

METRICK V LONDON BOROUGH OF CAMDEN

CASE NO. : 207034396A PCN NUMBER: CD24306687

Failure to comply with a sign indicating a prohibition on certain types of vehicle

Decision: Allowed
Decision date: 9 November 2007

Statutory Register entry:

Whereas the sign in question in this appeal is a "motor vehicles prohibited" sign (appearing as such in both the 2002 Regulation/Directions and the Highway Code), I note that not only does the Penalty Charge Notice ('PCN') refer to "Failing to comply with a sign indicating a prohibition *on certain types of vehicle*" but it also fails to include a picture of the sign allegedly contravened.

As such, I find that the PCN fails to comply with the requirements of section 4(8)(a)(i) of the 2003 London Local Authorities and Transport for London Act, which provides that "A penalty charge notice ...must- (a) state- (i) *the grounds* on which the council or, as the case may be, Transport for London believe that the penalty charge is payable with respect to the vehicle".

This is because the description of the alleged contravention in the PCN and the lack of a photograph of the sign allegedly contravened in the PCN (in the format described above) makes the PCN insufficiently clear and fails to inform the motorist/recipient that the prohibition applies to "motor vehicles" rather than (for example) a particular class of vehicle, i.e. commercial or passenger (I also note that a sign indicating a 7' 0" width restriction on vehicles appears a short way before the "motor vehicles prohibited" signs in the local authority's photographic evidence, which is another reason why the description of the alleged contravention in the PCN should be sign-specific and should include a picture of the sign allegedly contravened).

In reaching this decision I have had sight of and have considered the decision of a fellow adjudicator, Mr. M Lawrence, in the case of LAMBERT (2060529906) and, independently of him, agree with the reasoning contained therein.

Whilst it may well be the case, as the local authority points out, that the "wording of the alleged contravention is of a standardised format for use by local authorities throughout the country", this is purely for administrative reasons alone and does not lend any statutory or other legal authority whatsoever to the 'wording': the question for the adjudicator remains whether the PCN complies with the legal requirements of section 4(8)(i) of the 2003 Act. I find the answer to that question in this case is 'no', for the reasons given above.

Accordingly, I must allow the appeal.