



East Suffolk House, Riduna Park, Station Road,  
Melton, Woodbridge, Suffolk, IP12 1RT

# Licensing Sub-Committee

## Members:

Councillor Linda Coulam  
Councillor John Fisher  
Councillor Keith Patience  
Councillor Colin Hedgley (Reserve)

Members are invited to a **Meeting** of the **Licensing Sub-Committee** to be held in the Deben Conference Room, East Suffolk House, on **Tuesday, 17 August 2021 at 10.00am**

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If you do believe it is necessary for you to be in attendance we encourage you to notify Democratic Services, by email to [democraticservices@eastsuffolk.gov.uk](mailto:democraticservices@eastsuffolk.gov.uk), of your intention to do so no later than 12 noon on the working day before the meeting so that the meeting can be managed in a COVID secure way and the Team can endeavour to accommodate you and advise of the necessary health and safety precautions.

However, we are not able to guarantee you a space/seat and you are advised that it may be that, regrettably, we are not able to admit you to the meeting room.

An Agenda is set out below.

## **Part One – Open to the Public**

### **Pages**

#### **1 Apologies for Absence**

To receive apologies for absence, if any.

#### **2 Election of a Chairman**

To elect a Chairman for this Sub-Committee meeting.

#### **3 Declarations of Interest**

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

#### **4 Declarations of Lobbying and Responses to Lobbying**

To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.

#### **5 Review of Existing Street Trading Consent ES/0855**

**1 - 18**

Report of the Acting Legal and Licensing Services Manager

## **Part Two – Exempt/Confidential**

### **Pages**

There are no Exempt or Confidential items for this Agenda.

**Close**



Stephen Baker, Chief Executive

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## LICENSING SUB-COMMITTEE

Tuesday, 17 August 2021

### APPLICATION DETAILS

<b>Type:</b>	Review of existing Street Trading Consent
<b>Name of Applicant(s):</b>	Mr Mohamed Lamarti
<b>Address of Applicant(s):</b>	24 The Buntings, Bradwell, Great Yarmouth, NR31 8PE
<b>Business name:</b>	Lamartis
<b>Area consent covers:</b>	All consent streets within the North of the East Suffolk district (exclusions apply)
<b>Description of trade:</b>	Ice Cream van

### EXECUTIVE SUMMARY:

- This hearing seeks to review the Street trading consent held by Mr Lamarti.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	All wards within the North area of East Suffolk Council.
<b>Cabinet Member:</b>	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
<b>Supporting Officer:</b>	Leonie Hault Licensing Officer 07733 362154 <a href="mailto:Leonie.Hault@eastsoffolk.gov.uk">Leonie.Hault@eastsoffolk.gov.uk</a>

## 1. CURRENT STREET TRADING CONSENT

- 1.1 The current street trading consent WSTC0009 held by Mr Lamarti allows trading from any consent street within the north of the East Suffolk district. There are certain exceptions which are detailed within the consent conditions. A copy of the current consent and conditions are attached as **Appendix A**.

Trading is only permitted from the ice cream van with registration NH58 VWF.  
Trading times are Monday to Sunday 12:00 to 19:00.

## 2. REASON FOR HEARING

- 2.1 Complaints were received in July 2021 concerning a Lamarti's ice cream van that was operating during April and June 2021 at Ashfield Crescent, Lowestoft. The complaints were regarding the chimes being played excessively. The complaint stated that the chimes were played for between 20 to 35+ seconds as well as while being stationary. This is contrary to the Code of Practice on Noise from Ice-Cream van Chimes etc. in England 2013 which is attached as **Appendix B**.

- 2.2 It was found that the vehicle being used, registration AU05 FEG, was not the vehicle that the current street trading consent covers. This evidence is attached as **Appendix C**.

- 2.3 On 21 July 2021 Mr Lamarti submitted an application for a new street trading consent for the vehicle with registration number X831 KCW. This was another vehicle that was reported to be playing chimes excessively in June and July and upon further investigation was not a vehicle that was covered by a current street trading consent. The previous owner of this vehicle, who did previously have a street trading consent which expired on 14 April 2020, confirmed that he had not been trading since April 2020, and had sold the vehicle to a gentleman in Great Yarmouth. This application is attached in **Appendix C**. It was decided that the Licensing Team would not accept the application due to the recent complaints and reports of unlawful trading. A letter was sent to Mr Lamarti confirming this on 22 July 2021 and is attached as **Appendix E**.

- 2.4 These are not the first instances of illegal trading by Mr Lamarti's business. In May 2020 following a complaint received concerning COVID safety, Mr Lamarti was found to be using a different vehicle to the one covered by the consent. At that time the Licensing Team wrote a warning letter, and the existing consent was amended so that the new vehicle (NH58 VWF) could be used as well. This complaint is attached as **Appendix D**.

- 2.5 In March 2020 there were complaints about the noise from chimes while the ice cream van was in Ashfield Crescent, Lowestoft. In May 2020 there were complaints regarding trading from prohibited locations which included Denes Car Park, Lowestoft and the Seawall, North Beach, Lowestoft. In July 2020 there was a further complaint about illegal trading, this time at North Parade, Southwold. These complaints are attached as **Appendix D**.

- 2.6 The Licensing Team wrote warning letters regarding each complaint and the letter sent on 10 July 2020 was regarded as a final warning concerning illegal trading. These letters are attached as **Appendix E**.

2.7 Following the most recent application from Mr Lamarti, a letter was sent on 22 July 2021 (attached in Appendix E). Mr Lamarti responded via email on 30 July 2021 and stated that the vehicle X831 KCW had only recently been brought and that the vehicle with registration AU05 FEG was trading from North Denes car park, Lowestoft as well as making deliveries to customers. The Licensing Team responded on 2 August 2021 by explaining that trading at North Denes car park would require a street trading consent and that it was also currently a prohibited area as Lowestoft Town Council had requested that no trading take place from the car park. These emails can be seen as **Appendix F**.

2.8 On Saturday 31 July 2021 a Licensing Officer witnessed the van with registration AU05 FEG trading from North Denes car park, Lowestoft, and a photo of this is attached as **Appendix G**.

2.9 Mr Lamarti telephoned Leonie Hoult, Licensing Officer, on 2 August 2021 to discuss the points raised in the email. Mr Lamarti explained that Lowestoft Town Council had given him permission to trade from the car park for over a year now. Mrs Hoult explained that a street trading consent would also be required to trade from the car park and that currently there is a condition that the Town Council requested that prohibits trading from the car park which would also have to be removed.

### **3. ADDITIONAL INFORMATION**

3.1 Mr Lamarti renewed WSTC0009 in May 2021 however, his other street trading consent, WSTC0020 which was for vehicles S655 VOP or V39 KOB was not renewed, despite reminder letters being sent. This was due for renewal by 17 June 2021.

3.2 The Council has taken legal proceedings against Mr Lamarti for illegal street trading in 2006. Lamarti's ice cream vans were witnessed on three separate dates in 2006 trading from consent streets within the former Waveney District Council area. These legal proceedings held on the 16 November 2006 resulted in a conviction for illegal street trading. The Statement of Facts concerning this court case is attached at **Appendix H**.

### **4. POINTS TO BE CONSIDERED**

4.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

4.2 The attention of the Sub-Committee is drawn to the following:

a) **Human Rights Act 1998**

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 4.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 10 August 2021 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

## **5. CONCLUSION**

5.1 The Sub-Committee will be asked to determine this matter by:

- Allowing the trader to continue to trade under his current consent WST0009 and deciding whether further applications will be accepted by the Licensing Team either immediately or after a period of time.
- Revoking the current street trading consent, WSTC0009
- Adding or amending conditions to the current, or any future, Street Trading consents held by Mr Lamarti.

5.2 Depending on the decision of the Sub-Committee, the street trader known as Mr Lamarti, trading as Lamarti's, has rights of appeal to the Magistrates' Court.

5.3 When announcing its decision, the Sub-Committee is asked to state its reasons.

<b>APPENDICES</b>	
<b>Appendix A</b>	Mr Lamarti's existing street trading consent – WSTC0009
<b>Appendix B</b>	Code of practice on Noise from Ice-Cream Van Chimes etc. in England 2013
<b>Appendix C</b>	Evidence of illegal trading – July 2021
<b>Appendix D</b>	Log of complaints received in 2020
<b>Appendix E</b>	Letters sent to Mr Lamarti
<b>Appendix F</b>	Email correspondence from Mr Lamarti and Licensing's response

<b>Appendix G</b>	Photo of AU05 FEG at North Denes car park, Lowestoft
<b>Appendix H</b>	Statement of Facts

<b>BACKGROUND PAPERS</b>	
None	



Conditions to Street Trading Consent (ice cream vans) number: WSCT0009

Valid until: 25 May 2022

Only for use with vehicle registration number NH58 VWF



**On 1 April 2019 the Suffolk Coastal and Waveney districts are abolished as local government areas and the District Councils are wound up and dissolved. These conditions become the conditions of East Suffolk Council. Any reference to the Council within this document refers to East Suffolk Council.**

1. The former Waveney District Council ("the Council") has adopted a scheme in accordance with Sections 2 and 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") to control street trading with effect from 1<sup>st</sup> August 1999.
2. All Streets in the former Waveney District that are not listed in appendix A ("Prohibited Streets" or Appendix B ("Licence Streets")) are designated by virtue of Council Minute v27-129 as "Consent Streets". For the purposes of this designation, "Streets" includes any road footway, promenade, pavement, public car parks and all other areas adjacent to the said streets for a distance of twenty metres to which the public have access). This means that, under the terms of the 1982 Act, trading is prohibited without a Consent issued by the Council.
3. It is an offence to trade in a Consent Street without a Consent issued by the Council.
4. A street trading Consent ("the Consent") is issued by the Council subject to the following conditions:-
  - The holder of the Consent is the person whose name and address appear on the authenticated, numbered official "Street Trading Consent" issued by the Council.
  - The Consent is valid until the expiry date shown on the Consent certificate.
  - The Consent may be revoked by the Council at any time or surrendered by the Consent holder at any time, providing that the Council shall repay to the applicant that part of the Consent fee considered by the Council appropriate for the unexpired period of the Consent, less an appropriate sum for administrative expenses.
  - The Consent holder must at all times while trading display in a conspicuous position: -
    - The Consent permit disk issued with the Consent; and
    - His trading name
  - The Consent holder shall not carry on his trade in such a way as to cause obstruction of any part of the street in which he is trading or danger to persons using the street.
  - The Consent holder shall not carry on his trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity

## Conditions to Street Trading Consent (ice cream vans) number: WSCT0009

Valid until: 25 May 2022

Only for use with vehicle registration number NH58 VWF

- The Consent holder shall not sell any type of merchandise other than:
  - a) ice cream, lollies, soft drinks and confectionery
- The Consent holder shall provide and maintain adequate refuse receptacles for litter resulting from his trading and shall remove all litter resulting from his trading from the street and ensure that the surrounding area is kept clean and tidy particularly when he has finished trading. The Consent holder shall be responsible for any damage to the highway or otherwise resulting from the Consent.
- The Consent holder shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse and shall not discharge any wastewater oil or other matter to the street surface or to the surface water drains.
- The Consent holder may trade only during the following periods:
  - b) Monday to Sunday 12:00 to 19:00
- This Consent entitles the holder to trade only in the following locations, marked on the accompanying plan:
  - c) all consent streets within the former district of Waveney excluding North Green, Barnaby Green, Tubby's Green, St Edmund's Green (aka Hospital Green), St James's Green, Church Green, Bartholomew Green East Green and South Green Southwold.
  - d) also excluding St Mary's Street, Priory Lane, Earsham Street, Broad Street, Popson Street, Chaucer Street, Bridge Street, Trinity Street, Wharton Street, Staithe Road, Lower Olland Street, Upper Olland Street & Bardolph Road, Bungay. To also exclude all parts of the A144 and B1062 within Bungay
  - e) On Friday excluding Sheepgate, The Walk, New Market & Market Street, Beccles.
  - f) also excluding Links Road following consultations with Suffolk County Council Highways Team who stated 'that this is not a suitable location for an ice-cream van due to the narrowing road width beyond the entrance to the car park, increasing pedestrians to locate in the highway and thus restricting emergency service vehicles from being able to access North Denes sea front in the event of an emergency'.
  - g) Lowestoft Town Council also excluded trading from North Denes Car Park off Links Road in Lowestoft.
- Any vehicle, stall or container used by the Consent holder in the course of trading under this

## Conditions to Street Trading Consent (ice cream vans) number: WSCT0009

Valid until: 25 May 2022      Only for use with vehicle registration number NH58 VWF

Consent shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council as to its construction, appearance and display of advertisements.

- To this end, the following specific details of construction and appearance shall apply to any stall or container used in conjunction with this Consent:
  - h) trading may not take place other than from a purpose built, self-contained, motorised ice cream van NH58 VWF
- The Consent does not operate as a Consent for any other purpose than to permit the Consent holder to trade in a Consent street in accordance with the conditions imposed. The Consent holder must ensure that he has obtained any other consent, licence, approval or registration required under any other statutory provisions relevant to his trade.
- Trading under the terms of this Consent shall, at all times, be conducted under the direct and personal supervision of the Consent holder or his/her appointed representative.
- Trading under the terms of this Consent shall, at all times, be conducted under the direct and personal supervision of a person at least 18 years old.
- The Consent is personal to the Consent holder and shall not be assigned or transferred to any other person or Company.
- For the avoidance of doubt, nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or by-laws.
- The Consent holder, or his/her appointed representative shall immediately produce this Consent if required to do so by a Police Officer or an authorised officer of the Council.
- The Consent holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council's Strategic Director of Community Health and Information Technology and shall produce a valid certificate of such insurance at any time upon the request of that Officer.
- Nothing contained in these conditions shall relieve or excuse the Consent holder or his employee or agent from any legal duty or liability and the Consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from the Consent.
- The conditions attached to the Consent may be varied by the Council at any time.
- In these conditions "the Consent" means a Consent issued under Sections 2 and 7 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 "Consent holder" means the person named on the Consent issued by the Council and includes any employee, servant or agent of the Consent holder at least 17 years old, and "the Council" means the former Waveney District Council.

Conditions to Street Trading Consent (ice cream vans) number: WSCT0009

Valid until: 25 May 2022

Only for use with vehicle registration number NH58 VWF

**On 1 April 2019 the Suffolk Coastal and Waveney districts are abolished as local government areas and the District Councils are wound up and dissolved. These conditions become the conditions of East Suffolk Council. Any reference to the Council within this document refers to East Suffolk Council.**

### **PROHIBITED STREETS**

For the purposes of paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following streets within the former Waveney District Council administrative area be designated as Prohibited Streets for the purposes of Street Trading, the effect of such designation being to prohibit any street trading in any of the streets so designated:

#### **General**

All of the A12 Trunk Road within the former Waveney District, including service roads and lay-bys excluding the lay-by at Frostenden

All of the A146 within the former Waveney District, including service roads and lay-bys

All of the A1117 within the former Waveney District, including service roads and lay-bys

All parts of car parks owned and/or operated by the former Waveney District Council, whilst being operated as public car parks

All of the B1375 within the former Waveney District, including service roads and lay-bys

#### **Lowestoft**

Swimming Pool Road (entire length, both sides)

Whapload Road (entire length, both sides)

Leisure Way (from A12 junction to entrance to Pleasurewood Hills (both sides)

London Road South (entire length, both sides)

Marine Parade (entire length, both sides)

Kensington Road (entire length, both sides)

Kirkley Cliff Road (entire length, both sides)

Claremont Road (entire length, both sides)

Waterloo Road (entire length, both sides)

London Road Pakefield (entire length, both sides)

The Boulevard Oulton Broad (entire length)

Victoria Terrace (entire length, both sides)

Wellington Esplanade (entire length, both sides)

#### **Beccles**

Blyburgate (entire length, both sides)

Newgate (entire length, both sides)

The Walk (entire length, both sides)

Ballygate (entire length, both sides)

St Mary's Road (entire length, both sides)

Peddars Lane (entire length, both sides)

Fen Lane (entire length, both sides)

Conditions to Street Trading Consent (ice cream vans) number: WSCT0009

Valid until: 25 May 2022

Only for use with vehicle registration number NH58 VWF

### **Southwold**

Ferry Road (entire length, both sides)

Southwold Harbour (from the junction with Ferry Road to the junction with Blackshore Road, both sides)

High Street (entire length, both sides)

North Parade (entire length, both sides)

East Street (entire length, both sides)

Parts of the cliff top path from junction with North Parade to junction with Gun Hill (including promenade)

Gun Hill

Godyll Road and Blackshore Road (entire length, both sides)

### **Halesworth**

Market Place (entire length, both sides)

London Road (entire length, both sides)

Saxons Way (entire length, both sides)

Norwich Road (entire length, both sides)



Department  
for Environment  
Food & Rural Affairs

# Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013

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Code of Practice on Noise from Ice-Cream Van Chimes Etc.

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PB 14030

This code of practice was developed with the involvement of mobile food vendors, particularly the ice-cream vendor industry. Approval was given for this code by the Control of Noise (Code of Practice on Noise from Ice-Cream Van Chimes Etc.) (England) Order 2013 (SI 2013 No. 2036) made under section 71 of the Control of Pollution Act 1974 (as amended) by the Secretary of State for the Environment, Food and Rural Affairs. This code of practice came into operation on 1 October 2013 in England.

It is an offence under section 62 of the Control of Pollution Act 1974 (CoPA) to use a loudspeaker in the street. There is a specific exception for the operation of loudspeakers fixed to vehicles used to convey and sell perishable commodities for human consumption to the public, such as ice-cream, provided that they do not give reasonable cause for annoyance to persons in the vicinity. Under section 71 of CoPA the Secretary of State has the power to approve codes of practice that help to minimise noise. This code gives guidance on minimising noise from ice-cream van chimes. It should also be taken as applying equally to any other sounds made by a loudspeaker fixed to a vehicle from which perishable goods are sold to the public. Compliance with this code will help to show that that a vendor has complied with section 62 of CoPA.

Noise that is prejudicial to health or a nuisance that is emitted from or caused by a vehicle, machinery or equipment in the street is a statutory nuisance under section 79 of the Environmental Protection Act 1990 (EPA). Under Part 3 of the EPA, action can be taken by local authorities and private individuals to require a business that is responsible for a statutory nuisance to abate that nuisance. A business that applies the 'best practicable means' to prevent or counteract the effects of the nuisance will have a defence against such action.

Under section 79 of the EPA, a code of practice made under section 71 of CoPA must be taken into account when determining whether the best practicable means have been applied. Compliance with this code will help to show that a vendor has used best practicable means to prevent, or counteract, the effects of any nuisance resulting from the chiming.



# Introduction

- 1.1 This code of practice gives guidance on methods of minimising annoyance or disturbance caused by the operation of loudspeakers fixed to ice-cream vans used to convey and sell perishable commodities for human consumption to the public. Most loudspeakers used in this connection are fixed to ice-cream vans and play a chiming call signal; nevertheless this code of practice should be taken as applying equally to any other sounds made by a loudspeaker fixed to a vehicle from which perishable goods are sold to the public.
- 1.2 The code of practice does not in itself create offences or have the force of law, but local authorities and magistrates' courts must have regard to it in any consideration of 'best practicable means' under Part 3 of the Environmental Protection Act 1990 (EPA).

## Regulations regarding the use of loudspeakers in streets

- 2.1 Under section 62 of the Control of Pollution Act 1974 (CoPA) it is an offence to operate or permit the operation of any loudspeaker of the 'ice-cream van chimes' type in a street unless all the following conditions are complied with:
  - a. the loudspeaker is operated only between the hours of noon and 7 pm on the same day;
  - b. the loudspeaker is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption;
  - c. the loudspeaker is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle;
  - d. the loudspeaker is so operated as not to give reasonable cause for annoyance to persons in the vicinity.
- 2.2 Under section 79(1)(ga) of the Environmental Protection Act 1990 noise that is prejudicial to health or a nuisance that is emitted from or caused by a vehicle, machinery or equipment in the street is a statutory nuisance. Under Part 3 of the EPA, action can be taken by local authorities and private individuals to require a business that is responsible for a statutory nuisance to abate that nuisance. A business that applies the 'best practicable means' to prevent or counteract the effects of the nuisance will have a defence against such action. Under section 79 of the EPA, a code of practice made under section 71 of CoPA – like this one – must be taken into account when determining whether the best practicable means have been applied.

# Operating guidelines

## General

- 3.1. Annoyance to persons in the vicinity is most likely to be caused if the volume of chimes is excessive, if the chimes are played too frequently or for too long, if the chimes are sounded in areas where people are particularly sensitive to noise, or if the sound of the chimes is distorted. The methods by which such annoyance may be minimised are described in the following sections of this code of practice.
- 3.2 Owners should ensure that the main points of this code of practice are displayed in all vehicles fitted with a loudspeaker of the 'ice-cream van chimes' type, and that it is brought to the attention of all persons concerned with the operation of the chimes; the Annex to this code of practice contains a summary of the code of practice which could be used for display purposes.

## Volume

- 4.1. No chimes should be operated which produce a noise level in any direction of more than  $L_{Amax}$  80dB.<sup>1</sup> When operating in areas where houses are particularly close to the road, such as in narrow streets or when stationary, it may be necessary to reduce the volume of the chimes below  $L_{Amax}$  80dB to avoid disturbance.
- 4.2. Care should also be taken to avoid distortion of the chimes, which may occur if the volume is too high, or if the equipment is faulty or the component parts of the equipment are not correctly matched.
- 4.3 When, for the purposes of this code, the level of noise emitted by the chimes is being measured in accordance with the measurement method described in footnote 1, the restrictions on the use of the chimes recommended in paragraphs 5 and 6 below would not apply.

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<sup>1</sup> At 7.5 metres over a 12-second period of continuous chiming. Noise measurements should be undertaken with a meter which conforms to BS EN 61672-1:2003 Electroacoustics. Sound level meters. Specifications (Class 1) set to the A-frequency weighting and the F-time weighting. The microphone should be held at a height of 1.2 metres above the ground, and at a distance of 7.5 metres from the loudspeaker. The microphone should be fitted with a windshield and the meter should be calibrated periodically and checked prior to (and after) measurement by a calibrator conforming to BS EN 60942:2003 Electroacoustics. Sound calibrators.

## Playing time

- 5.1. The passage of music played should not last more than 12 seconds. Where the mechanism contains a timed cut-out device which can automatically limit the playing time to 12 seconds or less, it should be used.

## Frequency

- 6.1. The chimes should be played once only on the approach to each stopping place (or 'selling point'), only once when the van is stationary, and never at intervals of less than 2 minutes.
- 6.2. The chimes should not be played more often than once every 2 hours in a particular length of street.<sup>2</sup>
- 6.3. The chimes should not be played when in sight of another van (whether moving or stationary) which might reasonably be taken to be in the street for trading purposes.
- 6.4. Subject to those considerations, the chimes should be played only as often as is necessary to let customers know that the commodity is on sale from the vehicle.

## Use of chimes in sensitive areas

- 7.1. The chimes should not be played in areas where people may be especially sensitive to their sound. In particular they should not be played:
  - a. within 50 metres of any hospital or similar institution;
  - b. within 50 metres of a school during school hours;
  - c. within 50 metres of a place of worship on a Sunday or other recognised day of worship.

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<sup>2</sup> A 'particular length of street' should normally be interpreted as being a length of street up to 500 metres long.

# ANNEX:

## Summary of the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013

It is an offence to sound your chimes before 12.00 noon or after 7.00 pm. It is also an offence to sound your chimes at any time in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:

### Do not sound chimes

1. for longer than 12 seconds at a time;
2. more often than once every 2 minutes;
3. more than once when the vehicle is stationary at a selling point;
4. except on approach to or at a selling point;
5. when in sight of another vehicle which is trading;
6. when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
7. more often than once every 2 hours in the same length of street;
8. louder than  $L_{Amax}$  80dB at 7.5 metres;\*
9. as loudly in areas of low background noise or narrow streets as elsewhere.

REMEMBER: *It is an offence to sound your chimes before 12.00 noon or after 7.00 pm.  
It is an offence to sound your chimes at any time in a way which gives  
reasonable cause for annoyance.*

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\* Measured in the way suggested in footnote 1.

**Appendix G – photos of AU05 FEG at North Denes car park, Lowestoft**

31/07/2021 – photos of AU05 FEG at North Denes car park, Lowestoft, as witnessed by Licensing Officer.

