

2. COUNCIL DELEGATIONS: PUBLIC PLACES AND SIGNS BYLAW 2003

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The purpose of this report is to recommend that the Council delegate a number of its powers under the proposed Christchurch City Public Places and Signs Bylaw 2003.

The Council, at its meeting on 24 April 2003, resolved to make the Christchurch City Public Places and Signs Bylaw 2003. On the basis that this resolution will, in accordance with the special order procedure, be confirmed by the Council at its meeting on 22 May 2003, it is now necessary, in the interests of efficient administration, that the Council delegate a number of its powers under that bylaw. It is also necessary that the Council delegate its power to appoint inspectors to ensure that the provisions of that bylaw are observed.

The Christchurch City General Bylaw 1990 authorises the Council to delegate any of the powers conferred on it by any of its bylaws. It also authorises the Council to appoint inspectors to ensure that the provisions of any of its bylaws are observed.

Almost all of the powers in respect of which delegations are now sought under the proposed bylaw are powers which are presently conferred directly upon Council Officers by the current bylaw (the Christchurch City Public Places and Signs Bylaw 1992) or are powers under that bylaw which have been delegated to officers by the Council. However there are several powers, in respect of which delegations are now sought, which have not been delegated in the past. The significant ones are the powers referred to in recommendations 5, 6 and 8 below.

Recommendation 5 would give the Environmental Services Manager power to institute prosecutions under Part V of the proposed bylaw. The delegation to that officer to prosecute under the current bylaw only extends to Parts I to IV of that bylaw.

The power referred to in recommendation 8 (to suspend or cancel a licence) is one which would normally only be exercised as a very last resort. In the normal course of events such action would only be contemplated after a licensee had ignored formal warnings and had been prosecuted.

Once made, the Christchurch City Public Places and Signs Bylaw 2003 will come into force on 2 June 2003.

A copy of the index to the bylaw is attached outlining the relevant parts and clauses referred to in the recommendations.

Staff

- Recommendation:**
1. That pursuant to clause 7(1) of the Christchurch City General Bylaw 1990 the Council delegate to the Environmental Services Manager and to the Team Leader Environmental Monitoring (severally) the following powers under the Christchurch City Public Places and Signs Bylaw 2003:
 - (a) All of the Council's powers under Parts I to IV inclusive except:
 - (i) Those powers specified as being exercisable by the Council by resolution; and
 - (ii) The power contained in clause 20(1)(b) (requiring the discontinuance of use of a motor vehicle); and
 - (b) The following powers under Part V (Signs Visible from Public Places);
 - (i) Clause 32 (issuing of permits); and
 - (ii) Clauses 33(1) and 33(2) (imposition of conditions on permits); and
 - (iii) Clause 49 (dispensing powers).

2. That pursuant to clause 7(1) of the Christchurch City General Bylaw 1990 the Council delegate to the Building Control Manager the following powers under the Christchurch City Public Places and Signs Bylaw 2003:
 - (a) All of its powers under Part V (Signs Visible from Public Places) except the powers contained in clauses 32, 33(1), 33(2), 45 and 49; and
 - (b) All of its powers under the following clauses of Part VI (Miscellaneous Provisions):
 - (i) Clause 55 (verandahs); and
 - (ii) Clause 57 (repairs of verandahs); and
 - (iii) Clause 58 (canopies, sun blinds and awnings).
3. That pursuant to clause 7(1) of the Christchurch City General Bylaw 1990 the Council delegate to the City Streets Manager the following powers under the Christchurch City Public Places and Signs Bylaw 2003:
 - (a) Under Part V (Signs Visible from Public Places) its powers in clause 45 (illuminated or flashing signs); and
 - (b) Under Part VI (Miscellaneous Provisions) its powers in:
 - (i) Clause 50(1) (stormwater drains through footpaths); and
 - (ii) Clause 52 (vehicle crossings) except the power in clause 52(3)(a) to prescribe an inspection fee; and
 - (iii) Clause 53 (consent to use of construction machinery).
4. That pursuant to clause 9 of the Christchurch City General Bylaw 1990 the Council delegate to the Environmental Services Manager its power to appoint inspectors to ensure that all or any of the provisions of the Christchurch City Public Places and Signs Bylaw 2003 are observed.
5. That the Council delegate to the Environmental Services Manager the power to initiate any prosecution under Parts I to V (inclusive) of the Christchurch City Public Places and Signs Bylaw 2003 together with the power to make any decision on any matter relating to such prosecution.
6. That the Council delegate to the City Streets Manager the power to initiate any prosecution under Part VI of the Christchurch City Public Places and Signs Bylaw 2003 together with the power to make any decision on any matter relating to such prosecution.
7. That the Council:
 - (a) Delegate to the Environmental Services Manager the power to apply to the District Court for an injunction restraining any person from committing a breach of any of the provisions of Parts I to V (inclusive) of the Christchurch City Public Places and Signs Bylaw 2003; and
 - (b) Authorise the Environmental Services Manager to take enforcement action against any person who breaches any such injunction and to make any decision in any matter relating to such action.

8. That pursuant to clause 7(1) of the Christchurch City General Bylaw 1990 the Council delegate to the Council Hearings Panel all of its powers under clause 12 of that bylaw in relation to the revocation and suspension of licences issued under the Public Places and Signs Bylaw 2003.

Chairman's

Recommendation:

That the above recommendations be adopted.