

## Mr [REDACTED] B [REDACTED] - v - Sheffield City Council

### Appeal Details

Case number: FD00130-2304

Appeal Raised: 08/04/2023

Vehicle: [REDACTED]

Hearing: There was no hearing

Representative: N/A

Decision: 07/06/2023

Number of PCNs: 1

Adjudicator: David Binns

### Decision - PCN FD22591317

**Mr [REDACTED] B [REDACTED], you have lost this appeal.**

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

Penalty Charge Amount: £70.00

Issued: 03/11/2022

Contravention: 03/11/2022 13:18

Upper Allen Street

1 - Parked in a restricted street during prescribed hours

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. This case was listed for hearing on 24 May 2023 when Mr B [REDACTED] did not attend. His appeal states: *On 14/01/2023 I appealed for NTO I received from Sheffield Council and I didn't receive any letter from the council about accepting or rejecting my appeal then I received a Charge Certificate without taking any decision about my appeal. I tried to contact with council about this issue and they fix it two days ago, please see their email to me in file number 1, they remove the increased charge and mentioned that I need to explain to you why my appeal is late. I have major reasons to appeal for this PCN:*
  - 1- My Car was parked off the highway.
  - 2- The boundaries of the highway end with a private building line.
  - 3- The restriction area applies to the highway. Please see the pictures, I was parked outside the boundaries of the street and the yellow restriction area applies just to the highway. Please note highway boundary is usually a fence/wall/hedge/building line, and in my case I was parked in a private area as you can see from the picture of the building line of the private home.
2. The Council states that a contravention under code 01 did occur because the vehicle was parked adjacent to a clear single yellow line, during the restricted hours of 8am to 6.30pm Monday to Saturday.
3. The Highway Code states that: "Waiting restrictions indicated by yellow lines apply to the carriageway, pavement and verge."
4. There is a boundary line visible in the footway, which may indicate that the area is private land. However there is no physical barrier preventing the public from using this part of the highway. Therefore it is subject to the waiting restriction, at the point where the single yellow line is in place, because this is also part of the public highway.
5. I find that the relevant location is clearly within the area of public highway covered by the "no waiting" restriction.
6. Adequate prescribed signage was clearly in place and therefore a contravention did occur.
7. Furthermore, I cannot allow an appeal because of mitigation, as it is not one of the statutory grounds of challenge to a penalty charge. Mitigation is something for the Council to consider when deciding whether to waive a penalty charge, or to reduce the penalty payable (after the expiry of the discount period). This is a decision for the Council to make and, provided it is properly explained, as it has been in this case, the Regulations do not enable me to interfere with the Council's exercise of that discretion.
8. Mr B [REDACTED] has lost this appeal and he is liable to pay the PCN.

David Binns  
Adjudicator  
07/06/2023