

## Copy of Entry in Statutory Register

<b>Case Reference</b>	9040035172
<b>Appellant</b>	Mrs Flavia Morante
<b>Authority</b>	Transport for London
<b>Contravention</b>	On a road in the charging area to which a charging scheme applies without payment of the charge
<b>Decision Date</b>	11 Oct 2004
<b>Adjudicator</b>	Ms Alison Spicer
<b>Decision</b>	Allowed
<b>Direction</b>	cancel the Penalty Charge Notice.
<b>Reasons</b>	<p>The Appellant accepts that vehicle registration number W217XGF was in the Congestion Charging Zone on 10th December 2003. The Appellant claims that she paid the charge for that day on 9th December 2003. She states that she had to drive into London on 10<sup>th</sup> December in order to attend an appointment. She is categorical that she made payment for 10th December and not 9th December. She has supplied a receipt number for the payment. She states that she did not enter the Congestion Charging Zone on 9<sup>th</sup> December 2003.</p>

Transport for London states that the receipt number relates to a payment made by the Appellant for 9th December 2003.

The Appellant's account of the events is credible and I am convinced that the Appellant genuinely attempted to pay the charge for 10<sup>th</sup> December 2003 and believed that payment had been made. However, Transport for London's evidence shows that payment was not in fact made.

There is no dispute that the Appellant made a payment to TfL via the call centre on 9th December 2003 as evidenced by the receipt.

I conclude on the balance of probabilities that the Appellant legitimately believed that she had paid for 10th December 2003 by this method and that the error as to dates lay with the call centre operator.

I allow the appeal.