

## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Tracy Waddington, Environmental Health Officer

**REFERENCE:** E502

**SUBJECT:** **STATEMENT OF PROPOSAL: REVIEW OF CHAPTER 6 OF CONSOLIDATED BYLAW - TRADING IN PUBLIC PLACES - REPORT REP10-04-02** - Report prepared for meeting of 8 April 2010

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This statement of proposal is made for the purposes of Sections 83 and 86 of the Local Government Act 2002. It is divided into three parts as follows:

- Part 1:** *This part contains a “Summary of Information”.*
- Part 2:** *This part contains details of the statutory processes that Council is obliged to give consideration to as well as the details and discussion of the changes intended to the existing Trading in Streets and Public Places Bylaw. This section also includes the recommendation to Council’s E & P Committee to proceed with the next step in adopting the draft “Trading in Public Places Bylaw”.*
- Part 3:** *This part contains the draft “Trading in Public Places Bylaw 2010” and the consequential amendment to Council’s Schedule of Charges.*

### **Part 1: Summary of Information**

This summary is made to fulfil the purposes of Sections 83(1)(a)(ii) and 89 of the Local Government Act 2002. The summary contains details of the changes proposed by the new Trading in Public Places Bylaw compared to that currently existing.

A. These changes are as follows:

1. Removal of those activities in public places that are managed by other Council processes e.g. leases, licences to occupy, permitted activities under the TRMP, Food Hygiene Regulations requirements for Mobile Shops;
2. Inclusion of “Commercial Services” category for commercial services offered in a public place;

3. An attempt has been made to use simple language in the Bylaw and thus it has been substantially rewritten and reduced in size from the 2005 version, however the intent remains the same.

B. The full Statement of Proposal including the Trading in Public Places Bylaw may be inspected during ordinary office hours at the following places:

**Tasman District Council**  
**189 Queen Street**  
**Richmond**  
**Tasman District Council**  
**92 Fairfax Street**  
**Murchison**  
**District Library**  
**Queen Street**  
**Richmond**  
**Takaka Memorial Library**  
**Commercial Street**  
**Takaka**

**Tasman District Council**  
**7 Hickmott Place**  
**Motueka**  
**Tasman District Council**  
**78 Commercial Street**  
**Takaka**  
**Motueka Library**  
**Pah Street**  
**Motueka**

C. A copy of the full Statement of Proposal may be viewed or copied from the Tasman District Council web site at: [www.tasman.govt.nz](http://www.tasman.govt.nz)

D. All submissions on the proposal are to be in writing and posted or delivered to: The Administration Advisor, Tasman District Council, Private Bag 4, 189 Queen Street, Richmond 7031, or they may be emailed to [info@tasman.govt.nz](mailto:info@tasman.govt.nz) or faxed to 03 543 9524

E. Submissions will be received at any time from 10 April 2010 up to 4.30 pm on 11 May 2010.

## **PART 2: Statutory Processes and Details of Draft Amendments.**

### **A. Statutory Processes**

The following are the various statutory processes that have received consideration:

- (a) Section 684B of the Local Government Act 1974 as amended by the Local Government Amendment Act (No 2) 1999.
- (b) Trading in Public Places Bylaw is not considered to be inconsistent with the New Zealand Bill of Rights Act 1990.

### **B. Background and Details of Changes From The Existing Bylaw:**

#### **1. REASON FOR REPORT**

This report presents the draft Trading in Public Places Bylaw 2010 for the Committee's consideration with a recommendation for its adoption and release for public consultation.

A timeline for the process is presented along with a summary of the information/issues which have been considered.

## **2. LEGAL BACKGROUND**

Council is required to review a bylaw every 5 years pursuant to Section 158 of the Local Government Act 2002 (LGA). It is noted that after this review takes place, the next review is required to be done within 10 years. (Section 159 LGA)

The Special Consultative procedure under the LGA is required to be used. The process must be completed by 1 July 2010 as the existing bylaw was made operative on 1 July 2005.

The Council has an existing Trading in Streets and Public Places Bylaw which will be repealed.

## **3. PRE-DRAFT INPUT**

Comments were received from staff whose work is in areas that could be affected by any changes to the bylaw including Community Services, Compliance, Customer Services and Regulatory Services.

## **4. COMPARISON WITH EXISTING BYLAW**

The existing Trading in Streets and Public Places Bylaw includes the licensing of some activities in public places that are managed by other Council processes and hence are duplications. It also contains information in relation to the sale of food from mobile shops which is more correctly managed under the Food Hygiene Regulations. Some new provisions are introduced by the proposed bylaw. The detail of the proposed changes are as follows:

1. Removal from the bylaw of those activities that are managed through other council processes. For example "licences to occupy" that are issued for tables and chairs, or displays of goods on footpaths, long term street stalls and markets;
2. Removal from the bylaw of those activities that are permitted under the Tasman Resource Management Plan e.g. advertising signs on footpaths in the Central Business and Commercial Zones;
3. Removal from the bylaw of information relating to the structural requirements for the sale of food from mobile shops. This is managed by licensing under the *Food Hygiene Regulations 1974*;
4. Inclusion in the bylaw of a "Commercial Services" provision that will better cover commercial activities such as the taking and selling of photographs, the production and sale of personal portraits, the telling of fortunes, the soliciting of commercial sexual services, and any other commercial service of any kind to be undertaken in a public place;

5. Inclusion in the bylaw of additional requirements relating to mobile shops. These include the provision of proof by the applicant that the vehicle is roadworthy and that any LPG or electrical fittings in the vehicle are appropriately certified;
6. Inclusion in the bylaw of a restriction on mobile shops operating within 200 metres of any other premises selling similar products;

An attempt has been made to use simple language in the Bylaw and thus it has been substantially rewritten from the 2005 version, however the intent remains the same.

## 5. IMPLICATION FOR SCHEDULE OF CHARGES

As the proposed bylaw deletes some classes of traders and introduces a new category for commercial services, there are some consequential amendments required to Council's Schedule of Charges. These are as follows:

Delete:-

### **"Trading in Streets and Public Places Bylaw 2005**

|  |  |
|--|--|
| <b>Display of goods on the footpath by shopkeepers outside their shops</b>                           | <b>13.00 per day<br/>35.00 per month<br/>185.00 per year</b> |
| <b>Hawker's Licence</b>  | <b>40.00</b>   |
| <b>Long term or short term street stall Application Fee<br/>Plus site lease</b>                      | <b>155.00</b>  |
| <b>Operation of Mobile Shop without food or with Food Hygiene registration from another district</b> | <b>75.00"</b>  |

and replace with:

### **"Trading in Public Places Bylaw 2010**

|  |                |
|--|----------------|
| <b>Mobile Shops</b>                                | <b>75.00</b>   |
| <b>Hawkers</b>                                     | <b>40.00</b>   |
| <b>Commercial Services</b>                         | <b>40.00</b>   |
| <b>Soliciting Donations/Selling Raffle Tickets</b> | <b>No fee</b>  |
| <b>Buskers</b>                                     | <b>No fee</b>  |
| <b>Public Speakers</b>                             | <b>No fee"</b> |

## 6. SPECIAL CONSULTATIVE TIMELINE

It is necessary to establish time lines for the consultation process to ensure the adoption of the Policy prior to 1 July 2010

A proposed programme is as follows:

|               |  |
|---------------|--|
| 8 April 2010  | Consideration and adoption (with amendments if any) of the draft Trading in Public Places Bylaw by the Environment & Planning Committee; |
| 10 April 2010 | Public notification using Special Consultative Procedure, calling for submissions to the draft Policy;                                   |
| 10 April 2010 | Opening day for receiving submissions;   |
| 11 May 2010   | Closing date for submissions;  |
| 20 May 2010   | Hearing of submissions and deliberations.<br>Consider final Policy and recommend adoption of new Bylaw by 1 July 2010.                   |

## 7. RECOMMENDATION

**THAT the Tasman District Council proceeds with the review of the Trading in Public Places Bylaw 2010 and that the draft contained in Part 3 of this report REP10-04-02 and the statement of proposal be adopted and notified to commence the consultation process as set out in the Local Government Act 2002.**

Tracy Waddington  
**Environmental Health Officer**

## Part 3



### Tasman District Council Consolidated Bylaw

#### Chapter 6

#### Draft Trading in Public Places 2010

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## **Tasman District Council**

### **Trading In Public Places Bylaw 2010**

#### **1 Introduction**

- (a) This Bylaw is the Trading in Public Places Bylaw for Tasman District Council.
- (b) This Bylaw shall come into effect on 1 July 2010.

#### **2 Repeal**

That on the coming into effect of this Bylaw the Tasman District Council Bylaw "Trading in Streets & Public Places 2005" shall be repealed.

#### **3 Definitions**

**"Advertisement"** means any poster, placard, handbill, writing, picture, painting, engraving, carving, illuminated sign, hoarding, billboard, flat or other device erected or displayed for the purpose of attracting the attention of passers-by and includes all parts, portions, units, and materials, together with the frame, support, structure, background or anchorage thereof.

**"Busker"** means any itinerant musician, actor, entertainer or other person who performs in an outdoor setting for the benefit of the public generally, whether such performance is free, for a fixed payment, or for contributions from the audience.

**"Commercial Services"** means the soliciting of patronage to passers-by for, or provision of, any service which is offered or provided, on payment of a fee, charge or other valuable consideration, including an invitation to make a gratuitous contribution, and includes the taking and selling of photographs, the production and sale of personal portraits, the telling of fortunes, the soliciting of commercial sexual services, and any other service of any kind whatsoever.

**"Council"** means the Tasman District Council.

**"Footpath"** means so much of any street as is laid out or constructed by authority of the Council primarily for pedestrians, and includes the edging, kerbing and channelling, and includes any area of land owned or controlled by the Council which is set aside for the convenience of pedestrians generally, as a square, place, plaza or public access way.

**"Hawker"** means any person who carries or takes about any goods, wares or merchandise for speculative sale to any person, whether or not that sale is intended to be conducted on public or private property;  
BUT does not include any person who in response to an invitation to call conducts a sale of any goods, wares or merchandise on private property, AND does not include any person who operates a mobile shop.

**"Mobile Shop"** means a vehicle, whether self-propelled or not, from which goods, wares or merchandise (including food) are offered or exposed for sale, or from which such goods, wares, merchandise may be ordered; while such vehicle is in any public place; BUT does

not include any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of such goods, wares or merchandise.

**“Mobile Trading”** includes:

- (a) Hawking or peddling;
- (b) Trading from a mobile shop.

**“Officer”** means any person employed and duly authorised by the Tasman District Council;

**“Poster Tower”** means any structure, wall or other erection set aside by the Council specifically for use by the public for the display of posters or other advertisements giving notice of coming events.

**“Public Place”** means all streets and public car parks owned or controlled by the Council and all parks, gardens and reserves under the control of Council.

**“Religious or Political Organisation”** means any religious organisation or political party and includes any person or persons who are members or representatives of such organisation.

**“Street”** means the whole of any land which has been laid out by or vested in the Council for the purposes of a road or street, every access way or service lane under the control of the Council and every square or place intended for use by vehicles.

**“Street Stall”** means any vehicle, table, or other construction or erection which pursuant to a licence to occupy issued by the Council is authorised to occupy a dedicated site within the District, and includes an outdoor dining area established with the authority of the Council on any footpath or other public place.

**“Trading”** means buying or selling of goods or services, or offering to buy, sell or exchange goods or services.

#### **4 Application**

- (a) Every application for a licence pursuant to this Bylaw must be in such form as required by the Council and as detailed in Schedule 1 of this Bylaw and be accompanied by the relevant fee as prescribed in Council’s Schedule of Charges.
- (b) Notwithstanding the above, Council may, where appropriate, accept applications for authority which are not in the specified format via e-mail.

#### **5 Trading Prohibited in Parks and Reserves**

Unless permission has been applied for and granted from the appropriate Council departments, trading in **all** parks and reserves (including car parks and roads in Reserves) is prohibited.



## **6 Sale of Food**

The sale of food to the public is prohibited unless a current Certificate of Registration under the *Food Hygiene Regulations 1974* is held.

## **7 Conditions of Licence**

Every licence issued under this Bylaw is subject to such reasonable conditions as the Council may impose and will include the:

- (a) expiry date; and
- (b) class of article or goods permitted to be sold or the type of services to be offered.

Where appropriate, conditions may also include the:

- (a) portion of any public place which the applicant is permitted to occupy; and
- (b) hours during which that person may occupy the public place.

## **8 Licence Not Transferable**

A licence issued under this Bylaw is not transferable to any other person.

## **9 Mobile Trading**

### **9.1 Mobile Traders to be Licensed**

No person may engage in mobile trading without first obtaining a Licence under this Bylaw. The holder of the licence shall comply with the conditions recorded on the licence.

Nothing in this section shall apply to any person engaged in trading solely as a street stall.

### **9.2 Applications**

All applications for a Mobile Trading Licence shall be made on the form supplied by the Council. The applicant will be required to provide such information as is necessary for proper consideration of the application, including but not limited to:

- (a) vehicle warrant or certificate of fitness and registration;

and if applicable:

- (b) electrical certificate;
- (c) LPG cylinder annual inspection certificate – from a registered gasfitter.

On being satisfied that the proposed operation meets all of the requirements of the Council's Bylaw and any other applicable laws, bylaws, regulations or rules made by a competent authority and that the fee fixed for issue of the licence has been paid, the Council may include in licences such conditions as it thinks fit.

### **9.3 Duration of Licences**

Mobile trading licences issued under this Bylaw shall be valid for 1 year from the date of issue and if not revoked may be renewed by payment of a further annual fee.

### **9.4 Licence to be Carried**

The holder of a Mobile Trading Licence shall carry the licence at all times while engaged in mobile trading and shall show it to any Officer or Police Officer on demand. The licence will apply only to the vehicle whose registration number is specified on the licence.

The Mobile Trading Licence is valid during any hours specified on the licence.

### **9.5 Nuisance, Annoyance or Danger to Any Person**

The licensee or operator shall operate any mobile shop used in connection with the licence, in such a manner as to avoid causing any nuisance, annoyance or danger to any person.

### **9.6 Hazardous Substances**

All LPG cylinders must be stored securely outside the mobile shop and total no more than 100kg LPG net content. If the mobile shop is likely to be unattended at any time while in a public place, the cylinders shall be secured against tampering.

### **9.7 Trading Limits**

- (a) Unless permission has been applied for and granted from the appropriate Council departments, trading is prohibited in the following areas:
  - (i) all Parks and Reserves (including car parks and roads in Reserves);
  - (ii) Restricted Areas – including the road and adjoining public areas between Martin Farm Road and the Breaker Bay hill; Kaiteriteri; the Rabbit Island reserve; the access road to the Waikoropupu Springs and car park and the access road into Totaranui Camping Grounds;
  - (iii) within 200 metres of another premises selling similar products;
  - (iv) within 50 metres of any intersection or pedestrian crossing where people visiting the site may be placed in danger.
- (b) The licensee or operator of any mobile shop shall not remain stationary in any public place or road except for such time as may be reasonably required for the transaction of business with customers on that occasion, and in any case shall not remain stationary on any one site for a period exceeding 1 hour.
- (c) The licensee or operator shall when requested by any Officer or Police Officer, alter their position or move from place to place on any road or public place as directed.

- (d) Should the licensee or operator fail to comply with the provisions of Condition (b) or if the mobile shop owned or operated by him or under his control is left unattended in any road or public place, it shall be lawful for any officer mentioned in Condition (c) to move the mobile shop to any safe position.

## **9.8 Litter**

The licensee or operator shall remove any litter from the surrounding area of the mobile shop that has been generated by the activities of the operations.

## **9.9 Licence may be Revoked**

A Mobile Trading Licence may be revoked by the Council if the holder of the licence:

- (i) permits a breach of any provision of this Bylaw or any other law, bylaw, regulation or rule made by a competent authority;
- (ii) fails to observe the conditions of the Mobile Trading Licence;

## **10 Commercial Services**

### **10.1 Commercial Service Providers to be Licensed**

No person shall, without first obtaining a Licence under this Bylaw, occupy or use any portion of any public place for the purpose of providing a commercial service.

Every application for a licence shall be in writing on the form supplied by Council and shall clearly state:

- (a) the type of services to be provided;
- (b) the public places where such services are proposed to be provided;
- (c) the time during which the services are to be offered.

### **10.2 Conditions**

Every licence issued shall be subject to such conditions as the Council may impose. Without limiting the generality of the foregoing, the Council may impose conditions in relation to:

- (a) the duration of the licence;
- (b) the public place or places in which the applicant is permitted to trade;
- (c) the hours and duration of time each day during which the applicant may trade;
- (d) the type of service permitted to be offered.

No person shall trade except in conformity with the terms of such licence.

### **10.3 Evidence of Licence**

The holder of a Commercial Services Licence shall carry the licence at all times while engaged in offering a commercial service and shall show it to any Officer or Police Officer on demand.

## **10.4 Withdrawal of Licence**

The Council, or the Police, may at any time for reasons of public health or safety withdraw any licence issued, or require that the services provided in a particular public place cease for such period as the Council or Police deem necessary.

## **11 Begging/Soliciting Donations and Selling Lottery Tickets**

### **11.1 Authority Required**

No person shall, without the written authority of the Council occupy any portion of:

- (a) any public place for the purpose of begging or for the soliciting of donations or other gratuitous contributions, or gifts of any kind, whether or not the soliciting involves the exchange of any token or other item;
- (b) any footpath or any other public place for the purpose of selling tickets in any lottery (as defined within the Gambling Act 2003).

### **11.2 Approved Organisations**

Authority to undertake any activity prohibited by 11.1 above will only be granted where the Council is satisfied that the activity is by or on behalf of a local school, sporting club, community group, or a local or nationally recognised charity.

## **12 Busking**

### **12.1 Permit Required**

No person shall perform as a busker in any public place without having first obtained a permit to do so. Permits will not be issued to anyone under the age of 14 years without the consent of a parent or caregiver. Proof of age may be required.

### **12.2 Performing Restrictions**

No person shall while performing as a busker in any public place:

- (a) occupy any footpath adjacent to any retail or other commercial premises without the consent of the owner or manager of such premises;
- (b) occupy any footpath or pedestrian way in such a way as to obstruct or impede the free movement of pedestrians along the footpath, or way or through the public place;
- (c) allow the persons forming the audience to obstruct or impede the free movement of pedestrians along the footpath or way or through the public place;
- (d) use language or behaviour which is abusive, insulting, threatening or offensive;
- (e) undertake or perform any busking activity which generates any noise which in the opinion of any Officer or Police Officer unreasonably interferes with the peace, comfort and/or convenience of any person or persons; or

- (f) continue to occupy any place or site on a footpath or in any public place for longer than 30 minutes in any 2 hour period, or after being requested by an Officer or Police Officer, to move to another place or site.

### **12.3 Non-Compliance**

An Officer or Police Officer may require any busker who has not obtained a permit to busk, or who is not complying with the provisions of this clause to cease busking.

## **13 Public Speaking**

### **13.1 Permit Required**

No person shall perform as a public speaker in any public place without having first obtained a permit to do so.

### **13.2 Performing Restrictions**

No person shall, while performing as a public speaker in any public place:

- (a) occupy any footpath adjacent to any retail or other commercial premises without the consent of the owner or manager of such premises;
- (b) occupy any footpath or pedestrian walkway in such a way as to obstruct or impede the free movement of pedestrians along the footpath, or way or through the public place;
- (c) allow the persons forming the audience to obstruct or impede the free movement of pedestrians along the footpath or way or through the public place;
- (d) use language or behaviour which is abusive, insulting, threatening or offensive;
- (e) undertake or perform any public speaking activity which generates any noise which in the opinion of any Officer or Police Officer unreasonably interferes with the peace, comfort and/or convenience of any person or persons; or
- (f) continue to occupy any place or site on a footpath or in any public place for longer than 30 minutes in any 2 hour period, or after being requested by an Officer or Police Officer, to move to another place or site.

### **13.3 Non-Compliance**

An Officer or Police Officer may require any public speaker who has not obtained a permit, or who is not complying with the provisions of this clause to cease the activity.

Council may prohibit religious and political organisations from operating in certain locations or at certain times.

## **14 Retail Displays on Footpaths**

Unless permission has been applied for and granted from the appropriate Council departments no person, being the operator of a business within a designated commercial area, shall place, erect, or establish on the footpath adjacent to the said business any display, whether of goods sold from the business or not, except in conjunction with, and as part of any general promotion or other like event within the said designated commercial area.

Provided that no person shall establish on the footpath any display which due to its design or location on the footpath constitutes a hazard for pedestrians or which reduces the width of the footpath available for pedestrians to less than 2 metres.

## **15 Advertising**

### **15.1 Advertising Prohibited Without Authority**

No person shall for the purpose of advertising, place, affix or display any "advertisement" in a public place other than on a dedicated "poster tower"; or write, paint, chalk, spray or etch on, or otherwise mark any street, footpath, tree or structure which is administered by or under the control of the Council, without the authority of the Council or as provided by any licence to occupy issued by the Council which specifically authorises such advertising.

Authority to undertake such advertising will only be granted where the Council is satisfied that the advertisement is for an identifiable public or community purpose, will cause no detraction from the amenities of the District nor inhibit or interfere with the use of the immediate area by the public, and will not cause harm to or otherwise damage the thing on which the advertisement is to be fixed or made.

The foregoing Bylaw was made by the Tasman District Council at a meeting of the Council held on \_\_\_\_\_

In witness whereof the Common Seal of the Tasman District Council was hereunto affixed in the presence of:

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**Mayor**

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## **SCHEDULE 1 – FORMS**

Form 1: Application for Mobile Trading Licence

Form 2: Mobile Trading Licence

Form 3: Application for Hawkers Licence

Form 4: Hawkers Licence

Form 5: Application for Commercial Services Licence

Form 6: Commercial Services Licence

Form 7: Application for permit to solicit donations or sell lottery tickets

Form 8: Permit to solicit Donations or sell Lottery Tickets

Form 9: Application for Buskers Permit

Form 10: Buskers Permit

Form 11: Public Speaking Application Form

Form 12: Public Speaking Permit

**FORM 1**

**APPLICATION FOR MOBILE TRADING LICENCE**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/email: \_\_\_\_\_

Occupation: \_\_\_\_\_

Date Of Birth: \_\_\_\_\_ Place Of Birth: \_\_\_\_\_

Description Of Vehicle To Be Used: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Goods to be Sold: \_\_\_\_\_

|              |                                 |     |    |
|--------------|---------------------------------|-----|----|
| CONVICTIONS: | (a) Under the Motor Legislation | Yes | No |
|              | (b) In the Police Court         | Yes | No |

If \_\_\_\_\_ yes \_\_\_\_\_ provide \_\_\_\_\_ details:

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**Particulars To Be Provided As Part Of Application**

- |      |   |     |
|------|---|-----|
| i)   | Vehicle warrant of fitness and registration                           | Y/N |
| ii)  | Road User Certificate   | Y/N |
| iii) | Electrical Certificate  | Y/N |
| iv)  | LPG installation inspection certificate – from a registered gasfitter | Y/N |

I do hereby solemnly state to the best of my knowledge and belief that the foregoing particulars are correct and that the issue to me of a Mobile Trading/Hawker Licence is conditional on the understanding that the particulars stated in this application are true and correct. I further declare that I am familiar with the terms and conditions which apply to this licence and agree to abide with same.

Signature \_\_\_\_\_ of

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_



**FORM 2**

**Mobile Trading Licence**

The person named herein is authorised to operate a Mobile Shop within Tasman District subject to the terms and conditions as set out.

Full name of licence holder: \_\_\_\_\_

Address: \_\_\_\_\_

Registration number of vehicle used:

Goods permitted to be sold:

Expiry date: \_\_\_\_\_

Special conditions (if any)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **General Licence Conditions**

1. The holder of a Mobile Trading Licence shall carry the licence at all times
2. The licence will apply only to the vehicle whose registration number is specified on the licence.
3. Trading is prohibited in the following areas:
  - (i) all Parks and Reserves (including car parks and roads in Reserves);
  - (ii) Restricted Areas – including the road and adjoining public areas between Martin Farm Road and the Breaker Bay hill; Kaiteriteri; the Rabbit Island reserve; the access road to the Waikoropupu Springs and car park and the access road into Totaranui Camping Grounds;
  - (iii) within 200 metres of another premises selling similar products;
  - (iv) within 50 metres of any intersection or pedestrian crossing where people visiting the site may be placed in danger.
4. No trading is allowed on State Highways, except with the specific consent of Transit New Zealand (C/- Opus Consultants, phone 548 1099).
5. The licensee or operator of any mobile shop shall not remain stationary on any one site for a period exceeding 1 hour.
6. The operator of the Mobile Shop shall ensure that the area in which trading is carried out is cleaned up when trading is finished.

**Form 3**  
**Application Form**  
**Hawker's Licence**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/email: \_\_\_\_\_

Occupation: \_\_\_\_\_

Date Of Birth: \_\_\_\_\_ Place Of Birth: \_\_\_\_\_

Nature of goods to be offered for sale:

\_\_\_\_\_

Address of premises to be used for the preparation or storage of any food:

\_\_\_\_\_

Date: \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

**FORM 4**

**Hawker's Licence**

The person named herein is authorised to ply the trade of a hawker within Tasman District Council subject to the terms and conditions as set out.

Full name of licence holder: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Registration number of vehicle used:

\_\_\_\_\_

Goods permitted to be sold:

\_\_\_\_\_

Expiry date: \_\_\_\_\_

Special conditions (if any)

\_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Licence Conditions**

1. This licence must be available on demand, to any Officer or Police Officer.
2. No trade is allowed on any reserve without the specific consent of the Council.
3. No trade is allowed on the State Highway, except with the specific consent of Transit New Zealand (C/O Opus Consultants, phone 548 1099).
4. The Council may limit the class of goods to be sold, and the hours or days during which business can be carried out.

**Form 5**

**Application Form**

**Provision of Commercial Services**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/email: \_\_\_\_\_

Occupation: \_\_\_\_\_

Date Of Birth: \_\_\_\_\_ Place Of Birth: \_\_\_\_\_

Nature of service to be offered:

\_\_\_\_\_

The area of the District in which the service is to be offered:

\_\_\_\_\_

The time of the day during which the service is to be offered: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's Signature

\_\_\_\_\_

## FORM 6

### Commercial Services Licence

Licence Holder: \_\_\_\_\_

Licence Expiry Date: \_\_\_\_\_

Authorised Service: \_\_\_\_\_

Area of Operation: \_\_\_\_\_

Time of Operation: \_\_\_\_\_

Special Conditions (if any) \_\_\_\_\_

Date of Issue: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

#### Licence Conditions

1. This Licence is to be available on demand to any Officer or Police Officer.
2. No trade is allowed on any reserve without the specific consent of the Council.
3. No trade is allowed on the State Highway, except with the specific consent of Transit New Zealand (C/O Opus Consultants, phone 548 1099).
4. This Licence is not transferable.

**Form 7**  
**Application Form**  
**Soliciting Donations or Selling Lottery Tickets**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/email: \_\_\_\_\_

Application for a permit to solicit donations/sell lottery tickets (*delete whichever is not applicable*) within public places in the Tasman District Council.

Name of the organisation on whose behalf the activity will be undertaken:

\_\_\_\_\_

Location of sites from which it is proposed to operate:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s) on which it is proposed to undertake the activities:

\_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Form 8**

**Permit**

**Soliciting Donations/Selling Lottery Tickets in a Public Place**

Full name of permit holder: \_\_\_\_\_

Address: \_\_\_\_\_

Organisation Represented:

Date of Activity: \_\_\_\_\_

Special Conditions (if any)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Permit Conditions**

1. This Permit is to be available on demand to any Officer or Police Officer.
2. This Permit is not transferable.



Form 9

**Application Form**

**Busking**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/email: \_\_\_\_\_

Occupation: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Instrument(s): \_\_\_\_\_

Proposed Location(s): \_\_\_\_\_

Parent/caregiver consent (if applicant is under 14 years of age)

I, \_\_\_\_\_ consent to \_\_\_\_\_

(full name)

(full name)

being issued with a busking permit. \_\_\_\_\_(signature)

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

## FORM 10

### Busking Permit

Permit Holder: \_\_\_\_\_

Permit Expiry Date: \_\_\_\_\_

Instrument(s): \_\_\_\_\_

Area of Operation: \_\_\_\_\_

Time of Operation: \_\_\_\_\_

Special Conditions (if any) \_\_\_\_\_

Date of Issue: \_\_\_\_\_

Issuing Officer: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### General Conditions

1. Buskers must carry their busking permit and show it to any Officer or Police Officer on request.
2. No busker shall:
  - (a) occupy any footpath adjacent to any retail or other commercial premises without the consent of the owner or manager of such premises;
  - (b) occupy any footpath or pedestrian way in such a way as to obstruct or impede the free movement of pedestrians along the footpath, or way or through the public place;
  - (c) allow the persons forming the audience to obstruct or impede the free movement of pedestrians along the footpath or way or through the public place;
  - (d) use language or behaviour which is abusive, insulting, threatening or offensive;
  - (e) undertake or perform any busking activity which generates any noise which in the opinion of any Officer or Police Officer unreasonably interferes with the peace, comfort and/or convenience of any person or persons; or
  - (f) continue to occupy any place or site on a footpath or in any public place for longer than 30 minutes in any 2 hour period, or after being requested by an Officer or Police Officer, to move to another place or site.

Form 11

**Public Speaking Application Form**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone/email: \_\_\_\_\_

Occupation: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Instrument(s): \_\_\_\_\_

Proposed Location(s): \_\_\_\_\_

Parent/caregiver consent (if applicant is under 14 years of age)

I, \_\_\_\_\_ consent to \_\_\_\_\_

*(full name)*

*(full name)*

being issued with a Public Speaking Permit.

\_\_\_\_\_

*(signature)*

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

## FORM 12

### Public Speaking Permit

Permit Holder: \_\_\_\_\_

Permit Expiry Date: \_\_\_\_\_

Area of Operation: \_\_\_\_\_

Time of Operation: \_\_\_\_\_

Special Conditions (if any) \_\_\_\_\_

Date of Issue: \_\_\_\_\_

Issuing Officer: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

#### General Conditions

1. Public Speakers must carry their Public Speaking Permit and show it to any Officer or Police Officer on request.

2. No Public Speaker shall:

- (a) occupy any footpath adjacent to any retail or other commercial premises without the consent of the owner or manager of such premises;
- (b) occupy any footpath or pedestrian way in such a way as to obstruct or impede the free movement of pedestrians along the footpath, or way or through the public place;
- (c) allow the persons forming the audience to obstruct or impede the free movement of pedestrians along the footpath or way or through the public place;
- (d) use language or behaviour which is abusive, insulting, threatening or offensive;
- (e) undertake or perform any public speaking activity which generates any noise which in the opinion of any Officer or Police Officer unreasonably interferes with the peace, comfort and/or convenience of any person or persons; or
- (f) continue to occupy any place or site on a footpath or in any public place for longer than 30 minutes in any 2 hour period, or after being requested by an Officer or Police Officer, to move to another place or site.

## CONSEQUENTIAL CHANGES TO SCHEDULE OF CHARGES

Delete:-

### “Trading in Streets and Public Places Bylaw 2005

|  |   |
|--|---|
| Display of goods on the footpath by shopkeepers outside their shops                              | 13.00 per day<br>35.00 per month<br>185.00 per year |
| Hawker’s Licence   | 40.00   |
| Long term or short term street stall Application Fee<br>Plus site lease                          | 155.00  |
| Operation of Mobile Shop without food or with food<br>Hygiene registration from another district | 75.00”  |

and replace with:

### “Trading in Public Places Bylaw 2010

|   |         |
|---|---------|
| Mobile Shops                                | 75.00   |
| Hawkers                                     | 40.00   |
| Commercial Services                         | 40.00   |
| Soliciting Donations/Selling Raffle Tickets | No fee  |
| Buskers                                     | No fee  |
| Public Speakers                             | No fee” |