signs. Only the road marking saying "Loading Only". She says there should be signs.
4. Mrs W■■■■ says the vehicle was parked within a restricted parking zone and that the bay was clearly marked as being for "loading only".
5. I have looked at the respective photographs supplied. There is a bay marked with a white line. It has the wording "Loading Only" beside it. The wording can be clearly read.
6. The required form of signing for a loading bay is prescribed by The Traffic Signs Regulations and General Directions 2016 (TSRGD). Version 2 (May) of the TSRGD states that the requirement for the placing of specific upright signs in conjunction with specific bay markings has been removed. A Council may decide whether to omit the upright sign or the bay markings where the restriction applies at all times.
7. That means a Council may use a marked bay with the "loading only" wording without additional signs. I find that the wording in place beside the marked bay was sufficient to confirm what the bay was for.
8. Because the vehicle was parked in the loading bay without loading taking place, I find that a contravention occurred.
9. The fact that other vehicles might park within the bay without loading taking place doesn't mean another motorist can incorrectly use the bay without risk of penalty.
10. This appeal has been lost.