

PAY & DISPLAY BAY; PAYMENT ARRANGEMENTS INCOMPATIBLE WITH TRAFFIC MANAGEMENT ORDER REQUIREMENTS

DAVID WILLIAMS V LONDON BOROUGH OF HOUNSLOW

Case No. : 2090269917
PCN Number: HW27533408
Contravention: Parked in a car park without clearly displaying the (sic) valid pay & display ticket or voucher or parking clock
Adjudicator: Martin Wood
Decision: Allowed
Decision date: 10 October 2009

Statutory Register entry:

Article 9(c) of the Traffic Management Order states, so far as relevant, as follows.

" Parking tickets shall be valid for a parking place if and so long as the following conditions are satisfied:

(i) the parking ticket is exhibited on the vehicle:

(a) in the case of a vehicle which is fitted with a transparent front windscreen, by affixing the parking ticket or tickets to the inside surface of the windscreen on the offside so that it is facing forwards and can be easily seen from the front of their vehicle;"

The parking ticket issued to the Appellant from the machine is of a non-adhesive type and states "Display on Dashboard". The Council issuing non-adhesive tickets for display on the dashboard is incompatible with the condition in the Traffic Management Order that must be complied to render display of the ticket valid. The arrangements put in place by the Council therefore render it impossible for the motorist to comply with the condition. The Council's Case Summary states: "The regulations state that the ticket must be correctly displayed if it is to be deemed valid." But it is not possible for the motorist to display the ticket in accordance with the regulations.

Furthermore, had the Council supplied an adhesive ticket, the Appellant no doubt would have affixed it to the windscreen and the circumstances that occurred here, and which are the result of the Council not issuing an adhesive ticket - the ticket slipping down the dashboard and becoming partially obscured - would not have occurred.

It is incumbent on the Council to have in place arrangements that enable the motorist to comply with the Traffic Management Order. It has failed to do so. In those circumstances no penalty charge is payable.

I have considered the Council's representations on the point, but this is my conclusion.

I allow this appeal.