



Explanations in this guide are intended to assist you to complete the Application for new or renewal of an On-Licence form - numbers on the form relate to these guidance notes.

## Background

The application for commercial trading in public places is administered under the Council's commercial trading in public places policy. The purpose of the policy is to:

- Ensure that the activity fits with the open space recreation features of the park or reserve.
- Mitigate the negative aspects of commercial use.
- Ensure that commercial activity does not pose any nuisance or safety risk.
- Provide transparency about the licensing, fee and rental setting processes.

For more information about the commercial trading in public places policy please refer to [www.newplymouthnz.com](http://www.newplymouthnz.com)

In accordance with the policy, the Council has issued:

- A Request for Tender, to seek competitive tenders for proposed trading operations at sites on the Coastal Walkway and in the Huatoki Plaza; and
- An Application Process document, to seek non-tendered applications for proposed trading operations at public places other than the Coastal Walkway and Huatoki Plaza.

The Request for Tender and the Application Process are two separate processes which are being run by the Council concurrently. However, the information required from applicants under both processes is the same, and applicants will be assessed against the same evaluation criteria.

## When to apply for use of public place for commercial trading?

If you are planning to operate a business on a Council land, then you will need to apply for commercial trading in public places.

The complexity or significance of your proposed activity will determine the type of approval for your application. This may be a licence to occupy, a requirement for you

to enter into a lease agreement with the Council, or both. Granting of a licence to occupy or entering into a lease with the Council does not include approval of the activity under other legislation or policy the Council administers, e.g. resource consent, building consent, temporary road closure, etc.

Factor	Major	Minor	Start up
Duration of the agreement	Long term up to 33 years	Short term of up to five years	Maximum term of up to 12 months
Size of operation	Large scale or requires an occupation of a park or reserve land (as designated under the Reserve Act 1977)	Small scale, e.g. food vendor operating on a reserve/road reserve on a limited basis	New activity, demand for the goods or service is uncertain  Small scale operation
Impact on the site	May have economic, environmental, social or community significance.	Limited impact on the site or beyond it	Little impact on the site or beyond it
Use of building and facilities	May involve the building of structures or significant modification of the site	Not building substantial structures or facilities; not modifying the site. Is generally mobile or temporary structure	Not building substantial structures or facilities; not modifying the site.
Type of approval	Lease agreement, which may include a licence to occupy.	Licence to Occupy	Licence to Occupy

## Processing times

Your application will be checked for completeness at the time of application. A checklist of items to be submitted with your application is provided in the application package. Incomplete applications will be returned.

Applications received for sites on the Coastal Walkway and in the Huatoki Plaza will be processed in accordance with the anticipated timetable set out on page 5 of the Request for Tender document. For applications received for other sites, the application process can take up to 3-6 weeks. This depends on the nature of your activity and the quality of information that

you provided in your application.

The information you provide on your application will be used to assess:

- The best site for your business.
- How your proposal fits with the needs of its proposed location and meets the criteria set out in the policy.

We will contact your appointed contact person if we require clarification or additional information.

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Binding interpretations of the acts, regulations and bylaws can be issued only by the courts. Indications and guidelines issued by the council are provided with the intention of helping people to understand the legislation. They are however offered on a "no liability" basis and in any particular case those concerned should consult their own legal adviser.

## Case management

If you are applying for a new business operation, it is probable that you may require more than one approval from us.

We encourage you to contact us and arrange a meeting with our case manager to discuss your proposed project. The Council provides a free case management service for people setting up a business in the New Plymouth District. It provides a single contact point for all your dealings with the Council and helps streamline your project.

The service:

- Tells you about all the consents and licences you need.
- Tells you how long it will all take.
- Tells you the best order to apply for everything.

## Criteria for assessment of applications

When assessing applications and tenders the following criteria are used in the assessment:

Criterion	Weighting
Fit with location and enhancement of recreation or use of a public place	25%
Impact on the environment	25%
Business capability	20%
Point of difference	10%
Price	20%

## Guidance notes

### 1. Application details

1a. Provide the name of the entity or individual who will be entering into agreement with the Council.

For non-individuals, you will need to provide a contact person on item 2a.

1b. Contact person:

If different from 2a, provide the name of the person who the Council will be liaising with in processing this application.

Contact details:

Provide your mailing address, telephone number, mobile, fax and email address.

Preferred means of correspondence:

Tick which method you prefer to receive correspondence for this application.

Approval documents, e.g. lease agreement or licence, will be sent by post.

1c. How do you operate your business?

Tick the legal structure your business is operating under.

For more information on the different types of business structures, visit the website [www.business.govt.nz](http://www.business.govt.nz)

### 2. Proposed trading operation details

2a. Provide the name that your business will use for trading.

2b. Tick the nature of the activity that you propose to operate.

2c. Describe what type of service or products you intend to sell.

2d. Indicate your preferred and alternative sites.

In the case that we are unable to offer any of these sites to you, we may discuss other alternative sites with you.

2e. If you are intending to use a site that is currently leased or licensed by another business, provide the name of the lease or licence holder.

2f. Tick the services that you will require on site.

We are not always able to provide power and water services to traders at public places. In the case that these services are not available at your location, explain on how you propose to supply them.

2g. Indicate the area that you require for your operation. Include area needed for tables and chairs, customer waiting area, etc.

2h. We recognise that there are businesses that would only be viable in certain seasons.

Tick: Year round if you wish to use the space the whole year.

Tick: Specified season if you wish to use the space on certain periods. You will need to specify the duration or periods you would need the space for.

2i. Specify the time you wish to be open for business, including set up and take down time.

2j. Specify the number of years you intend to use the space. This will also be used in assessing the duration of any agreement.

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## Assessment against commercial trading in public places policy criteria

All applications will be assessed against the criteria set out in the policy.

When answering these questions, consider the policy criteria statements outlined below:

### 3. *Fit with location and enhancement of recreation or use of a public place (weighting: 25 per cent)*

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| <p>i. The degree in which the activity is consistent and compatible with public places' primary purpose and the values and objectives as may be outlined in a Reserve Management Plan or other plan and the reserve classification (if applicable). Commercial trading must enable the public to obtain the benefit and enjoyment of public place or be for the convenience of persons using a reserve in accordance with the Reserves Act 1977.</p> | <p>ii. Public access during the commercial activity's operation.</p> <p>iii. The degree to which the activity benefits the public's use or enjoyment of the public place.</p> <p>iv. Fit with a recreation need identified in any local, regional or national plan or strategy.</p> |
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### 4. *Point of difference (weighting: 10 per cent)*

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| <p>i. The fit with existing businesses in the public place, so as not to duplicate an existing activity or commercial operation.</p> | <p>ii. The extent to which the point of difference contributes to the vibrancy and well-being of the area.</p> |
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### 5. *Impact on the environment (weighting: 25 per cent)*

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| <p>i. The impact on the physical and social environment and steps proposed to mitigate the impacts.</p> | <p>ii. The impact of the project on the park or reserve, the extent of occupation and the intent of the project.</p> |
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### 6. *Business capability (weighting: 20 per cent)*

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| <p>The business plan and overall sustainability of the proposal, including:</p> <p>i. The applicant's and/or operator's suitability, experience, and where applicable proven track record of a good business relationship with the Council (if applicable).</p> <p>ii. The applicant's financial management capability, including the history of any existing arrangements with the Council. A credit check will be mandatory. If the applicant has no prior financial relationship with the Council, testimonials may be required from previous or existing landlords.</p> | <p>iii. Any relevant qualifications (i.e. food handling, health and safety etc.).</p> <p>iv. The health and safety plan and the risk mitigation process and procedures identified in the plan.</p> <p>v. The views of identified affected parties. In circumstances where an agreement is being renewed, this will include previous feedback to the Council from reserve users and evidence of customer satisfaction.</p> |
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### 7. *Price (weighting: 20 per cent)*

- 7a. The likely annual gross revenue generated (based on the previous year's financial statement / performance).
- If duration less than one year, a set fee based on Council's fees and charges will apply.

### 8. *Applicant's declaration*

Ensure that you have read the statements and relevant documents covered in this declaration.

Please sign and date the form to confirm that you agree with statements covered in this declaration. It must be signed by the applicant.

Ensure you have included all applicable documents/items together with the application form.