

11. CLEANFILL LICENSING BYLAW - APPOINTMENT OF ADDITIONAL ENFORCEMENT OFFICERS

Officer responsible City Water and Waste Manager	Author David Rolls, Solicitor, DDI 941-8892
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The purpose of this report is to recommend that the Council appoint and warrant another two staff members as enforcement officers under the Local Government Act 2002 to enforce the provisions of the Christchurch City Cleanfill Licensing Bylaw 2003 and the Christchurch City Refuse Bylaw 1995.

APPOINTMENT OF ENFORCEMENT OFFICERS

The City Water and Waste Manager wishes to have another two staff members appointed as enforcement officers to enforce the Council's Cleanfill Bylaw and its Refuse Bylaw. They are Council employees Ria Holly and Martin Barnes.

Section 177(1) of the Local Government Act 2002 authorises the Council to appoint persons as Enforcement Officers in relation to any offences against bylaws made under that Act. The Cleanfill Bylaw is made under that Act. The refuse bylaw is deemed by that Act to be a bylaw made under that Act. Section 177(2) requires the Council to issue written warrants to persons it appoints as enforcement officers under Section 177(1).

The Act confers upon enforcement officers powers to seize and impound property which is involved in the commission of an offence (Sections 164 and 165), powers to enter upon land for enforcement purposes (Section 172) and the power to require any person that the officer believes is committing or has committed an offence to provide certain information (Section 178).

Section 163 of the Local Government Act 2002 provides that if it is authorised by a bylaw a local authority may remove or alter a work or thing that is, or has been constructed, in breach of any bylaw.

Clause 14 of the General Bylaw empowers the Council to remove or alter a work or thing that is, or has been, constructed in breach of any of the Council's bylaws. Clause 14(a) provides that where the work or thing is situated upon private land, the Council may serve, on the owner or occupier of that land, a notice requiring its removal. If the notice is not complied with, then the Council may itself effect the removal at the expense of the owner or occupier. Clause 14(b) provides that where the work or thing is on, over, or above a road, public place, or reserve the Council may remove it without notice and at the cost of the person who placed it there.

To facilitate the effective and efficient administration of both the cleanfill bylaw and the refuse bylaw it is recommended that the Council delegate its powers under clauses 14(a) and 14(b) of the General Bylaw to each of the persons it appoints as enforcement officers in respect of those bylaws.

COMPLIANCE WITH DECISION-MAKING REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 2002

It is considered that the decisions sought from the Council in relation to this report concern matters of a minor administrative nature only. Consequently it is suggested that no specific action need be taken in respect of the requirements of Section 77 and 78 of the Local Government Act 2002.

Recommendation: That the Council resolve:

1. To appoint and warrant Ria Holly and Martin Robin Barnes as enforcement officers pursuant to Section 177 of the Local Government Act 2002 for the purposes of detecting offences against the Christchurch City Cleanfill Licensing Bylaw 2003 and the Christchurch City Refuse Bylaw 1995 and for these purposes to authorise them to exercise all of the powers of enforcement officers under that Act.
2. To delegate to each of the abovenamed (severally) the Council's powers under clauses 14(a) and 14(b) of the Christchurch City General Bylaw 1990 for the purposes of enforcing the Christchurch City Cleanfill Licensing Bylaw 2003 and the Christchurch City Refuse Bylaw 1995.