

IN THE COUNTY COURT AT LIVERPOOL

Claim No. C9DP2D6C

35 Vernon Street
Liverpool
L2 2BX

Wednesday, 7th December 2016

Before:

DEPUTY DISTRICT JUDGE BRITLIN

Between:

VEHICLE CONTROL SERVICE LIMITED

Claimant

-v-

MR [M. redacted]

Defendant

The Claimant did not attend and was not represented

Representative for the Defendant:

MR JOHN WILKIE

JUDGMENT APPROVED BY THE COURT

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JUDGMENT

DEPUTY DISTRICT JUDGE BRITLIN:

1. The matter before the court today is in respect of an alleged contractual claim in relation to parking issues. I note, however, the claimant is not present and a notice of discontinuance has been filed.
2. I have before me the defendant who is ably represented by his representative and I have before me the counterclaim. The counterclaim is put forward on the basis of a breach of Data Protection Act on the basis that the defendant's position is that he had not stopped, he had not parked, and he was simply in the process of turning which inevitably involved, for want of a better description, a short period of movement, less than 60 seconds. I have no evidence against that. I find as a fact that the defendant's evidence therefore is correct. There is nothing for me to interfere with his evidence on.
3. The claim is pleaded for £250. There is a reply to the counterclaim. There is no representation on that basis. I accept the defendant has proved the counterclaim. The claim of £250 is a sum that I do not interfere with. There have been representations with regards to the reasonableness or otherwise of the claimant's action and I have been invited to consider rule 16.4 with regard to punitive damages. I have to say I am not convinced by that, as of today, with the evidence before me. On that basis therefore the claim having been discontinued, there will be judgment on the counterclaim for £250.

[Submissions on costs follow]

4. I appreciate the claimant is not present today. I do not accept that in a small claim that that constitutes an unreasonable course of action. It is an unfortunate course of action, but it is not unreasonable.
5. I will allow loss of earnings and I will allow them at £90 on the basis that it is a couple of hours or so. I will allow travel expenses of £14.40. Regrettably, I am not satisfied that the representative's travel expenses should be recoverable. I do appreciate they have been of great assistance to the defendant. I will allow therefore the total expense of £90 loss of earnings and £14.40 and there be judgment for that sum in 14 days.

[Judgment ends]