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7th February 2021

Case Reference: [REDACTED]
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[REDACTED]
-v-
London Borough of Croydon
(the Enforcement Authority)

MRS [REDACTED] appealed against liability for the payment of the Penalty Charge in respect of:

Vehicle Registration Number	[REDACTED]
Penalty Charge Notice	[REDACTED]
Full PCN Amount	£ 130.00
Contravention Date	[REDACTED] November 2020
Contravention Time	08:08
Contravention Location	Haling Road
Contravention	Failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone

Adjudicator's Decision

The adjudicator, having considered the evidence submitted by the parties, has allowed the appeal.

The reasons for the adjudicator's decision are enclosed.

The adjudicator directs London Borough of Croydon to cancel the Penalty Charge Notice and the Enforcement Notice.

If any penalty or fees have already been paid, the Enforcement Authority must now issue a refund without delay. Enquiries regarding payment of the refund should be made to the Enforcement Authority.

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Adjudicator's Reasons

A Telephone Hearing was scheduled for [REDACTED]; I spoke with the Appellant, and her representative [REDACTED] on the number provided.

The Enforcement Authority assert that vehicle [REDACTED] not being of the specified class, was driven at a location restricted for use by pedestrians and vehicles of specific classes only.

The Appellant denies liability for the ensuing Penalty Charge Notice on the basis of the prevailing challenge as stated in the written representations (supported by photographic capture), which [REDACTED] reiterated and comprehensively detailed at the Hearing.

The Enforcement Authority who assert that the said vehicle was so driven contrary to an operative restriction are obliged to adduce evidence to the requisite standard to substantiate that assertion:-

The evidence upon which the Enforcement Authority rely comprises the certified copy Penalty Charge Notice, extracts of governing Traffic Management Order provisions, and contemporaneous notes photographic evidence: CCTV footage and still frames taken therefrom revealing the said vehicle in situ, and the applicable signage notifying motorists of the restriction.

The contemporaneous photographic capture was examined, repeatedly, to evaluate the allegation in conjunction with the Appellant's representations and submitted images.

The footage demonstrates that the said vehicle is one of 2 vehicles executing a left hand turn toward the camera; no restrictive signage is visible although the reverse of one sign plate is discernible.

The Enforcement Authority also adduce images of the front of such signs at the location.

It is noticeable from both those images and the contemporaneous capture that the signs are set back somewhat from the junction, and moreover that both signs are angled rather than facing forward.

[REDACTED] argues that the signs at the junction, being the *only* signage notifying motorists of the restriction, are inadequate; both in their positioning and in the absence of advance, or any, notification as to the curtailment to a motorist's course.

I had the opportunity to assess and question [REDACTED] during the Hearing, I found his evidence to be cogent and credible, and I accepted his argument in its entirety.

By virtue of the placement of the signs, and the lack of advance warning of the same, motorists are obliged to commit to effecting a turn into the restricted road before the ability to digest the information on the sign becomes available. At such juncture a motorist is unable to re-route.

Whilst it is incumbent upon a motorist to consult signage and comply with restrictions, it is incumbent upon an enforcement authority to ensure the signage implementing the terms of a Traffic Management Order is adequate to communicate the nature and extent of the restriction to motorists. I do not find that to be the case in this instance.

Evidentially therefore I am not satisfied that the contravention occurred, accordingly I allow this Appeal.

[REDACTED]

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