

Bylaw Administration Policy

South Taranaki District Council



South Taranaki
Alive with opportunity

Executive Summary

This policy provides information on how the Bylaws of South Taranaki will be administered.

Council's Role and Responsibility

Under legislation, the Council is provided with powers to adopt Bylaws which provide local solutions for local issues. The Council must develop bylaws which provide certainty for the rules and regulations contained within its bylaws. A Bylaw Administration Policy provides certainty to the community on how the Bylaws will be administered.

Purpose of the Policy

To provide a policy framework for the way the Council administers its Bylaws, which will provide certainty and an approved operational standard.

Objectives

This policy contains information on how every South Taranaki District Council Bylaw will be administered, with regards to:

- The delivery of notices;
- Signing of notices;
- Appointment of Officers;
- Granting of licences;
- Suspension or revocation of licences; and
- Appeal provisions.



Policy

1.0 Service of Notices and Orders

- 1.1 Except as otherwise expressly provided for in any Act or Bylaw, where any notice or other document is required to be served on any person for the purposes of a Bylaw, service may be effected by:
 - a) Delivering it personally; or
 - b) Sending it by courier; or
 - c) Sending it by registered post to the persons last know place of residence or business, or in the case of a company to the registered office.
- 1.2 If the person being served is absent from New Zealand, the notice, or other document may be served on his or her agent, instead of that person.
- 1.3 If the person being served has no known name or address, or is absent from New Zealand and has no known agent in New Zealand, and the notice or other document relates to any premises, then the notice or document may be served to the occupier of the premises; or if there is no occupier, may be put up on some conspicuous part of the premises. It is not necessary in any such notice or other document, to name the occupier or the owner of the premises.
- 1.4 If the person being served is deceased, the notice or other document may be served on that person's personal or legal representative or executor.
- 1.5 Notices or other documents sent by post are deemed to have been served at the time when the letter would have been delivered in the ordinary course of post.

2.0 Signing of notices and orders

- 2.1 Every notice, order or other document required to be sent by the Council will, except as otherwise provided by any Act or Bylaw, be signed by the Chief Executive or any other person authorised by the Council to act on its behalf in that respect, and will not require to be under seal.

3.0 Appointment of Officers

- 3.1 The Council may, from time to time, appoint Authorised Officers or Enforcement Officers to ensure the provisions of any Bylaws are observed.
- 3.2 Every appointed Authorised Officer or Enforcement Officer will be issued with a warrant of appointment, which must state the statutory authority empowering the Officer to enter upon any land, building or premises, in order to carry out his or her duties.
- 3.3 Every person who obstructs or hinders an Authorised Officer or Enforcement Officer in the execution of his or her duties under a particular Bylaw, will be deemed to have committed an offence against that Bylaw.



- 3.4 All Officers appointed for the purposes of any repealed Bylaw, and holding office at the time of the coming into operation of any Bylaw, shall be deemed to have been appointed under that Bylaw.

4.0 Granting of licences

- 4.1 An application for a licence must:
- a) Be made in writing on the appropriate form provided by the Council (if provided); and
 - b) Contain all required information; and
 - c) Be lodged with the appropriate application fee (if stipulated in the current Fees and Charges Schedule); and
 - d) Must be lodged with the Council at least 20 working days prior to when the licence is required (unless otherwise expressly mentioned).
- 4.2 An application for a licence does not confer any right, authority or immunity on the person making the application, until the licence has been granted.
- 4.3 A licence may contain such terms and conditions as the Council may require.
- 4.4 The granting of a licence will not render the Council or any Officer of the Council liable in respect of any damage caused by or arising out of any act done or omitted; under or in connection to any such licence.

5.0 Suspension and Revocation of Licences

- 5.1 Except as may be otherwise provided in any particular Act or Bylaw:
- a) If a licence under a particular Bylaw:
 - i) Acts in a manner contrary to that Bylaw; or
 - ii) Fails to comply with any of the terms and conditions of the licence; or
 - iii) Acts in a manner which, in the opinion of the Council, renders the licensee until to hold such a licence; or
 - b) If any premises licensed under a particular Bylaw:
 - i) Is no longer being used for the purposes stated in the licence; or
 - ii) Has fallen into a state of disrepair or is not being kept and maintained in the condition required by the licence; or
 - iii) Is in any other manner failing to meet the requirements of the Bylaw or applicable regulations.

then the Council may, by notice serve upon the licensee, revoke or suspend the licence.

- 5.2 If a licensee is convicted of an offence constituting a breach of the terms or conditions of a licence; or of an offence concerning his or her character as a licensee, then the Council may suspend (for as long as they see fit) or revoke the licence.
- 5.3 A person whose licence has been suspended under clause 5.1 or 5.2 and any premises in respect of which the licence has been suspended shall, during the period of such suspension, be deemed to be unlicensed.

5.4 The Council reserves the right to revoke any licence at any time.

6.0 Appeal Provisions

6.1 Any person who has received written notice that a licence has been revoked, may within fourteen days of the receipt of that notice, lodge an objection in writing to the Council stating the grounds for their objection and showing cause as to why the notice should be revoked or suspended.

6.2 The Council shall consider the objection through a hearing. The decision made by the Council shall be final and binding.

6.3 If the Council considers the acts or failures of the licensee, or the circumstances of the premises to warrant a suspension or revocation, or if there is no appearance by the licensee, then the Council may suspend (for as long as they see fit) or revoke the licence.

6.4 The objector shall be notified of the decision in writing no later than 10 working days after the Council has made the decision. The notification may include reasons for the decision.

7.0 Definitions

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under any South Taranaki District Council Bylaw.

Bylaw means a Bylaw of the Council which is in force, made under the provisions of any Act or authority, which enables the Council to make Bylaws.

Council means the South Taranaki District Council.

Chief Executive means the Chief Executive of the Council, as defined within the Local Government Act 2002.

Licence means a licence, permit, consent, exemption, or approval issued in writing under any Bylaw.

Person includes a corporation and also a body of persons, whether corporated or unincorporated.

Under seal means affixing the common seal of the South Taranaki District Council.

In any Bylaw, unless the context otherwise requires:

- i) Words importing the masculine gender include the feminine.
- ii) Words importing the singular include the plural, the words importing the plural include the singular.
- iii) Every schedule to a Bylaw is deemed to be part of that Bylaw.



8.0 Contacts

Policy Advisor or Policy and Governance Manager
South Taranaki District Council - 06 278 0555 or 0800 111 323

9.0 Review of Policy

- 9.1 This Policy shall be reviewed every five (5) years to ensure the policy is effective and efficient at achieving the objectives.

History of Policy

Action	Description	Decision date	Decision number	Commencement
New	Adoption of new Bylaw Administration Policy	10/11/2014	131/14	11/11/2014
Amendment	Review and renewal of Policy	16/09/2019	137/19	3/10/2019

