

ADJUDICATOR'S DECISION

***Miss Joanne Thorpe -v- London Borough of Croydon  
Parking Appeal 1970311100  
Penalty Charge Notice CR78010923***

Contravention:            Parked in a suspended bay/space or part of bay/space

A PCN was issued to Miss Thorpe's car at 11.12pm, well outside the "permitted hours" of operation of this parking space. She has always protested that no signs were visible to show that this parking space was suspended. I am asked to consider as a matter of principle whether the PCN could be properly issued at this time, and in making my decision I will assume that the suspension signs were in fact properly displayed.

I have had the benefit of seeing the full TMO. The definition of "parking space" is not limited by time, so once an area of highway is so designated, it remains such 24 hours a day. Most of the provisions refer to requirements to pay for waiting during "permitted hours". It is notable however that Regulation 23, which provides for suspension of parking places "whenever...necessary" for various purposes, and prohibits waiting in a suspended parking place, contains no express limitation of time.

I find that in these circumstances, a contravention can occur at any time, provided the suspension is properly signed to indicate a 24 hour prohibition on waiting.

(The Council have agreed prior to this Review not in any event to enforce this particular PCN .)

Direction to LA:        None

Adjudicator:            Hugh Cooper  
Date:                      09/03/98