

Case No 195015001A
Penalty Charge Notice: BT00931770

26 January 1996

Mr David Robert Coley
-v-
The London Borough of Brent

I, Brian James, Adjudicator, have formally reviewed the previous decision in relation to this Penalty Charge Notice.

1. This appeal is against the issue of a Penalty Charge Notice for parking on a length of the north-west side of Empire Way, Wembley, contrary to restrictions imposed by the London Borough of Brent Council in respect of a special event.
2. The Council rely on the provisions of the Brent (Waiting and Loading Restriction) Order 1979 and the Brent (Wembley Stadium Area) (Waiting and Loading Restrictions) (No.1) Order 1995. The 1979 Order imposed various parking restrictions subject to various exemptions on numerous roads. The 1995 Order provided for the application to the roads specified in the 1995 Order on the dates specified in that Order of the provisions of the 1979 Order. The roads specified in the 1995 Order included the length of the north-west side of Empire Way on which the parking subject to this appeal occurred. The parking was on one of the dates specified in the 1995 Order.
3. The Council made the 1995 Order having followed the process which they follow each year to address the traffic problems which are caused by major events at Wembley Stadium. That process involves:-
 - (i) the Council being notified by Wembley Stadium Limited of the dates of the events which are planned for the following year;
 - (ii) the Council considering the notification and, unless there is good reason to the contrary, authorising the making of a yearly order in respect of those events in exercise of the powers given by Section 6 of the Road Traffic Regulations Act 1984; and
 - (iii) the Council following the relevant procedural requirements and, subject to the result of those procedures, making the order.

I have no reason to doubt the correctness of that procedure.

4. Nor do I doubt that the purpose of the Order falls within the arc of Section 6(1) of the 1984 Act. It is significant that Section 6(3)(c) of that Act provides for an order under that section to apply on special occasions only or at special times only. I do not doubt that the events which occurred on the days specified in the 1995 Order fall within the arc of that subsection. In any case, in view of Paragraph 37 of Schedule 9 to the 1984 Act the validity of the Order is beyond challenge.

5. The Council followed its routine of notifying local residents of the impending operation of the restrictions shortly before they came into force. That routine included putting notes through letter-boxes. Lastly, it followed its routine of placing traffic signs to indicate the restrictions. That routine included reversing certain signs so as to display the restrictions applicable during the special events and putting up additional signs to display those restrictions. The signs used were either prescribed or authorised as provided by Section 64 of the 1984 Act. The dimensions and position (including height above the ground) of those signs complied with the provisions of the Traffic Signs Manual issued by the Department of Transport which is in common use.
6. The appellant parked his car during the time when the restrictions applied. When he parked he was unaware that the restrictions were in effect. He claims that the signs indicating the restrictions were too few, and that the ones in the immediate vicinity of the place where he parked were too high up a post. Whilst the restrictions were in effect the Council took enforcement action in respect of the parking.
7. I have not found any reason to conclude that the requirements of Regulation 17 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1989 do not apply in respect of the 1989 Order. That regulation requires that the Council shall, before the Order comes into force, place on or near the road such traffic signs in such positions as the Council consider requisite to secure that adequate information as to the effect of the Order is made available to persons using the road. In the usual circumstances of the case, I find that the Council had sufficiently complied with Regulation 17 and had taken reasonable steps to warn the public.
8. It follows that the appellant has not established any of the statutory grounds on which I can allow the appeal and I must therefore refuse it.

Directions to Local Authority None

The Parking Adjudicator's decision is final