



To: The Leader
Report by: Head of Property and Building Services
Relevant scrutiny committee: Strategy & Resources Scrutiny Committee
Wards affected: Market and Castle

QUAYSIDE CENTRE STEPS

Not a key decision

Open for publication

1. Executive summary

Officers have become aware that the centre steps at Quayside are being used in connection with commercial punt operations in a manner that presents a significant danger to members of the public. The steps are significantly higher than the river and members of the public who are taken on punt tours from this point have to be assisted from the steps into punts, and have to be lifted up onto the Quayside. We are aware of two reported incidents in which members of the public have ended up in the river.

In order to reduce the risk of danger to members of the public, the officers are seeking authority to place a lockable gate across the step to bar access. In view of the danger, officers are seeking a decision “out of cycle” under the urgency procedure so that the gates can be fitted as soon as possible.

In view of the “cross-cutting” nature of issues around Quayside, which include matters of concern to more than one Executive Councillor, we are submitting this report for the consideration of the Leader. If the Leader believes the decision would more appropriately be made by another member of the Executive, the Council’s constitution permits him to refer this report for decision by another Executive Councillor.

2. Recommendations

The Leader is recommended:

1. To authorise the installation of a gate as outlined in this report at the “middle steps” at Quayside, subject to any necessary third-party approvals;

2. To authorise the Head of Property and Building Control to apply for any necessary consents and to take all such actions as are reasonably necessary in connection with the installation of the gate.

3. Background

Following the Council's decision to prohibit commercial punt operations from Jesus Green, some independent punt operators have chosen to operate their chauffeur punt businesses from one of the sets of centre steps at Quayside. The two sets of steps are marked with arrows on the attached plan. The use of these steps requires passengers to be physically assisted onto and off the punts by the operators. Council officers consider the steps as unsuitable for embarking and disembarking passengers onto punts and dangerous. There have been two recent recorded incidents of members of the public falling into the river at this point whilst trying to get on or off punts. Paul Parry, the Corporate Health, Safety & Planning Manager at the City Council, was asked to investigate this activity and his report is attached.

There has been some uncertainty about the ownership of Quayside but officers have carried out extensive research and have concluded that the Council is the freehold owner (subject to highway status) of Quayside and are intending to register its ownership with the land Registry shortly. The steps form part of a strip of public highway adjoining the river

The City Council has consulted the Conservators of the River Cam and County Council, as Highway Authority, as to possible courses of action to prevent this unsafe practice continuing. The County Council does not consider it is their responsibility if persons use the steps in an inappropriate/unsafe manner. They would intend to take action only if the surface or the steps were uneven or dangerous in their construction. However, they have acknowledged the situation and have consented to the City Council erecting gates at the bottom of the steps. The Conservators of the River Cam agree that the steps are unsuitable for loading and unloading of punts and are considering what control they might be able to exert over commercial operators using this location for embarking or disembarking punt passengers.

Consent to carry out works to the river bank requires the formal consent from the Conservators under S 15 (2) of the River Cam Conservancy Act 1922, which would have to be obtained before installation of the proposed gates. Similarly Environment Agency consent is required and would be sought in advance.

Consultation has taken place with the Planning Department, which has confirmed that the proposed gates would not need planning or conservation

area consent. However, we have also consulted the Council's Conservation Team which has approved the design.

Whilst the Council may not have a legal liability for misuse of the steps, it is in a position (subject to consents) to use its ownership rights to place a gate on the river wall to bar access to the river at this point. In taking this action, it would rely on its inherent land management powers and on its "community wellbeing" powers in section 2, Local Government Act 2000. The officers consider preventing injury to residents and visitors would help to promote or improve the social well-being of Cambridge. In exercising well-being powers, the Council has to have regard to its "community strategy". The Leader will be familiar with the Council's community strategy, now called the Sustainable Community Strategy. The officers are of the view that the proposal in this report is compatible with this strategy, especially its commitment to build "communities that are strong, healthy, active, safe and inclusive".

4. Implications

The cost of each gate, including installation and VAT, would be £628.63. This would be funded from the Commercial Property General Fund.

5. Background papers

These background papers were used in the preparation of this report:

Health and safety report compiled by Paul Parry

6. Appendices

Plan of Quayside showing steps

Diagram showing the design of the proposed gate.

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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Quayside Steps Punting issues

Background

Punting is recognised as a key recreational activity for visitors and residents of Cambridge and is regarded as part of its heritage. A few companies as well as some independent operator's, operate punting operations along the river Cam. There are four main areas that punting operates from

- ❑ Quayside
- ❑ La Mimosa (Independent operators site)
- ❑ Silver street (Mill Pit) area
- ❑ Garret Hostel Lane (rear of Trinity College)

Note: There are other ad hoc other launching sites. However, I note that the Council has decided to enforce on grounds of trespass against anyone using its river frontages for commercial purposes without its express consent. The Council has also refurbished and made available the La Mimosa Landing Stage mentioned above for use by authorised Independent Commercial Punt Operators from May 2008.

There have been many issues raised regarding punting operations on the Cam. The main issues include poor operating sites, causing injuries / accidents to members of the public, as well as pressure selling (Aggressive touting).

It is the Conservators of the River Cam, that licence the punting on the river, but they do not licence the landing stages (embarkation / disembarkation points). The Quayside is a public right of way and its ownership is complex. Ownership of the subsoil is believed to rest with the City Council, however the surface is vested in the Cambridgeshire County Council (Highways). In addition to this, any changes to the site may need planning permission and Environment Agency/Conservators consent.

Quayside Issues

The use of Quayside has evolved over a number of years. The area was once mainly a small shopping area with punting as an additional activity that drew people into the area. However the last few years has seen the nature of the area change focus to a more leisure-based area, which is now mainly coffee shops and eating areas. As a result of this, the area now draws in substantially more families and visitors.

My remit by the Punting Strategic Group, was to look at the punting operations on Quayside and make any recommendations as to its suitability for punting.

Findings

I visited Quayside on Thursday 17th May 2008 with another member of my team to get an understanding of the issues and the operations on the site.

Scudamores are the licensed operators for the quayside. They operate off two rigid pontoons, which cover most of the quayside frontage. One side of the Quayside is used for punt storage during the quiet periods but opened up at peak times, whilst the other side is in constant operation. They utilise the steps at the bridge end to take the public onto the loading pontoons and then onto the punts themselves. The operations have fairly safe public access, and the operations appear to be safely managed.

The Quayside itself has a long history dating back to when small boats and barges used the river, to facilitate this trade (which ceased about 30 years ago) two high level partial steps were

built into the Quayside wall (Figure 1) I believe to facilitate unloading these high-sided vessels. These partial steps, no longer serve their original purpose.

Firstly; there is an issue in that the two Scudamore pontoons, do not form one complete pontoon ie there is a gap of about 6 foot between them.

This gap also unfortunately, corresponds directly with one of the two barge steps (Figure 1 and 2). This has resulted in independent operators utilising the steps as a landing stage for the general public wishing to purchase their services.

Unfortunately the steps are not designed for or suited to this activity, they have no rail or guarding to assist in embarking or disembarking their passengers. The lowest step is also approximately 32 inches above the water level.

There has been anecdotal evidence of accidents arising at these steps for some time now, however there had been very little physical evidence to support this.

A number of incidents had been reported to the Health and Safety Executive (HSE) but due to the fact that information and witnesses are scarce it has proven to be almost impossible to investigate these events.

Recently however, photographic evidence and accident reports have been raised which have highlighted the dangers to members of the public (Figure 3). In addition to this there have been incidences of members of the public falling into the river at this particular point (Personally witnessed).



Figure 1



Figure 2



Figure 3

The second point; is that as the use of the Quayside has now changed.

There are far more members of the public and in particular families with children, who now frequent the area making use of the coffee houses and restaurants. However in this location they are intermixed with a commercial operation and as a result I believe there is a much greater risk that a member of the public could fall over the unguarded edge (about a 6 foot drop either directly into the river cam or partially ie hitting one of the floating pontoons - situated 2 foot out from the Quayside wall). It is not inconceivable that a serious injury could occur, or indeed may already have done so but we have not been made aware of it.

Conclusions and Recommendations

The punting operations emanating from the Quayside steps (With the exception of Scudamores) I believe are not safe, and should cease immediately if we have the power to enforce it.

I believe an alternative site La Mimosa some 200 yards away has been made available to approved independent operators.

In the case of the Quayside river frontage, again subject to the legal ownership, there is an issue over public safety due to the lack of a suitable safety / segregation barrier from the commercial operation below.

In addition to this there is no lifebelt provision for this now popular public area.

I am not aware of the exact licensing terms from the cam conservators for punt operators. However, I would suggest that the following or similar wording be added if it not already included;

- a) A clause written into the licence conditions, that they operate in accordance with current health and safety legislation.
- b) Operate from a suitable and safe landing stage.
- c) Provide evidence of the landowner's permission for their landing stage. (This will help to clarify any future legal issues).
- d) Have the relevant public liability insurance

There are a number of actions and options available to the council. However, taking into account the legal issues and the need for various consents, an urgent interim measure should

be undertaken, such as erection of a suitable barrier or gate. Please note, that not all potential options have been documented, but the most appropriate in my view are as follows:

Action 1 – Cease punting operations from the high loading area steps, and fill in both of the steps ie brick them up to stop the public sitting in them or falling over / into them.

If this were undertaken, then I would advise that a safe alternative site for independent punting operators should be provided (eg. La Mimosa – now in operation, although it is noted that only a limited number of operators can be accommodated).

Alternative action (1) – Enlarge and lower the steps to enable limited independent punting. This option would require enlargement of the current steps as well as creating more steps to the water level. This would reduce the Quayside frontage access available to the public as well as the additional “selling” element that would require additional space on the Quayside. Additional hand railings and guarding would also be required. Its usage would be limited to only one punt at a time.

Action 2 – The Quayside frontage I believe should have a safety barrier erected (in keeping with the location) with the two high step areas bricked up. Erection of at least one public lifebelt station is also advised. Protection of the public should be paramount, and a barrier would protect the public, by segregating them from a commercial operation ie punting and a 6 foot drop onto the pontoon / railings or directly into the river.

There may be heritage issues around the erection of a barrier, however there are as stated a number of reasons why they should be overridden:

- a) A barrier will not prevent public access to the Quayside (still available via Scudamores Pontoons).
- b) An aesthetically pleasing design would add to the safety and general feel of the area, families with children in particular would be more comfortable (safer).
- c) The use of the area has changed over the past few years to restaurants, bars with a huge increase in visitor numbers and mix.
- d) The likelihood and risk levels have increased to the point that can no longer be ignored
- e) Health and Safety law has primacy in a court of law.

Further to this report, I have discussed the issues and explored the options with the HSE and given the facts (above), they are of the opinion that action should now be taken to protect the public.



Paul Parry CMIOSH
Corporate Health, Safety and Emergency Planning Manager

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MEMBER CONSULTATION

QUAYSIDE CENTRE STEPS

Urgency Action

As the Chair or Spokesperson of the Strategy and Resources Scrutiny Committee you are being informed of a matter on which action must be taken as a matter of urgency, in accordance with the Council's Constitution.

The Leader is minded to make the decision set out in the attached Record of Decision relating to the Quayside Centre Steps.

The reasons for making the decision out of the committee cycle are set out in the attached Record of Decision. If you have any comments on the decision please let me know before Friday 18th July 2008

A report by the Head of Property and Building Services, a report by Paul Parry and a plan showing Quayside steps are also attached. If you have any comments on the document(s) please speak to Phillip Doggett on 01223 457437

The Council's Constitution requires the Chair and Spokespersons of the relevant Scrutiny Committee to be informed of the matter on which the decision is to be made.

After 5 clear working days have elapsed, the members of the remaining members of the Strategy and Resources Scrutiny Committee will be notified of the decision.



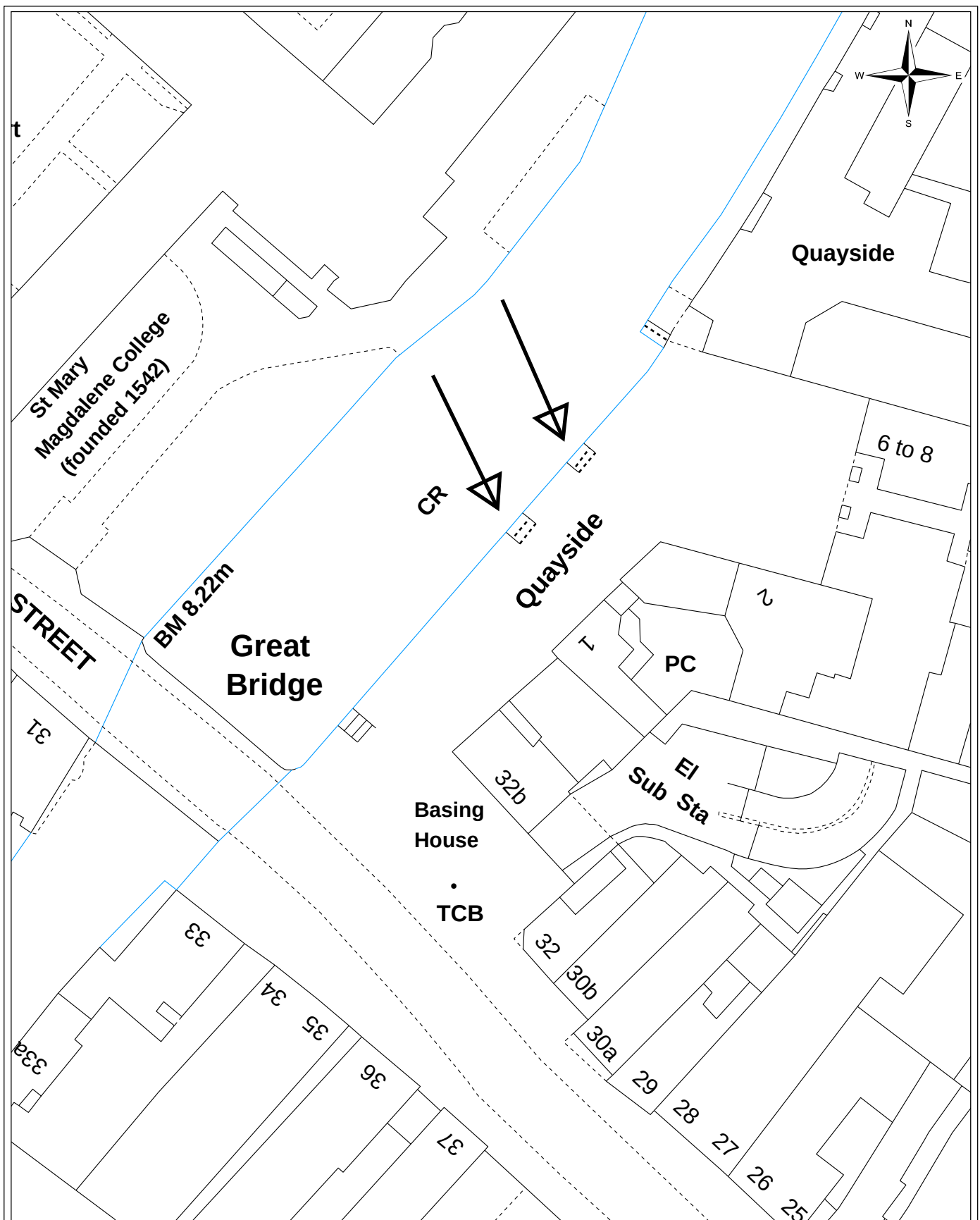
INVESTOR IN PEOPLE

CAMBRIDGE CITY COUNCIL
Record of Executive Decision

QUAYSIDE CENTRE STEPS

Decision of:	The Leader		
Reference:	08/URGENCY/S&R/01		
Date of decision:	10 July 2008	Recorded on:	10 July 2008
Decision Type:	Non Key		
Matter for Decision:	Installation of a lockable gate across the centre steps at Quayside to bar access		
Why the decision had to be made (and any alternative options):	In order to reduce the risk of danger to members of the public, the officers requested authority to place a lockable gate across the step to bar access. In view of the danger, officers requested a decision “out of cycle” under the urgency procedure so that the gates can be fitted as soon as possible		
The Executive Councillor’s decision(s):	To authorise the installation of a gate as outlined in this report at the “middle steps” at Quayside, subject to any necessary third-party approvals; To authorise the Head of Property and Building Control to apply for any necessary consents and to take all such actions as are reasonably necessary in connection with the installation of the gate		
Reasons for the decision:	Officers have become aware that the centre steps at Quayside are being used in connection with commercial punt operations in a manner that presents a significant danger to members of the public. The steps are significantly higher than the river and members of the public who are taken on punt tours from this point have to be assisted from the steps into punts, and have to be lifted up onto the Quayside. We are aware of two reported incidents in which members of the public have ended up in the river. In view of the “cross-cutting” nature of issues around Quayside, which include matters of concern to more than one Executive Councillor, the report was submitted for the consideration of the Leader. If the Leader believed the decision would more appropriately be made by another member of the Executive, the Council’s constitution permits him to refer this report for decision by another Executive Councillor		

Scrutiny consideration:	The Chair and Spokesperson of the Scrutiny Committee were consulted prior to the decision being taken.
Report:	See attached Report
Conflicts of interest:	None
Comments:	None



	Dave Prinsep MBA BSc(Hons) MRICS Head of Property & Building Services	Land at Quayside, Cambridge	Date: 04/06/08 Produced by: Steve Udall Section/Department: Property & Building Services Scale: 1:500 @ A4
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