

Rebecca Watson

From: official information
Sent: Tuesday, 11 June 2019 15:25
To: [REDACTED]
Cc: official information
Subject: RE: LGOIMA 19127: Parking tickets
Attachments: LGOIMA 19127 - Appeal rejection letter.pdf; LGOIMA 19127 - Attachment 1 Data.pdf; LGOIMA 19127 - Attachment 2 example photos and infringement application guide.pdf

Kia ora,

Further to your information request of 16 May 2019 in respect of parking tickets, I am now able to provide Hamilton City Council's response.

You requested:

Please answer the following questions dating back five years, broken down year by year.

- 1) *How many parking tickets has the Council issued?*
- 2) *How much money has the Council received in relation to these tickets? ie the total amount of paid fines.*
- 3) *How many of these tickets have been for parking without due care or consideration (ie how many tickets have been given for contravening road user rule 6.1)?*
- 4) *How is road user rule 6.1 applied? Eg is it an objective or subjective standard?*
- 5) *Out of the number of total tickets issued, how many have been appealed?*
- 6) *What have been the reasons given by the applicants for the appeals? With numbers please.*
- 7) *How many appeals have been rejected? How many have been accepted?*
- 8) *What have been the reasons given for rejecting the appeals? With numbers please.*
- 9) *Can you please provide an example of an appeal rejection letter?*
- 10) *What measures are taken to ensure that appeals are heard fairly? For example, are they reviewed by multiple members of staff?*
- 11) *How many rejected appeals have gone on to further hearings? I presume that these would be heard by JPs at the District Court but please correct me if I am wrong.*
- 12) *In how many of these Court Hearings has the Council been successful, and in how many has the Council been unsuccessful?*
- 13) *How much money does it cost the Council when an appeal goes to a district court hearing? With a breakdown of costs, including staff time and any compensation or costs paid to the applicant.*
- 14) *Have any parking tickets been appealed beyond the district court? If so, please provide details.*
- 15) *How many official information requests has the Council received in relation to parking tickets?*

Our response:

Please answer the following questions dating back five years, broken down year by year.

- 1) *How many parking tickets has the Council issued?*
Refer to attachment one 'data'.
- 2) *How much money has the Council received in relation to these tickets? ie the total amount of paid fines.*
Refer to attachment one 'data'.
- 3) *How many of these tickets have been for parking without due care or consideration (ie how many tickets have been given for contravening road user rule 6.1)?*
Refer to attachment one 'data'.
- 4) *How is road user rule 6.1 applied? Eg is it an objective or subjective standard?*
Road user rule 6.1 is applied objectively, following the Hamilton City Council Parking Compliance Guideline. See attachment two for example photos and infringement application guide (P117 Inconsiderate Parking).

- 5) *Out of the number of total tickets issued, how many have been appealed?*
Refer to Item 5 of attachment one 'data'.
- 6) *What have been the reasons given by the applicants for the appeals? With numbers please.*
Data is not collected regarding an applicant's reason to appeal as each appeal is read on its own merits. Appeal data may be extremely numerous and difficult to define, often with a long story of events that would render the appeal difficult to categorise.
- 7) *How many appeals have been rejected? (7a) How many have been accepted? (7b)*
a. Refer to attachment one 'data'.
b. Refer to attachment one 'data'.
- 8) *What have been the reasons given for rejecting the appeals? With numbers please.*
Data has not been collected on specific reasons to reject appeals.
- 9) *Can you please provide an example of an appeal rejection letter?*
See attached PDF titled 'Appeal rejection letter'.
- 10) *What measures are taken to ensure that appeals are heard fairly? For example, are they reviewed by multiple members of staff?*
The Council employs an independent adjudicator to assess appeals. They complete training in areas including ethics, bribery, corruption and conflicts of interest.
The appeals process has an escalation path that is used by defendants who do not agree with the initial decision. This escalation path includes levels of management up to and including the Council's Chief Executive.
- 11) *How many rejected appeals have gone on to further hearings? (11a) I presume that these would be heard by JPs at the District Court but please correct me if I am wrong (11b).*
a. Refer to attachment one 'data'.
b. Hamilton City Council has not taken an appeal to Court since 2010. Hearings are completed in the District Court by Justices of the Peace.
- 12) *In how many of these Court Hearings has the Council been successful (12a), and in how many has the Council been unsuccessful? (12b).*
Hamilton City Council has not taken an appeal to Court since 2010.
a. Refer to attachment one 'data'.
b. Refer to attachment one 'data'.
- 13) *How much money does it cost the Council when an appeal goes to a district court hearing? With a breakdown of costs, including staff time and any compensation or costs paid to the applicant.*
As stated, the Council has not taken a prosecution within the timeframe requested and therefore does not have this information.
- 14) *Have any parking tickets been appealed beyond the district court? If so, please provide details.*
As stated, the Council has not taken a prosecution within the timeframe requested and therefore does not have this information.
- 15) *How many official information requests has the Council received in relation to parking tickets?*
Refer to attachment one 'data'.

Kind regards,

Amy Viggers

On behalf of the Privacy Officer

DDI: 07 8386727 | Email: amy.viggers@hcc.govt.nz

This email and any attachments are strictly confidential and may contain privileged information. If you are not the intended recipient please delete the message and notify the sender. You should not read, copy, use, change, alter, disclose or deal in any manner whatsoever with this email or its attachments without written authorisation from the originating sender. Hamilton City Council does not accept any liability whatsoever in connection with this email and any attachments including in connection with computer viruses, data corruption, delay, interruption, unauthorised access or unauthorised amendment. Unless expressly stated to the contrary the content of this email, or any attachment, shall not be considered as creating any binding legal obligation upon Hamilton City Council. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Hamilton City Council.

From: official information
Sent: Monday, 20 May 2019 8:27 AM
To: [REDACTED]
Cc: official information <officialinformation@hcc.govt.nz>
Subject: Re: LGOIMA 19127: Parking tickets

Kia ora,

I write to acknowledge your information request of 16 May 2019 in respect of parking tickets.

Please be advised that your request has been passed on to the relevant team within Council and you will be informed of the outcome.

The Local Government Official Information and Meetings Act 1987 requires that we advise you of our decision on whether the Council will provide the requested information or not "as soon as reasonably practicable", no later than 20 working days after the day we received your request. We will respond to you no later than 14 June 2019.

Kind regards
Amy Viggers
On behalf of the Privacy Officer
DDI: 07 8386727 | Email: amy.viggers@hcc.govt.nz

This email and any attachments are strictly confidential and may contain privileged information. If you are not the intended recipient please delete the message and notify the sender. You should not read, copy, use, change, alter, disclose or deal in any manner whatsoever with this email or its attachments without written authorisation from the originating sender. Hamilton City Council does not accept any liability whatsoever in connection with this email and any attachments including in connection with computer viruses, data corruption, delay, interruption, unauthorised access or unauthorised amendment. Unless expressly stated to the contrary the content of this email, or any attachment, shall not be considered as creating any binding legal obligation upon Hamilton City Council. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Hamilton City Council.

-----Original Message-----

From: [REDACTED]
Sent: Thursday, 16 May 2019 6:43 PM
To: "info@hcc.govt.nz" <info@hcc.govt.nz>
Subject: Information Request

Kia ora

I would like to make an official information request in relation to parking tickets.

Please answer the following questions dating back five years, broken down year by year.

- 1) How many parking tickets has the Council issued?
- 2) How much money has the Council received in relation to these tickets? Ie the total amount of paid fines.
- 3) How many of these tickets have been for parking without due care or consideration (ie how many tickets have been given for contravening road user rule 6.1)?
- 4) How is road user rule 6.1 applied? Eg is it an objective or subjective standard?
- 5) Out of the number of total tickets issued, how many have been appealed?
- 6) What have been the reasons given by the applicants for the appeals? With numbers please.
- 7) How many appeals have been rejected? How many have been accepted?
- 8) What have been the reasons given for rejecting the appeals? With numbers please.
- 9) Can you please provide an example of an appeal rejection letter?
- 10) What measures are taken to ensure that appeals are heard fairly? For example, are they reviewed by multiple members of staff?
- 11) How many rejected appeals have gone on to further hearings? I presume that these would be heard by JPs at the District Court but please correct me if I am wrong.
- 12) In how many of these Court Hearings has the Council been successful, and in how many has the Council been unsuccessful?
- 13) How much money does it cost the Council when an appeal goes to a district court hearing? With a breakdown of costs, including staff time and any compensation or costs paid to the applicant.
- 14) Have any parking tickets been appealed beyond the district court? If so, please provide details.
- 15) How many official information requests has the Council received in relation to parking tickets?

Kind regards,

██████████

▪

Dear :

Infringement notice number	Date issued	Registration number	Balance due
			\$60.00

Thank you for your correspondence regarding the above infringement notice issued for being parked in an area marked by a broken yellow line. After reviewing your explanation, and the reasons for the ticket, we have decided to proceed with enforcing the fee.

Reasons for the ticket

It is an offence to park or stop on a broken yellow line. This includes stopping briefly with the engine running. The relevant legislation is the Land Transport (Road User) Rule 2004, Part 6.4.

Payment Options

- In person at Hamilton City Council, Garden Place, Hamilton
- For information on internet payment options please visit www.hamilton.govt.nz/parkingfines
- Cheques may be posted to Hamilton City Council, Private Bag 3010, Hamilton 3240
(Please make cheques payable to Hamilton City Council and ensure they are crossed NOT TRANSFERABLE with the registration number on the back)

Thank you for attending to this matter.

Management of Parking ensures that people can safely and efficiently move around our growing city with fairness and opportunity for all who use our roads and footpaths.

Yours sincerely

Infringement Adjudicator
Parking Compliance

ATTACHMENT TWO

CODE	Offence
P117	Inconsiderate parking
<p>(Infringement = \$60) S.40 Land Transport Act 1998 & r.4 Offences & Penalties Regs 1999 & 6.1 (Road User) Rule 2004 (SR 2004/427) (as at 11 December 2009)</p> <p>NOP Being a driver or person in charge of a vehicle did stop stand or park the vehicle without reasonable consideration for other road users</p>	

Enforcement Considerations

Is this the only available offence that can be used?

Can I collect enough clear evidence to prove vehicle parked with lack of care or consideration?

Enforcement Guideline

Infringement applies to all vehicles

Grace period for vehicles		Infringement	Notes and additional info
Attended	Unattended		
1 min	NA	<ul style="list-style-type: none"> Issue notice where vehicle is parked without reasonable consideration for other road users if a warning has been previously issued. Tow vehicle if required 	<ul style="list-style-type: none"> Diagram or 2 photos minimum. Note <u>how</u> vehicle is parked with lack of due care or consideration for other road users –e.g., obstruction, blocking in reg:ABC123



Land Transport (Road User) Rule 2004 (SR 2004/427) (as at 11 December 2009)
RULE 6.1 Vehicles must be parked with due care and consideration

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a road, whether attended or unattended, without due care or without reasonable consideration for other road users.

ATTACHMENT ONE

LGOIMA 19127 - Parking Tickets

Item	Request description	2019 (ytd)	2018	2017	2016	2015	2014
1	Parking tickets issued	10084	25068	23799	31700	38432	42919
2	Revenue from paid parking tickets	\$193,502	\$642,333	\$491,011	\$599,029	\$862,676	\$1,021,164
3	P117 (inconsiderate parking) tickets	10	44	57	62	96	77
5	Number of appeals	953	2968	3464	3965	5213	5443
7a	Number of appeals rejected	693	2189	2498	3098	4109	4812
7b	Number of appeals accepted	260	779	966	867	1104	631
11a	Number of appeals sent to court	0	0	0	0	0	0
12a	Number of appeals won by Council at Court	0	0	0	0	0	0
12b	Number of Appeals lost by Council at court	0	0	0	0	0	0
15	How many LGOIMAs received in relation to parking tickets	2	0	2	4	9	5