

Callaghan v LB Waltham Forest

Case No. 2050413235

PCN Number: WF73431001

Parked without displaying a valid pay and display ticket or voucher

The Appellant parked in a voucher parking place to visit a shop, Pamphillon, across the road. He saw a sign that said vouchers could be purchased from any shop participating in the scheme. He went to Pamphillon and saw a "P" in the window, indicating that it did participate in the scheme. The shop assistants were attending to customers. After a short time the Appellant interjected and said he needed a voucher. One of the shop assistants got a voucher and completed it for the Appellant by scratching the relevant details. I observe that the time scratched is 2.55. The Appellant then returned to his vehicle to find the parking attendant next to it, apparently taking notes. The Appellant showed him the voucher. The parking attendant said it was too late. The Appellant said he had done everything you are supposed to do and the parking attendant said you are allowed 5 minutes. The Appellant said he had been in the shop about 3 minutes. The parking attendant said he had not. The Appellant returned to the shop to ask them for a witness statement. The shop assistant agreed and they had a discussion about how long the Appellant had been in the shop. He then returned to the vehicle to find the Penalty Charge Notice on the windscreen and the parking attendant gone.

Where there is a voucher scheme, the motorist plainly is allowed a reasonable time to obtain a voucher. There is no precise provision as to the maximum time allowed. Of course, in obtaining the voucher the motorist must do only that and not engage in any other activity. It is inherent in such a scheme that a motorist may be delayed somewhat by the fact that the shop assistants are engaged with other customers, as was the case here. In this respect the variations in time taken to get a voucher are likely to be more variable than where tickets are purchased from a pay and display machine.

In its Case Summary the local authority says that although signs indicate that vouchers may be purchased from shops displaying the "P" it is expected that a supply of vouchers be kept in the vehicle. This latter expectation has no justification in law and if the local authority is dealing with representations on this basis it must cease doing so at once. The scheme is that vouchers are sold by shops and that is the source of them for motorists.

I entirely accept the Appellant's evidence. I note that the parking attendant records that the driver returned. I am satisfied that the Appellant acted within the requirements of the scheme; he went to the shop to obtain a voucher and returned to his vehicle with it as soon as he had obtained it. In the context the time taken to do so was entirely legitimate. I consider it more likely the time was about the 3 minutes stated by the Appellant, bearing in mind that the Penalty Charge Notice was issued and fixed to the vehicle after the Appellant had returned with the voucher. So the 5 minutes given in the parking attendant's notes between the first observation and the issue of the Penalty Charge Notice includes time after the Appellant had returned with the voucher. This is corroborated by the time scratched out - 2.55. The Appellant plainly

would have only then taken a short time to return to the vehicle and must have been there before 2.57, the time at which the Penalty Charge Notice was issued. In any event, whatever the precise time, I am satisfied the Appellant complied with the requirements of the scheme.

I accordingly allow this appeal.

Martin Wood
Adjudicator
9 December 2005