

## Miss [REDACTED] H[REDACTED] - v - St Helens Council

### Appeal Details

Case number:	SZ00004-2406	Appeal Raised:	14/06/2024
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	16/07/2024
Number of PCNs:	1	Adjudicator:	Adjudicator Halliwell

### Decision - PCN SZ30612772

**Miss [REDACTED] H[REDACTED], you have lost this appeal.**

You need to pay the penalty charge to St Helens Council.

Penalty Charge Amount: £70.00

Issued: 19/04/2024

Contravention: 19/04/2024 16:46

Claughton Street

40 - Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. In her summary appeal submissions, Miss H [REDACTED] explains:

*"i parked in a disabled bay as i was with my mother, she is disabled and has a valid blue badge. this was put on display however when returning to the car the badge has fallen in the footwell, i have appealed this fine as there was a blue badge in the car and i shouldn't be made to pay this as this is unfair. i don't feel like st Helens council have looked into this properly, i would really appreciate it if you could wipe this fine that would be amazing!"*

2. The Council responds:

*"The PCN was issued on 19 April 2024 as the vehicle was parked in a clearly marked on-street disabled parking bay and was not displaying a valid Blue Badge. The Appellant has since provided evidence that the passenger was a Blue Badge holder; this is not in question. St Helens Council values the facilities that are made available for use by disabled drivers/passengers and will, therefore, issue a Penalty Charge Notice to any vehicle using a disabled facility without displaying a valid Blue Badge in the prescribed manner. At the time of the contravention, having checked all windows, there was no Blue Badge found to be visible within the vehicle for inspection by our Civil Enforcement Officer. When parking in a disabled parking bay, the Blue Badge must be clearly displayed for inspection with the time clock set at time of arrival; it is the driver's responsibility to ensure this is done. Following representations from the Appellant, a Notice of Rejection of Representations was served on 13 June 2024. As a gesture of goodwill, a further 14 day period was offered to close the case by paying the discounted amount of £35. Having considered all the mitigating circumstances presented, St Helens Council is satisfied that the Penalty Charge Notice was issued correctly in compliance with the Traffic Management Act 2004 and requests that the PCN stands."*

3. Unlike the Council, the Adjudicator does not have the power to cancel a PCN on the basis of mitigating circumstances alone. I have to decide whether the Council has proved that the contravention occurred. There is no dispute that Miss H [REDACTED] has given an accurate version of events; that her mother's disabled permit had been displayed on the vehicle dashboard, but that it had fallen to the floor and out of view. The Council is not required to prove fault or intention on the part of the driver, only that a valid disabled permit was not clearly displayed within the front windscreen of the vehicle at the time when the PCN was issued.
4. Whilst I accept that Miss H [REDACTED] has given a true and honest version of events, I am bound to conclude that the permit was no longer clearly displayed at the time when the PCN was issued and I must therefore dismiss this appeal.

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Adjudicator

16/07/2024