

PARKING APPEALS SERVICE

Mr M Grimwood

-v-

London Borough of Croydon

Parking Appeal 199019516A
Penalty Charge Notice CR93521145

ADJUDICATOR'S REASONS FOR DECISION

Mr Grimwood has never disputed that he parked his car in a bay which was marked along its length on the road surface "Solo Motor Cycles Only".

He gives evidence that he and his wife arrived at this bay in the evening at about 9.15 pm. He is clear that he saw the legend on the road surface. However he also saw a timeplate adjacent to the bay, the presence of which the Council acknowledge, which indicated an overnight parking ban for coaches and heavy lorries. Mr Grimwood has produced photographs of the site. The bays have now been converted to Disabled bays, but he says that otherwise the layout and the (lorry ban) timeplate are the same.

He says that he and his wife gave considerable thought to the implications of this combination of road markings and timeplate. They concluded that it was safe to park a car there. They formed the view that the bay was not exclusive to motorcycles at this time, but could be occupied by vehicles of other classes, provided they did not fall into the categories identified on the timeplate. They reasoned that if all vehicles other than motorcycles were prohibited from parking there during the evening and overnight, the Council would not have installed the timeplate.

The Council have simply argued that the timeplate was irrelevant, and that the bay was properly marked to indicate that it was exclusively for motorcycles at any time.

The Council are under a duty to provide adequate and clear signage of any restrictions. In most appeals where this question arises, the issue is whether the signs in place were adequate or visible. This however is a case of "oversigning".

I find force in Mr Grimwood's argument. While probably not many motorists would have given the time and thought that he did to the meaning of the signs, I find that the conclusion he reached was a tenable one. There is no need for an overnight lorry ban sign adjacent to a bay which is for motorcycles only at any time; it is otiose. By placing it there, the Council have caused the signing to become unclear, and Mr Grimwood was misled.

Consequently I cannot be satisfied that this contravention occurred.

Hugh Cooper
Parking Adjudicator

30 November 1999