PARKING APPEALS SERVICE

WESTMINSTER CITY COUNCIL -and- THE TELEGRAPH PLC

CASE NO. 1970013077 (PCN NO: WE60459011)

REVIEW OF REFUSAL OF APPLICATION FOR COSTS

Introduction

This is an application to review the decision of the Parking Adjudicator Michael Greenslade on 18 July 1997, refusing an application for costs against the Respondent Council.

Jurisdiction

A parking adjudicator is entirely a creature of legislation, deriving his powers exclusively from statute (notably The Road Traffic Act 1991, "the 1991 Act") and statutory instruments and orders enacted under those statutes (notably The Road Traffic (Parking Adjudicators) (London) Regulations 1993, "the 1993 Regulations"). An adjudicator is bound by the statutory provisions which govern him, and he cannot go beyond them. He has no inherent jurisdiction.

In particular, he has no inherent jurisdiction with regard to the award of costs. The only jurisdiction to award costs is given to an adjudicator by Regulation 12(1) of the 1993 Regulations, which provides:

> "(1) The adjudicator shall not normally make an order awarding costs and expenses, but may, subject to paragraph (2) make such order:
>
> (a) against a party (including an appellant who has withdrawn his appeal or a local authority who has consented to an appeal being allowed) if he is of the opinion that that party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable; or

(b) against the local authority, where it considers that the dispute decision was wholly unreasonable.

(2) An order shall not be made under paragraph (1) against a party unless that party has been given an opportunity of making representations against the making of the order.

(3) An order under paragraph (1) shall require the party against whom it is made to pay the other party a specified sum in respect of the costs and expenses incurred by that other party in connection with the proceedings."

With regard to these provisions:

(i) "The disputed decision" referred to in Regulation 12(1)(b) is defined in Regulation 2(2): it means "the decision against which an appeal is brought under [the 1993 Regulations]". In relation to this case, "the disputed decision" was the decision by the Council not to accept the Appellant's representations and cancel the relevant PCN and NTO.

(ii) It is to be noted that an adjudicator cannot make an award of costs against the local authority unless that authority has acted wholly unreasonably, or frivolously or vexatiously. An act is frivolous or vexatious if it is done merely to annoy or embarrass, and without being calculated to lead to any practical result. There is no evidence in this case that the Council has acted frivolously or vexatiously, and indeed the application is only put on the basis that its decision in rejecting the Appellant's representations and/or its conduct in resisting the appeal was wholly unreasonable.

(iii) Although such unreasonableness is a pre-condition of an order for costs, Regulation 12 is entirely compensatory in nature. Its purpose is not to punish a local authority, but to compensate an appellant where a local authority has acted wholly unreasonably. I stress the point because neither the Appellant nor Mr Rentoul personally has ever

indicated the quantity or indeed nature of any loss actually suffered. Furthermore, Mr Rentoul has said (in his letter to the Clerk to the Parking Appeals Service, dated 9 February 1998): "You will recognise that the issue here is not so much the costs to which I lay claim as the misconduct of Westminster City Council and, now, which is much more serious, the maladministration of the Parking Appeals Service". In this application, any misconduct by the Council is irrelevant, save insofar as it equates to unreasonableness in rejecting representations, or in its conduct of the appeal. Any maladministration by the Parking Appeal Service is also irrelevant to the issue before me: insofar as Mr Rentoul's complaint is concerned, I understand that the Chief Adjudicator has indicated to him that that will be dealt with once the costs issue has been finally determined.

(iv) An order under Regulation 12 cannot be made "against a party unless that party has been given an opportunity of making representations against the making of the order" (Regulation 12(2)). To avoid a party being required to make representations in a case in which the application will in any event fail, it is usual for an adjudicator to consider whether there is a prima facie case for a costs order, to which a response is required. If there is no prima facie case, then the adjudicator can simply dismiss the application for costs without requiring the prospective respondent to the application to make representations.

(v) By virtue of Regulation 12(3), costs can only be made payable by one party (i.e. the Appellant or the Respondent Council), to the other party.

As indicated below, at the time of the alleged contravention (2 August 1996), the relevant vehicle in this case (registration mark N662 RPM) was registered in the name of The Telegraph Plc ("the Company"). It was to the Company that the Council sent the notice to owner ("NTO") on 20 September 1996: and, on 3 October 1996, it was the Company who responded to the NTO in representations signed by the Company Secretary, A J Davies. It has never been suggested at any stage that The Telegraph Plc is not the owner of the vehicle for the purposes of the 1991 Act, or that the Company would not be liable for any penalty charge found to be due. Indeed, as

indicated below, the Company at one stage did in fact make a payment in respect of the penalty.

The parties to the appeal were The Telegraph Plc (as the owner of the vehicle, and consequently statutorily liable for any parking penalties due in respect of the vehicle) and the Council. Any costs order by an adjudicator would have to be made for the payment of costs by one of these parties to the other. The Company has never made an application for costs against the Council, and there is no evidence that Mr Rentoul has the Company's authority to make an application on its behalf. Certainly, he has no locus standi to make an application on his own behalf.

It seems to me that this point alone would mean that Mr Rentoul's application for costs would be bound to fail. However, as this point has never been expressly raised with Mr Rentoul before (and, had it been raised, he may have been able to obtain the authority of the Company to make an application for costs on their behalf, which could have included any expenses he had incurred) and it is important that the substantive issues in this case be considered, I propose to assume in Mr Rentoul's favour for the purposes of this decision that he does indeed have locus standi to make an application.

The power of an adjudicator to review an earlier decision is found in Regulation 11 of the 1993 Regulations:

"The adjudicator shall have power on the application of a party to review and revoke or vary any decision to dismiss or allow an appeal or any decision as to costs on the grounds (in each case) that:

(a) the decision was wrongly made as a result of an error on the part of his administrative staff;

(b) a party who had failed to appear or be represented at a hearing had good and sufficient reason for his failure to appear;

(c) where the decision was made after the hearing, new evidence has become available since the conclusion of the hearing, the existence of which could not have been reasonably known of or foreseen;

(d) where the decision was made without a hearing, new evidence has become available since the decision was made, the existence of which could not reasonably have been foreseen; or

(e) the interests of justice require such a review."

An inherent part of the statutory scheme is to ensure that the adjudicator's decision is final and conclusive, save in very exceptional cases. The grounds set out in Regulation 11 are consequently narrow, and they merely give an adjudicator a discretion whether or not to review a decision: even if a ground is proved, the adjudicator is not bound to exercise that discretion to review the decision. Inevitably, cases in which reviews are allowed will be rare. Reviews with regard to orders for costs are likely to be very rare indeed, because orders for costs are inherently discretionary in any event. In this case, the only possible ground upon which a review could be contemplated is that found in Regulation 11(1)(e), i.e. "the interests of justice require such a review". On 4 March 1998, the Chief Adjudicator Caroline Sheppard agreed that the earlier costs decision be reviewed on this ground, apparently because Mr Greenslade's decision was (or may have been) based upon evidence from the Council that Mr Rentoul had not had an opportunity of seeing or commenting upon. Of course, for a decision to have been made in these circumstances would have been a breach of the rules of natural justice.

Facts

Having set out the basis of my jurisdiction in considering the issues in this application, I now turn to the relevant facts.

On 2 August 1996, in the Strand, vehicle registration mark N662 RPM was noted by Parking Attendant No L1371 as being parked at Meter No M4795, with 4 minutes penalty time displayed on the meter. There is a hand-written note to that effect in the Parking Attendant's notebook,

timed at 13.19. If the matters noted were true, the vehicle would have been parked in contravention of the relevant regulations, and its owner would have been liable to a parking penalty. (That the vehicle was parked illegally has never been disputed: but that is not in issue before me, nor was it before the original Adjudicator). The Penalty Charge Notice ("PCN") (setting out similar details to the Attendant's notes) is timed at 13.20. Timed at 13.22, there is a further hand-written entry in the Attendant's notebook: "Saw driver. Advised him to wait for tict [ticket]. He drove off. Valid issue."

Under the 1991 Act, any penalty charge due with respect to a vehicle is payable by "the owner" of the vehicle (Section 66(2)). "The owner" of a vehicle is defined as "the person by whom the vehicle is kept" (Section 82(2)): and there is a presumption that the keeper of the vehicle is the person in whose name the vehicle is registered on the Driver and Vehicle Licensing Agency ("DVLA") computer in Swansea (Section 82(3)). Consequently, no payment in respect of the PCN having been made on 24 August 1996, the Council made a standard request to the DVLA for the name of the registered keeper. On 3 September, the DVLA responded: the registered keeper was recorded as The Telegraph Plc, 1 Canada Square, Canary Wharf, London E14 5DJ, and an NTO was sent out to the Company at the address given.

On 2 October, Mr Rentoul (who was then - but is no longer - an employee of the Company) telephoned the Council. He had been in charge of the vehicle on 2 August. The Council's computerised log of the call reads as follows (putting the computerised log into English):

> "Call log 323910. Mr Rentoul phoned asking: "When is a ticket valid, i.e. upon being placed on the vehicle, in the hands of the driver, or as soon as the warden begins to enter/write the details". According to Allison Muster of the SPBO, a PCN is only ever valid when it is placed on the vehicle or handed to the driver. This information was relayed to Mr Rentoul who was returning his NTO and basing his appeal on this information - he never received the PCN."

Mr Rentoul's evidence is fuller than this note. He says (in his letter to the Clerk to the Appeals Service dated 28 April 1997):

> "I explained the facts of the matter fully to the local authority's employee whom I know only as "John" in a telephone conversation I made on 2 October 1996. John told me at first that in the view of the local authorities in London there had recently been far too many cases of motorists driving their vehicles away whilst the Parking Attendant was preparing a [PCN] and the local authorities had therefore decided, in the forum in which they foregather to consider such matters collectively, that in future a notice will be considered by the local authorities to be issued as soon as the Attendant embarked on its preparation. When I questioned whether it was open to local authorities to arrogate to themselves this somewhat quixotic interpretation of the law. John said he would double-check the point with one of the Council's legal advisers, but that what he had told me was that he and his colleagues had been instructed to tell motorists making enquiries like mine. An hour or so later, John telephoned to say that he had taken advice and had to withdraw what he had told me earlier: as a matter of law, and with immaterial exceptions, a notice was issued only upon its being affixed to the windscreen of the vehicle. In the circumstances of my case, I should, John said, arrange for my employer, as the addressee of the [PCN], to complete the form of representations, following which the notice would be withdrawn.
>
> What John told me on the first of the two conversations was therefore disingenuous."

With regard to the issue and service of a PCN, the law is clear. By virtue of Paragraph 1(1)(a) of Schedule 6 to the 1991 Act, an NTO can only be served if a PCN has been issued with respect to a vehicle under Section 66. Although "issue" is not defined in Section 66, that section requires a PCN to be either fixed to the vehicle, or given to the person appearing to the parking attendant to be in charge of the vehicle. If the PCN is not issued in one of these two ways, then it is void. A local authority cannot pursue a penalty on the basis of a void PCN which is a nullity (Moulder -v- The London Borough of Sutton (PAS Case No 1940113243, 24 May 1995) and Burnett -v- Buckinghamshire County Council (PAS Case No HIW0003, 28 April 1998)).

Insofar as Mr Rentoul was told that the PCN was issued as soon as the Attendant began inputting details into his handheld computer (or, indeed, at any point before it was placed on the

vehicle or handed to Mr Rentoul as in charge of the vehicle), this was wrong. However, it is unnecessary for me to decide precisely what was said during this conversation, because:

(i) it was not during the course of this appeal nor has it anything to do with the Council's decision to reject the Appellant's representations, and consequently, even if the Council were being unreasonable in the stance it took (about which I make no finding or comment), that could not found an application for costs under Regulation 12(1): and

(ii) in any event, any misinformation was corrected within minutes, and neither the Company nor Mr Rentoul could conceivably have suffered any loss as a result of it in respect of which they could seek recompense from the Council under Regulation 12.

On 3 October 1996, the Company lodged representations with the Council in the following terms:

> "Our former employee in charge of the vehicle on 2 August was Mr A M Rentoul. As explained by Mr Rentoul to "John" in your office yesterday, Mr Rentoul drove the vehicle away from the meter before the warden had affixed any notice to the vehicle. Accordingly, as a matter of law, and as conceded by John, the [PCN] was not issued as alleged."

Of course, whether or not the PCN was properly issued depended upon whether it had been affixed to the vehicle or handed to Mr Rentoul (a factual issue): it was not simply a question of law.

Those representations were signed by the Company Secretary, A J Davies. They were acknowledged by the Council on 8 October: the Council indicated that they were investigating. On 17 December, the Council wrote to Mr Rentoul care of the Company, indicating that the representations had been considered, and rejected. The author of the letter said:

> "I am unable to account for the absence of the [PCN] on your return unless it was removed by some unauthorised person. However, after checking the Attendant's log book, I understand that the notice was affixed to the windscreen of your vehicle

immediately after it was issued. Accordingly I have reset the discount period for a further 14 days so that you may pay at the reduced rate of £30.00".

Mr Rentoul says that the Council had failed properly to consider (or, at least, fully understand) his representations, which were to the effect that the PCN was never attached to the vehicle, rather than merely missing on his return. I will come back to this point when I consider the specific issues raised in this application.

That letter of rejection was received by the Company on 23 December. The following day (24 December), the Company faxed Mr Rentoul with the rejection, and indicated that unless it (the Company) heard to the contrary within 7 days, it as owner would pay the £30 penalty. It is unclear whether the Company had any contractual right of reimbursement from Mr Rentoul: but the Company was statutorily liable to pay the Council any penalty due. Unfortunately, Mr Rentoul was on holiday from 22 December to 4 January 1997. In the event, the Company paid the £30 penalty on 6 January 1997. The Council received and banked that payment. At that stage, so far as it was concerned, the matter was closed.

However, on 13 January, an appeal was lodged with the Parking Appeals Service, also signed by the Company Secretary. The details of the appeal were put, simply: "The notice [this must mean the PCN] was not issued.". The address for correspondence was given as Mr Rentoul's home address. He requested a personal appointment rather than a postal decision, and the personal hearing was set down for hearing on 21 February.

On 21 January, the Council's log shows that they reopened the case. The log reveals that, on 10 February:

> "Decided not to contest - uclear (sic) as to whether ticket was validly issued. Checked with payments as to identity of payee - they were unable to confirm."

That same day (10 February) the Council sent a notice to the Parking Appeals Service, indicating that it did not wish to contest the appeal and it was aware that the notice would cancel the PCN. On 17 February, the Parking Appeals Service sent a notice to the Company and Mr

Rentoul that the Council were not contesting the appeal, and the appeal had consequently been allowed. Under Regulation 14(1)(c) of the 1993 Regulations, an adjudicator "may, if he thinks fit, ... if a local authority consents to an appeal being allowed, allow the appeal ...". Mr Rentoul received the letter indicating the appeal had been allowed and the hearing date vacated, on 19 February, two days before the hearing was due to take place.

On 26 February, Mr Rentoul wrote to the Clerk to the Parking Appeals Service indicating that the cancellation of the hearing had deprived him of the opportunity to apply for costs against the Council. The Clerk replied on 8 April, setting out the relevant provisions (Regulation 12(1) of the 1993 Regulations, set out above), indicating that the granting of the appeal was no bar to him applying for costs and asking for full details of the claim that the local authority had acted "wholly unreasonably" in this matter. Mr Rentoul replied on 28 April, although that faxed letter does not appear to have been received by the Clerk. Mr Rentoul sent a follow up fax on 1 July and, following a letter from the Clerk, resent his letter of 28 April by fax on 8 July.

Mr Rentoul's letter set out the background and his case for costs at some length. So far as his grounds were concerned, he submitted that the Council had acted unreasonably in rejecting his representations, and also during the course of the appeal. He said:

> "If the City of Westminster had been acting unreasonably, it would (i) not have sent my employer a penalty charge notice in the first place, and (ii) promptly upon its receipt of the form of representations, have withdrawn the [PCN]... Although... the local authority should never have put me to the trouble of having to appeal in the first place, had it been acting less unreasonably it would have reviewed the matter again immediately upon its receiving notice of my appeal and not have deferred dealing with it for another 3 or 4 weeks."

Mr Rentoul did not indicate what loss, if any, either his former employer (the Company) or he personally had suffered as a result of this alleged unreasonableness.

The Clerk responded on 14 July, indicating that the application would be put before an adjudicator. She said:

> "If the Adjudicator considers that the City of Westminster has a case to answer, they will be asked to submit representations. They will be asked to send you a copy of those representations direct so that you may submit any comments you wish to make on them to the Adjudicator."

As indicated above, this reflects usual practice, namely that an adjudicator considers an application for costs to see whether there is a prima facie case before requiring the prospective respondent to make representations against the making of an order under Regulation 12(2).

The application was in fact considered by the Parking Adjudicator Michael Greenslade on 18 July who, having briefly set out his jurisdiction, said:

> "I have considered the evidence produced by both parties in this case and have decided that it would not be appropriate to award costs or expenses in this case."

Unfortunately, the Parking Appeals Service file in respect of the costs application appears to have been lost shortly after this decision. It is therefore impossible to say precisely what documents the Parking Adjudicator had before him on 18 July, and further whether any documents before him which had been lodged by the Council had been copied to the Company as they should have been. Having carefully reviewed everything submitted to me, it seems to me likely that the only document that Council had lodged was the "do not contest form", and the Parking Adjudicator based his decision primarily upon the evidence and submissions made by Mr Rentoul himself. On the basis of these submissions, the Parking Adjudicator appears to have thought that Mr Rentoul did not have a prima facie case for an order for costs, to which the Council needed to respond. However, I accept that it is possible that the Council had lodged a full set of documents prior to withdrawing, and these may not have been received by Mr Rentoul because (e.g.) they may have been sent by the Council to the Company and not passed on. In any event, in the light of this uncertainty, I can understand the Chief Adjudicators' later decision that the costs decision be reviewed.

Although no doubt some of Mr Rentoul's correspondence could have had a prompter response than it did, it seems to me that there was no undue delay in this case prior to the refusal of Mr Rentoul's costs application. Unfortunately, this review has taken over a year.

The decision to reject the application for costs was sent to Mr Rentoul on 24 July. On 31 July, Mr Rentoul wrote to the Parking Appeals Service expressing surprise that the adjudicator had made a decision in the matter at all. Mr Rentoul expressed unease: he had "the uneasy feeling" that the adjudicator had before him materials which he (Mr Rentoul) had not seen. As I have said, because the Parking Appeals Service appears to have mislaid the relevant file, there was real doubt as to the precise evidence upon which the adjudicator had based his costs decision. Consequently, the Council were asked to resubmit all of their paperwork for the case. Mr Rentoul was informed of this by letter sent on 17 September 1997 (although erroneously dated 6 March). There was an indication in that letter that the Chief Adjudicator proposed reconsidering the case - to see if there were any grounds for reviewing the original costs decision - once the paperwork had been received. Unfortunately, the Council did not resubmit that paperwork, and Mr Rentoul wrote on a number of occasions to the Parking Appeals Service, quite understandably pressing for a response. By March 1998, the Council had still not resubmitted their papers, when the Chief Adjudicator Caroline Sheppard agreed that the costs decision should be reviewed. For the reasons set out above, I consider that the interests of justice compelled a review in the unusual circumstances of this case.

Unfortunately, despite a reminder to the Council in March, papers were still not forthcoming. Eventually, on 8 July, the Parking Appeals Service wrote to the Council indicating that the submissions must be lodged by 13 July. They were in fact lodged that day, and sent to Mr Rentoul. He responded to them on 30 July.

Delay is the bane of judicial process, at all stages. In my view, two aspects of the delay in this case were unacceptable. First, the Council's failure to resubmit its documentation on the case (or any submissions) from the original request of the Parking Appeals Service to them on 17 September 1997, to 13 July 1998. Although the letter of 13 July of Mr McKee of the Council indicates that "because of the age of the case we have had difficulty locating evidence", the reason for this delay is still not clear to me. However, Mr Rentoul does not found his application

for costs on the Council's conduct during the period of this review, but on earlier matters to which I refer below.

Second, although the primary cause of the delay lay at the door of the Council, it is unfortunate that the Parking Appeals Service itself did not take a more robust line with the Council prior to July 1998. I appreciate that one of the main reasons for this is that, until recently, case reviews have not been computerised at the Parking Appeals Service, as are the appeals themselves. The appeals service deals with over 30,000 appeals a year, with an administrative staff of only the clerk, together with the Chief Adjudicator who has an administrative as well as judicial function. It is enabled to deal with so many appeals with so few administrative staff only by virtue of almost complete computerisation. However, matters that fall outside the computerise system can be subject to delay because of lack of resources. Certainly, I intend no criticism of the Chief Adjudicator or Clerk, who have a quite enormous administrative burden. However, it seems to me that a lack of resources cannot excuse - they can only explain - undue delays in the exercise of the Parking Appeals Services' judicial functions.

The Issue

However, whilst I sympathise with Mr Rentoul in respect of the manner in which this matter has been the subject of delay, as I said at the outset of the decision, these are not matters which bear on the issue before me. That issue is, is Mr Rentoul entitled to costs from the Council?

Mr Rentoul set out the basis of his application for costs in his letter of 28 April 1997 (which was before the original Parking Adjudicator) and his letter of 30 July 1998 (submitted in respect of this review). Both letters are lengthy and detailed, but it seems to me that the grounds of the application can be summarised as follows. Mr Rentoul contends that the Council acted wholly unreasonably in rejecting his representations against the NTO and/or in its conduct of this appeal in the following respects:

(i) He contends that the Council failed to comply with the obligation imposed upon it by Paragraph 2(7) of Schedule 6 to the 1991 Act, which provides:

"It shall be the duty of an authority to whom representations are duly made under this paragraph:

(a) to consider them and any supporting evidence which the person making them provides;

(b) to serve on that person notice of their decision as to whether they accept that the grounds in question has been established."

He says that its failure is evidenced by its notice of rejection of his representations dated 17 December 1996, the relevant part of which is quoted above. That letter says: "I am unable to account for the absence of the [PCN] on your return unless it was removed by some authorised person." Mr Rentoul says that the person who wrote this letter could not have read his representations, which did not refer to the absence of a PCN on his return, but to the fact that a PCN had never been fixed to the vehicle at all.

(ii) If the Council had acted reasonably, it would not have sent the Company an NTO at all: and, in any event, upon receipt of the representations, it would have promptly withdrawn the NTO. It should have considered his evidence of a failure properly to issue the PCN and not pursued the penalty further, as did the Council when it withdrew from the appeal on 10 February 1997.

(iii) The Council acted unreasonably following receipt of the Notice of Appeal, by failing to withdraw from the appeal for 3 to 4 weeks. Mr Rentoul contends that that delay was "wholly unreasonable" conduct.

Whilst it may be that, in this case, the Council could have performed better in this case in a number of aspects, I consider its conduct in this appeal was far from "wholly unreasonable": nor do I consider its original decision not to accept the Company's representations to have been "wholly unreasonable".

Taking Mr Rentoul's contentions in turn:

(i) The Council's obligation properly to consider representations (under Paragraph 2(7) of Schedule 6 to the 1991 Act) is, in my view, an important and serious duty. It must properly consider the representations and any supporting evidence provided. A failure to comply with that obligation would be a fundamental failure on the Council's part, that would render the further pursuit of a penalty unlawful.

However, in this case, although the letter of rejection was not felicitiously expressed (suggestive of a lack of care), the Council were faced with a conflict of evidence on the issue of service of the PCN. On the one hand, the Parking Attendant's notebook indicated that the PCN was validly issued (despite the reference to Mr Rentoul driving off). On the other hand, Mr Rentoul said that he drove away before the PCN was validly issued, by it being affixed to the vehicle or handed to him. It is not for me to decide that issue: but it was certainly open to the Council properly to prefer the evidence from the face of the Parking Attendant's notebook. Without expressing any view of my own with regard to this issue, I do not consider it was "wholly unreasonable" of them to reject Mr Rentoul's evidence.

(ii) Mr Rentoul contends that, had the Council properly considered the matter at any earlier stage, they would inevitably have preferred his evidence and not proceeded to pursue the penalty. However, I do not agree. There is a discretion in the Council as to whether or not to pursue a penalty that may be due. It was perfectly open for the Council in July 1997 to decide that, because it was not abundantly clear as to whether the PCN had been validly issued, they should not pursue the penalty in the exercise of that discretion. It would be wholly wrong for a local authority to be under a threat of costs if, in the exercise of its discretion, it decided not to pursue an appeal, preferring to give the Appellant the benefit of the doubt rather than requiring him to go through with an appeal.

(iii) Neither do I consider the Council acted wholly unreasonably in not deciding to withdraw from the appeal until 10 February 1997, which was only approximately one month after the appeal was lodged and 11 days before the hearing date.

In any event, even if the Council had acted wholly unreasonably in respect of any of these matters, Mr Rentoul has not put forward any evidence that he (or the Company, for that matter) has suffered any loss. He has not suggested, for example, that he spent a significant amount of time in preparing for the appeal prior to being informed that it had been withdrawn. Bearing in mind the simple nature of the substantive issue, the need for such preparation would have been unlikely. I appreciate that being pursued for any parking penalty may cause some inconvenience and concern, but, as I stress above, a parking adjudicator's power to award costs is to be exercised sparingly and is purely compensatory. Any appellant or respondent seeking a costs order must show that he has suffered some loss.

For these reasons, looking at the costs application de novo, I would have rejected it. In the circumstances, having reviewed the matter, I confirm the decision of 18 July 1997 of Parking Adjudicator Michael Greenslade rejecting the application for costs.

G R Hickinbottom
20 August 1998