

BIRMINGHAM COUNTY COURT

No. 6QZ93881

33 Bull Street

Birmingham

2 October 2007

Before:-

DEPUTY DISTRICT JUDGE ROBINS

COMBINED PARKING SOLUTIONS

Claimant

v

BLACKBURN

Defendant

JUDGMENT
(As Approved by the Judge)

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Approved Judgment

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Deputy District Judge Robins:

1. This claim arises from a parking ticket issued by the Claimant to Mr. Blackburn for having parked his car in a car park belonging to the Claimant. £135 is sought.
2. I have had the benefit of Mr. Perkins explaining how it has all arisen, and I have had the advantage of Mr. Blackburn explaining his view of the matter and how he regards the whole thing. I am very grateful to both of them for being so polite and clear in the expression of your views.
3. I have to decide this on the balance of probabilities.
4. What I have been shown is a car park in Telford. The photographs show that Mr. Blackburn, on the particular day, drove down the road approaching this building and this car park on his left-hand side. He turned in on the left. The turn-in is shown on the photographs clearly as approaching an area, a hard standing (I do not know how firm it is, but it is a hard standing). It is on two sides of what looks like a temporary building, but is a wooden construction, which is a cafe.
5. That cafe bears some red signs, which are clearly shown at reference 7 in the photographs. In the photographs it is shown how anyone who parks in that car park would drive in. In particular Mr. Blackburn, because his car is featured in one of the photographs which was taken on the day. He came into the car park, he passed the building on the right-hand side with what looks like a pergola – a structure like a roof without the tiles on. He then turned to the right, around to the left-hand side of this building.
6. The signs are on the right-hand as one drives in. The signs will be on the right-hand side as Mr. Blackburn parked.
7. Mr. Blackburn's evidence is that you do not necessarily see them. They are not directly in front of you. They are not at the entrance. They are not surrounding the car park. They are not on the grass. They are not anywhere else in the car park. They are only here, attached to this building. Mr. Blackburn says, "I did not see them. I did not know that this was a car park relevant to this building. I did not know what they said. I did not see them. I did not read them. They are not in a place where I would expect to be able to read them. They were probably not enough to draw themselves to my attention".
8. I have to decide, on the balance of probabilities, should they have been in his knowledge on that morning.
9. I have to say, having read the statement and having looked at the pictures (which are very useful) and having had it explained, I consider they were there to be read. They are the right colour. There are three of them. Although I do not accept what Mr. Blackburn tells me, that this car park is not necessarily for this establishment, when Mr. Blackburn parked his car the sign was to his right and ahead.

Approved Judgment

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10. I am looking at reference 7. There is a red car parked, which looks like the red car which is in photograph at reference 6. Mr. Blackburn was two or three spaces away. He had to walk out, past the red sign then on his left-hand side. I think that any reasonable person – and I am not saying that Mr. Blackburn is unreasonable – parked there could reasonably be expected to cast their eyes around and see those signs without any difficulty.
 11. Mr. Blackburn parked that day. I know what he says about having enquired six weeks earlier. I understand what he says about, “Well, I did not know that it was to do with a coffee shop. I just found somebody who was there as somebody to talk to, not necessarily an owner or a responsible person for the car park. I was assured it was a two-hour parking and I did not think beyond that when I parked again six weeks later”.
 12. It comes down to the sign. I have decided that it was a reasonable place to put it. It was not an unreasonable place to put it.
 13. I find, as a consequence, that Mr. Blackburn is liable to pay.
 14. I find that the parking fees are not unreasonable having regard to the British Parking Association Code of Practice. They escalated in accordance with the warnings given on the ticket.
 15. Judgment for £135.
(There then followed a discussion re interest).
 16. That is £8.11. There is then the court fee of £30. £4.90 for parking. £190.01 – twenty-one days to pay.
(Mr. Blackburn then applied for leave to appeal)
 17. I would say that you have no reasonable prospects of success, and I refuse.
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