Mr Anthony Charles, Mr Martin Hickson, Mr Iain O’Cleary, Mr Adam Rowstron & Miss Naomi Morgan v Coventry City Council

Adjudicator's Consolidated Decision

| Case Numbers: CV00067-1703, CV00080-1703, CV00084-1704, CV00100-1704 & CV00122-1705 |

All the Penalty Charge Notices subject to these appeals were issued for being parked in a restricted street during prescribed hours.

CV00067-1703 - Mr Anthony Charles  
PCN CV11238717 was issued on 26 October 2016 at 14:33 in Cope Street  
Appeal allowed – the PCN must be cancelled

CV00080-1703 - Mr Martin Hickson  
CV11323077 was issued on 17 December 2016 at 16:27 in Warwick Lane  
Appeal allowed – the PCN must be cancelled

CV00084-1704 - Mr Ian O’Cleary  
PCN CV11283347 was issued on 23 November 2016 at 13:05 in Whitefriars Street  
Appeal allowed – the PCN must be cancelled

CV00100-1704 - Mr Adam Rowstron  
PCN CV11310585 was issued on 6 December 2016 at 20:36 in Gosford Street.  
Appeal allowed – the PCN must be cancelled

CV00122-1705 - Miss Naomi Morgan  
Miss Morgan was issued with two PCNs on consecutive days in Station Square:  
PCN CV11392965 was issued on 22 February 2017 at 14:17  
PCN CV10972529 was issued on 23 February 2017 at 11:17  
Both Appeals allowed – the PCNs must be cancelled
Adjudicator's Reasons:

1. Introduction
I have consolidated five cases against Coventry City Council ("CCC"), the enforcement authority that issued a penalty charge notice ("PCN") to each of the appellants. The common issue that connects them is that the PCNs were issued for being parked in a restricted street during prescribed hours. All of the appellants have appealed because they were unaware that they had parked where parking is restricted because there were no road markings. It is CCC's case that the appellants should have realised that parking was restricted since they must have passed a 'gateway' sign indicating that waiting is restricted at any time in the streets beyond the sign, except in signed bays.

2. The Hearing and Site Visit
Having consolidated the appeals, I decided that I should visit the Coventry City centre RPZ. Therefore, there was a hearing and a site visit in Coventry.

Mr Hickson and Mr Rowstron attended both the site visit and the hearing. Coventry City Council were represented by Caron Archer - Senior Engineer (Traffic Management), Paul Bowman - Parking Services Manager, Paula Gordon - Customer Services Team Leader (Parking Services) and Daniel Kavanagh – coordinator of the CCC’s appeals at TPT.

I am grateful to all who attended the hearing and came along in the bus to visit the city centre and the locations where the PCNs had been issued. They were all helpful, enthusiastic and patient.

3. The City Council’s Case
Coventry City Council say that yellow lines are not required, indeed are prohibited, because the streets are in a Restricted Parking Zone ("RPZ"). They rely on entry, or ‘gateway’ signs placed at the each entry point to the city centre informing motorists that parking is restricted at any time.

CCC also rely on the Department for Transport’s ("DfT") authorisation of the RPZ signs, essentially interpreting the authorisation as an endorsement that the RPZ signing regime is reasonable and adequate information to motorists that each and every street within the RPZ is restricted ‘at any time’, and that parking is only allowed in signed bays.

Because it is part of CCC’s case that the DfT authorisation justified the use of RPZ signs for signing the waiting restrictions in the City centre, after the hearing, I issued Directions to the DfT. I requested them to produce the emails and minutes of the meeting with the CCC’s officers, and to comment on the proposition that the authorisation constituted approval of CCC’s proposal to treat the City centre as a RPZ without road markings.

I also directed CCC to produce a table of the number of PCNs that have been issued in the RPZ since the signs were put in place and the yellow lines removed.

4. Coventry City Centre
Coventry is the eighth largest city in the UK. The city centre is one of the most celebrated in English, not to say European history. Before the disastrous ‘Moonlight Sonata’ blitz in November 1940, it was arguably the best-preserved medieval city centre in Europe. King Canute is mentioned in connection with the city, and he bestowed the title of Earl of Mercia on Leofric, whose plucky wife, Lady Godiva is forever associated with Coventry. Most of the old city centre, including the magnificent cathedral of St Michael, was destroyed in the Luftwaffe air raid. While some of the ancient buildings survive,
most of the city centre was redeveloped in the 1950s and 60s in the typical ‘concrete and brutalist’ style, and included one of the first traffic-free shopping areas in Europe. The centrepiece is the renowned new cathedral, consecrated in 1962.

As well as the Cathedral quarter and the City Hall, the city centre incorporates the Coventry University and its various faculty buildings and student accommodation.

In the early 1970s, a major orbital ring-road was constructed encircling the City centre. This is known as the Ringway.

Further City centre regeneration was undertaken for the 2012 Olympic Games, and the visionary plans included the concept to remove most traffic signs and lines from the city centre and treat the entire area as a RPZ. This meant that there would be no yellow lines within the city centre to denote parking restrictions, but at each entry point, there would be a RPZ entry sign, or ‘gateway’ sign, as CCC refers to them.

CCC also decided to make the City centre a 20mph zone. Therefore the ‘gateway’ signs needed to reflect the speeding restriction in addition to the parking restrictions.

The city centre RPZ is a roughly circular area approximately a mile in diameter, bounded by the Ringway. It comprises streets and cul-de-sacs too numerous to count. They are all subject to parking controls, mostly restricted parking ‘at any time’ but there are various parking bays providing for paid parking, loading and the disabled.

Below is the map of the city centre showing the extent of the RPZ, and where the ‘gateway’ signs are placed. It is a draft map, because it is the one that CCC submitted to the Department for Transport (“DfT”) when CCC applied for the Secretary of State’s authorisation of the ‘gateway’ sign format.

The map shows the extent of the area that CCC intended to be a RPZ and the number of streets it comprises.
5. Parking Restrictions in the City centre

The City centre waiting restrictions are contained in the *City of Coventry (Citywide) (Permitted Parking Area and Special Parking Area) (Designation, Waiting Restrictions, Loading Restrictions, Loading Areas and Street Parking Places) Consolidation Order 2016*. This Traffic Regulation Order (“TRO”) consolidated the previous TROs that had applied across the whole City of Coventry. It conveys the restriction, or conditions of permitted parking places, with reference to keys on a map-based schedules. In essence, except where parking is permitted, all waiting, or parking, in the streets within the city centre are restricted at any time – that is 24 hours a day every day of the year.

Article 13 creates the general waiting restriction, and its application to the individual street or road is shown on the map tiles.

**Restriction of waiting**

13. Save as provided in Articles 18 to 22 and 25 no person shall, except upon the direction or with the permission of a Civil Enforcement Officer in uniform or Police Constable in uniform, cause or permit any vehicle to wait on any restricted road during the restricted hours as specified on the map tiles.

As an example, this map-tile shows the restrictions in Gosford Street for Mr Rowstron’s case:
The relevant labels on the map show “No waiting at any time”, but they also use the words “Restricted Parking Zone”. These labels have no effect within the context of a TRO, the purpose of which is to impose the hours of the restriction. The term “Restricted Parking Zone” refers to a signing regime [see below], not the restriction itself.

6. The Signs in the City centre

There are, in theory, no yellow lines in the City centre to show that waiting is restricted at any time in the various streets, other than in marked bays. CCC rely on entrance, or ‘gateway’ signs placed on every road that enters the city centre within the Ringway.

The ‘gateway’ signs are placed at every entry point to the City centre.

Repeater signs should be placed at regular intervals within the city centre. The exit signs prominently reflect the end of the 20mph limit and are not particularly clear that the RPZ restrictions have ceased.

7. Traffic Signs and Penalty Charges

A penalty charge notice may be issued where a vehicle is parked in contravention of a restriction, or a condition of permitted parking, imposed by the TRO. It is well established in law that a restriction can only be enforced, in other words, subject to a penalty charge, if the restriction or condition has reasonably been brought to the attention of road users by traffic signs and road markings.

In the leading case on parking signage - *Herron v the Parking Adjudicator and Sunderland City Council [2011] (EWCA Civ 905)*, Stanley Burton LJ explained,

“It has long been recognised that the enforceability of a TRO requires that adequate notice of the applicable restriction is given to the road user. This principle is derived from the duty imposed by Regulation 18 of the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 [S.1. 1996 No. 2489]”.
Regulation 18 of Regulation 18 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("LATOR") provides:

18. — Traffic signs

(1) Where an order relating to any road has been made, the order making authority shall take such steps as are necessary to secure—

(a) before the order comes into force, the placing on or near the road of such traffic signs in such positions as the order making authority may consider requisite for securing that adequate information as to the effect of the order is made available to persons using the road;

(b) the maintenance of such signs for so long as the order remains in force; and

(c) in a case where the order revokes, amends or alters the application of a previous order, the removal or replacement of existing traffic signs as the authority considers requisite to avoid confusion to road users by signs being left in the wrong positions.

The term “traffic sign” is defined in Section 64 of the Road Traffic Regulation Act 1984:

(1) In this Act "traffic sign" means any object or device (whether fixed or portable) for conveying, to traffic on roads or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any description—

(a) specified by regulations made by the Ministers acting jointly, or

(b) authorised by the Secretary of State,

and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions.

(2) Traffic signs shall be of the size, colour and type prescribed by regulations made as mentioned in subsection (1)(a) above except where the Secretary of State authorises the erection or retention of a sign of another character;

8. The Traffic Signs Regulations and General Directions

The regulations referred to in 64(2) are the Traffic Signs Regulations and General Directions ("TSRGD"), in which The Department for Transport prescribes all signs and road markings that a traffic authority can use on a street. For parking these are typically single and double yellow lines, or bay carriageway markings with a sign, for example, for ‘permit holders only’. The prescribed signs, with permitted variants, are set out in complex detail in the current edition, the Traffic Signs Regulations and General Direction 2016 [S.I. No.362]. These replaced the TSRGD 2002 and the subsequent 2011 Amendments.

In relation to parking restrictions, the relevant signs would usually be the yellow and double yellow road markings, yellow flashes on pavements to indicate loading restrictions, or white dashed lines marking out parking bays, together with upright signs indicating the nature of the parking or waiting restrictions applicable at the location in question.

In all these cases the vehicles were allegedly parked in contravention of the ‘at any time’ waiting restriction’ imposed by the TRO and map-tiles. The TSRGD requires that restriction to be signed by
the universally known and understood ‘double yellow lines’ (TSRGD 2016 Schedule 7, Part 4, Item 1). In a normal situation and location if the yellow lines are absent then even if there is a TRO restricting parking at any time at that place, then the restriction cannot be enforced and no penalty charge is payable for parking there.

However, there is an exception for streets in a ‘Restricted Parking Zone’ where entry signs to the zone provide the information about the waiting restrictions that apply universally within the zone.


As well as the TSRGD, the Secretary of State provides guidance on the correct use of signs in the Traffic Signs Manuals (“TSM”). This is issued in separate Chapters; Chapter 3 deals with Regulatory Signs.

Paragraph 1.1 of Chapter 3 sets out the basic principles, and are of significance in this case:

1.1 The Traffic Signs Manual is intended to give advice to traffic authorities and their agents on the correct use of signs and road markings. Mandatory requirements are set out in the current version of the Traffic Signs Regulations and General Directions; nothing in the Manual can override these. The advice is given to assist authorities in the discharge of their duties under section 122 of the Road Traffic Regulation Act 1984 and Part 2 of the Traffic Management Act 2004. Subject always to compliance with the Directions, which, except in Northern Ireland, are mandatory … it is for traffic authorities to determine what signing is necessary to meet those duties, although failure to follow the Manual’s guidance without good reason might well lead to enforcement difficulties. In particular, adjudicators might consider such failure to be evidence that the signing was unclear. Traffic authorities should always remember that the purpose of regulatory signs is to ensure that drivers clearly understand what restrictions or prohibitions are in force. [my emphasis]

I will return to this paragraph when dealing with the Secretary of State’s authorisation of the Coventry signs. It explains the relationship between the TSRGD and the TSM.

Essentially, a traffic authority may use any of the signs contained in the TSRGD. Some signs may only be used to give effect to a statutory order, typically a TRO. Others may simply be placed on a road to convey what the authority considers necessary for traffic management. However, the TSM provides advice about the use and placing of signs, with sections dealing with the difference variety of situations and schemes applied on UK roads.

The weight and authority of the TSM was confirmed by the High Court in Oxfordshire County Council v the Bus Lane Adjudicator, where at paragraph 68 Beatson J (as he then was) explained,

“… The introduction to Chapter 3 (of the traffic signs manual) states that “should” indicates a course of action that is “strongly recommended and represents good practice”… In such circumstances wherever signs have not been placed in positions where they cannot be seen or easily seen, not obscured by vegetation or other street furniture and are clearly visible and comply with departmental guidance there must be strong reasons given for concluding that they do not provide adequate information…”

This High Court ruling confirms in law, that not only does a traffic authority have the duty to use signs that are contained in TSRGD, or are authorised by the Secretary of State, failure to use and
place them in compliance with the TSM creates a presumption that they do not provide adequate information.

10. Restricted Parking Zones
RPZ signs were first introduced into the TSRGD in the Traffic Signs (Amendment) (No.2) Regulations and General Directions 2011, made on 20th December 2011 and that came into force on 30 January 2012. They have now been carried forward into the TSRGD 2016.

The statutory definition of Restricted Parking Zone is contained in Schedule 1, the definition schedule of the Traffic Signs Regulations and General Directions 2016:-

An area —
(a) into which each entrance for vehicular traffic has been indicated by a sign which includes the symbol and the legend and item 2 of the sign table in Part 3 of Schedule 5; and
(b) in which none of the road markings item 1 to 4 of the sign table in Part 4 of schedule 7 has been placed

Item 2 is the blue roundel that is recognised Europe-wide as indicating ‘no parking’:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Symbol</th>
<th>Legend</th>
<th>Height and location of legend</th>
<th>Permitted variants</th>
<th>Inclusion of a lower panel</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Entrance to a restricted parking zone</td>
<td>![Red Diamond][Blue Roundel]</td>
<td>&quot;Restricted parking ZONE&quot;</td>
<td>-height: 1.60 mm or 80 mm for “Restricted parking”</td>
<td>1. The name of the traffic authority may be added above any other legend 2. A zone identifier may be added— (a) where the identifier is a name, at the top of the panel (but below the name of the traffic authority if used); (b) where the identifier is a code, to the right of “ZONE” 3. The legend “No loading” may be added below the symbol if that legend is of the same size as “Restricted parking”</td>
<td>A lower panel may be included showing a legend specified in the Part 4 sign table at item 2</td>
</tr>
</tbody>
</table>

Items 1 to 4 are single and double yellow lines, and single and double yellow kerb markings indicating loading ban.

Therefore the zone is defined by its signs, not the waiting restrictions within it.

Although RPZs were not introduced into TSRGD until 2011 they were dealt with in detail in Section 13 of Chapter 3 of the TSM. They helpfully explain why RPZs were introduced:

13.1 Restricted parking zones were originally developed for areas where very narrow roads resulted in conventional yellow lines being visually intrusive. Zones are now also used in urban areas and town centres where it is desired to enhance the environment, for example by improved road surface treatment...

13.2 Waiting and loading restrictions, which must be uniform throughout the zone, are indicated by zone entry signs and time plates within the zone, but without yellow lines or kerb marks. Restricted parking zones are therefore suitable only for single streets or clearly defined small areas [my emphasis]. They are not suitable for through routes with heavy
traffic or facilities which create a demand for parking greater than can be accommodated in the on-street bays (unless convenient off-street parking is available). Unlike a pedestrian zone, there is no restriction on entry into a restricted parking zone.

13.3 Provision may be made for parking and loading within a zone, with bays being delineated either by white road markings or by physical features such as block paving, planters, bollards etc. Upright signs for such bays will generally be prescribed and be in accordance with the signs described in section 7. However, where uncontrolled parking is provided this will need to be indicated by specially-authorised signs. For example, in a 24-hour zone (no waiting at any time) a parking bay might be pay and display during the day, with free (uncontrolled) parking overnight.

Therefore, the CCCs mile-wide city centre wide RPZ, incorporating numerous streets and cul-de-sacs, does not fall within the limits recommended in the Paragraph 13.2 TSM guidance I have highlighted. It is also significant to these appeals that the Guidance envisages the streetscape being designed intuitively through physical features.

Paragraph 13.8 deals with repeater signs in the RPZ, and explains:

These signs should be placed strategically so that where drivers might be tempted to stop, they can see a sign. The spacing between consecutive signs, whether or not they are on the same side of the road, should be no more than 30 m. The signs may be mounted on lamp columns or separate posts. Alternatively, it might be possible to mount them on walls. They should not be mounted where they might be obscured by pedestrians or by vehicles that are legally parked.

I saw few repeater signs during the site visit. There was one in Gosford Street ahead of where Mr Rowstron’s car was parked. There was none in Warwick Lane where Mr Hickson was parked, nor in Cope Street. A spot check of Google Street view confirms that the repeater signs are few and far between.

11. The DfT Authorisation

If an authority wishes to use a form of sign that is not contained in TSRGD then they must apply to the Department for Transport for authorisation to use that sign. In 2011 when CCC conceived the idea of the city centre RPZ and 20mph zone, they had to seek the authorisation of the DfT to use both the RPZ sign, and a combined entry sign.

It must be borne in mind that if a sign is in the TSRGD then it can be used without authorisation. In the summer of 2011 when CCC got in touch with the DfT to discuss their proposals for the City centre RPZ and 20mph zone, the 2011 Amendment TSRGD were already in draft. These would introduce RPZ entry signs into the TSRGD. This is important to understanding the DfT’s thinking in authorising the signs CCC wished to use. Once the 2011 Amendment Regulations came into force any authority would be able to use the sign without authorisation and it would be entirely the responsibility of that authority to ensure that the using the RPZ signs without yellow lines the parking restrictions are reasonably brought to the attention of motorists. Of course, they would be expected to use the signs having regard to the guidance on RPZs in Section 13 of Chapter 3 of TSM.

Therefore, the principal consideration for the DfT authorisation was not so much for the RPZ sign, but its combination with the 20mph zone sign.
That said, the DfT did express misgivings about the size of the RPZ. An email from the DfT dated 10 August 2011, after explaining why they did not like the initial signs submitted by CCC, said:

“Despite it being only the centre a citywide restricted zone might be far too big. Traffic Signs Manual Chapter 3 advises that, ‘restricted parking zones are therefore suitable only for single streets or clearly defined small areas’. Coventry City centre can hardly be described as meeting either of these constraints.”

Most of the correspondence concerns the designs for the sign combining the RPZ and 20mph zone.

There was a meeting at the DfT on 18 August 2011 and the CCC team gave a presentation showing impressive designs for the city centre. In fact the plans were only applicable for the notable sections of the city centre, importantly Broadgate, and there was no apparent plan for the backstreets.

The DfT helpfully provided the minutes of the meeting. They shed considerable light on CCC’s plans, how the proposed scheme was described; and reveal the DfT’s cautious approach.

In a section headed “Coventry vision”, the minutes report:

“The aim of the project in terms of road space is to create shared-space roads and pedestrian areas all over the city centre. The area would be 20 mph zone and the Restricted Parking Zone. It would be the first time any city centre in Britain had been made into a Restricted Zone so would be innovative and of possible interest to Ministers, particularly since it was envisaged that over hundred signs would be disposed of.”

Later the minutes record:

“It should be noted that there is very little traffic in the city centre, except for buses. Virtually all one-way streets, traffic signals and many traffic signs will be removed in a vast decluttering exercise. Signs and lines would only be provided if there was a real need for them.... The only traffic in the city centre will be buses taxis and traffic seeking access to city centre businesses and attractions. The ring road junctions will be signed so as to give access to the local quadrant of the city centre and destinations within that quadrant. Centrepiece to the entire project is the city’s main square, Broadgate from which all traffic is to be removed. Other key areas to be improved are, Gosford Street, full yard, the area by Coventry station, High Street and the area by St John’s Church”

It was also noted that, “the nature of this streetscape design would show motorists that they were now in a low-speed area.”

“The Department had some reservations about allowing an entire city centre to become a Restricted Zone. Our research had shown that many motorists had no idea what such a zone was... It was hoped to alleviate the need for repeater signs because the designs of the streetscape and provision of parking bays the bays would need to be well designed. Given the nature of the proposed traffic measures in the city centre and the effectiveness as the ring road the Department agreed that there are restricted zone approach might work for Coventry and agreed in principle to work with the Council on the proposed approach.”

Further, the minutes noted:

“The Council hinted that it might not enforce the signs if this streetscape would allow the area within the zone to be self-enforcing (i.e. if the street is too narrow this will deter parking).
A month later, on 23 September 2011 CCC sent this email to the DfT:

“With respect to the detail of the Restricted Parking Zone and 20 mph Zone we are currently revisiting the same layouts with respect to the feedback received from our meeting with the view to maintaining the amount of on street parking available to ensure the layouts are self-enforcing.”

I am sure that the proposals outlined to the DfT were well meant at the time and represented the aspirations of CCC in transforming the city centre. However, with hindsight they were unrealistic, both in terms of re-designing every street in the city centre, especially those like Cope Street, Warwick Lane, and even Whitefriars Street, so that the “layouts are self-enforcing”. And no doubt, equally unrealistic in the hope of funding a city centre-wide streetscape transformation.

It is obvious that the DfT were doubtful, but it is equally clear that CCC were determined in their vision, and provided, albeit aspirational, assurances. Had CCC achieved what they had promised then the DfT authorisation would have been more than justified.

A DfT authorisation does not constitute approval of a scheme, or an endorsement that the proposed signing fulfils the purpose on the grounds of indicating the restrictions. They are never familiar with the locations or schemes – they have to rely on the application and information provided by the traffic authority. The authorisation is essentially for the format of the sign, which is not contained in the exact format in TSRGD. Once a sign is in TSRGD then the authority is expected to have regard to the TSM as to how place the signs and design the layout.

CCC applied for the authorisation knowing that the RPZ would not conform to the Chapter 3 of TSM, and they went to considerable lengths to overcome DfT concerns and advice that motorists are not familiar with RPZs. As such CCC are entirely accountable for the obtaining of the authorisation to use the signs. The DfT cannot be held responsible if the traffic signs fail to reflect the terms of the traffic authority’s traffic orders.

It follows that CCC may not rely on the authorisation as evidence that they have reasonably signed the waiting restrictions within the RPZ.

12. The Reality of the Restricted Parking Zone
As it was it turned out there seems to have been no plan for the back streets. Existing yellow lines were covered over with a grey substance that nevertheless retained the visible form of double lines beneath. These are so visible that they almost constitute an authorised road sign in themselves. They do, however, create the impression that there had been a parking restriction but it had been removed. Furthermore, as we saw in the site visit, and is clear in the photographs in Mr Charles’s and Mr Hickson’s cases, the grey substance has worn away in many places and small stretches of yellow lines can be seen. This adds further to the impression that previous restrictions no longer apply.

Although waiting restriction repeater signs were also authorised, hardly any were evident during the site visit and, for example, there were none in Warwick Lane, where Mr Hickson parked, or Cope Street, in Mr Charles’s case.

Further, there are several problems with the gateway signs. There is a 30mph limit beyond the city centre zone and vehicles will be slowing down on approaching the signs. There are two important messages conveyed by the signs. Different people absorb information differently so for some the 20mph zone will be more prominent, for others it will be the RPZ sign. While it is not for me to
determine whether one or other sign is more important, the significance of the RPZ sign is that failure to understand the parking restrictions will result in a penalty charge notice.

The gateway signs are placed in various different locations, some of which are placed as a vehicle is passing under the Ringway flyover (below right), and Miss Morgan submitted the photograph (below left), showing another sign on the exit ramp from the Ringway. Not only are these not positions where the motorist would expect to find a parking restriction sign, but slowing from 30mph to 20mph the information about parking is easily missed. The map submitted to the DfT does not give any indication that the proposal was to place the signs at these unusual locations.

The first two of the photos below showing the gateway signs (produced by CCC in Mr Charles’s case) illustrate how the placing of the signs is confusing within the streetscape context. The third photo beneath (submitted by CCC in Miss Morgan’s case) illustrates where the ‘20’ speed limit carriageway marking is also placed at the site of the sign, emphasising the speed limit and drawing the driver’s attention to that restriction and away from the sign.
Not only is it potentially confusing to take in the message of both signs simultaneously, but it is particularly difficult to see and absorb the information ‘except in signed bays’. Slowing down from 30mph many drivers might mistake the signs for controlled parking zone signs, where every street, except where there are bays, must be marked with yellow lines.

Importantly, the concept behind the signs is that drivers should read the information, and retain it while they travel through the mile-wide zone, searching for their destination and deciding where and how to park their vehicle.

Mr Hickson arrived at Warwick Lane. A photo produced by CCC on Mr Hickson’s case illustrates the botched job made in covering the previous yellow lines with grey (none of the cars are his and sign highlighted indicates the bay conditions):

13. Compliance, Findings, and Conclusion
The proof of the pudding is in the eating. If the street layouts successfully created a self-enforcing environment that CCC promised the DfT, then most motorists would realise that parking is restricted despite the absence of yellow lines, and not park there. Of course, there will always be a small proportion of deliberate risk-takers so 100% compliance will never be achieved.

At the hearing I asked CCC to produce the number of penalty charge notices that had been issued in the RPZ since the implementation of the scheme. They produced a table showing that from October 2012 to August 2017 CCC issued 58,356 PCNs in the RPZ. The table shows a month-by-month breakdown. These equate to a fairly consistent 30 PCNs per day.

Of course local people will have become aware of the the intention behind the RPZ scheme. However, bearing in mind the university within the RPZ will always generate frequent and varied traffic from from far and wide, and the visitor attractions by their very nature involve strangers to the city, the assertion made to the DfT at the meeting that “there is very little traffic in the city centre, except for buses” was wishful thinking.
Adjudicator's Decision

With PCNs issued with that consistency and persistency, year on year, it must have dawned on CCC that the the RPZ scheme was far from ‘self-enforcing’, and that motorists regularly fail to understand where parking is restricted. Even on a case by case basis, they must have realised that streets like Cope Street and Warwick Lane were confusing, giving the appearance of unrestricted parking.

I find that:

- At each of the locations where the PCNs subject to these five cases were issued CCC had failed in its duty under Regulation 18 of LATOR to bring to the waiting restriction to the attention or road users.
- Having regard to Beatson J’s guidance [page 7 above],
  - the RPZ does not comply with the guidance in Chapter 3 of the TSM insofar as the zone so exceeds the recommendation that it renders the purpose of zone ineffective.
  - Looking at the RPZ on a street-by-street basis the gateway signs do not have the practical effect of informing motorists that waiting is restricted in every street within the mile-wide zone.
  - Some of the gateways signs are placed so that in the context of the streetscape and speed of approach, the information about parking restrictions are not reasonably conveyed.
  - Repeater signs are not placed in sufficient numbers of places to conform to the TSM guidance
- The DfT authorisation relates to the format of the signs and cannot be relied upon as an endorsement that the signs effectively inform motorist of waiting restrictions within the zone. The authorisation was given on the assumption that CCC would deliver the zone-wide project described to the DfT officials. Had CCC delivered their ambition maybe the gateways signs would have been sufficient and effective – but that is speculation because much of the streetscape environment in the city centre amounts to poorly maintained, ordinary streets and back-streets - a far cry from the vision described to the DfT.

It follows that I find that the waiting restrictions in the streets subject to these appeals are unenforceable. The facts and findings in respect of each case are set out in the appendix. The penalty charge notices must be cancelled. (The facts and findings in each case are addressed in the appendix).

I conclude that such is CCC’s enthusiasm for the concept of a city centre zone bounded by Ringway that they are blind to the fact that motorists unfamiliar with Coventry are confused and effectively misled into thinking that the street where they parked is unrestricted. CCC have lost sight of the Guidance at paragraph 1.1 of Chapter 3 of the Traffic Signs Manual advising that, “Traffic authorities should always remember that the purpose of regulatory signs is to ensure that drivers clearly understand what restrictions or prohibitions are in force.”

Inevitably there are experimental schemes, where a motorist encountering something different may not recognise what the traffic authority intended. Many authorities recognising this decide not to penalise ‘first-time users’, but use the opportunity to explain the unfamiliar scheme so that it will be understood in future. That approach encourages understanding and subsequent compliance without resorting to a plethora of signs.

In Coventry, however, the number of PCNs issued since 2012 should be evidence enough that the over-large RPZ is not readily understood by motorists. Yet CCC, seemingly with a determination and
delusion reminiscent of King Canute himself, has continued to enforce PCNs. The disgruntlement on the part of some of today’s Coventry citizens about the imposition of parking penalties in the city centre echoes that felt by their medieval forbears about the tolls imposed by Earl Leofric, causing his wife, Lady Godiva, to undertake so memorable a protest to draw attention to their plight.

Caroline Sheppard OBE
Chief Adjudicator
8 May 2018
Appendix - The Individual Appeals

CV00067-1703 - Mr Anthony Charles

PCN CV11238717 issued on 26 October 2016 at 14:33 in Cope Street

Mr Charles appealed on the basis that there are no visible signs in Cope Street to indicate that parking is restricted. He did not attend the hearing but he did submit this photo of Cope Street. There are no yellow lines and the nearest repeater sign is across the road at the junction, positioned beside a long stretch of grey lines.

I find that Coventry City Council failed in their duty reasonably to bring to the attention of road users that waiting is restricted in Cope Street and the appeal is allowed. The PCN must be cancelled.

CV00080-1703 - Mr Martin Hickson

CV11323077 issued on 17 December 2016 at 16:27 in Warwick Lane

Mr Hickson appealed principally on the basis that there are no yellow lines under or around his vehicle. He explained that he had come to Coventry to take part in a BBC concert and while he saw a bay, he could not park there because the time limit was restricted to 2 hours and he needed to be in the concert hall for longer than that. The rest of the street seemed unrestricted. I must mention that with his representations he produced admirable and impressively detailed drawings of Warwick Lane where he was parked. We visited Warwick Lane on the site visit and there are no repeater signs. In any event, I do not accept that the restricted parking zone scheme would cover Warwick Lane. (See the photo in section 12 above.)

I find that Coventry City Council failed in their duty reasonably to bring to the attention of road users that waiting is restricted in Warwick Lane and the appeal is allowed. The PCN must be cancelled.
Adjudicator's Decision

CV00084-1704 - Mr Ian O’Cleary

PCN CV11283347 issued on 23 November 2016 at 13:05 in Whitefriars Street

Mr O’Cleary appealed because where he parked his car there are no yellow lines. He was parked near a pay and display machine and he had purchased a £4 ticket that was displayed in his car. He did not attend the hearing or the site visit. There is a photograph that the CEO took of a ‘repeater’ sign, but it cannot be seen in the context of the Mr O’Cleary’s car. Although photos of ‘gateway’ signs at Cox Street are produced, there is no evidence that is where Mr O’Cleary entered the city centre and arrived at Whitefriars Street from that route, in any event those signs are some distance away. CCC cannot rely upon them to indicate the parking restrictions in Whitefriars Street.

I find that Coventry City Council failed in their duty reasonably to bring to the attention of road users that waiting is restricted in Whitefriars Street and the appeal is allowed. The PCN must be cancelled.

CV00100-1704 - Mr Adam Rowstron

PCN CV11310585 issued on 6 December 2016 at 20:36 in Gosford Street.

Mr Rowstron’s appeal was initially complicated because he submitted photographs of his vehicle parked in a different place from that where the PCN was issued. Subsequently he explained that he had not noticed the PCN when he drove off because it was dark and that when he saw it on his windscreen he returned to where he thought he was parked. He also explained that he had come to Coventry City centre to go to a pub quiz in the Phoenix Park, arrived in the dark and had no reason to believe the parking was restricted. Gosford Street is in the section of the city centre where paving indicates where parking is permitted. However even at the place where he parked there are different paving features that makes it confusing to establish where parking is permitted and where there is simply a variety in the footway paving.

The CEOs photos show how difficult it is to discern the variations in the paving at night, but they do show Mr Rowstron’s car on paving rather than the carriageway. They also show a number of other cars parked in a row. These point to a further difficulty - since the permitted bays are not operational after 6pm there would have been a number of cars parked in Gosford Street, making it harder to tell the difference between the permitted parking and the unmarked restricted area. One photo shows a pole in front of the car. At the site visit, we saw there is a ‘repeater sign’ on the pole. We also saw a brick line in the paving just behind the pole that gave the impression that the repeater sign applied beyond the brick line. Bearing in mind it was dark when Mr Rowstron arrived and when he left, any confusion was understandable.

I find that Coventry City Council failed in their duty reasonably to bring to the attention of road users that waiting is restricted in Gosford Street and the appeal is allowed. The PCN must be cancelled.
CV00122-1705 - Miss Naomi Morgan

Miss Morgan was issued with two PCNs on consecutive days in Station Square:

PCN CV11392965 was issued on 22 February 2017 at 14:17
PCN CV10972529 was issued on 23 February 2017 at 11:17

Miss Morgan’s case is rather different. She had been parked outside the station. She did not attend the hearing, but submitted informative and compelling photographs of the roads around the station. She appealed because, “there are absolutely no double yellow lines or signs saying that there are any parking restrictions in place.”

The station is 250m south of the Ringway and therefore is not within the boundary of the city centre. The map submitted to the DfT for the authorisation does not even include the station, although improvements to that area were mentioned in the minutes to the August 2011 meeting. At the hearing, CCC officers maintained that the station is within the city centre RPZ and that the RPZ signs apply, even if outside the Ringway boundary.

The station area has its own TRO, The City of Coventry (Restricted Parking Zone Extension) (Permanent) Order 2016, which is drafted in identical terms to the consolidation order.

Miss Morgan’s photos show considerable construction work and hoardings on the surrounding sites. The carriageway has no markings, or “physical features such as block paving, planters, (and) bollards” as recommended for a RPZ in the TSM.

I agree with Miss Morgan, that neither the signs nor the streetscape provide sufficient information to alert motorists that parking is restricted in Station Square. Again, I would observe that CCC have overlooked the duty that TSM reminds them of, namely that, “Traffic authorities should always remember that the purpose of regulatory signs is to ensure that drivers clearly understand what restrictions or prohibitions are in force.”

In the Notice of Rejection CCC also suggested that she must have passed a nearby sign because of where she was parked. I do not accept that CCC can make that presumption. The photos of signs, and of the area around the station, which Miss Morgan produced with her appeal, indicate a very confusing situation approaching the station and the absence of yellow lines do not make it clear that there are waiting restrictions – it effectively looks like a drop-off point around an airport.

I find that Coventry City Council failed in their duty reasonably to bring to the attention of road users that waiting is restricted in Station Square and both appeals are allowed. The PCNs must be cancelled.