

**Thornton –v- London Borough of Wandsworth**

**Case No.: 2020404417**

**PCN: WA01007244**

The Parking Attendant (PA) recorded that this Penalty Charge Notice (PCN) was issued to Mrs Thornton's car at 16:01, one minute after it was first seen, which was also one minute after the waiting restrictions signed by the yellow line which ran through this parking bay came into force. The car was then removed. (I can see no official record of the time this occurred, but Mrs Thornton says she returned by 16:05 and the car had been, or was already in the process of being, removed. The Council have not disputed this. I therefore accept that the car was removed at about this time, and in any event before 16:15.)

Mrs Thornton protested to the Council, stating that she had paid for a P & D ticket which did not expire until 16:15. Although the PA had not recorded the display of this ticket, Mrs Thornton produced it with her representations and I accept that it was on display. She states that it was bought from a ticket machine on the opposite side of the road, and takes exception to the fact that the machine produced a ticket which indicated that she could park until 16:15 when in fact she was not allowed to do so beyond 16:00.

The Council have explained that the tickets issued by the "green machine" on the same side of the road as the bay, to which motorists are directed by the sign, is programmed not to issue tickets with an expiry time after 16:00. They have not answered directly my question as to whether in principle, subject to the time limits applying in this bay, a ticket purchased from the machine used by Ms Thornton would be valid in this bay. They have simply said that both machines issue tickets for a maximum stay of two hours. I assume therefore that the ticket displayed by Mrs Thornton *was* valid for use in this bay, even though its validity would have expired at 16:00, despite the time printed on its face.

The Council explain that this P & D bay is available for use only until 16:00, at which point the yellow line restrictions come into force. They have produced photographs which show signs which clearly show these conditions/restrictions, and I am satisfied that at the point when the PCN was issued Mrs Thornton's car was parked in breach of the waiting/loading restrictions signed by the yellow line.

However under Regulation 5 of the Removal and Disposal of Vehicles Regulations 1986 (as amended) a vehicle may not be removed from a designated parking place if not more than 15 minutes have elapsed since the end of any period for which the appropriate charge was duly paid at the time of parking.

I am satisfied on the basis of the Traffic Management Order now produced by the Council that this bay is a designated parking place. Whilst I also accept that the same stretch of the highway is subject to waiting/loading restrictions which effectively prohibit use of the bay after 16:00, this does not change the fact that the bay is still a designated parking place even after that time.

I accept that Mrs Thornton had duly paid to park in this designated parking place. I find that the period for which she paid expired at 16:00. Consequently I find that her vehicle was removed before 15 minutes had elapsed since the end of the period for which the appropriate charge was duly paid at the time of parking.

Accordingly, whilst the PCN itself was properly issued, I find that the Council were not

entitled to remove the car prior to 16:15, and so I allow Mrs Thornton's appeal to the extent of directing the Council to refund the release fee.

**17 May 2003**