

Mr [REDACTED] M [REDACTED] - v - Slough Borough Council

Review Details

Case number:	SB00012-2402	Original Decision:	15/03/2024
Vehicle:	[REDACTED]	Requested:	16/03/2024
Representative:	N/A	Requested by:	Appellant
Number of PCNs:	1	Review	
		Adjudicator:	Caroline Hamilton

Review Decision - PCN: SB55303305

The review request has been rejected.

The Adjudicator's decision will be final unless one of the limited grounds for review set out under Regulation 12 of Schedule 1 of the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 apply.

Please see the next page for the Adjudicator's further Reasons

Adjudicator's Reasons

1. Mr M [REDACTED] applies for the review of the decision of adjudicator Ms Alderson, dated 16th March 2024, in the interests of justice.
2. There is however no new evidence or submission that disturbs the adjudicator's conclusions or the outcome of this appeal.
3. The adjudicator has already properly addressed the issue of parking and waiting at paragraphs 10-13 of her written determination.
4. Parking and waiting are synonymous. This has already been fully considered by the independent adjudicator in Schwartz v London Borough of Camden [20100000692] that refers to Strong v Dawtry [1961] 1 WLR 841 (no need for a vehicle to be unattended to park or wait) and the Road Traffic Regulations Act 1984 (that refers to waiting rather than parking and defines a parking place as a place where a vehicle may wait).
5. That Mr M [REDACTED] was unaware of this, does not mean that the council's position amounted to new evidence or a change to their case.
6. Mr M [REDACTED] states that he accepts that he had "stopped" his vehicle, but the vehicle was observed parked adjacent to double yellow lines from 08:47 to 08:57. The adjudicator has noted that Mr M [REDACTED] referenced being at the location for around one hour (see paragraph 8 of the written determination). This is more than a pause to a driving activity. There is in any event no period of grace to vehicles parked or stopped on double yellow lines with no exempt activity underway.
7. Mr M [REDACTED] was not entitled to stop, wait or park adjacent to double yellow lines whilst he took a telephone call.
8. That Mr M [REDACTED] would like to make an application to the High Court for the judicial review of the appeal outcome is acknowledged, but this remains a matter for Mr M [REDACTED] to instigate. Mr M [REDACTED] may wish to take his own legal advice on this process.
9. The application for review is rejected.
10. A contravention having occurred the council authority remains entitled to enforce the penalty.

Caroline Hamilton

Adjudicator

18/03/2024