


26. RESOURCE MANAGEMENT ACT 1991 - DELEGATION OF POWERS



General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Inspections and Enforcement Manager
Author:	Gary Lennan, Inspections and Enforcement Manager

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to transfer powers relating to parking enforcement functions from the Transport and Greenspace Manager to the Inspections and Enforcement Manager.

EXECUTIVE SUMMARY

2. The Inspections and Enforcement Unit of the Regulation and Democracy Group was established as a separate independent business unit within Christchurch City Council (CCC) at the end of the 2005/06 financial year. The purpose of the restructure was to establish an independent CCC authority on all matters relating to enforcement and bring all enforcement and inspections functions undertaken by the CCC under the control of one business unit.
3. Prior to the restructure parking enforcement came under the control of the Transport and Greenspace Unit of the City Environment Group. It has recently been discovered that the delegations register had not been amended to take account the change in reporting lines for the Parking Enforcement Team. Delegated authority in relation to core legislation functions and powers relating to parking enforcement currently still lie with the Transport and Greenspace Manager. As a result of the change in reporting lines it is appropriate that the delegated authority in relation to core legislation functions and powers relating to parking enforcement be transferred to the Inspections and Enforcement Unit Manager.
4. It is important to emphasise that no new delegations are being sought. This is simply a request to have existing delegated powers extended transferred from the Transport and Greenspace Manager to the Inspections and Enforcement Unit Manager.
5. The transfer of the delegated powers is in line with the rationale detailed above behind the change proposal that supported the establishment of the Inspections and Enforcement Unit.

FINANCIAL IMPLICATIONS

6. Nil

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

7. N/A.

LEGAL CONSIDERATIONS

8. The delegated powers requiring transfer from the Transport and Greenspace Manager to the Inspections and Enforcement Unit Manager through amendment to the Council's Delegations Register are:
 - (a) The power to appoint Parking Wardens under section 7 of the Transport Act 1962 together with the power to revoke any such appointment so made.
 - (b) The power to appoint Litter Control Officers under section 5 of the Litter Act 1979 together with the power to revoke any such appointment so made.
 - (c) The power to appoint Parking Wardens as Inspectors in terms of Christchurch City General Bylaw 1990 together with the power to revoke any such appointment so made.
 - (d) The power to remove and dispose of abandoned vehicles pursuant to section 356 of the Local Government Act.

- (e) Decisions relating to infringement notices issued pursuant to the Transport Act 1962 and subordinate Acts and Regulations, and the Litter Act 1979 with the decision of the Transport and City Streets Manager being final.
- (f) The power of the Council to institute proceedings including prosecutions, under the provisions of the Summary Proceedings act 1957, Transport Act 1962 and Litter Act 1979.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

- 9. There are no Parking Enforcement LTCCP levels of service. However, the recommendation to transfer these delegated powers does support the Inspections and Enforcement Unit activity management plan .

ALIGNMENT WITH STRATEGIES

- 10. N/A.

CONSULTATION FULFILMENT

- 11. N/A.

STAFF RECOMMENDATION

It is recommended that the Council delegate to the position of Inspections and Enforcement Manager the same powers currently delegated to the Transport and Greenspace Manager, as they relate to the powers and functions of Parking Enforcement, namely:

- (a) The power to appoint Parking Wardens under section 7 of the Transport Act 1962 together with the power to revoke any such appointment so made.
- (b) The power to appoint Litter Control Officers under section 5 of the Litter Act 1979 together with the power to revoke any such appointment so made.
- (c) The power to appoint Parking Wardens as Inspectors in terms of Christchurch City General Bylaw 1990 together with the power to revoke any such appointment so made.
- (d) The power to remove and dispose of abandoned vehicles pursuant to section 356 of the Local Government Act.
- (e) Decisions relating to infringement notices issued pursuant to the Transport Act 1962 and subordinate Acts and Regulations, and the Litter Act 1979 with the decision of the Transport and City Streets Manager being final.
- (f) The power of the Council to institute proceedings including prosecutions, under the provisions of the Summary Proceedings act 1957, Transport Act 1962 and Litter Act 1979.