

## MR ██████████ M ██████████ - v - City of Bradford Metropolitan District Council

### Appeal Details

Case number:	BQ00186-2508	Appeal Raised:	14/08/2025
Vehicle:	██████████	Hearing:	There was no hearing
Representative:	N/A	Decision:	10/09/2025
Number of PCNs:	1	Adjudicator:	Adjudicator Garbett

Decision - PCN BQ8005895A

**MR ██████████ M ██████████, you have lost this appeal.**

You need to pay the penalty or penalty notice to City of Bradford Metropolitan District Council.

Penalty Charge Amount: £100.00

Issued: 30/07/2025

Contravention: 21/06/2025 22:56

Toller Lane

75 - Littering From Vehicles

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. Mr M [REDACTED] appeals a Penalty Charge Notice (PCN) issued for littering from a vehicle on Toller Lane on 21/06/2025 at 22:56. The PCN was sent to Mr M [REDACTED] as the registered keeper of the vehicle and claims a penalty of £100.

2. Mr M [REDACTED] says that the contravention did not occur and he did not litter. He is against it and the object must have been on the road.

### **The statutory framework**

3. The Council has power under the civil law to impose a fixed penalty for littering from a vehicle. The law is in section 88A of the Environmental Protection Act 1990 (EPA) and The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018. A reference to a regulation number is to these regulations.

4. The Council is a principal litter authority as defined in s.86(2) EPA. The Council must prove (i) that a person throws down, drops or otherwise deposits any litter (ii) from the vehicle (iii) on the Council's land in respect of which it has a s.89(1) duty (iv) and leaves it. This is the effect of regulation 4(3) and (4) and of s.88A(2) of EPA which cross-references to section 87(1).

5. Toller Lane is a 'relevant highway' as defined in section 86(9), so the Council has a duty under s.89(1)(a) to keep it, so far as is practicable, clear of litter.

6. The civil standard of proof applies. This means that an issue of fact is resolved by deciding what is more likely than not on the evidence.

### **Registered keeper liable**

7. The Council sent the PCN to Mr M [REDACTED] as the 'keeper' of the vehicle. The law presumes that the 'keeper' is the registered keeper at the time. The keeper is liable even if they themselves did not throw, drop or otherwise deposit the litter. This is made clear by s.88A(2) and (9) EPA and by regulation 4(1).

8. The statutory scheme does recognise some exemptions to keeper liability if the vehicle is a public service vehicle or licensed taxi or private hire vehicle (regulation 12). These exemptions do not apply here.

### **Littering**

9. The Council's video footage shows clearly that littering took place. An object, possibly a plastic bottle has been thrown out of the driver's side of the vehicle.

10. I am satisfied that the contravention occurred.

# Adjudicator's Decision

## Conclusion

11. Mr M ██████ is liable for the penalty charge of £100. The appeal is refused.

Adjudicator Garbett

Adjudicator

10/09/2025