

PARKING APPEALS SERVICE

MR J LETTS

-v-

LONDON BOROUGH OF LAMBETH

Parking Appeal 1980151656

Penalty Charge Notice lh20988622

ADJUDICATOR'S REASONS FOR DECISION

In this appeal I have been assisted by Mr Rowntree of Counsel who represented the Appellant, Mr Letts. I have heard evidence from Mr Letts and from a Mr Ellis and have considered all the written and photographic evidence before me.

The allegation is that Mr Letts was not parked correctly within the markings of a business bay in Grafton Square. The Parking Attendant has made contemporaneous notes which include a sketch in his pocket book. I am bound to say that I find his sketch to be unhelpful and wildly inaccurate. This evidence had not been seen by the Appellants before the hearing.

I compare the Parking Attendant's sketch with a photograph taken by Mr Ellis shortly after the issue of the Penalty Charge Notice. The Council have not accepted this photograph but having heard from Mr Letts and Mr Ellis and having read the statement of another witness I accept that this photograph was taken on the day of the alleged contravention and before the car was moved. I find this photograph to be an accurate depiction of the position of the car in the bay.

Mr Rowntree has tried to persuade me that the photograph shows that the car is wholly within the bay. I cannot agree. However, it does show that the car is almost entirely within the bay but that part of the front offside wheel is over the white line by perhaps 3 or 4 centimetres. Certainly, any member of the public would be astonished to learn why this Penalty Charge Notice was issued, as is borne out by the statements from other witnesses that I have read.

Mr Letts tells me, and I have no reason to doubt him, that a female supervisor came to the site at his request from Lambeth on the day of the contravention. Her evidence has not been provided. I understand that a Traffic Engineer from the local authority, a Mr Pettit, also inspected the bay, but again this evidence has not been submitted by the Council.

Mr Rowntree has made submissions about the width of the bay. Mr Letts drives a Saab 9000 and from the photographs I can see that it is virtually impossible for him to park the car wholly within this bay.

I have been assisted by a very helpful sketch from a surveyor, Mr B R Hughes. Also, by further photographs taken by Mr Hughes. Mr Hughes has measured the width of the parking place every 100cm. The measurements are from the kerb to the white line. The dashed white line is not straight. At the widest the bay is 183cm, at its narrowest it is 174 cm. Where the relevant end of the parking place is marked by double white lines the bay is 176cm wide.

Mr Rowntree has referred me to the Traffic Signs Regulations 1994. Schedule 6 provides that the minimum width of a designated parking place shall be 180cm and the maximum shall be 270cm. That is the measurement from the edge of the carriageway to the inside of the white line.

On the evidence before me I find that the width of this bay is less than the minimum of 180cm for more than half of its length. Accordingly, I find that the bay is not properly marked and therefore that this contravention did not occur.

For the reasons I have set out I allow this appeal.

Verity Jones
Parking Adjudicator

13 July 1998

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