

**EPSOM AND WALTON DOWNS CONSERVATORS  
5 OCTOBER 2016**

**REGULATION OF ICE-CREAM VENDING ON EPSOM DOWNS**

Report of the: Downs Manager  
Contact: Sam Beak  
Urgent Decision?(yes/no) No  
If yes, reason urgent decision required:  
Annexes/Appendices (attached): Annexe 1 – A map of the proposed locations for Ice-Cream vending on Epsom Downs

Other available papers (not attached):

**REPORT SUMMARY**

**This report presents a request from an ice-cream vendor to trade on Epsom Downs.**

**RECOMMENDATION (S)**

- (1) That the Conservators consider and approve the request from Mr Perkins, a long-standing ice-cream vendor, to trade on Epsom Downs subject to approval from Epsom & Ewell Borough Council's Licencing Team and the conditions laid out in paragraphs 3.2, 3.3 and 3.4 of this report.**
- (2) That the Conservators note and agree to the two locations from where Mr Perkins may sell ice-cream from his van.**

*Notes*

**1 Introduction**

- 1.1 In July 2016 the Downs Manager was contacted by Surrey Police regarding conflict between two ice-cream vendors on Epsom Downs. One was located in Grandstand Road Car Park and the other just off the roundabout adjacent to the Downskeepers Hut on Old London Road.
- 1.2 Whilst investigating the situation it became apparent that neither vendors had a valid licence from Epsom & Ewell Borough Council, nor did they have the consent of the Conservators. The Head Downskeeper informed the vendor in Grandstand Road that he was not permitted to sell ice-cream from the location and asked him to leave. It is understood that the vendor did return but on adhoc occasions and each time the Downskeepers have requested that he vacates the area.

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- 1.3 On Thursday 18 August, the Downs Manager and a member of Epsom & Ewell Borough Council's Licencing Team, visited the second ice-cream vendor, Mr Perkins. When asked if he had a valid license he confirmed that he did not but that he wanted to apply for one.
- 1.4 The Licencing Officer presented Mr Perkins with the appropriate documents and application form and requested that he submitted the application as soon as possible.
- 1.5 The Downs Manager informed Mr Perkins that he would need the approval of the Conservators in order to continue vending on the Downs and that his application for a license would be subject to such approval from the Conservators.
- 1.6 The Licencing Team have received an application from Mr Perkins but in order for them to process it, approval must first be sought from the Conservators.
- 1.7 Mr Perkins and his family business have been trading on Epsom Downs for over 30 years without objection or problem being reported. He has generally positioned his ice-cream van just off the mini-roundabout on Tattenham Corner Road before the racecourse crossing and also up near Top Car Park. Mr Perkins is well known and thought of by the local community who make a point of visiting the Downs knowing he will be in situ.

## **2 The Application**

- 2.1 Mr Perkins has requested approval to sell ice-cream from his van at numerous locations and roads in and around the Downs. These include Grandstand Road, Tattenham Corner Road, Tattenham Crescent and Old London Road.
- 2.2 Within the Licencing framework Grandstand Road, Tattenham Corner Road and Old London Road (from Buckles Gap Roundabout to the junction of Tattenham Corner Road) are all considered prohibited streets for vending. Old London Road south of the mini-roundabout which crosses and then runs along the inside of the Racecourse is considered an unclassified road and therefore vending is permitted subject to approval.
- 2.3 The times requested are from 11.00 – 20.00, 365 days a year.

## **3 Legal Implications (including implications for matters relating to equality)**

- 3.1 Under the Epsom & Walton Downs Regulation Act 1984 there is a byelaw 2.(i) which states that:

*A person shall not, without consent of the Conservators, on the Downs sell or offer or expose for sale or let to hire or offer or expose for letting to hire any commodity or article or provide any service*

- 3.2 The Conservators are asked to consider the vending times requested by Mr Perkins in relation to the activity of racehorse trainers. It is suggested that the timings allowed should be amended to 12.00 – 20.00 or closure of the Downs (at dusk), whichever is the earlier. This will avoid any potential conflict with the trainers.

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- 3.3 It is further suggested that a condition of the licence should include no use of 'musical chimes' whilst on the Downs and that no vending should take place on any race day held by Epsom Downs Racecourse.
- 3.4 The areas where Mr Perkins may sell ice-cream from his van should be restricted to those as identified at Annexe 1.

**4 Conclusion**

- 4.1 An application has been received by Epsom & Ewell Borough Council's Licencing Team from Mr Perkins, an ice-cream vendor. The application requests the permission to vend at multiple locations on and near to the Downs.
- 4.2 Under the Epsom & Walton Downs Regulation Act 1984, there is a byelaw which prevents vending on the Downs without the consent of the Conservators.
- 4.3 It is recommended that approval be granted to Mr Perkins under byelaw 2 (i) subject to the Licencing Team processing and granting his licence, and the conditions laid out in paragraphs 3.2, 3.3 and 3.4 of this report.
- 4.4 This report seeks the approval of the Conservators for Mr Perkins to sell ice-cream from his van at the two locations identified on the map at Annexe 1.