

**IN THE COUNTY COURT AT OLDHAM**

**Claim No. C8DP11F9**

New Radcliffe Street  
Oldham  
OL1 1NL

Friday, 9<sup>th</sup> September 2016

Before:

**DISTRICT JUDGE BURROW**

Between:

**EXCEL PARKING SERVICES LIMITED**

Claimant

-v-

**[Redacted – Mrs S]**

Defendant

\_\_\_\_\_  
Legal Representative on behalf of the Claimant Company:

MR PICKUP

The Defendant appeared In Person  
\_\_\_\_\_

**JUDGMENT APPROVED BY THE COURT**

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## JUDGMENT

DISTRICT JUDGE BURROW:

1. This is a claim that has been brought by Excel Parking Services Limited against [Redacted] in relation to a parking charge in the sum of £100. The total claim now is £165.76. I have considered in support of the claimant's case a statement of Moneeb Majid dated 24<sup>th</sup> August 2016 and heard the representations made by Mr Pickup. In relation to the defendant, I have considered the statement filed by [Redacted – the defendant] and also the Statements of Case of the parties. I have also heard evidence from Mrs [Redacted – the defendant] and she has been subject to a very brief cross-examination.
2. This claim relates to a parking ticket issued on 19<sup>th</sup> September 2014 for parking at the Peel Centre in Stockport. There is in fact no dispute by the defendant that she entered this car park. There is annexed to the statement of Mr Majid various images of her vehicle and confirmation of the specific times of entry and departure. She entered the car park at 10.57 and exited the car park at 12.51. That is not disputed. It is not disputed by the defendant that this car park was subject to payment terms. It was a pay and display car park. Automatic number plate recognition was in place and the requirements of the machines as confirmed by the notices attached to Mr Majid's statement is that a payment must be made and a ticket must be obtained and that ticket must then be displayed and that ticket requires display of the date, the time and the correct vehicle registration number.
3. The defendant's case is that she did obtain a ticket and that is not disputed by the claimant. The ticket that is before the court today states 11.01 which fits entirely with the defendant entering the car park at 10.57. She paid an appropriate sum for her to park in the car park for up to two hours. She did not remain in the car park beyond two hours, so the sum was appropriate. The difficulty that the defendant faces and which has resulted in this matter coming to the court today is that the ticket she obtained did not contain the vehicle registration number. Instead of showing the vehicle registration, [Redacted], it simply showed "QQ". The defendant's case to the court today is that she complied with the terms of this car park relevant to her parking there. She entered the car park. She went to pay for her ticket. She paid for her ticket and she entered her registration number and the ticket that came out is the ticket that she has produced to the court today that shows two letters "QQ" that have also been referred to as "Zero Zero" by the claimant in the course of these proceedings. She displayed that ticket and as far as she was concerned had fully complied with the terms and conditions of the car park.
4. It is for the claimant, of course, to satisfy the court on the balance of probabilities that this amount is due from this defendant and as far as I am concerned I am not satisfied in this case that it is appropriate for the court to enter a judgment against this defendant and to find in favour of the claimant. I accept entirely the evidence of Mrs [Redacted – the defendant] to the court. She came across to me as an honest and credible witness and what she confirmed is that she entered the car park and she entered her registration number. It seems to me that in all probability had she entered the registration number "QQ" the machine would simply have not recognised that. Whether that is the case or not, I am satisfied that she entered the correct registration number and I accept her evidence on that.

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5. I am satisfied that the ticket then produced is the ticket that she has produced to the court. It was through no fault of hers that this ticket displayed the letters “QQ” instead of her registration number. She obtained a ticket. She made the payment to obtain that. She displayed that ticket. It shows the relevant time of entry. It shows the amount that she has paid and it shows the registration number that the ticket machine produced. It would have been unreasonable to expect the defendant to do anything further beyond that as far as I am concerned. The registration number is not accurately reflected but that is through no fault on the part of the defendant and I find on the balance of probabilities that the defendant had inputted the correct registration number and she had then displayed the ticket that was issued and so to all intents and purposes had fully complied with the terms and conditions applicable to this car park. Accordingly, I am going to dismiss the claim.

*[Judgment ends]*