

Mr [REDACTED] G [REDACTED] - v - Sheffield City Council

Appeal Details

Case number:	FD00024-2201	Appeal Raised:	25/01/2022
Vehicle:	[REDACTED]	Hearing:	All parties attended the
Representative:	Mr [REDACTED] M [REDACTED]	hearing	
Number of PCNs:	3	Decision:	20/02/2022
		Adjudicator:	Sarah Tozzi

Decision - PCN FD20835341

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

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

Penalty Charge Amount: £70.00

Issued: 11/09/2021

Contravention: 11/09/2021 12:54

Brocco Street

1 - Parked in a restricted street during prescribed hours

Decision - PCN FD20863416

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

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

Penalty Charge Amount: £70.00

Issued: 18/09/2021

Contravention: 18/09/2021 17:06

Brocco Street

1 - Parked in a restricted street during prescribed hours

Decision - PCN FD20686081

Adjudicator's Decision

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

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

Penalty Charge Amount: £70.00

Issued: 02/09/2021

Contravention: 02/09/2021 12:30

Brocco Street

1 - Parked in a restricted street during prescribed hours

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. Mr M [REDACTED] represented the appellant at the hearing. The Council were in attendance. I have also considered the documents provided by the parties. It was common ground that twelve PCNs had been issued to the vehicle for the same contravention code but only two had been paid.
2. At the outset, I raised my concern with Mr M [REDACTED] that no factual explanation had been provided from the appellant at any stage as to why the vehicle was parked at the location in this manner. Further, no explanation had been given by the appellant as to how long the vehicle was parked at the location. Mr M [REDACTED] said he had been advised by the appellant that the vehicle was parked and he did not return to it for around one month. There was nothing in writing to support this assertion. I have therefore considered the facts as at each time the vehicle was observed.
3. Mr M [REDACTED] submitted that there was only one contravention as the vehicle remained in situ for around one month. There was no rule set in law that a new contravention occurred every 24 hours. The Council were not permitted to issue multiple PCNs for a single wrong. Only one PCN should have been issued for a single contravention, which lasted around one month. Further, it was open to the Council to remove the vehicle.
4. The Council maintained that the vehicle was not permitted to park at the location. They accepted that one PCN had been cancelled as it had been issued within 24 hours of another PCN. This was in line with operational guidance issued in around 2010, which encouraged Council's not to issue a second PCN for the same contravention within a 24 hour period. The PCNs under challenge were not issued on sequential days and no explanation had been provided as to why the vehicle was at the location. The Council did not operate a policy of removing vehicles from this location.
5. The "no parking at any time" restriction applied at all times and no exemptions applied. It was common ground that on each occasion the vehicle was observed, it was parked with the rear of the vehicle on double yellow lines. Roughly a quarter of the vehicle was in the restricted area. It was not disputed that the vehicle was not permitted to park on and overhang the double yellow lines.
6. It was for the motorist to ensure that the vehicle was parked in accordance with the rules. The appellant provided no explanation to the Tribunal or Council as to why the vehicle was parked in this manner, he said nothing as to whether it was moved and if not moved, why he did not check the vehicle given that it was parked in relatively close proximity to his residential property. The vehicle appears to have been observed on various days over a period of time and on each occasion it was parked contrary to the rules.
7. Mr M [REDACTED] is right that there is no legal requirement for PCNs to be cancelled if they are issued within a 24 hour period, this was guidance that formed part of the 2010 Operational Guidance to Local Authorities. In my view it is, effectively, good practice not to issue multiple PCNs within the same day for the same contravention. Likewise, vehicles are not permitted to park and remain parked in a restricted area over time. The appellant left the vehicle at the location (if it is the case that it was not moved) at his own risk. On the facts, I find that on each occasion the vehicle was observed the CEO correctly recorded that a contravention had occurred. Each PCN was properly issued.
8. The matters raised by Mr M [REDACTED] really amount to mitigation. However, consideration of mitigation is a matter for the Council as they have discretion as to whether to enforce a PCN. Given the lack of explanation from the appellant, the Council decided not to cancel the PCNs. These were decisions they were entitled to make.

9. The appeal is dismissed. Mr G [REDACTED] remains liable for each PCN at £70 each.

Sarah Tozzi
Adjudicator
20/02/2022