

## **APPENDIX C**

### **PROHIBITION OF MOBILE (ITINERANT) ICE CREAM TRADING**

“Itinerant ice cream trading” is defined as ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of a trading day for a maximum of 15 minutes only.

During the summer period, the Council received numerous complaints about itinerant ice cream trading in Uxbridge Town Centre causing a noise nuisance and creating a traffic obstruction by parking and trading from narrow roads in Windsor Streets. Additionally, complaints were received of itinerant ice cream traders parking outside schools and offering children ice cream and confectionary. These activities contradicted dietary recommendations and the aims of the Healthy Hillingdon Schools Scheme and made it difficult for parents to drop off or collect children from schools.

Whilst trading in a licence street without a specific licence from the Council is generally unlawful, a specific exemption under of the London Local Authorities Act 1990 permits itinerant ice cream sellers to trade without licences, provided that they do not remain at any particular location for more than 15 minutes on any given day.

The Council is permitted under Section 37 of the London Local Authorities Act 1990 (as amended) to prohibit itinerant ice-cream traders in any street in the interest of preventing obstruction to traffic, or undue interference or inconvenience to persons using that street by passing a resolution designating the street as prohibited for such days and for such parts of the day as are specified in the resolution. Before passing any such resolution, the Council is required to consult the Commissioner of Police of the Metropolis and any body or bodies that appear to them to be a representative of persons carrying on ice cream trading in the borough.

Because of the vague definition of “itinerant ice cream trading” it is difficult to prove that a van is committing an offence by not being itinerant. It takes a lot of officer time to build up the evidence for a case file. Despite numerous recent complaints, the Council has not been able to obtain evidence necessary to sustain a successful prosecution.

Prohibiting itinerant ice cream trading in the suggested areas means that any van that is trading in the area will be clearly committing an offence regardless of the amount of time that they are trading for. This will make it possible for clear and effective enforcement action.

Officers will also enjoy additional powers of confiscation of any item used in pursuance of such offence including the seizure of the van and/or perishable goods.

## **Results of Consultation**

In accordance with the London Local Authorities Act Sections 37 (3) and (4), a public notice appeared in the London Gazette and Uxbridge Leader in October and November 2009 stating the council intends to pass a resolution. In line with the legislative guidelines in the Act, Transport for London, Hillingdon's Highways team, and the Metropolitan Police and all traders licensed by the London Borough of Hillingdon were also consulted.

There are no known bodies which appear to be representative of persons carrying on ice cream trading in the London Borough of Hillingdon and therefore such consultation has not taken place. However, this consultation was advertised in the London Gazette with the aim of ensuring that any ice cream trader or representative body became aware of the consultation.

The Council has not received any representation against the proposed designation. It is therefore recommended that the Designating Notice, attached at Schedule 3 be approved by Cabinet.

### Proposed Implementation

If the resolution is passed by Cabinet, its effect will be that the Council can prohibit itinerant ice cream trading outside schools (and their adjacent roads), in the Uxbridge Town Centre and any major retail area.

If the resolution is passed, notice of its passing will be published in a local newspaper for two consecutive weeks (a copy of which can be found in Schedule 3), a period of at least twenty eight days must be given from the date of publication of the first notice to the date the designation comes into effect. The resolution will come into force on 26 February 2010.

## **SCHEDULE 3**

### **LONDON BOROUGH OF HILLINGDON**

#### **LONDON LOCAL AUTHORITIES ACT 1990 (AS AMENDED) PART III – STREET TRADING**

##### **PROHIBITION OF ITINERANT ICE CREAM TRADING**

In pursuance of Section 37 (4) of the above Act, NOTICE IS HEREBY GIVEN that at a meeting of the Cabinet of the London Borough of Hillingdon held on Thursday 21 January 2010 at the Civic Centre, Uxbridge, the Cabinet after considering all relevant information following the publication of the Street Trading Consultation documents and notices, and in compliance with Section 37(2) of the above act, agreed the Designation Order to operate from 26 February 2010 to prohibit itinerant ice cream trading in the following areas within the London Borough of Hillingdon:

1. Any Street, or part of streets or side streets within 65 metres of any exit used by children from the following premises:
  - (i) Primary Schools
  - (ii) Under 5 Centres
  - (iii) Day Nurseries
  - (iv) Secondary Schools
  - (v) Special Schools
  
2. Any street or side street falling within the Uxbridge Town Centre. The Uxbridge Town Centre falls within the area bordered in red on the map attached below.
  
3. All streets, part of streets and side streets falling within major retail areas in
  - (i) Eastcote
  - (ii) Harefield
  - (iii) Harlington
  - (iv) Hayes
  - (v) Hillingdon Circus Area
  - (vi) Ickenham
  - (vii) Northwood
  - (viii) Northwood Hills
  - (ix) Ruislip
  - (x) Ruislip Manor
  - (xi) South Ruislip
  - (xii) Uxbridge
  - (xiii) Uxbridge Road Hayes
  - (xiv) Yiewsley and West Drayton

Copies of the “Designation Order” can be inspected at the Council offices during normal working hours.

Approved by Cabinet 22 January 2010

The effect of the resolution will mean that any person engaging in itinerant ice cream trading in the above mentioned areas will be subject to enforcement action.

Traders are advised that the provisions will take effect on 26 February 2010.

If a trader engages in itinerant ice cream trading in a prohibited area they shall be guilty of an offence and liable on summary conviction to a fine currently not exceeding level 3 on the standard scale.

