



Ref: FOI / 5744

22nd May 2025

Email:

Dear

Freedom of Information Act 2000 Request - Ice cream Vans

I refer to your FOI request and respond as follows:

Could you please provide the following:

A. The number of ice cream vans currently licensed or with consent to street-trade in your council area

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B. Any local bans, restrictions, or specific rules that apply to ice cream vans within your council area. This could include permitted operating hours, restricted zones, or other local policies.

1. The license holder must adhere to the conditions of this licence and the provisions of the Street Trading Act (NI) 2001.
2. The license holder must ensure that his employees / assistants adhere to the conditions of the licence.
3. The licence holder must not sub-let, sell on or transfer the licence to another person.
4. The licence holder shall observe and comply with any instructions from an authorised officer of the Council regarding the use of the street or public place and shall not hinder any such officer in the execution of his duty.
5. The licence holder shall observe and comply with the instructions of an authorised officer of Council or a Police Officer regarding the use of the street or public place and shall not hinder any such officer in the execution of his duty.
Without prejudice to the generality of this condition, if requested for public order

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98 Strand Road
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Strabane

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or safety reasons, the licence holder will remove the receptacle to an appointed location and/or temporarily cease trading

6. The licence holder must give notice in writing to the Council of any significant change to, or replacement of, the stall or vehicle or receptacle authorised under this licence.
7. The licence holder shall give notice in writing to the Council of any change of his/her address during the period of the licence
8. The licence holder shall not engage in any criminal behaviour while trading, including the use of threats, intimidation or assault
9. The licence holder will notify the Council in writing within 5 working days of being convicted for a criminal offence or caution
10. The licence holder shall not trade in such a way that is likely to cause undue obstruction to any person on any part of any street or public place, including obstruction of the entrance or exit from any premises. Without prejudice to the generality of this condition, sufficient access width of at least 1.8m must be maintained clear on the footway so as to avoid causing obstruction to pedestrians and wheelchair users
11. The licence holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place. Without prejudice to the generality of this condition:
 - a. Items sold or offered for sale must comply with all relevant consumer safety requirements.
 - b. All items of equipment, electrical generators and gas appliances and fittings shall be stored, used and maintained in accordance with health and safety and fire safety requirements and shall be located, where necessary, so as to avoid unauthorised interference by any person.
 - c. Food items must be stored in accordance with food hygiene requirements, including those relating to temperature control and protection against contamination.
12. The licence holder shall not trade in such a way that is likely to cause damage to any property in the street or public place, including the structure or surface of the street
13. The licence holder will comply with any additional conditions imposed by the owner and/or occupier of the land on which they have been granted permission to trade

14. The licence holder will maintain public liability insurance to the sum of at least £10 Million for his trading activities
15. The licence holder shall not trade in such a way as to cause a nuisance, unreasonable disturbance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity and will not use whistles or any other sound producing devices including chimes & loudspeakers to attract business at any time in a way, which gives reasonable cause for annoyance.
16. The licence holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse
17. The licence holder will ensure that children (persons who have not reached the minimum school leaving age) are not employed in street trading activity permitted under this licence
18. The licence holder must move from location to location within the area or areas where trading is authorised under the licence, otherwise they will be deemed to be operating as stationary traders
19. Mobile traders will be restricted to the following waiting times (*currently under review*): **Permitted waiting times and locations:**

Maximum waiting time in one location:	restricted to a maximum duration of 30 minutes
Minimum time to have passed before returning to the same location:	return is prohibited within 6 hours
Minimum distance to be travelled from previous location:	50m
Minimum distance to another trader or premises selling the same or similar type of goods:	20m between his vehicle and any other ice cream vendor, be they in a van, shop or tricycle

Amendments to these time restrictions may be considered with prior written approval from the Council, subject to individual circumstances and the nature of the trading / location

20. The licence holder must ensure that any vehicle used as a receptacle is maintained in a road worthy condition, is insured and taxed and where applicable has a current MOT Certificate

21. The licence holder must ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway, and does not present any danger to road users or pedestrians, including from overhead hatches
22. The licence holder shall comply with all relevant legislation, including road safety legislation, and will obtain all necessary consents and permissions prior to trading.
23. This licence does not authorise trading at festivals and events.
24. Ice cream van operators must abide by the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982
25. It is an Offence under the Pollution Control and Local Government (Northern Ireland) 1978 to sound chimes:
 - a. before 12 noon and after 1900 hours (7:00pm)
 - b. at any time in a way which gives reasonable cause of annoyance
26. The Code of Practice gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:

Do NOT sound chimes:

- a. For longer than 4 Seconds at a time – use an automatic cut out device.
- b. More often than once every 3 minutes.
- c. When the vehicle is stationary.
- d. Except on approach to a selling point.
- e. When in sight of another ice-cream van which is trading
- f. When within 50m of a school (during school hours), hospitals, and places of worship (on Sundays and any other recognized days of worship).
- g. More often than once every 2 hours in the same street.
- h. Louder than 80dB(A) at 7.5m (Contact the Environmental Protection Team for advice)
- i. As loudly in quiet areas or in narrow streets as elsewhere

If you are dissatisfied with our response, you have rights of review and appeal; these rights consist of two review processes.

Firstly, our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel: 028 71253253 or email: john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would however advise that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely



Danielle Fitzpatrick
Information Management Team