

## Copy of Entry in Statutory Register

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| <b>Case Reference</b> | 9050029890   |
| <b>Appellant</b>      | Mrs Florence Oyewole   |
| <b>Authority</b>      | Transport for London   |
| <b>Contravention</b>  | On a road in the charging area to which a charging scheme applies without payment of the charge                                  |
| <b>Decision Date</b>  | 31 Mar 2005  |
| <b>Adjudicator</b>    | Mr Ian Mohabir   |
| <b>Decision</b>       | Allowed  |
| <b>Direction</b>      | cancel the Penalty Charge Notice.  |
| <b>Reasons</b>        | This is an appeal in relation to a penalty charge notice dated 29 December 2004. The contravention occurred on 24 December 2004. |

The Appellant is a resident with the charging area. She purchased a resident's monthly charge commencing on 26 November 2004, which expired on 23 December 2004. This is common ground between the parties. Her evidence is that she telephoned TfL on 14 December 2004 and was advised by the telephone operator that she was "covered" until 24 December 2004 and did not have to purchase a charge until 4 January 2005. Relying on this assurance, she subsequently entered the charging area and the contravention occurred. She submits that in the circumstances, she should not be liable for the penalty charge.

TfL argue that its telephone operators are highly trained and would not have advised the Appellant in error as has been alleged by the Appellant. No record of the conversation that took place between the Appellant and the telephone operator exists.

It is not necessary to set out the statutory basis on which the charge is payable and how liability for a penalty charge arises as these are not issues in this appeal.

On balance, I accept the Appellant's evidence that she did telephone TfL on 14 December 2004 and was advised by the telephone operator in the terms alleged by her. I find that the relevant dates in this appeal are so proximate that an error on the telephone operator was highly probable. The fact that the Appellant subsequently purchased a monthly charge on 4 January 2005, in accordance with the advice given to her, lends further credibility to her evidence. In following the advice given to her by TfL's telephone operator, the Appellant acted to

her detriment and Tfl are, therefore, now estopped from seeking to recover the penalty charge from her. Accordingly, I allow this appeal