

Appendix C – evidence of illegal street trading in 2021

July 2021

01/07/2021 - Complaint received about noise from chimes, this related to two different ice cream vans.

From: [REDACTED] email sent on the 01/07/2021 to East Suffolk Councils Environmental Protection Team who forwarded it to Licensing on the 01/07/2021

EP response – 01/07/2021

Good afternoon [REDACTED]

[REDACTED] I have forwarded your email on to our licensing department who obviously license these operators.

As I believe I may have already explained, the code of practice is not something that I can enforce. There is noise pollution legislation which does create some potential offences but simple sounding chimes for a few seconds longer than stated in the code is unfortunately not an offence.

Hopefully my colleagues in licensing can contact the operators to remind them of the code of practice and the need to abide by it. I believe, but may be wrong, that it is a requirement of their licence to operate in accordance with the code.

Regards,
Mark.

Mark Seaman | Environmental Protection Officer MSc C.Env MCIWM MIEMA MCIEH MIOA
East Suffolk Council

-----Original Message-----

From: [REDACTED] sent 01/07/2021
To: Mark Seaman
Subject: Ice Cream Van noise complaint (new vans)

Good afternoon Mark

It would appear there are two new Ice Cream vans/vendors that are unaware of the rules & regulations!

A "WHIPPY" van has started coming to the area and parking directly outside my property after playing his music/tannoy for more than 25 seconds including while stationary!!!!

Also a new Lamarti vendor registration number AU05 FEG who is also playing the music/tannoy for 35+ seconds including while stationary directly outside my property!

This is totally unacceptable, please deal with these two vendors with the utmost urgency

Kindest Regards
[REDACTED]

LA response sent 02/07/2021

Good afternoon [REDACTED]

Mark has forwarded your email to the Licensing Team as we are responsible for issuing street trading consents within the north of our district.

Any person who trades with an ice-cream van must abide by the code of practice concerning chimes, this is separate to the requirement to have a street trading consent.

I do not believe I am familiar with the 'Whippy' van you mention and therefore, are you able to provide more information such as the name of the company, licence plate number; also, any photos/log of times of either trader would be useful.

I will look into the matters raised further as it maybe they are trading without authorisation, and I can then take the necessary action.

Please note that chimes can be played once while the vehicle is stationary and they can also be played on the approach to the stopping place however, this should only be a maximum of 12 seconds.

I will write again to Lamartis to ensure that they comply with the code of practise regarding chimes and that all drivers are aware.

If you have any further concerns and or if you can provide any further evidence, please contact the Licensing Team.

Best regards

Leonie

Further email from [REDACTED] 03/07/2021

Hi Leonie

Thank you for your reply it is very much appreciated, I have attached a photograph of each ice cream van and an up to date log of recent activity including vehicle registration numbers. Their recent activities are most unsettling, they have no regard for the Code of Practice & Licensing Rules and very little respect for other peoples right to live in peace. I understand these vendors need to earn money but I feel they do not have the right to earn money at the detriment to the health & wellbeing of other people. There are hundreds of alternative roads in the area for the legitimate licensed traders who abide by the rules to trade without the need to venture onto a very minor road (Ashfield Crescent) and cause so much unnecessary upset.

Thank you in advance

Kindest Regards
[REDACTED]



LA response email sent 05/07/2021

Good morning [REDACTED]

Thanks for the photos and log, I believe I have now been able to identify the other trader (whippy), I will now be able to chase both of the traders about the issue with the chimes etc. Can I ask that the next time that they are there, is it possible to take any video of them playing the chimes etc. as this could prove useful (but only if you feel comfortable doing this). Also is there a regular time that they come as this could prove useful if we need to visit the traders.

Please be assured that we will look into this and take the necessary action required.

Best regards
Leonie

Upon further investigation the previous owner of X831 KCW confirmed that they were no longer trading and had sold this vehicle.

An application for a new street trading consent was received on the 19/07/2021 from Mr Lamarti for X831 KCW



APPLICATION FOR STREET TRADING LICENCE / CONSENT*

*Delete as applicable

This is an application under the **Local Government (Miscellaneous Provisions) Act 1982**

- 1. Full name of person applying: MR M. KAMATI
(Mr. Mrs. Miss)
- 2. Date of Birth: [REDACTED]
- 3. Company/Organisation (if applicable):
- 4. Full address: [REDACTED]

Daytime telephone: [REDACTED]

E-mail: [REDACTED]

- 5. Description of type of article to be sold/activities to be carried out:
Sell ice cream + (ice lollies)

- 6. Please specify streets and provide a map/plan clearly showing the areas in which you wish to trade.
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.....

- 7. Description of stall/vehicle to be used for trading, including **Registration Number** (where applicable) and whether any awnings, tables, chairs etc will be used:
X831 KGW SWB Food truck ice cream van

8. Please give size of vehicle/stall from which you will be trading.

Height Width Length

9. Address of premises where vehicle/stall is normally kept:

10. Description of any towing vehicle to be used: N/A

11. Proposed times and days of trading. For Licence applicants these must be specific, as every day specified will be charged for. (There is no daily charge for Consents). If the dates will vary from month to month, please list on a separate piece of paper.

Monday	From: <u>12.00</u>	To: <u>7.00</u>
Tuesday	From: <u>12.00</u>	To: <u>7.00</u>
Wednesday	From: <u>12.00</u>	To: <u>7.00</u>
Thursday	From: <u>12.00</u>	To: <u>7.00</u>
Friday	From: <u>12.00</u>	To: <u>7.00</u>
Saturday	From: <u>12.00</u>	To: <u>7.00</u>
Sunday	From: <u>12.00</u>	To: <u>7.00</u>

Any other specific days/times not listed eg Good Friday

12. Are there any convictions against you? Yes No
 If yes details of the date, court and sentence in respect of each offence must be provided on a separate sheet.

I am applying for a Street Trading Licence*/Consent*

I enclose my payment of £394. Cheques should be made payable to East Suffolk Council.
 You can make a card payment online on our website at [Make a payment to East Suffolk Council » East Suffolk Council](#).

I confirm that the information given is correct and true to the best of my knowledge and belief.

Signature:  Date: 20/07/21

*Delete as applicable

It was decided that as there was already evidence that this vehicle was being used without a valid street trading consent and that there was evidence that Mr Lamarti was operating with another vehicle – AU05 FEG also without a street trading consent that we would not accept this application.

A letter was sent to Mr Lamarti on the 22/07/2021 confirming this and the fact that there would be a hearing of the Licensing Sub-Committee in regard to the current street trading consent for WSTC0009. This would be due to the recent complaints and reported unlawful trading. This letter can be seen in Appendix E.