

Mr [REDACTED] P [REDACTED] - v - Bristol City Council

Appeal Details

Case number:	BS00779-2307	Appeal Raised:	06/07/2023
Vehicle:	[REDACTED]	Hearing:	The Authority did not attend
Representative:	N/A	Decision:	05/09/2023
Number of PCNs:	1	Adjudicator:	Sarah Tozzi

Decision - PCN BS53369601

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

The penalty charge and daily licence fee should be paid within 28 days.

Penalty Charge Amount: £120.00

Issued: 31/05/2023

Entered: 27/04/2023 09:28

Coronation Road (caz0040)

1 - Taxi/PHV/LGV/Minibus

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. Mr P■■■■ appealed on the basis that he had paid the CAZ charge for 27 April. The Council maintained that no payment was made for this date and the evidence provided by Mr P■■■■ showed payment was made for use of the zone on 21 April.
2. Mr P■■■■ was adamant that he paid the CAZ charge for using the zone on 27 April. However, whilst his bank statement showed a payment leaving his account on 27 April, the receipt showed that the date against which payment was made was 21 April. The CAZ scheme is declaratory, which means it is for the motorist to declare when they have driven within the zone and to pay the CAZ charge (when due) within a payment window, which runs 6 days before the day of use, on the day or up to 6 days after. The responsibility for entering the correct details lies with the motorist and the system cannot be manipulated after entry. I therefore discount Mr P■■■■'s claim that the Council changed the date of use of the CAZ on purpose. Whilst it may be that Mr P■■■■ made a mistake in entering the dates, that is not a basis on which I can allow an appeal. As I explained to Mr P■■■■, this type of restriction is strictly enforced. On balance, I find that no payment was made for using the CAZ on 27 April, accordingly, I find that a contravention occurred and the PCN was properly issued.
3. It is for the Council to consider mitigation in each case. Adjudicators do not have the power to reconsider these matters afresh. The Council did exercise discretion to re-offer the discount rate in the Notice of Rejection but Mr P■■■■ did not accept this offer. The Council are pursuing the CAZ charge and full penalty charge at this stage and they are entitled to do so.
4. The appeal is dismissed. Mr P■■■■ remains liable for the PCN at £120 and for the CAZ charge at £9, a total of £129.

Sarah Tozzi
Adjudicator
05/09/2023