

## Mr [REDACTED] D [REDACTED] - v - Blackpool Borough Council

### Appeal Details

Case number:	BP00066-2409	Appeal Raised:	25/09/2024
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	22/10/2024
Number of PCNs:	1	Adjudicator:	Adjudicator Fantinic

### Decision - PCN BP02267373

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

You need to pay the penalty charge to Blackpool Borough Council

Penalty Charge Amount: £60.00

Issued: 07/08/2024

Contravention: 04/08/2024 17:59

Church Street

34 - Being in a bus lane

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. The Appellant appeals on the basis that he crossed the bus lane entrance at: 17:59:26. At that time the Appellant's car's clock showed that it was at least 18:00:00. The Appellant comments that CCTV footage would show his vehicle parked until the time that the restrictions ended. The Appellant submits that 24 seconds is strict enforcement.
2. The Authority has provided a copy of the certificate that it received from the Secretary of State for the CCTV system used to enforce the bus lane, which indicates that an approved device was used.
3. The Authority's CCTV stills show the Appellant's vehicle entered the bus lane at 17:59:26. The bus lane is clearly signed and the restrictions are in operation from 10.30am to 6pm. The Appellant's vehicle therefore entered the bus lane during its hours of restriction.
4. I accept that the Appellant waited until his car's clock showed 18:00 and he entered the bus lane in the belief that the restrictions had ended. However, unfortunately this was not the case, and the restrictions were still in force. The Authority was therefore entitled to issue a Penalty Charge Notice.
5. The circumstances described by the Appellant are mitigating circumstances. The Adjudicator is unable to allow an appeal on the basis of mitigating circumstances. It is only the Authority that can cancel a PCN on the basis of mitigation, and they have decided not to do so on this occasion.
6. On the evidence before me, I find that the contravention occurred. The Appellant has not established a statutory ground of appeal. This appeal is therefore refused.

Adjudicator Fantinic

Adjudicator

22/10/2024