

COUNCIL POLICY NO: 064

Responsible Directorate	Planning and Development
Responsible Section	Regulatory Services
Responsible Officer	Manager Regulatory Services

OBJECTIVE:

The objective of this policy is to:-

1. outline the Town's position for the enforcement of the Town's parking and traffic requirements;
2. provide a fair, effective, objective, transparent and accountable process for the handling and determination of any requests for a review of a parking infringement notice;
3. provide a process whereby a person, who have been issued with an infringement notice can seek to have the matter reviewed and/or withdrawn;
4. determine the approach to be adopted in relation to requests from the public for exclusive use of parking facilities;
5. define the responsibility of the Council in regard to the policing of certain commercial properties within the Town being used by the public for the parking of vehicles;
6. define the main reasons for refusal of applications for the use of any of the Parking Areas or Parking Stations under the Council's control for the purpose of operating a public car mart; and
7. determine the fees and conditions relating to the provision of temporary authorised work zones adjacent to building sites in order to facilitate the orderly delivery of materials to the subject site.

SCOPE:

This policy applies to all Directorates of the Town of Cambridge.

This policy applies to all of the Town of Cambridge and all parking stations and parking areas in the Town of Cambridge.

POLICY STATEMENT:

1. ENFORCEMENT

- 1.1 The Town 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 Town.
- 1.2 The Town will enforce parking and traffic legislation in a fair, effective and objective manner, whilst at the same time, promoting positive public relations and providing a friendly and helpful service.

2. INFRINGEMENT NOTICES

2.1 Issuing of Infringement Notices

Infringement notices will be issued, where there are clear and precise breaches of the Local Law.

2.2 Cancellation of an Infringement Notice

- (a) If an Affected Person contests an infringement notice, the Authorised Person issuing the infringement notice is to advise the Affected Person that the issuing Authorised Person **cannot legally withdraw an infringement**, as this would be contrary to the *Local Government Act 1995*. The person is to be advised that any appeal must be in writing and be within 28 days of the date of the alleged offence.
- (b) The *Local Government Act 1995* requires that an Authorised Person must be legally authorised to issue infringements, withdraw infringements or to receive and process payments of infringements. This is to ensure that there is no conflict of interest. The Town complies with these requirements and has appointed the Manager - Regulatory Services to perform this role, including any person acting in the role.
- (c) Where an error has been made or where there are valid and/or 'special/extenuating' circumstances have been identified (as detailed in this Policy), the Town is prepared to consider whether it is in the best interest of all concerned for the infringement notice to be reviewed and/or withdrawn.

3. PARKING APPEALS

All requests for an appeal of a parking infringement notice will be dealt with in accordance with Council's Infringement Notices – Appeal and Review Policy No: 051.

An Affected Person seeking a review shall provide the requested supporting documentation to justify and substantiate their review/appeal.

4. RESERVED PARKING (ON AND OFF STREET)

The Council will not grant reserved parking for the exclusive use of any individual group of persons either in kerbside spaces or in a parking station, except for funeral premises of which each will be permitted two kerbside car parking bays, unless in the opinion of the Chief Executive Officer special circumstances apply or where the residential parking permit scheme applies.

5. PRIVATE PROPERTY PARKING ENFORCEMENT AGREEMENTS

Where the owner/occupier of commercial property invites the public to park vehicles on that property, the property cannot be registered as a private car park and, therefore, parking control activities will not be undertaken by the Council unless the property owner or occupier (with the owner's consent) enters into a Private Property Parking Enforcement Agreement with the Town in accordance with the provisions of the Town of Cambridge *Parking Local Law 2016*.

6. PUBLIC CAR MARTS IN COUNCIL CAR PARKING STATIONS

Permission will not be granted for the use of any of the parking stations under the Council's control for the purpose of operating a public car mart for the following reasons:-

- (a) users of the parking station may be disadvantaged by the proposed car mart;
- (b) a precedent may be created allowing other commercial organisations to demonstrate that they are also worthy of consideration; and
- (c) the Council may draw criticism from registered motor vehicle dealers who would see the proposal as a potential threat to their livelihoods.

7. PARKING WORK ZONES FOR BUILDING SITES

Temporary authorised work zones adjacent to building/construction sites may be provided as required for demolition and/or during the construction period for the delivery of materials to the site, in accordance with the provisions of the *Town of Cambridge Parking Local Law 2016* and Council's Parking – Work Zones for Building Sites Policy No: 067.

DEFINITIONS:

Definitions are taken as those detailed in the *Local Government Act 1995* and associated legislation.

'Affected Person' means an alleged offender who has been issued with an infringement Notice.

Document Control	
Office Use Only:	
Previous Policy No	Policy No. 4.4.10
Statutory Legislation and Compliance	<i>Local Government Act 1995;</i>
Related Documents/Legislation	<i>Town of Cambridge Parking Local Law 2016</i>
Date of Adoption by Council	Council Meeting – 24 November 2015
Date Reviewed/Amended	22 May 2018 28 July 2020
Next Review Date	April 2024