

Amy Viggers

From: official information
Sent: Monday, 8 July 2019 10:44
To: [REDACTED]
Cc: official information
Subject: Re: LGOIMA 19168 - Enforcement Considerations

Kia ora,

Further to your information request of 21 June 2019 in respect of Enforcement Considerations, I am now able to provide Hamilton City Council's response.

You requested:

I was interested in hearing a bit more about the "Enforcement Considerations" in the attachment that you sent.

It says "Is this the only available offence that can be used?"

Can you please explain what this means?

How are parking wardens meant to use the provision (road user rule 6.1) in practice?

Does this mean that it is preferable to use another offence if possible? If so, why?

Our response:

Is this the only available offence that can be used?

P117 Inconsiderate Parking covers a wide range of activities, but should only be used when there is not a more specific legislated offence for that observed activity. For example, (P113) Double parked, (P110) Parked obstructing a vehicle entrance, (P115) Parked on footpath or cycle path are examples of motorists parking without due consideration for other people. These offences have specific infringements that should be used (as in the examples). So, where there are specific infringements, they are preferable to use rather than P117 Inconsiderate Parking. This is why the question of "Is this the only available offence that can be used?" is asked of Parking Compliance Staff while carrying their duties.

Parking infringements are set out in the { HYPERLINK

"<http://www.legislation.govt.nz/regulation/public/1999/0099/latest/DLM280110.html>" }, Part 1 Offences parking wardens may enforce. NZTA has a excel document that you can find { HYPERLINK

"<https://www.nzta.govt.nz/assets/Commercial-Driving/docs/off-code-list.xlsx>" } that has a list of the various codes.

How are parking wardens meant to use the provision (road user rule 6.1) in practice?" & "Does this mean that it is preferable to use another offence if possible?"

In the example sent in LGOIMA 19127 two photos of cars parked without due consideration to the other motorist, and therefore inhibiting their ability to drive their car out of parking spaces, are shown. There is no legislated offence for "Parking in a manner that stops someone else from getting their car out of a parking space". If someone were to park in a parking space but a metre out from the curb, there is no offence for "Parked in a metered space but a metre out from the curb interfering with traffic flow". P117 may be used by Parking Wardens to address these infrequent inconsiderate events as it is inconceivable/unrealistic/unlikely legislation will be written for every possible eventuality arise on our roads.

If so, why?

It is preferable to use the more explicit infringement rather than to just use the "blanket" P117 Inconsiderate Parking infringement, if it is more specific to the offence committed and therefore provides a better explanation of the nature of the undesirable activity (offence) on the ticket. We believe this educational approach is more beneficial. Traffic and Parking legislation exists to provide for the safety, efficiency and fairness to all motorists using our roads.

Kind regards,

Amy Viggers
On behalf of the Privacy Officer
DDI: 07 8386727 | Email: { HYPERLINK "mailto:amy.viggers@hcc.govt.nz" }

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

From: official information
Sent: Monday, 24 June 2019 8:18 AM
To: { [REDACTED] }
Cc: official information <{ HYPERLINK "mailto:officialinformation@hcc.govt.nz" }>
Subject: LGOIMA 19168 - Enforcement Considerations

Kia ora

I write to acknowledge your information request of 21 June 2019 in respect of Enforcement Considerations.

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 19 July 2019.

Kind regards,
Amy Viggers

On behalf of the Privacy Officer
DDI: 07 8386727 | Email: { HYPERLINK "mailto:amy.viggers@hcc.govt.nz" }

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

From: { [REDACTED] }>
Sent: Friday, 21 June 2019 7:17 PM

To: official information <{ HYPERLINK "mailto:officialinformation@hcc.govt.nz" }>
Subject: Re: LGOIMA 19127: Parking tickets

Kia ora

I was interested in hearing a bit more about the "Enforcement Considerations" in the attachment that you sent.

It says "Is this the only available offence that can be used?"

Can you please explain what this means?

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Does this mean that it is preferable to use another offence if possible? If so, why?

Kind regards,



> On 11/06/2019, at 3:25 PM, official information <{ HYPERLINK "mailto:officialinformation@hcc.govt.nz" }> wrote:
>
> <LGOIMA 19127 - Appeal rejection letter.pdf>