

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

Appeal Details

Case number:	KW01867-2406	Appeal Raised:	14/06/2024
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	04/07/2024
Number of PCNs:	1	Adjudicator:	Adjudicator Fantinic

Decision - PCN KW31241282

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: 01/05/2024

Entered: 11/04/2024 11:48

Birmingham Clean Air Zone

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Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. The Appellant does not dispute that a contravention occurred, but submits that he should be able to pay the reduced penalty charge of £60.00. The Appellant explained that he submitted his representations to the Authority on 2 May 2024, one day before service of the Penalty Charge Notice (PCN) dated 1 May 2024. The Appellant received a Notice of Rejection on 14 June 2024 by email, after chasing the Authority for a response.
2. The penalty charge is £120. Under the heading “*What are my options now?*” on the first page of the PCN, it states “*You have 28 days beginning with the date of service of this PCN, to either: a) pay the penalty charge (reduced to £60 if paid within 14 days beginning with the date of service of the PCN) or b) make representations to the Council, if you disagree with the penalty charge.*” There is nothing in the PCN that indicates the reduced charge would be re-offered after the 14 days, or if representations were made.
3. The Notice of Rejection sought the full charge of £120.
4. Regulation 5(3) of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 provides that if the penalty charge is paid within 14 days of the date of service of the PCN, then the Charging Authority is required to reduce the charge by one half (i.e. accept 50% of £120). However, there is no provision that this reduction has to be extended any further than this period.
5. After the 14 days in Regulation 5(3) have passed, the Adjudicator has no power to direct a Charging Authority to accept the reduced charge in settlement of a PCN. This is entirely at the discretion of the Charging Authority. In the present appeal, the Charging Authority has stated that it seeks the full charge at this stage. It is entitled to do so.
6. The Authority was required to provide a response to the Appellant’s submissions within 56 days of receiving them. The Appellant’s submissions were made on 2 May, and the Notice of Rejection was issued on 14 June before the statutory deadline.
7. The Appellant has not established a statutory ground of appeal.
8. For the reasons set out above I dismiss this appeal.

Adjudicator Fantinic

Adjudicator

04/07/2024