

## **TOWN SQUARE USE POLICY**

### **1.0 Purpose**

- 1.1 The purpose of this Policy is to provide an effective means for Masterton District Council to manage the use of the Town Square, for both commercial and free events, whilst ensuring the passive enjoyment of the square for the public at large.
- 1.2 To protect the components of the square from damage or destruction.
- 1.3 To set appropriate charges.

### **2.0 Rationale**

- 2.1 The Town Square has been developed/provided, for public recreation and enjoyment. The carrying on of any trade, occupation or business is not generally considered consistent with these values.
- 2.2 However, in certain circumstances it may be appropriate for commercial activities to be undertaken on the Town Square if the activity is for the benefit, enjoyment or convenience of the public at large; and that any impacts on the constituent parts of the Town Square e.g. lawns, trees, paving, are carefully managed
- 2.3 Issuing concessions offers Council a method of ensuring that these requirements are met by any person or organisation wishing to undertake a commercial activity in the Town Square.
- 2.4 Ratepayers meet the cost of maintaining the Town Square and it is appropriate therefore to charge fees for any commercial use to avoid or minimise ratepayers subsidising private benefits or gain.

### **3.0 Policy Statement**

#### **3.1 Commercial Use of the Town Square**

Any person or organisation carrying on a commercial activity on the Town Square shall first apply for an appropriate concession. At the sole discretion of Council a concession may be granted upon payment of applicable fees PROVIDED that the proposed activity is consistent and compatible with:

- Current Regulations and Bylaws
- Operative District Plans
- Other concurrent events and activities on the Town Square.

#### **3.2 Competitive Concessions**

Generally only one person or organisation may carry on the same or similar commercial activity at the same or similar location on Council-owned land. If more than one person or organisation wishes, or may wish to, carry on the same or similar commercial activity then the successful concessionaire shall be determined through a tender process conducted in accordance with Council's Procurement Policy and procedures.

Additional concessions may be granted when, at the sole discretion of Council, it is considered necessary for the benefit, enjoyment or convenience of the public at large.

### **3.3 Casual and Non-Commercial Use of the Town Square**

Any person or organisation may make casual use or organise a non-commercial event or activity on the Town Square without a concession fee being applied.

**Non-commercial events and activities will require a booking to be made with the Council and depending on the type and duration of the event may require a permit and a bond.**

## **4.0 Implementation**

### **4.1 Concession Applications**

4.1.1 Council aims to have a process that is fair and equitable for both new and renewed concession applications. Proposed activities shall be consistent with the purpose of the policy and relevant legislation.

4.1.2 Applicants shall, to the satisfaction of Council, be of good character, sound financial standing and be suitably qualified/ experienced to carry out the proposed activity in a safe and proper manner. In considering applications Council will;

- assess the impact of the proposed activity on the Town Square and its constituent parts;
- consider the benefits to the community at large;
- request background information verifying the suitability of the concessionaire;
- apply Procurement Policy and procedures in the case of competitive concessions;
- in the case of a renewal application, review the performance of the concessionaire with particular regard to any complaints, damage, breaches of concession conditions and monies owed to Council.

4.1.3 If an applicant has been unsuccessful or does not agree with proposed terms, conditions or fees then the application may be referred to the delegated Council committee for review at the next scheduled committee meeting. Any review shall be at no further cost to the applicant.

### **4.2 Concession types**

4.2.1 A Licence shall be used when it is proposed to undertake an activity over an extended period (generally months and up to 1 year) and the concessionaire seeks non-exclusive right to use the land or premises.

4.2.3 A Permit shall be used when it is proposed to undertake an activity over a temporary/short term (generally a day, weekend or holiday period). A trade show or operating an amusement device for the school holidays are typical examples where a Permit would be used.

### **4.2 Event/Activity Plans**

4.3.1 The Occupiers' Liability Act 1962 and the Health and Safety in Employment Act 1992 place obligations on Council and event organisers to ensure public safety. Where there may be an elevated risk of damage or harm then Council will require event plans to be submitted for prior approval.

4.3.2 Non-commercial events involving less than 30 participants will not require an activity plan PROVIDED the proposed activity does not include use of vehicles or machinery, or there is otherwise no increased risk of damage or harm.

4.3.3 Commercial and non-commercial events involving more than 30 participants shall submit an event plan to Council for approval not less than 14 days prior to the event. As a minimum the event plan shall outline the organiser contact details, nature/ type of activities, the dates/ times and location of the proposed event. Additional information will be required if it is proposed to:-

- involve more than 100 participants;
- use vehicles, or machinery;
- prepare, sell or serve alcohol and foodstuffs;
- close off or disrupt normal traffic on a road or footpath (where a road closure is required the Council must be notified 2 months in advance.);
- use professional event organisers (insurances may apply).

4.3.5 Commercial and non-commercial events and activities require a site booking to be made not less than 14 days prior to the event or activity. Bookings should be made by contacting the Council on 06 370 6300.

#### **4.4 Lodgement of Bond**

4.4.1 Any person or organisation arranging either a commercial or non-commercial event or activity may, at the sole discretion of Council, be required to lodge a bond prior to the event or activity. A bond is likely to be required when a proposed activity includes vehicles, machinery, food or alcohol or there is otherwise an increased risk of damage or harm.

4.4.2 The bond shall be refunded in full PROVIDED that;

- the Town Square and adjacent area has been cleared of rubbish, signs, line marking, stalls or any other soiling, structure or disturbance that has arisen from the event or activity;
- any locks, chains, bollards or gates used for the event or activity have been secured and keys returned to Council;
- any damage to buildings, fences, signs, structures, turf, gardens and trees arising from the event or activity has been repaired or otherwise made good; and
- concession fees, electricity, telephone, water and any costs to Council arising from the event or activity have been paid.

4.4.3 Council shall retain the bond or part thereof to pay for cleaning, repairs and reinstatements that have not been remedied by the concessionaire. If such costs exceed the bond amount then Council shall invoice the concessionaire for further reimbursement as required.

#### **4.5 Schedule of Fees**

4.5.1 The schedule of fees shall be applied to all commercial events and activities undertaken in the Town Square. There will be no concession fee applied to casual and non-commercial events. However a bond may be sought for activities assessed by Council to present a risk of damage or harm.

- 4.5.2 Council reserves the right to waive fees for activities that may qualify as commercial activities when it is considered at Council's sole discretion that special circumstances apply. A fundraising sausage sizzle, busking or wedding photography are examples of commercial activities that may be considered for a fee waiver.

## **5.0 Definitions & Interpretation**

Casual Use	Individuals or groups of generally up to 30 participants undertaking informal/unstructured play or other activities.
Commercial Activity	A trade, occupation or business (e.g. making movies/ photography (excluding weddings). Offer goods and/or services for money or exchange (e.g. food vendors, amusement rides). Activity undertaken for the purpose of profit or gain.
Concession	A concession is authorisation for a person or organisation to undertake an event or activity on Council owned/managed land. A concession may be in the form of a licence or permit and determines the relationship, rights and obligations of Council and the concessionaire.
Concessionaire	Concession-holder. The other party to a concession agreement with Council.
Council	Masterton District Council including its committees and officers or any successive territorial authority and its committees and officers.
Licence	A licence grants non-exclusive interest in the land or premises and makes provision for permitted activities.
Non-commercial	Organised event or activity, generally with 30 participants or more, that is not done for the purpose of profit or private gain (eg wedding, musical event)
Permit	Written authority for entry or to allow an activity in a specified area for a temporary/short period.

### **Fees - Indication Only**

Concession/Permit for use of area/space	\$50.00 application fee plus \$20/day for part thereof for up to 10sqm area. Extended area by negotiation Extended time (Lease/licence) by negotiation. Open tender for competing concessionaires.
Bonds	\$200 to \$2000 dependent on level of impact and displacement to other users as assessed by Council.