Representation for turning right into Turnham Green Terrace from Bath Road

PCN number:

I make representations against the above numbered PCN on the ground that the contravention did not occur as the signage is unclear and inadequate to convey the restriction. As such “there was no failure to comply with an indication” under 1(4)(b)(ii) of Schedule 1 of London Local Authorities and Transport for London Act 2003.

I saw no signs that inform of this restriction. Upon receipt of the PCN I made some investigations including viewing photographs and watching CCTV footage provided by the Council. I make the following observations in support of my contention.

1. The sign 619 “Motor vehicles prohibited” on Turnham Green Terrace through which you are enforcing the contravention provides no warning of the restriction and is not visible until a contravention has occurred.

On approaching the roundabout between Turnham Green Terrace from the Bath Road the sign is not visible to the driver at all. It is set back from the roundabout and only becomes visible when on the roundabout and once the driver has committed to turn left. At this point, the only option a driver has to avoid a contravention is to reverse back onto the roundabout. In making my investigations I observed a driver making this manoeuvre, which was incredibly dangerous to other motorist, cyclists and pedestrians.

1. There is a sign 613 “No left turn for vehicular traffic” on the Bath Road between the bus stop and the roundabout. The sign cannot be observed until the very last moment when a bus or other high-sided vehicle is present. The sign is illegal for two reasons:
	1. There is no left turn, which makes the sign confusing. There is a roundabout ahead and so the sign is contravenes The Traffic Signs Regulations and General Directions 2016 (“TSRGD”) making it illegal.

* 1. Even if there was a left turn ahead, the sign 613 “No left turn for vehicular traffic” on the Bath Road would still be in contravention of the Traffic Signs Regulations and General Directions 2016 and therefore illegal.

I understand that Hounslow Borough Council have been aware of this and admitted this fact as long ago as 20 August, and those aware of the fact include its Leader Steve Curran, member of Cabinet for traffic Hanif Khan, and Assistant Director for Transport, Parking & Environmental Strategy Mark Frost (who signed the Order enforcing the restriction in Turnham Green Terrace). This places the officers and councillors in contravention of *Traffic Signs Manual 2018, Last updated 2 March 2020, Chapter 3, LEGAL ASPECTS AND RESPONSIBILITIES* [their emphasis, not mine], where *3.1 Responsibility*, states: “*3.4.1. Traffic signs in use on the highway must either be prescribed by TSRGD as amended, or be specially authorised by the national authority. Signs that are neither prescribed nor authorised are obstructions on the highway and must be removed.”*

1. Hounslow Council appear to have breached its commitments to best practice stated in their Parking and Traffic Enforcement Policy because the signage is unclear and inadequate.

*“Adopting best practice guidance available, including enforcement operations that are … fair and are reasonable”*

And

*“Communicating clearly to motorists what regulations are in force”*

I understand that in *less than 2 months*, over 7000 PCNs have been issued with regards to this single enforcement. (In comparison, in the 2018-19 year, ie *12 months*, only 37,948 were issued in total in the *entire* Borough of Hounslow for Moving Traffic Contraventions.) This in itself provides strong evidence that it has not been clear to motorists what regulations are in force, because the signage is unclear and inadequate.

**Conclusion**

I have demonstrated above that:

* The sign through which the contravention is being enforced is not visible until the contravention has been made (and to undo the contravention would involve undertaking a dangerous manoeuvre in breach of the Highway Code)
* There are no legal advance warnings signs of any restriction being enforced

For these reasons I believe that the signage is evidently unclear and inadequate to convey the restriction. As such, there was no contravention of the Local Authorities and Transport for London Act 2003 and the PCN should be cancelled. I invite the Council to do so at the earliest opportunity.