

Street Management

ENFORCEMENT OF PARKING RESTRICTIONS POLICY

OBJECTIVE: The objective of this policy is to ensure that the Council function of enforcing restrictions which apply to parking areas within the Local Government area is conducted in a manner which is fair, consistent, impartial and transparent.

POLICY:

Definitions

- **Parking Restriction:**

Means any restriction which is lawfully imposed on a parking area and may include (but is not limited to) time limitations on the duration of stay within the park; restrictions which limit the use of parking spaces to particular vehicles or purposes; or restrictions which limit the use of parking spaces to people with a disability.

- **Penalty and Infringement Notices (PIN):**

Means a notice issued by Council requiring the payment of an amount of money for breaching a lawful parking restriction. The power to issue a PIN and the amount of the penalty are both established by legislation.

Policy

Council will enforce restrictions on parking within the Council area in a manner which is fair, impartial and transparent. This policy will be achieved by performing the enforcement of parking restrictions in accordance with the details in this policy.

Impartial Enforcement of Parking Restrictions

Council must enforce restricted parking requirements in a manner which is impartial. In particular, no person, group, class of people or business or workplace shall be excluded from the enforcement of parking restriction requirements unless that exclusion is authorised by law or is in the public interest. For example, it is in the public interest that parking restrictions will not be enforced in relation to emergency vehicles attending the scene of an incident in the course of their emergency function.

Monitoring Restricted Parking Compliance

Council will monitor compliance with restricted parking requirements by:-

- a) Routinely patrolling restricted parking areas;
- b) Responding to complaints concerning illegally parked vehicles; and
- c) Conducting targeted programs, in particular, restricted parking areas to address heightened or systemic non-compliance problems.

Response to Identified Breaches of Restricted Parking Requirements

Council officers will have discretion to respond to identified breaches of restricted parking requirements in the following manner:-

- a) In the ordinary course, a penalty infringement notice will be issued in response to a breach of a lawful restricted parking requirement.
- b) Each instance of a breach of a restricted parking requirement shall be taken on a case by case basis and the Council officer shall have discretion not to issue a penalty infringement notice when it is fair and appropriate in the circumstance.
- c) Council officers authorised to issue penalty infringement notices must receive training to ensure a consistent approach to the issue or non issue of a parking infringement notice.
- d) In determining whether a penalty infringement notice is to be issued or not, Council officers must exercise their discretion impartially.
- e) A decision by a Council officer to issue a penalty infringement notice may be reviewed at the request of the person responsible for paying the infringement notice.

Administration and Collection of Penalty Infringement Notices once they are issued

Council has contracted the administration of penalty infringement notices, including their collection, to the State Debt Recovery Office. Pursuant to this contract, the State Debt Recovery Office is responsible for collecting the payment of amounts required by penalty infringement notice and also for determining any requests for the cancellation of a penalty infringement notice by the recipient.

Requests made to Council for the cancellation of a Penalty Infringement Notice

A person who receives a penalty infringement notice may make representations directly to Council requesting that the penalty infringement notice be cancelled.

Once a penalty infringement notice has been issued, the notice must not be cancelled by the issuing officer.

Council may only authorise the cancellation of a penalty infringement notice after it has been issued if at least two of the following officers review the circumstances of the matter and unanimously authorise the cancellation of the infringement notice:-

- General Manager; Director responsible for enforcement of parking restrictions; Manager responsible for enforcement of parking restrictions; Senior Ranger.

Collectively, the people performing these positions for Council are referred to as the Review Panel. There is no requirement for all members of the Review Panel to review every penalty infringement notice following a request for the cancellation of that notice. As a minimum, however, at least two of the Review Panel must review each request and regardless of how many members of the Review Panel review a request, the decision to authorise the cancellation of the penalty infringement notice must be unanimous.

In the event that a unanimous decision cannot be reached, then the request to review the penalty infringement notice is to be referred to the State Debt Recovery Office for determination at its discretion.

If the cancellation of a penalty infringement notice is authorised by Council, a full and complete record must be made which identifies, as a minimum, the following details:-

- a) The registration details of the vehicle which was parked in breach of the parking restrictions and, when known, the identity of the person responsible for the PIN. (It will be sufficient to identify who received the PIN by simply identifying the registration details of the vehicle which was illegally parked.)
- b) Who made the request for cancellation of the penalty infringement notice?
- c) The details of the request for cancellation, which must be in writing signed by the applicant.
- d) The reasons which support the cancellation being authorised.
- e) The names of the Review Panel members who determined the request for the PIN to be cancelled.

Council will not consider a request to cancel a penalty infringement notice unless that request is made in writing and is received within a period of no more than 40 days from the date of the infringement notice.

Once a penalty infringement notice has been referred to the State Debt Recovery Office for collection, any requests for the cancellation of that penalty infringement notice must be referred to the State Debt Recovery Office for determination by that agency.

The State Debt Recovery Office may determine requests for cancellation of a penalty infringement notice without reference to Council. In some circumstances the State Debt Recovery Office may request Council's input in relation to representations seeking the cancellation of a penalty infringement notice. When such a request is made by the State Debt Recovery Office, Council's response must be authorised by at least two members of the Review Panel and a detailed record of Council's response should be retained.

Nothing in this policy prevents the Review Panel considering and authorising the cancellation of a penalty infringement notice at the instigation of Council officers and in the absence of a request from a member of the public. If a penalty infringement notice is cancelled at the instigation of Council then a written record of that cancellation must be made which includes the details noted earlier in this policy.

Probity and Conflict of Interest

Tamworth Regional Council's Code of Conduct and the Local Government Act 1993, provides guidance to assist Council officers to determine if they have a conflict of interest in relation to a particular parking restriction enforcement matter.

Further, specific assistance may also be obtained from Council's Public Officer or Council's Internal Ombudsman at the request of any Council officer if the officer has concerns about any potential probity or conflict of interest matter in connection with the enforcement of parking restrictions.