

ENFORCEMENT OF PARKING

POLICY STATEMENT

The following policy document will set guidelines, which aim to achieve and maintain a standard for the operation, duties, functions and responsibilities of each individual enforcement officer within the Regulatory Services Unit whether they are corporate, business or individual obligations.

The following policy guidelines and the subsequent SOP adopted at the approval of this policy shall be followed in all but extenuating circumstances. It is understood that not all issues can be treated under the exact circumstances on every occasion; however, the overall aim is for all enforcement staff to achieve the highest possible standard of operation by reflecting a consistent and professional approach across the whole Regulatory Services Unit.

All Rangers are expected to be familiar with relevant legislation and the SOP's expected to carry out their daily operational duties. Each officer is accountable for their actions and shall strive to maintain a high standard. It is expected that all enforcement officers be required to familiarise themselves with all relevant legislation and any amendments to such.

It is expected that officers will at all times act with courtesy and discretion and within their powers of delegation. Officers are to gain voluntary co-operation at all times where it is practicable, and shall apply standards of equality, transparency, common sense and good judgement whilst remaining focused, firm and having the ability to make spontaneous judgements that are supported with sound effective actions.

All Officers within the Regulatory Services Unit are required to understand that it is their role and responsibility to ensure compliance with, and support the set Standard Operating Procedures.

OBJECTIVES

The following objectives are designed to assist and define the actions to be undertaken by each enforcement officer within the Regulatory Services Unit.

- Standardise procedures to be adopted by officers undertaking routine enforcement duties.
- Clearly state officer's responsibilities and accountabilities.
- State standard Uniform requirements of the Regulatory Services Unit.
- Stipulate Safe Working Procedures to be adopted by all staff when encountering high-risk operational situations.
- Reinforce statutory provisions and powers of Enforcement Officers.
- Set minimal acceptable training standards.
- Set standards to achieve corporate and business unit service agreements.
- Set a higher than expected benchmark to achieve customer service guarantees.
- Continue to build and provide an efficient, effective and professional Regulatory Services Unit within the City of Ryde LGA.
- Establish uniformity and consistency in Regulatory Services Enforcement Procedures.
- Establish uniformity and consistency for Enforcement Officers within the Regulatory Services Unit responsibilities.
- Establish and adopt a high standard litigation procedure.

CODE OF ETHICS

Ethics is the code of moral and legal conduct required of all Regulatory Services staff.

Officers are required to be professional in their approach to their duties and must always conduct themselves in an ethical and professional manner.

Officers must have a code of ethics to self regulate their behaviour in the pursuit of their duties.

This code of ethics is regulated by legal obligations under various regulations and statutes including Council's Code of Conduct.

Enforcement Officers will not engage in any activity that will bring discredit upon himself or herself or the City of Ryde.

RANGERS SHALL

- Not permit personal views, or prejudices to influence their attitude towards any person or duty required to be undertaken as part of the Regulatory Services Unit.
- Respond to any reasonable request or lawful direction of any supervisor or manager of the Council.
- Not commit any act which constitutes dereliction of duties.
- Not commit any act that brings the City of Ryde or the Regulatory Services Unit into disrepute.
- Not publicly criticise Council in any way that is demeaning, defamatory or brings disrespect, or embarrassment to the City of Ryde.
- Not publicly criticise any Council employee in any way, which is demeaning, defamatory or brings disrespect to Council or the Regulatory Services Unit.
- Not obey any order or direction which is contrary to any law.
- Report any such unlawful order to the attention of an immediate supervisor, manager or if required the General Manager.
- Not solicit or receive any gift, gratuity, reward, fee, compensation or payment, which may compromise the officer or the City of Ryde in the execution of their duty.

RESPONSIBILITIES

PROFESSIONAL NEGLIGENCE

The Council and the individual officer can be held liable for the actions of an officer in the conduct or failure to conduct their duties and responsibilities. Where in the conduct of those duties the officer has failed to identify or notify all relevant standards, conditions and the like or has wrongly indicated that the situation, standard or condition is appropriate, they may be held professionally liable or negligent by a person who has been detrimentally affected by that conduct.

Whether the officer has been found to be remiss in the application of their duties and responsibilities for any given situation under common law, the officer may be found to have been negligent for any foreseeable situation. Case law has been applied in many such cases. The Council may also be liable under these circumstances and, in the past, officers have been individually protected by the fact that they were acting on behalf of Council.

Numerous other pieces of Legislation may provide the officer with a statutory responsibility, either as a professional officer or as an individual, and under certain circumstances both the employer and the employee may be held responsible for inappropriate, insufficient or inaccurate advice given, action taken, assessments made or failure to act, advise or assess. This responsibility is particularly represented in environmental legislation such as the POEO Act 1997.

BEHAVIOURAL STANDARDS

DRESS CODE

All Enforcement Officers must be mindful that they are high profile, highly visible ambassadors of the City of Ryde, before clients, staff and the public.

Enforcement Officers / Rangers' individual appearance reflects the image portrayed by the City of Ryde.

Enforcement Officers / Rangers are issued with uniforms, and must be properly attired in full uniform, including name badge, at the commencement of duty.

All Officers are required to wear a High Visibility Vest whilst carrying out any duties on any road or road related area irrespective of the duties undertaken.

Enforcement Officers will be well presented, cleanly shaven and any facial or ear piercing removed whilst on official duty.

Enforcement Officers / Rangers must always appear well groomed, with all clothing ironed and footwear polished and in a presentable manner.

Enforcement Officers / Rangers are to maintain their uniforms appropriately and report any loss or damage to such immediately to the Senior Ranger – Regulatory Services.

Uniforms are issued or replaced as part of a set program. However, Footwear will be replaced on a needs basis based on wear and tear.

All uniforms must be worn in accordance with any policy or procedure adopted by the Regulatory Services Unit or any policy adopted through the City of Ryde and or it's OHS Management Unit. This includes the wearing of all issued PPE, long sleeve shirts, hats, vests, steel cap boots etc.

CONDUCT

All Rangers are required to be courteous and conduct themselves in a professional manner at all times.

All Rangers must reply to internal or external customer inquiries in a prompt and polite manner.

If for any reason a Ranger is unable to provide a service or supply the information required, the officer shall refer the customer to the person or business unit from which the information may be obtained.

In the event information is sought whilst on leave, information should be forwarded immediately to the Senior Ranger - Regulatory Services Unit, who will be required to take the appropriate action to resolve the issue.

The Public is entitled to expect that:

- The business of the Regulatory Services Unit and Council is conducted with efficiency, impartiality and with integrity.
- All members of staff obey the law, in particular, the provisions of all relevant Statutes, Acts, Regulations and instruments.
- Duty to the public is always given absolute priority over the private interests of individuals or staff.

PERSONAL BEHAVIOUR OF REGULATORY SERVICES UNIT STAFF

CONDUCT OF STAFF

All Staff shall:

- Act properly and in accordance with the requirements of the law and the terms of this code.
- Perform their duties impartially and in the best interest of the community, uninfluenced by fear or favour.
- Act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interest of the City of Ryde and the community.
- Make no allegations which are unseemly or derogatory unless true, in the public interest, and pertaining to the matter before the Council.
- Refrain from any form of conduct, in the performance of their professional duties, which may cause any reasonable person unwarranted offence or embarrassment.
- Always act in accordance with their obligations of fidelity to their Council.
- Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from this standard.
- Whilst on duty, give their full attention to Council business and ensure that their work is carried out efficiently and effectively and that their standard of work reflects favourably on themselves, the City of Ryde and the Regulatory Services Unit.
- Obey lawful orders given by any person having authority to give such directions, with any doubts as to the propriety of any such orders being taken up with the superior of the person who gave the orders and, if a resolution can not be achieved, the Group Manager or the General Manager.
- Give effect to the lawful policies of their Council whether or not they agree with or approve of them.

ON-STREET PARKING POLICY

On-Street Parking

This relates to all public streets, roads, or car parks within the City of Ryde.

Off-Street Parking

Off-Street parking relates to all areas under Council jurisdiction regardless of area, and includes Council's Council Free Car Parks, allocated areas, parks, reserves and privately owned car parks that have Council approved Enforcement Agreements.

DELEGATED AUTHORITY TO ENFORCE PARKING

The Commissioner of Police, on the 19th July 2002, gave the authority for Council to enforce the provisions of the Australian Road Rules effective the 22nd July 2002.

Presently, Council's Rangers are engaged in the core parking enforcement role between the hours of 7.50am – 4.45pm Monday – Friday, and 8am – 5pm Saturday and Sunday.

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PROCEDURES FOR PARKING PATROL ENFORCEMENT

Efficient and effective parking regulation relies heavily on systematic presence of officers. Consistency in enforcement is the key component in avoiding undue criticism to both the individual and the Unit as a whole. Officers will not act in a covert way in enforcing parking rules and restrictions.

Offences are considered strict liability, meaning Council will issue Penalty Infringement Notices for all breaches.

Blatant disregard of parking restrictions by motorists, particularly in areas that pose OHS concerns to the officer, problem areas or areas that pose potential safety issues to the public, should always attract a penalty deterrent.

It is acceptable under this policy to obtain photographic evidence of a vehicle immediately before or immediately after an offence has been observed that, in the officers opinion, poses a direct OHS issue or potential safety risk to the general public.

The photographic evidence once obtained must be secured within the Rangers Z:\ Drive to restrict accessibility by other members of staff. Personal photographs are not acceptable under this policy.

It is expected Council Rangers will always enforce the provisions of the regulations in a pro-active manner and it is acceptable that there are times officers may act without warning to motorists where specific safety issues are concerned. These areas (Red Zones) include, but are not limited to, No Stopping zones, Clearways, Disability Parking areas and illegal parking around major events and sporting events.

In the event of the driver being behind the wheel of the vehicle in an area such as a Loading zone, No Parking, or Bus Zone **and** they are not causing any undue traffic obstruction they will be requested verbally to move on and a caution notice issued either personally to the driver or by post to the registered owner of the offending vehicle. This action will clearly notify the driver of the vehicle that they have been observed parking illegally and they should curb their behaviour. The caution will also be evidence Council can use against this vehicle parking illegally in the future, and any further offences would incur a penalty.

In the event of a vehicle double parking, the issuing officer shall consider the following circumstances. In the event the vehicle is unattended, loading, or unloading passengers or goods and is likely to cause a traffic or pedestrian hazard, the vehicle may be photographed and moved on and an Infringement notice may be issued through the post. In the circumstances where the vehicle is attended and there are no passengers or loading or unloading taking place, the vehicle should be moved on and the caution notice issued through the post.

Exceptions to issuing clearway fines may arise in circumstances where a person may be incapacitated, elderly or the like. In those circumstances, Council will assist the person as much as possible to obtain medical assistance and have the vehicle moved to a safe location away from the clearway rather than issuing a PIN.

In relation to time restrictive parking, all officers are to give the following time extensions to the parking restrictions, 10 minutes, i.e. 30 minute parking zone, would be allowed 40 minutes until the officer issues any infringement.

Enforcement Officers shall adopt the following procedures and work practices in all but approved extenuating circumstances.

- Officers shall discharge and comply with the designated program of enforcement as designated by the Manager – Regulatory Services.
- All officers must be outfitted with the relevant equipment to carry out parking enforcement at all times whilst on patrol. This includes PIN book/s

(PDA's), official notebook, pens (stylus), camera, delegations, chalk and envelopes.

- In the event that individual officers are working alone or more than one officer is within acceptable distance from another to provide mutual support and/or assistance with the public or provide evidentiary support, all Infringement Notices shall be issued and placed upon offending vehicles.

If for any reason the vehicle leaves the area before the infringement can be issued, then it will be acceptable for the details to be obtained either from the RTA Drives24 System or through the NSW Police and the infringement issued or caution issued by post. This must happen within 7 days of the actual offence.

- All Official cautions shall be documented within official notebooks and the date, time, registration number, offence and photograph, if applicable, stored upon the Regulatory Services Unit Register. As soon as the PDA devices are operational within the City of Ryde, all enforcement staff is to follow the set protocol and issue an official caution through the PDA with a \$0.00 amount. This will be deemed the first and only caution issued for any offence within the City of Ryde; any further offences observed will incur the statutory penalty.
- Empty envelopes will not be left without an Infringement Notice being issued. This may be construed as giving a caution to a vehicle and draw untold criticism upon the individual or unit.
- School Zone enforcement shall be conducted in an ethical and consistent manner. All officers shall use common sense in their approach to enforcement and shall ensure at times during their enforcement that they are visible to all users of the area (students, staff and parents).

In the event of multiple offences, it is acceptable under the Policy that infringement notices be issued by post to offending vehicles after the relevant details are checked with the NSW Police or through the RTA Drives24 system. Drives24 Checks and the issuing of the Infringement Notice must be completed within 24 hours of the said offences; this is due to serious concern to pedestrian and officer safety outside schools and the importance in notifying the offender as soon as practicable after the offence. This will also allow a more consistent approach to be taken by all officers.

- Notwithstanding the Policy, all officers shall further comply with and discharge every requirement of the Infringement Processing Bureau in regards to the issuing of Infringement Notices.

- Any officer that does not comply with this Policy may be in breach of Council's Code of Conduct policy and may be disciplined by their Supervisor / Manager or HR representative.

PROCEDURES FOR APPEALING INFRINGEMENT NOTICES

The City of Ryde has a premium service agreement with the Infringement Processing Bureau; this agreement is for the provision of infringement processing, data collection and revenue collection from the infringement notices issued by council officers. The current fee for this service is \$19.80 per infringement notice.

Another service provided by the Infringement Processing Bureau is the administration of all representations in relation to all Infringement Notices issued by Council; this includes parking fines, companion animal offences, pollution matters etc. As a premium services client, it is expected the City of Ryde will receive approximately 1.5% of the approximate 20% of written representations sent to the Infringement Processing Bureau for consideration. This equates to between 150 – 200 representations per annum. It is envisaged that most representations will be considered by the IPB, however the Council has established a Review Panel to consider any representations made to the Council.

The following procedure will be followed if a member of the public wishes to raise representations with the Council or the Infringement Processing Bureau;

1. Representation must be in writing, containing at least the full name, address, date of offence, registration number of vehicle, make of vehicle, location of offence and infringement notice number. Historically, these are accepted at Council in the first instance, however the original copy should always be forwarded directly to the Infringement Processing Bureau as the Bureau can suspend enforcement action immediately until a review of the infringement is carried out.

If original documents and / or representations are sent to Council directly, the process will continue until Council notifies the Infringement Processing Bureau of the representation. This may result in reminder notices or further enforcement action being undertaken.

2. Representations made to Council will be referred to the Review Panel made up of the following senior members of staff or their delegates;
Manager – Regulatory Services
Group Manager – Environment & Planning
General Manager

3. The Panel carries out preliminary investigations to establish accuracy of the Infringement Notice. The Panel will also check to see if the officer has followed Council policy in issuing the infringement.

Any discrepancies are discussed with the issuing officer and photographs reviewed if available. If there are grounds available to the offender that warrants Council making a recommendation for a caution to be issued or a matter to be withdrawn, the Panel makes this decision. The guidelines distributed by the Infringement Processing Bureau are strictly followed in this procedure. This process can take between 7 – 14 days depending on staff availability.

4. The Infringement Processing Bureau and the person making representations are notified in writing of Council's decision. Further information is also given on the rights to further appeal Council's decision to the Local Court through a court election.

If the Infringement Processing Bureau receives a representation and it seeks further clarification from the Council, this will be referred to the Review Panel.