**Case Details**

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| **Case reference** | 2220156138 |
| **Appellant** | Timothy Whyte |
| **Authority** | London Borough of Hounslow |
| **VRM** | FD17EZW |
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| **PCN Details** | |
| **PCN** | NJ34725120 |
| **Contravention date** | 11 Nov 2021 |
| **Contravention time** | 15:40:00 |
| **Contravention location** | Staveley Road J/W Great Chertsey Road |
| **Penalty amount** | GBP 130.00 |
| **Contravention** | Fail comply restriction vehicles entering ped zone |
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| **Referral date** |  |
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| **Decision Date** | 21 Apr 2022 |
| **Adjudicator** | Belinda Pearce |
| **Appeal decision** | Appeal allowed |
| **Direction** | cancel the Penalty Charge Notice and the Enforcement Notice. |
| **Reasons** | A Telephone Appeal Hearing was scheduled for 11 a.m. today, 21st April 2022; I spoke with the Appellant on the contact number  provided.  The Enforcement Authority assert that vehicle FD17EZW, being of a class prohibited, was driven at a location at a time when restricted for use by pedestrians and vehicles of excepted classes only.  The Appellant denies liability for the ensuing Penalty Charge Notice on the basis of the prevailing circumstances and challenges as comprehensively stated in his written representations, with supporting copy documents and screen-shots, which he reiterated and detailed during the Hearing.   The Enforcement Authority who assert that the said vehicle was so driven contrary to an operative restriction are obliged to adduce evidence to the requisite standard to substantiate that assertion:-   The evidence upon which the Enforcement Authority rely comprises the certified copy Penalty Charge Notice, extracts of governing Traffic Management Order provisions, and contemporaneous photographic evidence: CCTV footage and still frames taken there-from showing the said vehicle in situ and the applicable signs notifying motorists of the restriction.    The contemporaneous photographic capture was examined, repeatedly, to evaluate the allegation in conjunction with the Appellant's rperesentations regarding the inadequacy of the signage.   The Enforcement Authority adduce further images of the signs at the location and 2 map/plans, with plotted positions of signs and respective images showing the same, together with further images of advance notification signage in the vicinity although for the most-part the images post-date the material date.   Many of the advance notification signs contain distance advice, however such distance can be interpreted as that to the turning shown, or to the point from that turning to the restriction. It is ambiguous.    Further, the Enforcement Authority's own photographic capture demonstrates the inadequacy of the temporary, low-level, easily portable nature of such signs; further the Enforcement Authority's own photographic capture of the signs in situ taken from the junction emphasises the motorist's inability to discern the legend on such signs from that distance.   The Appellant maintains that no fore-warning signage was encountered, certainly none that advertised itself to the Appellant as applying to his intended route. Therefore the Appellant contends that the restrictive signs are positioned at an unexpected arbitrary location and inadequate in that respect.    The Appellant indicated the purpose of the journey and described his route and a sequence of events; I had the opportunity to assess and question the Appellant during the Hearing, I found the Appellant's evidence to be cogent and credible, and I accepted it in its entirety.   In most cases if a motorist passes a pair of signs facing them it will be difficult to argue that the signage is not clear. However the present case the signs are positioned so as effectively to turn the road into a cul-de sac/dead end for vehicles other than those excepted at the point of their position.   It is accepted that split-second judgement calls are made by motorists, therefore necessitating motorists being fully informed in advance as to e.g. curtailments to intended routes; hence whilst it is incumbent upon a motorist to consult signage and comply with restrictions, it is incumbent upon an enforcement authority to ensure the signage implementing the terms of a Traffic Management Order is adequate to communicate the nature of the restriction to motorists.  I do not find that to be the case in this instance.  I accept the Appellant's argument on the aspect of signage. Evidentially therefore I am not satisfied that the contravention, accordingly I allow the Appeal. |