

PETITION – ICE-CREAM VAN IN WOKING PARK

Executive Summary

The Council 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 was referred for consideration by the Council on 6 December 2018. The report to Council is attached at Appendix 1. At December Council it was resolved that consideration of the petition be referred to the Executive for recommendation to a subsequent meeting of the Council. This was in order to provide an opportunity to discuss the request of Mr Joe Bellanca, operator of the Mr Carlos ice-cream van, to operate in Woking Park in addition to the Café with Freedom Leisure.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

- (i) **Mr Bellanca be offered a licence to trade in Woking Park at the location identified near to the bandstand from 1 March – 31 October 2019 under the same terms as in previous years;**
- (ii) **Mr Bellanca be also offered a licence to trade in Goldsworth Park Recreation Ground from 1 April – 30 September 2019 under the same terms as in previous years; and**
- (iii) **Officers be authorised to review these licence terms and put in place a process for interested parties to express an interest in operating mobile food vans at suitable venues owned by the Council from 2020 onwards.**

Reasons for Decision

Reason: To agree a response to the petition and to formalise arrangements for the future.

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

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Petition – Ice-Cream Van in Woking Park

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Date Published: 1 February 2019

Petition – Ice-Cream Van in Woking Park

1.0 Introduction

- 1.1 Following the discussion at Council on 6 December 2018 about the petition to reinstate Mr Carlos Ice Cream at Woking Park, Officers were asked to clarify two points in order to ascertain whether permitting an additional food vendor in the Park would be a viable option in principle:
 - 1) Does the licence to operate the kiosk with Freedom Leisure provide them with any exclusive rights to trade in Woking Park
 - 2) What is Freedom Leisure's position on permitting another ice cream vendor to trade in Woking Park
- 1.2 Officers can confirm that the licence with Freedom Leisure to operate the kiosk in Woking Park does not grant any exclusive rights to trade in the Park that would prevent the Council from granting licences to other food vendors to operate.
- 1.3 Having met with Freedom Leisure, their understanding of the licence was that there would be no direct competition to the kiosk. However, they have kindly suggested that in this instance they would be flexible and given that the Park is a large entity, if a suitable position could be found that they would not oppose it.
- 1.4 In consideration of the above Officers have put together the following suggestions for Members to consider.

2.0 Location

- 2.1 Officers have consulted both Freedom Leisure and Mr Bellanca (Mr Carlos Ice Cream) for their views and suggestions for a suitable alternative location for an additional vendor in Woking Park.
- 2.2 Considering the location of the kiosk, which provides a service to visitors at the front end of the Park near to the car park and play area, Officers would suggest a location somewhere in the centre of the Park, to serve people enjoying the facilities in the areas behind Pool in the Park and around the cricket field.
- 2.3 Consideration of possible locations also needs to include safe and secure access routes, suitable ground conditions and impact on other facilities / assets (e.g. trees).
- 2.4 These considerations were discussed with Mr Bellanca, who suggested a location on the 'bandstand field' behind Pool in the Park would be the most viable location in this part of the Park (see area shaded red on attached plan in Appendix 2).
- 2.5 This area can be safely accessed along the main maintenance access road around the side of Pool in the Park and is large enough that the exact pitch could move slightly every other week to reduce the impact on any particular area of grass. The exact location would also need to be agreed as not to impact on root protection areas.
- 2.6 A location near to the bandstand would also serve people enjoying the Council's Summer Sounds programme over the summer months.
- 2.7 Mr Bellanca did indicate a preference to another location on the other side of the play area (marked on the attached plan with a red pin). However, this area can only be accessed via a bonded gravel pedestrian footpath (not designed for vehicles), through an un-secured gap in the existing bollards, which are in front of the disabled parking bays nearest to the Leisure Centre.

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- 2.8 Officers would suggest that this location is not practical as it would require the removal of two disabled parking bays near to the Leisure Centre entrance in order to provide guaranteed access.

3.0 Terms

- 3.1 When the kiosk opportunity became available, this was advertised to give all interested parties a fair and equal opportunity to submit a proposal.
- 3.2 In the past the Council has received regular enquires from other local mobile ice cream vendors, resulting in criticism for issuing a licence to trade in Woking Park and Goldsworth Park Recreation Ground to the same person without advertising the opportunity to others.
- 3.3 In order to provide a fair and equal opportunity for all, Officers propose putting in place a process that will allow all ice cream, and potentially other food vendors, to express their interest in trading at Council owned venues.
- 3.4 In the meantime, it is suggested that Mr Bellanca is offered a licence to trade in Woking Park, at a location near to the bandstand as mentioned above, and at Goldsworth Park Recreation Ground, for 2019 only.
- 3.5 It is suggested that each licence is issued under the same terms as in previous years.

4.0 Implications

Financial

- 4.1 Mr Bellanca would be required to pay a licence fee to trade from the identified pitch in Woking Park. Based on the agreement from previous years, this would be £210+VAT per month, from 1 March – 31 October, resulting in additional income of £1,680+VAT for that period.
- 4.2 Subject to the recommendations in this report being approved, Officers will prepare a process for interested parties to express an interest in operating mobile food vans at suitable locations in the Council owned venues from 2020 onwards that is fair and transparent.

Human Resource/Training and Development

- 4.3 There are no human resource / training and development needs arising from this report.

Community Safety

- 4.4 There are no community safety issues arising from this report.

Risk Management

- 4.5 There are no risk management issues arising from this report.

Sustainability

- 4.6 There are no sustainability issues arising from this report.

Equalities

- 4.7 There are no equality issues arising from this report.

Safeguarding

4.8 There are no safeguarding issues arising from this report.

5.0 Consultations

5.1 The Portfolio Holder, Freedom Leisure and Mr Bellanca have all been consulted during the preparation of this report.

REPORT ENDS

COUNCIL – 6 DECEMBER 2018

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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Date Published: 28 November 2018

Petition – Ice-Cream Van in Woking Park

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 3rd and 5th years), the Council would not be able to remove the kiosk at this time, as requested in the petition.

REPORT ENDS