

Adjudicator's Decision

Patricia New
and
Medway Council

Penalty Charge Notice MW99718678 £60.00

Appeal allowed on the ground that the alleged contravention did not occur.

I direct the Council to cancel the Penalty Charge Notice and Notice to Owner.

Reasons

The PCN is dated 29 June 2012 and was issued by post in respect of a contravention on 25 June 2012 at 12:44 relating to vehicle GU10FFZ in Globe Lane for being in a bus lane.

This was a personal appeal hearing at Chatham on 26 October 2012 attended by the appellant and her husband. A representative from the council attended but only to observe and not to participate. At the conclusion of the hearing I adjourned in order further to consider the evidence and so that I could visit this location myself which I did on 23 November 2012.

I also directed that the council inform the Tribunal of the number of PCNs issued in respect of this bus lane. In response to my direction, the council has informed the Tribunal that a total of 13,714 PCNs have been issued since 6 November 2011.

Mrs New appeals on the basis that the signage for this bus lane is unclear. The road layout had changed since her last visit to Chatham. She explained that she had been to Staples in Medway Street and drove out of the car park, turning left with the intention of going to Dock Road. Whilst she remembers passing buses, she could not recall any signage indicating a restriction.

Mrs New explained in detail the route she had taken and also gave me her observations on the inadequacy of the signage following a subsequent visit. In particular she raised the question of where a vehicle was to go from Medway Street when there were bus lanes on the left and the right and the road straight was not accessible by cars.

The video of the alleged contravention shows Mrs New's vehicle slowly approaching a pedestrian crossing which immediately follows the two bus lane signs which indicate the start of the bus lane. When I showed this to Mrs New at the hearing and asked where her attention was focused as she drove in this direction, she said that it was on the pedestrians and the crossing.

The council argues that the signage is clear. There are signs on Medway Street indicating the presence of bus lanes on both the right and left which can be seen prior to turning. There are two signs on either side of the start of the bus lane. A vehicle approaching this junction is permitted to continue straight ahead to enter Military Road and gain access to Chatham High Street. The area between the two bus lanes is not classed as a bus lane and enables the driver to turn around and return to Medway Street.

Having reviewed the evidence provided by the parties and visited the location, I find as follows:

1. There is signage on Medway Street indicating bus lanes on the left and right turns.
2. There is a 20 MPH speed limit sign just before the junction of Medway Street and the crossroads.
3. There is a pedestrian crossing at the junction of Medway Street and the crossroads.
4. Turning left into Globe Lane, there are bus signs on either side of the entrance to the bus lane corresponding to diagram 953 of the Traffic Signs Regulations and General Directions but no roadmarkings.
5. The other side of the cross roads from Medway Street is a pedestrian area, not a through road.

Mindful of the principle that strong reasons are required to allow an appeal where the signage is arguably technically compliant, I have nevertheless reached the firm conclusion that the signage in relation to the Globe lane bus lane is inadequate. The adequacy of signage cannot be judged in isolation but must be considered in the context of the road system and how it is experienced by drivers. I reach my conclusion for the following reasons:

- a. The central problem with the road system is the unacknowledged fact that Medway Road is a dead end. There is nowhere for the private motorist to go after the pedestrian crossing at the junction of Medway Street and Globe Lane. The 20 MPH speed limit sign located at this junction contributes to the misleading impression that a driver can continue past the junction with Globe Lane whereas in fact he can turn neither left nor right. As for the council's submission that "when you approach the end of Medway Street with the junction of Globe Lane, you are permitted to

continue straight ahead to enter Military Road and gain access to Chatham High Street", there must be confusion here because the other side of the crossroads is not a road at all. I am not aware of its technical status but it appears to be a pedestrian zone. The proposition that a driver can properly extricate himself by performing a u-turn in the centre of this crossroads, busy with buses and pedestrians, is perhaps the clearest demonstration of the failure of this road system.

- b. The driver who reaches the end of Medway Street, observes the 20 MPH sign, negotiates the pedestrian crossing and then turns left is then faced with something that looks like a bus station but also like a road. As with Mrs New, the driver unfamiliar with this location is likely to drive cautiously because immediately in front is another hazard in the form of a pedestrian crossing. Having heard Mrs New's evidence, viewed the video and visited the site, I am satisfied that a careful driver's primary focus would be on the pedestrian crossing and that the existing signage, which is adjacent to the crossing, is insufficient to give adequate warning of the presence of the bus lane. I note that a similar conclusion has been reached by my colleague Adjudicator Nicholls in MW06610B and I agree with his reasoning.

I therefore allow this appeal on the basis that the signage is inadequate in the context of a confusing road system. This decision is based on the evidence in this case and I have given only very limited evidential weight to the fact that more than 13000 PCNs have been issued for like alleged contraventions, although the council may wish to reflect on this when considering the future of this road system.

John O'Higgins
Adjudicator

2 December 2012