



Title: Parking Enforcement

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Related legislation: Road Rules 2008
The Road Transport (General) Act 2005
Road Transport (General) Regulations 2005 (Australian Road Rules)
Local Government Act 1993

Related policies: Enforcement and Prosecutions Policy
Code of Conduct

Related procedures: Regulatory Services Standard Operating Procedures

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1. Purpose

Community Patrol Officers are responsible for the administration of statutory obligations pertaining to the parking of motor vehicles across the City of Canterbury in accordance with the current prescribed regulations. The management of vehicle parking and associated traffic laws is an important and necessary function as the main intention is to ensure safety, management of traffic flow and turnover of parking. This function must be carried out in a lawful, consistent and equitable manner.

2. Objectives

The objective of this Policy is to set out a framework for the manner in which motor vehicle parking arrangements within the City of Canterbury will be regulated.

This policy sets out:

- Council's approach to the enforcement of motor vehicle parking controls established under the relevant laws so as to achieve a balance between public safety, traffic flow and equitable access to available parking spaces.
- The approach to be followed by Authorised Council Officers in the enforcement of motor vehicle parking controls including the detection of illegal parking offences and the process for review of any Penalty Notice that has been issued as a result of any contravention of motor vehicle parking controls.

3. Scope

Council has a regulatory obligation to enforce the laws relating to motor vehicle parking and to manage public safety and traffic flow in accordance with the relevant laws.

This Policy outlines standards for the operations, duties, functions and responsibilities of Council staff involved in all regulatory services associated with motor vehicle parking in the City of Canterbury. The overall aim is for each member of Council staff to achieve the highest possible standard of operation and presentation reflecting Council's Code of Conduct, expectations for excellent customer service with a consistent and professional approach.

This Policy is a tool to assist Authorised Council Officers in the performance of their duties. It is expected that they will act professionally, with courtesy and honesty and within the scope of their responsibilities at all times.

This Policy establishes clear and lawful guidelines for:

- enforcement of parking restriction to ensure consistent application of the laws relating to motor vehicle parking,
- processes for the consideration of representations concerning PINs issued for parking offences
- documenting enforcement practices utilised by Community Patrol Officers to detect illegal parking offences,
- the general standards of behaviour of Council staff involved in parking enforcement.

4. Definitions

In this Policy, unless the context otherwise requires:

Community Patrol Officer means any member of Council staff who holds this position or any equivalent position that is responsible for the enforcement of the laws relating to motor vehicle parking. Council's Rangers also perform these functions.

PIN means a penalty infringement notice issued under the laws relating to motor vehicle parking as a result of the contravention of those laws.

Policy means this document.

Red Zone means parking signs that are red with white writing or white signs with symbols. These signs are used in high risk areas and include; "No Stopping", "No Parking" and bus zones. (Further information about these signs can be found in the Road Rules 2008.)

School Zone means:

- (a) if there is a school zone sign and an end school zone sign, or a speed limit sign with a different number on the sign, on a road and there is no intersection on the length of road between the signs, that length of road; or
- (b) if there is a school zone sign on a road that ends in a dead end and there is no intersection, nor a sign mentioned in paragraph (a), on the length of road beginning at the sign and ending at the dead end, that length of road.

Standard Operating Procedures means the operating procedures that apply from time to time to the performance by Community Patrol Officers of their duties. Appendix B to this Policy contains the Standard Operating Procedures current as the date of adoption of this Policy.

5. Parking Enforcement Practices

5.1 General

Efficient and effective parking regulation relies heavily on systematic presence of Council's Community Patrol Officers. Consistency in enforcement is the key component in an effective service. The Community Patrol Officers are required to use a number of methods to manage parking and the related legislation, they include; education, cautions, issuing of PINs and submission of reports to the RTA.

Where a Community Patrol Officer observes a motor vehicle parked in an illegal position and/or dangerous position, they may issue a PIN and if possible find the driver and instruct them to move the motor vehicle immediately. Motor vehicles parked illegally in a Red Zone or School Zone will not be afforded any discretion if it is clear that an offence has been committed, as illegal parking in these high risk areas may place a member of the public in danger or adversely affect the flow of traffic.

The Community Patrol Officer cannot cancel a PIN if they have commenced recording details on the notice.

The onus to comply with current parking rules and regulations lies solely with each driver of a motor vehicle in NSW.

5.2 Discretion

Community Patrol Officers may exercise discretion in determining whether or not to issue a PIN as a result of contravention of the laws relating to motor vehicle parking. This discretion is limited and specific to each particular situation.

Council requires that each Community Patrol Officer have regard to this Policy in determining how to exercise that discretion. As a general rule, however, it is expected that minimal tolerance will be exercised where the potential safety of children (for example within and around school zones) is at risk.

Appendix A to this Policy sets out guidelines to assist Community Patrol Officers in determining how to exercise discretion.

5.3 Operational Types

Community Patrol Officers undertake surveillance to ensure compliance with the laws relating to motor vehicle parking. This surveillance may take the following forms:

- **Covert operations** – Covert surveillance operations will only be conducted with the express prior authorisation of the General Manager and will be kept to a minimum and to limited circumstances.
- **High visibility surveillance** – This kind of surveillance involves activities where Community Patrol Officers are clearly visible in full uniform for all motorists and members of the public to see.

Council will conduct high visibility surveillance as its standard of operations. As stated above, covert operations will only be conducted in very limited circumstances and only with the express approval of the General Manager.

5.4 Standard Operating Procedures

Community Patrol Officers must observe the Standard Operating Procedures (as described below and in Appendix B) in the performance their duties. In addition (and for the purposes of this Policy), the Community Patrol Officers:

- Are to be appropriately attired in full uniform when conducting parking patrols.
- Should place PINs in a conspicuous location (on the offending vehicle windscreen).
- Should place chalk markings on the tread of the tyre only not on the wall of the tyre.
- Should ensure that PINs are not to be issued unless all signs are clear and visible and all motor vehicle tyres are inflated.
- Must allow a period of 10 minutes as a courtesy in circumstances where the relevant parking time restriction is ½ P or greater.
- May allow a period of 5 minutes as a courtesy in circumstances where the relevant parking time restriction is ¼ P or less.

5.5 Photographs

To support that appropriate evidence is collected Community Patrol Officers are permitted to take photographs of vehicles where they intend to issue a PIN. Photographs should be taken at the first available opportunity and then the details of the offence and vehicle recorded to issue the penalty notice.

Where possible the Community Patrol Officer should attempt to issue the fine by placing the PIN on the motor vehicle or handing the PIN to the person who the Community Patrol Officers reasonably considers to be the owner or driver of the motor vehicle. The PIN may be sent via the post to the motor vehicle owner under the following circumstances;

- The Community Patrol Officer observes a motor vehicle stop and illegally park in a red zone and then drives away.
- The Community Patrol Officer can not find a legal parking space to stop and issue the PIN.
- The Community Patrol Officer forms the opinion that it would be unsafe to issue the PIN in the normal manner.
- The Community Patrol Officer forms the opinion that it would be inappropriate to issue the PIN in the normal manner because of the prevailing weather conditions.

It is important to note that Council will not rely solely on photographic evidence in defence of PINs issued.

5.6 Behaviour Standards

Upon their appointment, each Community Patrol Officer is trained to understand and comply with Council's Code of Conduct and the Standard Operating Procedures.

It is expected that Community Patrol Officers will:

- Be courteous, polite, fair and equitable, diligent and demonstrate behaviour above reproach at all times.
- Apply the 'benefit of the doubt' principle. This involves not issuing a PIN if there is any doubt as to whether an offence has been committed.
- Will observe and obey the Road Rules at all times; except in the case of an emergency or non compliance was necessary in the interests of public safety.

It is recognised that people may become upset or angry when issued with a PIN for an illegal parking offence. Community Patrol Officers must not verbally abuse, threaten or assault any member of the public. Community Patrol Officers must report to their supervisor (and if they consider appropriate, to the Police) any verbal abuse directed to them, threats they receive or assault they suffer. If at any time a situation escalates and can not be resolved through effective conflict negotiation, Community Patrol Officers are to walk away.

All Community Patrol Officers will act as ambassadors for our organisation in the community.

6. Parking Infringement Review Process

The only manner in which a person may seek a review of a PIN is by way of a written request being made directly to the State Debt Recovery Office, not to Council. This applies equally to Council staff and elected Councillors.

6.1 Write to the State Debt Recovery Office

Representations in regards to PINs issued by Council officers may be directed to the State Debt Recovery Office (SDRO). The SDRO is a State Government agency that undertakes debt recovery activities on behalf of government (State and local) in NSW. The postal address for the SDRO is:

The Director
State Debt Recovery Office
PO BOX 4444
STRWABERRY HILLS NSW 2012

(Phone 1300 138 118 or email fines@sdro.nsw.gov.au)

The SDRO has a procedure that governs the consideration of representations made in respect of debts that the SDRO is pursuing. The SDRO publishes guidelines that outline the manner in which the SDRO will undertake the consideration of representations and review of request received in respect of any debt that the SDRO is pursuing.

In general terms, the SDRO procedure involves:

- An assessment as to whether the relevant PIN was lawfully issued.
- An assessment as to whether the circumstances presented meet the standard for leniency under the Guidelines set by the Attorney General.
- Notification to the person making the request of its determination.
- If the SDRO determines that the relevant PIN was not lawfully issued, it recommends to the issuing authority that the PIN be withdrawn and notifies the person making the request of its determination.
- If the SDRO determines that the relevant PIN was lawfully issued, it notifies the person making the determination and that persons may elect to either:
 1. Pay the fine.
 2. Elect to challenge the PIN before an impartial magistrate of the Local Court.

The SDRO guidelines can be viewed on line at www.sdرو.nsw.gov.au

6.2 Parking Infringement Reporting

Council derives revenue from enforcement of the laws relating to motor vehicle parking. Council's annual report provides information about the total revenue received from the enforcement of the laws relating to motor vehicle parking.

7. Appendices

APPENDIX A

Guidelines for exercising discretion in issuing PINs or giving warnings

APPENDIX B

Standard Operating Procedures

APPENDIX A

Guidelines for exercising discretion in issuing PINs or giving warnings

Generally the disregard of parking restrictions and regulations by motorists (particularly in problem areas) should attract a penalty so as to operate as a deterrent. However in some circumstances it may be prudent for a Community Patrol Officer to exercise discretion by issuing a caution and directing the driver to move on rather than issue a PIN.

Below are some examples of the exercise of this discretion that are considered reasonable and proper.

- A driver returns to their motor vehicle as a Community Patrol Officer is about to issue a PIN for over staying the sign posted time limit. The officer may use their discretion to issue a caution and instruct the person to move the motor vehicle.
- A Community Patrol Officer observes a motor vehicle double parked not in a dangerous position, not in a Red Zone or not obstructing traffic. The officer may use their discretion to issue a caution and instruct the driver to move on.
- A driver returns to their motor vehicle as a Community Patrol Officer is about to issue a PIN for parking on a path/strip. The officer may issue a caution and instruct the person to move the motor vehicle.

The above examples may be used as guidance in a variety of situations involving illegal parking.

It is also essential that each Community Patrol Officer exercises and demonstrates good judgement in regards to educating the public about parking regulations.

APPENDIX B

Standard Operating Procedures

Dress Code

All Community Patrol Officers must be mindful of the fact that they are representing Canterbury City Council in a very visible public role when conducting their duties. In this context:

- Community Patrol Officers must always present a well-groomed appearance with clothing and footwear being presentable.
- Community Patrol Officers are encouraged to refrain from wearing facial/ear piercings.
- Community Patrol Officers must be properly attired with their uniforms when commencing duty. All uniforms must be clean and pressed. The uniforms must be appropriately maintained.

Uniforms are the property of the Council and are to be returned upon employment termination.

Uniforms will be issued or replaced upon application to the Team Leader, Enforcement.

Uniforms must be worn in accordance with the directions issued by the Team Leader, Enforcement or the Manager, Environmental Health & Regulatory Control or the Director, City Planning or the General Manager.

Return of Council Issued Items Upon Ceasing Employment

All items (phones, cameras, ID cards, keys, note books, etc.) issued to officers remain the property of Council and shall be returned immediately upon employment termination. The Team Leader, Enforcement shall complete the Human Resources checklist and ensure all items issued from commencement of employment are returned.

Procedures for Parking Patrol Enforcement

Efficient and effective parking regulation relies heavily on systematic presence of Community Patrol Officers. Consistency in enforcement application is the key component in avoiding undue criticism.

Blatant disregard of restrictions by motorists particularly in problem areas should always attract a penalty.

Leniency is a discretionary option available to all Community Patrol Officers involved in the enforcement of the laws relating to motor vehicles parking provided that the officer acts in a way that is responsible, professional and ethical.

At all times the following procedures and work practices are to be observed:

- Community Patrol Officers must work in accordance with parking patrol rosters set by their Team Leader.
- Community Patrol Officers are to be outfitted at all times with relevant equipment for parking patrol duties.
- Community Patrol Officers are to be appropriately attired (uniform) when conducting parking patrols, including hats.

- Community Patrol Officers must have activated mobile phone units with them when conducting patrol duties and are required to remain in sight of their patrol partners at all times.
- No Community Patrol Officer shall rest or place their foot on the tyre of a motor vehicle or any other part whilst issuing or preparing an infringement notification.
- No Community Patrol Officer shall lean or rest any portion of their body on an adjacent motor vehicle whilst issuing or preparing an infringement notification.
- No Community Patrol Officer shall place chalk the outside wall of a tyre to determine breaches of the time restriction. All chalking shall occur predominantly on the tread of the tyre.

Free Car Parks

Free car parks are patrolled by Council to ensure parking compliance. These are known as Free Parking Areas and the provisions of section 650 of the Local Government Act, 1993 apply to them. Any Free Parking Areas must have a sign that clearly displays the conditions of entry and those conditions must include any one or more of the following:

- The time during which the public may use the free parking area.
- The designation of a parking space within the free parking area.
- Display a current parking authority for a person with disabilities.
- The maximum period for which a vehicle may be parked in the free parking area.

Notwithstanding these Standard Operating Procedures, all officers shall further discharge every requirement of the SEINS Bureau standard procedures regarding the issue of infringement notifications.