

## MR [REDACTED] A [REDACTED] - v - Brighton & Hove City Council

### Appeal Details

Case number:	BH00094-2602	Appeal Raised:	03/02/2026
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	23/02/2026
Number of PCNs:	1	Adjudicator:	Adjudicator Barfoot

### Decision - PCN BH89534553

**MR [REDACTED] A [REDACTED], you have lost this appeal.**

Penalty Charge Amount: £70.00

Issued: 15/12/2025

Contravention: 07/12/2025 08:55

Cheapside (y)

2 - Parked or loading / unloading in a restricted street where waiting and loading / unloading restrictions are in force

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. Mr A [REDACTED] appeals against this PCN due to the nature of his job.
2. He says that he is a taxi driver and was going to pick up a customer from Cheapside. He says he always picks up from there and never has a problem.
3. Mr A [REDACTED] refers to his explanation to the council and says he can prove the time on the PCN does not match with the cancellation time. He says "The printed after 6 minutes", and he would like to scrap the PCN because the council rejected his explanation without bothering to ask for more explanation or evidence.
4. He says the council has not taken into consideration that he is a taxi driver, and he pays his licence yearly just to make a living, not to break the law.
5. The council says that taxis are permitted to stop on yellow lines where there is a loading ban in order to collect passengers, but the vehicle was recorded parked for over three minutes before driving away without anyone approaching it or entering it. It also says Mr A [REDACTED] has not provided any evidence to show that he had a taxi passenger to collect from this location.
6. Mr A [REDACTED] said in his representations to the council that he works with Uber, and had a job to pick up from the Hobgoblin pub. He also said he had not vacated his taxi, he was inside the car waiting for his fare; and he always waits for his customers in Cheapside.
7. The council has video footage from an enforcement camera which shows that Mr A [REDACTED]'s car was stationary on the side of the road where there was a clearly marked mandatory cycle lane and a double yellow line and double yellow kerb markings.
8. The double yellow line indicates a location where waiting is prohibited at all times and a double yellow kerb markings indicate a prohibition on loading/unloading at all times.
9. As the council acknowledges, there is an exemption from these prohibitions for a vehicle which waits only for so long as necessary to allow a passenger to board or alight the vehicle. The burden is on Mr A [REDACTED] to prove he had the benefit of this exemption.
10. Following the council's response to his appeal, Mr A [REDACTED] has produced evidence of a cancelled trip which involved a collection from the Hobgoblin, which is at the corner of York Place and Cheapside. The information provided by Mr A [REDACTED] refers to an UberX trip at 08.39 on 7 December 2025. He also says that he understands that there is a few minutes allowed for a taxi driver to pick up and drop off.
11. The time of this trip, 08.39, is long before the enforcement camera captured Mr A [REDACTED]'s car in Cheapside. The video footage records his car stationary and waiting in Cheapside, outside the Hobgoblin, from 08.52.03 to 08.55.08, at which point Mr A [REDACTED] drove away. In any event, as the council says, during this time no passenger approached or entered the car.
12. That Mr A [REDACTED] was booked to collect a passenger from the Hobgoblin on the morning in question but the trip was cancelled is acknowledged.
13. Nevertheless, the video footage establishes that his vehicle waited for over three minutes at least at a location where both waiting and loading/unloading are prohibited at all times.
14. The exemption to those parking restrictions for the purpose of picking up a passenger does not extend to waiting for a passenger who is clearly not there to arrive (or to cancel the trip). If the passenger is not there they cannot board the vehicle, which is the required activity in order for the boarding/alighting exemption to apply. In circumstances where a private hire driver arrives to find the passenger is not there to board the vehicle, the driver must find a place where parking is permitted to wait, or, if no parking place is available, he must "drive around the block" until the passenger is there.
15. Because Mr A [REDACTED] waited for at least three minutes during which time no passenger came to his car, I find that he was waiting for longer than necessary to allow a passenger to board his car. As a result, he did not have the benefit of the boarding/alighting exemption to the waiting and loading/unloading prohibitions where he parked. Accordingly, I find that the contravention did occur.
16. Even if Mr A [REDACTED] was still waiting at 08.52 to pick up a passenger whose trip was cancelled, that would only be mitigation, which the adjudicator does not have the power to take into account. Mitigation is not a ground for appeal to the adjudicator. The council has discretion to waive a penalty charge, and this

# Adjudicator's Decision

discretion allows it to take mitigation into account. The decision whether to exercise this discretion rests with the council not the adjudicator. The council is not prepared to exercise discretion to waive the penalty charge. That is a decision for it; I cannot interfere. I do not consider there are compelling reasons to recommend reconsidering, given the length of time Mr A [REDACTED] waited when there was no passenger there.

17. I refuse the appeal and Mr A [REDACTED] is liable to pay the penalty charge.

Adjudicator Barfoot

Adjudicator

23/02/2026