

[REDACTED] Ltd - v - Wakefield Council

Appeal Details

Case number: WP00029-2408
Vehicle: [REDACTED]
Representative: Mr [REDACTED] E [REDACTED]
Number of PCNs: 1

Appeal Raised: 05/08/2024
Hearing: There was no hearing
Decision: 28/08/2024
Adjudicator: Adjudicator Richardson

Decision - PCN WP10336709

[REDACTED] Ltd, you have lost this appeal.

You need to pay the penalty charge to Wakefield Council.

Penalty Charge Amount: £70.00

Issued: 06/05/2024

Contravention: 06/05/2024 15:05

St Johns Square, Wakefield

1 - Parked in a restricted street during prescribed hours

Please see the next page for the Adjudicator's Reasons

Adjudicator's Reasons

1. I have delivered a written decision without a hearing.
2. It is common ground that the vehicle, on 6th May 2024, was parked on a double yellow line in St Johns Square.
3. Based on the evidence before me I find because of where the vehicle was parked that a contravention occurred.
4. Mr E■■■, the Representative, does not challenge the contravention that occurred. He challenges the amount of the penalty to be paid. He says, "I had been away for the weekend and I never got the parking ticket on the window screen of my van".
5. Regulation 9 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 requires the CEO to affix the PCN to the vehicle or to hand it to the person believed to be the motorist. Once service is correctly executed, the loss of the PCN does not undermine the validity of it or limit its enforcement.
6. Evidence tab 5 has a photograph of the PCN affixed to the windscreen.
7. The original penalty for the parking contravention is £70.00. A reduced amount may be paid within 14 days of service of the PCN. Once that statutory period expires, the full original penalty is payable. The only consequence of the PCN being removed / not found is the motorist's loss of the opportunity to pay the reduced penalty. The regulations do not extend the period for payment of the discount and make no provisions for the PCN being removed. While the Council has the discretion to re-offer the discount or to extend the period for payment it is not required to do so and a refusal is not a procedural error. It is a decision for the Council whether to use discretion in response to what has been explained.
8. The alleged circumstances may amount to mitigation but that is not a reason for the appeal to be allowed because it is not one of the statutory grounds of challenge to a parking penalty. I cannot therefore take mitigation into account when delivering a determination; It is established law that I do not have that power or authority.
9. I find service correctly occurred. The penalty of £70.00 is payable. I have no power to direct that an amount other than the original penalty of £70.00 is paid under the fixed penalty statutory scheme.
10. This appeal is refused.

28/08/2024