



HASTINGS
DISTRICT COUNCIL

APPLICATION

For an Outdoor Kiosk Licence

**Within City Square
Hastings City Centre**

What is an outdoor kiosk licence?

An Outdoor Kiosk Licence allows vendors to sell products or services within the Hastings City Square to customers from a vehicle (self propelled or not) or a stall.

What if I already have an existing mobile shop or stall holders licence?

Having an existing mobile shop or stall holders licence does not automatically entitle you to trade within Hastings City Square. You still require an Outdoor Kiosk Licence. The process for obtaining this licence is outlined below.

How do I obtain an outdoor kiosk licence?

If you are considering applying for an Outdoor Kiosk Licence please contact the Environmental Health Section of Council in the first instance to arrange a meeting to discuss the design and operation requirements for an outdoor kiosk. Please note you will need to bring full details of your proposal including copies of the proposed design of the kiosk to the meeting.

Pre-Approval stage

Outdoor Kiosk licences are not automatically issued and are subject to a pre-approval process involving Council and Hastings City Marketing. The Environmental Health Section will undertake this process for you and advise you of the outcome.

Post-Approval stage

You will be advised of the outcome of the pre-approval stage by the Environmental Health Section. If your application for an Outdoor Kiosk licences is approved please complete page 4 and 5 of this application form.

What is council's policy on outdoor kiosks?

Council has adopted "The Square Outdoor Kiosk Operating Policy", which outlines the design and operation requirements of kiosks within the City Square. The requirements cover the maximum number of operations permitted within the mall, design and size requirements of prospective kiosks and the standards of operation. A copy of this policy is attached with this application form.

What operating conditions are outdoor kiosk's subject to?

Outdoor Kiosk licences are generally issued subject to the following operating conditions:

1. The Kiosk is to be only located in the City Square in Hastings City Centre, as shown on the application plan.
2. That the Kiosk's design and appearance shall be in accordance with that depicted in the application.
3. The application is limited to the selling of goods as outlined in the application.
4. Charges for this operation shall be \$58.00 per week for the site, payable monthly in advance. Where power is required, the fee of \$86.00 per week will be charged.
5. The Council reserves the right from time to time, as appropriate, to review charges in Condition 4 above.

6. In the event of any charge, stipulated in Condition 4 being unpaid or the site being unused, for a period of more than four weeks, the Council reserves the right to revoke the application.
7. The site shall be left in a clean state with rubbish removed and stains cleared up at the end of each day's operation, including those caused by customers.
8. The Kiosk shall not create a nuisance to the adjacent businesses or mall users by creating offensive or objectionable odours.
9. Music broadcasts from Kiosks shall not create a nuisance for adjacent businesses or mall users.
10. The Council reserves the absolute right to revoke this licence should the operation, public interaction, design and appearance of the Kiosk not be maintained to the quality standards proposed in the application.

KIOSKS SELLING FOOD

In addition to obtaining an Outdoor Kiosk Licence, businesses¹ that sell food are required to register a Food Control Plan or National Programme (see below for further details). The Food Control Plan (FCP) or National Programme (NP) must be registered in the district the business is based in. Application forms to register a FCP or NP in the Hastings District are available on Council's website or can be found at the following link:

[Application for registration under the Food Act 2014](#)

Food Control Plans

A food control plan sets out the steps a business making or selling higher-risk foods needs to take to make safe food. It is used to identify food safety risks, and to show how they're being managed. Further information on FCPs can be found at the following link:

<https://www.mpi.govt.nz/food-safety/food-act-2014/food-control-plans/>

National Programmes

A national programme is the way that lower-risk food businesses operate under the Food Act 2014. Further information on National Programmes can be found at the following link:

<http://www.mpi.govt.nz/food-safety/food-act-2014/national-programmes/>

Where does your business fit in the new food regime?

To help you find out what food safety measure your business needs to operate under, the Ministry of Primary Industries (MPI) have developed a "where do I fit tool?" at the following address:

<http://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/>

Verification of Food Control Plan or National Programme

Your business will need to be verified (audited) when you first register it. For information on the frequency of subsequent verifications required for food businesses, please contact an Environmental Health Officer at the Hastings District Council.

Please note:

Currently Council is not providing a verification service for businesses on National Programmes. Therefore you will need to find a private auditor and arrange to have verifications from them. You will need to specify who your auditor is when you register your business. A link to the MPI Auditor Register is provided below.

<http://www.foodsafety.govt.nz/registers-lists/auditors/index.htm>

¹ *The Food Act 2014 came into force on 1 March 2016. The Act applies to all new food businesses.

APPLICATION FORM FOR AN OUTDOOR KIOSK LICENCE

I (full name): _____

Date of Birth: _____

Email Address: _____

Postal Address: _____

Business Known As: _____

Telephone No(s): _____

Hereby apply for an **Outdoor Kiosk** licence to sell:

****Payment must be submitted with this application.**

****If paid On-line or by Internet Banking proof of payment must be submitted with this application.**

Dated: _____
(Date of Application)

Signed: _____

Preferred Kiosk Design, as endorsed by Landmarks Consultative Group



Hastings District Council / Hastings City Marketing the Square Outdoor Kiosk Operating Policy

BACKGROUND

The Hastings District Council, Hastings City Marketing and the Hastings District Community have an ongoing commitment to the revitalisation and enhancement of the Hastings City.

The successful operation of outdoor kiosks in The Square is an important element in making the City an attractive environment for people to visit, enjoy and to do business in.

This Policy seeks to promote the use of The Square area by encouraging activities in the space including the operation of outdoor kiosks. However these must be of a design and type that are compatible with the carefully planned and designed look, feel and function of this “special” public space.

As The Square is a public space, Council has ultimate responsibility for its management. In order to promote activities that are appropriate for the area and to ensure that the performance of operators and the service offered by is of a high standard, Council requires that all activities obtain a licence, prior to commencing operation. In addition to the licensing of activities and the charging of appropriate rentals, conditions of licence will be imposed to (a) ensure the kiosks are of an appropriate design and style for the area, and (b) that the operators will undertake to provide a high standard of presentation and appropriate customer and public interaction.

1.0 OBJECTIVES

Obj 1.

To promote the use of outdoor kiosks that provide activities and services in keeping with the quality design of the revitalised Hastings City.

Obj 2.

To enhance the attractiveness of the Hastings City by ensuring aesthetically designed, outdoor kiosks of quality construction are allowed to operate in the designated areas.

2.0 POLICIES

Pol 1. To actively promote the use of The Square as a prime location for the operation of specialist outdoor kiosks.

Explanation

Hastings City Marketing will actively promote the opportunity for kiosks to operate in the refurbished Hastings City Square. Promotional campaigns will be undertaken to attract specialist kiosks that will add to the unique Hawke’s Bay and Hastings District shopping experience. The use of “Wine Country” theming and locally grown fresh produce is encouraged.

Pol 2. To restrict the size of kiosk operations, the area and location they occupy and the total number operating at any one time within The Square.

Explanation

In order to maintain the high level of visual appeal achieved by the Hastings’ City revitalisation, control over the size of kiosks, the number operating and their siting, will be exercised. This will ensure that the aesthetically appealing Hastings City will be maintained and the attractiveness of the new, high quality design elements will not be detracted from. (A plan of the areas, showing the available areas and sites for occupation is attached as Plan 1A.)

Those kiosks that occupy an area < 10 m² will be considered for siting within Area A or B. Any kiosks occupying an area of 10m² or greater will only be considered for operation within Area B. Any kiosk occupying an area greater than 14 m² will not be considered within The Square.

As a guide, the total number of kiosks permitted to operate within Area A and B will not exceed 5 and 4 respectively.

However the total number of kiosks permitted to operate in any area will be at the discretion of Council and is dependent on the size of the kiosk and the area available to occupy.

- Pol 3. To promote the establishment of new operations, that offer goods that are generally not already being sold (at the time of application) by adjacent located retailers and those operations which intend to operate for longer durations.**

Explanation

Applicants who sell unique, quality items, goods or products that will reinforce the unique character of the City and take advantage of, or add to the unique Hawkes Bay and Hastings City shopping experience, will be given preference for available sites. Kiosks that offer locally produced or grown goods will be further encouraged.

Further consideration will also be given to those kiosks operating on a greater number of days.

The legitimate concerns of existing retailers operating from premises that front The Square area will be considered prior to any licences being granted. (Note - all applications will be referred to Hastings City Marketing for consideration, prior to consent being granted).

- Pol 4. To permit the operation of quality constructed, aesthetically designed outdoor kiosks in appropriate locations within The Square.**

Explanation

While the operation of kiosks will be promoted, only kiosks that are of an aesthetically considered design, size and type, appropriate for this location will be granted a licence to operate. This will mean that applicants will need to supply detailed, dimensioned plans that clearly show what the kiosk will look like, including details of the colour and the materials it will be constructed of.

Kiosks of a larger, more imposing nature are likely to be sited within Area B.

- Pol 5. To provide design guidelines and information packs to assist prospective applicants in achieving high quality, stylish outdoor vending kiosk operations, that enhance The Square in Hastings City Centre area.**

Explanation

The newly upgraded town centre area is Hastings' centrepiece and the heart of our District. Quality Public Art compliments the quality streetscape and as such, all new kiosks need to enhance or compliment this quality streetscape. A Design guide, depicting what are considered appropriate kiosk designs within each of the two operational areas, will be made available for new applicants to use as a basis for designing their proposed kiosk. Similarly, products to be sold should reflect current marketing of both Hastings and the District.

Pol 6. To monitor the operation of the kiosks to ensure high standards of presentation and service are maintained.

Explanation

As The Square is Hastings' centrepiece, it is vital that outdoor kiosks maintain high standards of presentation, of both the kiosk and the goods offered for sale, and the immediate surrounds. Appropriate Licence Conditions will be imposed that requires high standards of operation. Compliance with these conditions will be subject to ongoing monitoring to ensure the high standards are maintained. This will help ensure that both the private and public investment in the City will not be adversely affected by poorly presented or operated outdoor kiosks.

Pol 7. To impose conditions of consent which require kiosk operators to provide and maintain an appropriate standard of customer and public interaction, that is commensurate with the quality environment, and the public nature of The Square in Hastings City Centre area.

Explanation

The Square makes up the centrepiece of the Hastings City. In order to protect the appeal of both the community's and private investment, only operators who are dedicated to providing superior customer service will be licensed. Licensees who fail to maintain these appropriate standards in their interactions with customers or the general public, are the subject of complaint by the public, or are the subject of Police prosecution action in relation to unlawful actions, may have their licence to operate revoked.

Pol 8 To control the volume of music broadcast from audio equipment, associated with kiosk operations.

Explanation

With the increasing attractiveness of The Square, the protection of the amenity of the area is important for its continued success. The ambience created by high quality kiosks can be jeopardised when music played at an inappropriate volume, is allowed to be broadcast. In addition, an attractive performance platform has been provided for outdoor performances which will add audio colour to the area. By having too many music sources in this area, the environment may become less attractive to shoppers and visitors alike.

3.0 METHODS

3.1 Licensing:

All kiosks are required to obtain a Hastings District Council licence in order to operate within this public space.

3.2 Conditions of Licence:

All licences will be subject to conditions, including siting, cleanliness, product sold, size and non-transference of the licence.

3.3 Design Guides:

A Design guide is available that indicates an appropriate style and materials deemed acceptable for new kiosks within Area A. All new proposals will be assessed in relation to these guidelines and the policies as outlined above. Any significant change by an existing kiosk operator will require re-appraisal.

3.4 Fees Payable:

In addition to the licensing fee requirements of the Local Government 2002 and the Councils Bylaws, all kiosks will pay an additional site rental fee, set by Council. The fee payable will be dependent on site area occupied and use of power and/or other services. In addition a standard administration and monitoring charge will be levied. All fees must be paid four weeks in advance and licensees will be given a minimum two months notice, prior to any increase.

3.5 Ancilliary Items:

If a licensee seeks to install other outdoor items or features, (i.e. tables and chairs) these will require an additional assessment and changes to the licence. Council will consider whether the items or features are of a high quality style and design and will not look out of place in The Square. This would likely preclude the use of plastic tables and chairs and require that any music would also need to be appropriate in terms of style and volume.

4.0 ADDITIONAL IMPORTANT INFORMATION

4.1 Car parking:

Except when delivering or removing a kiosk from The Square, no vehicles are to be parked in the public use area. Parking spaces may be available for lease. Contact the Hastings District Council's Parking Section for details.

4.2 Access to the Square area:

Vehicular access to this area is restricted as the area is a designated pedestrian mall. To arrange access to set-up an approved kiosk, contact the Hastings District Council's Parking Section for details. Set-up times for kiosk operators will be restricted to normal business hours, excluding the hours between 12.00-1.30pm so as to minimise the potential impact on mall users.

4.3 Other Council Licencing Requirements:

- When selling food; an appropriate licence under the Food Hygiene Regulations 1974 is required.
- When selling non-food items; A licence under the Local Government Act 2002 and Council's Bylaws is required. (i.e. a hawkers licence)
- No Licence will be granted for the sale of Alcohol – The Mall is located within a Liquor ban area.

EXAMPLE OF TYPICAL CONDITIONS OF OUTDOOR KIOSK LICENCE

DECISION

THAT THE APPLICATION OF TO OPERATE AN OUTDOOR KIOSK IN THE SQUARE IN HASTINGS CITY CENTRE BE APPROVED.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE KIOSK IS TO BE LOCATED ONLY IN THE SQUARE IN HASTINGS CITY CENTRE AS SHOWN ON THE ATTACHED PLAN, REF NO.....
2. THAT THE KIOSK'S DESIGN AND APPEARANCE SHALL BE IN ACCORDANCE WITH THAT DEPICTED IN THE APPLICATION DATED REF NO
3. THE APPLICATION IS LIMITED TO THE SELLING OF; (Attach schedule of items to be sold)
4. CHARGES FOR THIS OPERATION SHALL BE \$59.00 PER WEEK FOR THE SITE, PAYABLE MONTHLY IN ADVANCE. WHERE POWER IS REQUIRED, THE FEE OF \$87.00 PER WEEK IS CHARGED.
5. THE COUNCIL RESERVES THE RIGHT FROM TIME TO TIME, AS APPROPRIATE TO REVIEW CHARGES IN CONDITION 4 ABOVE.
6. IN THE EVENT OF ANY CHARGE, STIPULATED IN CONDITION 4 BEING UNPAID OR THE SITE BEING UNUSED, FOR A PERIOD OF MORE THAN FOUR WEEKS, THE COUNCIL RESERVES THE RIGHT TO REVOKE THIS CONSENT.
7. THE SITE SHALL BE LEFT IN A CLEAN STATE WITH RUBBISH REMOVED AND STAINS CLEARED UP AT THE END OF EACH DAY'S OPERATION, INCLUDING THOSE CAUSED BY CUSTOMERS.
8. THE FOOD BARROW SHALL NOT CREATE A NUISANCE TO THE ADJACENT BUSINESSES OR MALL USERS BY CREATING OFFENSIVE OR OBJECTIONABLE ODOURS.
9. MUSIC BROADCASTS FROM FOOD BARROWS SHALL NOT CREATE A NUISANCE FOR ADJACENT BUSINESSES OR MALL USERS
10. THE COUNCIL RESERVES THE ABSOLUTE RIGHT TO REVOKE THIS LICENCE SHOULD THE OPERATION, PUBLIC INTERACTION, DESIGN AND APPEARANCE OF THE KIOSK NOT BE MAINTAINED TO THE QUALITY STANDARDS PROPOSED IN THE APPLICATION DATED REF NO

WITH THE REASONS FOR THIS DECISION BEING:

- 1 THAT THE PROPOSED OPEN AIR KIOSK WILL BE OF AN APPROPRIATE DESIGN, STYLE AND OPERATIONAL STANDARDS FOR THE PROPOSED LOCATION IN THE CITY SQUARE - CENTRAL PLAZA AREA.

RECOMMENDED BY:

LANDMARKS

RECOMMENDED BY:

HASTINGS CITY MARKETING

APPROVED:

GROUP MANAGER: PLANNING AND REGULATORY

Plan 1A: Depicting possible location of kiosks within City Square

