

## PETITION – ICE CREAM VAN IN WOKING

### Executive Summary

The Council has received a petition seeking action by Woking Borough Council to replace the Café in the Park with Mr Carlos, an ice cream van. In accordance with Woking Borough Council's arrangements for petitions, the matter has been referred for consideration by the Council.

### Recommendations

The Council is requested to consider the petition and determine accordingly.

The Council has the authority to determine the recommendation set out above.
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**Background Papers:** Online petition.

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## Petition – Ice Cream Van in Woking Park

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### 1.0 Introduction

- 1.1 A petition has been received seeking action by Woking Borough Council to remove the café in the park in Woking park and allow the 'Mr Carlos' ice cream van to operate in the Park. The e-petition contains 1,145 'signatures'.
- 1.2 The number of signatures exceeds the threshold required for a petition to be referred to a meeting of Full Council and accordingly the Petitioner or their nominee has been invited to present the petition at Council. The Petitioner has confirmed that the petition will be presented on their behalf by the owner of the ice cream van, Mr Bellenca.
- 1.3 The petition has been submitted in the following terms:

"Bring back Carlos (the ice cream men) and remove the "cafe in the park" at Woking Park - Woking Borough Council.

We the undersigned petition Woking Borough Council to Bring back Carlos (the ice cream men) and remove the "cafe in the park" at Woking Park.

The Mr Carlos ice cream van is a father and son business that had been operating in Woking Park for as long as I can remember. Recent changes the Council have made has resulted in them being booted out of Woking Park and being replaced with a "cafe in the park" which is just a terrible selfish way the Council are trying to make more money for themselves . I want to bring back the loyal father and son business which has always put a smile on everyone's face!"

- 1.4 The petition went live on 13 September 2018 and the Petitioner formally asked for it to be closed on 12 October 2018.

### 2.0 Petitions Scheme

- 2.1 As the number of signatories exceeds 400, the petition falls to be debated at full Council. In accordance with the Council's scheme for dealing with petitions, the petitioner has been invited to attend the meeting and present the petition. The presentation of a petition is limited to not more than three minutes, and should be confined to reading out, or summarising, the purpose of the petition, indicating the number and description of signatories, and making supporting remarks relevant to the petition.
- 2.2 Following the presentation, Members will have the opportunity to ask questions of the petitioner. Thereafter, the Council will discuss the petition and determine what action, if any, is to be taken.

### 3.0 Officer Comments

- 3.1 Historically the ice cream van pitch in Woking Park has been let on a simple annual licence, with the licence renewed each year upon request by the ice cream vendor (Mr Carlos ice creams).
- 3.2 In 2014 the same vendor requested a pitch at Goldsworth Park Recreation Ground, which was agreed and has been operating under the same principle since.
- 3.3 During the public consultation exercises related to Woking Park play area in 2012 and 2013, comments received from members of the public suggested that there was demand for an outdoor catering facility that offered a greater range of snacks and refreshments than was currently on offer.

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- 3.4 In light of these comments the provision of an outdoor catering kiosk was included as the project proposal for the play area refurbishment, which was approved by the Executive on 16 January 2014.
- 3.5 Over recent years several other ice cream vendors and other caterers have approached the Council about applying for the mobile catering van pitch in Woking Park (and some for Goldsworth Park Recreation Ground too). This resulted in some criticism that these mobile catering pitches are not advertised to give all a fair opportunity to apply.
- 3.6 After discussions with the Council's Legal and Estates team, it was agreed that the kiosk opportunity would be advertised as a commercial lease opportunity, giving all interested parties the opportunity to apply.
- 3.7 The existing ice cream vendor was made aware of the proposal to replace the mobile ice cream van pitch with a static kiosk and advised that he would be able to submit a proposal to run the kiosk when the opportunity was advertised.
- 3.8 The Council advertised the opportunity to lease the kiosk in October 2017, with interested parties invited to submit proposals based on the information provided in the advert (attached). A more detailed service specification was also made available on request.
- 3.9 Seven proposals were received, including one from the existing ice cream vendor.
- 3.10 These proposals were assessed against the specification which resulted in this commercial lease opportunity being awarded to Freedom Leisure. The agreed term of the lease was for seven years, expiring 1 November 2025.
- 3.11 The kiosk unit was installed by the Council and fitted out by the new leaseholder ready to open over the Easter weekend 2018.
- 3.12 Subsequent conversations were held between the former ice cream vendor and the Council's Chief Executive to explore alternative opportunities for him. However, following discussions with relevant officers within the Council, it was determined that an alternative catering pitch in Woking Park, that would be in direct competition with the kiosk, would not be appropriate.
- 3.13 Given that the term of the agreement for the kiosk will not expire until 2025 (though with mutual break options at the end of the 3<sup>rd</sup> and 5<sup>th</sup> years), the Council would not be able to remove the kiosk at this time, as requested in the petition.

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