

9. DELEGATIONS : APPOINTMENT OF ENFORCEMENT OFFICERS UNDER LOCAL GOVERNMENT ACT 2002

Officers responsible General Manager Regulation and Democracy Services	Author David Rolls, DDI 941-8892
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The purpose of this report is to recommend that the Council delegate to certain officers of the Council the power to warrant and appoint enforcement officers under the Local Government Act 2002.

The Local Government Act 2002 has recently been amended so as to remove the prohibition which it had formerly placed on local authorities, to delegate their powers to warrant enforcement officers under that Act. A new clause 32A has been inserted into the Seventh Schedule of the Local Government Act 2002 by the Local Government Act 2002 Amendment Act 2004. That clause provides:

- “32A Delegation of power to issue warrants to enforcement officers**
- (1) *A local authority may delegate to a committee or member or officer of the local authority the power to issue warrants to enforcement officers.*
- (2) *A delegation under subclause (1) may –*
- (a) *limit or restrict the exercise of the power; or*
 - (b) *impose conditions on the exercise of the power; or*
 - (c) *prohibit, in specified circumstances, the exercise of the power.*
- (3) *The local authority must determine the matters in subclause (2) before acting under subclause (1).*
- (4) *Clause 32(2) to (8), with all necessary modifications, applies to a delegation made under this clause.”*

Section 177 of the Local Government Act 2002 is the section which empowers local authorities to appoint enforcement officers. Section 177 provides, amongst other things, -

- “(1) A local authority may appoint persons to be enforcement officers in the district or region of the local authority in relation to any offence under this Act, including, without limitation,—*
- (a) *offences against bylaws made under this Act;*
 - (b) *infringement offences provided for by regulations made under section 259.*
- (2) *A local authority must issue warrants in writing to enforcement officers appointed under this section, specifying—*
- (a) *the responsibilities and powers delegated to them; and*
 - (b) *the infringement offences in relation to which they are appointed.”*

It is recommended that the Council delegate to the General Manager City Environment, and the Environmental Services Manager (severally) all of the Council's powers to appoint enforcement officers under that section.

It is considered that there is no good reason why the Council should, in terms of paragraphs (a), (b) or (c) of Clause 32A(2) limit, restrict or otherwise confine the exercise of the power to warrant enforcement officers under Section 177 by the two officers concerned.

Staff

- Recommendation:** That the Council resolve:
1. That pursuant to Clause 32A of the Seventh Schedule of the Local Government Act 2004 the General Manager City Environment and the Environmental Services Manager, severally, be delegated the power to appoint and warrant enforcement officers under Section 177 of that Act.
 2. That such delegation not be subject to any limitation, restriction, condition or prohibition pursuant to Clause 32A(2) of the Seventh Schedule to that Act.

Chair's

- Recommendation:** That the above recommendation be adopted.