

## ENFORCEMENT OF PARKING POLICY

### 1. Policy Statement

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The purpose of this policy is to provide objectives, standards and procedures to assist in the fair, transparent and equitable enforcement of parking within the City of Ryde. The policy provides guidance for enforcement officers in the performance of their duties as well as detailing appeals procedures for the benefit of the community and councillors.

### 2. Objectives

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The following objectives are designed to assist and define the actions to be undertaken by each enforcement officer within the Ranger and Parking Services Unit. Each officer should seek to:

- Standardise procedures to be adopted in the undertaking of routine enforcement duties.
- Clearly identify his or her responsibilities and accountabilities.
- Adhere to the standard uniform requirements of the Ranger and Parking Services Unit.
- Adhere to Safe Working Procedures when encountering high-risk operational situations.
- Observe the statutory provisions and powers of Enforcement Officers.
- Engage in on-going training to ensure a high level of service provision.
- Pursue corporate and business unit service agreements.
- Pursue excellence in customer service.
- Contribute to an efficient, effective and professional Ranger and Parking Services Unit within the City of Ryde LGA.
- Establish uniformity and consistency in Regulatory Services Enforcement.
- Establish and adopt a high standard litigation procedure.
- Monitor and enforce the appropriate use of parking permits and Mobility Parking Scheme (MPS) permits in the City of Ryde.

### 3. Code of Ethics

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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.

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

Officers 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 Ranger and Parking 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 Ranger and Parking 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.
- Abide by the City of Ryde's Code of Conduct

#### **4. Dress Code**

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All Officers must be mindful that they are public officers with a high profile, highly visible ambassadors of the City of Ryde, before clients, staff and the public. Officers' individual appearance reflects the image portrayed by the City of Ryde.

Officers 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.

Officers must maintain their uniforms in a clean and presentable manner and report any loss or damage to such immediately to the Manager, Ranger and Parking Services (or delegate). 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 Ranger and Parking Services Unit or any policy adopted by the City of Ryde and/or its WH&S Management Unit. This includes the wearing of all issued PPE, long sleeve shirts, hats, vests and steel cap boots.

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## 5. Conduct

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All Officers shall:

- Be courteous and conduct themselves in a professional manner at all times.
- Reply to internal or external customer inquiries in a prompt and polite manner.
- Perform their duties impartially and in the best interest of the community, uninfluenced by fear or favour.
- Act in good faith in the interest of the City of Ryde and the community.
- Always act in accordance with their obligations of fidelity to their Council.

The Public is entitled to expect that:

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

## 6. Formal Complaints

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Formal complaints about the conduct of enforcement officers of council must be addressed in writing to the General Manager.

## 7. Parking Definitions

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### ***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.

## 8. Delegated Authority to Enforce Parking

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The Commissioner of Police, on the 19 July 2002, gave the authority for all Councils to enforce the provisions of the Road Rules (2008), effective the 22 July 2002.

Presently, Council's Rangers can be rostered between the hours of 5am – 10pm Monday – Sunday, including Public Holidays.

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The Manager, Ranger and Parking Services (or delegate) will determine and designate an appropriate area/s that requires enforcement coverage. Rangers are required to carry out these duties and to follow instruction at all times.

## **9. Procedures for Parking Patrol Enforcement**

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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.

Parking offences are strict liability offences, which mean that a breach of the law is sufficient to justify the issuing of a penalty infringement notice (PIN). However, officers should:

- display sound judgment in exercising any discretion to issue a PIN,
- ensure that the Road Rules (2008) are pursued in a fair and equitable manner in keeping with this policy,
- having regard to public safety, property damage and any impact to members of the public; and,
- exercise discretion in keeping with industry best practice.

It is acceptable to obtain photographic evidence of any vehicle that is committing an offence within the City of Ryde area.

The photographic evidence once obtained must be secured in Council's record system to restrict accessibility by the public and unauthorised members of staff.

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.

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, Ranger and Parking Services.
- All officers must be outfitted with the required equipment to carry out parking enforcement at all times whilst on patrol.
- It is acceptable for infringement notices to be issued by post to offending vehicles after the relevant details are checked with the NSW Police or through the RTA Drives24 system.

Where an officer issues a caution, it shall be issued electronically where possible and all enforcement staff are to follow the set protocol and issue an official caution through the PDA with a \$0.00 amount.

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- Empty envelopes will not be left without an penalty 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 ensure at all times during their enforcement that they are visible to all users of the area (students, staff and parents).
- Notwithstanding the policy all officers shall further comply with and discharge every requirement of the State Debt Recovery Office (SDRO), in regards to the issuing of penalty infringement notice.
- Any Officer that does not comply with this Policy may be in breach of Council's Code of Conduct Policy.

The authorised officer is the sole person delegated and authorised to use their discretionary powers to issue a verbal warning or formal caution at the time of offence. Without limiting the discretion to give a caution, the matter that should be taken into account when deciding whether it is appropriate to give a person a caution instead of a penalty notice include instances when the officer has reasonable grounds to believe:

- That the person has a mental illness or intellectual disability,
- Is homeless
- Is under 18,
- Has a special infirmity or is in very poor health,
- Is a visitor from interstate or overseas and was not aware that their conduct constituted an offence,
- Was responding to a medical or other serious emergency
- Any other matters identified for consideration in the Fines Act 1996 and any relevant Guidelines issued by the Attorney General under section 19A(3) of the Fines Act 1996.

The fact that one or more of these factors is present does not mean that the officer is obliged to issue a caution. All the circumstances of the case should be taken into account to determine whether a caution is an appropriate and reasonable response to the offence.

## **10. Procedures for Appealing Penalty Infringement Notices**

The City of Ryde has a current premium service agreement with the SDRO; this agreement is for the provision of infringement processing, data collection and revenue collection from the infringement notices issued by Council's officers. The current fee for this service is \$18.40 per infringement, plus GST.

Another service provided by the SDRO is the administration of all representations in relation to all Infringement Notices issued by Council: this includes parking fines, companion animal offences and pollution matters.

The following procedure will be followed if a member of the public elects to raise representations with the Council or the SDRO in relation to an infringement notice:

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- (a) The representation must be in writing and contain the full name, address, date of offence, registration number of vehicle, make of vehicle, location of offence, and infringement notice number. The information should be forwarded, in the first instance to the SDRO as the appropriate authority to action infringements.
- (b) In the event that the appellant is not happy with the decision of SDRO, they may request a formal review of this decision by the City of Ryde's General Counsel. All requests must be made in writing to the General Manager.

The decision for the Infringement Notice to be actioned as;

- 1) Cautioned
- 2) Cancelled
- 3) Penalty to Stand,

And will be referred to the SDRO for action.

The determination of the General Counsel is final and no further correspondence will be entered into by the City of Ryde. The final option for appellants will be to have the matter determined through the Local Court. Requests for matters to be forwarded to the Court are to be made in writing to the SDRO.

It must be noted that s.24E (1) of the Act provides the Officer with a discretion to confirm the decision to issue or withdraw a Notice upon the completion of the internal review. However, pursuant to s.24E (2) of the Act, an Officer must withdraw the Notice, if any of the following grounds exist:

- (a) The Notice was issued contrary to law;
- (b) The issue of the Notice involved a mistake of identity;
- (c) The Notice should not have been issued as a result of exceptional circumstances existing at the time of the offence;
- (d) The person who committed the offence has an intellectual disability, a mental illness, a cognitive impairment or is homeless and by reason of his or her disability is unable to understand that his or her conduct amounts to an offence or is unable to control their conduct;
- (e) An official caution should have been issued instead of a Notice;
- (f) Any other grounds prescribed by regulations.

Reference should be made to the Attorney General's Internal Review Guidelines when withdrawing a Notice pursuant to s.24E of the Act. It must be further noted that the grounds outlined in s.24E (2) (a)-(f) of the Act are not exhaustive and the Officer may withdraw a Notice on other grounds, pursuant to 24E (3) of the Act.

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Parking Offence photographs are available to be viewed at Council's Customer Service Centre during Council's business hours of 8:30am – 4:30pm, Monday to Friday. There is no fee for viewing an offence photograph or obtaining a photograph which best displays the offence in line with Council's Management Plan. If a copy of the photograph is required, photographs are only provided in hard copy, and are to be requested through Council's Customer Service Centre

## 11. Procedures for Councillors

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Councillors are encouraged to advise constituents to forward their representations in writing to the SDRO in the first instance. Where Councillors make representations on behalf of constituents, any such representation must be made consistent with Council's Code of Conduct. Some particular requirements of the Code are:

- Part 3 – General Conduct Obligations
- Part 6 – Relationship between Council Officials
- Part 7 – Access to Information and Council Resources
- Part 8 – Maintaining the Integrity of this Code

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