

## Assessment criteria for a rental e-scooter scheme licence application

The table below lists the criteria in clause 10(3) of the Trading and Events in Public Places Bylaw 2015 that Auckland Council and Auckland Transport must consider when determining whether to grant a licence.

Clause 10(2) of the Bylaw provides that the decision to grant or refuse an application must be made in accordance with any relevant guidelines approved by resolution of the Council and specified under the Bylaw. The relevant guidelines are the Trading and Events in Public Places Guidelines 2015 which provide that when considering any application for trading, the Council will assess the application on, but not limited to, the criteria contained in the guidelines. The relevant assessment criteria from the guidelines is therefore also contained in the below table.

The table additionally sets out the relevant requirements contained in the E-Scooter Shared Services Code of Practice. A condition of any licence granted will be compliance with the code of practice and so an applicant's potential to meet the requirements of the code of practice forms part of the relevant assessment criteria.

Please indicate, in the second column, your comments on how you consider that the application meets the assessment criteria.

Assessment criteria	Comments on application
<b>Mandatory criteria in bylaw</b>	
10(3)a. The location of the activity and whether it is likely to cause a nuisance, obstruction or a hazard to pedestrians or vehicular traffic	
<b>Relevant assessment criteria in guidelines</b>	
<i>Pedestrian access and safety</i>	
<ul style="list-style-type: none"> <li>• what, if any, will the potential impact be on pedestrian and vehicular traffic flow and safety</li> </ul>	
<ul style="list-style-type: none"> <li>• whether the activity likely to cause obstructions and / or disrupt ease of access</li> </ul>	
<i>Health and safety, waste, traffic and queue management issues</i>	
<ul style="list-style-type: none"> <li>• whether the operator has taken into consideration health and safety issues (i.e. access and mobility; how they will minimise harm) and how they will mitigate these</li> </ul>	
<ul style="list-style-type: none"> <li>• whether they will have adequate waste, traffic and queue management strategies in place</li> </ul>	
<ul style="list-style-type: none"> <li>• whether they have identified possible constraints on the capacity of available parking in the area and/or pedestrian traffic and general traffic access</li> </ul>	
<b>Relevant requirements in code of practice</b>	
<i>Termination</i>	

Assessment criteria	Comments on application
<p>1(c). The operator must provide a plan for how its operation will be terminated (including the collection of all its equipment) if it no longer chooses to operate or if its licence to operate is suspended or revoked.</p>	
<p><i>Safety and risk management plan</i></p> <p>1(d). The operator must confirm they have and provide a copy of a safety and risk management plan, which includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Risk assessment or operational management plan that considers the use of e-scooters on roads, footpaths and bicycle lanes and has mitigation measures in place to reduce any risk to users, pedestrians, vulnerable persons, and other road users.</li> </ul>	
<ul style="list-style-type: none"> <li>• Investigation processes for an incident or accident, including implementing corrective or preventative measures based on the outcome of the investigation.</li> </ul>	
<p><i>Deployment and rebalancing</i></p> <p>1(i). The operator must advise:</p> <ul style="list-style-type: none"> <li>• The number of e-scooters they intend to deploy per tier.</li> <li>• Proposed deployment locations as per the Micromobility Device Deployment Location Requirements</li> <li>• How e-scooters will be charged and deployed.</li> </ul>	
<p>1(j). The operator must provide a plan for re-balancing e-scooters around the city to:</p> <ul style="list-style-type: none"> <li>• Prevent or resolve bunching;</li> </ul>	

Assessment criteria	Comments on application
<ul style="list-style-type: none"> <li>Comply with sections 3(h) and 3(i).</li> </ul>	
<p><i>Adverse or severe weather or other emergencies</i></p> <p>1(k). The operator must advise council of how they will manage operations in the case of adverse or severe weather or other emergencies.</p>	
<p><i>Influencing user behaviour</i></p> <p>1(l). The operator must provide a plan to influence user behaviour in the areas of riding and parking compliance.</p>	

Mandatory criteria in bylaw	
<p>10(3)b. The specifications of any furniture, structures, equipment, vehicles and other items to be used for the activity</p>	
Relevant assessment criteria in guidelines	
<i>Quality of the goods, services and experience</i>	
<ul style="list-style-type: none"> <li>whether the activity will provide good quality products or services that adds to the character of the area as well as ensure the protection of the consumer</li> </ul>	
Relevant requirements in code of practice	
<p><i>Safety and risk management plan</i></p> <p>1(d). The operator must confirm they have and provide a copy of a safety and risk management plan, which includes but is not limited to:</p>	

Assessment criteria	Comments on application
<ul style="list-style-type: none"> <li>Ensuring that all electronic hardware and firmware is fit for purpose and checked against appropriate quality standards</li> </ul>	
<ul style="list-style-type: none"> <li>Maintenance processes, which includes defect reporting, rectification and prevention, and also details whether maintenance will be carried out weekly or within a timeframe according to manufacturer's specifications.</li> </ul>	
<ul style="list-style-type: none"> <li>Investigation processes for an incident or accident, including implementing corrective or preventative measures based on the outcome of the investigation.</li> </ul>	
<p><i>Product requirements</i></p> <p>1(f). The operator must provide specifications of the e-scooters to be deployed from date of licence issued. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>A detailed diagram of e-scooter equipment</li> <li>Brand</li> <li>Model</li> <li>Used or new</li> </ul>	
<p>1(g). The operator must confirm that:</p> <ul style="list-style-type: none"> <li>The e-scooter equipment complies with legal standards and requirements, including battery requirements.</li> </ul>	
<ul style="list-style-type: none"> <li>The e-scooter equipment is of sufficiently high quality to withstand constant public use and exposure to the Auckland elements.</li> </ul>	
<ul style="list-style-type: none"> <li>The e-scooter equipment includes smart technology with active global positioning system (GPS) and wireless connectivity.</li> </ul>	

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<ul style="list-style-type: none"> <li>• The e-scooter equipment contains integrated location technology and on-board wireless diagnostics to identify mechanical failure and enable preventive maintenance.</li> </ul>	
<ul style="list-style-type: none"> <li>• Any e-scooter reported or believed to be inoperable will be remotely locked, until the e-scooter is removed and repaired.</li> </ul>	
<ul style="list-style-type: none"> <li>• Every e-scooter will be equipped with a unique identification number that is: <ul style="list-style-type: none"> <li>○ Prominently displayed at all times;</li> <li>○ Located in two places on the e-scooter equipment e.g. rear wheel guard and stem</li> </ul> </li> </ul>	
<p><i>User reporting of accident and incidents</i></p> <p>1(h). The operator must confirm that in-app reporting features will be available on the home page of the app or within one to three clicks from the home page, to allow reporting of issues including, but not limited to: an accident, incident, damage or malfunction.</p>	

<b>Mandatory criteria in bylaw</b>	
<p>10(3)c. The impacts on the surrounding environment and users as a result of noise, smell, glare, light spill, appearance or any other effects and; whether these impacts have been appropriately mitigated;</p>	
<b>Relevant assessment criteria in guidelines</b>	
<p><i>Impact of activity on adjacent properties</i></p>	

Assessment criteria	Comments on application
<ul style="list-style-type: none"> <li>whether the activity is likely to give rise to nuisance, impact on public safety or loss of amenity caused by noise, litter, odour or anti-social behaviour</li> </ul>	
<ul style="list-style-type: none"> <li>whether the hours of operation reflect those stated in the resource consent for the business, if applicable. If not stated, what does the relevant district/unitary plan say in regards to hours of operation for outdoor dining? (Consult a noise specialist in Environmental Health if there are concerns)</li> </ul>	
<ul style="list-style-type: none"> <li>whether it likely to impact on residential amenity</li> </ul>	
<i>Management of the activity</i>	
<ul style="list-style-type: none"> <li>whether the activity will be managed in a way that it does not 'privatise' or cause a loss of public space</li> </ul>	
<b>Relevant requirements in code of practice</b>	
N/A	

<b>Mandatory criteria in bylaw</b>	
The suitability of a person to hold an approval taking into account any known past operational issues and the applicant's experience and track record	
<b>Relevant assessment criteria in guidelines</b>	
History (i.e. complaints about non-compliance)	
<ul style="list-style-type: none"> <li>what the applicant's track record of compliance is</li> </ul>	

Assessment criteria	Comments on application
<ul style="list-style-type: none"> <li>whether the commercial service operator has appropriate public liability insurance</li> </ul>	
<b>Relevant requirements in code of practice</b>	
<i>Insurance</i> 1(a). The operator must provide evidence that they hold public liability insurance of at least NZ\$2,000,000.	
<i>Contact details</i> 1(b). The operator must provide a contact details, including a phone number, for a suitable local staff member who can liaise with the council during licensing hours to address operational issues.	
<i>Safety and risk management plan</i> 1(e). If the operator has previously operated or is operating in other jurisdictions, information prior performance in these areas must be provided	

<b>Mandatory criteria in Bylaw</b> 10(3)g. Whether the activity is consistent with Auckland Council policies and plans, for example: The Auckland Plan 2050: <ul style="list-style-type: none"> <li>Transport and access</li> <li>The natural environment</li> <li>Urban form and communities</li> <li>Economically successful city</li> </ul>	
<b>Relevant assessment criteria in guidelines</b>	
<i>Benefits to the community;</i>	

<b>Assessment criteria</b>	<b>Comments on application</b>
<ul style="list-style-type: none"><li>• whether the activity improves the local community / local area</li></ul>	
<b>Relevant requirements in code of practice</b>	
<ul style="list-style-type: none"><li>• Overall extent to which application is consistent with code of practice, including:<ol style="list-style-type: none"><li>2. Ongoing operational requirements</li><li>3. Ongoing safety enhancement and nuisance reduction requirements</li><li>4. Ongoing information requirements</li></ol></li></ul>	