

Appendix E – Correspondence from Licensing Team to Mr Lamarti

Letter sent in March 2020 – in response to complaint about chimes.



Mr Mohamed Lamarti



Your ref:
Our ref: WSTC0009
Date: 31 March 2020
Please ask for: Leonie Houtt
Customer Services: 03330 162 000
Direct dial: 01502 523624
Email: Licensing@eastsoffolk.gov.uk

Dear Mr Lamarti

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENT

We have received complaints from the public regarding the playing of chimes from your ice cream van.

May I please bring to your attention the current Code of Practice on Noise from Ice-Cream Van Chimes Etc. 2013. I enclose a summary of the requirements for your information. I also enclose summary sheets from the Code of Practice for you to display in your ice-cream van (S655 VOP). Please ensure that all your drivers are aware of the Code of Practice.

May I remind you that as the Consent holder you should not carry on your trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity.

Therefore, this letter will remain on your file and should further complaints be received we will need to carefully consider what further action will be taken.

If you require any further information please do not hesitate to contact the Licensing Team on (01394) 444802 or licensing@eastsoffolk.gov.uk Please note that during this period of social distancing, the Licensing Team are working from home and our phones are not manned as normal therefore, in the first instance please contact us via email as it may take longer than normal to respond to you via phone. Thank you for your understanding at this time.

Yours sincerely

Leonie Houtt | Licensing Officer
East Suffolk Council

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ



Appendix E – Correspondence from Licensing Team to Mr Lamarti

Letter sent in May 2020 – trading unlawfully in Lowestoft using a different vehicle



Letter Mr Mohamed Lamarti



Your ref:
Our ref: WSTC0009
Date: 7 May 2020
Please ask for: Leonie Hout
Customer Services: 03330 162 000
Direct dial: 01502 523624
Email: Licensing@eastssuffolk.gov.uk

Dear Mr Lamarti

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENT

The street trading consent granted to you by East Suffolk Council can only be used with one vehicle (S655 VOP). It has been drawn to our attention that you have been street trading using a different vehicle (NH58 VWF). If this is correct, you have been trading illegally and must cease doing so immediately.

If you wish to use vehicle NH58 VWF before your street trading consent comes up for renewal, when you will have the opportunity to change the vehicle details for your street trading consent, you need to apply for a new street trading consent.

If you continue to trade with S655 VOP you will need to ensure that you are correctly following the governments social distancing requirements. This includes making sure that customers queue with at least 2metres between them and that you use the correct Personal Protective Equipment (PPE) to prevent contamination. Here is a link to the government website explaining their guidance for food businesses. <https://www.gov.uk/government/publications/covid-19-guidance-for-food-businesses/guidance-for-food-businesses-on-coronavirus-covid-19>

Your street trading consent is due for renewal by 25 May 2020. Your compliance with your existing street trading consent will be taken into consideration when determining any renewal application. Any further reports of illegal street trading will be investigated and referred to the Council's Legal Services team to consider what, if any, enforcement action to take.

If you have any questions please contact the Licensing Team via email licensing@eastssuffolk.gov.uk

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ

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Appendix E – Correspondence from Licensing Team to Mr Lamarti

Yours sincerely

Leonie Hault | Licensing Officer
East Suffolk Council

Appendix E – Correspondence from Licensing Team to Mr Lamarti

Letter sent in June 2020 – trading unlawfully in Lowestoft and complaint about chimes



Mr Mohamed Lamarti



Your ref:

Our ref: WSTC0009

Date: 11 June 2020

Please ask for: Leonie Hault

Customer Services: 03330 162 000

Direct dial: 01502 523624

Email: Licensing@eastsoffolk.gov.uk

Dear Mr Lamarti

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENT

I have today issued the renewed street trading consent WSTC0009 – this can only be used with the vehicle listed on the consent which is NH58 VWF. The new street trading consent for S655 VOP that you applied for can be issued after the 18 June 2020 when the consultation period ends. Please ensure that you do not use this vehicle until the consent has been issued.

During the consultation period Lowestoft Town Council informed us that you had been trading within the Denes Car Park without their permission, and that they did not want you trading from here. Under our Street Trading Policy, it states that you must have the permission of the landowner along with either a street trading licence/consent before you can trade legally. Therefore, please ensure that in the future you have the permission of the landowner before you trade.

You will note that in the conditions attached to your street trading consent, it states where you can and cannot trade. Following consultations with Lowestoft Town Council and Suffolk County Councils Highways Team, both Links Road and Denes Car Park off Links Road in Lowestoft are now prohibited areas for trading, and you are not permitted to trade there. Please ensure that all your drivers are aware of this.

It has also been brought to our attention that one of your vans was seen on the sea wall along Lowestoft's North Beach. May I remind you that no street trading is permitted along here either.

Since the last letter I wrote to you concerning noise from chimes (dated 31 March 2020), a further complaint has been received. As the consent holder you should not carry on your trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity. Once again, I must ask that you make all your drivers aware of the current Code of Practice on Noise from Ice-Cream Van Chimes Etc. 2013.

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I enclose a summary of the requirements for your information. I also enclose summary sheets from the Code of Practice for you to display in your ice-cream vans.

This letter is a formal warning to you concerning both the complaint about noise and illegal street trading. This will remain on your file and should further complaints be received we will need to carefully consider what further enforcement action will be taken.

Please note that as you are currently trading you need to ensure that you are correctly following the governments social distancing requirements. This includes making sure that customers queue with at least 2metres between them and that you use the correct Personal Protective Equipment (PPE) to prevent contamination. Here is a link to the government website explaining their guidance for food businesses. <https://www.gov.uk/government/publications/covid-19-guidance-for-food-businesses/guidance-for-food-businesses-on-coronavirus-covid-19>

If you have any questions please contact the Licensing Team via email licensing@eastsoffolk.gov.uk

Yours sincerely

Leonie Hault | Licensing Officer
East Suffolk Council

Appendix E – Correspondence from Licensing Team to Mr Lamarti

Letter sent in July 2020 – trading unlawfully in Southwold, final written warning



Mr Mohamed Lamarti



Your ref:

Our ref: WSTC0009 & WSTC0020

Date: 10 July 2020

Please ask for: Leonie Houlton

Customer Services: 03330 162 000

Direct dial: 01502 523624

Email: Licensing@eastsoffolk.gov.uk

Dear Mr Lamarti

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENT - FINAL WRITTEN WARNING

We have received a complaint from Southwold Town Council that one of your ice cream vans was seen trading on North Parade last Friday (3 July) at 4pm, I have seen photographic proof to confirm this.

I am very disappointed that I must draw to your attention again the conditions attached to your street trading consents. Within these conditions it clearly states the locations where trading is prohibited, and North Parade in Southwold is one of these prohibited areas. Therefore, this would be classed as illegal street trading. Please ensure that all drivers are aware of the areas where they cannot trade so that this does not happen again.

This letter is the final formal written warning to you concerning illegal street trading. This will remain on your file and should you fail to meet the conditions attached to your consents then we will need to carefully consider what further enforcement action will be taken, this is likely to mean convening a Licensing Sub-Committee.

I would also like to draw to your attention that although we do not have a Street Trading Policy that covers the South of our district. If you should choose to trade within the South you must first have the permission of the land owner and if you intend to trade from a highway it is advisable to speak with Suffolk County Council Highways Team to ensure that it is safe to do so.

Please note that as you are currently trading you need to ensure that you are correctly following the governments social distancing requirements. This includes making sure that customers queue with at least 2metres between them and that you use the correct Personal Protective Equipment (PPE) to prevent contamination. Here is a link to the government website explaining their guidance for food businesses. <https://www.gov.uk/government/publications/covid-19-guidance-for-food-businesses/guidance-for-food-businesses-on-coronavirus-covid-19>

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If you have any questions please contact the Licensing Team via email
licensing@eastsoffolk.gov.uk

Yours sincerely

Leonie Hault | Licensing Officer
East Suffolk Council
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Appendix E – Correspondence from Licensing Team to Mr Lamarti

Letter sent in July 2021 – trading unlawfully in Lowestoft and hearing



Mr Mohamed Lamarti



Your ref:

Our ref: WSTC0009

Date: 22 July 2021

Please ask for: Leonie Hoult

Customer Services: 03330 162 000

Direct dial: 01502 523624

Email: Licensing@eastsoffolk.gov.uk

Dear Mr Lamarti

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - Trading unlawfully

We have received your application for a new street trading consent for a vehicle with registration number X831 KCW. I must bring to your attention that we had already received complaints about this vehicle and the overuse of the chimes. This vehicle was seen trading in June and July 2021. While investigating this complaint it was discovered that the vehicle was not covered by any current street trading consents within our district and therefore any trading taking place from this vehicle is and has been unlawful.

It was also discovered that a Lamarti's vehicle with the registration AU05 FEG was seen trading in Lowestoft during April and June 2021. Upon further investigations it too was operating unlawfully as there is no street trading consent in place for this vehicle.

May I remind you that your only current consent is WSTC0009 which is for vehicle NH58 VWF and expires on the 25 May 2022; as your other consent WSTC0020 which was for vehicles S655 VOP & V39 KOB (only one vehicle could be used at any one time) expired on the 17 June 2020 and despite renewal reminder letters being sent no renewal application has been received.

This is not the first instance that I have written to you concerning illegal trading as well as other complaints including the overuse of chimes. In fact, last year several warning letters were issued including a final formal written warning sent on the 10 July 2020 in response to trading illegally from a prohibited street - North Parade, Southwold. In that letter, as with the others, we warned that if there were further issues, we would have to consider enforcement action.

As it would appear that you have once again been trading unlawfully, with two vehicles, we are unable at this time to accept your application for a new street trading consent for vehicle X831 KCW and will now have to consider what further enforcement action will be taken. Please be aware that this is likely to mean convening a Licensing Sub-Committee hearing where your current street trading consent will be considered. Details of any hearing will be sent to you in due course.

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As we are unable to accept your application for a new street trading consent, we will destroy the cheque that was sent in with your application.

If you have any questions, please contact the Licensing Team licensing@eastsuffolk.gov.uk

Yours sincerely

Leonie Hout | Licensing Officer
East Suffolk Council