

POLICY NO: 3.9.2

**PARKING ENFORCEMENT AND REVIEW/APPEAL OF
 INFRINGEMENT NOTICES**

OBJECTIVES

To:

- outline the City's position for the enforcement of the City's parking and traffic requirements;
- provide a transparent and accountable process for the handling and determination of any requests for review/appeal of parking infringement notices; and
- provide a process whereby persons, who have been issued with a parking infringement notice can seek to have the matter reviewed and/or withdrawn or the penalty reduced.

POLICY STATEMENT

1. The City aims to provide a high quality service to the public to ensure public safety, equity of access, amenity of residents or business proprietors and for regulating and directing the movements and parking of vehicular traffic in the City.
2. The City will enforce parking and traffic legislation in a fair and objective manner, whilst at the same time, promoting positive public relations and providing a friendly and helpful service.
3. Infringement notices will be issued, where there are clear and precise breaches of the Local Law. Where an error has been made or where mitigating/extenuating circumstances have been identified, the City is prepared to consider whether it is in the best interest of all concerned for the infringement notice to be reviewed and/or either withdrawn or the penalty reduced.
4. All requests for review/appeal of a parking infringement notice will be dealt with in accordance with this Policy, Procedure and Guidelines.

Date Adopted:	23 January 2007
Date Amended:	26 June 2007, 28 February 2012
Date Reviewed:	26 June 2007, 28 February 2012
Date of Next Review:	February 2017

POLICY PROCEDURE AND GUIDELINES FOR PARKING ENFORCEMENT AND REVIEW OR APPEAL OF INFRINGEMENT NOTICES – POLICY NO 3.9.2

1. ENFORCEMENT

- (i) The City's Authorised Persons will enforce parking and traffic requirements in a fair and objective manner, whilst at the same time, promoting positive public relations and providing a friendly and helpful service, at all times.
- (ii) Persons contravening parking local laws will receive infringement notices with which they will be expected to comply and which will be enforced.
- (iii) Infringement notices will be issued where, in the opinion of an Authorised Person, there are clear and precise breaches of the parking legislation, or traffic requirements.
- (iv) Authorised Persons are expected to use their reasonable judgement and discretion whilst enforcing parking and traffic matters. At the discretion of the Authorised Person, infringement notices will not be issued for trivial matters, or where a Caution is considered more appropriate.
- (v) Once a parking infringement notice has been issued by an Authorised Person, its review or appeal shall only be considered in accordance with this Policy and guidelines.

2. REVIEW/APPEAL OF A PARKING INFRINGEMENT NOTICE

- (i) Persons who believe that they have unjustly received a parking infringement notice have the right of review/appeal. The appeal must be submitted **in writing** to:

The Chief Executive Officer
City of Vincent
PO Box 82
LEEDERVILLE WA 6902

- (ii) (a) Requests for review or appeal, or any subsequent communication from an appellant, will be accepted in writing or electronically (e.g. email or online Appeal Application). Requests for communication from an appellant will not be accepted verbally or by telephone.

- (b) Because of requirements of the Interpretation Act 1984, all correspondence from the City to an appellant will be by letter post.
- (c) Persons, who attend at the Customer Service Centre, will be provided with a standard form to be completed, explaining the basis for the review/appeal and this form should then be passed to a Customer Service Officer.
- (d) Details of the infringement notice, which need to be included in the appeal documentation are:
- Infringement notice number;
 - Date of issue of the infringement notice;
 - Vehicle registration number;
 - Return address and phone number;
 - Photocopies of all relevant supporting documentation;
 - Reasons why the infringement notice should be reviewed, withdrawn or modified penalty reduced.
- (iii) All requests for review/appeals against the issue of a parking infringement notice should be made as soon as possible, after it is received, preferably within seven (7) days.
- (iv) If the owner of the vehicle was not the driver at the time of the offence, it is important that the actual driver is nominated within twenty-eight (28) days of the notice being issued. After this twenty-eight (28) day period, the owner is deemed to be the offender and therefore responsible for the offence.
- (v) When a request for review/appeal is lodged, the basis for that review/appeal must be clearly stated and any supporting documentation must be submitted.
- (vi) Requests for review/appeal will only be upheld on the following grounds:
- (a) Vehicle Breakdown. In this instance, documentary evidence must be provided from the RAC or a reputable mechanical firm, or in the form of a Statutory Declaration from the person who rectified the fault, confirming the fact that the vehicle could not be moved.
- (b) Faulty City of Vincent Equipment. In this case, the information must be substantiated by an Authorised Person or the City's contracted Equipment Maintenance Technician.

- (c) A “life threatening” medical emergency arose. An authorised person at a Medical Practitioner's surgery or a relevant hospital authority must substantiate this in writing.
- (d) The vehicle involved has been stolen or used without the prior authority of the owner. In this situation, the relevant Police Report Number is to be provided.
- (e) Missing, obscured, or inadequate signage. This will be accepted, following a site inspection by an Authorised Person, who confirms the assertion.
- (f) Resident has been issued with, or is entitled to be issued with, a parking permit for the area in question (First Offence only). Where a resident fails to display the relevant permit and provides evidence to support the claim that a permit has, or should be issued, the matter may be reconsidered. However this will only be an acceptable excuse, on one occasion.

If none of the above reasons are appropriate, all other circumstances will be objectively assessed to establish the validity and merit of the appeal. However, it should be noted that, other than the above explanations, the City is not obliged to withdraw or modify a penalty.

(vii) Requests for review/appeal may be considered on the following grounds:

- Extenuating circumstances. This includes, but is not limited to, where a driver provides evidence of an extenuating circumstance, which would have identified his/her emotional state as a factor for non compliance. (Financial hardship MAY be a consideration under these grounds.)
- Penalty unenforceable. In this instance, review or appeal will only be considered if there is sufficient supporting information, provided in the form of a Statutory Declaration, to enable a decision to be made.

(viii) The circumstances where a request for review/appeal will generally not be considered, include, but not limited to the following explanations:

- The driver did not realise the time.
- The driver's doctor's appointment ran over time.
- The driver's hairdresser did not finish on time.
- The driver had not applied for the relevant parking permit.
- The restaurant/cafe service was slow.
- The driver went to get change from a local shop, for the machine.

- The driver's exam/lecture went over time.
- The permit/ticket had fallen out of sight.
- The sign was confusing.
- The driver did not know that parking restrictions applied.
- The driver was visiting someone in hospital.
- The driver was only there for a few minutes.
- The driver was not familiar with Vincent parking requirements.

3. THE REVIEW/APPEAL PROCESS

(i) The following persons are authorised to consider a request for review/appeal:

- The Chief Executive Officer;
- Director Community Services;
- Manager Ranger Services and Community Safety;
- Co-ordinator/Prosecutions Officer (Ranger Services); and
- Co-ordinator Ranger Services.

(ii) (a) In the first instance, all requests for review/appeal are lodged and processed through an administration appeal system, whereby the Co-ordinator Ranger Services will consider the representations made, in accordance with 2 above, to determine the most appropriate course of action. A letter of response advising the outcome of the review/appeal will be posted to the complainant.

(b) If the driver is not satisfied with the outcome of the initial review/appeal and, the City is again notified in writing, the decision will then be reviewed by a Parking Review/Appeals Panel.

(c) The panel will meet on a regular basis, to review previous decisions.

(d) The Parking Review/Appeals Panel will consider all extenuating and/or mitigating circumstances and will make a final determination on the matter.

(e) The Panel will consist of not less than three (3) Authorised Persons comprising Section Manager, Co-ordinator Ranger Services, Team Leader (Ranger Administration) and/or Senior Ranger, who will consider this Policy. If two or more of these employees are unable to attend the Review/Appeals Panel, other Authorised Persons may be co-opted by the Manager to participate on the Panel.

- (f) The Parking Review/Appeals Panel will consider all the evidence, information and/or recommendations including a report from the Authorised Person who issued the Infringement Notice and will take one of the following actions:
- Reject the appeal and confirm the original penalty;
 - Modify the penalty to an appropriate level;
 - Uphold the review/appeal and withdraw the infringement notice.
- (g) All requests for review/appeal will be considered on their merits and will take into account any extenuating and/or mitigating circumstances. The decision of a request for review/appeal shall be clearly documented, together with the reasons for the decision.
- (h) The person who requests a review/appeal shall be notified in writing of the outcome of the review/appeal process.