



Report to General Manager

Attachments:

1. Current Parking Management and Enforcement Policy
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SUBJECT: Parking Management and Enforcement Policy

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ENDORSED BY: Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

Changes are required to North Sydney Council’s “Parking Management and Enforcement Policy” in order to remove some ambiguity and aid clarity in interpreting the Policy.

The changes will explain in plain English the recommendations of the New South Wales Ombudsman and the directive of the Office of State Revenue’s State Debt Recovery Office (SDRO) regarding penalty notice representations considered by internal review panels. They also document who are the members of a review panel within Council for the purpose of reviewing penalty notice representations sent to Council from SDRO.

FINANCIAL IMPLICATIONS:

Nil

Local Government Act 1993: Section 23A Guidelines - Council Decision Making During Merger Proposal Period

The Guidelines have been considered in the preparation of this report and are not applicable.

RECOMMENDATION:

1. **THAT** Council adopt the proposed amendments to the Parking Management and Enforcement Policy as outlined in this report.
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LINK TO DELIVERY PROGRAM

The relationship with the Delivery Program is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.3 Council is ethical, open, accountable and transparent in its decision making

BACKGROUND

North Sydney Council's Parking Management and Enforcement Policy states at clause 4.4 (a) to (i) that all representations regarding penalty notices issued by Council will be managed by State Debt Recovery Office and that they may, from time to time, refer representations to Council.

It infers that these representations will, on occasion, be considered by an internal review panel.

CONSULTATION REQUIREMENTS

Community engagement is not required as this change is minor in nature and does not alter the intent of the of the wording in the existing policy.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

The purpose of this report is to seek approval to clarify in plain English clause 4.4 of North Sydney Council's "Parking Management and Enforcement Policy" to appropriately reflect the recommendations of the New South Wales Ombudsman and the directive of the Office of State Revenue's State Debt Recovery Office (SDRO) regarding penalty notice representations considered by internal review panels.

Policy Background

The existing policy outlines Council's philosophy and objectives in managing parking and provides parameters for staff when taking action to appropriately manage parking, taking into account Council's core values relating to responsive and responsible regulation together with fairness and equity in the application of regulations pertaining to parking.

This Policy was adopted by Council on 24 May 2010.

On 8 October 2012, Mr Bruce Barbour, Ombudsman New South Wales, wrote to all Councils recommending changes to the manner in which representations regarding penalty notices should be managed so that there would be a consistent approach to all considerations across the entire state rather than in isolation at a local government level. These recommendations were

supported by Office of State Revenue and further stated in their contractual arrangement with North Sydney Council in July 2013.

The existing policy was amended to reflect the accepted recommendations of the Ombudsman and the Office of State Revenue at that time.

Premium Processing Service

In the agreement between the New South Wales Office of State Revenue and North Sydney Council titled "Service Level Agreement for Premium Processing Service" (July 2013) clause 2.44 therein was adopted. It clearly states that where North Sydney Council implements a Review Panel it will no longer be a Premium Client and will revert to Basic Client level.

A Basic Client must manage, address and respond to all and every representation regarding penalty notices without the assistance of SDRO and must prosecute all court elections without Police Prosecution Service assistance. SDRO has stated that they redirect every inquiry received relating to Basic Level clients to that organisation for their consideration. Prior to July 2013 NSC would receive in the order of 4,000 representations per year.

Interpretation Concerns

The current Parking Management and Enforcement Policy reflects all of the elements of the Agreement between Council and Office of State Revenue.

In recent times however, the wording in the Policy regarding the review panel has been misinterpreted by some members of the community and has led to confusion when they make representations to Council regarding penalty notices issued to them. The expectation being that an internal review panel consider their matter and not the SDRO. The existence of an internal review panel would contrary to the Agreement and places Council at risk of losing its "premium" status.

In order to remove any ambiguity in the wording of the policy and the potential of unnecessary anguish felt by future readers of the policy the following changes are recommended:

Clause	Change
Delete clauses 4.4 (d), (e), (f), (g) (h) and (i) in their entirety.	
Insert at 4.4 (d) "SDRO may refer representations to Council from time to time to seek clarification of evidence. These referrals will be responded to by the appropriate department of Council within 14 days of receipt at Council of the referral."	Adds a timeframe for acting upon SDRO representations.
Insert at 4.4 (e) Where a representation referred to Council by SDRO requires consideration for leniency a Review Panel will be convened within 14 days of receipt of the representation at	Adds a timeframe for the consideration of any SDRO representations and adds a third position to the panel being that of the Director City Strategy.

Council. The Panel will consist of two of the General Manager, Director City Strategy and Director Corporate Services.	
Insert at 4.4 (f) The Panel will be provided technical advice by the Manager Ranger and Parking Services who is a non-voting member.	No Change
Insert at 4.4 (g) The decision of the Panel will be advised to SDRO within one working day of the Panel meeting.	



PARKING MANAGEMENT AND ENFORCEMENT POLICY

Page 1 of 4

Policy Owner: Director City Strategy

Category: 2. Our Built Environment

1. STATEMENT OF INTENT

1.1 North Sydney Council has been delegated the role of managing parking within its local government area by the Commissioner of Police (19 July 2002).

1.2 Council has entered into a Deed of Agreement with the NSW State Debt Recovery Office (SDRO) where Council pays a fee to SDRO to manage the processing of penalty notices issued by Council, including all representations and complaints regarding penalty notices, receive payment of penalty notices on behalf of Council and take enforcement action on those penalty notices not paid.

1.3 This Policy outlines Council's philosophy and objectives in managing parking and to provide parameters for staff when taking action to appropriately manage parking.

1.4 Council's core values relating to responsive and responsible regulation, and fairness and equity also apply to any action taken in accordance with this Policy.

2. ELIGIBILITY

2.1 Implementation of this Policy applies to all Council Rangers and Parking Services Officers where authorised to enforce legislation pertaining to road rules and parking, local government, planning and environmental and other legislation in accordance with Council's *Delegations Manual* and implementation of Delegated Authority documentation.

2.2 This Policy applies to all persons who park motor vehicles within the North Sydney local government area.

3. DEFINITIONS

3.1 On-Street Parking - all public streets, roads and road related areas within the North Sydney local government area.

3.2 Off-Street Parking - all areas under Council jurisdiction and includes Council's free car parks, allocated areas under the *Local Government Act*

1993, Council parks and reserves and any private road or car park that have an approved agreement enabling enforcement by Council's Authorised Officers.

3.3 Authorised Officer - an employee of or person authorised by Council whose duty it is to act in regard to any matters pertaining to the expression.

3.4 "Delegations Manual" and "Implementation of Delegated Authority" - means the Delegations Manual adopted by Council from time to time and any Implementation of Delegations adopted by Council from time to time, in accordance with Section 377 of the *Local Government Act 1993*.

4. PROVISIONS

4.1 General Principles

The principal purposes of parking management undertaken by Ranger and Parking Services Department are to:

- a) Assist in ensuring the safety of pedestrians, drivers of motor vehicles and all other road users;
- b) Ensure the equitable use of the limited available parking spaces in an environment where demand for such spaces far exceeds supply;
- c) Ensure effective traffic flow within the local government area; and
- d) Provide a general service to the community.

4.2 Parking Management Priorities

The major parking management priorities for Ranger and Parking Services Department are:

- a) Immediate response to notified or identified dangerous situations or emergencies;
- b) The management of prohibited parking. This covers pedestrian crossings, "No Stopping" and "No Parking" zones as well as adherence to all distance rules;
- c) The management and monitoring of school zones within the local government area;
- d) Responding to complaints;
- e) Managing and monitoring Clearways and Transitways;
- f) Reporting signage and parking meter problems or failures;
- g) Enforcement of permissive parking signs and parking meters;
- h) Focused operations for particular areas or offences; and
- i) Managing misuse of Mobility Parking Scheme permits.

4.3 Parking Management Procedures

- a) Effective parking management relies on the deterrence offered by a high profile officer presence and the perception by the community that an officer will be at a particular location every day.
- b) All offences that are observed by an Authorised Officer will be sanctioned as deemed appropriate by that officer with regard to the priorities listed at Section 4.2.
- c) The normal response of an enforcement officer is to issue an infringement notice; any lesser action (such as a caution or direction to move) will be at the discretion of the officer.
- d) All Authorised Officers are directed to show no tolerance to offences occurring in School Zones, at all pedestrian crossings and signposted “No Stopping” zones.

4.4 Procedure for Appealing a Penalty Notice

- a) Council has a contractual arrangement with the SDRO where SDRO will process and manage the administration of penalty notices.
- b) Included in that arrangement is the management and consideration of all representations made in relation to penalty notices issued by Council.
- c) All representations received by Council will be forwarded to SDRO for their consideration. Centralising this process ensures that there is a consistent approach in decision making with regard to representations and appeals on a state wide basis. The address to appeal a penalty notice at SDRO can be found on the reverse side of a penalty notice or on Council’s website.
- d) Representations received that have stated extenuating circumstances may be referred to Council for consideration. These will be referred to Council’s (Internal) Penalty Notice Review Panel for adjudication.
- e) Council has adopted the SDRO Review Guidelines, as published from time to time, to guide the decisions of the Penalty Notice Review Panel.
- f) Council’s (Internal) Penalty Notice Review Panel meets when required and is made up of the following staff members or their delegates - General Manager, Director City Strategy and Director Corporate Services.
- g) Council’s Manager Ranger and Parking Services or delegate provides advice to the Panel on the matter for consideration.
- h) Council’s (Internal) Penalty Notice Review Panel will carry out an investigation into the circumstances of the issuing of the penalty notice and confer on the details of the representation to reach a decision of either - penalty to stand, caution or no further action.
- i) Council will notify the SDRO of the decision of the Penalty Notice Review Panel within one week of that decision being made. The SDRO will formally advise the appellant of the decision.

4.5 Exemptions - Clauses 305 to 310, inclusive of *Road Rules 2008*, state the exemptions applicable to parking regulations.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 Council's Director City Strategy is responsible for monitoring the implementation of this Policy.

5.2 Council's Rangers and Parking Services Officers carrying out their responsibilities in accordance with this Policy.

5.3 Council's Manager Workforce Planning/Manager Ranger and Parking Services will ensure staff are provided with access to training in accordance with this Policy.

5.4 The (Internal) Penalty Notice Review Panel is responsible for reviewing Penalty Notices referred to it in accordance with this Policy.

5.5 Council's Manager Ranger and Parking Services will review this Policy every two years or as required by Council or senior management.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Code of Conduct - Councillors and Staff
- Complaints Handling Policy
- Customer Service Policy
- Mediation Policy
- Resident Parking Permit Policy

The Policy should be read in conjunction with the following documents/legislation:

- Fines Act 1996
- Fines Further Amendment Act 2008
- Local Government Act 1993
- Road Rules 2008

Version	Date Approved	Approved by	Resolution No.	Review Date
1	16 February 2009	Council	61	2012/13
2	24 May 2010	Council	296	2012/13
3	18 February 2013	Council	61	2016/17
4	3 February 2016	Director	n/a	2016/17
