

# Public Document Pack



## Cambridge City Council

### STRATEGY AND RESOURCES SCRUTINY COMMITTEE

**To:** **Scrutiny Committee Members** - Councillors Sarris (Chair), Barnett (Vice-Chair), Baigent, Bick, Cantrill and Sinnott

**Alternates:** Councillors Abbott and Gehring

**Leader of the Council:** Councillor Herbert

**Executive Councillor for Finance and Resources:** Councillor Robertson

*Despatched: Wednesday, 22 June 2016*

**Date:** Monday, 4 July 2016

**Time:** 5.00 pm

**Venue:** Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ

**Contact:** Sarah Steed

**Direct Dial:** 01223 457013

### AGENDA

**1 Apologies for Absence**

**2 Declarations of Interest**

Members are asked to declare at this stage any interests that they may have in an item shown on this agenda. If any member of the Committee is unsure whether or not they should declare an interest on a particular matter, they should seek advice from the Head of Legal Services before the meeting.

**3 Minutes of the Previous Meeting (*Pages 7 - 24*)**

To confirm the minutes of the meetings held on 21 March and 26 May 2016.

**4 Public Questions**

## **5 Record of Urgent Decisions taken by the Leader**

To note decisions taken by the Leader since the last meeting of the Strategy and Resources Scrutiny Committee.

- 5a Public Spaces Protection Order, Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place Committee Manager (*Pages 25 - 30*)

### **Items for Debate by the Committee and then Decision by the Executive Councillor**

These items will require the Executive Councillor to make a decision after hearing the views of the Scrutiny Committee.

There will be a full debate on these items, and members of the public may ask questions or comment on the items if they comply with the Council's rules on Public Speaking set out below

<b>Decisions of the Leader</b>
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### **Items for Debate by the Committee and then Decision by the Leader of the Council**

- 6 **Punting Provision In Cambridge** (*Pages 31 - 40*)
- 7 **Public Spaces Protection Order – Punt and Tour Touting** (*Pages 41 - 296*)
- 8 **Investment Partner** (*Pages 297 - 314*)
- 9 **Single Equality Scheme 2015-2018** (*Pages 315 - 330*)
- 10 **2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances - Strategy and Transformation Portfolio** (*Pages 331 - 338*)

<b>Decisions for the Executive Councillor for Finance and Resources</b>
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### **Items for Debate by the Committee and then Decision by the Executive Councillor for Finance and Resources**

- 11 **Annual Treasury Management (Outturn) Report 2015/16** (*Pages 339 - 356*)

- 12**     **2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances - Finance and Resources Portfolio** *(Pages 357 - 366)*
  
- 13**     **2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances – all General Fund Portfolios** *(Pages 367 - 406)*

# Information for the Public

**Location** The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

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Most meetings have an opportunity for members of the public to ask questions or make statements.

To ask a question or make a statement please notify the Committee Manager (details listed on the front of the agenda) prior to the deadline.

- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

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## **STRATEGY AND RESOURCES SCRUTINY COMMITTEE**

21 March 2016

5.00 - 8.00 pm

**Present:** Councillors Robertson (Chair), Sinnott (Vice-Chair), Benstead, Bick, Cantrill, Hipkin, Holt, M. Smart and Abbott

Leader of the Council: Councillor Lewis Herbert

Executive Councillor for Finance and Resources: Councillor George Owers

### **Officers:**

Chief Executive: Antoinette Jackson

Director of Environment: Simon Payne

Director of Business Transformation: Ray Ward

Head of Corporate Strategy: Andrew Limb

Head of Revenues and Benefits: Alison Cole

Strategy and Partnerships Manager: David Kidston

Safer Communities Section Manager: Lynda Kilkelly

Strategy Officer: Graham Saint

Committee Manager: Sarah Steed

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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### **16/1/SR Apologies for Absence**

Apologies were received from Councillors Baigent and Sarris and Councillor Abbott attended as alternate.

### **16/2/SR Declarations of Interest**

No declarations were made.

### **16/3/SR Minutes of the Previous Meeting**

The minutes of the meetings of 18 January and 8 February 2016 were agreed and signed as a correct record.

### **16/4/SR Public Questions**

The Chair proposed that these be taken at the start of the relevant agenda item.

### **Re-ordering of the Agenda**

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the agenda.

### **16/5/SR Discretionary Housing Payment Update**

#### **Matter for Decision**

The Officer's report set out an update on the funding and use of Discretionary Housing Payments (DHP) to support those that were affected by Welfare Reforms.

#### **Decision of Executive Councillor for Finance and Resources**

- i. Approved the carry forward to 2016/17 of the unspent additional contribution

#### **Reason for the Decision**

As set out in the Officer's report.

#### **Any Alternative Options Considered and Rejected**

Not applicable.

#### **Scrutiny Considerations**

The Committee received a report from the Head of Revenues and Benefits.

The Committee made the following comments in response to the report:

- i. Asked what the likelihood of need for additional funding was anticipated for 2016/17.
- ii. Commented that whilst the Council was doing a lot to help people, there were a lot of policies on the horizon from Central Government which would impact on the City's residents.

In response to Members' questions the Head of Revenues and Benefits confirmed the following:

- i. It was difficult to predict the trend for additional funding required as a result of the welfare reforms, however if the Council mitigated all the changes which arose from the welfare reforms, the cost to the Council



could be £400,000. It was not the intention for the Council to mitigate funding gaps in each case; however each case would need to be judged on its own circumstances.

The Executive Councillor for Finance and Resources commented that point 6 on page 42 of the agenda set out the Council's estimates in relation to need and the costings for 2016/17 and 2017/18.

The Committee unanimously resolved to endorse the recommendation.

The Executive Councillor for Finance and Resources approved the recommendations.

### **Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)**

No conflicts of interest were declared by the Executive Councillor.

## **16/6/SR Climate Change Strategy**

### **Matter for Decision**

The Officer's report presented a new Climate Change Strategy for the five year period from April 2016 to March 2021. The report summarised the key issues raised by consultees following the public consultation and outlined the changes that had been made to the Climate Change Strategy in response.

### **Decision of Executive Councillor for Finance and Resources**

- i. Noted the key issues raised through the public consultation as set out in Appendix A and B of the Officer's report.
- ii. Approved the Climate Change Strategy presented at Appendix C subject to an amendment in the action plan attached to Objective Two to add an additional activity 2.15 (p116) to consider convening and leading a City Leaders Climate Change Group (comprising businesses, other major employers, voluntary and community sector) to establish a collective and mutually supportive approach to reduce the city's carbon footprint and agree an inspiring goal which the whole city can identify with and participate in.

### **Reason for the Decision**

As set out in the Officer's report.

**Any Alternative Options Considered and Rejected**

Not applicable.

**Scrutiny Considerations**

The Committee received a report from the Strategy and Partnerships Manager.

Mr Tuckwood addressed the Committee and made the following points:

- i. The Green Party had commented on the Climate Change Strategy and were happy that some suggestions had been taken forward.
- ii. Could not agree with the target date for the City to achieve zero carbon status by 2050. A much earlier date needed to be selected and it was suggested that the date was brought forward to 2030.
- iii. The energy usage from Cambridge City had increased in recent years.
- iv. Climate change was the biggest threat to public health.

The Executive Councillor for Finance and Resources made the following comments:

- i. The Council had to operate within the national policy context.
- ii. The Council did not have a 'target' date but had an aspiration date to achieve zero carbon status. A target date was meaningless unless the Council had the means to make it happen.
- iii. It was worth having an aspiration but he did not believe in setting a target which could not be met without major changes from Central Government. Central Government had taken away the green deal and had cut feed in tariffs which did not assist the Council.

Mr Tuckwood addressed the Committee and made the following supplementary points:

- i. He understood the limits of Local Government however he stated that Cambridge needed to be taking leadership.
- ii. The Strategy recognised the challenge in the national context however it needed to set clearer target opportunities which had been missed.

Dr Eva addressed the Committee and made the following points:

- i. Targets gave clarity and focus, the 2 degrees drop in global warming may be a cornerstone of the strategy.
- ii. The Committee were turning their backs on the economy of Cambridge.
- iii. Need to have zero carbon status to reduce the increase in global warming to 2 degrees.
- iv. More than 50 cities had pledged to have zero carbon status but he questioned who would be the first.

- v. Stated that Cambridge had funding from the City Deal and should encourage the best and brightest individuals to develop innovations so that Cambridge could have zero carbon status.

The Executive Councillor made the following comments:

- i. The City Deal included South Cambridgeshire District Council and Cambridgeshire County Council, it was not just the City Council.
- ii. The Council would do its best to achieve zero carbon status however there were other institutions which had more influence in the City to achieve this for example Cambridge University.
- iii. Requested practical examples which would provide the means for the Council to achieve zero carbon status.

Dr Eva addressed the Committee and made the following supplementary points:

- i. February 2016 had been the warmest February on record.
- ii. He had provided a suggestion that asked that Cambridge become the first zero carbon city in the United Kingdom.

Councillor Gillespie addressed the Committee and made the following points:

- i. It was obvious that people cared about climate change.
- ii. The Council did get opportunities to address climate change issues for example the University West of Cambridge site was an exemplar site for sustainability.
- iii. There were opportunities through the City Deal to look at the congestion in Cambridge.
- iv. The Council had tried to negotiate for more power over housing through the devolution deal, however the Council needed more power to be able to deliver zero carbon sustainable homes.
- v. Requested less spending on fencing and more spending on the insulation of Council housing.
- vi. Requested that the Council looked at their catering contracts.
- vii. Renewable energy did not have to be fed back into the grid.
- viii. Referred to the energy supply contract for Council and the commitment made at the October 2015 Council meeting to make Cambridge fossil free. Commented that if the Council did not choose an energy supplier which used 100% renewable energy then the Council may as well not have a Climate Change Strategy.

The Executive Councillor for Finance and Resources made the following comments:

- i. The Council had procured electric vehicles.
- ii. The Council would not be able to get Central Government to be able to reverse national policy through the devolution deal.
- iii. The Council could do what it could to educate people to eat less meat but there were likely to be limits to the effectiveness of this.
- iv. The Executive Councillor for Housing would be the appropriate person to comment on housing.
- v. The Council had to take into account other factors when it conducted its procurement exercise to procure an energy supplier.
- vi. Investment in renewable energy without a feed in tariff had to be considered in relation to the Council's overall financial situation and ensure that there was a balanced budget.

The Committee made the following comments in response to the report:

- i. The point of the Climate Change Strategy was to inspire the City and to pull in partners to achieve the strategy's aims.
- ii. Meat and dairy were big factors in climate change but the Council did not have control over these things but could influence individual's behaviours.
- iii. Queried whether the Council's commercial properties had energy rating certificates.

In response to Members questions the Strategy and Partnerships Manager and the Head of Corporate Strategy confirmed the following:

- i. The Council had not focused on meat and dairy as it was not within the gift of the City Council to control however the contribution of these to carbon emissions was noted.
- ii. Referred to the Council's 'Greener your home' document which provided advice to residents on how they could change their behaviours to reduce their own emissions.
- iii. Would take advice from the Procurement Officer regarding the Council's catering contract.
- iv. Had spoken with the Head of Property Services who confirmed that a survey of the Council's commercial property energy ratings would be completed by September 2016, with any improvement plan in place by March 2017.

Councillor Bick proposed the following amendments to recommendation (b) (additional text underlined):

### **Amendment One**

To approve the Climate Change Strategy presented at Appendix C amending the action plan in relation to the council's commercial property portfolio at 1.3 (p104) to add a performance measure for energy ratings on all commercial properties to be established by September 2016 and an upgrading strategy to be in place by March 2017.

### **Amendment Two**

To approve the Climate Change Strategy presented at Appendix C amending the action plan attached to Objective Two to add an additional activity 2.15 (p116) to consider convening and leading a City Leaders Climate Change Group (comprising businesses, other major employers, voluntary and community sector) to establish a collective and mutually supportive approach to reduce the city's carbon footprint and agree an inspiring goal which the whole city can identify with and participate in.

### **Amendment Three**

To approve the Climate Change Strategy presented at Appendix C amending the action plan in relation to the Council's tree strategy at 5.6 (p135) to add a performance measure the provision of a new planting budget to fund and incentivise tree planting across the city in 2016/17 and to amend the performance measure for tree canopy cover so that it applies to the whole city and not just the city centre.

On a show of hands Amendment One was lost by 5 votes to 3.

On a show of hands Amendment Two was agreed by 8 votes to 1.

On a show of hands Amendment Three was lost by 6 votes to 3.

The Committee endorsed the amended recommendations by 6 votes to 0.

The Executive Councillor approved the recommendations.

### **Conflicts of Interest Declared by the Executive Councillor (and any Dispensations Granted)**

No conflicts of interest were declared by the Executive Councillor.

**16/7/SR     Public Spaces Protection Order - Punt and Tour Touting**

The Leader confirmed that the decision on whether to introduce a Public Spaces Protection Order – Tour and Punt Touting had been deferred as there had been over 941 responses to the public consultation on this issue. More time was needed, than was previously expected, to analyse the results in order to give fair and transparent consideration to all of the views expressed. A special meeting of the Strategy and Resources Committee may be convened to consider the issue.

## **16/8/SR Consultation on Draft Community Safety Partnership Priorities 2016-17**

### **Matter for Decision**

The Officer's report set out a draft Cambridge Community Safety Plan 2014-17 (Year Three). The Committee was asked to provide feedback on the proposed priorities, objectives and delivery of the plan.

### **Decision of the Leader**

- i. Commented on the plan and endorsed the priorities set out in section 3.3 of the Officer's report.

### **Reason for the Decision**

As set out in the Officer's report.

### **Any Alternative Options Considered and Rejected**

Not applicable.

### **Scrutiny Considerations**

The Committee received a report from the Safer Communities Section Manager.

The Committee made the following comments in response to the report.

- i. One of last year's objectives was to improve the reporting rates of domestic abuse crimes, however they could not find any detail within the report as to how effective the priority had been.
- ii. It was noted that a great deal of time could pass before a domestic violence crime was reported therefore it could be difficult to measure the results after a year and difficult to quantify the crime in the same way as other crimes.
- iii. Questioned the mental health impact priority detailed on p157 of the agenda pack.

- iv. Priority 1 on p149 of the agenda referred to a spike in crime in Market and Abbey wards, it was questioned whether this was due to an increase in crime or a change in reporting methodology.
- v. Priority 2 'What do we aim to do' seemed to be very Police lead.
- vi. Priority 4 on p152 detailed a decrease in anti-social behavior. Questioned what assumptions were being drawn.

In response to Members' questions the Safer Communities Section Manager confirmed the following:

- i. Domestic violence incidents had gone up, which was equated to better reporting.
- ii. The mental health report had not been published to date due to restructuring at the County Council. It was anticipated that the report would be made public after the Cambridge Community Safety Partnership meeting in April 2016.
- iii. It was not conclusively determined whether the spike in crimes in Market and Abbey ward was due to an increase in crimes or an increase in the reporting of crimes (or a combination of both).
- iv. Individuals were spending more time indoors on social media, this may have been why incidents of crime were decreasing, although there was no conclusive evidence of this.

The Leader made the following comments:

- i. The top 4 priorities detailed clear issues which affected the City and linked into Area Committees.
- ii. There needed to be better integration of objectives between the Council, the Police, the Police and Crime Commissioner and Area Committees.
- iii. Expressed thanks to Liz Bisset for chairing the Cambridge Community Safety Partnership as she was to stand down from the appointment. Lorraine Parker was to take this position over.

The Committee unanimously resolved to endorse the recommendations.

The Leader approved the recommendations.

### **Conflicts of Interest Declared by the Leader (and any Dispensations Granted)**

No conflicts of interest were declared by the Leader.

### **16/9/SR Annual Update About the Work of Our Strategic Partnerships**

#### **Matter for Decision**

The Officer's report set out an update on the key external partnerships that the Council was involved with.

**Decision of the Leader:**

- i. To continue to work with key external partnerships (LEP, City Deal, Cambridge Community Safety Partnership, Health and Wellbeing Board, Children's Trust) to ensure that public agencies and others can together address the strategic issues that affect Cambridge and that the concerns of Cambridge citizens are responded to.

**Reason for the Decision**

As set out in the Officer's report.

**Any Alternative Options Considered and Rejected**

Not applicable.

**Scrutiny Considerations**

The Committee received a report from the Strategy Officer.

The Committee made the following points in response to the report:

- i. Questioned where the £1 billion referred to in point 5 of paragraph 5.3 on p164 of the agenda came from.
- ii. Questioned democratic principles in partnership working and how resident's views were considered.
- iii. Questioned how members could get involved in partnership working with other organisations.

In response to Members' questions the Head of Corporate Strategy confirmed the following:

- i. The £1 billion referred to in point 5 of paragraph 5.3 on p164 derived from Local Enterprise Partnership funding, developer's contributions from planning applications and any other relevant funding source (for example the New Homes Bonus).

The Leader made the following comments:

- i. The City Deal took decisions through a governance structure which had been set up under the previous Council administration.
- ii. The Council wanted to be a good partner. Partnership working had a role to play and it was right that the Council looked at local government and restructuring. Some partnerships could work better and could provide better ways of delivering services.



The Committee unanimously resolved to endorse the recommendations.

The Leader approved the recommendations.

### **Conflicts of Interest Declared by the Leader (and any Dispensations Granted)**

No conflicts of interest were declared by the Leader.

### **16/10/SR Cambridgeshire Mental Health Crisis Concordat**

#### **Matter for Decision**

The Officer's report set out a proposal to join partners within a local concordat that aimed to deliver improvements in the care of people in mental health crisis within a national framework.

#### **Decision of the Leader**

- i. To sign up to the Cambridgeshire and Peterborough Mental Health Crisis Concordat on behalf of the City Council and to encourage officers in the delivery of its aims.

#### **Reason for the Decision**

As set out in the Officer's report.

#### **Any Alternative Options Considered and Rejected**

Not applicable.

#### **Scrutiny Considerations**

The Committee received a report from the Strategy Officer.

The Committee made the following comments in response to the report.

- i. Expressed concerns that the concordat may not be a productive resource.
- ii. Expressed surprise at the percentage of the population that this strategy seemed to cover.

In response to Members' questions the Strategy Officer and the Chief Executive said the following:

- i. This was an opportunity to gain more knowledge about individuals and would assist organisations to make a decision whether individuals suffering from mental health issues required an immediate response.

- There was also a desire to ensure that people were not referred to the Police if that was not appropriate for their circumstances.
- ii. The Concordat was about joining up frontline staff; it had practical application with other agencies.
  - iii. The Concordat was only one part of the strategy followed by a series of interventions and treatments as required.
  - iv. The Vanguard Programme identified that people with mental health issues could be on low incomes.

The Committee unanimously resolved to endorse the recommendations.

The Leader approved the recommendations.

### **Conflicts of Interest Declared by the Leader (and any Dispensations Granted)**

No conflicts of interest were declared by the Leader.

### **16/11/SR Shared Services**

#### **Matter for Decision**

The Officer's report provided information regarding the terms of reference for the shared services Joint Group between the City Council, South Cambridgeshire District Council and Huntingdon District Council and the business cases for ICT and Legal services.

#### **Decision of Executive Councillor for Finance and Resources**

- i. Approved the business plans for each of the shared services attached at Appendix 1 of the Officer's report.

#### **Decision of the Leader**

- ii. Approved the Terms of Reference (see Appendix 2) for the Shared Services Joint Group, to enable that Group to operate in a formal committee setting from September 2016, prior to which they will continue to be held on a quarterly basis in shadow format.

#### **Reason for the Decision**

As set out in the Officer's report.

#### **Any Alternative Options Considered and Rejected**

Not applicable.

## Scrutiny Considerations

The Committee received a report from the Director of Business Transformation.

The Committee made the following comments in response to the report:

- i. Questioned how works would be funded between the shared services and the different authorities.
- ii. Questioned how the scrutiny process would work with the Shared Services Joint Group.
- iii. Asked what the costs would be of the Shared Services Joint Group.
- iv. The financial information should be provided in the same way in each of the reports on the three services and identify the costs and savings for each of the 3 authorities. Speed of service needed to be agreed as an objective for all 3 services. The ICT objectives needed to include value for money.

In response to Members' questions the Director of Business Transformation said the following:

- i. There was an inter-authority agreement which governed the relationship between the authorities who shared services. In relation to ICT and investment this would have to be judged on a case by case basis however the general principle was that costs would be shared however if there was a unique requirement of this Council, then this Council would bear the costs arising from the asset required. Similarly if there was a unique investment required by another authority then the City Council would not pay anything towards that asset.
- ii. Referred to 4.6 of the Terms of Reference which stated that overview and scrutiny would still have a role in the decision making processes of the Council. Officer contacts for each service would be made available.
- iii. The Chair of the Shared Services Joint Group would rotate between the authorities and the Democratic Services support would be undertaken by the Authority whose member was the Chair.
- iv. In the inter-authority documents 'value for money' may need to be stated more clearly. In terms of speed, requirements may vary between the authorities. At this stage the Council did not have the necessary analysis to have key performance indicators.

The Leader made the following comments:

- i. The Strategy and Resources Scrutiny Committee would still get reports regarding ICT and Legal services.
- ii. Shared services were required in order to achieve savings as there were challenges regarding the Council's budget from 2018.

- iii. Looking strategically at Legal and ICT the Joint Committee may need to consider the standardisation of terms.
- iv. The City Council would still be in charge of the services that the City delivered.

The Committee resolved unanimously to endorse the recommendations.

The Leader approved the recommendation at the meeting. The Executive Councillor for Finance and Resources approved the recommendation by email after the meeting.

**Conflicts of Interest Declared by the Executive Councillor and the Leader (and any Dispensations Granted)**

No conflicts of interest were declared by the Executive Councillor or the Leader.

The meeting ended at 8.00 pm

**CHAIR**

**STRATEGY AND RESOURCES SCRUTINY COMMITTEE**

26 May 2016  
1.10 - 1.15 pm

**Present:** Councillors Sarris, Barnett, Sinnott, Baigent, Bick, Cantrill, Herbert

Leader of the Council: Lewis Herbert

Executive Councillor for Finance and Resources: Richard Robertson

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**16/12/SR Appointment of Equalities Panel**

The Scrutiny Committee agreed the nominations below:

	Number of allocation
<b>Equalities Panel</b>	3 Labour 2 Liberal Democrat
Councillors – Abbott, Ratcliffe, TBC, O’Connell, Adey	

**16/13/SR Appointment of Joint Staff Employment Forum (JSEF)**

The Scrutiny Committee agreed the membership of Joint Staff Employer Forum:

	Number of allocation
<b>Joint Staff Employment Forum</b>	3 Labour 2 Liberal Democrat 2 alternates
Councillors – Gawthrope, Bird, Ratcliffe, Holt, Adey	
Alternate Councillor - Price	

**16/14/SR Appointment to Outside Bodies**

The Scrutiny Committee recommended appointments to the outside bodies listed below.

The Leader and the Executive Councillor for Finance and Resources agreed the appointments.

	Number of allocation
<b>City Deal Executive Board</b>	1 Labour 1 Labour Alternate
Councillor – Herbert	
Alternate Councillor - Blencowe	

	Number of allocation
<b>Greater Cambridge Greater Peterborough Enterprise Partnership</b>	1 Labour 1 Opp Spokes
Councillors – Herbert	
Opposition Spokes Councillor - Bick	

	Number of allocation
<b>Cambridgeshire Police and Crime Panel</b>	1 Labour 1 Labour Alternate
Councillor – Baigent	
Alternate Councillor - Sinnott	

	Number of allocation
<b>Local Government information Unit</b>	1 Labour
Councillors – Herbert	

	Number of allocation
<b>East of England Local Government Association</b>	1 Labour
Councillors – Herbert	

	Number of allocation
<b>LGA General Assembly</b>	1 Labour
Councillors – Herbert	

	Number of allocation
<b>Horizons Board</b>	1 Labour
Councillors – Herbert	

	Number of allocation
<b>CCTV Shared Service Board</b>	1 Labour
Councillor – Herbert	

	Number of allocation
<b>Cambridge Community Safety Partnership</b>	1 Labour 1 Labour Alternate
Councillor – Herbert	
Alternate Councillor - Sinnott	

	Number of allocation
<b>Making Assets Count (MAC) Member Reference Group</b>	1 Labour
Councillor – Robertson	

The meeting ended at 1.15 pm

**CHAIR**

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**Public Spaces Protection Order, Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place**

<b>Decision of:</b>	Leader of the Council (Executive Councillor for Strategy and Transformation) Councillor Lewis Herbert.
<b>Reference:</b>	
<b>Date of decision:</b>	26/05/2016
<b>Recorded on:</b>	26/05/2016
<b>Decision Type:</b>	Non Key Decision
<b>Matter for Decision:</b>	To extend the period for which the Public Spaces Protection Order (PSPO) in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place has effect for a further 3 years to 31 <sup>st</sup> May 2019
<b>Why the decision had to be made (and any alternative options):</b>	The Executive Councillor made a PSPO in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place that prohibits people from consuming alcohol or having an open container of alcohol in their possession within the above mentioned areas. The local authority may extend the period for which the Order has effect. If the Order is to be extended this must be done before the time when the Order is due to expire
<b>The Executive Councillor's decision(s):</b>	To extend the period for which the Order has effect from 1 <sup>st</sup> June 2016 to 31 <sup>st</sup> May 2019 as set out in Appendix A.
<b>Reasons for the decision:</b>	The Order has been extended as a necessity to prevent <ul style="list-style-type: none"> <li>(a) Occurrence or recurrence after that time of the activities identified in the order; or</li> <li>(b) An increase in the frequency or seriousness of those activities after that time.</li> </ul>
<b>Scrutiny consideration:</b>	The Chair Strategy and Resources Scrutiny Committee (Cllr Robertson) had been appointed as an Ex Cllr after the local elections so the Vice Chair and opposition spokes were consulted prior to the action being authorised. Councillor Bick (LD spokes) did not support the proposal.
<b>Report:</b>	A report detailing the background is attached.
<b>Conflicts of interest:</b>	None
<b>Comments:</b>	

## **Briefing Note – Urgent Decision – Public Spaces Protection Order, Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place**

### **Purpose of the report:**

To ask the Leader of the Council and Executive Councillor for Strategy and Transformation to extend the period for which the Public Spaces Protection Order (PSPO) in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place has effect for a further 3 years to 31<sup>st</sup> May 2019.

### **Reason why an urgent decision is required:**

The Executive Councillor made a PSPO in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place in the form set out at Appendix A to run to 31<sup>st</sup> May 2016 and then to be reviewed. The local authority may extend the period for which the order has effect. If the order is to be extended this must be done before the time when the order is due to expire

### **Background:**

The Council have carried out the consultation, notification and publicity required by the Anti-social Behaviour Crime and Policing Act 2014 and officers are satisfied on reasonable grounds that extending the order is necessary to prevent:

- (a) Occurrence or recurrence after that time of the activities identified in the order; or
- (b) An increase in the frequency or seriousness of those activities after that time.

Consultation has been carried out with the following:

The Police and Crime Commissioner

Inspector Matt Johnson, Parkside Police

Sergeant Kevin Misik, Parkside Police

Chair, Parochial Burial Grounds Management Committee overseers on behalf of the owners of Mill Road Cemetery

South Petersfield Residents Association

Manager of Ditchburn Place

Ward Councillors

All of the consultees supported the extension of the order. The local police said that the order has provided a useful tactical option for dealing with alcohol related anti-social behaviour and has been effective in reducing the incidence at the 3 locations. There continues to be anti-social behaviour connected to street drinking in nearby streets which the Council is addressing with police and outreach workers by offering support and information and enforcement where appropriate. It is reasonable in these circumstances to assume that the problems would return to the open spaces if the PSPO was discharged. The County Council has been notified of the proposal to extend the order.

The proposal to extend the order has been publicised on the City Council website.

When deciding whether to extend the period for which a PSPO has effect and if so for how long the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The restrictions imposed by the PSPO are considered proportionate for the prevention of crime and disorder.

The Council supports a range of strategies and interventions to address street drinking and alcohol related disorder. These interventions do have an impact but studies in previous years found that there is a group with entrenched anti-social habits who may only respond to legal remedies. The PSPO gives the police an additional tool when responding to calls for service making it appropriate to extend the order for 3 years.

### **Officer Contact:**

Lynda Kilkelly, Safer Communities Manager, 7045

SECTION 59  
PUBLIC SPACES PROTECTION ORDER

THE CAMBRIDGE CITY COUNCIL Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place, Cambridge PUBLIC SPACES PROTECTION ORDER 2016

THIS ORDER is made by Cambridge City Council (“the Council”) because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge shown coloured red on the attached 3 maps:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality
- Are or are likely to be unreasonable and
- Justify the restrictions imposed

The Council is satisfied that the following activities have been or are likely to be carried out in the public space:

**DRINKING ALCOHOL**

1. RESTRICTIONS:

**You are prohibited from consuming alcohol or having an open container of alcohol in your possession within the area shown coloured red on the attached 3 map.**

PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on 1<sup>st</sup> June 2016 and lasts until 31<sup>st</sup> May 2019

At any point before the expiry of this 3 year period the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

2. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 63 of the Anti-Social Behaviour Crime and Policing Act says that where a constable or authorised person reasonably believes that you:

- Are or have been consuming alcohol in breach of this order; or
- Intend to consume alcohol in breach of this order

The constable or authorised person may require you

- (a) Not to consume, in breach of the order, alcohol, or anything which the constable or police community support officer reasonably believes to be alcohol;
- (b) To surrender anything in your possession which is, or which the constable or police community support officer reasonably believes to be, alcohol or a container for alcohol

It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable or police community support officer under section 63.

A person guilty of an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

#### FIXED PENALTY

A constable or police community support officer may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within the 14 days you will not be prosecuted.

#### APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

The Common Seal of  
Cambridge City Council  
was affixed in the presence of

.....

Head of Legal Services

## Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)

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To: The Leader and Executive Councillor for Strategy and Transformation: Councillor Lewis Herbert

Report by: Dave Prinsep, Head of Property Services

Relevant scrutiny committee: Strategy & Resources Scrutiny Committee 4/7/2016

Wards affected: Market, Newnham

### **PUNTING PROVISION IN CAMBRIDGE**

#### **Not a Key Decision**

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**NOT FOR PUBLICATION:** Appendix B of the report relates to an item during which the public is likely to be excluded from the meeting by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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#### **1. Executive summary**

- 1.1 Punting has received a lot of publicity in recent years. The proposal to introduce a Public Spaces Protection Order (PSPO) in the City Centre is to address concerns about some aspects of punt touting. Consultation responses for the PSPO confirm that punting is considered important to Cambridge residents and tourists, that people want touting controls and some people want other means to address this issue to be considered.
- 1.2 The Council has issues with the use of its land at Garret Hostel Lane, Jesus Green and Laundress Green by punt operators operating unlawfully, without its permission or licence from the Conservators of the River Cam. This was initially by independent operators but this has progressed into corporate entities using the land without payment, licence or controls over how it operates.
- 1.3 The River Manager for the Conservators of the River Cam advises that the 20 or so boats currently operating from Garret Hostel Lane could be accommodated on the river from a navigation perspective. The boats could be licensed if the operators comply with their requirements, including operating from an approved punt station. The existing approved punt stations are all in use by others.
- 1.4 Members are asked to consider if they wish Officers to seek consents to establish a new punt station for independent operators. Granta Mill

Pond is considered the most suitable location for a new punt station but some of the unlicensed Garret Hostel Lane operators have suggested a smaller scale operation at Garret Hostel Lane. Any new punt station will require planning, Conservator and Environment Agency approvals.

- 1.5 A new punt station could operate on a similar model to that for La Mimosa. This would be for independents only with controls on boat and tout numbers, and a requirement to abide by the Voluntary Code of Practice. A new punt station could be available for all to apply using a similar application and selection process to that used previously for La Mimosa.
- 1.6 If approval is not given or consents cannot be obtained, the Council will proceed with legal action to prevent the use of its land for commercial punt operations.

## **2. Recommendations**

The Leader and Executive Councillor is recommended that:

- 2.1 Members consider if they wish to pursue establishing a new punt station for independent punt operators as set out in this report; and if so
- 2.2 The preferred location for a new punt station is agreed; and
- 2.3 Authority is delegated to the Head of Property Services to approve expenditure connected with the new punt station, agree and implement the appropriate application process for licensees and complete the licences.

## **3. Background**

- 3.1 The Council lets or licences its river frontages at Granta Mill Pond, Granta Place (upper river), Mill Pit West, Quayside and La Mimosa. Operators pay licence fees/rents, business rates and operating expenses either directly or through the fees charged. In most cases the Council controls touting through these agreements.
- 3.2 The La Mimosa punt station has been let since 2008 to 7 independent operators. The punt station started with 17 boats, currently operates with 20 but could expand to 28. The operators remain the same and although independent of each other have developed and improved their working relationship and practices. Their agreements set out where they can tout and tout numbers in the relevant locations.



- 3.3 The La Mimosa independents have built their businesses, relying not just on touting but also developing their online marketing. They have worked with the Council through the landlord and tenant relationship to address concerns and issues raised. The Council has occasionally increased the number of boats that they can operate from the punt station but a maximum of 4 boats per operator is now set. This is considered manageable, it gives equity across the group and retains the original intent of providing for small independent operators.
- 3.4 Not all independents were successful with their application for a place on La Mimosa and some did not apply as they did not think the terms were commercially viable. The La Mimosa independents have proved the commercial viability of the scheme and operate successfully. Some independents left punting at this point while others relocated and continued trading.
- 3.5 The Council is considering proposals to introduce a Public Spaces Protection Order to control the punt touting activities, allowing touting in close proximity to approved punt stations and by licensed operators. Most touting on Kings Parade and around the Market is by unlicensed independents operating from Garret Hostel Lane or, it is understood, selling on behalf of a legitimate operator.
- 3.6 The proposed PSPO if approved is likely to address the touting problems experienced over many years and as evidenced in the PSPO consultation. This is likely to impact the independents operating from Garret Hostel Lane but may see displacement elsewhere given that there is limited land available for commercial punt stations.
- 3.7 The River Manager for the Conservators of the River Cam advises that there are about 20 boats operating from Garret Hostel Lane in recent years. He considers this number of boats in itself does not cause a navigation problem on the river relative to the total number of boats. They may support a solution relocating these operators to a legitimate punt station if their other licencing requirements were met.
- 3.8 If a suitable location could be agreed to create some capacity in a safe location, the Council could establish a new punt station and grant licences. This might address the independent demand issue, absorb the existing boat numbers operating from Garret Hostel Lane, allow control of touting through the licence agreement and generate an income stream. The establishment of a new punt station would require planning, Conservator and Environment Agency consents as well as capital funding to build the new punt station.

- 3.9 A new punt station could be available to independent operators using a similar application process to that for La Mimosa. Licence fees would probably be comparable to that for La Mimosa but there would be application fees to cover the Council's costs of processing applications. Licences would be for a 3 year term and be personal (i.e., not to businesses), and non-transferable so if licensees left, the Council would implement a fresh application process. The licences would be renewable by the incumbent licensees every 3 years. Licences would only be available to independents not operating elsewhere at approved punt stations, i.e., they would not be allowed to operate from 2 approved punt stations to increase their total boat numbers.
- 3.10 The number of operators and boats would depend upon capacity at that location but there would be a maximum per operator. As well as limiting touting in the licences, licensees would also be expected to sign up to and abide by the Voluntary Code of Practice.
- 3.11 If the creation of a new punt station is supported and appropriate consents can be obtained, it is likely that a new punt station could operate for the 2017 season.

### **Granta Mill Pond**

- 3.12 The most suitable location within the Council's land ownership is considered to be at Granta Mill Pond, fronting Newnham Road. There are steps to the Mill Pond from Newnham Road and pontoons could be located beneath the wall fronting Newnham Road. Touting could be allowed in the immediate vicinity and Queens' Green, as per the Voluntary Code for touting for the existing punt station in this location. Appendix A shows a possible location for the punt station and touting zones.
- 3.13 Planning consent would be required. While it is not contrary to the 2006 Local Plan or the emerging local plan, there would be some key issues and considerations to be addressed plus anything that arises through the planning consultation process:
- Visual impact on the Mill Pond due to the pontoons and additional boats here. The suggestion is that a new punt station utilise the existing steps with pontoons running alongside the Newnham Road retaining wall. Storage could be close to the existing punt station as the trees would provide some screening. The boats would be traditional punts and so in keeping with the Mill Pond but an increase from what is currently there.

- Biodiversity impact. A biodiversity report would be commissioned before extensive additional work is undertaken to identify issues. The physical works should have a minimal impact but the additional boat movements may. The pontoons will be against the wall and it is not intended to operate from the Sheep's Green side of the Mill Pond.

3.14 There is an existing punt station here but most other locations have competition, e.g., Scudamores and La Mimosa at Quayside, Cambridge Chauffeur Punts and Scudamores at Mill Pit East and West. Customers waiting for trips could have a meeting point a short distance away at Queens' Green to avoid congestion around Newnham Road.

3.15 Local Ward Members have been consulted about this suggestion and are strongly opposed to this location. A summary of their concerns are:

- Impact on non-commercial river users
- Increased number of touts on Queens' Green and traffic conflict
- Setting of Mill Pit
  - Mill Pit and Sheep's Green are in the green belt and conservation area
  - It provides a semi-rural setting
  - Sheep's Green is a designated local nature reserve
- Over commercialisation of the area
- Impact of people waiting on Sheep's Green nature reserve
- River capacity for more boats on the middle river
- Legitimising unlawful operators with no guarantee that others will not take their place

### **Laundress Green**

3.16 Laundress Green is not considered suitable. There are already 3 punt stations operating beside it: 2 serving the middle River (Scudamores and Cambridge Chauffeur Punts) and 1 serving the upper River (Scudamores). It is not considered that additional touting could be accommodated in this area given the existing touting arrangements with these operators in accordance with the Voluntary Code. It is also common land.

### **Jesus Green**

3.17 Jesus Green is not considered suitable for similar reasons to those set out in 3.16 above. Separation of the existing La Mimosa punt station from a new punt station would also mean a new punt station would probably be closer to Jesus Green lock.

## Garret Hostel Lane

3.18 Some of the independent operators have made a proposal to operate a smaller scale scheme, 12 boats, from Garret Hostel Lane. They state support from the River Manager to this proposal. The River Manager advises he could support a scheme of around 6 boats operating here but his support is from the narrow position of river safety. This proposal will be considered by the Conservators' Licensing Committee on 6<sup>th</sup> July and so has not yet been approved. The independent operators would still of course require the landowner's consent.

3.19 Some of the reasons Garret Hostel Lane is not considered to be a suitable location are:

- the river is considered to be very congested at this point;
- it is considered too small to operate the proposed number of boats;
- there is insufficient space for storing safety equipment (e.g., life jackets, first aid equipment, customer items);
- access to the river may be blocked by commercial punt tours;
- congestion on Garret Hostel Lane due to waiting and queuing customers on a busy and narrow key pedestrian/cycle route; and
- there is limited touting area nearby.

3.20 In relation to the specific proposal by the independent operators, the issues they seek to address through this proposal and responses to this are:

- "A reduction in touts on the street from 30 plus (current numbers) to 5 total"
  - TCT is not the only operator touting in connection with its services and does not/cannot regulate others who decide to set up. This could be seen as unfair by other legitimate punt operators who would also wish to tout in such a prime location.
- "A brand new punt station which would be the only provider of wheelchair access in the city centre"
  - Granta Punts at Granta Mill Pond has wheelchair access from Newnham Road. Garret Hostel Lane is difficult to access and is in a controlled zone via rising bollards
- "A drastic improvement in both the image and behaviour of punt touts in the city centre"
  - There is already a Voluntary Code of Practice for punt operators which sets out expected behaviour

- “A solution which takes the burden of enforcement away from the city council and can conservancy whilst providing a new source of revenue for them both”
  - There are more unlicensed operators than TCT and their proposal is likely to see displacement elsewhere requiring enforcement. The Council is not seeking to delegate its enforcement powers in this way.
- “The proposal will eliminate the need for a PSPO on touting and all the associated enforcement costs”
  - Again, there are more unlicensed operators than TCT touting and some other licensed operators do not have tout control or abide by the Voluntary Code. Consultation and the response to the PSPO is subject to a much wider consultation than just the unlawful punt operators and all consultations need to be considered.

3.21 Consideration for taking legal action at Garret Hostel Lane and introducing a PSPO is because the issues that the independent operators say their proposal will address have existed for many years. There has been opportunity for some element of self-regulation/control but this has not resolved the issues.

3.22 It is not clear from the independent operators’ proposal as to how they suggest allocating space at Garret Hostel Lane but there is likely to be more demand than available spaces and so almost certain to be displacement elsewhere.

## **Legal Action**

3.23 If approval is not given for a new punt station or consents cannot be obtained, the Council would take legal action against anyone using Garret Hostel Land for commercial punting.

## **4. Implications**

### **(a) Financial Implications**

As the principle of a new punt station has not been agreed, a scheme and appropriate costs has not yet been developed. If agreed, a capital bid will be made through the Capital Programme Board for funding. It is expected that, depending upon location and the number of boats to be accommodated, a scheme could cost in the region of £75,000 to £125,000 including planning, professional reports, construction costs and fees. A smaller scheme could reduce these costs considerably but working on the river increases cost.

The net income that could be expected from, say, 21 boats would be in the region of £30,000-35,000 p.a. An application fee would be charged for each successful applicant.

These works could possibly be funded through the Invest for Income Fund but that would be considered by the Capital Programme Board.

**(b) Staffing**

Staff time and some external resource would be needed to be allocated to this project to deal with the initial design, planning application and procurement for a scheme. Subsequently, staff time would be needed to manage the application process, grant licences and manage the scheme on a day to day basis. This would be absorbed within existing staff resource if possible but with external support if needed. This would be funded in part through the application fee.

**(c) Equality and Poverty Implications**

The assessment identified that there is potentially an opportunity to improve access to the river and punting in general through design of a new punt station but this may be dependent upon location.

**(d) Environmental Implications**

There would be no net change in the number of boats on the river but a different location may impact on the environment and so a biodiversity report would be needed to assess and mitigate impact. There will be construction of the new punt station but these works will be compliant with our procurement policies and should be relatively minor. Consent will be required from the Environment Agency and Cam Conservators to any scheme. It is expected that floating pontoons will be used but there may be some limited piling of posts into the river bed or fixing to walls.

**(e) Procurement**

There are no procurement implications beyond applying our normal policies in relation to design/planning consultancy and contracting building works in connection with a new pontoon. Licences would be marketed and available to all to make applications and assessed against pre-agreed criteria. Current operators using Garret Hostel Lane would be able to apply but will be assessed against the criteria agreed for allocations.

**(f) Consultation and communication**

Newnham Ward Members have been consulted on the possible Granta Mill Pond location and their responses are summarised in 3.15 above.

There has been public consultation on the issue of touting in the City Centre and this is dealt with in another report on the Public Spaces Protection Order. There has not been public consultation on the proposal for a new punt station as no decision has been made to pursue this approach or a location agreed. It is suggested that the planning process is most appropriate for such consultation if it is agreed to seek consent for a new punt station in a particular location.

#### (g) **Community Safety**

There could be some positive community safety implications but these are difficult to quantify. The use of a new punt station with appropriate licence and controls in place should improve public safety. This should also, in conjunction with the PSPO, improve the public perception of touting for punting by restricting numbers, locations and expected behaviours. This should also improve congestion on Garret Hostel Lane for pedestrians and cyclists using this route due to waiting customers.

### **5. Background papers**

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

Ward Member Consultation  
TCT Ltd.'s Proposal for Garret Hostel Lane  
Voluntary Code of Practice for the Visitor Industry 2013  
Equality Impact Assessment

### **6. Appendices**

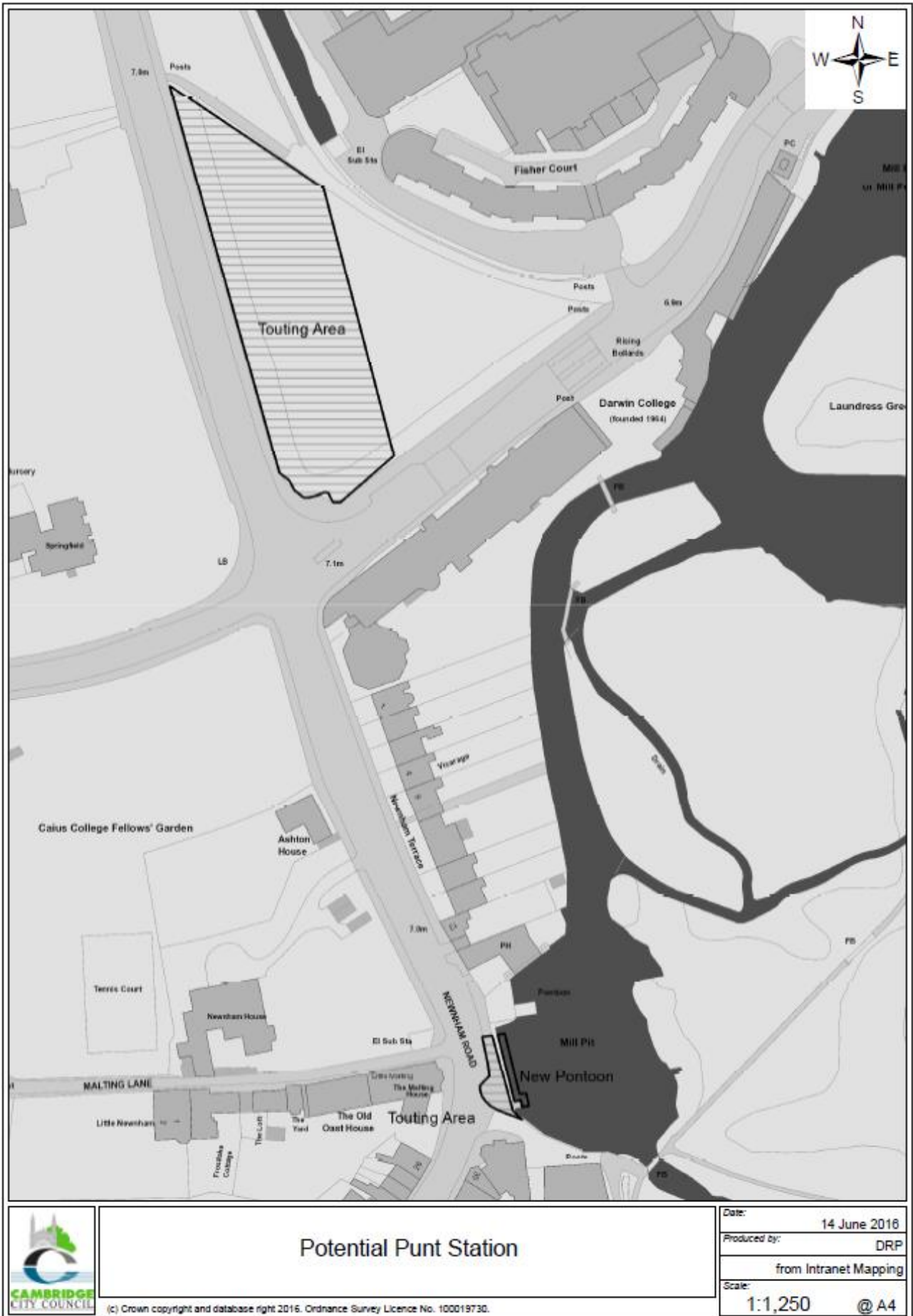
Appendix A: Plans showing possible punt station location and touting area.  
Appendix B: Confidential appendix

### **7. Inspection of papers**

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

Author's Name: Dave Prinsep  
Author's Phone Number: 01223 - 457318  
Author's Email: [dave.prinsep@cambridge.gov.uk](mailto:dave.prinsep@cambridge.gov.uk)

# Appendix A: Plans showing possible punt and touting locations







To: The Leader and Executive Councillor for Strategy and Transformation: Councillor Lewis Herbert

Report by: Head of Community Services

Relevant scrutiny committee: Strategy & Resources  
4/07/2016  
Scrutiny  
Committee

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge  
East Chesterton King's Hedges Market Newnham  
Petersfield Queen Edith's Romsey Trumpington  
West Chesterton

## **PUBLIC SPACES PROTECTION ORDER - PUNT**

### **AND TOUR TOUTING**

### **Not a Key Decision**

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#### **Executive summary**

This report considers the statutory consultation exercise conducted by the Council in relation to the proposal to introduce a Public Spaces Protection Order ('PSPO') to restrict the advertising or soliciting for custom of a punt tour, walking tour, hire or use of punt boats or similar craft. In this report this behaviour is referred to, generally, as 'touting'.

The responses to consultation and main substantive issues raised during the consultation process are examined. Recommendations are made for the Executive Councillor to approve at 2.1 in this report.

The Council received 941 responses to the consultation which were analysed by Measurement Evaluation Learning ('MEL'). The report produced by MEL can be found at Appendix G of this report and the full consultation responses are available as background papers for the Executive Councillor to view. In addition, fuller details on the consultation process can be found in section 4 of this report.

The Council has given careful consideration to the responses to the consultation exercise. As a result of this, a number of changes to the text of the draft PSPO as consulted upon, are proposed, specifically that:

1. The public space subject to the PSPO (the 'restricted area') has been significantly reduced to focus on those areas where the frequent presence of touts, often in large numbers, is causing a detrimental effect on the quality of life of those in the locality. Whilst the focus has been on these areas, consideration has also been given to the risk of displacing the behaviour to neighbouring streets and allowance has been made for that risk when deciding the scope of the restricted area. Market Square has been added to the restricted area.
2. The proposed prohibition to exclude touting for walking tours (where the tour does not include any punting element whatever) is not proceeded with.
3. The precise wording has been amended to enhance clarity and certainty.
4. The quantity of signage initially proposed for the PSPO is to be reduced. Alternative means of promoting the PSPO will also be used in addition to signage in order to ensure that the organisations and

individual whose activities will be affected by the PSPO are fully aware of its terms.

## **1. Introduction**

- 1.1 PSPOs are designed to place controls on the use of public space and everyone within it. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs. 'Public place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 1.2 The Council can make a PSPO if satisfied on reasonable grounds that two conditions are met.
- 1.3 The first condition is that:
- (a) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or
  - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (a) is or is likely to be, of a persistent or continuing nature,
  - (b) is, or is likely to be, such as to make the activities unreasonable, and
  - (c) justifies the restrictions imposed by the notice.
- 1.4 A PSPO is an order that identifies the public place in question and which
- (a) prohibits specified things being done in that public place

- (b) requires specified things to be done by persons carrying on specified activities in that place; or
- (c) does both of those things.

- 1.5 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.
- 1.6 Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.
- 1.7 The PSPO may specify the times at which it applies and the circumstances in which it applies or does not apply.
- 1.8 Unless extended the PSPO may not have effect for more than 3 years. In the instant case, the Council is also suggesting a review of the proposed order after a 12 month period.
- 1.9 Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices. A person can also be prosecuted for breach of a PSPO and on conviction the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1000).
- 1.10 In deciding to make a PSPO the Council must have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights.
- 1.11 The Council must also carry out the necessary prior consultation, notification and publicity.

1.12 On 18 January 2016 the Executive Councillor approved in principle the proposal to make a PSPO in relation to touting for punt tours and hire and walking tours. Authorisation was given for the necessary statutory consultation to be carried out prior to any decision being made on whether or not to make such a PSPO.

1.13 Fuller information on the consultation process can be found at section 4 of this report.

1.14 The purpose of this report is to inform the Executive Councillor of the results of the consultation (in summary form) and to highlight the main substantive issues that have been raised and how these have been taken into account in formulating the proposed PSPO. This report asks the Executive Councillor to (i) note the responses to consultation, (ii) consider whether he wishes to make a PSPO at all, (iii) decide whether to approve the proposed wording of the terms of the PSPO and (iv) decide the area(s) that it will cover, (v) delegate authority to officers to implement appropriate signage.

1.15 Following a careful consideration of the consultation responses officers are recommending the following changes to the draft Order.

- i. That the area subject to the PSPO is reduced to focus on those areas where the frequent presence of touts, often in large numbers, have had a detrimental effect on the quality of life of those in the locality. When defining the restricted area consideration has also been given to the risk of displacing the behaviour to neighbouring streets. Market Square is to be added to the restricted area, for

reasons explained below. The revised map of the area subject to the PSPO is at Appendix A of this report

- ii. It does not prohibit touting for walking tours (where the tour does not, genuinely, offer comprise or include any punting element). This recognises some concerns expressed in the consultation.
- iii. Some amendments are made to enhance clarity and certainty. This includes making clearer: (a) those areas where touting is not prohibited; and (b) that the prohibition is concerned with touting by individuals by verbal means, and not, for example, by a fixed, static, billboard advertisement on a wall. Such an activity, subject to any other permissions that may be required for it, is unaffected by the PSPO. The proposed Order is at Appendix B.

1.16 In this report the reference to “unlawful” “illegal” or “unlicensed” punt operators means those operators whose punts are not licensed by the Conservators of the River Cam (the ‘Conservators’) and who are committing offences under the Conservators’ byelaws by using their punts for commercial punt tours. “Licensed” or “registered” punt operators means those operators whose punts are licensed with the Conservators and who operate from punt stations recognised by the Conservators.

## **2. Recommendations**

2.1 The Executive Councillor is recommended:

2.1.1 To approve the proposed PSPO as now worded at Appendix B.

2.1.2 To approve the area of the PSPO as indicated on the map at Appendix A

2.1.3 To delegate to officers authority to implement signage appropriate to any PSPO that may be agreed.

### **3. Background**

3.1 On 18 January 2016, the Executive Councillor approved in principle the proposal to make a PSPO in relation to the area marked red on the map (Appendix C).

3.2 In proposing the PSPO the Council seeks to address the issues presented by touts who sell punt tours. There have been an increasing number of operators and individuals offering punt tours over the past 10 years or so. In turn, there has been an increase in the numbers of people seeking to sell those tours by way of touting in the city centre. Much of the touting takes place in the areas of Market Square, King's Parade and the surrounding streets.

3.3 Since 2006, the Council has received and recorded complaints about the behaviour of the touts. The complaints range from concern about the number of touts gathering together and obstructing pavements, to harassment of residents and visitors including rude and aggressive behaviour.

3.4 Walking along the streets where the touts operate has been described in a response to the consultation as "walking the gauntlet". Members of the public report having been stopped numerous times and asked if they wished to purchase a punt tour by touts. People have described feeling intimidated by the number of touts and their behaviour. Touts have obstructed the pavement, particularly outside King's College.

3.5 The Council's own officers have witnessed some of the problems detailed above and specific complaints have also been received. In addition, the responses to consultation contain numerous examples of people who have been caused a nuisance or annoyance by the behaviour of touts. The Council considers that touting for punt tours is having a detrimental impact on the quality of life of those in the locality.

3.6 There are already some controls on punting and/or touting for punt tours:

a. The Conservators of the River Cam:

- i. Punting on the River Cam (as opposed to the touting for punt tours) is subject to regulation by the Conservators, who are responsible for managing the River. Their powers include the ability to take steps to improve the river and to licence the making of piers, jetties, wharfs, banks and quays. They have the power to make byelaws for the purposes of: (a) regulating and managing the river and waters; (b) regulating vessels boats and other craft on the river and waters and the traffic on the towpath; and (c) requiring the registration of pleasure boats of any class, including receiving fees for registration and determining the period of registration.
- ii. Byelaws made by the Conservators require pleasure boats using the river to be registered. The two conditions of commercial registration are: (1) a requirement that the punts be registered to, and operated from, an officially recognised operating station; and (2) that the applicant must demonstrate that they have the permission of the relevant land owner to occupy that operating station.



There are six stations recognised by the Conservators: Granta Mill Pond, Mill Pit West; Mill Pit East; Trinity College Frontage; Quayside and La Mimosa. The punts operated from unrecognised punt stations have not been licensed by the Conservators for use on the river and are operating in breach of the byelaws. There were some successful prosecutions for breach in June 2015. The byelaws were also challenged in judicial review proceedings as being outwith the powers of the Conservators but that challenge failed at the permission stage (including a renewed oral hearing of that refusal of permission).

- iii. Despite the existence of the byelaws and the successful prosecutions the unlicensed operators have continued to operate punts on the River. Many of those operators seek customers by touting in the city centre.
- b. The Voluntary Code of Practice for the Visitor Industry 2013:
- i. In addition to the byelaws, there are controls on touting by the registered punt operators through their leases and a Voluntary Code of Practice for the Visitor Industry. The Code allows the registered operators to tout in defined areas (all very close to the river), and there are restrictions on the maximum number of touts allowed and on their behaviour. The only licensed operator who is not signed up to the Code is Granta Punts operating from the Granta Mill Pond. Granta Punts withdrew from the Code several years ago following discussions about it touting on King's Parade. The Code has proved effective in limiting the areas where registered companies who have signed up to the Code can tout.



safety aids, congestion due to waiting and queuing passengers on a busy pedestrian and cycle route, the use blocking access to the river for other users and the number of touts operating from the city centre.

- 3.7 In setting out this background, officers stress, and the Executive Councillor is asked specifically to note, that the proposed PSPO is not put forward as a means of driving the unlicensed operators out of business. Nor is it a basis on which the PSPO may be made by the Executive Councillor. The reason for making the PSPO is the detrimental effect on the quality of life of those in the locality caused by the touting for punt tours in the centre of Cambridge. Indeed, the proposed reduction in the area covered by the PSPO, following the consultation, excludes some areas of the river where the unlicensed operators currently ply their trade. It does not, therefore, criminalise the continuance of their businesses.

#### **4. Consultation**

- 4.1 The Council has carried out an extensive consultation which included the necessary consultation required by statute. It has ensured that the consultation was carried out at a stage when the proposal was at a sufficiently formative stage and with an open mind as to what the responses may be. The Council believes this is amply demonstrated by the proposed alterations made to the terms of the PSPO, resulting from the consultation and detailed consideration to the responses to it.
- 4.2 The Council was required to consult with the Chief Officer of Police the Police and Crime Commissioner, the local policing body and whatever community representatives the Council thought appropriate to consult. The Council was also required to consult with the owner or occupier of

land within the restricted area (to the extent that this was reasonably practicable).

4.3 It was recognised that the proposed PSPO could be of interest to many sections of the community, including the public and special interest groups. Accordingly, the Council has consulted widely. The list of consultees is at Appendix F. The consultation included:

- i. A survey on the Council's website (Appendix E)
- ii. A drop-in session for information and an opportunity to complete the consultation survey took place at the Guildhall on 3 February.
- iii. A meeting between the Executive Councillor and some unregistered punt operators took place on 8 February.
- iv. A meeting between the Executive Councillor and some registered punt operators took place on 11 February.
- v. Letters were sent out to statutory consultees and to any individual, organisation or business on request.
- vi. The local newspaper ran a press release from the Council informing people of the consultation and giving links and addresses for responses.
- vii. A number of colleges of the University were emailed separately, as landowners in the restricted area and asked for their responses.
- viii. A large number of businesses in the City were made aware of the consultation through CAMBAC (Cambridge Business Against Crime).

4.4 The consultation period ran from 20 January to 17 February 2016. A number of questions were asked to establish if touting for tours was affecting the quality of life of people and whether they supported the introduction of a PSPO as set out in the draft Order. A list of the questions asked is attached as Appendix E.

4.5 The Council received 941 responses to the consultation. To collate and analyse the responses to the online consultation and the other methods of response (save for the responses in the form of legal representation) the Council commissioned a research and consultancy practice, MEL. MEL's report is at Appendix G of this report and the full consultation responses are available to the Executive Councillor to view and consider.

4.6 The Council is also required to publish the text of the proposed Order on its website. The then draft Order, in the form attached in Appendix D, was published on the Council's website between 20 January and 17 February.

#### The consultation responses

4.7 The headline results from the MEL Analysis are:

- There were 941 responses to the consultation.
- Just over half of respondents (54%) said they supported the use of a PSPO.
- 7% supported the use of a PSPO in part.
- 39% said they did not support the use of a PSPO.

4.8 A number of respondents explained how touting was having a detrimental impact on the quality of their lives. The most common views of touting were that touts are a nuisance, aggressive, intimidating or similar (32% of respondents).

4.9 Consideration is given later in the report, to particular responses made by consultees not supportive of a PSPO. So far as concerns those who were supportive, the following are some of the comments made by them.

4506897938	That there are far too many! At certain points in the city it is difficult to navigate through the crowds of touts, it does not feel like a public space but one in which you are crossing through their business particularly when having to duck and weave through the clipboards!
4504741925	Because it is becoming so competitive the touts are using ever more pushy/aggressive tactics. I have been asked 6 times just walking the length of King's Parade & it is embarrassing to see the way the touts are so pushy with tourists, they follow them up the street and don't let them say no.
4504673634	There's far too many touts, many of whom are cocky or even quite aggressive in their approach. I'm tired of having to avoid them as I go about my business, especially on the walk between my home and place of work. It's like walking the gauntlet, and is sometimes very unpleasant as a female to have to pass a pack of them.
4503235851	The presence of the touts does nothing for the image of Cambridge. The sheer numbers employed to tout are enough to put you off walking in the areas concerned. The touts are annoying to those just trying to pass by or enjoy a visit without being hassled numerous times to take a punt. At times I have heard them give misleading information to those they are trying to sell tickets to and at other times seen them argue in the street. They drink and smoke while touting and use a litter bin as a desk and as mentioned do not give a good impression of Cambridge to visitors.

4493086318	I feel annoyed and intimidated by the number of touts that are all over the city centre. As my route home is along Bridge St I am constantly asked if I want to go punting. And now this harassment has spread in recent years to cover more streets in the city in locations a great distance from the river.
4489999832	I think it is awful. Cambridge is a wonderful city, it should be a world heritage centre and yet it is blighted every summer (and now becoming all year round) by punt sellers literally on every street. I decided to have a leisurely walk in Cambridge on a Sunday last July and I was asked 9 times if I would like to hire a punt, three of these occasions I was in the Market Square, nowhere near the river. The practice reminds me of timeshare sales and I personally believe it will and does give Cambridge a poor reputation around the world. If every business was selling on the streets it would be chaos, why do we allow the punts to do it? I have also witnessed arguments and brawls in the street between punt operators, amazing to witness, sad to hear the bad language and a demonstration of very poor behaviour in our streets.

The consultation responses from statutory consultees

4.10 The response from Brian Ashton, Deputy Police and Crime Commissioner on behalf of the then Police and Crime Commissioner,

Sir Graham Bright, supports the PSPO as this abstract from his letter demonstrates:

*'I fully support Cambridge City Council and the Constabulary's call to have powers available to them through a PSPO. This will enable them and partners to deal with the root cause of this crime and disorder. If the PSPO comes into effect the terms of the restrictions will allow and enable enforcement officers to take positive action against the touts who cause a misery to people in the City Centre.'*

4.11 Sergeant Ian Wood, responding on behalf of Parkside Police, said:

*'Having read through the documentation, I believe that the proposed conditions will be both effective and proportionate in our joint bid to make this local pastime an enjoyable experience once more.'*

4.12 Andhika Caddy, Policy and Regulation Engineer, Cambridgeshire County Council, in a letter responding on behalf of the County Council, said:

*'The County Council has the studied the proposal in depth. Please consider this letter as a formal response that the Highway Authority supports your proposal.'*

The full responses are attached as Appendix H.



## **5. Issues raised during the consultation process:**

5.1 Before undertaking the consultation, the Council had a broad evidence base consisting of officers' knowledge and the specific complaints in Appendix B of the 18 January 2016 report, all of which demonstrated the detrimental impact on the quality of life of those in the locality. The consultation process resulted in a large number of responses which sustained the view that the requisite detrimental effect existed, as set in the table above.

5.2 However, 39% of respondents did not support a PSPO, and a number of specific grounds of objection were raised by these respondents. Separately from the online survey, specific representations were received from, inter alia, Traditional Cambridge Tours Limited ('TCT'), Granta Punts, the Manifesto Club and Black Shuck Cambridge Ghost Tours and in a petition signed by some owner/managers of commercial premises in the city centre. These are in Appendices L to O

The Council has carefully considered all of the responses to the consultation in deciding whether to continue with its proposal. The main points raised in opposition, and the Council's responses to them, are as follows.

### Effectiveness of the consultation

5.3 TCT suggested that the consultation materials were biased in that (for example) they made reference to irrelevant matters such as the licensing/insurance of punts, whether punt operators paid tax, whether customers were asked if they could swim, the criminal convictions of the punt operators. Specific points were also made about the 33 incidents in Appendix B of the January 2016 report.

5.4 The Council has been careful to ensure that the only matters taken into account when considering the making of the PSPO are those that

are relevant to the two statutory conditions (as set out above). The issue for the Council is whether the requisite detrimental effect exists for the purposes of the first condition, whether the effect or likely effect of the activities meets the second condition, and how that detrimental effect might be prevented by the making of a PSPO.

5.5 The Council acknowledges that the summary of the 33 formal complaints did not always contain the detail that would allow identification of individuals or companies involved in the anti-social or obstructive behaviour. It is also accepted that not all of the 33 incidents related to touting or to unlicensed touts. It is also recognised that formal complaints have been fewer than in previous years. However, complaints continue to be received. In deciding whether there has been a detrimental effect of the quality of life of those in the locality there is no minimum number of complaints required, it is for the Council to assess whether such an effect exists when taking account of the whole situation. The list of 33 incidents was intended to be a list of all of the formal complaints the Council had received in a given period. The Council has been careful to ensure that it has taken into account the impact of touting on those in the locality.

5.6 In so far as some of the consultation materials made reference to matters which were not specifically relevant to the statutory conditions for making a PSPO (as raised in TCT's representations), the Council has not taken these matters into account and has focused on the statutory requirements. It was not our intention to mislead the public with the background evidence that we provided for the consultation but to give a rounded picture of the issues that have been presented to us by the community in regard to punt tours.

- 5.7 The Council notes that Question 1 of the survey was an open question: “what is your view of touting?” with a text box allowing respondents to complete their response. The MEL report states that nearly one third of respondents (32%) made comments which described their experience of touts in a negative manner. Further, over half the respondents (54%) supported the use of a PSPO to prohibit touting. Some of those comments have already been set out in this report.
- 5.8 The fact is that the Council for many years now has received complaints about the number of and behaviour of touts and the impact of their behaviour, including the nuisance of having to pass and be approached by several touts in a short space of time and location in the city. It is clear that many people find the mere presence of numerous touts to be annoying and others are caused a nuisance/annoyance by being repeatedly approached by touts. This, quite understandably and rationally, has a continuing negative impact on their ability to walk the streets, go about their daily business and enjoy life in Cambridge. Those concerns have been borne out by the comments of a number of the respondents to the consultation.
- 5.9 The formal complaints and officers’ own knowledge of the situation were sufficient to formulate the initial proposals for a PSPO to regulate touting. The consultation responses have confirmed that the majority of respondents think touting is a problem and the responses contain numerous examples of how touting is having a detrimental effect on the quality of life of those in the locality. Taking account of all of the circumstances, the Council is satisfied that the requisite detrimental effect exists. The Council is also satisfied that the detrimental effect of touting is of a persistent or continuing nature, that it is such as to make

the activities unreasonable and the effect justifies the restrictions imposed by the PSPO.

#### The community impact statement of Police Sergeant Woods

5.10 Some consultees said that this statement contained incorrect and misleading statements. Sergeant Woods has responded that he has made a statement of fact and has faithfully recorded what he believes to be the impact of touting on the community. No evidence was provided to rebut Sergeant Woods' statement, which he reaffirms. His statement reflected his view of the community impact of touting but also included some wider issues related to punting and these are dealt with below.

5.11 The following points were made:

The wording in italics is taken from Sergeant Woods' statement

*"Since 2012 it is a legal requirement for a punt tour company to be licensed by the Cam Conservators"*

**Comment from respondents** -"It is not the case the companies have to be licensed by Cam Conservators. Rather the boats deployed by the companies must be licensed. Accordingly any reference made to illegal companies in this statement is incorrect"

**Council's response:** It is accepted that it is the boats that must be licensed. As set out in section 3.6 of this report, the operators working from unrecognised punt stations do not have licenses for their boats and are in breach of the Conservators' byelaws. Breach of the byelaws is a criminal offence.

*“There are currently six authorised punt stations in Cambridge – based at Jesus Green, Quayside, Trinity College, Mill Pond, Mill Lane and Granta Mill Pond and tickets can also be purchased from the Tourist Information Centre”*

**Comment from respondents-**“Only one punting company can have their tickets bought from the Tourist Information Centre which is a company called Scudamores. The statement makes it sound as if all punting companies can have their tickets purchased there”

**Council’s response:** Ticket Sales over the counter at the Tourist Information Centre are sold on behalf of Scudamore’s Punting, Cambridge Chauffeur Punts and Magdalene Bridge Punting Company (a collaborative group comprising independent punt operators working from the La Mimosa punt station). Tickets Sales via the website have previously been for Scudamore’s Punting but due to a ticket booking system upgrade, online ticket sales for Scudamore’s are currently unavailable. Online ticket sales will be available to all of the above punt operators, subject to certain operating criteria, once the new system upgrade is complete.

*“I would question how well customers are triaged in respect of their ability to swim or navigate a large cumbersome punt through unfamiliar and congested waterways”*

**Comment from respondents:** “The same question applies to all punt companies, especially as it is only companies with registered boats who offer self hire”

**Council’s response:** Sergeant Wood was stating his concerns about safety. However, whether or not customers are triaged for ability to

swim or navigate is not a relevant consideration in relation to whether to make a PSPO to control touting.

*“Our research has also discovered that the large majority of the known punt touts have criminal convictions for a wide variety of offences – ranging from drug possession, theft, serious assaults and sexual offences”*

**Comment from respondents:** “No evidence has been provided in this regard and its inclusion in the statement is gratuitous and arguably defamatory”

**Council’s response** Officers have seen evidence to support Sergeant Wood’s assertion. Of a list of 51 known touts only 7 had no criminal convictions. The information is sensitive personal information and has therefore not been published. Nonetheless, the Executive Councillor is advised not to take into account the fact of convictions.

*“Despite some of the touts claiming they are adequately insured to carry passengers, this is unlikely due to the fact they are not appropriately licensed”*

**Comment from respondents:** The respondents are subject to full insurance with a third party insurer – which is not subject to the terms of licensing from the Cam Conservators. Further, this is a matter for the river authority and does not provide any basis for the imposition of the PSPO

**Council’s response:** It is accepted that whether or not the operators have insurance is not a relevant consideration in relation to whether to make a PSPO to control touting.

Proposed activities covered by the revised PSPO

- 5.12 As consulted upon, the draft PSPO would prohibit (subject to the exceptions set out in the draft Order) advertising or soliciting custom within the marked areas for a punt tour, walking tour, hire or use of punts boats, or similar craft.
- 5.13 The responses to the consultation show that the detrimental effect with which the PSPO is concerned, is caused by touting for punt tours. It is not caused by touting for genuine walking tours of the City, not least because few walking tour operators tout for business in the same way as for punt tours. The reason for including a “walking tour” in the proposed PSPO was because officers were aware that some punt operators had previously sold walking tours with a “free” punt tour at the end or during the course of it. This was possibly an attempt to avoid breach of the Conservators’ byelaws. However, some responses, including from Black Shuck Cambridge Ghost Tours, claimed that it would be unfair for providers of walking tours (which did not have a punting element) to be included in the prohibitions and these have been considered.
- 5.14 Officers have given careful consideration to the precise restrictions to be covered by the PSPO. As the complaints received relate to punt tours, not genuine walking tours, it is proposed to change the wording so that the prohibition does not apply to genuine walking tours that have no punting element whatsoever. Consideration has been given to removing the restriction on ‘advertising’ but it is strongly believed that in relation to punt tours, advertising will inevitably lead to solicitation. However, the wording does make clear that what is

restricted is verbal advertising or soliciting. There is no intention to prevent, for example, billboard advertisements for punting, where the necessary permissions have been obtained.

- 5.15 It is therefore recommended that the PSPO does not prohibit touting for genuine walking tours that do not have any punting element.

### The Cam Conservators

- 5.16 The Council acknowledges that the responsibilities of the Council and the Conservators are different: the Council is seeking to address the issue of the detrimental effect on the quality of life of people in the locality caused by touting on the streets and the Conservators, as the Navigation Authority, are concerned with managing the river in an effective way. The Conservators have had a series of legal battles with the unlicensed punt operators that have been costly with no real outcomes for them.

- 5.17 In the meeting between the Leader of the Council and some of the unlicensed punt operators, the Conservators' representative said that the number of unlicensed punts had remained stable at around 20 for many years. He also stated that when there had been problems the unlicensed punts usually responded well and that *'it would be better to have the 20 unlicensed punts licensed but that this is not possible under the current arrangements'*. It was confirmed that the Conservators' representative thought that having more punt stations on the river was unlikely to have a negative impact on the river and that they would be willing to consider new punt station locations. The Council is giving consideration to the introduction of a new punt station and this is addressed in the report entitled 'Punting Provision in Cambridge'.



5.18 At present it is not known whether the Council will approve the creation of an additional punt station. However, even if an additional punt station is created, it would not deal with the detrimental impact that touts are having on those in the city centre. Those operators that did not apply for a licence or were unsuccessful would still need to be prevented from touting in order to address the detrimental impact that touting has (as would any licensed operators, notwithstanding the Voluntary Code).

#### Relevance of the financial interests of the Council in punt and walking tours

5.19 Some respondents said that the Council has a financial interest in increasing tour sales from certain companies, namely those for whom it sells tickets through the Destination Management Organisation.

5.20 It was suggested that the Council would gain a financial benefit from introducing the PSPO as it may reduce competition for walking and punt tours. By way of background, the Council previously provided tourism services in Cambridge from its Visitor Information Centre at the Guildhall and through its 'Visit Cambridge' website. This service provided approved 'blue badge' guided walking tours and sold punt tickets for licensed punt operators.

5.21 The tourism service was partly funded by the Council but this funding had been reduced over several years. In the 2016/17 financial year it is £51,780 and will reduce to zero by 2019/20. To improve tourism services across the wider Cambridge region and to reduce the funding required, the Council established Visit Cambridge and Beyond, a not for profit, arms-length Destination Management Organisation (DMO) which started trading in February 2016. The DMO aims to increase

income from its wider activities as well as benefitting from efficiencies by operating as a private company.

5.22 The extent that the Council could be argued to benefit financially from the PSPO would be the current funding level which declines year on year to zero by 2019/20. The DMO, as a not for profit organisation, will be required to reinvest any surplus back into providing tourism services and the Council will not benefit from this in any way.

5.23 The DMO also occupies space at the Guildhall for which it pays the Council rent of £65,900 + VAT under a 5 year lease. After that time, the DMO will be able to move to alternative premises or renegotiate the lease terms. The DMO does not tout for walking or punt tours, relying on sales through the Visitor Information Centre or its website. It is open to any punt operator (licensed or unlicensed) to find office or shop premises from which to sell their services, in the same way as sold by the DMO. Indeed, they would most likely be able to find more visible, higher profile premises than the Guildhall.

#### Ticket sales through the Visitor Information Centre

5.24 Some of the respondents said that the Council (now through the DMO) has a biased approach to the sale of tickets for punt and walking tours.

5.25 The requirements for selling punt tour tickets through the Visitor Information Centre (VIC) are that the punt company must be a member of Visit Cambridge, agree to pay commission on those tickets sold by the VIC and, have signed the voluntary Code of Practice for the visitor industry and must be working from a legitimate punt station as identified by the Conservators. These are considered reasonable

requirements and would be expected of any tourism organisation promoting punting, be it the Council or a DMO.

5.26 Ticket Sales over the counter are currently on behalf of Scudamore's Punting, Cambridge Chauffeur Punts and Magdalene Bridge Punting Company (a collaborative group comprising 7 independent punt operators working from the La Mimosa punt station). Tickets Sales via the website have previously been for Scudamore's Punting but due to a ticket booking system upgrade, online ticket sales for Scudamore's are currently unavailable. Online ticket sales will be available to all of the above punt operators, subject to certain operating criteria, once the new system upgrade is complete. Customers are presented with information on the various companies including the price, duration of tour and departure point. They can then make an informed choice and purchase a ticket for the company that best meets their requirements.

5.27 Tickets for walking tours sold from the Visitor Information Centre and the Visit Cambridge website are for Visit Cambridge Branded Walking Tours of Cambridge. These are official tours that are recognised by the University Colleges of Cambridge. There is a national standard for tourist guides and it is a requirement that any walking tours sold through Visit Cambridge should use guides who have reached this standard (Institute of Tourist Guiding Level 3). This is considered to be a reasonable requirement. In the light of the proposal to exclude genuine walking tours from the scope of the PSPO, this would not be a relevant issue in any event.

## **6. Proportionality of the PSPO and consideration of alternative measures**

- 6.1 The statutory provisions state that the only prohibitions or requirements that may be imposed by a PSPO are ones that are reasonable to impose in order to prevent or reduce the detrimental effect which has been identified. In deciding what is reasonable, the Council is aware that it should adopt measures which are both justified, and also proportionate to the detrimental effect sought to be addressed by the PSPO. The Council has examined whether there may be other ways of controlling the detrimental effect caused by punt touts, rather than a PSPO, but does not believe that to be the case.
- 6.2 The Council is aware of the existing controls on the activities of the unlawful punt operators as set out at section 3 of this report. These have not proved effective in reducing the number of touts in the city centre or the detrimental effect of their behaviour.
- 6.3 In the past the Council has tried several measures to try and reduce the impact of punt touting.

#### Restrictions within leases/licences

- 6.4 In its capacity as landowner, more recent Council leases and licences (since about 2009) have included restrictions on where its licensees and tenants can tout, including both locations and tout numbers. The punt stations where such controls have been introduced are at Quayside (Scudamore and La Mimosa independents), La Mimosa (La Mimosa independents) and Mill Pit West (Cambridge Chauffeur Punts). The lease of Granta Mill Pond does not currently include tout restrictions but the Council intends to seek such restrictions when the lease comes up for renewal in 2019.

#### Voluntary Code of Practice for the Visitor Industry

6.5 A Voluntary Code of Practice in relation to punt touting was introduced in 2013. The Code requires, among other things, that the operator in question must have a valid commercial punt licence from the Conservators and must also abide by any relevant byelaws or legislation. It is then designed to cover matters such as behaviour, touting locations and tout numbers connected with each approved punt station and visible display of prices. With the exception of Granta Punts (see above), all licensed operators are signed up to the Code and, apart from a few occasional minor issues, comply with its terms. The Code has worked well.

### Byelaws

6.6 A byelaw was introduced in 2005 to deal with aggressive punt touting which had become a problem. The byelaw prohibits touting in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person within the area covered by the byelaw (effectively the city centre). This has proved very difficult to enforce due to the need to evidence breach of the byelaw by identified individuals. Visitors to Cambridge and punt customers do complain at times but often are not able to identify individuals or do not want to spend their limited time in Cambridge (or after) providing a statement about what happened.

### Injunctions

6.7 There are similar difficulties with the use of injunctions to control touting. Visitors to Cambridge and punt customers do complain at times but often are not able to identify individuals or do not want to spend their limited time in Cambridge (or after) providing a statement about what happened. The Council is also conscious that the Conservators' attempts to use their byelaws have been a slow and costly process for them. Even if one individual is prevented from

touting, there are many others who can and will take his/her place. Injunctions are not considered to be an effective method for dealing with the problem of touting.

- 6.8 The punt touting on King's Parade is primarily connected with GH L and, to a lesser degree, Granta Mill Pond. The use of GH L is by unlicensed operators. The PSPO is not about ceasing the illegal use of GH L itself (that can ultimately be dealt with by other legal means) but the touting issue and use of GH L are undeniably linked as, without the other, neither would happen on the same scale.
- 6.9 The Council has served numerous notices on the GH L operators informing them the Council does not permit use of its land for commercial punt tours and requesting they stop. It has also installed fencing and a gate at GH L to improve safety there but this has not prevented its use. Although the seeking and obtaining of an injunction based on trespass might have a knock-on effect of reducing the numbers of touts in the city centre, this is (a) by no means clear and (b) is predicated on applications for injunctive relief being swift, straightforward, all embracing, and easy to enforce. The Council does not, however, believe this to be the case. The making of a PSPO, by contrast, addresses the problem of touts in the city centre, head on and centrally.
- 6.10 The Council considers that it has taken reasonable and proportionate measures to try to reduce the impact of punt touting in the city centre but the problem still persists, hence the consideration of the PSPO.

### Possibility of using kiosks/pods

- 6.11 Consideration has been given to the use of kiosks or pods for selling punt tours. This is not considered necessary, as the licenced punt operators operating from approved punt stations currently and historically have been successful without trading in prominent locations away from the river. Ticket sales are a combination of sales at the riverside, online/telephone sales, tour party sales and through outlets such as the Visitor Information Centre. Kiosks could possibly be considered at a later date immediately adjacent to the river and approved punt stations.
- 6.12 Many day visitors to Cambridge arrive by coach and are dropped off at Queens' Green along The Backs. Many visitors therefore pass over the key bridges into the historic City Centre and so are aware of where to go if they want a punt tour without the need for kiosks.
- 6.13 Given the number of punt operators in Cambridge, it would be difficult to devise a scheme that would fairly accommodate all of the operators without a significant number of kiosks/pods. This may also lead to demands for kiosks/pods for other types of use such as walking tours.
- 6.14 King's Parade is a Prohibited Street for the purposes of street trading. Although the legislation under which the Council regulates street trading does not cover sale of services the fact that King's Parade is a Prohibited Street is relevant to the consideration of whether kiosks would be appropriate. Any action taken by the Council would need to be fair to street traders. There is, of course, nothing to prevent punt operators taking alternative premises in the City Centre to promote and sell their services. The Visitor Information Centre is also willing to sell tickets both over the counter

and online subject to meeting their reasonable requirements (although it should be noted that the Council has no control over the DMO's commercial decisions).

## **7. Considering other alternative proposals made in response to the consultation**

7.1 Some specific, alternative, proposals have been made, both by unlicensed punt operators and also by Granta Punts, which are not addressed elsewhere in this report. These were made, inter alia, during a meeting between the Leader of the Council and some of the unlicensed operators on 8 February 2016, in a subsequent submission on behalf of 'The Federation of Independent Punt Operators' dated 16 February 2016, in an email response from Granta Punts dated 16 February 2016, and within a proposal from TCT Ltd to councillors dated 2 June 2016 in relation to the wider GHF issue. Although this last document was received a long time after the consultation period ended, the Council has been willing to consider it.

7.2 The specific proposals from respondents offering alternative to a PSPO include:

- 7.1.1 Self-regulation and/or a code of conduct for the unlicensed punt operators;
- 7.1.2 Granta Punts' proposals;
- 7.1.3 Creating a new punt station at GHF.

### Self-regulation/code of conduct for the unlicensed punt operators

7.3 Some operators have proposed their own code of practice or self-regulation of the way in which touts behave and where they are located within the city centre. It has been suggested that a voluntary code could be used to cover matters such as ensuring



touts wear name badges and uniforms, an offer to limit tout numbers, and the location of the touting.

7.4 These proposals have been made in 2016, some 3 years after the Voluntary Code for the Visitor Industry was put in place. Whilst it is accepted that there are some aspects of the Voluntary Code that unlicensed operators cannot meet (for example, only operating from an authorised punt station) there is absolutely no reason why all or any of them could not have abided by other aspects of the Code, including – in particular – touting only in very close proximity to that part of the river from which their punts operated. This would, in substance, have replicated the restrictions on those who have abided by the Voluntary Code. It is a fact, however, that at no time from 2013 to early 2016 did any of the unlicensed operators seek to do so.

7.5 It is also notable that specific proposals about name badges and uniforms, an offer to limit tout numbers and their location were made during the meeting with unlicensed operators on 8 February 2016. Since the meeting some touts have started to wear uniforms which display a phone number for the management. However, the Council has seen no evidence that all of the proposals have been implemented; they do not wear name tags, and without individual touts being identifiable the Council could not deal with any anti-social behaviour by them through the byelaw. Furthermore, there has not been a significant reduction in tout numbers and complaints continue to be received about touts in the city centre.

7.6 The Council does not consider that some additional, new, voluntary code, would work in practice. First, the paramount requirements for the Council in any such code would be a very strict

geographical limitation on the area of the touting (immediately adjacent to the river), as well as strict limits on numbers of touts and their conduct. Second, it would require each and every unlicensed operator (as well as Granta Punts) to sign up, and then completely comply *to the code of practice* (given that there would no means of enforcement open to the Council). Third, even if all this was achievable, which the Council does not believe, it would do nothing to prevent new operators from coming onto the scene. Fourth, it would not prevent one or more operator signing up, then withdrawing (as did Granta Punts to the Voluntary Code itself).

7.7 Indeed, it is a fact that self-regulation by the unlicensed operators has either not been undertaken or has been entirely ineffective, as evidenced by the consultation responses. The unlicensed operators have had every opportunity, both historically and more recently, to implement their proposals but have only implemented some limited, aspects since the original PSPO report in January 2016. In all the circumstances, the Council does not consider that some form of additional voluntary code or self-regulation would be an effective way of dealing with the detrimental impact of touting on the quality of life of those in the locality.

#### Granta Punts' proposal

7.8 Granta Punts is a licensed operator. They have proposed that they should be allowed to have their own 'regulated and recognised' touts on King's Parade. They state that this would 'support a fairer system throughout, limit touts to a minimum and disregard any monopoly concerns from unlicensed companies opposing the ban'. They consider that the Council needs to be aware of competition law and that the PSPO could be seen as a breach of this. They state that their location is off the main tourist path.

7.9 The Council accepts that Granta Punts' location is further away from the most popular part of the middle river but it is probably no further away from Silver Street Bridge than La Mimosa is from Magdalene Bridge. The Voluntary Code (which Granta Punts chose to withdraw from) allows touting for them both beside the punt station, but also presently sole touting rights at Queens' Green where many coach visitors are dropped off. This provides significant access to Granta Punts to tourists coming into the city. Added to this, other licensed operators would also, doubtless, like to tout from King's Parade and some are also in similarly 'more remote' locations, such as La Mimosa and Trinity Punts. But they have not touted there, complying properly with the Voluntary Code, and even though that has left them vulnerable to others (including Granta Punts) continuing to tout on King's Parade and Market Square to increase their profits at the expense of others. The Council cannot see any basis for conferring on Granta Punts, or any operator, some form of preference.

7.10 As this report makes clear, the PSPO is aimed at addressing unacceptable punt touting. It is not aimed at reducing competition. The other licensed punt operators operate without touting on King's Parade, competing side by side for business. This includes the La Mimosa operators, Scudamore at Quayside, Cambridge Chauffeur Punts and Scudamore at Silver Street. This competition, together with the choices on offer in places such as the Visitor Information Centre and online, and the requirements of the Voluntary Code around display of prices means that consumers have a good degree of choice in terms of location, price and company.

#### Proposal for a new punt station at GHL

7.11 In an email dated 2 June 2016 TCT have proposed establishing a new punt station at GHJ which could accommodate 12 punts. As stated elsewhere in this report, officers consider GHJ to be unsuitable as a punt station for a number of reasons. Another report, 'Punting Provision in Cambridge', also considers their proposal as it also relates to the use of the Council's land as well as the proposed PSPO. For reasons set out above and throughout this report, this proposal does not address the issues that warrant the making of a PSPO.

7.12 The proposed PSPO will cover all punt operators who tout in the city centre, including existing ones and those who may come to the market in the immediate future, possibly operating at GHJ but also from other locations as has previously happened. TCT and the 'Federation' (which does not appear to have any legal status) do not represent all operators and do not have control over other operators (licensed or unlicensed) either trading now or in the future at GHJ or elsewhere. Agreement with one group of operators would not prevent other operators establishing themselves and so the same issues could continue but with a new group of individuals or operators.

7.13 The Council's response to this specific proposal is:

- ***“A reduction in touts on the street from 30 plus (current numbers) to 5 total”***

TCT is not the only operator touting in connection with its services and does not/cannot regulate others who decide to set up. This could be seen as unfair by other legitimate punt operators who would also wish to tout in such a prime location.

- ***“A brand new punt station which would be the only provider of wheelchair access in the city centre”***

Granta Punts at Granta Mill Pond has wheelchair access from Newnham Road. Garret Hostel Lane is difficult to access and is in a controlled zone via rising bollards.

- ***“A drastic improvement in both the image and behaviour of punt touts in the city centre”***

There is already a Voluntary Code of Practice for punt operators which sets out expected behaviour.

- ***“A solution which takes the burden of enforcement away from the city council and cam conservancy whilst providing a new source of revenue for them both”***

There are more unlicensed operators than TCT and their proposal is likely to see displacement elsewhere requiring enforcement. The Council is not seeking to delegate its enforcement powers in this way.

- ***“The proposal will eliminate the need for a PSPO on touting and all the associated enforcement costs”***

Again, there are more unlicensed operators than TCT touting and some other licensed operators do not have tout control or abide by the Voluntary Code. Consultation and the response to the PSPO is subject to a much wider consultation than just the unlawful punt operators and all consultation responses need to be considered.

7.14 Having looked at these proposals there is a separate report on the proposals for new stations on the agenda for this committee.

## **8. Defining the restricted area**

8.1 The Order as originally drafted covered a wide area of the city. The rationale for covering such an area was that, due to the lucrative

nature of the trade, touts had been known to operate in most of that area at different times. It was considered from this that there would likely be displacement if the Council confined the Order to the narrower areas of most activity, i.e. King's Parade and Market Square.

8.2 Respondents were asked if they thought the area shaded on the map was the right area for the PSPO. Half the respondents (50%) agreed it was the right area for the PSPO, with a further 10% agreeing in part. Some 36% of respondents disagreed that this was the right area for the PSPO. The following areas were mentioned by respondents as being problematic with regard to touting: King's Parade, Market Square, and around the colleges. It should be noted that the shaded area consulted upon had, by error, excluded Market Square itself, although all the streets surrounding it were shaded. It was always the Council's intention to include Market Square. Some respondents to the consultation specifically responded by stating that Market Square should be included, which the Council proposes to do, correcting the initial error.

8.3 Careful consideration of the restricted area (as originally proposed) and the consultation responses has resulted in the Council proposing a far reduced area to be covered by the PSPO, as shown in Appendix A. Some allowance has been made for the risk of displacement to neighbouring areas but, overall, the area has been significantly reduced to cover those areas where there are now or have been problems in the past, or where there are likely to be problems with touting in the future. Should displacement of the problem occur, beyond what has been anticipated, the Council may need (on a later occasion, and subject to compliance with the statutory requirements) to consider variation of the PSPO.

8.4 As can be seen, the proposed restricted area has been drawn so as not to prevent unlicensed operators from continuing their trade in a part of Jesus Green, Christ's Pieces, to the south of Mill Pit, or on the GHL slipway and stone walkway itself. Nor, as now drawn, would it prevent touting very close by some of these areas. The Council's rationale in making these changes is twofold. First, these are areas where people will be walking very close to the river in any event and may, in fact, be interested in taking a punt ride. Second, it reflects the fact that the focus of the proposed PSPO is against touting activity, and its affects.

8.5 It is important to note, however, that the re-drawing of the restricted area in the ways set out in section 8.4 is neither designed to, and nor does it, confer any permission on unlicensed operators to operate their businesses on Council land. Furthermore, if this results in an increase in touting in these areas, and consequential detrimental effect on the quality of life of those in the locality, the Council may need to consider variation of the PSPO at a later date.

## **9. Areas within the proposed PSPO area where touting is allowed close to the river – Excepted areas**

9.1 The reasons for allowing exceptions where touting can continue to take place is because all but one of the licensed operators has signed up to the Voluntary Code of Practice. The Code is attached as appendix K. The licensed operators adhere to the Code and/or tout restrictions in their leases/licences. The Code requires them to limit the numbers of touts they use and for their touts to operate within a defined area connected to their punt station, close to the riverside area where they operate their punts from. Each of the excepted areas is small in geographical size and is close to the river where the operators have a

lawful business. The excepted areas are shown cross-hatched on map No.2 at Appendix A.

## **10. Assessing the environmental impact including signage**

10.1 If the PSPO is made the Council must publish the Order on its website and put up such notices on or adjacent to the public place to which the PSPO relates that the Council considers to be sufficient to draw the attention of any member of the public using that place to:

- i) The fact that the Order has been made;
- ii) The effect of the Order being made

10.2 Signage was an issue raised by operators and by members of the public. There were concerns about the cost, quantity and environmental/visual impact of the signage. The Council has commissioned a specialist company to survey the proposed area of the Order. Its findings and recommendations are at Appendix I. These show the maximum number of signs that could be required in the absence of other publicity or actions to make people aware of the PSPO. It is based on the original, more extensive, area that was consulted upon but is presented in a way to make it easy to decrease the area under consideration and thereby reduce the quantity of signage needed. It will be important to get the right balance between having enough signage to ensure the statutory regulations are followed and keeping the number of signs needed to a minimum.

10.3 It is not the Council's intention to put up a large number of signs in the city. Signs will be put up at appropriate junctions and attached to appropriate street furniture and the Council will widely publicise the PSPO if it is approved.



10.4 Enforcement officers and police will issue a warning if they witness touting, informing the person he/she is in breach of the PSPO and must stop or be issued with a fixed penalty notice. In this way it would not be possible for a person, who nonetheless continues, to say he/she was not aware of the PSPO.

10.5 Publicity in relation to the PSPO would also involve writing to known organisations and individuals connected with punting (both licensed and unlicensed) to make them aware of PSPO so that they and their staff are aware of its existence and the relevant areas.

## **11. Impact on jobs**

11.1 Some people have commented that the PSPO will impact on those people currently working in touting and for punt operators connected with this touting.

11.2 As already stated, the proposed Order does not prevent the unlicensed operators from plying their trade in some areas of the river. It would, however, prevent the operators from touting in the areas covered by the prohibitions in the PSPO.

11.3 Although the effect of the PSPO may be to reduce the business of some operators, officers believe that it is likely that demand for punting would be unchanged as a result of the PSPO and customers looking for a punt tour or punt hire would simply go to the river (as customers for most every other service of shop in Cambridge would similarly go to its trading location). The city centre is not large, and the river can hardly be said to be remote from it. There is no reasoned basis for saying that the PSPO will lead to fewer jobs. However, even

if there are fewer jobs, it is likely that some of this will be offset by additional employment with the licensed operators.

## **12. Competition Law**

- 12.1 The PSPO does not restrict unlicensed punt operators from offering punt rides and the Council is not seeking to restrict competition between punt operators. The unlicensed operators can continue to tout for business (without being at risk of criminal penalty) anywhere outside of the restricted area.
- 12.2 As already stated, this does not mean those operators have the permission of the Council, as land owner, to continue their businesses. The Council may take enforcement action, separately to the PSPO, in relation to any unlawful use of its land.

## **13. Human Rights**

- 13.1 In deciding whether to make the PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights
- 13.2 Article 10 – Everyone has the right to hold opinions and express their views on their own or in a group. This applies even if the views are unpopular or disturbing. The right can be restricted only in specified circumstances.
- 13.3 The right includes the freedom to receive ideas and information and to express views. The right can be subject to restrictions, but these must have a proper legal basis. Interference with the right by a public authority must be necessary in a democratic society and pursue one of a number of recognised legitimate aims. Those aims include to

prevent disorder or crime. The interference must be necessary (not just reasonable) and it should not do more than is needed to achieve the aim desired.

13.4 The Council does not believe that the PSPO would interfere with anyone's right to hold opinions or to express their views. The PSPO would prohibit touting for punt tours and hire in certain designated areas of the city. Even if there was any arguable interference, it would be justified, necessary and proportionate.

13.5 Article 11 – Everyone has the right to assemble with other people in a peaceful way. They also have the right to associate with other people, which include the right to form a trade union. The rights may be restricted only in certain specified circumstances

13.6 Freedom of assembly applies to static meetings, marches, public processions and demonstrations.

13.7 Officers do not consider that Article 11 is engaged in relation to the proposed PSPO. Even if there was any arguable interference, it would be justified, necessary and proportionate.

13.8 Although not specifically referred to in the legislation, the Council considers that Article 1 to the First Protocol of the European Convention on Human Rights would be engaged in relation to the proposed PSPO.

13.9 This right provides that every person (including companies) has the right to the peaceful enjoyment of their possessions. Public authorities cannot usually interfere with a person's property or possessions or the way that they use them except in specified limited circumstances. In

substance, Article 1 has three elements to it: (1) a person has the right to the peaceful enjoyment of their property; (2) a public authority cannot take away what someone owns; and (3) a public authority cannot impose restrictions on a person's use of their property.

13.10 However, a public authority will not breach this right if a law says that it can interfere with, deprive, or restrict the use of a person's possessions and it is necessary to do so in the public interest. Public authorities must strike a fair balance between the general interest and the rights of individual property owners.

13.11 Possessions and property include goodwill in a business.

13.12 The Council considers that the proposed PSPO would interfere with the way in which some punt operators conduct their business. In limiting their ability to attract business through on-street touting, this might require them to attract business by other means such as online sales. Further, the proposed PSPO may well interfere with their businesses themselves, in terms of their sales, costs and ultimate profitability.

13.13 However, the Council has to balance the rights of those punt operators who are touting in the proposed prohibited areas against the wider public interest.

13.14 The PSPO legislation permits the Council to make a PSPO if certain tests are met. If those tests are met the action is lawful. It is in the public interest that activities that have a detrimental effect on the quality of life of those in the locality, are persistent or continuing in nature and are unreasonable, be controlled in a proportionate manner

13.15 The Council is satisfied that the measures proposed are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring. Furthermore, and for the reasons already explained (including the limitations introduced following the consultation), they are also proportionate.

## **14. Equality Issues**

14.1 In formulating these proposals the Council has had due regard to the Public Sector Equality Duty contained in section 149 Equality Act 2010. The Executive Councillor is reminded of that specific duty. It requires the Council to have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; b) advance equality of opportunity between those with a protected characteristic and those without; c) promote good relations between those with a protected characteristic and those without. The 'protected characteristics' referred to are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.

14.2 An Equality Impact Assessment has been carried out and can be found at Appendix J. It will be noted that that there may be impacts in relation to the protected characteristic of age (both positive and negative), disability (positive), and race/ethnicity (negative, but limited to an ability to read and understand signage). The Executive Councillor is asked to pay specific regard to the mitigating measures proposed.

## **15. Fixed Penalty Notices**

15.1 The fixed penalty notice is to be set at £75 in keeping with other fixed penalty notices used by the Council, for example, for breach of dog control orders. This will ease administration and avoid complications in issuing and following up on unpaid notices.

## **16. Implications**

### (a) Financial Implications

The Council has already incurred the cost of carrying out the consultation. If the PSPO is made the Council will incur costs in procuring and erecting signage. Further costs will be incurred in publicising the PSPO and in enforcing it.

### (b) Staffing Implications (if not covered in Consultations Section)

There are not considered to be any additional staffing implications from implementing the PSPO as existing enforcement officers will be used. This will be monitored and reviewed should the tout problem persist and additional resource considered at that time.

### (c) Equality and Poverty Implications

Please see Sections 11, 13 and 14 above in relation to equalities, human rights and employment implications. There are not considered to be any poverty implications.

### (d) Environmental Implications

Details of the signage are attached as Appendix I and an explanation of how we will approach signage is in section 10.

### (e) Procurement

No procurement issues

(f) Consultation and communication

As detailed in the report

(g) Community Safety

As detailed in the report

## **17. Background papers**

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

Report to Strategy and Resources Committee Public Spaces Protection Order – Punt and Tour Touting;

Minutes for Strategy & Resources Scrutiny Committee on 18<sup>th</sup> January 2016 and;

Consultation responses

## **18. Appendices**

Below is a list of appendices highlighted in the report:

A: Maps showing the ‘restricted area’ and the ‘exception areas’

B: The proposed PSPO

C: Maps showing original draft ‘restricted area’ and ‘exception areas’

D: The original Draft PSPO

E: Council Website Consultation – format of the questions

F: List of Consultees – those consulted separately to the main public consultation

G: MEL’s Report on the consultation responses

H: Responses from Statutory Bodies – Brian Ashton, Deputy Police and Crime Commissioner, Sergeant Ian Wood on behalf of Cambridgeshire Constabulary, Parkside, Cambridge and Andhika

Caddy, Policy and Regulation Engineer, on behalf of Cambridgeshire  
County Council

I: Signage Report

J: Equalities Impact Assessment

K: Voluntary Code of Practice for the Visitor Industry 2013

Responses from those proposing alternative measures to a PSPO:

L: Response from Traditional Cambridge Tours Limited ('TCT')

M: Response from Granta Punts

N: Response from the Manifesto Club

O: Complaint from Black Shuck Cambridge Ghost Tours

### **19. Inspection of papers**

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

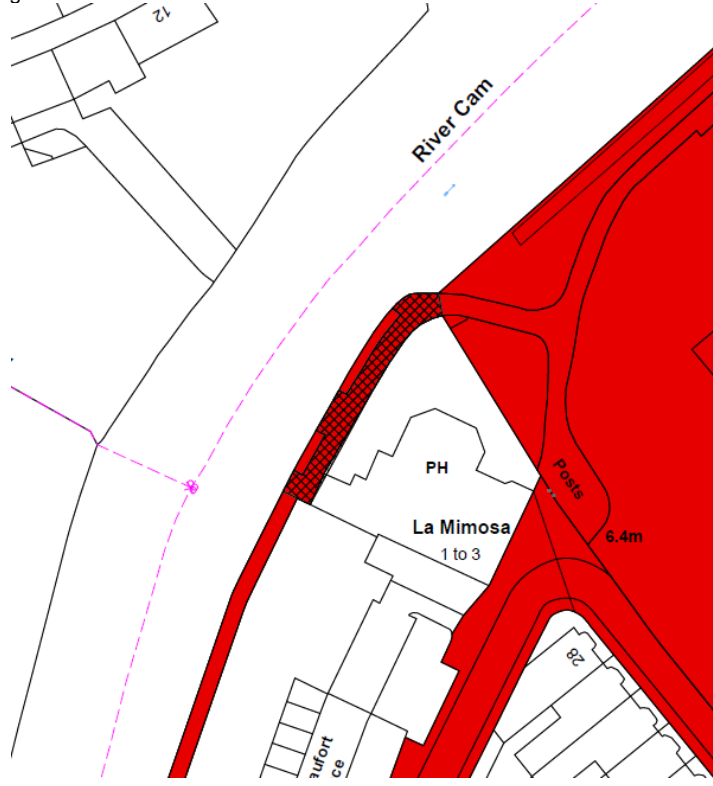
[democratic.servivices@cambridge.gov.uk](mailto:democratic.servivices@cambridge.gov.uk)

Phone: 01223-457013



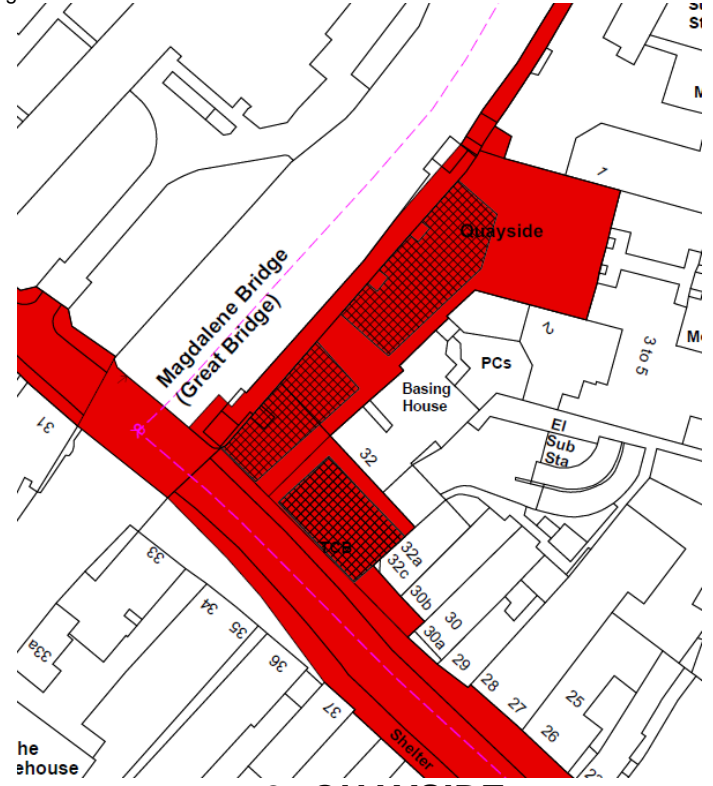
**APPENDIX A: EXCEPTION AREAS**

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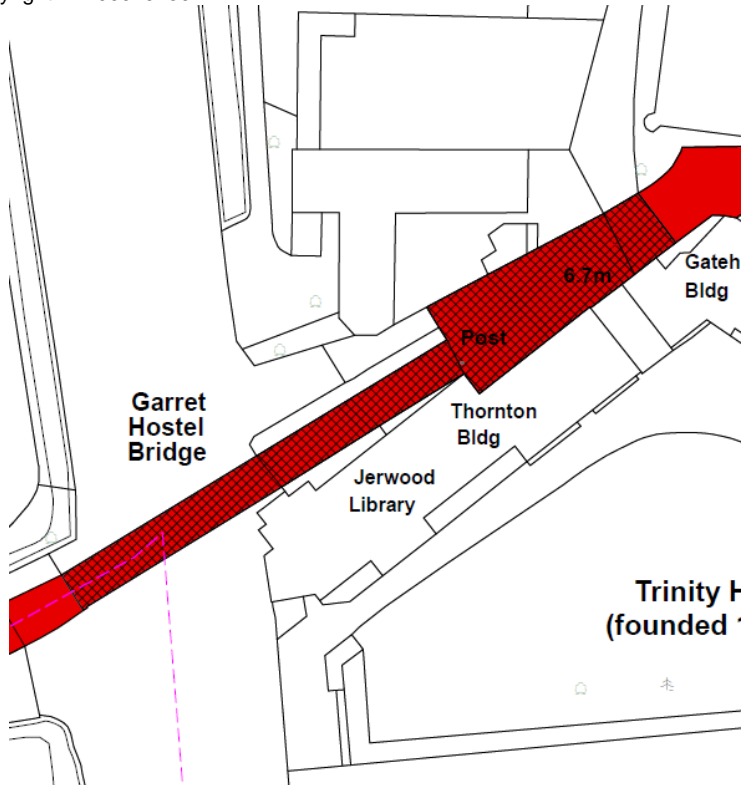
**1. LA MIMOSA**

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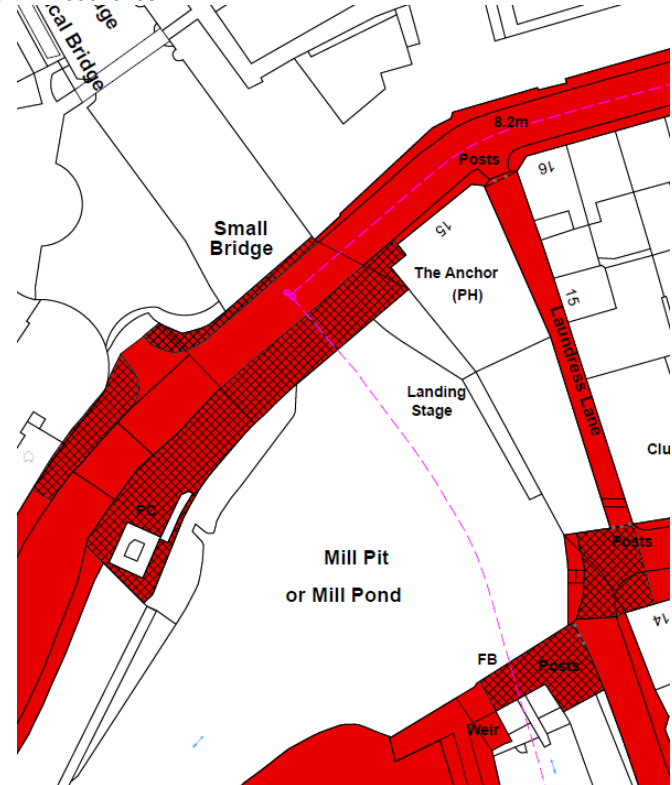
**2. QUAYSIDE**

© Crown Copyright LA100019730



**3. TRINITY COLLEGE FRONTAGE**

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**4. MILL PIT WEST AND 5. MILL PIT EAST**

© Crown Copyright LA100019730





**6. GRANTA MILL POND - QUEENS' GREEN**

© Crown Copyright LA100019730



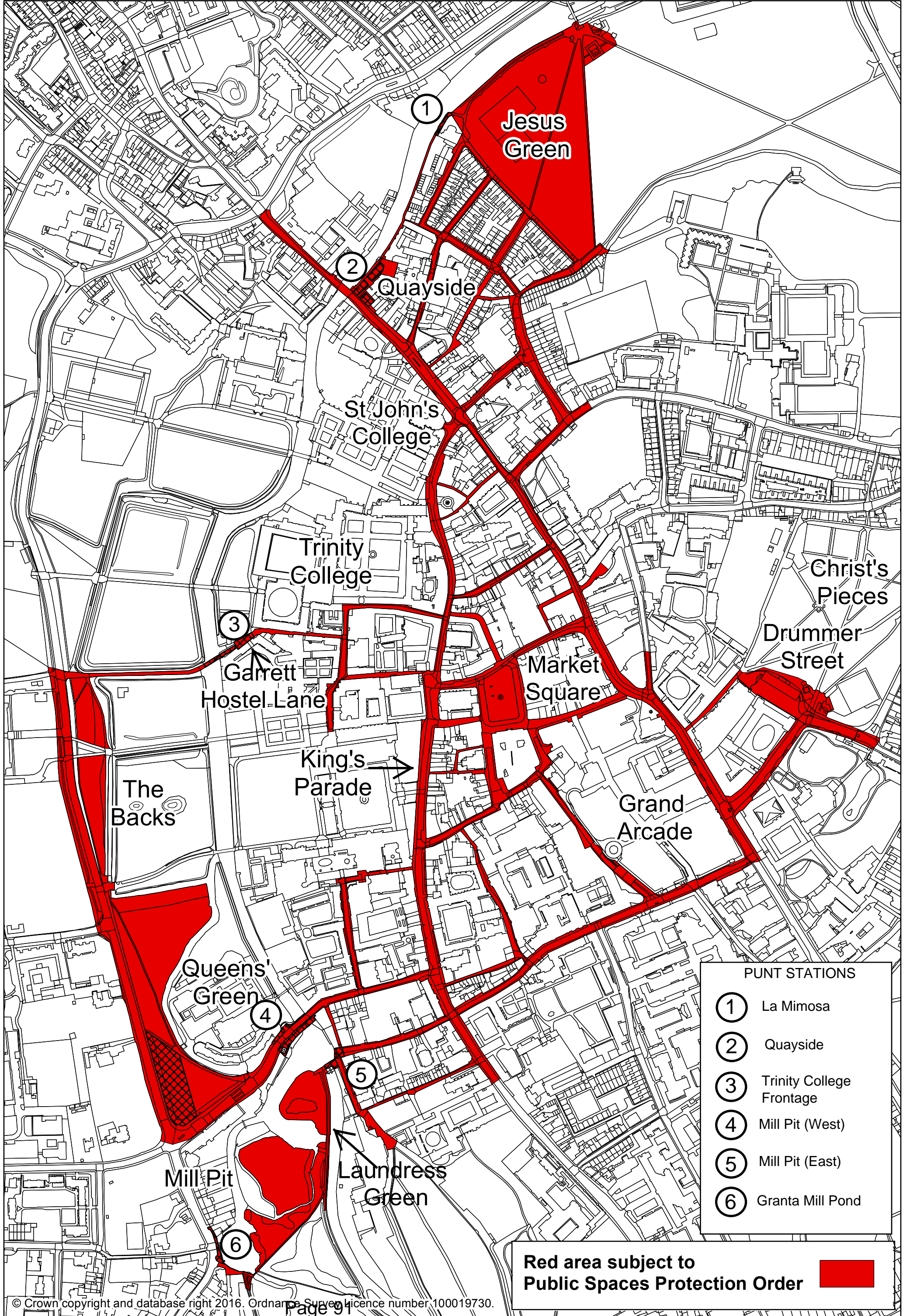
**6. GRANTA MILL POND**

 Red area subject to Public Spaces Protection Order

 Exception Area

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APPENDIX A: PUBLIC SPACES PROTECTION ORDER AND EXCEPTION AREAS



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## **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

### **SECTION 59**

#### **PUBLIC SPACES PROTECTION ORDER**

This order is made by Cambridge City Council (the 'Council') and shall be known as the Public Spaces Protection Order (Touting) 2016.

#### PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:  
  
The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,  
  
and that:  
  
the effect, or likely effect, of the activities:  
  
is, or is likely to be, of a persistent or continuing nature,  
  
is, or is likely to be, such as to make the activities unreasonable, and  
  
justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

## THE ACTIVITIES

4. The Activities prohibited by the Order are verbally:

- i. advertising or
- ii. soliciting for custom or
- iii. otherwise touting for

a punt tour or the hire or use of punts boats or similar craft on the River Cam (including any walking tour which includes or involves, whether or not for consideration, a punt tour or hire or use of punts boats or similar craft on the River Cam)

## THE PROHIBITION

5. A person shall not engage in any of the Activities anywhere within the restricted area as shown shaded on the attached map labelled 'The Restricted Area'

This Prohibition is subject to the Exception stated below

## THE EXCEPTION

6. The Prohibition does not apply to those cross-hatched shaded areas as identified on the attached map labelled 'Excepted Areas', provided that the Activities are carried out with the authority of, and by or on behalf of, a punt operator whose vessels are licensed for commercial purposes by the Conservators of the River Cam.

Informative: the Excepted Areas are locations at Quayside, Silver Street, Trinity College frontage at Garret Hostel Lane, Queens Green, and the Walkway from Quayside to Jesus Green (La Mimosa).

### PERIOD FOR WHICH THIS ORDER HAS EFFECT

7. This Order will come into force at midnight on [ ] and will expire at midnight on [ ].
8. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

### WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale

### FIXED PENALTY

A constable, police community support officer or city council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court’s decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

The Common Seal of  
Cambridge City Council  
was affixed in the presence of

.....

Head of Legal Services

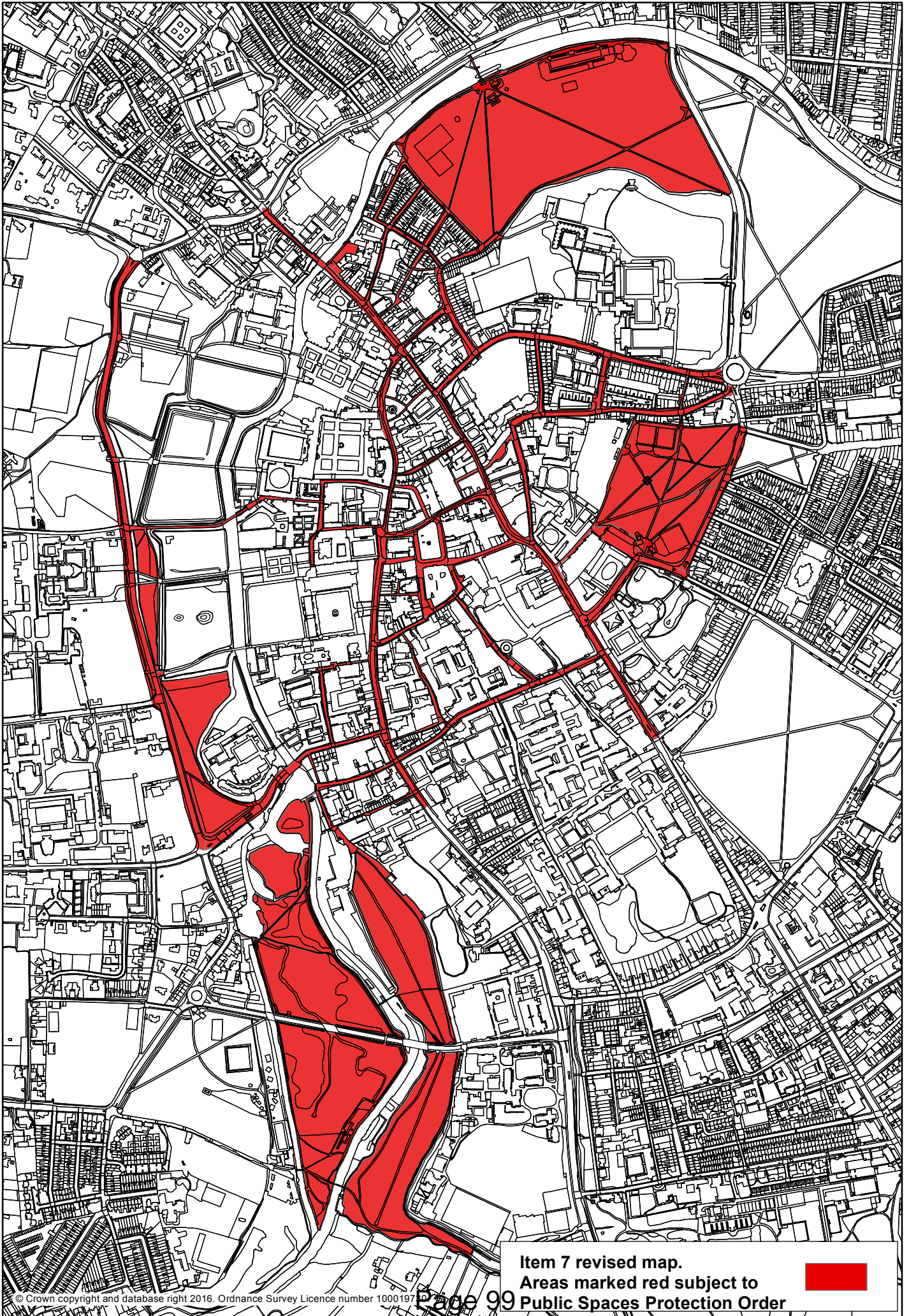
Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or



- (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order

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Item 7 revised map.  
Areas marked red subject to  
Public Spaces Protection Order



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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59  
PUBLIC SPACES PROTECTION ORDER

THE CAMBRIDGE CITY COUNCIL, Cambridge PUBLIC SPACES PROTECTION ORDER 2016

THIS ORDER is made by Cambridge City Council (“the Council”) because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space in Cambridge shown coloured red on the attached map (the Public Spaces):

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality
- Are or are likely to be unreasonable and
- Justify the restrictions imposed

The Council is satisfied that the following activities have been or are likely to be carried out in the public space:

Touting for tours and punt hire

RESTRICTIONS:

You are prohibited from advertising or soliciting custom for a punt tour, walking tour, hire or use of punts boats, or similar craft within the Public Spaces.

EXCEPTION

The prohibition does not apply to Quayside, Silver Street, Trinity College frontage at Garret Hostel Lane, Queens Green, walkway from Quayside to Jesus Green (La Mimosa) **provided that** the following conditions are met:

1. The touting is carried out by or on behalf of a punt operator whose vessels are licenced for commercial purposes by the Conservators of the River Cam (the Conservators) **and**
2. The touting is for punt tours or punt hire from one of the 6 punt stations recognised by the Conservators, Granta Mill Pond, Mill Pit west, Mill Pit east, Trinity College, Quayside or La Mimosa and the operator can demonstrate that they have the permission of the landowner or occupier to use that punt station

PERIOD FOR WHICH THE ORDER HAS EFFECT

This order will come into force on 16 May 2016 and lasts until 30 April 2019

At any point before the expiry of this 3 year period the Council can extend the order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

1. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale

FIXED PENALTY

A constable, police community support officer or city council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within the 14 days you will not be prosecuted.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

The Common Seal of  
Cambridge City Council  
was affixed in the presence of

.....

Head of Legal Services

Section 67 Anti-Social Behaviour Crime and Policing Act 2014  
(1) It is an offence for a person without reasonable excuse-

- (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order

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## Consultation on Public Spaces Protection Order Punt and Tour Touting

Welcome to the Consultation on Public Spaces Protection Order Punt and Tour Touting

**Thank you for participating in the consultation. Your feedback is important.**

**The consultation will run from 20 January 2016 5.00 pm to 17 February 2016 at 5.00 pm.**

**If you have any questions about this consultation, contact**

**Safer Communities Section, Email: [PSPOconsultation@cambridge.gov.uk](mailto:PSPOconsultation@cambridge.gov.uk)**

**Safer Communities Section, Cambridge City Council, P.O Box 700, Cambridge, CB1 0JH**

**Telephone: 01223 - 457042**

## Consultation on Public Spaces Protection Order Punt and Tour Touting

Introduction and Background

Cambridge City Council is consulting on introducing a [Public Spaces Protection Order \(PSPO\)](#) to tackle touting and prohibit advertising or soliciting custom for a punt tour, walking tour, hire or use of punts, boats, or similar craft in the red shaded areas shown on [the Map](#).

The order provides exceptions to the prohibition provided that certain conditions are met and these exceptions are detailed on the order.

Punt and tour touting in the city has been the focus of complaints for many years. The complaints relate to the number of touts gathering in certain areas of the city and the behaviour of the touts. A summary of the evidence and a community impact statement from the Police Sergeant for the area is available below.

[Table of summary of evidence](#)

[Community Impact Statement from the Police](#)

Over recent years the Council and the Cam Conservators have taken a number of steps to deal with the problems caused by touts. Despite these measures, public concern about the activities and prevalence of touts in the city continues. A detailed background of the measures taken to address the issues are available in the Strategy and Resource Committee report below.

[Strategy and Resource Committee paper - Public Spaces Protection Order –Punt and Tour Touting](#)

Following consideration of the report at Strategy and Resources Scrutiny Committee on 18 January 2015, the Executive Councillor approved in principle the proposal for the Public Spaces Protection Order and authorised further consultation as required by the Anti-social, Crime and Policing Act 2014.

Public Spaces Protection Orders were introduced in October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014 and are designed to deal with a particular nuisance or problem in a public space that is detrimental to the local community's quality of life, by imposing conditions on the use of the public space. They are designed to ensure the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour. A copy of the Home Office guidelines on the Act is available below.

[Home Office Guidance - Anti-social Behaviour, Crime and Policing Act 2014](#)

The proposed Order would prohibit advertising or soliciting custom for a punt tour, walking tour, hire or use of punts, boats, or similar craft within the Public Spaces.

To help us decide whether to have a Public Spaces Protection Order, we are consulting to provide you with the opportunity to tell us what you think of the proposal. You can also write to us, or complete a paper copy of the consultation and send it to:

Safer Communities Section, Cambridge City Council, P.O Box 700, Cambridge, CB1 0JH

All consultation responses will be analysed and will be used to inform the Council's decision about whether to make a Public Spaces Protection Order.

The outcome of the consultation will be reported to the Executive Councillor at the Strategy and Resources Committee meeting on 21 March 2016.

### Consultation on Public Spaces Protection Order Punt and Tour Touting

#### Additional Information

A summary of the responses to this consultation will be published and placed on the Council's website at [www.cambridge.gov.uk](http://www.cambridge.gov.uk).

The summary may include a list of names of businesses and organisations that responded but not personal names, addresses or other contact details. Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access information regimes, for example Freedom of Information Act 2000 (FOIA) the Environmental Information Regulations 2004 (EIR) and the Data Protection Act 1998.

If you want information, including personal data, that you provide to be treated as confidential, please say so clearly in the text box provided below when you send your response to the consultation and explain why you need to keep these details confidential. If we receive a request for disclosure under the FOIA or EIR, we will take account of your explanation, but we cannot provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer by your IT system will not, of itself, be regarded as a confidentiality request

Accessing Cambridge City Council information and services

This consultation is also available in Audio, Braille, Large Print or other formats. If you would like a copy in a different format, in another language or require a BSL interpreter please see contact details below.

Comments or complaints about the consultation process can also be sent to the contact details below.

Safer Communities Section, Email: [PSPOconsultation@cambridge.gov.uk](mailto:PSPOconsultation@cambridge.gov.uk)

Postal address: Safer Communities Section, Cambridge City Council, P.O Box 700, Cambridge, CB1 0JH

Telephone: 01223 - 457042

## Consultation on Public Spaces Protection Order Punt and Tour Touting

### Survey Questionnaire

1. What is your view of touting for walking tours or hire of punt, boats or similar craft hire?

2. Do you support the use of a Public Spaces Protection Order to prohibit anyone from advertising or soliciting custom for a punt tour, walking tour, hire or use of punts boats, or similar craft within the shaded area of Cambridge as shown on the [map](#)?

- Yes
- No
- In Part
- Don't Know

Please say why

3. Do you agree that all the activities as described in the order should be prohibited?

- Yes
- No
- In Part
- Don't Know

Please say why

4. Looking at the proposed shaded area on the map for the Public Spaces Protection Order. Do you think this is the right area for the Public Spaces Protection Order?

- Yes
- No
- In Part
- Don't know

Provide more information if applicable

5. The order provides exceptions to the prohibition provided that certain conditions are met and these exceptions are detailed on the order. What do you think about the exceptions?

6. Are there any other comments you would like to make regarding the Public Spaces Protection Order?

## Consultation on Public Spaces Protection Order Punt and Tour Touting

### About You

**The following questions are to help understand how the Public Spaces Protection Order will impact different groups of people. You can leave blank any of the questions that you do not want to answer.**

7. What is your postcode

8. Please tick any of the following that apply to you. Are you responding as;

- A person living within the shaded area on the map
- A local resident living outside the shaded area on the map
- A person working within the shaded area on the map
- Owner/manager of a local business within the shaded area of the map
- A visitor, e.g. tourist, on business, a shopper within the shaded area of the map
- Local Councillor
- Representative of a local community or organisation, or voluntary group (please tell us the name of the group)

Other (please specify)

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## List of Consultees

<b>Organisation</b>	<b>Method of consultation</b>
<b>Media</b>	
Cambridge News	Press Release
<b>Businesses</b>	
Cambridge Bid	Email
Visit Cambridge Business members	Email
Society of Cambridge Tourist Guides	Email
CAMBAC (1100 Businesses)	Email
<b>Partners</b>	
PCC	Formal Letter
Local Police	Formal Letter
County Council	Formal Letter
BeNCH CRC Ltd	Email
Clinical Commissioning Group	Email
Cambridgeshire and Peterborough NHS Foundation Trust	Email
Cambridgeshire Constabulary	Email
Cambridgeshire County Council	Email
Cambridgeshire Fire and Rescue Services	Email
Anglia Ruskin University	Email
British Transport Police	Email
CAMBAC	Email
Cambridge Council for Voluntary Service	Email
Cambridge University Hospitals NHS Trust	Email
Cambridgeshire Drug and Alcohol Action Team	Email
University of Cambridge	Email
Cambridge City Ambassadors	Email
Cambridge Street Pastors	Email
Cambridgeshire Alliance for Independent Living	Email
Cambridgeshire NHS	Email
Cambridgeshire and Peterborough YMCA	Email
Grand Arcade Management	Email
Healthwatch Cambridgeshire	Email
HM Courts and Tribunals Service Cambridgeshire and Essex	Email
National Probation Service – Cambridgeshire area	Email
Office of the Police and Crime Commissioner	Email
Cambridge BID	Email
Anglia Ruskin University Students Union	Email
<b>Residential Associations</b>	
Abbey People	Email

Windsor Road Residents' Association	Email
Rustat Neighbourhood Association	Email
Birdwood Area: Residents' Association (BARA)	Email
Old Chesterton Residents' Association	Email
St Andrews Road	Email
Three Trees Residents' Association	Email
Christs Pieces Residents' Association	Email
Clerk Maxwell Road Residents' Association	Email
Pinehurst South Residents' Association	Email
Bradmore and Petersfield Residents' Association	Email
South Petersfield Residents' Association	Email
Babraham Road Action Group	Email
Blinco Grove Residents' Association	Email
Corfe Close Residents' Association	Email
Queen Edith's Community Forum	Email
Mill Road Society	Email
Romsey Action	Email
Brooklands Avenue Area Residents' Association	Email
Brookside Residents' Association	Email
Empty Common Allotment Society	Email
Gazeley Lane Residents' Association	Email
Hanover and Princess Court Residents' Association	Email
North Newtown Residents' Association	Email
Trumpington Residents' Association	Email
Mitchams Corner Residents' and Traders' Association	Email
Sandy Lane Residents' Association	Email
Victoria Park Residents' Working Group	Email
<b>Universities</b>	
Trinity College	Email
Trinity Hall	Email
Kings College	Email
Queens College	Email
St Johns College	Email
Anglia Ruskin University	Email
Clare College	Email
Anglia Ruskin Student Union	Email
Cambridge University Student Union	Email
<b>Registered punt operators</b>	
Cambridge Chauffeur Punts	Email
Let's Go Punting	Email
Scudamore's Punting Company	Email
The Cambridge Punt Company	Email



Trinity College Punts	Email
<b>Unregistered punt operators</b>	Email
Cambridge Blue Punting	Email
Cambridge Punters	Email
Cambridge Punting Tours	Email
Cambridge River Tours	Email
Granta Moorings	Email
I Go Punting	Email
Punting Cambridge	Email
The Cambridge Punting Company	Email
The Punting Company	Email
Traditional Cambridge Tours	Email
<b>Regular land users</b>	
Owner or occupier of the land	Email
Market Traders (200 subscribers)	News Bulletin
<b>Local Councillors</b>	
Ward Councillors	Email
All Councillors	Email
County City Councillors	Email
<b>Interested groups</b>	
Lion Yard Shopping Centre	Email
Cam Conservators	Email
Bidwells	Email
Cambridgeshire Cycling Campaign	Email
City Rangers	Email
Savills	Email
Carter Jonas	Email
Cambridge Ethnic Community Forum	Email
Disability Groups	Email
Community Development Team	Email
Great St Mary's Ministry	Email
Cambridge Gift Shop	Email
Tourist Office	Email

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# Using evidence to shape better services



Cambridge City Council  
 Consultation on Public Spaces  
 Protection Order Punt and Tour Touting

## Final Report

26 February 2016

Wastes & resources management



Community safety & neighbourhood policing



Sure Start & Children's Centres



Affordable housing



Healthy communities



Local Authority research & evaluation

Active citizens & customer research



## 1) Contents Page

<b>1) Contents Page</b> .....	<b>2</b>
<b>2) Project Details and Acknowledgements</b> .....	<b>3</b>
<b>3) Executive Summary</b> .....	<b>4</b>
<b>4) Introduction</b> .....	<b>6</b>
<b>Background</b> .....	<b>6</b>
<b>Methodology</b> .....	<b>6</b>
<b>Responses</b> .....	<b>6</b>
<b>Analysis</b> .....	<b>7</b>
<b>5) Findings from Consultation Responses</b> .....	<b>8</b>
<b>General views</b> .....	<b>8</b>
<b>Support for the use of a PSPO</b> .....	<b>9</b>
<b>Agreement that all the activities in the order should be prohibited.</b>	<b>15</b>
<b>Proposed shaded area on the map for the PSPO</b> .....	<b>20</b>
<b>Exceptions to the order</b> .....	<b>24</b>
<b>Any other comments</b> .....	<b>25</b>
<b>6) Summary of Meetings</b> .....	<b>27</b>
<b>Meeting with unregistered punt operators</b> .....	<b>27</b>
<b>Meeting with registered punt operators</b> .....	<b>29</b>
<b>Appendix A – Map of the shaded area</b> .....	<b>31</b>

## 2) Project Details and Acknowledgements

<b>Title</b>	Consultation on Public Spaces Protection Order Punt and Tour Touting - Final Report
<b>Client</b>	Cambridge City Council
<b>Project number</b>	MISC - 1605
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### 3) Executive Summary

**This report outlines the findings of the 941 responses to Cambridge City Council's consultation on introducing a Public Spaces Protection Order (PSPO) to tackle toutting and prohibit advertising or soliciting custom for a punt tour, walking tour, hire or use of punts boats, or similar craft within certain areas of the city centre. A summary of meetings conducted with registered and unregistered punt operators is also included.**

- ◆ The most common views of toutting given by respondents were that touts are a nuisance, aggressive, intimidating or similar (32% of respondents); touts and toutting is bad for tourists and tourism (10% of respondents), and toutting is bad for residents (7% of respondents).
- ◆ Just over half the respondents (54%) said they support the use of a Public Spaces Protection Order (PSPO) to prohibit anyone from advertising or soliciting custom for a punt tour, walking tour, hire or use of punts boats, or similar craft within the shaded area of Cambridge as shown on the map (see Appendix A for the map). 7% support the use of a PSPO in part. 39% of respondents said they do not support the use of a PSPO.
- ◆ Respondents working within the shaded area on the map and representatives of a local community or organisation, or voluntary group showed the highest level of support for the use of a PSPO (both 76% support). Visitors showed the lowest level of support for the use of a PSPO (31% support).
- ◆ Just over half the respondents (54%) agreed that all the activities as described in the order should be prohibited. 6% agreed in part. 37% of respondents disagreed that all the activities should be prohibited. The highest level of agreement came from local councillors (78%). The second highest level of agreement came from representatives of local community or organisation, or voluntary group (76%). Visitors showed the lowest level of agreement that the activities should be prohibited (33%).
- ◆ Half the respondents (50%) agreed that the shaded area on the map is the right area for the PSPO. 10% agreed in part. 36% of respondents disagreed that the shaded

area is the right area for the PSPO. The highest level of agreement came from local councillors (88%) followed by people working within the shaded area on the map (71%). Visitors showed the lowest level of agreement with the shaded area (28%).

- ◆ The order provides exceptions to the prohibition provided that certain conditions are met and these exceptions are detailed on the order. Respondents' views of the exceptions were that they are fair, fine, reasonable, okay or sensible (22%), there should be no exceptions (11%), they are against the PSPO (4%) and they are concerned that the exceptions are unfair because they favour larger businesses and would negatively impact smaller businesses and independent businesses (3%).
- ◆ At a meeting conducted by the Council with unregistered punt operators the main topics discussed were: communication between the Council and unregistered operators; uniforms, name-tags and code of conduct; behaviour of touts; licensing and landownership; punt stations; Cam Conservators' views; touting by Granta; other ways of selling tickets; and evidence of the effect of touting on the quality of life.
- ◆ At a meeting conducted by the Council with registered punt operators the main topics discussed were: the long term solution to touting; fines and enforcement; punt stations; other ways of selling tickets; signage; responding to the consultation; and walking tours.

## 4) Introduction

### Background

Cambridge City Council (the Council) is consulting on introducing a Public Spaces Protection Order (PSPO) to tackle toutting and prohibit advertising or soliciting custom for a punt tour, walking tour, hire or use of punts boats, or similar craft within certain areas of the city centre. The area covered by the PSPO is shaded in red on the map in Appendix A. The order provides exceptions to the prohibition provided that certain conditions are met and these exceptions are detailed on the order.

### Methodology

A consultation to gather peoples' views on the proposals and plans took place from 20 January 2016 to 17 February 2016. Feedback was provided through the completion of an online survey or by downloading a copy of the PSPO consultation to fill in and post back to the Council. In addition, people sent letters and emails to the Council stating their views on the proposal.

Feedback was also gathered at a meeting with un-registered punt operators on 8 February 2016 and at a meeting with registered punt operators on 11 February 2016.

M·E·L Research, an independent market research company, have been commissioned by the Council to analyse the consultation responses and meeting notes, and provide an interim report and a full summary report (this document). These reports will be used to inform the Council's decision about whether to make a Public Spaces Protection Order.

### Responses

In total, 941 responses to the consultation were received. This consisted of 926 survey responses (online survey and paper copies), twelve emails and three letters. The type and number of respondents are outlined in Table 4.1 (respondents could select more than one option).



**Table 4.1. Type and number of respondent.**

Responding as:	Frequency
A person living within the shaded area on the map	61
A local resident living outside the shaded area on the map	535
A person working within the shaded area on the map	286
Owner / manager of a local business within the shaded area on the map	83
A visitor, e.g. tourist, on business, a shopper within the shaded area of the map	191
Local councillor	9
Representative of a local community or organisation, or voluntary group	29

Consultation responses (surveys, emails and letters) were received from representatives from the following organisations and groups: Alliance Francaise de Cambridge, Cambridge BID, Christ's Pieces Residents' Association, Emmanuel URC, Histon Road RA, King's College, Manifesto Club, Pembroke College, Pinehurst South Residents' Association, RAON, Round Church Visitor Centre, Rustat Neighbourhood Association, Society of Cambridge Tourist Guides, St John's College, University of Cambridge, Visit Cambridge and Beyond.

## Analysis

For the majority of survey questions respondents were given the opportunity to provide free text comments. The number of respondents who chose to provide comments varied for each question and the comments themselves ranged from a few words to a paragraph in length. To make sense of this data, comments were grouped by theme. Where comments contained more than one theme, each theme was counted separately.

In order that the views given in letters and emails were not given unfair weighting in the analysis and reporting the comments in these correspondence were also grouped by theme and assigned to the relevant survey question (e.g. comments in an email regarding exceptions to the prohibition have been assigned to question 5 in the survey).

Since respondents could give more than one theme per response, the percentage for each comment theme is calculated as a percentage of the total number of respondents and therefore percentages do not add up to 100%. Themes consisting of fewer than three comments have been grouped together as 'other.' To provide further insight into the results, analysis by respondent type has been undertaken where appropriate.

## 5) Findings from Consultation Responses

### General views

Respondents were asked to give their view of touting for walking tours or hire of punt, boats or similar craft hire. 25% of respondents gave positive views, 54% gave negative views, 7% were neutral and 14% chose not to comment. Table 5.1 outlines the themes of the comments.

The most common theme centred on people describing their experience of touts in a negative manner, ranging from touts being a nuisance to touts being aggressive and intimidating. Nearly one-third (32%) of respondents made comments containing this theme. The second most common theme was that touts and touting is bad for tourists and tourism (10% of respondents), followed by touting being bad for residents (7%).

**Table 5.1. Comment themes for respondents' views of touting.**

Comment theme	Frequency	% of Respondents
Touting /touts are a nuisance / annoying / a menace / offensive / intimidating / aggressive / disturb people / bully people / rude / a pest / arrogant / disruptive / obstructive / tiresome / disrespectful / invasive / pushy / pester people	299	32%
Touts are bad for tourists and tourism	92	10%
Touting is bad for residents	67	7%
There are too many touts	66	7%
Touting / touts are bad for Cambridge's image and reputation	66	7%
Touts should be banned / support the order	63	7%
Touting / touts block pathways / block pavements / walk in the road / cause congestion / make roads dangerous	55	6%
Touting is fine / acceptable / normal / good / great	42	4%
Touting is part of Cambridge	42	4%
Touts are good for tourists and tourism	40	4%
Touting / touts need to be regulated or restricted / follow a code of conduct	37	4%
Detract from the value, appearance and/or experience of the city centre	33	4%
Never had a bad experience with touts / don't have a problem with touting	30	3%
Touts provide a competitive market / punting should not be a monopoly / unfair to ban independent traders	29	3%
Need to limit number of touts / only allow in designated areas	23	2%
Touting provides jobs / If touting is banned people will lose their	23	2%

jobs		
Touting should be limited to licensed operators	23	2%
Touting / touts are bad for Cambridge's image and reputation	22	2%
Touting should only occur by the river / close to departure point / next to punt station	21	2%
Touts should have fixed stalls / booths / sell from shops / single area only	19	2%
Touts have a bad image - argue with each other, drink, smoke	18	2%
Touts are friendly / helpful / respectful / well-mannered	17	2%
Touts are unnecessary because people and visitors know where to go if they want to go punting	17	2%
Touting has increased in the last few years / has gotten worse in the last few years	15	2%
Touting is fine as long as they are polite / professional / not intrusive	15	2%
Touts are not appropriate / unnecessary / unacceptable / unpleasant	14	1%
Touts lie to tourists / mislead tourists / promise things that are not possible / overcharge tourists	11	1%
Touting is a fair, reasonable, legitimate way to promote business	9	1%
Touts are good for business / good for the economy	9	1%
Touting happens in most cities and countries / standard practice	6	1%
Touting is bad for business	6	1%
Operators should be trained / qualified / have a permit	5	1%
Touts are bad for licenses operators / take business from licenced operators / offer poor service	5	1%
Touting shouldn't be allowed in city centre	4	0%
Avoid areas with touts	3	0%
Indifferent to touting	3	0%
Many touts are not qualified and have no insurance	3	0%
Only have a problem with Scudamore's touts / Scudamore's should be ashamed	3	0%
Touting on kings parade should be able to continue / Touting in the city centre is necessary because the river is far away from tourist attractions	3	0%
Touts for walking tours are fine	3	0%
Other	77	8%
None	131	14%

### Support for the use of a PSPO

Respondents were asked if they support the use of a Public Spaces Protection Order (PSPO) to prohibit anyone from advertising or soliciting custom for a punt tour, walking tour, hire or use of punts boats, or similar craft within the shaded area of Cambridge as shown on the map (see Appendix A for the map). Just over half the respondents (54%)

said they support the use of a PSPO, while a further 7% support the use of a PSPO in part. In contrast, 39% of respondents said they do not support the use of a PSPO.

Respondents working within the shaded area on the map and representatives of a local community or organisation, or voluntary group showed the highest level of support for the use of a PSPO (both 76% support). In contrast, visitors showed the lowest level of support for the use of a PSPO (31% support).

**Table 5.2. Support for the use of a PSPO.**

Respondent Type	Support the use of a PSPO							
	Yes		No		In Part		Don't Know	
	%	Frequency	%	Frequency	%	Frequency	%	Frequency
<b>All respondents</b>	<b>54%</b>	<b>492</b>	<b>39%</b>	<b>354</b>	<b>7%</b>	<b>67</b>	<b>0%</b>	<b>3</b>
A person living within the shaded area on the map	42%	25	53%	32	5%	3	0%	0
A local resident living outside the shaded area on the map	64%	340	28%	150	7%	39	0%	0
A person working within the shaded area on the map	76%	216	18%	50	6%	17	0%	1
Owner / manager of a local business within the shaded area of the map	67%	55	24%	20	7%	6	1%	1
A visitor, e.g. tourist, on business, a shopper within the shaded area of the map	31%	59	62%	117	6%	12	0%	0
Local Councillor	56%	5	11%	1	33%	3	0%	0
Representative of a local community or organisation, or voluntary group	76%	22	21%	6	3%	1	0%	0

Respondents were asked to say why they do or do not support the use of a PSPO. 43% of respondents chose not to comment.

The most common theme in the comments was that the respondent supported the PSPO because touts are aggressive, harass people, are a nuisance, are annoying and/or pester people. This was raised by 12% of respondents.

The next most common theme, raised by 6% of respondents, was that a PSPO will allow people to enjoy areas without being disturbed and improve peoples' experience of Cambridge. A further 4% of respondents stated the need for touts to be regulated and/or controlled. Another theme, raised by 4% of respondents, was concern that a PSPO would cause people to lose their jobs.

**Table 5.3. Comment themes for why respondents do or do not support the use of a PSPO.**

Comment theme	Frequency	% of Respondents
Support PSPO because touts are aggressive / harass people / are a nuisance / annoying / pester people	112	12%
PSPO would allow people to enjoy areas without being disturbed / improve peoples' experience of Cambridge	53	6%
Touts need to be regulated / controlled	36	4%
PSPO will cause people to lose their jobs	33	4%
PSPO is unnecessary / there is no problem with touts / never had a bad experience with touts	23	2%
PSPO is an infringement on trade / persecutes smaller operators / reduces competition	23	2%
PSPO would reduce congestion / make walking around easier	18	2%
Touting is unnecessary because people know where to go if they want to go punting / on a tour	18	2%
Touting should only occur by the river / close to departure point / next to punt station / restricted to licensed operators by the river	17	2%
PSPO will improve the image of Cambridge	15	2%
PSPO is an over the top reaction to problem / overly restrictive / too heavy handed	14	1%
PSPO is unfair to smaller businesses / local business	12	1%
Touting is part of Cambridge	11	1%
PSPO will prohibit lawless operators but allow licensed operators to continue	10	1%
Touts should have fixed stalls / booths / sell from shops / single area only	10	1%
Modest advertising is okay, aggressive touting is not	9	1%
Happy with banning touts in shaded area on the map	7	1%
There are too many touts / PSPO will reduce number of touts / limited number of touts would be acceptable	7	1%

Touting should be banned	7	1%
Only prohibition will be effective	7	1%
Not all touts behave badly, unfair to penalise all	5	1%
PSPO will remove touts from streets	5	1%
Touts provide a service to tourists	5	1%
Limited number of touts is okay / Number of touts needs to be limited	4	0%
PSPO would be bad for tourism / Touting is good for tourists and tourism	4	0%
Concerned how punts / walking tours will get business / people will get information if PSPO is in place	3	0%
PSPO doesn't address root cause of problem	3	0%
Alternative approaches to stop touts haven't worked	3	0%
Other types of business aren't allowed to tout	3	0%
Other	85	9%
None	406	43%

For the respondent types with large sample sizes (a local resident living outside of the shaded area on the map; a person working within the shaded area on the map; a visitor) further analysis of the results was carried out to better understand the patterns in support for or against the order (see Table 5.4 and 5.5). The following patterns were found:

- ◆ It is important to note that across all three respondent types the majority of respondents who said yes, they support the use of a PSPO chose not to say why. Similarly, across all three respondent types the majority of respondents who said no, they do not support the use of a PSPO chose not to say why.
- ◆ For all three respondent types, the most popular reason given for support of the use of a PSPO was because touts are aggressive, harass people, are a nuisance, are annoying and/or pester people.
- ◆ For all three respondent types, the second most popular reason given for support of the PSPO was that it would allow people to enjoy areas without being disturbed and that it would improve peoples' experience of Cambridge.
- ◆ Comments that a PSPO would be an infringement on trade, persecutes smaller operators and/or reduces competition was the most popular reason given by local residents living outside of the shaded area on the map who do not support the PSPO, and the second most popular reason given by people working within the shaded area on the map.

- ◆ The most popular reason given by people working within the shaded area on the map for not supporting the PSPO was that it would cause people to lose their jobs. This was also the second most popular reason for not supporting the PSPO given by local residents living outside of the shaded area on the map and visitors.
- ◆ The most popular reason given by visitors for not supporting the PSPO was that it is unnecessary, there is no problem with touts and/or that they have never had a bad experience with touts.

**Table 5.4. Top comment themes from respondents who said yes, they support the use of a PSPO, by respondent type.**

	A local resident living outside the shaded area on the map			A person working within the shaded area on the map			A visitor, e.g. tourist, on business, a shopper within the shaded area of the map		
	Comment theme	Frequency	%	Comment theme	Frequency	%	Comment theme	Frequency	%
	None	114	34%	None	87	58%	None	20	34%
1	Support PSPO because touts are aggressive / harass people / are a nuisance / annoying / pester people	79	23%	Support PSPO because touts are aggressive / harass people / are a nuisance / annoying / pester people	43	29%	Support PSPO because touts are aggressive / harass people / are a nuisance / annoying / pester people	13	22%
2	PSPO would allow people to enjoy areas without being disturbed / improve peoples' experience of Cambridge	36	11%	PSPO would allow people to enjoy areas without being disturbed / improve peoples' experience of Cambridge	16	11%	PSPO would allow people to enjoy areas without being disturbed / improve peoples' experience of Cambridge	10	17%
3	Touts need to be regulated / controlled	22	6%	PSPO would reduce congestion / make walking around easier	13	9%	Touting is unnecessary because people know where to go if they want to go punting / on a tour	3	5%
							Touts need to be regulated / controlled	3	5%

**Table 5.5. Top comment themes from respondents who said no, they do not support the use of a PSPO, by respondent type.**

	A local resident living outside the shaded area on the map			A person working within the shaded area on the map			A visitor, e.g. tourist, on business, a shopper within the shaded area of the map		
	Comment theme	Frequency	%	Comment theme	Frequency	%	Comment theme	Frequency	%
	None	71	47%	None	13	26%	None	68	58%
1	PSPO is an infringement on trade / persecutes smaller operators / reduces competition	13	9%	PSPO will cause people to lose their jobs	10	20%	PSPO is unnecessary / there is no problem with touts / never had a bad experience with touts	10	9%
2	PSPO will cause people to lose their jobs	12	8%	PSPO is an infringement on trade / persecutes smaller operators / reduces competition	7	14%	PSPO will cause people to lose their jobs	9	8%
3	PSPO is an over the top reaction to problem / overly restrictive / too heavy handed	10	7%	PSPO is an over the top reaction to problem / overly restrictive / too heavy handed	5	10%	PSPO is unfair to smaller businesses / local business	6	5%
	PSPO is unnecessary / there is no problem with touts / never had a bad experience with touts	10	7%						



### Agreement that all the activities in the order should be prohibited

Respondents were asked if they agree that all the activities as described in the order should be prohibited. Just over half the respondents (54%) agreed, with a further 6% agreeing in part. 37% of respondents disagreed that all the activities should be prohibited.

The highest level of agreement came from local councillors (78%), although it should be noted that the number of councillors who completed the survey was nine. The second highest level of agreement came from representatives of local community or organisation, or voluntary group (76%). At 33% agreement, visitors showed the lowest level of agreement that the activities should be prohibited.

**Table 5.6. Agreement that all the activities as described in the order should be prohibited.**

Respondent Type	Agree							
	Yes		No		In Part		Don't Know	
	%	Frequency	%	Frequency	%	Frequency	%	Frequency
<b>All respondents</b>	<b>54%</b>	<b>489</b>	<b>37%</b>	<b>336</b>	<b>6%</b>	<b>56</b>	<b>2%</b>	<b>20</b>
A person living within the shaded area on the map	46%	28	49%	30	5%	3	0%	0
A local resident living outside the shaded area on the map	64%	335	28%	149	7%	35	2%	8
A person working within the shaded area on the map	73%	206	18%	50	7%	20	2%	6
Owner /manager of a local business within the shaded area of the map	65%	54	27%	22	5%	4	4%	3
A visitor, e.g. tourist, on business, a shopper within the shaded area of the map	33%	62	59%	111	5%	9	3%	5
Local Councillor	78%	7	0%	0	22%	2	0%	0
Representative of a local community or organisation, or voluntary group	76%	22	14%	4	3%	1	7%	2

Respondents were asked to say why they do or do not agree that all the activities as described in the order should be prohibited. 61% of respondents chose not to comment.

The most popular comment theme, provided by 7% of respondents, was that prohibiting these activities would make Cambridge more pleasant for residents and tourists and improve Cambridge's reputation. 4% of respondents stated that the activities should be prohibited because touts are aggressive, unpleasant and/or are a nuisance, while a further 4% restated that they agreed the activities should be prohibited.

**Table 5.7. Comment themes for why respondents agree or disagree that the activities should be prohibited.**

Comment theme	Frequency	% of respondents
Prohibiting these activities will make Cambridge more pleasant for residents and tourists / improve Cambridge's reputation	70	7%
Activities should be prohibited because touts are aggressive / unpleasant / a nuisance	42	4%
Yes, they should be prohibited	33	4%
Touting shouldn't be banned / touting is not a problem / touting is fine / PSPO is an overreaction / touts are not aggressive	31	3%
If the activities are prohibited people will lose their jobs	25	3%
Advertising / passive methods of soliciting custom are acceptable	16	2%
Touting is part of Cambridge	15	2%
Walking tour touts are not a problem	14	1%
Touting is good for tourists and tourism	12	1%
Activities should be regulated not banned	10	1%
Touting is unnecessary because people know where to go if they want to go punting / on a tour	10	1%
Prohibiting these activities is unfair to smaller businesses	8	1%
Touting is not a problem - behaviour of some touts is	4	0%
Touting should be banned	4	0%
There should be partnership and agreement between the Council and tout company leaders	3	0%
There are too many touts	3	0%
Touting needs to be regulated and controlled	3	0%
Touts lie to and mislead tourists	3	0%
Other	100	11%
None	571	61%

For the respondent types with large sample sizes (a local resident living outside of the shaded area on the map; a person working within the shaded area on the map; a visitor) further analysis of the results was carried out to better understand the patterns in

agreement that all the activities as described in the order should be prohibited (see Table 5.8 and 5.9). The following patterns were found:

- ◆ It is important to note that across all three respondent types the majority of respondents who agreed that the activities should be prohibited chose not to say why. Similarly, across all three respondent types the majority of respondents who disagreed that the activities should be prohibited chose not to say why.
- ◆ The most popular reasons for agreeing that the activities should be prohibited were the same across the three respondent types, although the ordering of the reasons differed.
- ◆ The most popular reason given by local residents living outside of the shaded area on the map and people working within the shaded area on the map for agreeing was that prohibiting these activities will make Cambridge more pleasant for residents and tourists and/or improve Cambridge's reputation. This was also the joint first most popular reason given by visitors.
- ◆ Another joint first most popular reason given by visitors who agreed the activities should be prohibited was because touts are aggressive, unpleasant and/or a nuisance. This was also the second most popular reason given by local residents living outside of the shaded area on the map and people working within the shaded area on the map.
- ◆ Another joint first most popular reason given by visitors who agreed the activities should be prohibited was a restatement that they should be prohibited. This was also the third most popular reason given by local residents living outside of the shaded area on the map and people working within the shaded area on the map.
- ◆ The most popular reason given by local residents living outside of the shaded area on the map and people working within the shaded area on the map for disagreeing was that prohibition of the activities would cause people to lose their jobs.
- ◆ The most popular reason given by visitors for disagreeing was that touting shouldn't be banned, is not a problem, is fine, the PSPO is an overreaction and/or touts are not aggressive. This was also the second most popular reason given by local residents

living outside of the shaded area on the map and people working within the shaded area on the map.

**Table 5.8. Top comment themes from respondents who agree that the activities should be prohibited, by respondent type.**

	A local resident living outside the shaded area on the map			A person working within the shaded area on the map			A visitor, e.g. tourist, on business, a shopper within the shaded area of the map		
	Comment theme	Frequency	%	Comment theme	Frequency	%	Comment theme	Frequency	%
	None	186	56%	None	119	58%	None	34	55%
1	Prohibiting these activities will make Cambridge more pleasant for residents and tourists / improve Cambridge's reputation	48	14%	Prohibiting these activities will make Cambridge more pleasant for residents and tourists / improve Cambridge's reputation	35	17%	Activities should be prohibited because touts are aggressive / unpleasant / a nuisance	6	10%
							Prohibiting these activities will make Cambridge more pleasant for residents and tourists / improve Cambridge's reputation	6	10%
							Yes, they should be prohibited	6	10%
2	Activities should be prohibited because touts are aggressive / unpleasant / a nuisance	29	9%	Activities should be prohibited because touts are aggressive / unpleasant / a nuisance	15	7%			
							Yes, they should be prohibited	25	7%

**Table 5.9. Top comment themes from respondents who disagree that the activities should be prohibited, by respondent type.**

	A local resident living outside the shaded area on the map			A person working within the shaded area on the map			A visitor, e.g. tourist, on business, a shopper within the shaded area of the map		
	Comment theme	Frequency	%	Comment theme	Frequency	%	Comment theme	Frequency	%
	None	96	64%	None	23	46%	None	76	68%
1	If the activities are prohibited people will lose their jobs	15	10%	If the activities are prohibited people will lose their jobs	8	16%	Touting shouldn't be banned / touting is not a problem / touting is fine / PSPO is an overreaction / touts are not aggressive	11	10%
2	Touting shouldn't be banned / touting is not a problem / touting is fine / PSPO is an overreaction / touts are not aggressive	13	9%	Touting shouldn't be banned / touting is not a problem / touting is fine / PSPO is an overreaction / touts are not aggressive	6	12%	Prohibiting these activities is unfair to smaller businesses	4	4%
							Touting is part of Cambridge	4	4%
3	Touting is part of Cambridge	7	5%	Activities should be regulated not banned	2	4%			
				Touting is good for tourists and tourism	2	4%			
				Touting is part of Cambridge	2	4%			

## Proposed shaded area on the map for the PSPO

Respondents were asked if they thought the area shaded on the map is the right area for the PSPO. Half the respondents (50%) agreed this is the right area for the PSPO, with a further 10% agreeing in part. 36% of respondents disagreed that this is the right area for the PSPO.

The highest level of agreement came from local councillors (88%), although it should be noted that only eight councillors chose to answer this question. The next highest level of agreement came from people working within the shaded area on the map (71%). At 28% agreement, visitors showed the lowest level of agreement with the shaded area.

**Table 5.10. Agreement that the shaded area on the map is the right area for the PSPO.**

Respondent Type	Agree							
	Yes		No		In Part		Don't Know	
	%	Frequency	%	Frequency	%	Frequency	%	Frequency
<b>All respondents</b>	<b>50%</b>	<b>449</b>	<b>36%</b>	<b>319</b>	<b>10%</b>	<b>87</b>	<b>4%</b>	<b>40</b>
A person living within the shaded area on the map	36%	22	48%	29	13%	8	3%	2
A local resident living outside the shaded area on the map	58%	302	26%	137	12%	61	4%	21
A person working within the shaded area on the map	71%	199	16%	45	11%	30	2%	5
Owner /manager of a local business within the shaded area of the map	61%	51	23%	19	14%	12	1%	1
A visitor, e.g. tourist, on business, a shopper within the shaded area of the map	28%	52	61%	114	6%	11	5%	9
Local Councillor	88%	7	13%	1	0%	0	0%	0
Representative of a local community or organisation, or voluntary group	66%	19	21%	6	10%	3	3%	1

Respondents were asked to provide more information about their opinion of the shaded area. 75% of respondents chose not to comment.

5% of respondents said that they were happy with the proposed area covered. 4% of respondents restated that they were against the PSPO. A further 4% of respondents thought the PSPO area should cover the whole city.

3% of respondents specified areas they thought should be included in the shaded area. These areas included Quayside to Jesus Green (6 respondents), Trumpington Street (5 respondents), the train station and route to the train station (5 respondents), Silver Street (4 respondents), Market Square (3 respondents) and Parker's Piece (3 respondents).

**Table 5.11. Comment themes for why respondents agree or disagree that the shaded area on the map is the right area for the PSPO.**

Comment Theme	Frequency	% of Respondents
Happy with area covered	47	5%
Against the PSPO	39	4%
Area should cover whole city	35	4%
Shaded area should include [specified] area	28	3%
Area should be / could be wider	12	1%
Area is too large	9	1%
Concerned touts will just move to non-prohibited areas / find loopholes	9	1%
Single touting site(s) in certain areas / Fixed booths would be fine	6	1%
Touting should only be allowed immediately in front of / short distance from punt stations / next to river / where legitimate operators work	6	1%
Unimpressed with quality of map	5	1%
Concern that the prohibited area covers punting area	4	0%
Touting should be allowed in (limited parts of) Quayside / by the millpond / King's Parade	4	0%
Concern that the size of shaded area will stretch police resources / too large to sign, monitor and enforce	3	0%
Order needs to be comprehensive / wider area or touts will just move	3	0%
Touts are not a problem / Touting should be encouraged not prohibited / don't experience problems with touts in the shaded area	3	0%
Other	33	4%
None	704	75%

For the respondent types with large sample sizes (a local resident living outside of the shaded area on the map; a person working within the shaded area on the map; a visitor) further analysis of the results was carried out to better understand the patterns in agreement that the shaded area on the map is the right area for the PSPO (see Table 5.12 and 5.13). The following patterns were found:

- ◆ It is important to note that across all three respondent types the majority of respondents who agreed that the shaded area is right chose not to say why. Similarly, across all three respondent types the majority of respondents who disagreed with the shaded area chose not to say why.
- ◆ The most popular reason given for agreeing with the shaded area was the same across the three respondent types; respondents were happy with the area covered.
- ◆ The most popular reason given for disagreeing with the shaded area was the same across the three respondent types; respondents restated that they are against the PSPO.
- ◆ Interestingly, the second most popular reason given by local residents living outside of the shaded area on the map for both those who agreed with the shaded area and those who disagreed with the shaded area was that they thought the shaded area should cover the whole of the city.



**Table 5.12. Top comment themes from respondents who agree that the shaded area on the map is the right area for the PSPO, by respondent type.**

	A local resident living outside the shaded area on the map			A person working within the shaded area on the map			A visitor, e.g. tourist, on business, a shopper within the shaded area of the map		
	Comment theme	Frequency	%	Comment theme	Frequency	%	Comment theme	Frequency	%
	None	243	80%	None	153	77%	None	43	83%
1	Happy with area covered	26	9%	Happy with area covered	25	13%	Happy with area covered	7	13%
2	Area should cover whole city	7	2%	Area should be / could be wider	7	4%	Area should cover whole city	1	2%
							Touting should only be allowed immediately in front of / short distance from punt stations / next to river / where legitimate operators work	1	2%
3	Area should be / could be wider	5	2%	Area should cover whole city	4	2%			
	Concerned touts will just move to non-prohibited areas / find loopholes	5	2%	Shaded area should include[specified] area	4	2%			
	Shaded area should include[specified] area	5	2%						

Page 137

**Table 5.13. Top comment themes from respondents who disagree that the shaded area on the map is the right area for the PSPO, by respondent type.**

	A local resident living outside the shaded area on the map			A person working within the shaded area on the map			A visitor, e.g. tourist, on business, a shopper within the shaded area of the map		
	Comment theme	Frequency	%	Comment theme	Frequency	%	Comment theme	Frequency	%
	None	95	69%	None	27	60%	None	89	78%
1	Against the PSPO	13	9%	Against the PSPO	8	18%	Against the PSPO	19	17%
2	Area should cover whole city	8	6%	Area is too large	2	4%	Shaded area should include [specified] area	2	2%
				Shaded area should include[specified] area	2	4%			
3	Area is too large	7	5%						

## Exceptions to the order

The order provides exceptions to the prohibition provided that certain conditions are met and these exceptions are detailed on the order. Respondents were asked what they thought about the exceptions. 44% of respondents chose not to respond.

The most common theme within the comments was that the exceptions are fair, fine, reasonable, okay or sensible; 22% of respondents thought this. A further 11% of respondents said that there should be no exceptions included in the order. 4% of respondents stated that they are against the PSPO. 3% of respondents were concerned that the exceptions are unfair because they favour larger businesses and would negatively impact small businesses and independent businesses.

**Table 5.14. Comment themes regarding exceptions to the order.**

Comment Theme	Frequency	% of Respondents
Exceptions are fair / fine / reasonable / okay / sensible	211	22%
There should be no exceptions	100	11%
Against the PSPO	35	4%
Exceptions are unfair - favour larger businesses and would negatively impact small businesses / independent businesses	28	3%
Need to be monitored for loopholes / policed effectively	20	2%
Exceptions are unfair / unrealistic / prohibitive / unreasonable / too strict / harsh	19	2%
Cannot comment because can't find information on exceptions	17	2%
Exceptions don't do anything to limit number of touts in these areas / number of touts should be limited	12	1%
Touting should be limited to next to punt station only	9	1%
Only need to regulate in terms of behaviour of touts / exceptions fail to address poor behaviour of touts / need to include measures to ensure staff behave appropriately	8	1%
Exception should not include Silver Street and the bridge / needs to specify where touting is allowed	7	1%
Exceptions are too lenient	7	1%
Better if all touting was banned except for one or two fixed stalls / booths	5	1%
Exceptions should be made through communication between the Council and companies	5	1%
Concern that exceptions will lead to dense touting in focussed areas	4	0%
Concerned exceptions don't allow legitimate walking tours a place to tout/advertise from	4	0%
Exceptions should not include Garret Hostel Lane / Queens Green	4	0%
Concern touts will not obey conditions and restrictions without constant enforcement / concerned how exceptions will be enforced and policed	3	0%

Exceptions should only be used by official licensed operators	3	0%
Need to enforce insurance and health and safety inspections for all companies too	3	0%
Tour booking should be centralised and put online	3	0%
None	412	44%
Other	60	6%

### Any other comments

Finally, respondents were asked if they had any other comments to make regarding the PSPO. 57% of respondents chose not to comment.

The most common comment theme, given by 14% of respondents, was restating their support for the PSPO. The second most common comment theme, given by 5% of respondents, was restating that they are against the PSPO.

4% of respondents said that the PSPO will need to be enforced and resourced accordingly or were concerned as to how the order will be enforced. 3% of respondents stated that the ban is unfair for independent businesses and smaller operators, while a further 3% were concerned that the PSPO would cause people to lose their jobs.

**Table 5.15. Comment themes for any other comments.**

Comment theme	Frequency	% of Respondents
Support the PSPO	134	14%
Against the PSPO	47	5%
PSPO will need to be enforced and resourced accordingly / concern as to how the order will be enforced	37	4%
Ban is unfair for independent businesses / smaller operators	29	3%
PSPO will cause people to lose their jobs	25	3%
Order is long overdue	16	2%
PSPO is an overreaction /excessive / lazy / coward's way out / against human rights	16	2%
£75 fine is not enough of a deterrent	13	1%
Touting needs to be regulated not banned	12	1%
Council should work with / communicate with companies to come up with an agreement	8	1%
Order will make city centre more pleasant	8	1%
Touting is not a problem / never experienced rude or negative behaviour from touts	8	1%
Need to tackle root of problem -stop illegal/unlicensed punting operations	6	1%
Need to make sure that punting does not become a monopoly	5	1%

The number of touts / number of touts per operator needs to be limited	5	1%
Concern that the Council has direct financial interest in the order / order benefits Councils' own agenda	4	0%
Concerns about too many PSPO signs / advertising signage ruining the look of the city	4	0%
Could extend the order to charity canvassers, buskers, beggars etc.	4	0%
PSPO should include licensed operators too / Scudamore's and La Mimosa should be included in PSPO	4	0%
Touts could have a fixed point to do business	4	0%
Ban all touting	3	0%
Concerned order is being done based on speculation not fact / insufficient evidence	3	0%
Other	87	9%
None	541	57%

## 6) Summary of Meetings

The Council held a meeting with unregistered punt operators and a meeting with registered punt operators but discuss the PSPO consultation. The following section provides a summary of each meeting, based on meeting notes taken by the Council.

### Meeting with unregistered punt operators

The Council conducted a meeting with unregistered punt operators on 8 February 2016. The meeting was attended by Cllr. Lewis Herbert, Lynda Kilkelly of Cambridge City Council, a representative from the Cam Conservators and a number of unregistered punt operators. The main topics discussed were:

- ◆ **Communication between the Council and unregistered operators.** The operators pointed out that this was the first time they had officially seen a copy of the recorded incidents of anti-social behaviour problems. The operators explained that no-one at the Council had approached them before to discuss the problems and that the first they were officially aware was when the PSPO was proposed.
- ◆ **Uniforms, name-tags and code of conduct.** The operators proposed that the people who work for them could wear name tags and uniforms, and that the operators could monitor their behaviour and address any problems. They said that if there are a lot of issues they could have other talks with the Council to address them and pointed out that they have not been given the opportunity to do so before. The operators also asked how the Council would react if the operators were to give the Council a code of conduct that they would keep to. Cllr. Herbert explained that any suggestion would be considered by the Council along with the consultation responses.
- ◆ **Behaviour of touts.** Cllr. Herbert pointed out that the operators must have been aware that there were problems with the behaviour of touts; it is a well-known problem in the city and has been reported in the Cambridge Evening News. The operators responded that if they had [the Council's] backing they could limit numbers. The operators said that they want to work with the Council but if that is not possible they will have no alternative but to take legal action in order to find a solution for their business. Cllr. Herbert responded that he will listen to all sides, consider all

responses and that the responses to the consultation will be subject to considerable analysis.

- ◆ **Licensing and landownership.** The operators asked to know the Council's position with regard to licensing. They felt that the studies undertaken on the safety and viability of new stations<sup>1</sup>, carried out by their competitors, are not objective studies. The operators also said that if there was no issue with the landownership (their operations have become illegal through the Council's actions around Garret Hostel lane and La Mimosa) then they could be compliant with the code of practice on touting behaviour. The operators said that they want this but have not been given the opportunity. They said that they have made 'half a dozen' attempts to reach out to the councillors but have been told [the councillors] cannot talk to them. They would like the Council to take a more collaborative approach.
- ◆ **Punt stations.** In regard to the landownership issues around Garret Hostel Lane and La Mimosa, it was agreed that there is clearly an issue about punt stations. Cllr. Herbert explained that this is a separate issue to the touting problems and will be dealt with separately.
- ◆ **Cam Conservators.** The Cam Conservators representative explained that over the last ten years the number of boat on the river, both commercial and others, have remained stable. They also explained that the number of unlicensed punts has remained stable at around 20. The representative said that [Cam Conservators] have had a long series of legal battles with the [unlicensed punts] that has been costly, with no real outcomes. The representative also stated that actions taken around Garret Hostel Lane have not worked. The representative said that it would be better to have the 20 unlicensed punts licensed but that this is not possible under the current arrangements. They also pointed out that when they have a problem with unlicensed punts on the river they usually respond well. In addition, they said that more punt stations on the river are unlikely to have a negative impact on the river and that they would be willing to consider new punt station locations.

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<sup>1</sup> There are currently six authorised punt stations in Cambridge, at La Mimosa on the corner of Jesus Green, Quayside, Trinity College (inside the college grounds), the Mill Pond on Silver Street, Mill Lane, and the Granta Mill Pond near Sheeps Green.

- ◆ **Granta<sup>2</sup>.** The operators said that Granta send touts into town and that the operators had heard that the Council had been discussing kiosks with Granta. Cllr. Herbert explained that the Council had not had any discussions with Granta or anyone else and that any touting by Granta will be subject to the order just like any other operator.
- ◆ **Other ways of selling tickets.** In reference to whether the Council had been discussing kiosks with Granta, Cllr. Herbert pointed out that there are other ways of selling tickets for punting besides touting and that there may be a discussion to be had about kiosks on private land.
- ◆ **Evidence.** The operators pointed out that the criteria for the PSPO state that the activities should have had a detrimental effect on the quality of life. They asked if there had been any evidence that this has happened and stated that they would like to see an analysis of where any complaints have come from.

### **Meeting with registered punt operators**

The Council conducted a meeting with registered punt operators on 11 February 2016. The meeting was attended by Cllr. Lewis Herbert, Lynda Kilkelly of Cambridge City Council and a number of registered punt operators. The main topics discussed were:

- ◆ **The long term solution to touting.** The operators asked what long term solution/outcome the Council are looking for regarding touting outside agreed company zones. Cllr. Herbert explained that the Council wants to limit touting to within 50 metres of the agreed operating zones on the river.
- ◆ **Fines and enforcement.** The operators asked if the people who are operators and running the touts would be given fixed penalty notices (FPN) under the PSPO if their touts are out on the streets. Cllr. Herbert explained that only the people who are touting will be subject to the order. Additionally, the touting will need to be witnessed by police or an enforcement officer for a FPN to be issued. The operators asked if there would be a budget for enforcement and Cllr. Herbert explained that there are specially trained enforcement officers in town working on various issues who will be available, as well as police. Cllr. Herbert also said that if a budget was needed it will be made available.

<sup>2</sup>Granta Canoe & Punt Hire Company - a registered punt operator

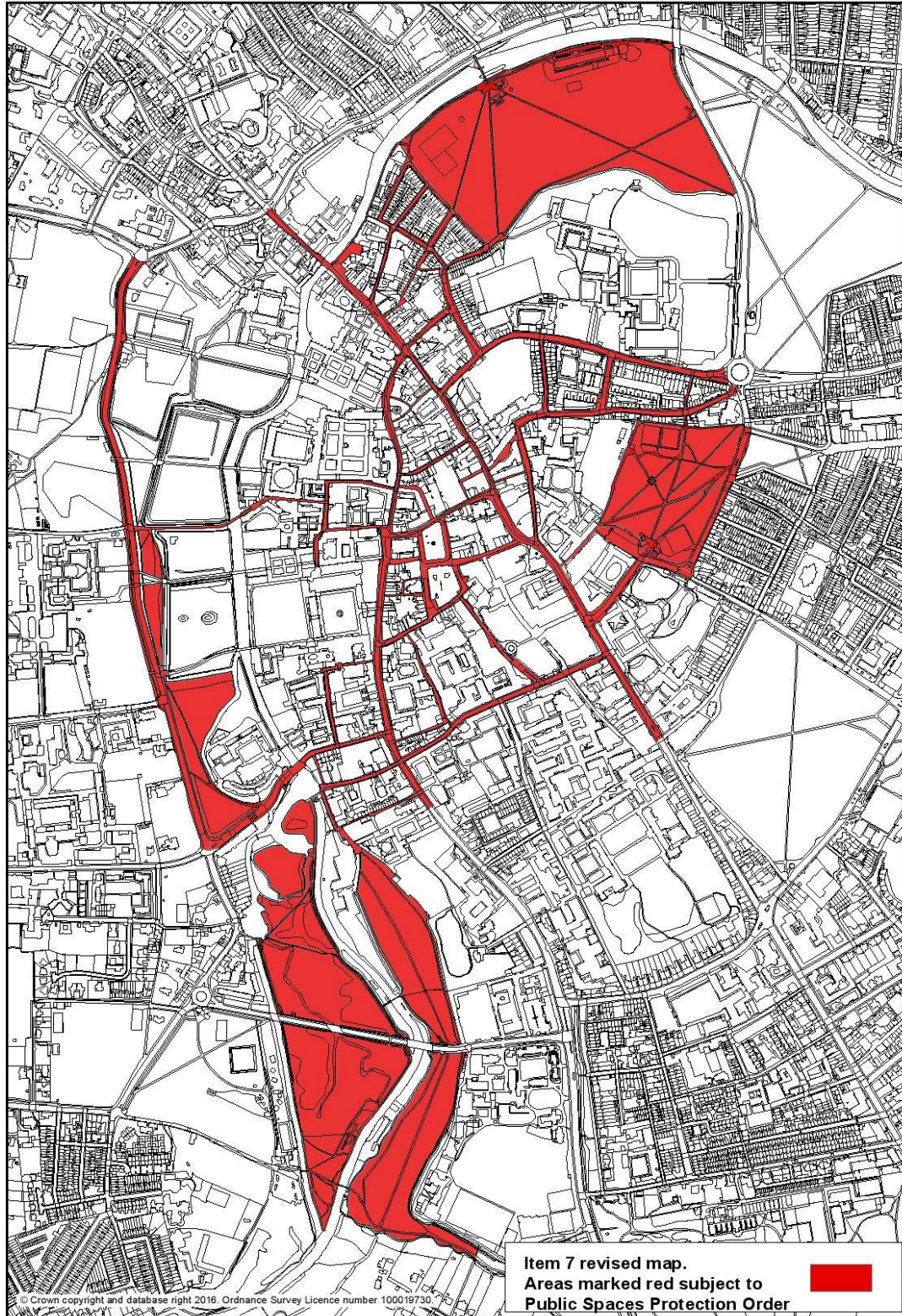
- ◆ **Punt stations.** The operators asked if un-registered operators were to get a new station<sup>3</sup> where they are proposing to tout from. Cllr. Herbert explained that this is a separate issue to the touting problems and will be dealt with separately.
- ◆ **Other ways of selling tickets.** Cllr. Herbert mentioned that there are other ways to enable the selling of tickets besides touting that all operators should be looking at. He also pointed out that a kiosk on private land is not something that would be controlled by the order.
- ◆ **Signage.** The operators were concerned that one of the biggest oppositions to the order may be around signage. It was explained that some people will object to the signs whatever [the Council] do, but that [the Council] will try to keep the impact as low as possible. The earliest possible time that signs would be in place by is May 2016.
- ◆ **Responding to the consultation.** The operators said that they are happy to respond to the consultation but they are not happy to say things publically as they have concerns it could lead to their boats could be damaged. They also said that businesses on King's Parade don't speak up about problems with touting because they feel menaced. Cllr. Herbert pointed out that if there is evidence of intimidation it should be fed through to the Sector Sergeant.
- ◆ **Walking tours.** Cllr. Herbert mentioned that someone had brought up the issue that walking tours should not be included in the order. The operators said that [unregistered operators] were offering walking tours with a punt tour included. They said that [unregistered operators] were having a detrimental effect on the tourist business and pointed out that they cannot be contacted by people with complaints.

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<sup>3</sup> There are currently six authorised punt stations in Cambridge, at La Mimosa on the corner of Jesus Green, Quayside, Trinity College (inside the college grounds), the Mill Pond on Silver Street, Mill Lane, and the Granta Mill Pond near Sheeps Green.



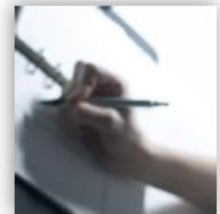
## Appendix A – Map of the shaded area



# Using evidence to shape better services



Research



Public Consultation



Evaluation



Surveys



Consultancy Evaluation



Skillbuilding



M·E·L Research Ltd  
2<sup>nd</sup> Floor 1 Ashted Lock Birmingham Science Park Aston  
Birmingham B7 4AZ  
T: 0121 604 4664 F: 0121 604 6776 W: [www.m-e-l.co.uk](http://www.m-e-l.co.uk)



Cambridgeshire  
Police & Crime  
Commissioner

Lynda Kilkelly  
Safer Communities Manager  
Cambridge City Council

By email: [REDACTED]

16<sup>th</sup> February

Dear *Lynda*

I refer to your letter dated 28<sup>th</sup> January to Sir Graham Bright, Cambridgeshire Police and Crime Commissioner, regarding Cambridge City Council's proposal for a Public Space Protection Order (PSPO) for Cambridge City Centre area.

Firstly, on behalf of the Commissioner, I both welcome and thank Cambridge City Council for undertaking the consultation to seek the views of the public and the Commissioner in response to problems that are occurring in and around Cambridge City Centre area.

This letter is my formal consultation response on behalf of the Commissioner.

To inform my response I have considered the views of Cambridgeshire Constabulary's Local Policing Team regarding the area relating to the proposed PSPO.

I fully appreciate the effects that anti-social behaviour has on individuals, businesses and communities. Continuing to tackle crime and disorder is a priority in the Commissioner's Police and Crime Plan and as such is a priority for the Constabulary. Preventing problems caused by the punting touts, typically working for the unlicensed operators, such as harassment of residents and visitors including rude and aggressive behaviour will not be tolerated. Partnership working such as that between the Constabulary and Cambridge City Council is key to co-ordinating both an effective response to anti-social behaviour in order to protect individuals,

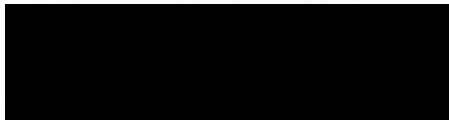
communities and businesses from the harm caused and to ensure those responsible are effectively held to account.

I fully support Cambridge City Council and the Constabulary's call to have powers made available to them through a PSPO. This will enable them and partners to deal with the root cause of this crime and disorder. If the PSPO comes into effect the terms of the restrictions will allow and enable enforcement officers to take positive action against the touts who cause a misery to people in the City Centre.

Equally as important is the serious concerns that members of the public have shared as evidenced in Appendix B –Table Summary for PSPO Evidence. It is evident to me that the behaviour derived from some of the punt touts working for unlicensed operators is having a detrimental effect on the quality of life of those in the locality.

In conclusion, I fully support Cambridge City Councils proposal for a PSPO as given in the consultation for the purpose of prohibiting advertising, or soliciting custom for punt, tour, walking tour hire or use of punts, boats or similar craft in the designated parts of Cambridge. I hope that the PSPO is effective in preventing the detrimental effect that this nuisance is having on the residents, the community, and businesses in and around Cambridge City Centre area so that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Yours sincerely,



Brian Ashton  
Cambridgeshire Deputy Police and Crime Commissioner

---

**From:** Ian Wood [REDACTED]  
**Sent:** 29 January 2016 21:55  
**To:** Lynda Kilkelly  
**Cc:** Matt Johnson  
**Subject:** RE: Public Spaces Protection Order - Punt and Tour Touting - consultation ~[NOT PROTECTIVELY MARKED]~

Good Evening Lynda,

Many thanks for your email and the hard work you have invested in seeking the Public Spaces Protection Order. Having read through the documentation, I believe that the proposed conditions will be both effective and proportionate in our joint bid to make this local pastime an enjoyable experience once more.

Should you require any further information, please let me know. I will be following any developments with keen interest.

Kind regards,

Sgt Ian Wood 2411  
Cambridge City Centre Problem-Solving Team  
Parkside Police Station

**Sergeant Ian Wood 2411** CT710

**Cambridge City Centre Problem-Solving Team**  
**Email our Office:** [cbccitycentre@cambs.pnn.police.uk](mailto:cbccitycentre@cambs.pnn.police.uk)

Cambridgeshire Constabulary ([www.cambs.police.uk](http://www.cambs.police.uk))  
Parkside Police Station, Parkside, Cambridge CB1 1JG  
Telephone 101 (ext. 3526)      Mobile Ext. 7113130  
**ALWAYS DIAL 999 or 112 IN A GENUINE EMERGENCY**

Follow: [@CambridgeCops](https://twitter.com/CambridgeCops)



My ref: PSPO4  
Your ref:

Date: 17<sup>th</sup> February 2016

Contact: Andhika Caddy  
Direct dial: 0345 045 5212  
E Mail: [REDACTED]

Lynda Kilkelly  
Safer Communities Manager  
Cambridge City Council  
The Guildhall  
Market Square  
Cambridge  
CB2 3QJ



Appendix H  
Cambridgeshire  
County Council

Economy, Transport and Environment  
Executive Director, Graham Hughes

Local Infrastructure & Street Management  
Policy & Regulation  
Box No: SH1204  
Shire Hall  
Cambridge  
CB3 0AP

Dear Lynda

**Punt and Tour Touting, Public Spaces Protection Order – Cambridge City**

Thank you for consulting Cambridgeshire County Council regarding the City Council's plans to introduce a PSPO in the areas of Cambridge as highlighted in your associated plan and documents. The County Council has studied the proposal in depth.

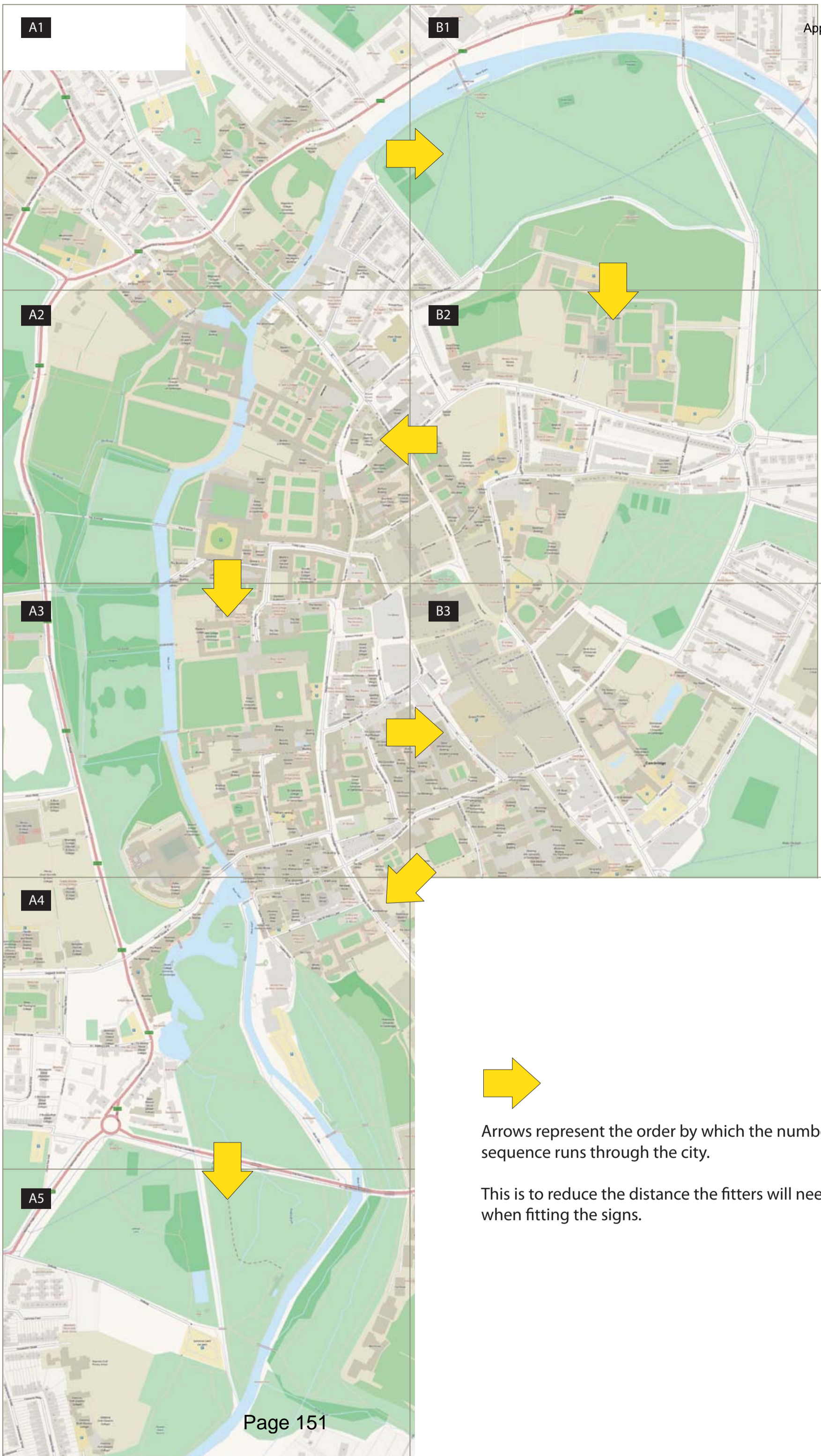
Please consider this letter as a formal response that the Highway Authority supports your proposal.

Yours Sincerely

[REDACTED]

Andhika Caddy

Policy and Regulation Engineer



A1

B1

A2

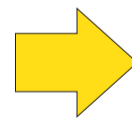
B2

A3

B3

A4

A5

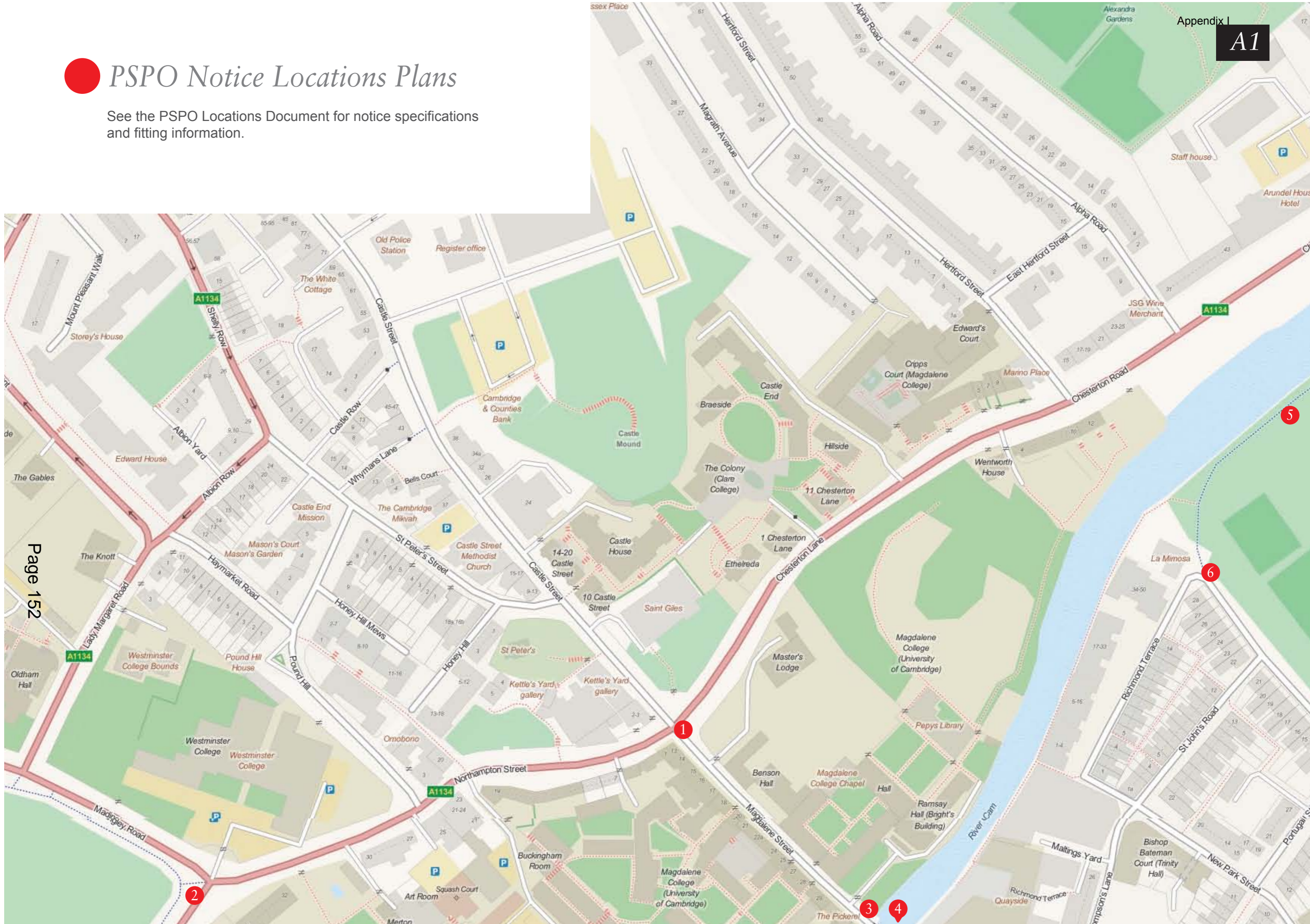


Arrows represent the order by which the numbering sequence runs through the city.

This is to reduce the distance the fitters will need to walk when fitting the signs.

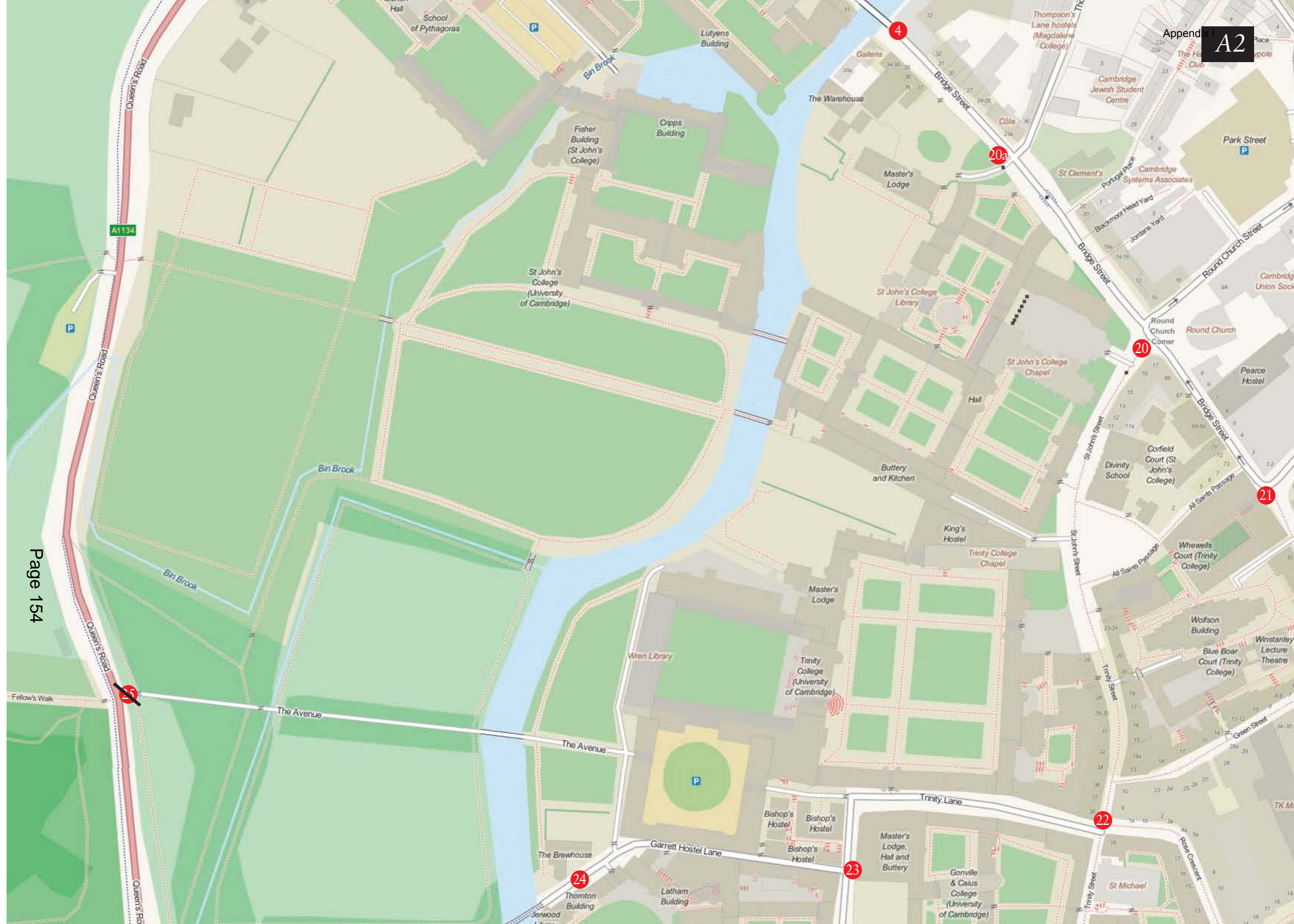
# PSPO Notice Locations Plans

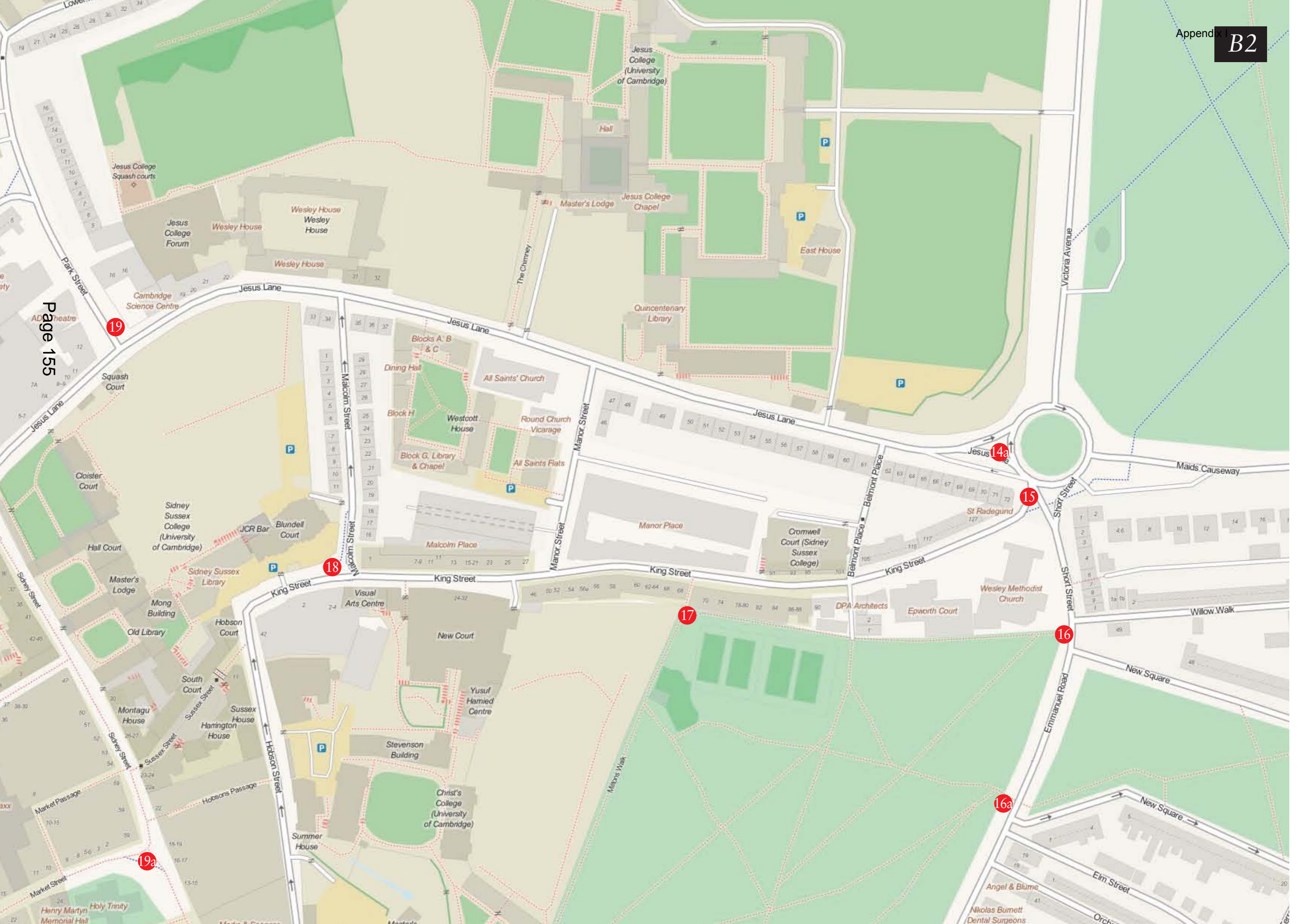
See the PSPO Locations Document for notice specifications and fitting information.











19

14a

15

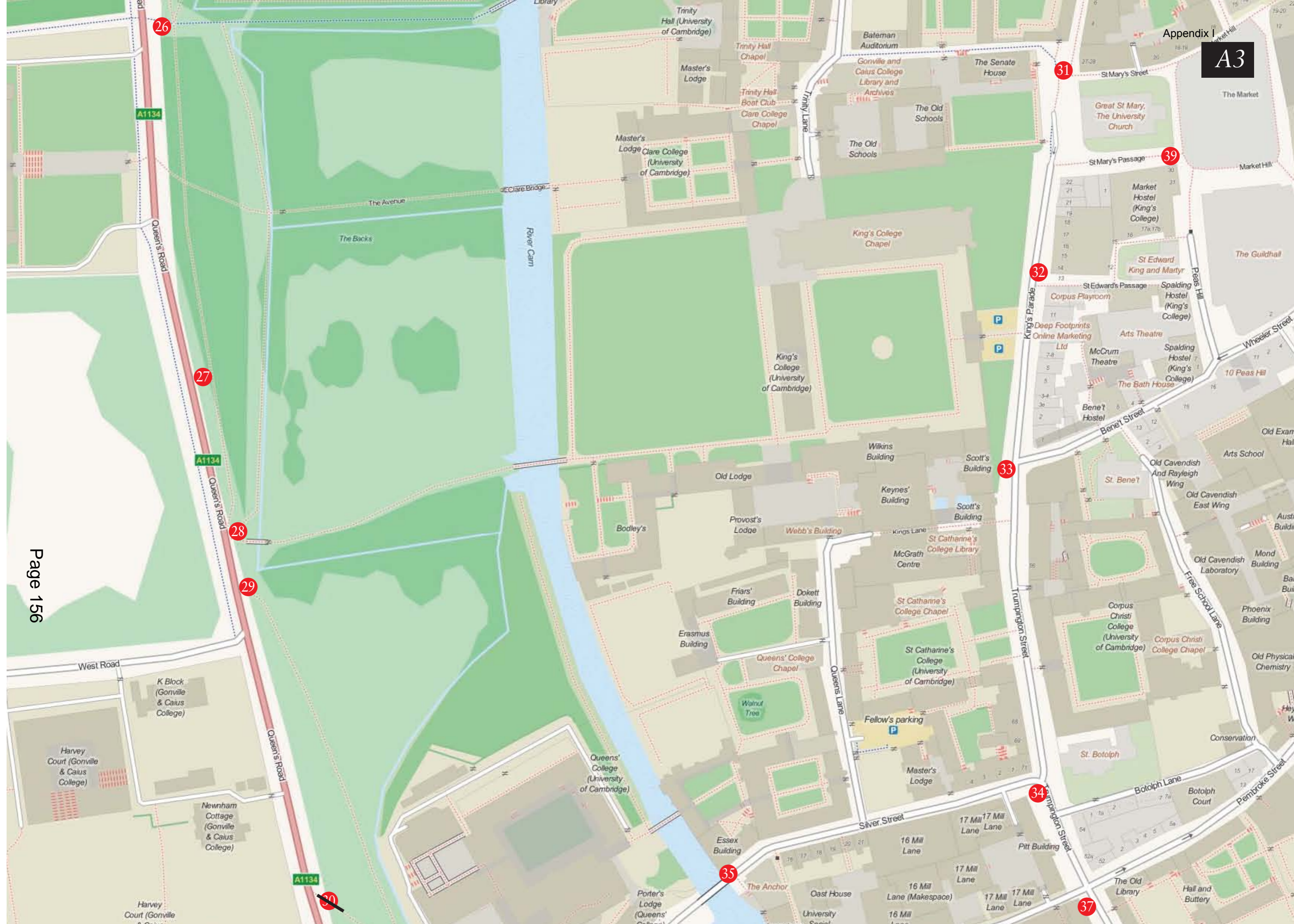
18

17

16

16a

19a



26

27

28

29

A1134

A1134

A1134

31

39

32

33

34

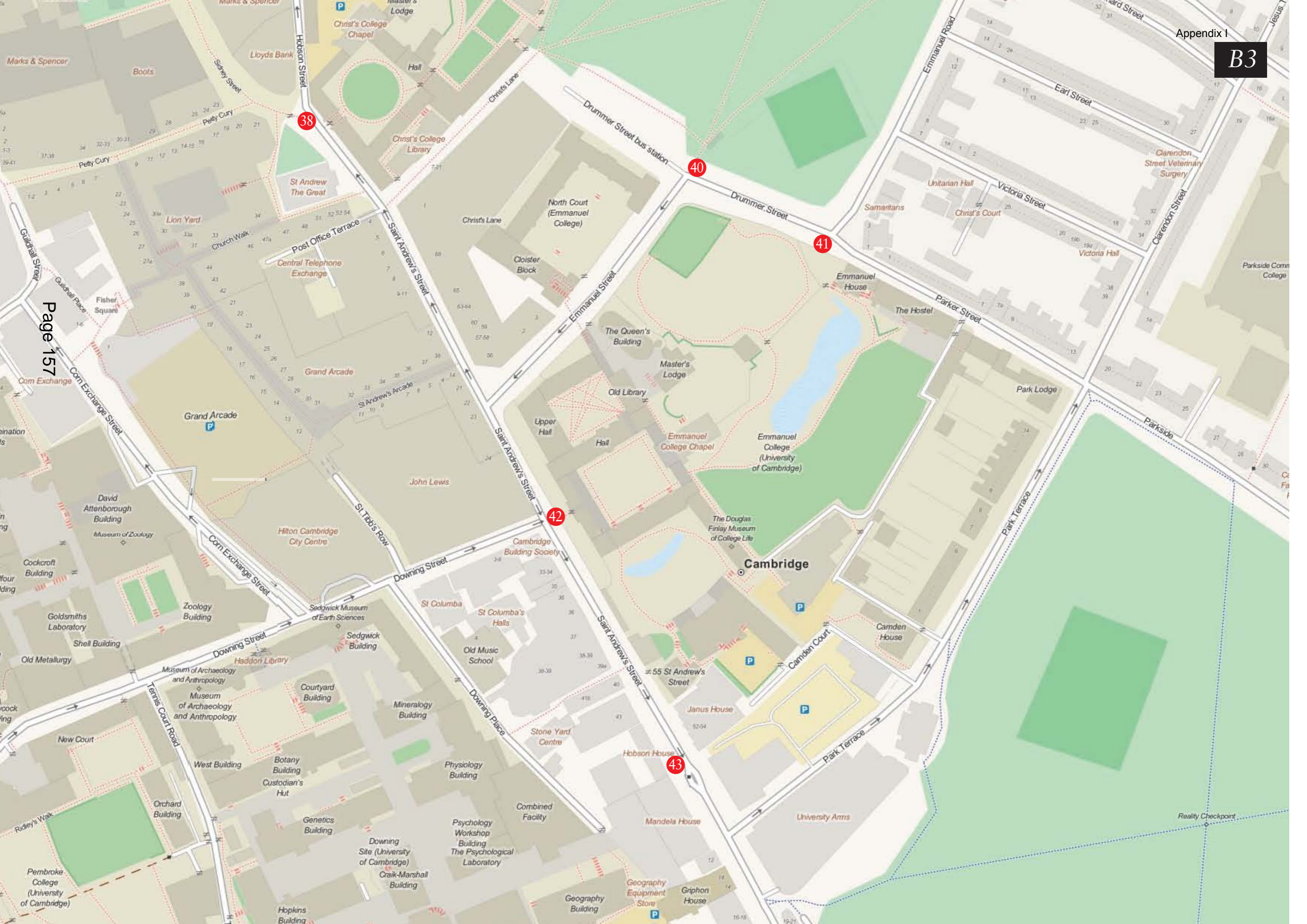
35

37

P

P

P





A603

53

54

56

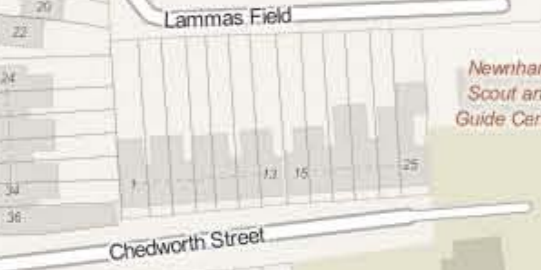
Page 159



59

60

61



### *PSPO Notice location document*

The following pages present location for the fitting of PSPO notices within Cambridge City Centre.

The signs comply to the following constraints:

- a Signs are mounted on existing posts, lampposts and suitable street furniture
- b Signs are mounted at 2.1m minimum height
- c PSPO signs do not confuse nor clutter existing vehicle warning/information signs

The maximum number of signs required if the more extensive area, as originally proposed in January is subject to the PSPO is 61, however it is estimated that this will reduce to around 50 if the new reduced area currently proposed is agreed. The signs will cost between £30 and £50 per unit with a cost of £20 per sign for fitting, depending on where they are located in the city and the type of street furniture they are attached to.



## *Location document*

1

The following pages relate to locations presented on the 'PSPO Notice Locations Plans', which accompany this document.

Scale 1:4  
page set to A4  
*Copy to be supplied*

Page 162

type **A** small



type **B** medium



type **C** landscape

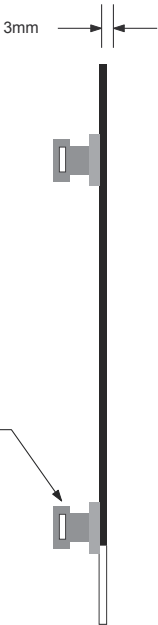
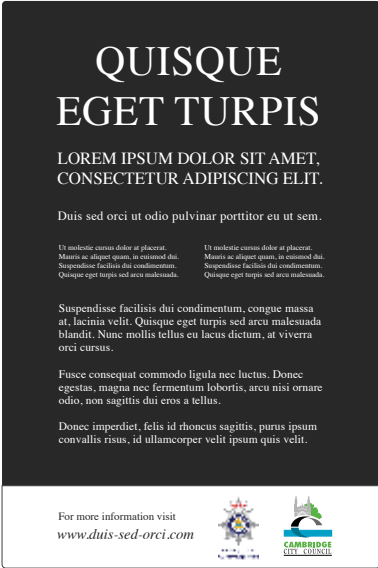


### Specification

Anti-shatter, nonreflective acrylic panel with reverse applied external grade digital print. 3mm radius corners.

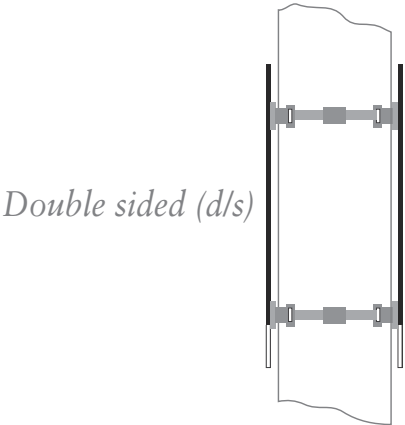
Sign panel reverse applied with fixing plate to mount 2 x stainless steel anti-tamper buckle straps.

Anti-tamper buckle straps manufactured from AISI 201 stainless steel.  
<http://www.signfix.co.uk>  
Part number BS133

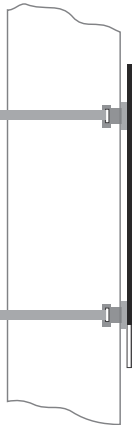


anti-tamper buckle straps

Page 163



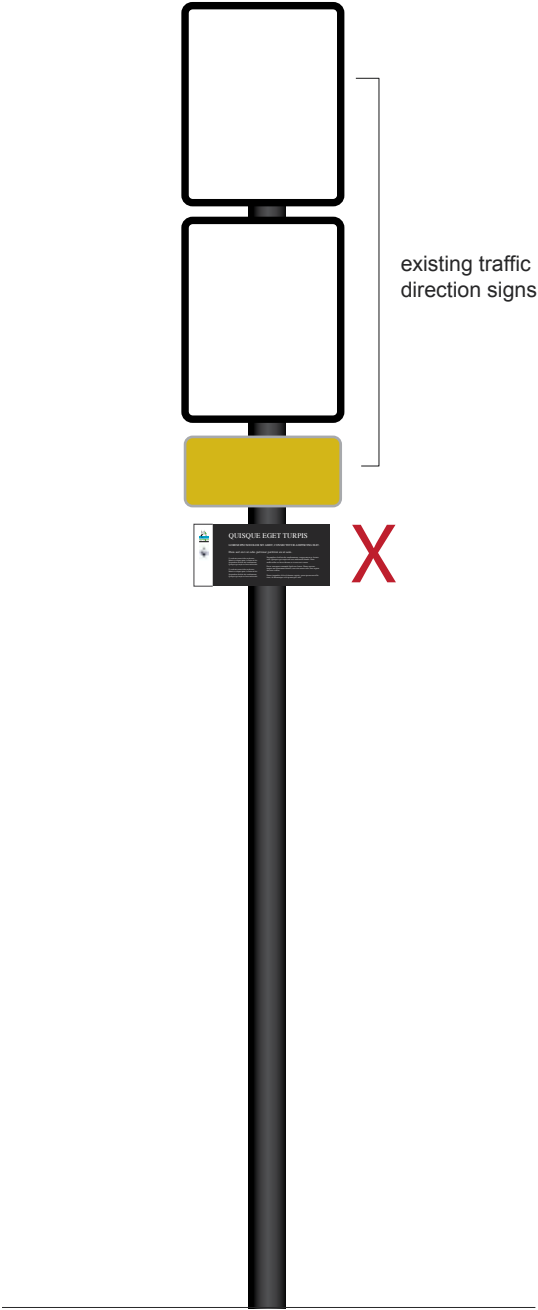
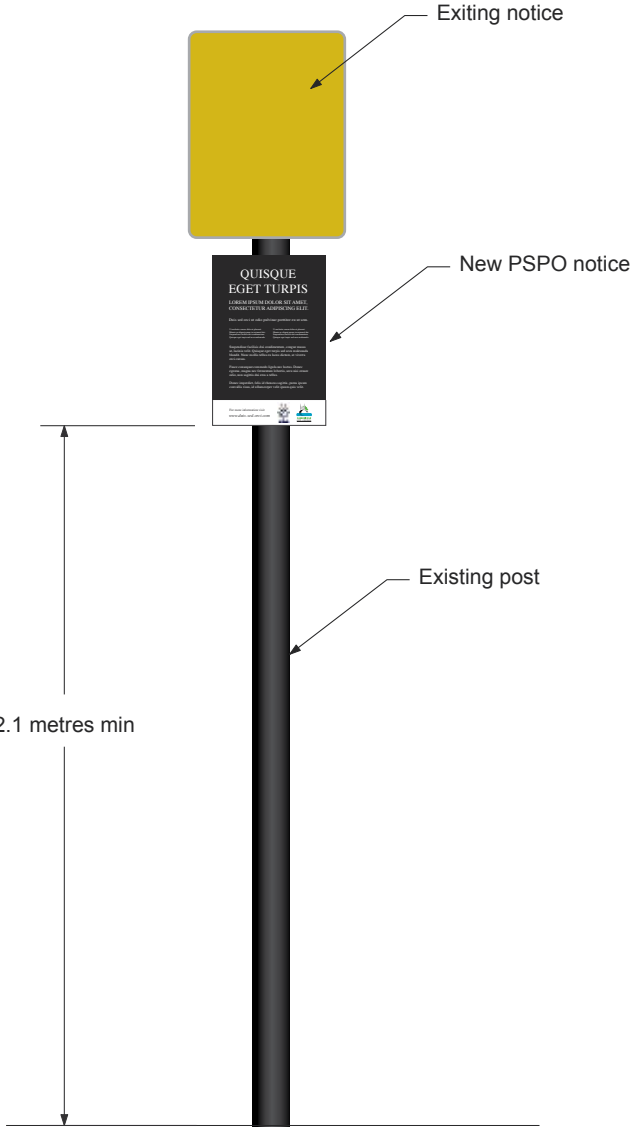
Double sided (d/s)



Single sided (s/s)



Screw fixed to railing



### Constraints

- a Signs are to be mounted on existing posts, and lampposts.
- b Signs are to be mounted at 2.1m height or 2.4m if over a cycleway.
- c PSPO signs must not confuse or clutter existing traffic signs where 2 or more traffic signs are present.



1 *A1* PSPO Notice Locations Plan

type *B d/s*

Refer to pages B and C for specification details.



2 A1 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

3 A1 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

Page 167





4 A2 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.





5 A1 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

6 A1 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 170



**7** *B1* PSPO Notice Locations Plan

type *B s/s*

Refer to pages B and C for specification details.

Page 171



8 B1 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

Page 172



9 B1 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

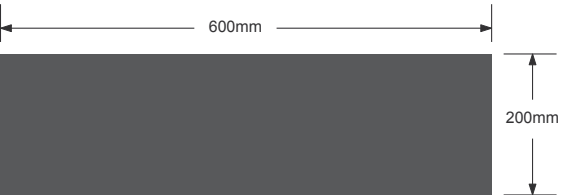
Page 173



10 B1 PSPO Notice Locations Plan

type C s/s

Refer to pages B and C for specification details.



Artwork to be supplied

Page 174





11 B1 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

12 B1 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.







**13** *B1* PSPO Notice Locations Plan

type *B s/s*

Refer to pages B and C for specification details.

14 B1 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 178



14a B2 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

Page 179





15 B2 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

16 B2 PSPO Notice Locations Plan

type A s/s

Refer to pages B and C for specification details.

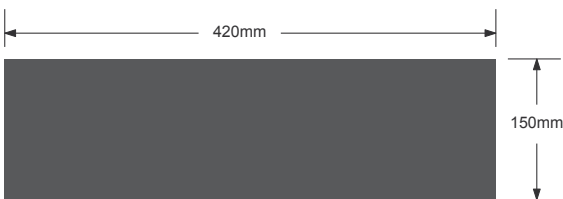
Page 181



16a B2 PSPO Notice Locations Plan

type C s/s

Refer to pages B and C for specification details.



Artwork to be supplied

Page 182





**17** *B2* PSPO Notice Locations Plan

type *B d/s*

Refer to pages B and C for specification details.

18 B2 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 184





19 B2 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

Page 185



**19a** *B2* PSPO Notice Locations Plan

type *B s/s*

Refer to pages B and C for specification details.

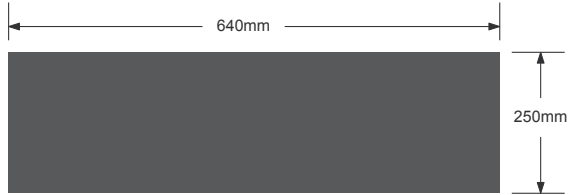
*Image needed*



20 A2 PSPO Notice Locations Plan

type *C d/s*

Refer to pages B and C for specification details.



Artwork to be supplied

20a A2 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

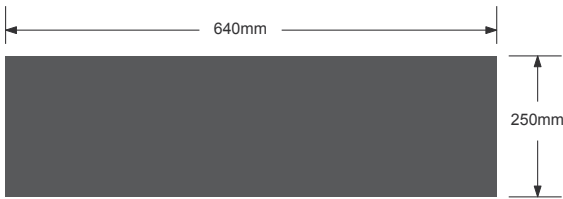
Page 188



21 A2 PSPO Notice Locations Plan

type C s/s

Refer to pages B and C for specification details.



Artwork to be supplied

Page 189





22 A2 PSPO Notice Locations Plan

type *B s/s*

Refer to pages B and C for specification details.

23 A2 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.



Page 191





**25** A2 PSPO Notice Locations Plan

type *deleted*

Refer to pages B and C for specification details.

26 A3 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

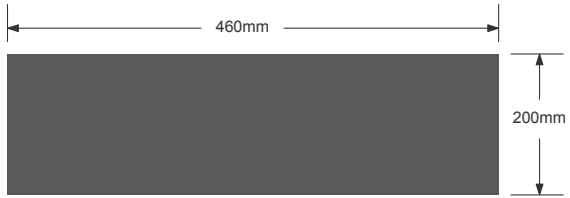




27 A3 PSPO Notice Locations Plan

type *C s/s*

Refer to pages B and C for specification details.



Artwork to be supplied

*3 locations along Queen's Rd*

28 A3 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 196

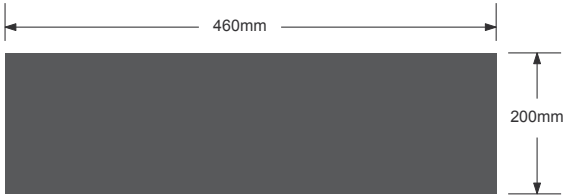




29 A3 PSPO Notice Locations Plan

type C d/s

Refer to pages B and C for specification details.



Artwork to be supplied





31 A3 PSPO Notice Locations Plan

type *B d/s*

Refer to pages B and C for specification details.

32 A3 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.



Page 200

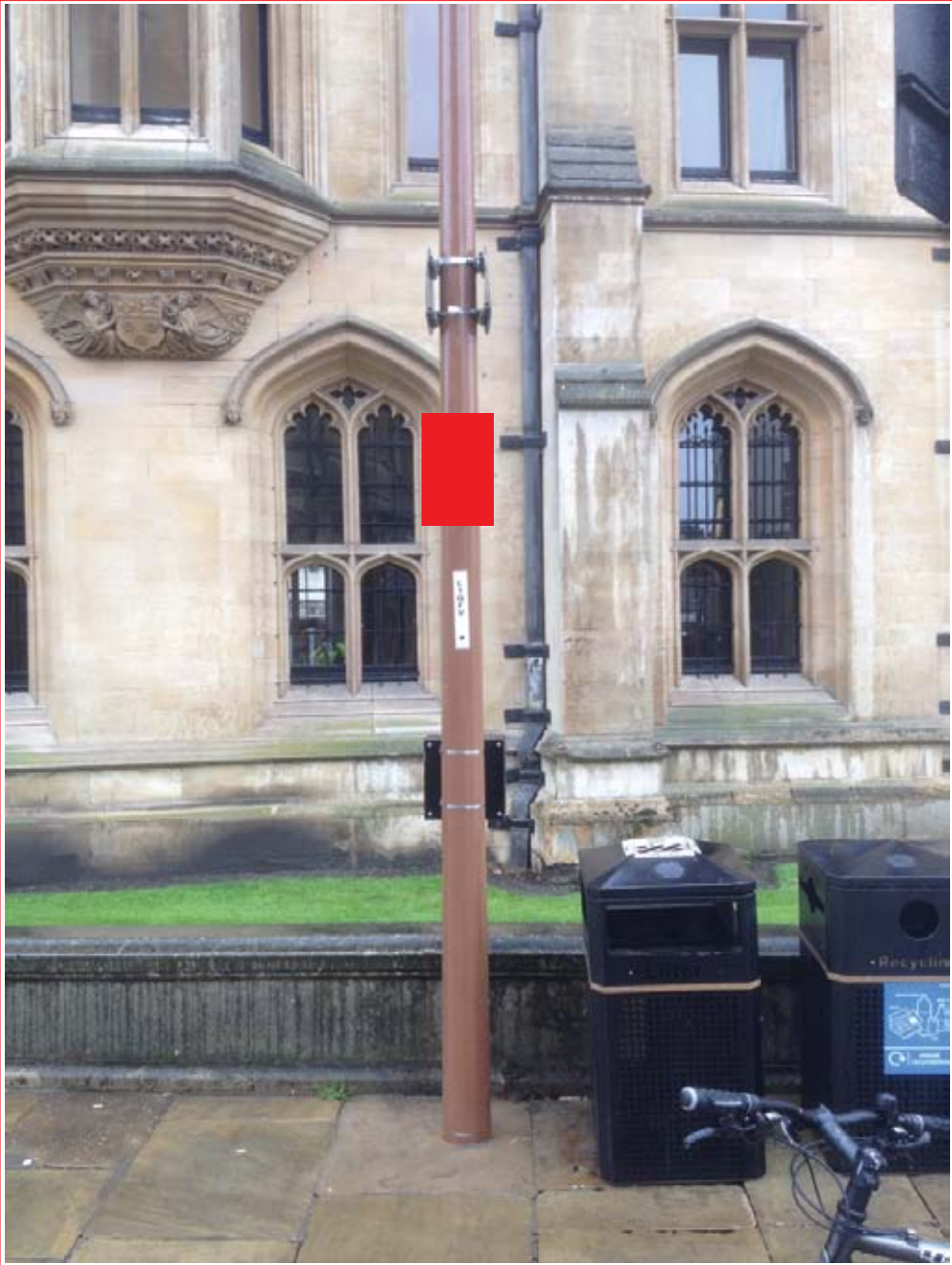


33 A3 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

Page 201



34 A3 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 202





35 A3 PSPO Notice Locations Plan

type *A s/s*

Refer to pages B and C for specification details.

36 A4 PSPO Notice Locations Plan

type A s/s

Refer to pages B and C for specification details.



**37** *A3* PSPO Notice Locations Plan

type *Deleted*

Refer to pages B and C for specification details.

38 B3 PSPO Notice Locations Plan

type C d/s

Refer to pages B and C for specification details.



Artwork to be supplied

Page 206



39 A3 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 207



Sign adjacent to Great St Mary's Church



40 B3 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.





41 B3 PSPO Notice Locations Plan

type B s/s

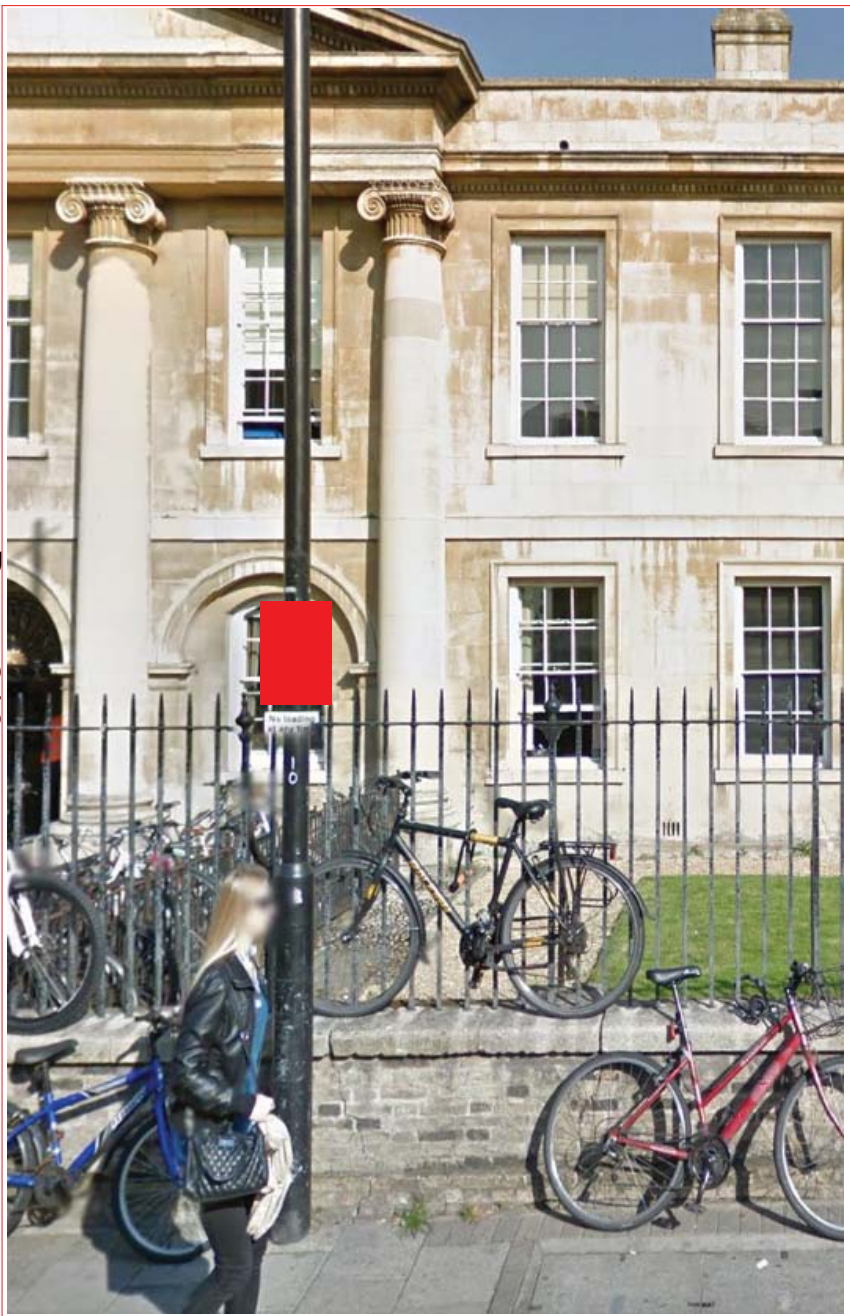
Refer to pages B and C for specification details.

42 B3 PSPO Notice Locations Plan

type B s/s

Refer to pages B and C for specification details.

Page 210



43 B3 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 211





44 A4 PSPO Notice Locations Plan

type *B d/s*

Refer to pages B and C for specification details.

**45** *A4* PSPO Notice Locations Plan

type *Deleted*

Refer to pages B and C for specification details.

46 A4 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

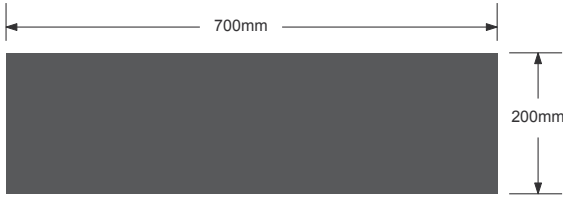
Page 214



47 A4 PSPO Notice Locations Plan

type C d/s

Refer to pages B and C for specification details.



Artwork to be supplied

Page 215





48 A4 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.



~~49 52 Deleted~~

50 A4 PSPO Notice Locations Plan

type B d/s

Refer to pages B and C for specification details.

Page 217



51 A4 PSPO Notice Locations Plan

type *A d/s*

*screw fixed to steel gate*

Refer to pages B and C for specification details.





53 A5 PSPO Notice Locations Plan

type *A d/s*

*screw fixed to steel gate*

Refer to pages B and C for specification details.

54 A5 PSPO Notice Locations Plan

type *A d/s*

*screw fixed to steel gate*

Refer to pages B and C for specification details.



*Fix to steel gates  
See location plans*

55 *A5* PSPO Notice Locations Plan

56 *A5* PSPO Notice Locations Plan

57 *Deleted*

type *A d/s*

*screw fixed to steel gates*

Refer to pages B and C for specification details.



58 A4 PSPO Notice Locations Plan

type *B d/s*

*screw fixed to steel gate*

Refer to pages B and C for specification details.



59 A5 PSPO Notice Locations Plan

type *A d/s*

*screw fixed to steel railing*

Refer to pages B and C for specification details.



60 A5 PSPO Notice Locations Plan

type *B d/s*

*screw fixed to steel railing*

Refer to pages B and C for specification details.





61 A5 PSPO Notice Locations Plan

type *A d/s*

*screw fixed to steel gate*

Refer to pages B and C for specification details.

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## Cambridge City Council Equality Impact Assessment

Completing an Equality Impact Assessment will help you to think about what impact your strategy, policy, plan, project, contract or major change to your service may have on people that live in, work in or visit Cambridge, as well as on City Council staff.



The template is easy to use. You do not need to have specialist equalities knowledge to complete it. It asks you to make judgements based on evidence and experience. There are guidance notes on the intranet to help you. You can also get advice from Suzanne Goff, Strategy Officer on 01223 457174 or email [suzanne.goff@cambridge.gov.uk](mailto:suzanne.goff@cambridge.gov.uk) or from any member of the Joint Equalities Group.

### 1. Title of strategy, policy, plan, project, contract or major change to your service:

Public Spaces Protection Order: Punt and Tour Touting

## 2. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

To introduce a public spaces protection order (PSPO) within certain areas of Cambridge City Centre as shown on the Map

It is proposed that the order will prohibit verbally:

Advertising or

Soliciting for custom or

Otherwise touting for

a punt tour or the hire or use of punts boats or similar craft on the River Cam (including any walking tour which includes or involves, whether or not for consideration, a punt tour or hire or use of punts boats or similar craft on the River Cam)

The restrictions have certain exemption explained in the Order.

By virtue of [Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014](#), a local authority can make a PSPO if satisfied, on reasonable grounds that the following two conditions are met:

(1) that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(2) that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the notice.

A report is presented to Strategy and Resources Committee on 4 July detailing the responses to consultation and the main substantive issues raised during the consultation process.

Once in place, prominent notices will need to be displayed drawing the attention of members of the public to the fact that an order has been made and its effect.

## 3. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)

Residents

Visitors

Staff

A specific client group or groups (please state):

Unlicensed punt operators and touts working for them

**4. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)**

- New  
 Revised  
 Existing

**5. Responsible directorate and service**

Directorate: Community Services

Service: Safer Communities

**6. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service?**

- No  
 Yes (please give details):

Various City Council departments such as Environment, Property Services and Streets and Open Spaces. External agencies include The Police, Cam Conservators, Tourist Office, and County Council.

## 7. Potential impact

Please list and explain how this strategy, policy, plan, project, contract or major change to your service could **positively** or **negatively** affect individuals from the following equalities groups.

When answering this question, please think about:

- The results of relevant consultation that you or others have completed (for example with residents, people that work in or visit Cambridge, service users, staff or partner organisations).
- Complaints information.
- Performance information.
- Information about people using your service (for example whether people from certain equalities groups use the service more or less than others).
- Inspection results.
- Comparisons with other organisations.
- The implementation of your piece of work (don't just assess what you think the impact will be after you have completed your work, but also think about what steps you might have to take to make sure that the implementation of your work does not negatively impact on people from a particular equality group).
- The relevant premises involved.
- Your communications.
- National research (local information is not always available, particularly for some equalities groups, so use national research to provide evidence for your conclusions).

**(a) Age** (any group of people of a particular age, including younger and older people – in particular, please consider any safeguarding issues for children and vulnerable adults)

Young people may be affected especially those looking for summer time work selling punt tickets.

**(b) Disability** (including people with a physical impairment, sensory impairment, learning disability, mental health problem or other condition which has an impact on their daily life)

The restriction on tout numbers may improve accessibility and safety for the group.

**(c) Gender**

Impact neutral

**(d) Pregnancy and maternity**

Impact neutral

**(e) Transgender** (including gender re-assignment)

Impact neutral

**(f) Marriage and Civil Partnership**

Impact neutral

**(g) Race or Ethnicity**

The notice may not be understood by those whose first language is not English, or who cannot read.

**(h) Religion or Belief**

Impact neutral

**(i) Sexual Orientation**

Impact neutral

**(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty (please state):**

The PSPO is aimed at tackling touting for punt tours and hire and walking tours. It could be argued that this may bring about job losses or a reduction in earnings.

## 8. If you have any additional comments please add them here

The Council has already taken a number of steps to deal with the problems of caused by touts, full details are presented in the [report](#) to Strategy and Resources Committee on 4 July  
A summary of the measures tried:

- Restrictions within leases/licences on the locations and numbers of touts
- A voluntary code of practice covering matters such as behaviour, touting locations and numbers
- Byelaws to deal with aggressive punt touting
- Injunctions to control touting

Despite these steps, public concern about the activities and prevalence of touts in the city continues. The City Council received 33 complaints about touts in the period from April to October 2015. The complaints ranged from concern about the number of touts gathering together and obstructing pavements to harassment of residents and visitors, including rude and aggressive behaviour, such as urinating in public and shouting abuse at people.

The consultation responses showed 54% of respondents supported a PSPO. The most common views of touting were that touts are a nuisance, aggressive, intimidating or similar.

## 9. Conclusions and Next Steps

- If you have not identified any negative impacts, please sign off this form.
- If you have identified potential negative actions, you must complete the action plan at the end of this document to set out how you propose to mitigate the impact. If you do not feel that the potential negative impact can be mitigated, you must complete question 8 to explain why that is the case.
- If there is insufficient evidence to say whether or not there is likely to be a negative impact, please complete the action plan setting out what additional information you need to gather to complete the assessment.

All completed Equality Impact Assessments must be emailed to Suzanne Goff, Strategy Officer, who will arrange for it to be published on the City Council's website.

Email [suzanne.goff@cambridge.gov.uk](mailto:suzanne.goff@cambridge.gov.uk)

## 10. Sign off

Name and job title of assessment lead officer: Lynda Kilkelly, Safer Communities Manager

Names and job titles of other assessment team members and people consulted:

Ivan Kitooke, Project Officer

Tom Kingsley, Project Officer

Date of completion: 16 June 2016

Date of next review of the assessment: June 2017



## Action Plan

**Equality Impact Assessment title:** Public Spaces Protection Order: Punt and Tour Touting

**Date of completion:** June 2016

Equality Group	Age
Details of possible disadvantage or negative impact	Young people may find that they are unable to get summer tout jobs to sell punt tickets
Action to be taken to address the disadvantage or negative impact	Since the Order has exemptions to the restrictions, anyone that may be affected will be able to tout within the designated areas as specified in the Order.
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Disability
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

Equality Group	Gender
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

<b>Equality Group</b>	<b>Pregnancy and Maternity</b>
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

<b>Equality Group</b>	<b>Transgender</b>
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

<b>Equality Group</b>	<b>Marriage and Civil Partnership</b>
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

<b>Equality Group</b>	<b>Race or Ethnicity</b>
Details of possible disadvantage or negative impact	Those who first language is not English or who cannot read will be unable to understand the notice
Action to be taken to address the disadvantage or negative impact	The order will be widely publicised and available on the Council website with the options to receive it in formats other than in English. Enforcement officers and police will issue a warning if they witness touting and the person is in breach of the PSPO and that they must stop or be issued with a fixed penalty notice. In this way it would not be possible for a person to be unaware of the order.
Officer responsible for progressing the action	Ivan Kitooke, Safer Communities
Date action to be completed by	On commencement of the order

<b>Equality Group</b>	<b>Religion or Belief</b>
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

<b>Equality Group</b>	<b>Sexual Orientation</b>
Details of possible disadvantage or negative impact	
Action to be taken to address the disadvantage or negative impact	
Officer responsible for progressing the action	
Date action to be completed by	

<b>Other factors that may lead to inequality</b>	
Details of possible disadvantage or negative impact	A possible reduction in income for touts and unlicensed punt operators
Action to be taken to address the disadvantage or negative impact	Help to promote other ways of ticket selling through licenced operations
Officer responsible for progressing the action	Ivan Kitooke
Date action to be completed by	On commencement of the order

# Voluntary Code of Practice for the Visitor Industry

Options for reducing nuisance from touting and improving the quality of the city centre experience

## Executive Summary

The City Council is firmly committed to improving the quality of the city centre experience for residents and visitors. This includes the reduction of nuisance related to the activities of city centre business as they seek to attract customers. The quality of the city centre experience matters to business and businesses can suffer if potential customers feel uncomfortable, harassed or even unsafe in our city. We want your views on what is being proposed.

This consultation paper outlines the elements of a Voluntary Code of Practice, directed at members of the visitor/tourism industry, outlining practical and strategic measures that can and should be taken to reduce nuisance from commercial touting in the city centre. These elements have been formulated through a preliminary consultation process involving punting and sightseeing tour operators, the local authorities, the police, public and private agencies and private individuals. They do not reflect council policy. This consultation is intended to seek comments on a Voluntary Code of Practice and inform decision-makers. *The consultation also seeks your opinion on the option to extend the code of practice to cover standards and quality issues as outlined in section 2 below*

If this Code of Practice does not achieve its aim of reducing nuisance in the city centre by voluntary means, the Council is resolved to look at other options, including legal action and the proposed byelaw.

## Why is the Voluntary Code of Practice being proposed?

The aim of the Code is to reduce nuisance from commercial touting in the city centre. This Voluntary Code of Practice outlines recommendations for actions to be taken by all businesses that sell their services or products to residents of and visitors to Cambridge City Centre. It includes punting operations, guided tour operators, and licensed street traders as well as those city centre companies for whom it is a secondary function of their business.

Whilst, the Code is written for visitor industry operators, it must also impact upon statutory bodies, in order for it to be effective. The responsibilities outlined in the proposed Voluntary Code of Practice will affect a large number of sectors and groups, including;

- visitor industry operators;
- individual citizens;
- Cambridge City Council
- Cambridgeshire County Council;
- City Centre Management;

- the Police; and
- central government

## What are the benefits to the visitor industry?

The quality of public space matters to business. If it is clean, safe and welcoming it not only encourages **visitors to linger longer** but to make and encourages others to **make return trips**. It therefore goes without saying that anything that causes people to feel uncomfortable will damage that 'dwell time' and repeat visits reducing the potential for business.

There are undoubted **operational benefits** to punting companies in redeploying staff into other areas if the number of touts allowed is restricted as proposed in this Code, areas that may improve pre-booking, punt station sales or service quality.

The **public relations opportunity** for the city to exploit represented in the Voluntary Code of Practice and associated improvement to the public experience should not be underestimated.

**Demonstrating good practice.** This Code of Practice provides the ideal opportunity to demonstrate your respect for the area in which you work

## Definitions

### Touts

This refers to any individual operating outside their business premises seeking to solicit customers or patronage, especially in a brazen way. In this document the term touts also includes chauffeurs acting in a touting capacity but does not include chauffeurs merely acting as chauffeurs.

### Punt Operators

This is a general term that not only includes the established formal businesses that have stations along the river but also covers independent collectives of two or more punts or individuals with a single punt. That said the Voluntary Code of Practice does seek to separately address the issues associated with formal businesses and informal independents.

### Punt stations

Does include the platforms, slipways and pontoons along the river but does not include informal mooring points or unauthorised use of public and private land for hiring punts.

## Introduction

This consultation paper outlines the elements of a Voluntary Code of Practice, directed at members of the visitor industry, outlining practical and strategic measures that can and should be taken to reduce the nuisance caused by touting in the city centre. It is important to give your views on what is proposed. This paper aids part of Council strategy (through the Tourism Strategy and City Centre Management Business Plan) for maximising the benefits of tourism to the city while managing its impact on quality of life.

Direct statutory responsibilities for elements of the touting issue lie with a number of different public and private bodies. Local authorities have responsibilities for maintaining the quality of public spaces, as do owners of private properties bordering onto public land such as shop frontages and garage forecourts.

This Code of Practice is a voluntary agreement. There are no statutory or legal obligations attached to the requirements stated in the Code of Practice, at this stage. A number of elements in the Code recommend examples of best practice to enable operators to achieve certain minimum requirements. For example, improving customer services through Welcome Host training supported by VisitCambridge and the East of England Tourist Board.

The recommendations contained within the Code of Practice are based closely on discussions and consultation with operators, local authorities, and other stakeholders. They are designed to reflect the abilities and limitations of individual operators, and to build on existing good practice in the industry. They will continue to be assessed to ensure their effectiveness and to avoid unreasonable resource burdens on businesses, public bodies and local authorities.

## Supporting the Code of Practice

Operators are encouraged to consider ways in which they can integrate recommendations from this proposed Code of Practice into their business practices, guidelines and staff training.

Local authorities, City Centre Management, the Police, other land managers and stakeholders are encouraged to take the requirements of the Code of Practice and implement them where possible.

**The success of the proposed Code of Practice is dependent on support from other agencies and in all cases it is the spirit as well as the letter of the Voluntary Code of Practice that should be adopted.**

## Code of Practice (Punt Operators)

I/We agree to ensure that:

- A None of our staff approach a prospective customer when:**
- 1 they have just rejected a previous approach from another tout**
- For the public one of the most unwelcome issues related to punting is being approached by tout after tout over a short distance
  - It is this activity that can lead to people 'feeling' harassed even if each individual tout is not acting in a harassing manner
  - In most instances it will be clear to a tout that a member of the public has already been approached and where this is the case they should not then approach. If the member of the public is interested in finding out more information they should be left to make the next move and approach your staff if they wish.
- 2 they are in discussions with another tout**
- The term aggressive touting when analysed usually relates to incidents between touts involving a member of the public
  - Touts should not step in front of another tout in an attempt to hijack a prospective customer
  - Touts should not hover near other touts while they are in discussion with a prospective customer effectively interfering with that touts business
- 3 they are undertaking business with other city centre traders**
- This means not approaching customers when they are queuing for ice creams, waiting to enter restaurants, 'window shopping' or similarly interacting with other city centre businesses.
- B None of our staff will stand in the path of prospective customers**
- The underlying objective of this Code is to ensure residents and visitors feel comfortable walking through the city centre. It is important that they should feel unable or restricted from passing a tout and should certainly not feel the need to step around a tout, potentially into the carriageway for example.
- C Our staff avoid making reference to other competing operators**
- This is intended to stop unnecessary and unprofessional derogatory remarks about competing operations that create a negative impression of Cambridge.
- D None of our staff shout or hawk for business**
- E Our staff take no for a answer**
- This is an easy statement make but requires staff to take an open and empathetic approach to dealing with customers, picking up on clear rejections signals
- F Our staff will act in a courteous and customer focuses manner**
- 1 We will endeavour to ensure all frontline staff have undertaken Welcome Host or similar visitor industry standard training in customer service**



- G We maintain a register of all our staffs contact details to be used in the event of complaints**
- 1 Should a complaint be registered by a member of the public, the police or other public body, that complaint will be logged against the named staff member
- 2 We will operate a '3 strikes and you are out' policy. More than 3 complaints in a rolling month and a staff member is 'sin binned'. More than 2 'sin bins' a season and staff member must be either redeployed from front line customer duties and undertake a complaints interview or be asked to leave the business, at our discretion
- G Our staff wear smart and consistent uniform of our design and choosing**
- 1 All staff must also wear a clear badge with their name and that of the punting company to enable customers to identify them
- H We will only operate from a punt station or stations**
- Using the general definition of a punt station given above all participants in this Voluntary Code of Practice will operate from a station and not from any available mooring point they ay find convenient or lucrative. It is proposed that where necessary action will be taken by riparian owners to prevent all commercial punting activity not taking place from legitimate stations
- I We restrict the number of touts per punt station**
- 1 **Option 1: to 4 staff members with no more than 2 within 15 metres of each other in any direction**
- 2 **Option 2: to x for every y boats operating from a station**
- It is felt that this is probably an unworkable option due to the wide variations in boat numbers per operator and the difficulty of boats moving between stations. It was however discussed in previous consultations and we welcome feedback or suggestions on how/whether it might work
- J All our activities are covered by public liability insurance**
- This is a requirement of the Cam Conservancy that this Code of Practice seeks to reinforce. The level and extent of public liability insurance should be a matter for individual operators to determine but should at the very least match the minimum level that from time to time exists within the public entertainments and attractions industry
- K All sales or pre-sales activity by touts or staff directly with potential customers will:**
- 1 **Option 1: be confined to an area immediately adjacent to our punt stations**
- In practice this should mean staff not touting more than 10 metres from your mooring station and in all events not on the public highway or land otherwise restricted by ownership or law
- This option is not intended to restrict other sales and marketing opportunities such as a ticket sales deals with retail outlets, hotels or even the potential for

kiosks but does not specifically approve them either. It is certainly intended to confine traditional face to face touting to within 10 metres of stations

- 2 **Option2: not take place in the specific areas marked or cross-hatched red in the Map attached to this Code**

In practice this option is intended to achieve the same aim of confining activity to areas immediately adjacent to mooring points where is not on the public highway or land otherwise restricted by ownership or law

- L **To abide by the Byelaws of the River Cam and River Cam Conservancy Act, 1922 (as amended) and regulations made by the Conservators under Section 25.**

Signed  
(on behalf of operator)

Date

Signed  
(on behalf of local authority)

Date

## Code of Practice (Other City Centre Businesses)

I/We agree to ensure that:

- A None of our staff approach a prospective customer when:**
- 1 they have just rejected a previous approach from another tout**
- For the public one of the most unwelcome issues related to punting is being approached by tout after tout over a short distance
  - It is this activity that can lead to people 'feeling' harassed even if each individual tout is not acting in a harassing manner
  - In most instances it will be clear to a tout that a member of the public has already been approached and where this is the case they should not then approach. If the member of the public is interested in finding out more information they should be left to make the next move and approach your staff if they wish.
- 2 they are in discussions with another tout**
- The term aggressive touting when analysed usually relates to incidents between touts involving a member of the public
  - Touts should not step in front of another tout in an attempt to hijack a prospective customer
  - Touts should not hover near other touts while they are in discussion with a prospective customer effectively interfering with that touts business
- 3 they are undertaking business with other city centre traders**
- This means not approaching customers when they are queuing for ice creams, waiting to enter restaurants, 'window shopping' or similarly interacting with other city centre businesses.
- B None of our staff will stand in the path of prospective customers**
- The underlying objective of this Code is to ensure residents and visitors feel comfortable walking through the city centre. It is important that they should feel unable or restricted from passing a tout and should certainly not feel the need to step around a tout, potentially into the carriageway for example.
- C Our staff avoid making reference to other competing operators**
- D None of our staff shout or hawk for business**
- E Our staff take no for a answer**
- This is an easy statement make but requires staff to take an open and empathetic approach to dealing with customers, picking up on clear rejections signals
- F Our staff will act in a courteous and customer focuses manner**
- 1 We will endeavour to ensure all frontline staff have undertaken Welcome Host or similar visitor industry standard training in customer service**

- G We maintain a register of all our staffs contact details to be used in the event of complaints**
- 1 Should a complaint be registered by a member of the public, the police or other public body, that complaint will be logged against the named staff member
- 2 We will operate a '3 strikes and you are out' policy. More than 3 complaints in a rolling month and a staff member is 'sin binned'. More than 2 'sin bins' a season and staff member must be either redeployed from front line customer duties and undertake a complaints interview or be asked to leave the business, at our discretion
- H Our staff wear smart and consistent uniform of our design and choosing**
- 1 All staff must also wear a clear badge with their name and that of their company to enable customers to identify them
- I We will only operate from our business premises or location**
- For city centre business other than punting operators which are covered above, it is intended that staff should remain in business premises, in the case of licensed street trading pitches immediately adjacent to them and in the case of mobile operations such as buses, on or immediately adjacent (no more than 2metres way) to the operation.
- J We restrict the number of touts to 2 per business location**
- K All our activities are covered by public liability insurance**
- This is a requirement of the Cam Conservancy that this Code of Practice seeks to reinforce. The level and extent of public liability insurance should be a matter for individual operators to determine but should at the very least match the minimum level that from time to time exists within the public entertainments and attractions industry
- L All sales or pre-sales activity by staff directly with potential customers will:**
- 1 **Option 1:** be confined to an area immediately adjacent to where our punts are moored
- In practice this should mean staff not touting more than 10 metres from your mooring station and in all events not on the public highway or land otherwise restricted by ownership or law
- This option is not intended to restrict offer sales and marketing opportunities such as a ticket sales deals with retail outlets, hotels or even the potential for kiosks but does not specifically approve them either. It is certainly intended to confine traditional face to face touting to with 10 metres of stations
- 2 **Option2:** not take place in the specific areas marked or cross-hatched red in the Map attached to this Code
- In practice this option is intended to achieve the same aim of confining activity to areas immediately adjacent to mooring points where is not on the public highway or land otherwise restricted by ownership or law

Signed  
(on behalf of operator)

Date

Signed  
(on behalf of local authority)

Date

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# TCT

## Traditional Cambridge Tours Ltd

### Executive Summary

For the City Council and police to suggest that all touts for unlicensed vessels are rude, aggressive, abusive and unconcerned with health and safety – even criminals -- based on 33 complaints (a third of which do not relate to touting, aggression or even to independent operators) is offensive and defamatory. In the context of 3 million visitors each year and thousands of punt trips each week, the City's case does not justify banning and criminalising otherwise-normal business activity.

The Home Office guidance<sup>1</sup> states that behaviour restricted "*has to: be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.*" Should these criteria be met, the guidance also specifies that the council "*should ensure that the measures are necessary (our emphasis) to prevent the detrimental effect*".

It is our view, based on objective evidence and legal advice received, that touting does not constitute detrimental or unreasonable behaviour. An independent survey commissioned by the City Council in 2011<sup>2</sup> showed that the majority of visitors and residents do not object to being approached by touts. Nor is tout behaviour worsening: a police report to the council on punt touting in September 2015 stated that "*we have received fewer complaints about anti-social behaviour than in previous years.*"<sup>3</sup> The real driver of this proposal appears to be the view that there are too many touts working in the City. However, tout numbers and behaviour can be addressed in other, more proportionate ways which do not criminalise people. A PSPO is neither necessary or reasonable.

Traditional Cambridge Tours has been trading since 2009. Until 2012, all our punts were licensed. The Conservators then changed their bye-laws to restrict commercial licences to those trading from six newly-designated stations, none of which we have been permitted access to. We have applied for commercial licences every year since then, to no avail. We represent the majority of independent operators working in Cambridge, who between them employ some 100 young local people. We consider it defamatory to be repeatedly described as 'illegal' when our only 'crime' is to have been excluded from the riverfront by a series of anti-competitive decisions. We remain fully insured and our chauffeurs are skilled and experienced.

Businesses need customers. Should the PSPO ban on punt touting be introduced, this would severely affect our ability to trade, and put many young people out of work. We believe the City Council should not be criminalising people and depriving them of their livelihood simply for attempting to compete in a market. A PSPO, if adopted, would further entrench an already skewed, near-monopoly position, contrary to EC competition law. We urge the City to instead work with independent companies to agree more proportionate approaches and also to address the root cause problem of a flawed, anticompetitive punt market. We attach separately two statements drafted on our behalf, from David Wolfe QC, Matrix Chambers (Attachment A) and Luke Gittos, Hughmans Solicitors (Attachment B), which are based on the information in the consultation and information provided by us. This document outlines our wider objections to the PSPO:

1. Seeking trade is not inherently 'unreasonable' behaviour
2. The City's evidence does not demonstrate widespread or persistent detrimental effect
3. Other more proportionate options are available to address the concerns that exist
4. The procedure is potentially unfair, biased and in breach of the Human Rights Act
5. This decision would be anticompetitive, contrary to EC and UK competition law

<sup>1</sup>Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance

<sup>2</sup>Punt touting in the City Centre, report to West Central Area Committee, November 2011

<sup>3</sup>Police report to West Central Area Committee, September 2015 p.30

## **1. Seeking trade is not inherently ‘unreasonable’ or illegal behaviour**

- 1.1 Touting by licensed operators will still be permitted.** The City Council has stated that the PSPO would not apply to licensed touts. This confirms that touting (i.e. *‘soliciting for custom’*) is not an inherently unreasonable or detrimental activity.
- 1.2 Other organisations approach and promote to passers-by.** The PSPO seeks to ban advertising for punt or walking tours. Yet many organisations distribute promotional flyers in the City centre, for example The Cambridge Shakespeare Festival, restaurants and nightclubs, students promoting events. Many organisations place flags and boards on the public highway around Kings Parade and the city centre without repercussions, e.g. restaurants and cafes, Ryder and Amies, Scudamores, and McDonalds, who recently placed free standing flags in Market Square, which were eventually removed.
- 1.3 Touting is not an illegal activity.** The City’s biased and aggressive references to independent touts as ‘illegal’ are unfounded and defamatory – for example, Cllr Owers’ has been quoted stating: *“We’ll stop treating them like criminals when they stop acting like criminals.”*<sup>4</sup> Approaching customers is not illegal, and we do not abuse anyone. Cllr Owers’ further comments about showing no regard for health and safety are also unfounded and defamatory: we are fully insured and our punt operatives well-trained.

The City Council cannot argue that punt touts are having a detrimental effect simply by going about their business. Seeking trade is not inherently ‘unreasonable’ behaviour. Indeed it is our view that the City’s decision to limit touting to within 50 metres of the river (through its Code of Conduct) is also unreasonable and discriminates against one category of business. It also increases the density of touts and touting approaches in the specified areas, instead of allowing them to disperse at lower density over a wider area.

We believe the City should be working with all punt and walking tour companies to identify reasonable and proportionate ways to control numbers and behaviours. EC and UK competition law makes it clear that those with regulatory power should encourage local entrepreneurs and competition, not stifle it.

## **2. The City’s evidence does not demonstrate widespread or persistent detrimental effect**

- 2.1 An independent survey reached the opposite conclusion.** An independent survey commissioned by the City in 2011<sup>5</sup> found that *“on the whole, visitors did not feel that touting had an adverse effect.”* The report then states *“although a small but significant number felt that it did.”* We fail to understand why the smaller number is considered more ‘significant’ than the majority view. We are told that *‘a much larger proportion’* of residents surveyed felt that punt touting adversely affected their experience, but no figures are given – we assume from this that objectors were not a majority. The 2011 survey evidence has been omitted from the PSPO information provided to committee members and from the public consultation.
- 2.2 The City has not seen fit to conduct another survey,** perhaps for fear it will give the ‘wrong’ answer again. This would be the ONLY way to provide objective, statistically significant data on the real impact of touting on visitors and locals, and the extent that people feel it is ‘detrimental’ to daily life. This decision, and the withholding of the 2011 survey, raises concerns about the fairness of this process.
- 2.3 The City and police both acknowledge that ‘aggressive’ touting has diminished.** A police report to the City council in autumn 2015<sup>6</sup> stated: *“We are drawing towards the end of the busiest part of the year*

<sup>4</sup><http://www.cambridge-news.co.uk/Inside-Cambridge-8217-s-punt-wars-8211-talk-sides/story-28023381-detail/story.html>

<sup>5</sup>Op cit (footnote 2)

<sup>6</sup>Op cit (footnote 3)



for punt tout related activity, and we have received fewer complaints about anti-social behaviour than in previous years.” This view was repeated by the city council’s head of property services: “It used to be far more aggressive than it is – now it is very much the higher number of touts.”<sup>7</sup> The real issue, therefore, appears to be volume of approaches, not ‘unreasonable’ behaviour by touts.

**2.4 Low number of complaints.** The City has presented a dossier of 33 complaints. While we view any complaint as regrettable, in the context of 3 million visitors to the City annually, and an estimated 3,000 punt trips per day, this number is extremely small. Of the many interactions touts have during the season, the overwhelming majority generate no complaint. Our own touts are invariably polite and friendly. In many cases, visitors thank us for our help taking photos, giving directions and providing local information, and also appreciate the quality of our punt trips. It is not reasonable to rely on unsubstantiated assertions that complaints are just the ‘tip of the iceberg’.<sup>8</sup>

**2.5 Over one-third of the complaints cited are not relevant to the PSPO.** Some do not cover advertising or touting. Others do not describe unreasonable behaviour or relate to licensed touts, who are not the subject of the proposed PSPO. Others are misleading or unfounded. Only 20 complaints remain once inapplicable complaints are taken out, viz:

(i) Complaints that are NOT about unreasonable or antisocial behaviour.

ID 381087 - *Report of a large group of punt touts on King's Parade, around 9 of them.*

ID 390963 - *Report of three punt touts in Market Square. They had boards with the punting company's name on one side.*

ID 426613 - *proliferation of punt touts operating*

ID 443481 - *Large number of students, perhaps from language schools... being led towards Garret Hostel Lane...lined up to board punts*

None of these complaints demonstrate unreasonable or antisocial behaviour. They merely confirm that touts exist. However, in 2015, it was not illegal to tout or be a tout in any area of Cambridge. It is unclear what the final complaint actually is. Garrett Hostel Lane is a public access point to the river.

(ii) Complaints that are NOT about touting.

ID 403784 – *A punt chauffeur left punt to urinate on river bank*

ID 411796 – *Privately hired punt crashed into on the river by unlicensed operator*

ID 425313 – *Lady suffered quite a bad head injury (Garrett Hostel Lane slipway)*

These complaints all relate to incidents on the river or riverside, not to touting, so are irrelevant to the proposed PSPO ban. Whilst all were regrettable, there is no evidence that the first or last incidents involved independent operators – all punting companies, licensed or unlicensed, regularly use Garrett Hostel Lane for drop-offs. The collision also has nothing to do with touting. It is also the case that the majority of serious accidents and collisions involve self-hire punts, not independent punts. See Appendix, Serious Accident reports 2009-2015.

(iii) Complaints that are clearly about LICENSED touts

ID 390970 – *Touts obstructing the pavement on Bridge Street*

ID 394098 – *Report of aggressive and nuisance punt touting on Magdalene Bridge*

ID 421831 – *A lot of touts...continual nuisance for all users and visitors to Quayside*

ID 444370 – *Report of misinformation and littering at Quayside*

These four complaints all relate to an area where the only touting is carried out by licensed companies. These companies will not be affected by the PSPO. There appears to be no good reason why touting on Quayside is considered acceptable but touting elsewhere in the City is not.

(iv) Complaints that are unfounded and misleading.

ID 402794 – *Visitors being overcharged by punt touts*

ID 411312 – *Harming the business of legitimate tax-paying punting companies*

<sup>7</sup><http://www.tcs.cam.ac.uk/news/0034597-city-cracks-down-on-punting-touts.html>

<sup>8</sup><http://www.cambridge-news.co.uk/Cambridge-punt-wars-8211-touts-banned-city-centre/story-28009771-detail/story.html>

The first complaint is that companies with unlicensed boats are overcharging people, yet the tout in the complaint was offering to discount the price to below £20 per adult. We would point out that Scudamores charges £19 at their kiosk for the same trips (their own) which can be purchased from the Tourist Information Centre for £14. The second complaint implies that independent operators pay no tax. This is untrue and defamatory. TCT pays tax at the full corporate rate.

- 2.6 The case for a PSPO has not been made.** The 20 complaints which do relate to touting and may have involved unlicensed operators include some behaviours which, if true, are unpleasant and unacceptable. However, we do not believe this to be typical of all independent punt touts. It would be pointless and self-defeating to abuse potential customers. We abhor such behaviour and insist on the highest standards of politeness from our own touts.
- 2.7 The true issue appears to be the volume of touting approaches.** Given the low number of complaints and the fact that both police and the City Council agree that 'aggressive' touting has declined, the true issue appears to be the number of approaches made. A PSPO blanket ban on all unlicensed touting is not a reasonable or proportionate response.

### **3. Other more proportionate options are available to address the concerns that exist**

We are concerned that the actions of a few rogue individuals are being used to smear the law-abiding majority of touts, who are not doing anything illegal by touting. We believe that the solution is to establish clear accountability for behaviour and agree acceptable numbers. At a recent meeting with Cllr Herbert, we made constructive suggestions which would allow the City to enforce rules on numbers and behaviour without resorting to costly legal action or criminalising local young people, namely:

**3.1 Establish a Federation of Independent Punters.** We have formed a Federation with other independent operators which will enable us to self-police the conduct of our employees and be held accountable for any relevant complaints – see Attachment C. We are implementing the following measures:

(i) *Name badges and uniforms to allow monitoring.* Our staff already wear smart uniforms. We have now ordered new uniforms which display a telephone number on the back in case of complaint, and name badges for all our staff.

(ii) *A reduction in the number of touts.* We are willing to limit the number of touts across the board to a level consistent with permitted tout numbers for the licensed companies.

(iii) *Adherence to the voluntary Code of Conduct.* We are all aware of the voluntary Code of Conduct, and already tell our staff to adhere to all its terms relating to behaviour.

**3.2 Help the Council enforce existing bye-laws.** There are bye-laws in place already to deal with aggressive touting (through the police) and obstructive advertising (through the highways authority<sup>9</sup>). Greater visibility and accountability will allow any touts who misbehave to be easily identified, though we are confident that they will not be our employees. We can also alert police and the council to any individual 'rogue' touts who behave badly.

**3.3 Addressing anti-competitive barriers to licensing.** Licensing is a tool which the City council can use to control behaviour and numbers. At present it is a tool which the City is denying itself, however, along with the potential for increased rental income. Introducing a PSPO will criminalise local young people who wish only to make a living, and will require expensive enforcement and legal costs. We deal with the anti-competitive nature of the PSPO proposal and City income in Section 5 below. We wish simply to state here that releasing a small amount of publicly-owned frontage to independent punt operators would allow us to be licensed and subject to City Council enforcement, in the same way that legitimising moored boats on Riverside through registration has given the Council the power to enforce mooring licence conditions. If licensed we could participate in other measures to control touting, such as

<sup>9</sup><https://www.cambridge.gov.uk/report-illegal-advertising-flyposting>

proposals to introduce kiosks.

#### **4 The procedure is potentially unfair, biased and in breach of the Human Rights Act**

We believe there are strong grounds for challenge to the PSPO procedure, including the following:

##### **4.1 The Police community impact statement contains incorrect and misleading statements.**

(i) It is incorrect to state that: "*Since 2012, it is a legal requirement for a punt tour company to be licensed by the CAM CONSERVATORS*". This is not true: vessels must be licensed, not the company. It is not illegal to set up a punt company. This makes the use of the terms such as 'illegal company' or 'unregistered company' defamatory.

(ii) It is misleading to state that: "*Because some of the punt tout companies are unlicensed, there is no ombudsman available to customers who have had a bad experience with punt touts..disputes..are often mistakenly referred to the council.*" There is no ombudsman for licensed punt touts.

(iii) It is misleading to state that: "*They must also adhere to a voluntary code of practice surrounding their tout activities*" If you MUST adhere to a voluntary code, then the code is not voluntary. The City report clearly states that not all licensed operators have signed up to the code. We have indicated our willingness to abide by the behavioural terms in the Code.

(iv) It is misleading to imply that independent operators are less safe than licensed operators. The vast majority of accidents involve self-hire punts steered by people with no experience or training (see Appendix 1). The ONLY companies which offer self hire boats are licensed operators (Trinity, Scudamores and Granta). Independent operators run only chauffeured tours, steered by trained, experienced punters. It is therefore misleading to state: "*I would question how well customers are triaged in respect in respect of their ability to swim or navigate a large cumbersome punt through unfamiliar and congested waterways.*" Swimming ability is not checked by licensed operators. The second half of this statement applies ONLY to the self-hire companies above.

(v) It is misleading to imply that all independent operators are uninsured: "*Despite some of the touts claiming they are adequately insured to carry passengers, this is unlikely due to the fact they are not appropriately licensed*". Traditional Cambridge Tours have full insurance with a third party insurer, based on our exemplary safety record. It is not subject to licensing by the Conservators.

##### **4.2 The Police statement contains unjustified and biased assertions.**

The statement is littered with unjustified and biased assertions. For example:

(i) The statement suggests that only unlicensed operators will behave badly in the pursuit of financial rewards. "*The Punting Trade is an extremely lucrative business*" "*The figures quoted were quite shocking*" Independent operators account for just 6% of total boat numbers on the Cam and an equally tiny proportion of total income. The dominant operator has 60% of punts on the river and reaps the lion's share of this multi-million pound industry.

(ii) The statement freely employs unsubstantiated emotional rhetoric without quantification or evidence, for example: "*an endemic anti-social behaviour issue*" "*frequent reports to the Police and Council suggest that some of these touts are extremely pushy...often becoming abusive and derogatory*" "*competition...has frequently devolved into allegations of assault and criminal damage*" "*cause misery to people in the city centre*" These comments are completely unjustified and biased given that the City Council's dossier contains only 20 complaints which could relate to unlicensed touts, and the September 2015 report by the police stating that aggressive behaviour has in fact declined (see para 2.3).

(iii) The most concerning statement is the one which states: "*our research has also discovered that the large majority (our emphasis) of the known punt touts have criminal convictions for a wide variety of*

offences - ranging from drug possession, theft, serious assaults and even sexual offences, which could be potentially detrimental to the image of the City – *given some of the Touts previous behaviour (our emphasis)*" It is hard to know where to start with this. The statement is not substantiated with any numbers of 'known' touts. We do not believe this statement to be true – the vast majority of touts do not have convictions. More importantly, Article 14 of the Human Rights Act prohibits discrimination against individuals or groups unless there is reasonable justification. Unless the City Council and police also propose to screen all shop workers, market stall traders and other employees interacting with the public in broad daylight in the City Centre, then this statement is unjustified and discriminatory.

**4.3 The City Council has a declared financial interest in increasing tour sales through its DMO.** The Council has transferred the running of Visit Cambridge to a private-public partnership known as a DMO (Destination Management Organisation).<sup>10</sup> Reports state that: "*The new Cambridge model of a business-led public/private partnership is distinct from many other DMOs nationally because it will rely almost entirely on earned income.*" (our emphasis) The DMO has a target to become self funding within 3 years, putting it under extreme pressure to increase revenue. At present it receives a subsidy from the City Council, who thus stand to gain financially if the DMO becomes self-funding. The only punt tour tickets the DMO sells are for one licensed company (Scudamores) and the only walking tours are its own, so the City has a clear financial interest in removing or reducing the volume of tour sales to other companies. We consider this grounds for considering the PSPO proposal unfair or biased. In effect, Cambridge City Council are using legislation intended to preserve the peace to criminalise commercial activity and protect their own financial interests.

## **5 The decision would be anticompetitive, contrary to EC and UK competition law**

Past decisions by the Cam Conservators and City Council have created a profoundly uncompetitive punt market which unfairly excludes new or 'non-privileged' businesses. Such businesses are criminalised if they attempt to participate in the market, under Cam Conservators bye-laws. A PSPO which bans touting by excluded businesses and introduces new criminal penalties for merely seeking to trade will entrench and exacerbate the current anti-competitive position. This is a potential breach of EC competition law.

It is our impression that the City Council does not fully understand the implications of its role in the market, or its responsibilities under EC and UK competition law. If it were to properly address this issue so as to give otherwise legitimate businesses fair access to the market, this would benefit consumers, allow the City to enforce licensing conditions with all market participants and make it possible for other companies to compete for business on a level playing field.

At no point have independent operators taken up more than 6% of boat numbers on the Cam (just over 20 punts between all independent operators). One dominant operator has a 60% share of commercial boats, estimated at over 200 punts. However an exact figure is hard to assess as this operator also keeps many unlicensed punts on the upper river. This dominant share has increased since the City last conducted research in 2009. According to the Competition and Markets Authority, more than a 40% market share is considered dominant. If there are structural barriers to entry, including "*refusing to grant access to facilities which may be essential for other competitors to operate in a market*", this may indicate abuse of a dominant position. The penalties for anti-competitive behaviour are severe<sup>11</sup>.

**5.1 Past regulatory decisions have created severe and unfair barriers to entry.** These include:

(i) Use of 'congestion' to justify closure of previously-legal punt sites. The Conservators decided in

<sup>10</sup><https://www.cambridge.gov.uk/news/news-model-for-tourism-services-set-to-get-go-ahead>

<http://scambs.moderngov.co.uk/documents/s80586/DMO%20Tourism%20Decision%20Eco%20Dev%20PFH%20June%202015.pdf>

[www.cambridgenetwork.co.uk/news/visit-cambridge-and-beyond-launches-to-boost-cambridge-tourism/&num=1&client=firefox-a&hl=en&gl=uk&strip=1&vwsrc=0](http://www.cambridgenetwork.co.uk/news/visit-cambridge-and-beyond-launches-to-boost-cambridge-tourism/&num=1&client=firefox-a&hl=en&gl=uk&strip=1&vwsrc=0)

<sup>11</sup>Competition Law Risk, a short guide. Competition and Markets Authority 2014.

2012 to license only vessels trading from six designated stations, on grounds of congestion. The City Council banned independent punters from using Garrett Hostel Lane, also citing congestion. The small number of independent punts are NOT the reason that the river is crowded at this point. The congestion assessment was conducted by a competitor, Trinity Punts. We have commissioned an independent health and safety/congestion survey which we hope will inform a more balanced view.

(ii) Refusal to consider alternative solutions which would permit proper competition. Logic suggests that the solution to congestion problems is to introduce quotas. At present, operators working from authorised punt stations are currently free to register an unlimited number of punts (*"For as long as the Cam is a public navigation, there can be no limit to the vessels on the river,"* Cam Conservators Chair, Robin Walker)<sup>12</sup>. The city has the power to limit the number of punts operating from its own punt stations should it wish.

(iii) Preferential allocation of publicly-owned frontage. As the landowner of Quayside, La Mimosa and Silver Street punt stations, the City Council controls a valuable business asset which – as of 2012 – has become a necessary precondition for commercial punt owners to participate in the market without breaching Conservators bye-laws, as only those operating from authorised stations are permitted to license commercial vessels. In 2009, the City Council entered into a 20 year lease agreement with Scudamores giving them exclusive rights to trade from Quayside<sup>13</sup>. This operator has also been granted exclusive trading rights to their Silver Street punt station. The city has preferentially allocated the bulk (these two stations represent approximately 60% of the City-owned punt station metreage) of the publicly-owned asset to one dominant operator. This operator also controls 60% of the total middle river boat station frontage, both publicly and privately owned, and 100% of the boat station frontage to access the upper river. Without opening the process to bids from other operators, the City has acted anti-competitively.

(iv) Discounted, below-market rent. It was reported in 2010 that Scudamores would pay less than market rent for the privilege of being the sole punt trader on Quayside. Cllr Neil McGovern was quoted saying: *"The conditions on the agreement state that within 10 years the lease will move up to market rates, so we hope that will be in excess of £30,00 to £40,00 per year on current rates"*<sup>14</sup>. By discounting the rent until 2020, the City has also deprived local ratepayers of fair value for the asset. Independent operators offered £30,000 to lease Garrett Hostel Lane but this offer was refused. Scudamores acquired their Silver Street river frontage through squatters rights. The below-market Quayside deal followed more than 80 years of Scudamores paying nothing to the City Council at all. During that period, Scudamores manager Rod Ingersent was quoted criticising independent companies for operating from Jesus Green without paying rent, and campaigning for their removal<sup>15</sup>.

**5.2 The City does not appear to understand its role or responsibilities re: competition law.** The punt market is an attractive and high value one (Scudamores is reported as having an annual turnover of 'over' £3 million<sup>16</sup>). It is unreasonable and misguided to seek to exclude new or 'non-privileged' punt companies from an attractive market, and even more unreasonable to strengthen and entrench the position of one dominant operator in so doing. Statements such as *"We are not a competition authority"*, *"The market is full"* or *"People can't just open up a coffee shop in the city centre"*<sup>17</sup> show a fundamental

<sup>12</sup><http://www.cambridge-news.co.uk/Inside-Cambridge-8217-s-punt-wars-8211-talk-sides/story-28023381-detail/story.html>

<sup>13</sup>September 2010 Cam Conservancy Board minutes

<sup>14</sup>[http://news.bbc.co.uk/local/cambridgeshire/hi/people\\_and\\_places/newsid\\_8834000/8834741.stm](http://news.bbc.co.uk/local/cambridgeshire/hi/people_and_places/newsid_8834000/8834741.stm)

<sup>15</sup><http://www.cambridge-news.co.uk/Making-waves-river/story-22471867-detail/story.html>

<sup>16</sup><http://www.cambridge-news.co.uk/Inside-Cambridge-8217-s-punt-wars-8211-talk-sides/story-28023381-detail/story.html>

<sup>17</sup>[www.cambridge-news.co.uk/Inside-Cambridge-8217-s-punt-wars-8211-talk-sides/story-28023381-detail/story.html](http://www.cambridge-news.co.uk/Inside-Cambridge-8217-s-punt-wars-8211-talk-sides/story-28023381-detail/story.html)

misunderstanding of market operation. As a regulator and asset-owner the City MUST demonstrate that it understands, complies with and implements competition law. A market may be saturated ('full'), but it must still be open and competitive, not frozen in perpetuity for the benefit of current members. People wishing to open up a coffee shop in the City centre are free to do so, with a wide choice of possible premises and options.

**5.3 Privileged relationship raises questions.** We are deeply uncomfortable about the fact that the dominant operator, Scudamores, has had a representative on the Board of the Cam Conservators since 2001. Their current Board member, a Scudamores director, is a City Council nominee. No other punt company enjoys this privilege. Their manager participates as an Observer.

### **Conclusion**

A PSPO is neither necessary or reasonable, and we believe, on advice received, that the decision would be unlawful and open to challenge (see Attachment A). It would criminalise local young people for simply attempting to compete in a legitimate business market. There are other, more proportionate measures available to address concerns about numbers and behaviours, which we urge the City Council to collaborate with us to introduce. We also believe the anti-competitive barriers to licensing need to be addressed for the City to maintain a credible position and have the enforcement tools it needs.

Traditional Cambridge Tours Ltd

**APPENDIX 1: Serious Accident reports self hire vs chauffeured punts 2009-2015**  
(source: Cam Conservancy data)

2011

1. 18 month old child finger crushed by Scudamores self hire
2. Scudamores chaining self hire together 4 abreast with chauffeurs on back
3. La Mimosa 2 elderly persons fall in whilst disembarking

2012

1. Scudamores punt stuck in flood gate (happened due to Scudamores breaching bye laws and mooring within 36 metres of flood/ sluice)

2013

1. Elderly gentleman breaks leg on a self hire from Scudamores
2. Lady traps hand at Garrett Hostel Lane and fractures her hand (company unknown, not TCT)
3. Collision between Scudamores self hire and chauffeured punt, child breaks thumb

2014

1. Two Scudamores chauffeured punts coming downstream rammed a TCT chauffeur boat into a tree, resulting in a man in the TCT punt receiving a gash to his head. Statements given by witnesses vouched that the collision was deliberate.
2. Scudamores self hire get sucked into weir on upper river with passengers aboard after being let out in treacherous conditions.
3. Scudamores self hire sinks on Jesus green full of young students drinking

2015

1. Scudamores self hire caught up down at Jesus green weir after been let out in strong current and high winds
2. Collision between privately hired punt and independent punt. A passenger's hand was injured.  
(note: this is the sole accident example included in the City Council's list of complaints)

**Text For Consultation drafted for Traditional Cambridge Tours Ltd by David Wolfe QC, Matrix Chambers.**

**Introduction**

We are responding to the consultation on the Council's proposal to introduce a PSPO, the draft for which says it is in relation to "Touting for punt tours and punt hire".

We are three separate companies employing roughly 100 people. We are at risk of being put out of business by the PSPO because much of our business is secured through touting activities (which are perfectly lawful) in locations where that would be prohibited by the PSPO if it is put into place. That would lead to the loss of those jobs, the relevance of which is made clear below.

**The background to the proposals**

The text on the Council's website says that:

"Punt and tour touting in the city has been the focus of complaints for many years. The complaints relate to the number of touts gathering in certain areas of the city and the behaviour of the touts."

It then refers to the "summary of evidence" and the "community impact statement" – we will come back to those below.

It then says that:

"Over recent years the Council and the Cam Conservators have taken a number of steps to deal with the problems caused by touts. Despite these measures, public concern about the activities and prevalence of touts in the city continues."

We will comment on the "measures" below.

The form for people to fill in then explains that:

"Cambridge City Council is consulting on introducing a Public Spaces Protection Order (PSPO) to tackle touting and to prohibit advertising or soliciting for custom for a punt, walking tour, hire or use of punts, boats or similar craft, in the red shaded areas shown on the map."

And also that:

"Punt and tour touting have been the focus of complaints for many years. The complaints relate to the number of touts gathering in certain areas of the city and the behaviour of the touts. A summary of the evidence and a community impact statement from the Police Sergeant for the area is available below."

The Appendix to this document includes a more detailed analysis of the "complaints".

**Complaints and the community impact statement**

As an overall point, what is notable, as the consultation materials (as noted above) correctly explain, is that the complaints and the community impact statement relate to (and pass generalised negative comment on) a whole range of things including punting itself, the punts, whether customers are asked if they can swim, the licensing of punts,



insurance (including a specific allegation from the police that we are uninsured which is simply nonsense), the profitability of punting businesses, the payment of tax, the location and nature of punt stations the behaviour of people while punting, touting/advertising as a phenomenon, the price of punt hire, the unsubstantiated and irrelevant allegation that people touting have criminal convictions, the numbers of people touting/advertising (simply in terms of how many there are) and on the poor behaviour of a very small number of people which is said to be associated with touting/advertising.

All of that matters because consultees are being asked to comment on (and potentially express their support for) the PSPO on the basis of that material, most of which (even if well founded, which it is not) has absolutely nothing to do with what is covered by the order (such as punting/licensing/etc. issues) or which could not properly be the subject of objection (such as the fact of touting/advertising and or the number of people involved).

In that light we consider the consultation to be misleading and entirely flawed.

The council is taking into account (and will in taking into account responses to the consultation as framed) conduct/complaints which are entirely irrelevant here.

#### **Legal preconditions**

That point also goes to the legal preconditions to the making of a PSPO, namely that a PSPO can only be made (s59 of the 2014 Act) in relation to activities which have “a detrimental effect on the quality of life”, the effect of which is likely to be persistent and or continuing and which makes the activities “unreasonable”.

So a PSPO could not be made in relation to (say) the mere act of touting (or on the basis of people who simply don't like touting), or arising from people complaining about the number of touts or the price they are offering, let alone (as the evidence relied on here described) issues entirely unconnected with the PSPO (such as the punt stations, tax, insurance, profits or other matters).

#### **The behaviour of a tiny minority**

It would also only be lawful to make a PSPO which bans touting if the occasional poor behaviour of a very small number of touts made that touting overall “unreasonable” (as the 2014 Act makes clear). That is plainly not the case here.

In particular, even if the focus is indeed (and contrary to the council's documentation) only on the allegations of poor behaviour by some touts (as opposed to all the wider, irrelevant, issues raised in the materials), then what is notable is that the number of complaints is small particularly given the period and area of the city involved.

In discussion with us, Council officials have accepted that the allegations of poor behaviour arise from fewer than 1% of the people involved in touting.

#### **Disproportionate impact**

Again, looking at the legal preconditions, the PSPO can only be made if the effect of the activities (i.e. the poor behaviour of a tiny minority) justifies the restrictions (i.e. the banning of a perfectly acceptable activity of the overwhelming majority).

Again that is plainly not the case here, not least because, as above, the ban on that perfectly acceptable activity by the overwhelming majority will cause our companies considerable commercial difficulties and is likely to lead to the loss of 100 jobs (something which the council is not in a position to dispute, certainly not without proper evidence on the point).

That impact is plainly not justified by the poor behaviour of a few unidentified and unattributed individuals as complained of here (ignoring, as one must, all those other things which are complained of by some people but which have nothing to do with the PSPO). The proposed measure here is clearly disproportionate – it is far more than is necessary.

### **The Council's claim to have tried other things**

Also plainly relevant to that question of justification (and proportionality) is whether the conduct complained of could be dealt with in other ways. In that regard we note that the consultation document on the web site says that:

“Over recent years the Council and Cam Conservators have taken a number of steps to deal with the problems caused by touts. Despite these measures, public concern about the activities and prevalence of touts in the city continues. A detailed background paper of the measures taken to address the issues are available in the Strategy and Resource Committee report below.”

The relevant section of the report is its 3.9.

It has no detail.

It also does not mention anything done by the Cam Conservators despite that claim being made in the consultation document. The claim of action by them is very misleading.

But even in relation to the action by the Council we note the following:

- a) “we have made a byelaw”
- b) “we liaise with licences punt operators to make clear our expectation of the behaviour of touts”
- c) “we have put enforcement officers on the streets”
- d) “punt operators have signed up to a Code of Conduct”
- e) “we have used our ownership of punt stations to require operators to be signatories to and comply with the Code”

Taking those in turn:

**The byelaw:** The byelaw is (quite properly) focussed on poor behaviour by touts rather than touting itself. The report explains that it can be an effective tool. But it provides no evidence at all of any attempt by the Council to enforce the bylaw. It simply says that enforcement requires witnesses to attend court and that “usually witnesses are reluctant to come forward”. But (despite the claim of “detail”) there is no detail there, let alone detail of unsuccessful attempts by the council to use the bylaw.

Liaison: The council points to liaison with punt operators but that has only been with operators who fall within the exception to the order (as considered further below).

Prior to this consultation, no councillor even agreed to meet us to find a solution to the problem, despite our numerous attempts to arrange such a meeting over the past six years.

We have made clear our willingness to meet with the council to discuss and put in place improved arrangements including a Code of Conduct for people working for us, but the Council has simply refused to do so.

So the Council is relying on the irrelevant fact that it has undertaken such discussion with the exempt operators in order to justify curbing our activities having not undertaken equivalent liaison with us.

Enforcement officers: It is notable that the report says that “enforcement officers have a range of responsibilities not limited to punt touting”.

The obvious implication is that those officers have not in fact been deployed to any real extent to address the issue here.

Code of Conduct: The Council refers to the Code of Conduct in place with the exempt operators. Again that is not relevant here because the Council has made no attempt to do the same with us.

Ownership of punt stations: Again that is only relevant to the exempt operators.

So, overall, the “detailed” steps taken by the council are not in fact detailed, have not involved any attempted enforcement of the byelaw (or, at least, none is claimed), have relied on an under-resourced enforcement team (who will also, presumably, be expected to enforce the PSPO) and/or which (in the liaison/code/etc.) are relevant only to the exempt operators (without any equivalent for us).

Nor can that discrepant treatment be justified here on the basis of things completely unconnected with the issues involved in the PSPO (such as licensing arrangements or the location or punt stations).

Overall, we simply do not see how the council can claim it is justified to take this draconian step in the circumstances. It is plainly not.

Apart from anything else, as explained further below, we call on the council to treat us in the same way as the other operators when it comes to liaison, a Code, and so on.

### **The exempt operators and the Council’s own financial interests**

As mentioned above, the framing of the order (in the sections marked “exception”) also means that it does not apply to touting associated with certain hire companies. That is highly problematic for a number of reasons (going beyond the points mentioned above).

First, it assumes that the people causing the concerns are not associated with those companies.

There is absolutely no basis for that assumption, not least because the complaints (and observations by the police) say nothing about the affiliation of the people causing concerns. There is no proper basis to exempt those companies.

Indeed, even the Committee report only claims that “touts operating from King’s Parade and the city centre are mainly touting on behalf of punt operators working from Garrett Hostel Lane slipway, Jesus Green and Laundress Green.”

Secondly, there is nothing to say that those individuals are associated with our companies. And yet the PSPO penalises the entirely proper and unobjectionable behaviour of people working for us (and, as above, our businesses).

Thirdly, the category of excepted companies are those licensed by the Conservators of the Cam, on the board of which is a director of Scudamores, the main company which will financially benefit from the effect of this PSPO.

Fourthly, those same companies include those for which the Council’s tourist office sells tickets (on which it makes a commission) such that this order directly benefits the Council’s own commercial purposes.

We understand that, from 1<sup>st</sup> February 2016, the Council transferred the running of Visit Cambridge (which includes the Tourist Information Centre and the Visit Cambridge website) to a not-for-profit private public partnership, known as a DMO (Destination Management Organisation).

All previous council employees were simply transferred over to the new company.

As stated by Cambridge City Council one of the key objectives for setting up this new structure is “*the aim of increasing revenues to the DMO*”.

They aim to increase revenue through a “*combination of commercial activity such as the Guided Walking tour service, ticket sales through the Visitor Information Centre, and a membership scheme for tourism partners.*”

So it is clear tickets for Ghost Tours, Walking Tours run by the DMO and tickets sales for Scudamore’s punts (which is the only company the DMO sell tickets for) will form the basis of funding.

However, over the next three years, the DMO will be under extreme pressure to increase revenue through these schemes as - “*The new Cambridge model of a business-led public/private partnership is distinct from many other DMOs nationally because it will rely almost entirely on earned income.*”

It is stated that the DMO will be self-funding within 3 years.

At the moment the DMO receives a public subsidy from Cambridge City Council – which means the Council stand to receive financial gain if the DMO hits its target of being self-funding. The City Council have stated one of the aims of the DMO is “*reducing the cost of tourism to the council*” it will remain a strategic partner in the DMO, even if it is able to be self-funding.

### Overall

Overall, as explained above among other things:

1. The proposal relies on a range of allegations most of which are entirely irrelevant.
2. The consultation is entirely flawed.
3. The suggestion that the council has tried other things stands no scrutiny (it has not tried to enforce existing provisions and relies on liaison/Codes etc. in relation to exempt operators without any equivalent in relation to us).
4. The detrimental impact on us is entirely disproportionate and certainly cannot be justified by the allegations.
5. The PSPO will impact on us when there is nothing to link the allegations to us.
6. The council has an ulterior purpose here (and or will gain an improper benefit) through the promotion of its own financial interests.

We would ask the Council not to proceed with this PSPO and, instead, to undertake with us the liaison etc. which it has undertaken with other operators.

The Council should deal with us on the same basis as other operators, rather than on an entirely discrepant basis which will benefit their businesses and the council's own finances, while destroying our businesses.

### **Appendix – analysis of some of the complaints**

1. Complaints that are NOT about the act of touting or advertising, which is the behaviour covered in the PSPO.

ID number 381087 - *Report of a large group of punt touts on King's Parade, around 9 of them.*

ID Number 390963 - *Report of three punt touts in Market Square. They had boards with the punting company's name on one side.*

ID Number 426613 - *proliferation of punt touts operating*

These complaints are not about the touts' behaviour. In 2015, it was not illegal to tout or be a tout in any area of Cambridge.

ID number - 443481 *Large number of students, perhaps from language schools... being led towards Garret Hostel Lane...lined up to board punts*

Another complaint not about touting or advertising - It is unclear what the complaint actually is. It is not illegal or anti-social behaviour for these students to board these punts. This again, is nothing to do with the terms of the PSPO. If the complaint is about boarding boats on Garrett Hostel Lane, as a public access point to the river, nothing illegal or anti-social is taking place here, and if no actual company is named one cannot even assume that they are boarding an unlicensed commercial vessel.

ID Number 411796

*Privately hired punt was crashed into on the river by an illegal operator*

ID Number 425313 *'A lady suffered quite a bad head injury' - Garrett Hostel Lane*

These are incidents on the river/ riverside and nothing to do with anti-social behaviour from touts or advertising. Why are other accident reports from all other punt companies not included – the River Manager from the Cam Conservators would be able to provide them.

### **Complaints that ARE about advertising or Touting, but are mis-leading in the presentation;**

ID number - 386111

*Complaint that Ticket Touts are displaying large advertising boards on the public highway.*

This is the ONLY complaint/mention about advertising in all of the document and in fact, all the evidence submitted. In terms of an advertising board on the public highway, there is ALREADY a law in place to deal with this through the highways authority

<https://www.cambridge.gov.uk/report-illegal-advertising-flyposting>

Hence there is no need to include this in a PSPO. McDonalds, Ryder and Amies, The Cambridge Shakespeare Festival, Scudamores and various cafes are just some of the companies who have placed flags and boards on the public highway around Kings Parade and the market square in 2015 without repercussions. McDonalds have recently

placed free standing flags in the Market Square January of 2016 and independent companies were forced to complain to the council before they were removed.

ID Number - 402794

*Complainant reported concern that visitors and newcomers to Cambridge are being overcharged by punt touts.*

The assumption here is that companies with unlicensed boats are overcharging people. The complaint states that the tout mentions the TIC will charge £20 with no discount, whereas he will give a discount from a £20 ticket. This is based on the fact that the Tourist Information Centre sell only Scudamores tickets. Scudamores charge £19 at their kiosk, with no discount in person, only online. Evidence for this -

<http://www.scudamores.com/college-backs-punt-tour> The tout must have been using their knowledge of Scudamore's prices. What is interesting is that in fact the Tourist Information Centre charge less - £14 per adult for EXACTLY the same shared tour from Scudamores. So which company are clearly overcharging? Scudamores.

ID Number 411312

*Complaint that touts are - Harming the business of legitimate, tax paying punting companies'*

A suggestion that some punt companies do not pay tax. Of which there is no evidence whatsoever.

ID Number 421831

*Complaint about touts being "a continual nuisance for all users and visitors to Quayside"*

Quayside and the touts that operate there will not be affected by this PSPO. The head of the City Council has said he has no problem being hassled by touts on Quayside.

*ID Number 444370 Local residents self-hire complaint & Littering*

This complaint is about companies with licensed boats who operate at Quayside (evidence over self-hire can be provided from the Cam Conservators), whose touts on Quayside will not be affected by this PSPO. Littering on Quayside by punt workers is an issue not covered by the PSPO.

# Response to Cambridge Council's Public Space Protection Order Consultation

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On behalf of Traditional Cambridge Tours and  
others

2/16/2016

The response of a group of commercial tour providers to the proposed Public Spaces Protection Order sought by Cambridge City Council.



### **Background**

1. The Respondents operate a river tour company operating on the Cam River in Cambridge. They currently employ around 100 people. They traded commercially until 2012. They hope to submit applications for commercial licences at the close of this year.
2. The group have significant concerns about the imposition of the Public Spaces Protection Order. They have sought advice from interested parties, including a number of campaign groups including the charitable organisation Liberty and the Civil Liberties campaign group the Manifesto Club. The following submissions are made on the basis of that advice.
3. The basis of the respondent's objection is that the terms of the PSPO would significantly restrict their ability to engage in touting of any kind. Accordingly, it would significantly restrict their ability to trade. The consultation acknowledges that touting is a legitimate commercial activity undertaken by a number of providers in Cambridge City Centre. While the legislation allows for PSPOs to apply to wide range of activity, the council are under an obligation to ensure that any order does not restrict the terms of activity which does not meet the statutory criteria. The respondents submit that the terms of the PSPO as drafted fail to meet this obligation.
4. Further, the respondents are concerned that the impact of the order would be to unfairly restrict trade in boat tours to a small number of larger operators. The effect of this would be a decrease in competition which would have the potential to harm the consumer.
5. The respondents hope that following the consultation the remit of the order will be narrowed to regulate only aggressive touting rather than all touting. The respondents are open to continued dialogue with the council in this regard and would welcome further opportunity to discuss these concerns.

### **Communications**

6. The group has engaged in a number of meetings with the council in respect of the anticipated PSPO. In the course of these meetings the following significant matters were raised:
  - (a) The failure to rely on existing legislation to enact the necessary controls over anti-social behaviour.
  - (b) The cost to the public of enforcing the restrictive terms of the PSPO.
  - (c) The potential economic impact that the PSPO may have on smaller providers of river boat tours.
  - (d) The difficulties with regard to signage drawing public attention to the fact of the ban.
7. This was followed on 8<sup>th</sup> February 2016 with Councillor Herbert during which further concerns were discussed. The respondents are grateful for the council's engagement to date and hope for engagement to continue throughout the consultation process.

### The law

8. The power to impose PSPOs was created under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the *Act*). Section 59 of the Act states that a local authority may make a PSPO if it is satisfied on reasonable grounds that “*activities carried on in a public place within the authority’s areas have had a detrimental effect on the quality of life of those in the locality*” and:
- “the effect... of those activities –*
- a) is... of a persistent or continuing nature,*
  - b) is... such as to make the activities unreasonable, and*
  - c) justifies the restrictions imposed by the notice.”*
9. It is clear that this test is designed to be broad and that many types of activity can be the subject of a PSPO. A PSPO may prohibit specific things being done in a restricted area but those prohibitions must be “*reasonable in order to prevent the detrimental effect... from continuing, occurring or recurring, or ... to reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.*”
10. The Council’s report into the consultation recognises this at paragraph 4.5 which states ‘the only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring’. It is clear on the basis of both the legislation and the council’s circular that the measures imposed under a PSPO must be proportionate in response to a specific problem. The prohibitions must be ‘reasonable’ and must ‘reduce the detrimental effect’ of those in the locality.

### The nature of complaints

11. The respondents submit that the complaints described in the Council’s consultation do not provide an evidential basis for the imposition of a PSPO. Further, the community impact statement of Ian Ward includes a number of factual inaccuracies and statements which are arguably misleading.
12. The following paragraphs detail the relevant complaints and the respondent’s comments.

#### ID number 381087 –

*Report of a large group of punt touts on King's Parade, around 9 of them.*

*ID Number 390963 - Report of three punt touts in Market Square. They had boards with the punting company's name on one side.*

#### ID Number 426613 proliferation of punt touts operating

The respondents submit that these complaints are not about the touts behaviour but rather relate to the number of touts in a particular area. These complaints do not evidence any aggressive or improper touting. There is no evidence that there has been a failure nor any difficulty in relying upon existing by laws in regulating the number of touts in a particular area at a particular time. There is no evidence that any detrimental effect caused by high

numbers of touts is 'persistent or ongoing'. There is no justification for claiming that high numbers of touts in a particular area amounts to 'unreasonable' behaviour given that there are a large number of operators competing for business.

ID number – 443481

*Large number of students, perhaps from language schools... being led towards Garret Hostel Lane...lined up to board punts*

This complaint does not relate to improper or aggressive touting. It is unclear how this complaint provides any evidence base for the imposition of the PSPO. It is not clear how the provision of tours to students meets any of the statutory criteria.

ID Number 411796

*Privately hired punt was crashed into on the river by an illegal operator*

*ID Number 425313 'A lady suffered quite a bad head injury" - Garrett Hostel Lane*

This complaint relates to the proper licensing of operators. It does not reflect the activity of touts. The conduct of operators in the course of punt tours should be considered by the relevant licensing body. The imposition of a PSPO should not be justified on the basis of complaints relating more properly to the grant or refusal of commercial licences. It does not provide any evidence base for the imposition of the PSPO.

ID number - 386111

*Complaint that Ticket Touts are displaying large advertising boards on the public highway.*

There is already legislation in place to address improper advertising boards on public highways. The respondents note that a number of large commercial traders, including McDonalds and the Cambridge Shakespeare Festival have been permitted to advertise around Kings Parade and the Market Square without repercussion. The respondents submit that effective enforcement of the current law relating to improper advertising would be more effective than the imposition of the PSPO.

ID Number - 402794

*Complainant reported concern that visitors and newcomers to Cambridge are being overcharged by punt touts.*

The respondents submit that this complaint provides no evidence for the imposition of a PSPO. The PSPO would not stop consumers being 'overcharged' for tours. There is no clear market standard price for these tours. There is no direct evidence of any overcharging nor is it clear how there could be any such evidence given the lack of any established market rate.

ID Number 411312

*Complaint that touts are - Harming the business of legitimate, tax paying punting companies'*

There is no evidence of any of the effected punt operators failing to pay tax. In any event, this is solely the remit of Her Majesty's Revenue and Customs and does not provide any relevant evidence for the imposition of the PSPO.

**Comments on the community impact statement of PS Ian Wood**

13. The following are the comments made by PS Ian Wood which are considered by the group to be false or misleading.

*"Since 2012, it is a legal requirement for a punt tour company to be licensed by the Cam Conservators"*

It is not the case that companies have to be licensed by Cam Conservators. Rather, the boats deployed by the companies must be licensed. Accordingly any reference made to 'illegal companies' in this statement is incorrect.

*"There are currently six authorised punt stations in Cambridge - based at Jesus Green, Quayside, Trinity College, Mill Pond, Mill Lane and Granta Mill Pond, and tickets can also be purchased from the Tourist Information Centre"*

Only one punting company can have their tickets bought from the Tourist Information Centre, which is a company called Scudamores. This statement makes it sound as if all punting companies can have their tickets purchased there.

*"I would question how well customers are triaged in respect in respect of their ability to swim or navigate a large cumbersome punt through unfamiliar and congested waterways."*

The same question applies to all punt companies, especially as it is only companies with registered boats who offer self hire.

*"our research has also discovered that the large majority of the known punt touts have criminal convictions for a wide variety of offences - ranging from drug possession, theft, serious assaults and even sexual offences"*

No evidence has been provided in this regard and its inclusion in the statement is gratuitous and arguably defamatory.

*"Despite some of the touts claiming they are adequately insured to carry passengers, this is unlikely due to the fact they are not appropriately licensed"*

The respondents are subject to full insurance with a third part insurer – which is not subject to the terms of licensing from the Cam Conservators. Further, this is a matter for the river authority and does not provide any basis for the imposition of the PSPO.

**Conclusion**

The respondents make the following submissions following the review of the Counsel's consultation materials:

- 1) The complaints provided do not provide a sufficient evidence base for the position of the PSPO. There is no evidence that the touting activity causes a detrimental effect on the lives of Cambridge residents.

- 2) Cambridge Council has not adequately explored options for regulating 'aggressive' touting through existing legislation. It is also not clear that the council has explored options for properly enforcing legislation related to improper advertising.
- 3) The PSPO will have a significantly detrimental impact on the ability of smaller operators to provide tours. The PSPO as currently drafted is so broad as to effect the legitimate trade of these operators and fails to sufficiently target the council's intervention at anti-social behaviour.
- 4) The evidence provided by DS Ian Wood is misleading and false in significant respects.

The respondents would be grateful for the council's immediate consideration of these concerns and a response in writing. We would then appreciate the opportunity to make further representations following the relevant clarification. If an indication is given that the PSPO will be passed it is anticipated that a High Court challenge will be initiated.

**TCT**  
**Traditional Cambridge Tours Ltd**

In response to the councils proposed PSPO to ban touting we have formed *The Federation of Independent Punters*.

This Federation represents all of the punting companies who tout for punting tours on Kings Parade.

One of the main problems as far as we see is the lack of accountability for the behavior of touts.

We feel that this would best be remedied through the introduction of clear name tags so that any complaints can be fed back to the managers in charge, and if necessary to the council or police.

This act alone will improve customer relations as it does with many companies, as well as providing reassurance to the public. It will also help us to identify problems early by highlighting any patterns of poor behaviour by individuals.

We will also uniform all staff distinctively and clearly with one clearly visible manager on site at all times.

We will also agree to limit tout numbers and geography of touting and we would welcome the councils input on these points.

We are happy to consider any suggestions that the council may have to improve the situation and hope that we can start a clear channel of communication that we can use to improve the situation for all.

We ask that the council back this effort made in good faith on our part.

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**From:** Granta Moorings Cambridge [REDACTED]  
**Sent:** 16 February 2016 13:41  
**To:** PSPOconsultation; Lynda Kilkelly  
**Subject:** PSPO Consultation



Dear Sir/Madam

**Re. PSPO Consultation**

The city council needs to be aware of competition law and in that legitimate business's such as my own could also be adversely affected by the proposed Public Spaces Protection Order.

While I understand that local governments can pass regulations that create obstacles for certain kinds of businesses, an order such as this (and in its present format) is generally considered a breach of the law, in that it would negatively affect Granta's ability to do business freely and legitimately.

The proposed PSPO will also create a market condition that makes it difficult for consumers to exercise choice, and that it gives individuals an undue advantage over its competitors, resulting in higher prices and lower uncompetitive standards.

Any beneficial activity resulting from the PSPO restraint (which may include Visit Cambridge and Scudamores) could also be seen by the **CMA** (Competition and Markets Authority) as an infringement of the law.

Although officially recognised by the Cam Conservancy, it is generally accepted that Granta's location is somewhat off the main tourist path. Any restraint of business by the city council (or others) would be detrimental to the company's growth and success. In its present format the PSPO would create an unfair 'playing field' and monopoly. We simply ask to adjust the order slightly by allowing Granta's own regulated and recognised touts onto Kings parade - this would support a fairer system throughout, limit touts to a minimum and disregard any monopoly concerns from unlicensed companies opposing the ban.

Granta thrive on providing high standards and value. As we also rely on repeat business, it's in our interest continue this and be self-regulating in all we do - from the initial contact to providing safe moorings and unforgettable experience on the river.

Please acknowledge receipt of this email and that it will be included in the PSPO consultation.

Your sincerely

Lawrence Austen

Director | Granta Moorings | Newnham Road, Cambridge CB3 9EX

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**From:** Josie Appleton [REDACTED]  
**Sent:** 16 February 2016 19:50  
**To:** PSPOconsultation  
**Cc:** Lewis Herbert  
**Subject:** Severe civil liberties concerns about your Draft PSPO

To Cambridge City Council

I am director of the Manifesto Club civil liberties group ([www.manifestoclub.com](http://www.manifestoclub.com)); we run a campaign against the over-use and abuse of PSPO powers, supported by Joseph Rowntree Reform Trust.

I am writing to express our grave concern about your draft PSPO.

We believe this to be an unjustified restriction upon public liberties to use public spaces, and upon independent elements within your local economy and their rights to trade freely.

The evidence quoted in your report does not show that punt touting is causing of public harm or nuisance. Your evidence includes several neutral observations about the existence of punt touts, and a series of problems or complaints which are related to a variety of different issues. You have shown that certain individuals do not like punt touts, but not that the phenomenon is having a seriously detrimental effect on local life.

Most worryingly, this appears to be an area in which your Council has a direct financial interest, through your Destination Management Organisation. In our 18 months of researching national PSPOs, we have never encountered a case where the council has such a clear financial interest in the outcome of the PSPO.

This raises the risks of these open-ended powers being used to private ends, and we will be alerting the Home Office and others to this issue.

In order to show your respect for public liberties, and avoid the reputational damage that is likely to result from pursuing this order, we urge you to reconsider and drop this draft PSPO.

Regards,

--

Josie Appleton  
director, Manifesto Club  
[www.manifestoclub.com](http://www.manifestoclub.com)

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**From:** Cambridge Ghost Tours [REDACTED]  
**Sent:** 12 February 2016 14:00  
**To:** Complaints  
**Cc:** PSPOconsultation  
**Subject:** Complaint about Council Conduct.

Dear Sir/Madam,

\*Please note this is NOT a response to the PSPO consultation, I have already responded to that via the correct route. This is a formal complaint about the *conduct* of the consultation. I wish for this to be addressed by people not involved in the consultation. I will be passing on this complaint and my analysis of the PSPO documents to a legal team\*

*I wish to know how this complaint will be dealt with and what steps will be taken for this complaint to reach a neutral party (i.e - someone not involved with Cambridge City Council).*

I wish to make a formal complaint about Cambridge City Council's conduct of the Public Spaces Protection Order Consultation regarding Advertising and Soliciting Custom for Punt tours, boats and walking tours. I believe the consultation process to have been biased, confusing, misleading to the public and mishandled by the Council members involved. My belief was that this period was meant to be open and honest consultation with those affected and with the general public. What I have found instead is vital information about the enforcement of the PSPO that stands to affect me is being withheld, or simply unknown by the Council members involved, the City Council's financial interest in putting through this PSPO has also been left undeclared, views from parties who stand to make a financial gain from the PSPO are being put through and documents have been given out which are factually incorrect and highly misleading.

I detail below the issues of the consultation that are biased, misleading or potentially unlawful through my journey of this consultation.

### **1. Background - Why this PSPO affects me**

I'm a Cambridgeshire born and bred business woman with 20 years experience in the creative arts and tourism sector. I have worked previously in a creative capacity for The London Dungeon, The York Dungeon, The Hamburg Dungeon, Madame Tussauds, The Tower of London, The National Trust, King's Cross Station's arts festivals, Big Bus London Tour Company and The London Borough of Ealing and Hounslow Councils through community arts outreach and local history museums. I also work for major theatre companies such as Punchdrunk (connected to the National Theatre) creating interactive performances. I am an experienced tour guide in London and now Cambridge with professional performance and theatre directing training (Webber Douglas Academy of Dramatic Art and the Central School of Speech and Drama), plenty of professional theatre experience and also have a BA Hons in History from King's College London. I now also work with independent Cambridge businesses, Cambridge festivals and arts projects, Cambridge schools and community groups creating arts, history and drama based projects with Black

Shuck Cambridge Ghost Tours.

I am shocked and appalled how someone with my knowledge and experience in this sector has been treated and dismissed like an 'illegal tout' by Cambridge City Council during this consultation. I have not been taken seriously and the specific questions in my e-mails have gone answered. I have been forced to spend my working hours proving that I run a tax paying, insured, legal business as my whole company has been defamed by the City Council. I have worked hand in hand with a number of local councils in my career and have never been treated like this.

I run Black Shuck Cambridge Ghost Tours, a small independent legal walking tour company which runs 3 unique walking tours, popular with locals and visitors alike with hundreds of repeat customers and a growing fan base. My main rival for the Ghost Tour market is the 'Official' Ghost Tour run by the Tourist Information Centre. I have been refused to sell or advertise my tours in the Tourist Information Centre, despite the fact my tours are radically different to the one offered. In 2014 I was told verbally I was not allowed to market them there as they were 'competition'. In 2015 I tried to become a Tourism Partner, sending e-mail after e-mail requesting details and information - all of which were ignored and unanswered.

I was shocked to learn that under the PSPO, I was to be *banned from advertising my walking tours in the city centre*. I **do not** operate punt tours and I **do not** tout for business on the street (something that I am forced to keep defending). But I *do* advertise - the Council do not yet know what advertising means under the PSPO, they have put it on there without knowing its definition in their own law. All my questions have simply gone unanswered and it was confirmed to me verbally on the 3rd of February by Ms KilKelly that the council do not yet know the definition of this term. My team wear costume and branded clothing for the purpose of advertising and very occasionally hold leaflets and signs to advertise. This is *not the same* as soliciting custom (something I have had to explain during the process again and again to the Council, who don't seem to understand - although their legal team certainly do, as otherwise both terms would not have been included.)

Via the Press (not personally to me I may add) , Cllr Lewis Herbert suggested as a *genuine solution* my company could get a kiosk on private land to sell tickets, rather than sell or advertise in the Tourist Information Centre. I supposed he meant either on the grass of King's or Trinity College (I'm sure they would go for that) or perhaps my own back garden (which is nearly covered by the PSPO map). This response shows a person with dangerously little knowledge about this industry who therefore should not be overseeing this consultation.

## 2. Use of the terms advertising and walking tours

The City Council have consistently stated that this is a PSPO to deal with PUNT TOUR TOUTING. The aspect of advertising and walking tours as stated on the actual PSPO has not been correctly stated in the consultation - it is misleading and will lead to people ignoring this aspect. This means people are unlikely to comment on advertising and walking tours as part of it. The council, as mentioned, don't even know what advertising is defined as under

their law.

Under the terms of the order, Cambridge City Council MUST meet two conditions

The first condition is that—  
 (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or  
 (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities—  
 (a) is, or is likely to be, of a persistent or continuing nature,  
 (b) is, or is likely to be, such as to make the activities unreasonable, and  
 (c) justifies the restrictions imposed by the notice.

NO EVIDENCE - NOTHING - has been provided that advertising of walking tours (or advertising of punt tours for that matter) fits any of this criteria. *Therefore the Council are acting unlawfully.* The conditions have not been met and they refuse to address this point during the consultation. I have of course asked for evidence and complaints over the anti-social aspect of advertising walking tours over the consultation, but have been ignored and questions left answered.

Throughout all press, documents, web pages or any matter connected to this PSPO have consistently stated this is against PUNT TOUTING. On occasion the generic word 'tour' is used, but never advertising. Below you will find a full breakdown of the misleading nature of the consultation forms and documents given to the public. This confusion has led to many people wrongly believing it would not affect my company - Here's some dialogue from my company to the River Manager at the Cam Conservators, who doesn't understand how wide reaching it is - if even people involved with the issue are confused, you can be certain the general public are.

1.

[River Manager @CamConservancy Jan 22](#)

2. *the ban is intended for unauthorised touts only as I understood it*

3. [Cambridge Ghost Tour @CambridgeGhosts Jan 22](#)

4. *no that's not the case at all - PSPO states advertising or soliciting custom for punt or walking tours will be banned.*

5. *please have a look at the actual wording on the order, we don't tout or solicit custom, but we do advertise.*

6.

7.

8. [River Manager @CamConservancy Jan 22](#)

9. *my reading of it was that authorised touting would be allowed to continue under the voluntary agreement with the council*
- 10.
11. [Cambridge Ghost Tour @CambridgeGhosts](#) according to the PSPO that only applies to licensed punt touts touting by Quayside/Silver street. No mention walking tours.
- 12.

### **3. There a number of Human Rights Issues, which the Council have failed to address**

A. The large amount of people to be made unemployed - which is not mentioned on any of documentation or in the consultation process.

B. The constant demonisation of people working in this industry - especially by the police using people's previous criminal records against them. You might want to have a look at the Rehabilitation of Offenders Act 1974 - *"If a role is covered by the Act, it is unlawful for an employer to refuse to employ a person (or dismiss an existing employee) because the individual has a 'spent' caution or conviction. It is also unlawful for an organisation to knowingly carry out (or enable someone else to obtain) a Disclosure and Barring Service (DBS) check on a person for a role which is covered by the Act."* See also Article 14 of the Human Rights Act - Protection from Discrimination.

3. People who stand to be fined or criminalised with their normal commercial behaviour under this PSPO who have had no complaint, warning or mention as committing anti-social behaviour previously.

4. The nature of advertising under this PSPO (especially since the City Council cannot define it currently) may also come under Article 10 of the Human Rights Act - Freedom of Expression. *"This right shall include freedom to hold opinions and to receive and impart information and ideas without inference by public authority"*

4. Reports of people gathering legally in large groups being used as evidence for anti-social behaviour - Article 11 of the Human Rights Act deals with this *"Everyone has the right to freedom of peaceful assembly and to freedom of association with others"*

### **4. Told the PSPO WILL be going through - before the consultation process has ended**

On the 3rd February at the 'drop in' at the Guildhall it was told to me verbally that the PSPO will be going through, possibly with some changes, but it will be going through. This is before the consultation end date of 17th February. Therefore, it is not a correct, open and honest consultation where all responses are considered and collated. It is clear the Council made up their minds months ago and the consultation is simply a 'tick-box' exercise.

### **5. Defamation of character**

There is a *clear attempt* to mark anyone involved in the punting or tour industry who may

be affected by this PSPO as 'illegal', tax dodging, uninsured and dangerous - and sway public opinion that there are two kinds of companies - legal and illegal. The documents attached to the PSPO are filled with this bias which has defamed the good name of my company. Nothing could be further from the truth. My walking tour company is perfectly legal - no complaints from HRMC against me nor the general public, but I have been forced to plead my case and state time and time again that I have done nothing wrong, nothing anti-social, that I don't tout or run punt tours. I understand that preference is given to Blue Badge Guides by the Council but Ghosts, Magic and the Occult are something that doesn't fit into a Blue Badge Guide qualification I'm afraid...

**6. The City Council have failed to declare the Financial Gain they stand to make from the PSPO being passed.**

\*On the 11th February an e-mail was sent from Visit Cambridge (which was sent to me by a concerned member of Visit Cambridge) to all its members urging all to fill out the PSPO. This is clear evidence that Visit Cambridge (who should be NOTHING to do with this Anti-social ban, did they send out this e-mail about the Mill Road PSPO) have an interest in this PSPO. I note that nearly all companies who stand to make a financial gain are members of Visit Cambridge, or Visit Cambridge themselves...

From 1<sup>st</sup> February 2016, the Council transferred the running of Visit Cambridge (which includes the Tourist Information Centre and the Visit Cambridge website) to a not-for-profit private public partnership, known as a DMO (Destination Management Organisation). All previous council employees were simply transferred over to the new company.

As stated by Cambridge City Council one of the key objectives for setting up this new structure is

*“ the aim of increasing revenues to the DMO”*

They aim to increase revenue through a *“combination of commercial activity such as the Guided Walking tour service, ticket sales through the Visitor Information Centre, and a membership scheme for tourism partners.”*

So it is clear tickets for Ghost Tours, Walking Tours run by the DMO and tickets sales for Scudamore's punts (which is the only company the DMO sell tickets for) will form the basis of funding.

However, over the next three years, the DMO will be under extreme pressure to increase revenue through these schemes as - *“The new Cambridge model of a business-led public/private partnership is distinct from many other DMOs nationally because it will rely almost entirely on earned income.”* It is stated that the DMO will be self funding within 3 years.

At the moment the DMO receives a public subsidy from Cambridge City Council – which means the Council stand to receive financial gain if the DMO hits its target of being self-funding.

The City Council have stated one of the aims of the DMO is *“reducing the cost of tourism to the council”* it will remain a strategic partner in the DMO, even if it is able to be self funding.

Documents with evidence (this have been printed, so please do not try and delete or amend Council documents) - <https://www.cambridge.gov.uk/news/new-model-for-tourism-services-set-to-get-goahead>

<http://scamb.moderngov.co.uk/documents/s80586/DMO%20Tourism%20Decision%20Eco%20Dev%20PFH%20June%202015.pdf>

[www.cambridgenetwork.co.uk/news/visit-cambridge-and-beyond-launches-to-boost-cambridge-tourism/&num=1&client=firefox-a&hl=en&gl=uk&strip=1&vwsrc=0](http://www.cambridgenetwork.co.uk/news/visit-cambridge-and-beyond-launches-to-boost-cambridge-tourism/&num=1&client=firefox-a&hl=en&gl=uk&strip=1&vwsrc=0)

### **7. Rival firms failing to declare the large financial gain they stand to make if the PSPO is passed, being involved in the PSPO and advising the City Council on matters affecting the industry.**

On 3rd of February I attended the 'drop-in' session at the Guildhall. There at the same time were owners of 3 rival punt firms - one that stood to be affected - operating with unlicensed boats, the other 2 with licensed boats (I finally got them to state who they were after they were barraging me with questions and accusations.) It was clear from the aggressive manner of representatives of the Cambridge Punting Company (La Mimosa) and Trinity Punts, that they had spent their time fuelling the vitriol against their rival punt operators with unlicensed boats. It is of course in their financial interests to say in the consultation that their rivals are anti-social and their own touts are well behaved. The professional and correct thing to do was for those companies to declare a financial interest in the PSPO and for the Council not to take their opinions as part of this consultation. The opposite seems to be happening - I have since discovered these companies with licensed boats are using this as a way to gain talks with the council over licensed kiosks to sell tickets in the centre.

During the drop-in I was made to feel like an *illegal operator* by the owners of the *licensed* (as they like to incorrectly call themselves) punt firms. They grilled me so much over my company that at first I believed they were members of the council. When I eventually asked who they were, they were reluctant to tell me - even though I had been honest with them. I was *disgusted* to find out who they were and feel as if I was attacked - they had not even heard of my company before that drop in session, but treated me like a criminal where I had to plead my defense to them. This should NOT have happened during what was supposed to be for me an information gathering experience. The representative of Cambridge punting company (Emma Wynne I have now found out) had the gall to tell me that it wouldn't affect me, acting like she was making the decision on the PSPO. I now wonder if in fact these licensed operators have even more sway that I first thought, after all - they stand to make a lot of money if companies with unlicensed boats are banned from touting. All of this took place in front of two actual members from the council, who allowed this to happen without responding. I believed the punt operators with licensed boats to be members of the council, therefore did not stop the debate with them.

At the drop in, Council members could not answer my questions as to how it stood to affect me - neither could or would they offer any evidence about anti-social complaints about my company. Its quite clear there have been no complaints about my companies conduct, but the Council would not admit that, especially as I was informed Blue Badge walking tour Guides (who stand to have financial gain if my company if affected by the PSPO) had been in



the drop in before hand offering their views on non 'Blue Badge guided tours', as if it is a legal requirement to have one to operate a walking tour - which it is *NOT*.

**8. The printed and web articles handed out as evidence for the PSPO. Misleading, factually incorrect and potentially libelous.**

Please find below my analysis of the documents attached to the PSPO. I will be sending this to a legal team to look at.

A. The Order

The Public Spaces Protection Order itself is misleading to the general public who do not read the 'small print'. I am campaigning against the PSPO due to its inclusion of the terms 'advertising' and 'walking tour' which will directly impact financially on my small, legal, independent business. However, you could miss that it affects me.

*'The Council is satisfied that the following activities have been or are likely to be carried out in the public space;*

*Touting for tours and punt hire'*

NO mention of advertising.

*EXCEPTION - the prohibition does not apply to Quayside, Silver Street, Trinity College frontage at Garret Hostel Lane, Queens Green, walkway from Quayside to Jesus Green (La Mimosa) provided the following conditions are met:*

*(conditions are to be a punt operator with licensed boats operating from 6 punt stations)*

No mention of walking tours. Legal, legitimate, independent companies with NO COMPLAINTS of anti-social behaviour against them will have no legal place to advertise or tout from. This aspect is not mentioned anyway on the order, *only punt touting*.

B. The Consultation Form

- Headline "**Consultation on Public Spaces Protection Order Punt and Tour Touting**"

(no mention is made of advertising, suggesting that the consultation and PSPO does not include advertising. This is therefore misleading)

- Page 2, states at the top of the page "*Cambridge City Council is consulting on introducing a Public Spaces Protection Order (PSPO) to tackle touting and prohibit advertising or soliciting custom for a punt tour, walking tour, hire or use of punts, boats or similar craft in the red shaded areas*"

Page 2 then has no further mention of advertising, and the anti-social impact of advertising a tour. It only mentions that touting has been the focus of complaints.

- The questions

Question 1.

*What is your view of touting for walking tours or hire of punt, boats or similar craft hire?*

There is no mention of advertising. It is purely focused on touting.

Question 3.

*Do you agree that all the activities as described in the order should be prohibited?*

This is the section where people should be able to give an opinion on advertising being in or out of the order. It is not clear however, the question should have read "*Do you agree that advertising as described in the order should be prohibited?*" HOWEVER, as the council do not actually know (as confirmed to me in person and via e-mail, evidence which I can provide) what the definition of advertising is under the order - how can the public and those affected have an informed opinion about whether it should be included or not?

4. The entire form is focused on touting, and no independent box has been given to separate advertising or walking tours as distinct issues separate from punt tour touting. This is therefore misleading. I do not believe the public have enough information about advertising or walking tours under this legislation to make an informed response. I believe very few people will mention it on their forms, following the precedent set by the council, that this issue is simply an 'add-on'.

### **C. Table summary for PSPO Evidence Appendix B Complaints**

- Please note that due to the fact there is ONE complaint out of 33 that has any connection to advertising (and NONE with any connection to walking tours), I am commenting on this with my knowledge of the punting industry, which I have now researched due to the impact of the PSPO. Again, I do not operate punt tours or tout for them in any form.

#### **Misleading complaints in the document**

- *Complaints that are NOT about the act of touting or advertising, which is the behaviour covered in the PSPO.*

ID number 381087 - *Report of a large group of punt touts on King's Parade, around 9 of them.*

ID Number 390963 - *Report of three punt touts in Market Square. They had boards with the punting company's name on one side.*

ID Number 426613 - *proliferation of punt touts operating*

These complaints are not about the touts behaviour. In 2015, it was not illegal to tout or be a tout in any area of Cambridge, not illegal to gather in a group. No mention is made of the behaviour. Why is this included? *For the assumption they must be up to no good?*

As a cyclist and an animal rights campaigner, I personally detest cars and taxis on St Andrews Street and meat stalls on the market. Yet I cannot complain about them being there, as they have a right to - they are not breaking any law. I can only complain if they

break a law or if there is an issue with their behaviour towards me or others. How can complaints of touts standing in an area, breaking no law, with no statement of anti-social behaviour be used as evidence?

My belief is that these complaints stem from the fact (due to the Council, Tourist Centre and the Press) that many people in 2015 believed that *touting for unlicensed boat companies* was *already illegal*. The phrase 'illegal tout' was often used in the Press and via various pamphlets produced by the council.

ID number - 443481 *Large number of students, perhaps from language schools... being led towards Garret Hostel Lane...lined up to board punts*

Another complaint not about touting or advertising - It is unclear what the complaint actually is. It is not illegal or anti-social behaviour for these students to board these punts. This again, is nothing to do with the terms of the PSPO. If the complaint is about boarding boats on Garrett Hostel Lane, as a public access point to the river, nothing illegal or anti-social is taking place here, and if no actual company is named one cannot even assume that they are boarding an unlicensed commercial vessel.

If we are to take from the mention of Garrett Hostel Lane the assumption it is an unlicensed vessel, then we shall take the assumption that all complaints on Bridge Street, Quayside, Magdalene Bridge and the River Bank are about companies with licensed boats. That should work both ways. Either way, its deeply misleading.

ID Number 411796

*Privately hired punt was crashed into on the river by an illegal operator*

*ID Number 425313 'A lady suffered quite a bad head injury" - Garrett Hostel Lane*

These are incidents on the river/ riverside and nothing to do with anti-social behaviour from touts or advertising. Why are other accident reports from all other punt companies not included ? The River Manager from the Cam Conservators would be able to provide them.

### **Complaints that ARE about advertising or Touting, but are mis-leading in the presentation;**

ID number - 386111

*Complaint that Ticket Touts are displaying large advertising boards on the public highway.*

This is the ONLY complaint/mention about advertising in all of the document and in fact, in all the evidence submitted. In terms of an advertising board on the public highway, there is ALREADY a law in place to deal with this through the highways authority <https://www.cambridge.gov.uk/report-illegal-advertising-flyposting>  
Hence there is no need to include this in a PSPO.

McDonalds, Ryder and Amies, The Cambridge Shakespeare Festival, Scudamores and various cafes/shops (Michelhouse, Benets, Bread and Meat, need I go on?) are just some of the companies who have placed flags and boards on the public highway around Kings Parade

and the market square in 2015 without repercussions it seems. McDonalds have recently placed free standing flags in the Market Square January of 2016 and independent companies were forced to complain to the council before they were removed.

ID Number - 402794

*Complainant reported concern that visitors and newcomers to Cambridge are being overcharged by punt touts.*

The assumption here is that companies with unlicensed boats are overcharging people. The complaint states that the tout mentions the TIC will charge £20 with no discount, whereas he will give a discount from a £20 ticket. This is based on the fact that the Tourist Information Centre sell only Scudamores tickets. Scudamores charge £19 at their kiosk, with no discount in person, only online. Evidence for this - <http://www.scudamores.com/college-backs-punt-tour> The tout must have been using their knowledge of Scudamore's prices. What is interesting is that in fact the Tourist Information Centre charge less - £14 per adult for EXACTLY the same shared tour from Scudamores. So which company are clearly overcharging? Scudamores.

ID Number 411312

*Complaint that touts are - Harming the business of legitimate, tax paying punting companies'*

A suggestion that some punt companies do not pay tax. Of which there is no evidence whatsoever. I take this also as a slur that my company does not pay tax.

ID Number 421831

*Complaint about touts being "a continual nuisance for all users and visitors to Quayside" Quayside and the touts that operate there will not be affected by this PSPO.*

*ID Number 444370 Local residents self hire complaint & Littering*

This complaint is about companies with licensed boats who operate at Quayside (evidence over self hire can be provided from the Cam Conservators), whose touts on Quayside will not be affected by this PSPO. Littering on Quayside by punt workers is a issue not covered by the PSPO.

#### **D. The Community impact statement by Police Sergeant Ian Wood**

This document, also handed out to people on the 3rd February is other example of the information being directed only to punt touts and punting operators. As it only mentions punt operators and punt touts, I will address my concerns using my knowledge of the punting industry and the laws surrounding it, which I have researched since the PSPO came to light.

- In 3 pages of statement not one single mention is given to a) *ADVERTISING* or b) *WALKING TOURS*. The entire statement is directed entirely to Punt Touts. It appears by default in this statement the Police have no concern then over advertising or walking tours and the anti-social impact of them.

- Several items in the statement are **factually incorrect**. I would be able to provide full evidence to you as proof.

*"Since 2012, it is a legal requirement for a punt tour company to be licensed by the CAM*

*CONSERVATORS"*

**Incorrect** - it has always been the case that BOATS must be licensed by the Cam Conservators, whether private or commercial vessels. As each company must register its own boats, it is the vessel that is registered by the Cam Conservators, not the company. In 2012 it was decided by the Cam Conservators (made up of a committee, including Council members and the head of a rival punting company Scudamores - who stood to make a financial gain from this decision) that commercial vessels could only be licensed if they operated from the designated punt stations. This is crucial - as the boats owned by now punt operators who operate from non-designated punt stations were PREVIOUSLY licensed by the Cam Conservators, thus meeting all the health and safety, insurance and registration fees the Cam Conservators insist on. Evidence to this can be obtained from the Cam Conservators. It is the BOAT that is licensed, not the operator, by suggesting the company is unlicensed (a company does not need a license to operate, the boat does) is an obvious attempt to sway the public that the company must therefore be *ILLEGAL*. All the same laws and principles apply to all registered Limited companies - this is unaffected by whether or not the boat is licensed. No company operating is an illegal company, or an un-licensed one. Thus all statements regarding refunds, health and safety issues or bad experiences are misleading in this context. The limited company is not illegal therefore a customer does not need to complain to the Council or the Conservators, but via the usual routes if you were unhappy with any limited company - as you would with a shop, a cafe, a plumber, a retail website. Visit Cambridge assert on their website "The Council cannot be held responsible for Tickets purchased from other sources".

Constant assertion that all Cambridge independent tour companies operate differently to other sole traders and limited companies is wrong.

*"They must also adhere to a voluntary code of practice surrounding their tout activities"*

**Contradiction** - If you **MUST** adhere to a voluntary code, then the code is not voluntary. A punt operator does not have to sign up to a code of practice for punt touts to be licensed by the Cam Conservators, hence it is actually voluntary. Granta Mill Pond, a company with licensed boats refused to do so and have used touts on King's Parade, Market Square and by Christ's College.

**- Many of the statements contained are misleading and biased.**

*"There are currently six authorised punt stations in Cambridge - based at Jesus Green, Quayside, Trinity College, Mill Pond, Mill Lane and Granta Mill Pond, and tickets can also be purchased from the Tourist Information Centre"*

Only one punting company can have their tickets bought from the Tourist Information Centre, Scudamores. This statement makes it sound as if all punting companies can have their tickets purchased there.

*"The Punting Trade is an extremely lucrative business" "The figures quoted were quite shocking"*

Yes it is a lucrative business. Why is it 'shocking' that the businesses make money? Does the term 'shocking' apply to Mc Donalds' turn over who will still be allowed to advertise in the market square? Does the term only apply to companies with unlicensed boats (as it appears to in this context), not the companies with licensed boats who mostly have a HIGHER turnover than any other company.

As the financial rewards are so high, does it not also suggest that the companies with licensed boats have a vested financial gain to make if this PSPO is put through?

*"I would question how well customers are triaged in respect in respect of their ability to swim or navigate a large cumbersome punt through unfamiliar and congested waterways."*

This statement in its context seems to be suggested the companies with unregistered boats are at fault for not looking after their customers. However, the same question applies to ALL punt companies, especially as it is ONLY companies with registered boats who offer self hire (Trinity, Scudamores and Granta). Evidence that this is the case can be provided. Where is the evidence that companies with licensed boats ask all visitors if they can swim or provide life jackets? I do not believe they do this.

*"our research has also discovered that the LARGE MAJORITY of the known punt touts have criminal convictions for a wide variety of offences - ranging from drug possession, theft, serious assaults and even **sexual offences**"*

Is it against British Law for people with previous criminal convictions to be working? This statement may hold a human rights issue. Also - where is the evidence that the LARGE MAJORITY have offences? How can a statement like this be issued without evidence? How many is a large majority? This is a blanket statement issued to scare the public without any concrete evidence and is extremely morally and ethically concerning that the Police would do so in an attempt to get the public support for the PSPO. I believe the statement to be libelous.

*"Despite some of the touts claiming they are adequately insured to carry passengers, this is unlikely due to the fact they are not appropriately licensed"*

This statement suggests some punt companies (dismissed as touts in the above statement) are 'lying' about being insured. It is not a requirement to gain commercial insurance on your boat from a third party insurer for the boat to hold insurance from the Cam conservators. Hence, companies with un-licensed boats are able to gain insurance, and as far as I know, several companies do have it. Evidence for this could easily be obtained from the companies asking for a certificate - rather than simply stating to the public that they are lying. There should be evidence. There is also suggestion in the Police statement that taxes are being avoided - rather than implying, there should be concrete EVIDENCE.

## **9. The Police statement by association slurs my walking tour company and my name.**

The Police statement by default will have a negative impact on my walking tour company in the eyes of the general public. There is no attempt to separate legal independent walking

tour companies from punt companies who tout. By consistently suggesting that independent Cambridge tour companies affected by this PSPO are uninsured, do not care about health and safety, don't pay their taxes and worse employ a majority of DRUG TAKERS or SEX OFFENDERS, my tour company will be tarred by the same brush. The entire statement is mis-leading and at worse, libelous.

*For your information* - my company has full public liability insurance for running walking tours, strict health and safety guidelines and my guides (professionally trained actors with additional insurance under Equity) all have *FULL ENHANCED CRB* checks in place, as they work with children on the tours. People will be put off booking my tours for their children due to the Sex Offenders tag on tour company workers. As it also appears that tax paying for tour companies is in question - I am happy to submit evidence from my accountant over my tax bill (which I have just paid for 13/14). I declare my full income from my tour company and pay a full tax bill each year. *It is morally wrong that this is brought into question without evidence.* I also have no criminal convictions, I have never been arrested or in court. I have never paid a bill late. In fact *I HAVE NEVER RECEIVED EVEN A PARKING/LIBRARY/LITTER FINE IN 36 YEARS.* The demonisation of people working in this industry through this PSPO is disgraceful and I am personally offended at the way I have been dismissed and treated during the whole consultation. To the Council, I am some petty street thug who spins a tout board on their finger, rather than a professional Cambridgeshire born business woman with 20 years experience in the creative arts and tourism sector.

I will take this complaint as far as possible, as I will not stand for the demonization and criminalisation of my name and company - without any evidence - by my business rivals - Cambridge City Council. I know this *PSPO will go through* no matter what anyone says - and I'm shocked at how this consultation has been carried out. Democracy it is not. Shame on the Council.

Yours Faithfully,

██████████ ██████████ on behalf of Black Shuck Cambridge Ghost Tours

**From:** Alan Carter

**Sent:** 20 March 2016 21:52

**To:** [REDACTED]

**Subject:** PSPO Consultation - Complaint about Council Conduct

Dear [REDACTED],

Thank you for your email of 12 February which we are dealing with as a formal complaint as requested by you.

I am the Head of Service who has line management responsibility for the Safer Communities Manager, Lynda Kilkelly, who is leading the consultation regarding the Public Spaces Protection Order. In responding to your complaint I am following the Council's complaints procedure. You have asked that your complaint be dealt with by 'someone not involved with Cambridge City Council'. The Council's complaint procedure accommodates review by third parties if an initial review by the Council does not satisfy your queries. The Council's procedure requires me to look into your complaint, review the actions we have taken and respond. If you are still not satisfied you can ask for your complaint to be reviewed by my line manager, Liz Bisset, Director of Customer and Community Services. If you remain dissatisfied, you can request to take your complaint to the Independent Complaints Investigator who is not an employee of the Council but who is paid by the Council on a contract and will ensure that an independent review is carried out. If you are still not satisfied at that point you can take your complaint to the Local Government Ombudsman. The Local Government Ombudsman will only usually investigate after you have been through our complaints procedure. I have provided a link to the relevant information at the end of this e-mail. By now you will be aware



that the Council has received a number of responses to the consultation exercise and has therefore deferred reporting back to the Strategy and Resources Committee to allow full consideration of comments made.

Regarding your complaint, I will respond to the points you have made in the order that you raised them.

## **Section 1**

1. You say you have been treated and dismissed like an 'illegal tout' during the consultation. You do not say how this has occurred, so it is difficult for me to address this part of your complaint. However, as we were still in the consultation period when you made your complaint it may well be that some of the issues you raised are resolved when the consultation results are analysed and published.

2. You also say that you have not been taken seriously and that specific questions in your emails have gone unanswered. I understand that both Cllr. Herbert and Lynda Kilkelly have been in correspondence with you explaining that some of the issues you raised were being considered by our legal department and that these and others would be answered as part of the consultation process. You have not been specific about which emails were not answered and so I cannot comment further.

3. You also say you have been forced to spend your working hours proving that you run a tax paying, insured, legal business as your whole company has been defamed by the City Council. I do not know of any occasion when the City Council specifically referred to your company during the formal public consultation process or at any other time. In proposing a Public Spaces Protection Order we are responding to many years of complaints from the public regarding nuisance and anti-social

behaviour relating to touting and tours in the city, in doing so we have not named any particular organisation or company.

4. I cannot comment currently on what you may have been told by the Tourist Information Centre and in order to investigate this further I will need to know some dates and names of people you were dealing with. I can then investigate this element of your complaint with them.

5. You say that you are shocked to learn that you are to be 'banned from advertising my walking tours in the city centre'. The wording of the Public Spaces Protection order is being consulted on. As part of that consultation process we have asked the question 'Do you agree that all the activities as described in the order should be prohibited?' The results of the consultation including this question will be analysed and the wording of the final order, should there be one, may change depending on those results. It is not true to say at this point that you or anyone else are banned from advertising.

6. You say that the City Council do not know what advertising means under the PSPO. I have spoken to Mrs Kilkelly who recalls that you brought up the issue of advertising at the drop in session on 3rd February in connection with a sweatshirt you were wearing with your company logo on it. You asked if you would receive a fixed penalty notice for wearing this garment in town. Mrs Kilkelly replied that she would not expect the wearing of a sweatshirt with a logo to be considered as advertising but that admittedly she did not know the legal definition of advertising but would find it out from her colleagues in the legal department who did know. You were subsequently sent the definition.

7. You complain that Cllr. Herbert in suggesting a solution to touting said that there were other ways of selling tickets besides touting, such as via the internet or from a kiosk on private land. I cannot speak for Councillor Herbert but would comment that a number of companies in the City ply their trade without touting. I would hope you would agree that it is sensible for the Council to encourage other forms of marketing other than touting in these circumstances.

## **Section 2**

8. You claim that the consultation documents are not clear enough that the consultation is about tour touting as well as punt touting. The consultation documents and other related documents on our website and provided in paper copy clearly state that we are consulting on a Public Spaces Protection Order Punt and Tour Touting. The questions in the consultation also refer to 'touting for walking tours or hire of punt, boats or similar craft hire' (question 1). Questions 2 and 3 also give people an opportunity to comment on the prohibitions in the order including walking tours and advertising.

9. You say that the Council are acting unlawfully as the conditions of the Antisocial Behaviour, Crime and Policing Act 2014 have not been met. The Act provides for a challenge to the Public Spaces Protection Order in court if that is deemed to be the case, for that reason I do not intend to comment further on this point.

10. You say you have asked for evidence and complaints over the anti-social aspect of advertising walking tours but have been ignored and questions left unanswered. All complaints and evidence were published and freely available on the Council website. You were also invited to

take paper copies of the documentation when you visited the Guildhall for the drop in session on 3rd February.

### **Section 3**

11. I note your comments in respect of Human Rights. Some of your comments are speculative about the impact of the PSPO, if agreed, and therefore I cannot respond on these. Others appear to question the legality of the law under which the PSPO regulations have been introduced in this country in relation to the Human Rights Act. Again, it is not for me to challenge national legislation in this respect. You are critical of the police in your complaint letter at this point and I would therefore suggest that you take up your complaint with the police as it would be wrong for me to comment.

### **Section 4**

13. You say you were told that the 'PSPO will be going through, possibly with some changes, but it will be going through'. You do not say who told you this but I can confirm that no decision will be made the results of the consultation process have been analysed. The results will be published and the decision process will remain transparent and the decision whether to proceed with the order will be made at a public committee meeting which you are welcome to attend.

### **Section 5**

14. You say that the documents attached to the PSPO are filled with a bias that defames the good name of your company. You do not say specifically which documents. However, I have reviewed the documents and the references that I can see to 'illegal, tax dodging, uninsured and dangerous' are in the complaints log or the community impact statement.

We have faithfully reported what the public have complained about and the police assessment of the impact on the community. I could not see any specific reference to your company.

## **Section 6**

15. You say that the Council have failed to declare the financial gain they stand to make from the PSPO being passed. You give the example of Visit Cambridge being consulted and consequently consulting their members as proof of this. The City Council endeavoured to consult as widely as possible on the PSPO giving all residents, workers, businesses and visitors in the city the opportunity to respond. Therefore I do not feel it demonstrated any bias by including Visit Cambridge in the consultation process. Many organisations, companies and individuals who have been consulted will have an interest in the outcome of the consultation. However, we will consider the point you make about the specific commercial interests of some organisations as part of the consultation process and will report on this at the appropriate committee.

## **Section 7**

16. You intimate that rival firms who fail to declare the financial gain they stand to make if the PSPO is passed are involved in the PSPO and are advising the City Council on matters affecting the industry. This is not correct. The City Council welcome all views and ask for information and record all concerns for inclusion in the consultation without bias. The drop in session on 3 February, 2016, is an example and was an open session for any members of the public to get information about the consultation, to pick up paper copies of the consultation documentation if they so desired and to completed the consultation online if they wished. I have spoken to Mrs Kilkelly and she remembers that she was in

discussion with a member of the public when you arrived. She welcomed you and said she would be available shortly. You choose to engage in conversation with the other people at the session as many others who had attended the session had done. It is not the wish or the responsibility of the Council to stop people freely exchanging views. Mrs Kilkelly did intervene when she became free. She asked the people you were talking to if they had all the information that they needed if so would they like to leave and give you and the person you had come with an opportunity to speak to her alone, they agreed and left. I understand that you then had quite a long conversation with Mrs Kilkelly in which you discussed the definition of advertising and other issues that you were concerned about. Mrs Kilkelly recorded your specific concerns and included them in the notes for the drop in session which form part of the response to the consultation. You also said you would be responding to the online consultation.

## **Section 8**

17. You say that the printed and web articles handed out as evidence for the PSPO are misleading, factually incorrect and potentially libellous. You say that the PSPO is 'misleading to the general public who do not read the small print' and that you are campaigning against the inclusion of the terms 'advertising' and 'walking tour'. You are of course fully entitled to express your views on the wording of the order and you were and are assured that that your views would be included in the consultation responses. The consultation which was open to all members of the public as mentioned earlier contained questions asking for views on the order. The views expressed will be analysed and taken into account when making a decision on whether to have an order and what should be included.

18. The consultation questions were designed to give the public opportunities to comment on a wide range of issues regarding the PSPO. For that reason they do not concentrate on one particular word or issue such as advertising. We feel that that all issues are covered within the total of the response form including question 6 which asks 'Are there any other comments you would like to make regarding the Public Spaces Protection Order? The drop in session was also an opportunity for people to make known their views, as you did, and those views are also being analysed with all consultation responses.

19. You say that the evidence we provided of complaints that we received from the public are misleading. We can only report on the complaints we received and we have made a summary of these complaints available to the public to enable them to decide on whether they think a PSPO is appropriate to address these complaints. Your views on the complaints and their relevance to the PSPO have been noted as part of the consultation response.

## **Section 9**

20. I cannot comment on the community impact statement made by Sergeant Wood. I suggest you take any complaint about this up with Parkside police.

I would like to assure you that the issues you brought up prior to the end of the consultation on 17th February both by email and through your attendance at the drop in session on 3rd February have been included in the consultation response and have been taken seriously. I hope the above response is helpful.

If you are not satisfied with my response the next step is to say why as a 'second stage complaint' to Liz Bisset, Director of Customer and

Community Services. Liz's email address is [Liz.Bisset@Cambridge.gov.uk](mailto:Liz.Bisset@Cambridge.gov.uk). The City Council procedure for making complaints and the relevant contact details can be found at

<https://www.cambridge.gov.uk/sites/default/files/how-to-complain.pdf>

Yours sincerely

Alan Carter





To: Leader of the Council  
Report by: Alan Carter  
Relevant scrutiny committee: Strategy and Resources Committee 4 July 2016  
Wards affected: All

## **Investment Partnership**

### **Key Decision**

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#### **1. Executive summary**

The report recommends the establishment of an Investment Partnership as the best way for the Council to secure its objectives from the redevelopment of many of its sites.

#### **2. Recommendations**

The Executive Councillor is recommended:

- 2.1 To delegate authority to a Strategic Director to set up an Investment Partnership subject to legal due diligence and following consultation with the Leader and Opposition Spokespersons.

#### **3. Background**

3.1 Following consideration of a report by the Strategy and Resources Committee on 18 January 2016, the Executive Councillor has agreed to the establishment of a General Fund Development Programme to optimise the use of its land and property assets. The report also examined different options for the Council to secure the redevelopment of its land, from selling sites through to the Council acting as developer. Through these reports the Council has set out which sites in its ownership the Council wishes to progress for redevelopment over the short to medium term and;

- that the financial priority is to secure a revenue income as opposed to a capital receipt;

- that the sites can and should primarily be redeveloped for housing that is affordable, addressing the local need for more social housing and other forms of sub-market housing (intermediate housing)
- that the Council is prepared to take more of a share of development risk to secure a greater share of financial and/or social reward.

3.2 It is obviously important too that revenue income is secured as quickly, and as cost-effectively, as possible in view of the wider financial pressures on the Council. A redevelopment scheme can on average take around three years to complete. Finally, despite the current hiatus surrounding the sustainability of the Housing Revenue Account (HRA), there are some HRA sites that have been approved for redevelopment and it would be sensible to consider their redevelopment alongside any approach to the redevelopment of General Fund sites.

3.3 Analysis over the last few months including financial appraisals in respect of the Park Street project and the Council's Housing Company and the appetite of the Council to accept more development risk has led to the consideration of joint venture partnerships to redevelop sites rather than contract based partnerships for works and services. The latter are less sensitive to changing market circumstances and therefore less able to capture up-lifts in value from redevelopment.

3.4 Senior officers from housing; property; legal and finance services have been investigating different forms of joint venture partnerships including running a workshop which involved presentations from an external property consultant; two prominent local developers and from a local authority that has set up a joint venture partnership. Informal soundings have been taken from legal and property advisers and local authorities who have established joint ventures and some of their committee reports in the public domain have been read. Reports have been considered by the Strategic Leadership Team and the conclusion is that a form of joint venture partnership known as an Investment Partnership (IP) is a model that would be the best approach for the Council to secure its objectives from the redevelopment of many of its sites. All other joint venture models explored require the Council to identify the value of the site or programme of sites in advance of procuring a partner to provide works and services. The IP allows for greater flexibility and control by the Council in that it can choose which sites it wishes to take forward through the IP and which sites may lend themselves to different approaches. As the Council is not procuring works and services the establishment of a IP is not deemed to be a procurement.

3.5 In summary, the strengths of the IP model for the Council are as follows;

- Risk and reward is shared with the Council's partner.

- The Council can choose which schemes it inputs into the model and when – it can therefore control the extent of the risk and reward it chooses to take on a scheme by scheme basis.
- The Council can choose the financial (ie capital or revenue or both) and social outputs it requires from a scheme.
- The Council can choose to veto a scheme before it proceeds.
- The IP can be set up quickly and is therefore the best route to progress schemes such as Mill Road and Park Street Car Park.
- Set up costs are low and there are no procurement costs for the Council.

### **Overview of how an Investment Partnership works**

3.6 The Council would agree to set up a joint venture with a partner as a Limited Liability Partnership (LLP). The LLP would be 50:50 controlled by the Council and the partner. Therefore, it would not be a public sector body. The Council invests its land with the IP and the partner invests funding and its knowledge, skills and experience in development. These inputs are valued (eg the Council's land is independently valued) and land can be input on a site by site basis. Once land is input the IP appraises the scheme. The Council and partner approves the scheme and it is developed. Once complete the Council and the partner will share the outputs (financial or social) in proportion to the value of each partners inputs, in other words this model allows the sharing of the development risks and reward between the Council and its partner.

3.7 Under the model the Council can choose which scheme it wishes to invest in the IP. The Council or the partner can veto whether a scheme proceeds or not once it has been appraised. The Council retains control of the freehold of land and its value as it can choose or not whether it requires the freehold to remain with the Council. The Council can offer funding (and staff) as an investment into the IP too.

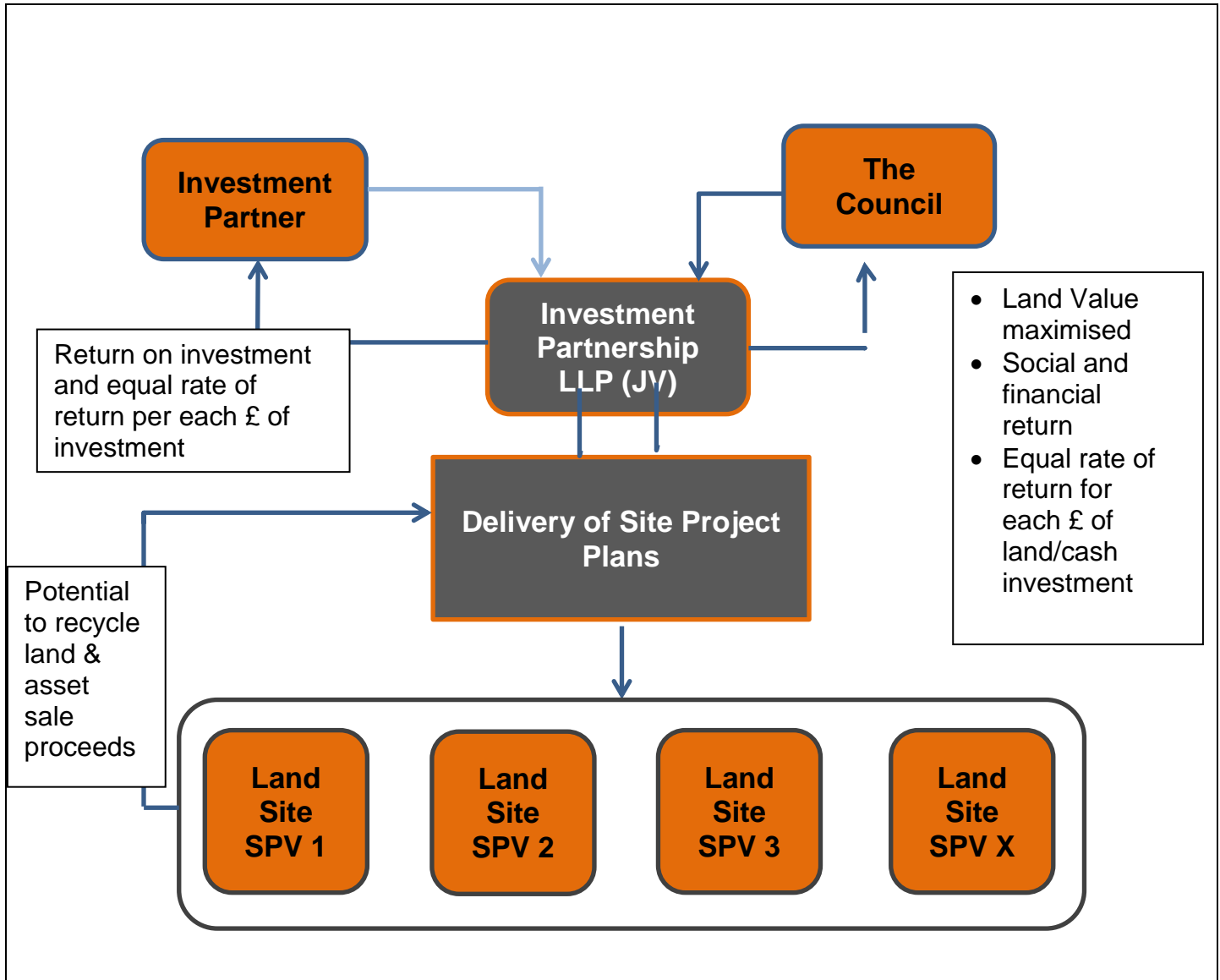
### **Governance and Structure**

3.8 The IP would be overseen by a Board made up of equal representation from the Council and the partner. As an example, an existing IP set up by another local authority has a Board of four – two representatives from the Council and two from its partner. Each Board Member has a single vote. For avoidance of doubt decision-making is on the basis of consensus, this means that if there is not agreement between the parties (or a majority vote – although it is difficult to imagine the circumstances in which one parties representative votes in favour of a proposal and the other votes against), or there are abstentions, then nothing happens. The Chair does not have a casting vote.

3.9 If the establishment of an IP is approved, a process to agree Council representation would need to be agreed.

3.10 The requirements of the Council and the partner as the shareholders would be set out in a shareholder agreement.

3.11 The diagram below summarises the structure of an IP with a partner.



3.12 The IP would be serviced by a small project team that can include Council staff.

3.13 Once a scheme has been appraised and approved by the Council and the partner and the Board, a separate special purpose vehicle (SPV) would be set up to manage the delivery of the scheme (more than one scheme can be delivered through a single SPV if they are small sites). The purpose of setting up the SPVs is to contain any development risks relating to a scheme and to provide transparency in the outputs flowing from the delivery of different schemes bearing in mind that they, of course, will be completed at different times.

## **Selecting a Partner**

- 3.14 Learning from the experience of other local authorities in establishing an IP it is important from the outset to define what the Council is trying to achieve through the model. The proposed purpose and objectives for the IP are set out in Appendix 1.
- 3.15 Senior officers have also been reflecting on the qualities that Cambridge City Council would expect from a partner to an IP. These are set out in Appendix 2 – What does Cambridge City Council want from a partner in an IP.
- 3.16 The establishment of an IP is not subject to public sector procurement rules. Nevertheless the Council will need to be transparent about why it has chosen its partner against the above criteria. A selection methodology has been devised that involves assessment by external parties and a wide range of internal officers. The assessment process would also involve the usual due diligence checks in respect of finance and probity. The selection methodology is shown as Appendix 3.

## **Legal Matters**

- 3.17 The Council has commissioned Freeths following a mini-competition using the EM Lawshare framework. Freeths will provide advice at two stages. Initially they will provide advice on;
- The Council's powers to enter into the proposed arrangement;
  - Any procurement implications involved in the selection of a partner;
  - Any procurement implications in entering into agreement with the partner to develop specific sites, including in circumstances in which the Council would benefit through the delivery of public works;
  - Good practice considerations more generally in selecting a partner;
  - Advice on the methodology of selection;
  - Any state aid implications;
  - Tax implications about what is proposed;
  - Advice generally on the proposed model, including consideration of whether this is the best option.

Should approval be given to proceed, Freeths will act on behalf of the Council to set up the joint venture structure.

## **Risks**

- 3.18 The IP model does not remove any of the usual risks associate with development. For example; site related risks such as contamination;

risks around achievement of planning approval; build cost inflation etc. The IP does allow these risks to be shared with the partner and to be effectively mitigated with the Council benefiting from the development skills, experience, knowledge and staff capacity of the partner.

3.19 In terms of direct risks with the IP model these are as follows;

**Legal challenge about the choice of the partner** - Freeths advice will confirm but all case studies and secondary legal commentary clearly indicate that a local authority can choose its partner in an IP.

**Transparency in that choice** – The selection methodology is offered to demonstrate why the Council chose its partner.

**That the return generated through the IP does not represent best value** – Land invested by the Council into the IP will be valued by an independent valuer. At any time the Council can require the IP to test best value of any of its activities. As the partner is set to share in up-lift in development value it is not in their interest not to work with the Council to jointly manage the efficient delivery of projects.

**The Council and its partner does not agree to progress a scheme** – The impact of this risk is that the cost of progressing the scheme to-date would be lost and there would be a delay in delivering the scheme. Again, part of the mitigation is that it is not in the interest of either partner to without good reason prevent a scheme from progressing, as any aborted costs would be shared. The Council can of course decide not to invest further sites in the IP if relationships deteriorate.

## 4. Implications

### (a) Financial Implications

**Land Value** - As mentioned above the Council would invest land into the IP. The land would be independently valued at the point of input and the Council will be issued a 'loan note' to the value of the land. This would therefore satisfy the statutory requirement for the Council to 'dispose' of the land at best value. Once the land has been developed the IP will redeem the loan note from the develop value.

Any other development value above the value of the Council's land at input will be shared between the Council and the partner in proportion to the value of other inputs ie funding and staff costs. In the simplest example if the Council inputs land to the value of £1m and the partner inputs funding and staff costs to the value of £1m and the resulting

value of the new development is £2.4m, the Council will receive 50% of the up-lift in value ie £200,000 as will the partner.

**Revenue Return** – The Council will be able to require a revenue return as a return on the development value. For example, it can specify that some of the housing will be let at Intermediate Rents and forego any capital receipt should these properties have been sold.

**Funding** – The Council can choose to provide funding as part of its investment into the IP. It may want to do so if for example it can secure finance at better value than the partner. This would be analysed at scheme appraisal stage and be part of the decision to proceed with a schemes or not.

**Reinvesting Returns in the IP** – The model would allow the Council to instruct that the IP retain some of the return on a scheme should it be helpful for the IP to have working capital to progress subsequent schemes.

**Financial Capacity of Partner** – The usual checks of financial capacity and current exposure of a partner would be undertaken as part of the due diligence before setting up an IP.

**Corporation Tax** – This is not payable by a LLP.

**SDLT** – Any SDLT liability will be assessed on a scheme by scheme basis.

(b) **Staffing Implications**

Council staff experienced in the development process will be required to act on its behalf to set up the IP and also to manage its interests as sites are input into the IP. This will be led by the Council's shared housing development service the Greater Cambridge Housing Development Agency (H DA).

(c) **Equality and Poverty Implications**

There are no direct equality and poverty implications in establishing an IP, but the redevelopment of individual sites and the effective realisation of the Council's land and property assets will release funding to assist the Council to pursue its equality and poverty policies.

(d) **Environmental Implications**

There are no direct environmental implications in establishing an IP but there will be a specification for each redevelopment that addresses ten required environmental outcomes.

**(e) Procurement**

Initial advice is that the establishment of an IP does not constitute a procurement. Part of Freeths commission is to specifically address this matter.

**(f) Consultation and communication**

There has been no formal external consultation regarding the establishment of an IP.

**(g) Community Safety**

There are no direct Community Safety implications in establishing and IP.

## **5. Background papers**

No background papers were used in the preparation of this report.

## **6. Appendices**

Appendix 1 – Proposed Purpose and Objectives of an Investment Partnership

Appendix 2 - What does Cambridge City Council want from a partner in an IP.

Appendix 3 - Selection of Investment Partner : Methodology

## **7. Inspection of papers**

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

Author's Name: Alan Carter  
Author's Phone Number: 07891 561166  
Author's Email: Alan.carter@cambridge.gov.uk



## **Appendix 1 - Proposed Purpose and Objectives of an Investment Partnership**

### **Purpose**

- To provide housing that is affordable to meet local need
- To create successful places

### **What do we want to achieve (outcomes and outputs)?**

- Primarily housing and a range of housing that is affordable including social housing.
- A revenue return for the Council is priority over a capital receipt - but with the flexibility for the Council decide on a scheme by scheme basis.
- A programme approach to deliver the 'double bottom line' of housing that is affordable and a revenue return ie flexibility to look at outcomes over a number of schemes over one, three and five year timescale and potentially longer.
- Sharing risk and return with an investment partner.
- Speedy and timely delivery.
- Developments that create successful places
- Retention of freehold as a priority.

## **Appendix 2 - What does Cambridge City Council want from a partner in an IP.**

The following list is proposed;

### **A. Alignment with the Council's Vision for Cambridge**

- Commitment to the Council's vision for Cambridge ie ".....a united city, 'One Cambridge - Fair for All', in which economic dynamism and prosperity are combined with social justice and equality" (Extract from Cambridge City Council – Our Vision).
- A commitment to quality built form and 'place' design –

"A city which strives to ensure that all local households can secure a suitable, affordable local home, close to jobs and neighbourhood facilities."

"A city which draws inspiration from its unique qualities and environment and its iconic historic centre, and retains its sense of place across the city through positive planning, generous urban open spaces and well-designed buildings, and by providing quality council services."

"A city where getting around is primarily by public transport, bike and on foot."

"A city that takes robust action to tackle the local and global threat of Climate Change, both internally and in partnership with local organisations and residents, and to minimise its environmental impact by cutting carbon, waste and pollution."

(Above are extracts from Cambridge City Council – Our Vision).

### **B. The Ability to Optimise the Future Investment in Council Land Opportunities**

- An understanding of the Cambridge housing market (to optimise sales values and manage rates of sale).
- An understanding of local land supply (to facilitate land assembly) and direct experience of the local construction supply side (to balance cost, quality and timely delivery of new homes).
- The skills and experience to work with the Council to deliver all component parts of the development process ie the flexibility to work with the Council to secure the construction of schemes as well masterplan, design, secure planning and market and sell homes.
- The skills and experience to work with the Council to deliver schemes of 50 to 200 homes plus (likely to be the core purpose of

the Investment Partnership) and the flexibility and appetite to work with the Council if necessary to deliver smaller schemes with say less than ten homes.

- Flexibility to realise both the Council's financial and social outcomes from investment.

### **C. A lasting partnership**

- The commitment to sustain a significant partnership over a medium term timescale.

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## Appendix 3 – Selection of Investment Partner

### Methodology

The starting point is to be clear about what we want from an Investment Partner.

The following list is proposed;

#### 1. Alignment with the Council’s Vision for Cambridge

- Commitment to the Council’s vision for Cambridge – “.....a united city, ‘One Cambridge - Fair for All’, in which economic dynamism and prosperity are combined with social justice and equality” (Extract from Cambridge City Council – Our Vision).

- A commitment to quality built form and ‘place’ design –

“A city which strives to ensure that all local households can secure a suitable, affordable local home, close to jobs and neighbourhood facilities.”

“A city which draws inspiration from its unique qualities and environment and its iconic historic centre, and retains its sense of place across the city through positive planning, generous urban open spaces and well-designed buildings, and by providing quality council services.”

“A city where getting around is primarily by public transport, bike and on foot.”

“A city that takes robust action to tackle the local and global threat of Climate Change, both internally and in partnership with local organisations and residents, and to minimise its environmental impact by cutting carbon, waste and pollution.”

(Extracts from Cambridge City Council – Our Vision).

#### 2. Optimising the Future Investment in Council Land Opportunities

- An understanding of the Cambridge housing market.

- An understanding of local land supply and direct experience of the local construction supply side.
- The skills and experience to work with the Council to deliver all component parts of the development process ie the flexibility to work with the Council to secure the construction of schemes as well masterplan, design, secure planning and market and sell homes.
- The skills and experience to work with the Council to deliver schemes of 50 to 200 homes plus (likely to be the core purpose of the Investment Partnership) and the flexibility and appetite to work with the Council if necessary to deliver smaller schemes with say less than ten homes.
- Flexibility to realise both the Council's financial and social outcomes from investment.

### 3. A lasting partnership

- The commitment to sustain a significant partnership over a medium term timescale.

The attributes of a partner that we would want to work with Council can be assessed in different ways as shown in the table below;

Vision	Assessment Criteria	Method of Assessment
1. Commitment to the Council's vision for Cambridge	Degree of engagement with the local growth partnership network.	Internal officer panel assessment – housing; planning and urban design; and property services officer.  Statement from Partner  Reference
2. A commitment to quality built form and 'place' design	A track record of delivering successful schemes in Cambridge.	Internal officer panel assessment - housing; planning and urban design officer.

	Demonstration of a commitment to deliver new schemes within the framework of the Cambridgeshire Quality Charter for Growth.	Statement from Partner Reference  Internal officer panel assessment - housing; planning and urban design officer.  Statement from Partner Reference
<b>Optimising the Future Investment in Council Land Opportunities</b>		
3. An understanding of the Cambridge housing market.	External validation.	Independent external assessment
4. An understanding of local land supply and experience of the local construction supply side.	External validation.	Independent external assessment
5. The skills and experience to work with the Council to deliver all component parts of the development process ie the flexibility to work with the Council to secure the construction of schemes as well masterplan, design, secure planning and market and sell homes.	External validation	Independent external assessment

6. The skills and experience to work with the Council to deliver schemes of 50 to 200 homes plus (likely to be the core purpose of the Investment Partnership) and the flexibility and appetite to work with the Council if necessary to deliver smaller schemes with say less than ten homes.	Scheme examples	Internal officer panel assessment - housing; planning and urban design; and property services officer.  Statement from Partner Reference
7. Flexibility to realise both the Council's financial and social outcomes from investment.	Method statement	Internal officer panel assessment – housing and property services officer  Statement from Partner Reference
<b>A lasting partnership</b>		
8. The commitment to sustain a significant partnership over a medium term timescale	Method statement	Internal officer panel assessment - housing and property services officer  Statement from Partner Reference
	The financial capacity to secure development finance for schemes – Credit and other financial checks including funding options and indicative cost of finance	Review by section 151 officer



	Organisational Capacity and Probity – information from Partner	Review by procurement officer

The proposed process for confirming the best Partner will have three stages;

**Stage 1 – Independent external assessment**

This will in effect be a shortlisting stage. We will ask three independent property consultants to list and rank five developers, house-builders, or building contractors who best meet attributes 3, 4 and 5 above. We will award five marks to the first place company in each list, four marks to the second placed etc. with the fifth placed receiving one mark. If more than one company achieves the same score they will all be shortlisted until at least three companies can be shortlisted.

**Stage 2 - Internal officer panel**

We will approach the top three companies scored at Stage 1 to invite them to consider becoming our investment partner (or more than three if some companies receive the same score). If they express their interest we will invite them to provide information to assess their attributes listed under 1, 2, 6 and 7 above.

**Stage 3 - Financial and other checks**

The preferred partner emerging from Stage 2 will then be subject to the assessments listed under 8 above.

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To: Executive Councillor for Strategy and Transformation: Councillor Lewis Herbert  
Report by: David Kidston, Strategy and Partnerships Manager  
Relevant scrutiny committee: Strategy and Resources Scrutiny Committee 4/7/2016  
Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge East Chesterton King's Hedges Market Newnham Petersfield Queen Edith's Romsey Trumpington West Chesterton

## **SINGLE EQUALITY SCHEME 2015-2018**

### **Key Decision**

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#### **1. Executive summary**

- 1.1 The Council's new Single Equality Scheme (SES) was approved by the Executive Councillor for Strategy and Transformation at Strategy and Resources Committee on 13 July 2015. The SES sets out how the organisation will challenge discrimination and promote equal opportunity in all aspects of its work over a three year period (2015-2018).
- 1.2 This report provides an update on progress in delivering key actions set out in the SES for 2015/16. It also proposes some new actions for delivery during 2016/17.

#### **2. Recommendations**

The Executive Councillor is recommended to:

- 2.1 Note the progress in delivering equalities actions during 2015/16.
- 2.2 Approve the actions proposed in Appendix A for delivery during 2016/17

#### **3. Background**

- 3.1 The Public Sector Equality Duty (PSED) in the Equality Act 2010 requires local authorities to: publish information annually to

demonstrate how they meet the equality duty; and publish one or more equalities objectives at least every four years.

3.2 The Council has developed a new Single Equality Scheme (SES) for April 2015 to March 2018. The scheme was approved by the Executive Councillor for Strategy and Transformation at Strategy and Resources Committee on 13 July 2015.

3.3 The SES identifies 5 objectives for the Council's work on equalities issues and sets out a total of 39 actions for the Council during 2015/16 to help deliver the objectives listed above. A summary of progress in delivering these actions is provided at 4.0 in this report. Further detail can be found in the full Single Equality Scheme Annual report, which is provided as a background paper to this report and can be viewed by following the link in section 7.0.

#### **4. Progress during 2015/16**

4.1 During 2015/16 we have taken a number of steps to increase our understanding of the needs of Cambridge's growing and increasingly diverse communities so that we can target our services effectively (SES Objective 1), including:

- Conducting four needs assessment surveys focussing on: women; men on low incomes; people with disabilities; and BAME and faith communities. A total of 766 survey questionnaires were completed across the four groups
- Taking the lead on a Cambridgeshire-wide project to identify housing needs of people with disabilities
- Consulting a representative group of residents and businesses on a number of savings proposals as part the Council's annual budget consultation

4.2 We delivered a number of actions which aimed to improve access to and take-up of services from all residents and communities (SES Objective 2), including:

- Providing a number of equalities-focused training courses for staff including: a dedicated session on equality and diversity as part of the corporate induction for new staff; disability awareness training; mental health awareness training; mental health first aid training; and transgender awareness training
- Procuring a new corporate interpreting and translation contract in collaboration with Cambridgeshire County Council and actively

managing this contract to ensure good standards of service for the Council and its customers

- Using funding from the Council's Sharing Prosperity Fund to fund four digital inclusion projects. The Council's City Homes service delivered 5 12- week training courses for 34 residents at venues across the City. 3 voluntary and community organisations were funded to deliver programmes which focused on increasing residents' digital skills and enabling them to access services online

4.3 We have progressed a number of actions to promote equal access to public activities and spaces in Cambridge and help people to participate fully in the community (SES Objective 3), including:

- Completing the Cambridge City Centre Accessibility Review, which focused on accessibility issues for people with disabilities, older people and other people with mobility issues, and taking forward an action plan to address some of these issues
- Reviewing the Council's taxi policy. A draft policy will be considered at the Council's Licensing Committee in July 2016, prior to wider consultation. It is proposed that the disabled access element of the new policy will include training and awareness on disability issues as part of mandatory safeguarding training for all taxi drivers
- Signing the Cambridgeshire and Peterborough Mental Health Crisis Concordat. By signing the Concordat, the Council has committed to work with partners, including Cambridgeshire Police, Cambridgeshire County Council, Cambridgeshire MIND, and NHS bodies, to ensure that vulnerable individuals in mental health crisis receive the right care, in the right place, at the right time
- Working with Citizen's Advice Bureau to pilot an outreach advice service at Barnwell Medical Practice, which has supported 64 patients who are experiencing mental health issues as a result of debt or other financial issues
- Working with partner organisations to provide 7 awareness raising events and activities on mental health issues for City Council staff and local communities as part of World Mental Health Day in October 2015
- Continuing to provide move-on accommodation for 40 adults recovering from mental ill health, in conjunction with Cambridgeshire County Council and Metropolitan Housing Group
- Providing direct support for 535 older people aged 65+ to help them remain independent and socially active, including through access to benefits, installation of assistive technology, and community alarms

- Continuing to deliver a programme of 15 fitness classes per week for older people in partnership with Forever Active and the Cambridgeshire and Peterborough Clinical Commissioning Group's Falls Prevention Team. There have been 4,976 attendances by older people at these classes to date
- Continuing to support a range of groups for older people in Trumpington, Buchan Street Neighbourhood Centre, and Akeman Street Community Centre, and providing spaces for groups at Ross Street Community Centre
- Providing a successful programme of free swimming lessons for 290 children who are from low income families or who cannot swim at the key stage 2 assessment point
- Providing 561 open access play sessions for children and young people, which were attended by 13,289 children. We also provided a programme of summer activities for children and young people as part of SummerDaze 2015, and provided targeted activities in areas of greatest need, including boat activities, cooking, and art and crafts

4.4 We took forward a number of activities to tackle discrimination, harassment and victimisation and ensure that people from different backgrounds living in the city continue to get on well together (SES Objective 4). These included:

- Working with partners to develop an Equality Pledge, which was signed by all local authorities in Cambridgeshire, and a significant number of other public bodies. Cambridge City Council is hosting a web page for the Pledge, and actions are now taking place in support of the Pledge, including the development of an Equalities and Diversity Partnership and Network
- Supporting and delivering a wide range of celebratory activities, including events to mark Black History Month, Cambridgeshire Celebrates Age, Disability History Month, Holocaust Memorial Day, International Women's Day, Lesbian Gay Bisexual and Transgender (LGBT) History Month, and Refugee Week
- Supporting the development of the 'Safer Spaces' project, which is being led by the Encompass Network. The Council has taken a number of steps to ensure that it provides a 'Safer Space' for LGB&T customers, including: providing a transgender awareness training course which was attended by over 90 staff; and producing and promoting a guide and for managers on making their facilities a safer space

- Working with Encompass and Cambridgeshire Ethnic Community Forum to arrange events to bring together BAME and LGB&T communities as part of Black History Month and the Council's Customer Awareness Week activities
- Providing regular outreach surgeries at Cambridge Mosque and the Addenbrookes Hub on services to address racial harassment and anti-social behaviour
- Working in partnership with Cambridgeshire Police to put in place a local 'Prevent' initiative. Following an initial community engagement event, we produced an action plan. As part of this we have delivered awareness raising workshops for the community and conducted training for over 160 frontline staff on their responsibilities under 'Prevent'
- Gaining "White Ribbon Campaign" status and taking forward an associated action plan. Actions have included: Working with partners to organise a domestic abuse and sexual violence awareness event; and developing a new Council webpage to signpost people who have been affected by domestic abuse to agencies that can provide help, and provide information on spotting the signs of domestic abuse or relationship abuse

4.5 We took a number of steps to ensure that the Council's employment and procurement policies and practices are non-discriminatory and to work towards a more representative workforce within the Council (SES Objective 5). These included:

- Publishing data on the Council's workforce, recruitment and training attendance by equality group as part of the annual Equality in Employment report.
- Recruiting 7 apprentices during 2015/16 as part of the Council's ongoing apprenticeship programme
- Publishing a new guide for officers on equalities in procurement which takes into account relevant changes in equalities legislation and guidance
- Progressing a wider audit of the Council's contract management processes, including auditing a sample of contracts to determine whether equalities considerations are being monitored effectively by contract managers

## **5. New actions for 2016/17**

5.1 The SES 2015-2018 sets out 5 objectives for the Council's work on equalities issues and 39 actions to help deliver these objectives during

2015/16. A further 30 actions have been identified in Appendix A for delivery during the second year of the scheme in 2016/17. Some of these are new actions that have been developed in response to consultation, research or emerging local issues, while others are an extension or evolution of activity delivered during 2015/16.

## **6. Implications**

### **(a) Financial Implications**

As equalities has been mainstreamed across all Council services, the activities and actions identified in Appendix A will primarily be delivered through existing service budgets and will not require additional resources. However, the Strategy and Partnerships Team has a small budget to support equalities projects and publications, and a further budget to finance interpreting services to support fair and equal access to and delivery of services. Other services support corporate and service based equalities initiatives through provision of staff resources and occasionally funds for specific projects. We also work extensively with partner organisations to maximise the impact of our resources.

### **(b) Staffing Implications (if not covered in Consultations Section)**

As equalities has been mainstreamed across all Council services, the activities and actions identified in the strategic action plan will primarily be delivered as part of the core responsibilities of staff within the relevant services. The Joint Equalities Group is made up of staff representatives from across all City Council services who are able to input time to supporting the mainstreaming of equalities. These are not specific posts within services, but are roles that have been adopted by staff where departments have been able to absorb additional duties.

### **(c) Equality and Poverty Implications**

No Equality Impact Assessment (EqIA) has been carried out for this progress report on the SES. The SES provides the framework for the City Council's work to challenge discrimination and promote equal opportunity in all aspects of its work, and includes a range of actions that are designed to promote equality of opportunity. It also includes a range of evidence on the make-up of communities in Cambridge and the issues they face, so it will provide a useful resource for the completion of EqIAs for other projects and policies.

The Single Equality Scheme focuses primarily on the nine protected characteristics identified in the Equality Act 2010, but references actions included in the finalised Anti-Poverty Strategy where relevant.



#### **(d) Environmental Implications**

The actions identified in the Strategic Action Plan are not anticipated to have any environmental impact, so a 'Nil' rating has been assigned

#### **(e) Procurement**

The City Council has taken steps to ensure that equalities considerations are embedded in its procurement processes. For example, we have published a Quick Procurement Guide which looks at how to deal effectively with equality issues in procurement projects. By doing this, staff can work to ensure that the suppliers and contractors that work for us provide services and supplies that meet the diverse needs of the people that use our services.

#### **(f) Consultation and communication**

Public consultation on the draft Single Equality Scheme took place for 13 weeks from 2 March to 29 May 2015. The findings from the consultation were presented to Strategy and Resources Committee on 13 July 2015. As part of the consultation officers:

- Published the draft strategy and a questionnaire survey on the City Council website. The survey was publicised via the Council's Twitter account and sent directly to relevant partner organisations. A total of 22 responses were received to the survey.
- Held 10 bilateral meetings with voluntary and community groups that represent particular equalities groups
- Sought advice from the Equalities Panel at a Special Meeting of the Panel on 2 February 2015.
- Sought the views of City Council staff via the Joint Equalities Group on 2 March 2015.

The key equalities achievements from 2015/16 will be communicated externally through a report to the Equalities Panel on 13 June, a press release and an article in Cambridge Matters. They will be communicated to Council staff through articles in Management Matters and Insight.

#### **(g) Community Safety**

A number of the actions from the SES that have been progressed during 2015/16 will have a positive impact on community safety and cohesion in Cambridge. These actions include:

- Work with Cambridgeshire County Council’s Crime Research Team to use available data on hate crime to improve our understanding of the local issues
- Provision of regular outreach surgeries at Cambridge Mosque and the Addenbrookes Hub on services to address racial harassment and anti-social behaviour
- Delivery of a ‘Prevent’ event which brought community representatives together to look at the issue of radicalisation
- Work to achieve White Ribbon status for the City Council and reduce domestic violence and abuse towards women and men

## **7. Background papers**

The Single Equality Scheme 2015-2018 Year One Review report was used as a background paper when preparing this report. The Year One Review report provides more detailed information on how each of the 39 actions in the SES have been progressed during 2015/16 and sets out the proposed actions for 2016/17. This report can be found on the Council’s website at: <https://www.cambridge.gov.uk/content/equality-and-diversity-performance>

## **8. Inspection of papers**

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

Author’s Name: David Kidston  
Author’s Phone Number: 01223 - 457043  
Author’s Email: david.kidston@cambridge.gov.uk

## Appendix A – New SES Actions for 2016/17

**Objective 1 - To further increase our understanding of the needs of Cambridge’s growing and increasingly diverse communities so that we can target our services effectively**

<b>To achieve this over the next three years we will</b>	<b>In the second year of the plan (2016/17) we will</b>	<b>The service(s) that will lead on this is</b>
1.1 Develop an equalities evidence base to inform the planning and delivery of Council services and improve monitoring of outcomes from projects and service delivery	Commission a partner organisation to analyse the results of needs assessments of women, men on low incomes, people with disabilities, and BAME/faith communities, and disseminate findings to services so that they can be used to inform service planning	Community, Arts and Recreation, Corporate Strategy
	Continue to lead the Cambridgeshire-wide project to increase information available on the housing needs of people with disabilities	Strategic Housing
	Work with the developing Equalities and Diversity Network to collect data, develop a robust evidence base of existing community provision, and identify where there are gaps and oversupply in provision. This evidence base will be used to inform a strategic review of community provision and ensure that the Council's resources are being targeted most effectively at delivering existing and future needs.	Community, Arts and Recreation
1.2 Use information gained through City Council consultation exercises to identify the needs of different groups and communities and inform decision making on services	Carry out the City Council’s 2016 residents survey and budget consultation, including securing a representative sample of the Cambridge population and analysing the results by equalities group	Corporate Strategy

<b>To achieve this over the next three years we will</b>	<b>In the second year of the plan (2016/17) we will</b>	<b>The service(s) that will lead on this is</b>
1.3 Develop and contribute to a city wide Equalities and Diversity Network, building on the Equality Pledge, to enable shared learning, a strong cross sector voice, and effective partnership working	Work with partners across the city to establish an effective Equalities and Diversity Network	Community Arts and Recreation

**Objective 2 - To continue to work to improve access to and take-up of Council services from all residents and communities**

<b>To achieve this over the next three years we will</b>	<b>In the second year of the plan (2016/17) we will</b>	<b>The service(s) that will lead on this is</b>
2.1 Ensure that we assess the equality impacts of all decisions on policies and projects which have an impact on residents, visitors and customers in Cambridge	Deliver 2 training sessions on carrying out effective Equality Impact Assessments (EqIAs) and promote them to all services as part of the City Council's corporate Learning and Development programme	Human Resources, Corporate Strategy
2.2 Ensure that Councillors and staff understand equality and diversity principles and are able to apply these to their work	Produce a briefing pack on equalities issues and circulate this to all new Councillors	Corporate Strategy
	<p>Ensure that all new starters understand the importance of equality and diversity, and that staff are able to further their understanding as part of their ongoing development, by delivering:</p> <ul style="list-style-type: none"> <li>• Equality and diversity induction courses to meet demand</li> <li>• 2 disability awareness training courses</li> <li>• 2 mental health awareness training courses</li> <li>• 4 mental health first aid training courses</li> </ul>	Human Resources, Corporate Strategy

To achieve this over the next three years we will	In the second year of the plan (2016/17) we will	The service(s) that will lead on this is
	<ul style="list-style-type: none"> <li>3 transgender awareness training courses</li> </ul>	
2.3 Ensure that language does not act as a barrier for residents to accessing services or understanding their responsibilities	Continue to provide corporate interpreting and translation services for customers that need them and continue to monitor the interpreting and translation contract effectively to ensure that interpreters meet the needs of customers and Council services	Corporate Strategy
2.4 Support residents to access digital services provided by the City Council and other organisations and businesses by enabling residents to access the internet and develop their digital skills	Develop the Council's digital inclusion strategy and work with Cambridgeshire County Council and voluntary groups to deliver a series of digital inclusion clubs for residents in community centres	Customer Services, Corporate Strategy

**Objective 3 - To work towards a situation where all residents have equal access to public activities and spaces in Cambridge and are able to participate fully in the community**

To achieve this over the next three years we will	In the second year of the plan (2016/17) we will	The service(s) that will lead on this is
3.1 Tackle barriers to accessing the city centre and playing an active part in the community for people with disabilities	Implement key actions identified for 2016/17 in the action plan which was developed following the review of the accessibility of Cambridge City Centre for people with disabilities, older people and others with mobility issues.	Planning, Environmental Services
	Carry out consultation on the Council's new draft taxi policy, including the disabled access element, and seek approval for the finalised policy at the Council's Licensing Committee in October 2016. It is proposed that the new policy will focus on training and awareness on disability	Environmental Services

To achieve this over the next three years we will	In the second year of the plan (2016/17) we will	The service(s) that will lead on this is
	issues as part of mandatory safeguarding training for all taxi drivers.	
	Sign the Cambridgeshire and Peterborough Mental Health Crisis Concordat, and implement the actions that the Council is responsible for	All services (Co-ordinated by Corporate Strategy)
	Work with Citizen's Advice Bureau to expand the outreach advice project to cover three additional GP practices in Cambridge in addition to East Barnwell Medical Practice. The project will provide advice sessions for up to 300 residents experiencing mental health issues due to low income, debt or addiction. It aims to identify £450,000 in additional income for these residents.	Corporate Strategy
	Continue to provide move-on accommodation for up to 40 adults recovering from mental ill health, working with Cambridgeshire County Council and Metropolitan Housing Group	City Homes
	Work with partner organisations to provide 5 awareness raising activities and events on mental health issues for City Council staff and local communities as part of World Mental Health Week in May 2016.	All services (Co-ordinated by Corporate Strategy)
3.2 Provide activities to promote physical activity and help reduce the social isolation experienced by some older people in the city	Continue to run and support groups for older people in Trumpington, Abbey, Arbury, Akeman Street Community Centre, and Ross Street Community Centre	Community, Arts and Recreation

To achieve this over the next three years we will	In the second year of the plan (2016/17) we will	The service(s) that will lead on this is
	Work with partners and voluntary groups to develop and deliver a programme of up to 30 inclusive and accessible events for older people as part of the annual “Cambridgeshire Celebrates Age” festival for 2016	Community, Arts and Recreation
	Continue to provide support for up to 800 older people aged 65+, working with health and social care services at Cambridgeshire County Council and local housing associations to connect them with services to help them remain independent and socially active	City Homes
	Work with Forever Active and the Clinical Commissioning Group’s Falls Prevention Team to reach 5000 attendees at the 15 sports development classes currently offered to older people to help them to stay active and reduce falls, and explore opportunities to expand the number of classes into the new growth sites community centres.	Community, Arts and Recreation
3.3 Provide positive activities for children and young people	Continue to provide 325 open access activities for 5000 children and young people in local neighbourhoods across Cambridge, including a programme of summer activities	Community, Arts and Recreation
	Continue to provide free swimming lessons at Council-owned pools for 300 children who are from low income families or who cannot swim at the key stage 2 assessment point, and expand the programme to include additional sessions for those attending Sure Start sessions at Abbey and Kings Hedges Pools	Community, Arts and Recreation
3.4 Work with voluntary and community	Continue to provide £900,000 in Community Grants to	Community, Arts and

To achieve this over the next three years we will	In the second year of the plan (2016/17) we will	The service(s) that will lead on this is
groups to deliver activities which promote equal opportunities for residents	projects which reduce social and/or economic inequality for city residents, by reducing barriers for residents with the highest needs. These barriers may be caused by low income or through inequalities caused by disability, gender, ethnicity or other protected characteristics	Recreation

**Objective 4 - To tackle discrimination, harassment and victimisation and ensure that people from different backgrounds living in the city continue to get on well together.**

To achieve this over the next three years we will	In the second year of the plan (2016/17) we will	The service(s) that will lead on this is
4.1 Work with partners to support and organise a range of events to raise awareness of and to celebrate the different communities that live in Cambridge.	Work with partners in the developing Equality and Diversity Network to support and deliver a wide range of celebratory activities, including programmes of events to mark 7 key regional or national celebrations (Black History Month, Cambridgeshire Celebrates Age, Disability History Month, Holocaust Memorial Day, International Women’s Day, Lesbian Gay Bisexual and Transgender (LGBT) History Month, and Refugee Week)	Community, Arts and Recreation
	Continue to fund and support local events and festivals which increase community pride and cohesion, such as the Big Weekend, Cambridge Mela, Chesterton Festival, Arbury Carnival and Cherry Hinton Festival	Community, Arts and Recreation
4.2 Working with partners to celebrate LGB&T communities in Cambridge and tackle discrimination and harassment they experience	Use publicity materials to promote Council buildings and sites as Safer Spaces for LGB&T customers and services users, and continue to support the wider development of the ‘Safer Spaces ‘ initiative by the Encompass Network	Community, Arts and Recreation  Corporate Strategy



<b>To achieve this over the next three years we will</b>	<b>In the second year of the plan (2016/17) we will</b>	<b>The service(s) that will lead on this is</b>
	Continue to support the development of the Pink Festival by LGB&T voluntary and community groups	Community, Arts and Recreation
4.5 Work with local communities in Cambridge to reduce domestic violence and abuse	Continue to deliver actions to reduce domestic violence and abuse towards women and men, as set out in the action plan associated with the Council's White Ribbon status	Community, Arts and Recreation
4.6 Work with the arts and cultural sector in Cambridge to develop their role in valuing and celebrating diversity	Use the Cambridge Arts Network annual conference to focus on diversity issues and the arts and cultural sector	Community, Arts and Recreation

**Objective 5 - To ensure that the City Council's employment and procurement policies and practices are non-discriminatory and to work towards a more representative workforce within the City Council**

<b>To achieve this over the next three years we will</b>	<b>In the second year of the plan (2016/17) we will</b>	<b>The service(s) that will lead on this is</b>
5.1 Analyse available data to understand how representative the City Council workforce is and identify any issues that need to be addressed	Continue to monitor the profile of the Council's workforce, in particular the Council's 2016/17 targets for BAME (9.5%) and disabled (6.5%) staff as a percentage of the workforce.	Human Resources
	Continue to deliver an apprenticeship programme, providing a further 8 apprenticeship opportunities in City Council services by 2018	Human Resources

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To Executive Councillor for Strategy & Transformation, Councillor Lewis Herbert

Report by Chief Executive, Director of Customer and Community Services, Director of Environment, Director of Business Transformation and Head of Finance

Relevant Scrutiny Committee Strategy & Resources 4 July 2016

### **2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances – Strategy & Transformation Portfolio**

#### **Key Decision**

#### **1. Executive summary**

1.1 This report presents, for the Strategy & Transformation Portfolio :

- a) A summary of actual income and expenditure compared to the final budget for 2015/16 (outturn position)
- b) Revenue and capital budget variances with explanations
- c) Specific requests to carry forward funding available from budget underspends into 2016/17.

#### **2. Recommendations**

The Executive Councillor is recommended to request that the Executive Councillor for Finance and Resources approves the following:

- a) Carry forward requests totalling £122.65k revenue funding from 2015/16 to 2016/17, as detailed in **Appendix C**
- b) Carry forward requests of £325k capital resources from 2015/16 to 2016/17 to fund rephased net capital spending, as detailed in **Appendix D**.

#### **3. Background**

##### **Revenue Outturn**

3.1 The overall revenue budget outturn position for the Strategy & Transformation Portfolio is given in the table below. Detail, by service grouping, is presented in **Appendix A**.

2014/15 £'000	Strategy & Transformation Portfolio Revenue Summary	2015/16 £'000	% Final Budget
3,368	Original Budget	2,792	73.6
-	Adjustment – Prior Year Carry Forwards	19	0.5
-	Adjustment – BSR Feb 2016 approvals	408	10.8
-	Adjustment – Service Restructure Costs	(7)	(0.2)
-	Adjustment – Earmarked Reserves	(39)	(1.0)
-	Adjustment – Capital Charges	45	1.2
-	Adjustment – Central & Support reallocations	624	16.5
152	Other Adjustments	(51)	(1.4)
3,520	Final Budget	3,791	100.0
2,674	Outturn	3,178	83.8
<b>(846)</b>	<b>(Under) / Overspend for the year</b>	<b>(613)</b>	<b>(16.2)</b>
19	Carry Forward Requests	123	3.2
<b>(827)</b>	<b>Resulting Variance</b>	<b>(490)</b>	<b>(12.9)</b>

3.2 **Appendix A** shows original and final budgets for the year (with the movements summarised in the above table) and compares the final budget with the outturn position for this Portfolio for 2015/16. The original revenue budget for 2015/16 was approved by the Executive Councillor for Finance and Resources on 19 January 2015.

3.3 **Appendix B** provides explanations of the main variances.

3.4 **Appendix C** lists revenue carry forward requests.

### Capital Outturn

3.5 The overall capital budget outturn position for the Strategy & Transformation Portfolio is given in the table below. **Appendix D** shows the outturn position by scheme and programme with explanations of variances.

<b>2014/15 £'000</b>	<b>Strategy &amp; Transformation Portfolio Capital Summary</b>	<b>2015/16 £'000</b>	<b>% Final Budget</b>
236	Final Budget	407	100.0
213	Outturn	82	20.1
<b>(23)</b>	<b>Variation - (Under)/Overspend for the year</b>	<b>(325)</b>	<b>(79.9)</b>
23	Rephasing Requests	325	79.9
<b>0</b>	<b>Variance</b>	<b>0</b>	<b>0</b>

#### 4. Implications

- 4.1 The net variance from the final budget (see above), would result in no change to the use of General Fund reserves.
- 4.2 A decision not to approve a carry forward request may impact on officers' ability to deliver the service or scheme in question and this could have staffing, equality and poverty, environmental, procurement, consultation and communication and/or community safety implications.

#### 5. Background papers

- Closedown Working Files 2015/16
- Directors' Variance Explanations – March 2016
- Capital Monitoring Reports – March 2016
- Budgetary Control Reports to 31 March 2016

#### 6. Inspection of papers

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

Authors' Names: Linda Thompson, Jackie Collinwood, Julia Hovells, John Harvey

Authors' Phone Numbers: Telephone: 01223 - 458144, 01223 - 458241, 01223 - 457822, 01223 - 458143

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john.harvey@cambridge.gov.uk

## Strategy &amp; Transformation Portfolio / Strategy &amp; Resources Scrutiny Committee

## Revenue Budget 2015/16 - Outturn

Service Grouping	Original Budget £	Final Budget £	Outturn £	Variation Increase / (Decrease) £	Carry Forward Requests - see Appendix C £	Net Variance £
<b>Chief Executive</b>						
Corporate Strategy	393,690	421,690	409,745	(11,945)		(11,945)
Democratic Services	316,270	316,270	299,994	(16,276)		(16,276)
<b>Environment</b>						
CCTV	(34,670)	(115,010)	(73,708)	41,302		41,302
<b>Customer &amp; Community Services</b>						
Community Safety	116,900	129,900	107,030	(22,870)		(22,870)
<b>Central Services</b>						
Corporate & Democratic Services	2,296,810	1,977,150	1,895,889	(81,261)		(81,261)
Central Provisions and Centrally allocated costs	(1,507,310)	(101,010)	(530,780)	(429,770)	31,000	(398,770)
Pensions - Early Retirements and Past Deficit	1,010,600	961,870	961,873	3		3
Programme Office	200,000	200,000	108,348	(91,652)	91,650	(2)
<b>Total Net Budget</b>	<b>2,792,290</b>	<b>3,790,860</b>	<b>3,178,391</b>	<b>(612,469)</b>	<b>122,650</b>	<b>(489,819)</b>

Changes between original and final budgets may be made to reflect:

- portfolio and departmental restructuring
- approved budget carry forwards from the previous financial year
- technical adjustments, including changes to the capital accounting regime
- virements approved under the Council's constitution
- additional external revenue funding not originally budgeted

and are detailed and approved:

- in the January committee cycle (as part of the Budget-Setting Report)
- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
- via technical adjustments/virements throughout the year

## Strategy &amp; Transformation Portfolio / Strategy &amp; Resources Scrutiny Committee

Revenue Budget 2015/16 - Major Variances  
from Final Revenue Budgets

Service Grouping	Reason for Variance	Amount £	Contact
CCTV	Overspend relates to understating 2014/15 creditors for shared service - final invoice was higher than expected. There is also some loss of income relating to monitoring of CCTV for the County Council.	41,302	Paul Necus
Community Safety	Combination of an underspend of £8k on NRP Volunteer Training as this was picked up by the OPCC but will be required in future years. There is also an admin error in the actual amount for special projects of £8k which should be adjusted down to £2,190 (currently £10,190).	(22,870)	Lynda Kilkelly
Corporate & Democratic Services	Balances on the Corporate Management Services that have been cleared to this centre include underspends of £16k Emergency Planning (£8k additional income, £5k staffing) and £8k Finance General recharges for consultants. Balances on Corporate Services that have been cleared to this centre include underspends of £57k on Corporate Policy, Committee Management, Members Support, Civic Affairs and Twinning relating mainly to staff (including Sergeant at Mace) and office costs.	(81,261)	John Harvey
Central Provisions and Centrally allocated costs	Unspent balances on central provisions which are held on this centre may be partly offset by variances reported within service budgets. So the major areas of variances include net underspend of £34k (Maternity Fund), £80k (R&R), £75k Electricity, £20k Gas, £34k overachievement of savings on SSR phase 1&2. Other underspends are £63k Apprenticeships and £31k Programme Office (and for both of these the unspent balances will be requested to be carried forward). In addition, balances on the Central and Support Services have been cleared to this centre ready for reallocation during final accounts closedown. So, whilst the variance amounts are shown here, where variances are significant they have been explained within the source cost centre so are therefore not reproduced here. So the major variances include underspends of £84k IT, £16k Admin Buildings (primarily due to a £17k prior year service charge refund in respect of Lion House), £20k Facilities Management (staffing £7k, supplies and services £12), £32k HR, £82k Accountancy, £21k Customer Service Centre, £15k Internal Audit, partly offset by an overspend on Insurance Fund of £156k (includes MMI additional levy £76k and an additional £80k contribution towards Parkside Window replacement).	(429,770)	John Harvey
Programme Office	The variance is due to the reduced requirement in 2015/16 to fund transformation projects, as existing sources of funding such as the Efficiency Fund or TCA (Transformation Challenge Award) were available and applied. As these sources of funding are unlikely to be available again in 2016/17 and given the nature of transformation projects, it is requested the underspend is c/fwd to 2016/17 to meet future bids and commitments as they arise.	(91,652)	Ray Ward
Other		(28,219)	-
<b>Total</b>		<b>(612,469)</b>	

**Strategy & Transformation Portfolio / Strategy & Resources Scrutiny  
Committee**

**Revenue Budget 2015/16 - Carry Forward Requests**

Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for Carry Forward Request	Amount £	Contact
1	<p align="center"><b>Central Provisions and Centrally allocated costs</b></p> <p>Cost of change on Business Transformation.</p> <p align="center"><b>Programme Office</b></p>	31,000	Ray Ward
2	<p>The underspend occurred due to the reprioritisation of projects within the overall transformation programme. This resulted in the earlier execution of projects that were part funded from other funding streams. The carry forward request is made as the funds are required for re-phased and planned change projects.</p>	91,650	Lynda Kilkelly
	<p><b>Total Carry Forward Requests for Strategy &amp; Transformation Portfolio / Strategy &amp; Resources Scrutiny Committee</b></p>	122,650	



## Strategy &amp; Transformation Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC586 - 38246	Wide Area Network	T Allen	0	7	7	0	0	0	Scheme completed.
SC601 - 42107	Replacement Telecommunications & Local Area Network	T Allen	0	400	75	(325)	325	0	Project is on course for delivery between May 2016 - July 2016.
<b>Total Projects</b>			<b>0</b>	<b>407</b>	<b>82</b>	<b>(325)</b>	<b>325</b>	<b>0</b>	

<b>Total for Strategy &amp; Transformation Portfolio</b>			<b>0</b>	<b>407</b>	<b>82</b>	<b>(325)</b>	<b>325</b>	<b>0</b>	
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Changes between original and final budgets may be made to reflect:

- rephased capital spend from the previous financial year
- rephased capital spend into future financial periods
- approval of new capital programmes and projects

and are detailed and approved:

- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
- in the January committee cycle (as part of the Budget-Setting Report, BSR)
- via technical adjustments/virements throughout the year

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To: The Executive Councillor for Finance & Resources:  
Report by: Head of Finance (The Council's Section 151 Officer)  
Relevant scrutiny committee: Strategy & Resources 04/07/2016  
Scrutiny Committee  
Wards affected: All Wards

## **ANNUAL TREASURY MANAGEMENT (OUTTURN) REPORT 2015/16**

### **Key Decision**

#### **1. Executive summary**

- 1.1 The Council is required by regulations issued under the Local Government Act 2003, to produce an annual treasury report reviewing treasury management activities and the actual prudential and treasury indicators for each financial year.
- 1.2 This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) in respect of 2015/16.
- 1.3 During 2015/16 the minimum requirements were that Council should receive:-
  - An annual strategy in advance of the year;
  - A mid-year treasury update report; and
  - An annual review following the end of the year describing the activity compared to the strategy (this report)
- 1.4 In line with the above Code of Practice, all treasury management reports have been presented to both Strategy & Resources Scrutiny Committee and to full Council.

#### **2. Recommendations**

- 2.1 The Executive Councillor is asked to recommend this report to Council, which includes the Council's actual Prudential and Treasury Indicators for 2015/16.

#### **3. Background**

### 3.1 This report summarises:

- Capital expenditure and financing activity during the year;
- The impact of capital spending on the Council's 'need to borrow';
- The Council's compliance with prudential & treasury indicators;
- Treasury Management Position as at 31st March 2016 (Appendix A);
- The Council's Treasury Management advisors (Capita Treasury Solutions Ltd) view on UK Interest & Investment rates (Appendix B);
- The actual prudential and treasury indicators (Appendix C);
- Counterparty List (Appendix D); and;
- A Glossary of Terms and Abbreviations (Appendix E)

### 3.2 **The Council's Capital Expenditure and Financing 2015/16**

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, developer contributions, revenue contributions, reserves etc.), which has no resultant impact on the Council's borrowing need; or;
- If insufficient financing is available, or a decision is taken not to apply other resources, the funding of capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

	2014/15 £'000 Actual	2015/16 £'000 Current Budget *	2015/16 £'000 Actual
Non-HRA capital expenditure	7,162	41,891	26,430
HRA capital expenditure	23,402	36,099	32,572
<b>Total capital expenditure</b>	<b>30,564</b>	<b>77,990</b>	<b>59,002</b>
<b>Resourced by:</b>			
• Capital receipts	-7,178	-7,678	-11,191
• Other contributions	-23,182	-61,007	-43,200
<b>Total available resources for financing capital expenditure</b>	<b>-30,360</b>	<b>-68,685</b>	<b>-54,391</b>
<b>Un-financed capital expenditure</b>	<b>204</b>	<b>9,305</b>	<b>4,611</b>

\* Per Budget Setting Report (BSR) agreed by Council on 25<sup>th</sup> February 2016

### 3.3 The Council's overall borrowing need

During 2015/16, there was no requirement for external borrowing. Un-financed capital expenditure of £4,611k shown in the above table, was met from internal cash borrowing.

### 3.4 Current Debt as at 31<sup>st</sup> March 2016

The table below shows the Council's current outstanding debt and headroom (the amount of additional borrowing that is possible without breaching the Authorised Borrowing Limit):-

	Principal (£'000)
Authorised Borrowing Limit (A) – Agreed by Council on 20 <sup>th</sup> October 2011	250,000
HRA Debt Limit (B)	230,839
PWLB Borrowing (for HRA Self-Financing, C)	213,572
General Fund Headroom (A minus B)	19,161
HRA Headroom (B minus C)	17,267
2012/13, 2013/14, 2014/15 and 2015/16 External Borrowing	NIL
<b>Total Current Headroom (A minus C)</b>	<b>36,428</b>

At present the only debt held by the authority relates to the twenty loans from the PWLB for self-financing the HRA.

### 3.5 Treasury Position as at 31 March 2016

The Council's debt and deposit position is managed in order to ensure adequate liquidity for revenue and capital activities, security for deposits and to manage risk in relation to all treasury management activities. Procedures and controls to achieve these objectives are well established both through the application of approved Treasury Management Practices and regular reporting to Members.

All funds are internally managed.

The tables below provide a comparison of deposit activity and outturn for 2015/16 against 2014/15.

<b><u>Actual Returns</u></b>	2014/2015		2015/2016	
	Average Deposits (£m)	Average Rate of Return	Average Deposits (£m)	Average Rate of Return
Fixed Short-Term (<365 days)	60.23	0.70%	70.42	0.83%
Call/Overnight Accounts	32.79	0.57%	17.96	0.70%
Fixed Long-Term (>365 days)	5.38	1.06%	11.35	1.04%
Money Market Funds	5.18	0.47%	10.42	0.49%
CCLA Local Authorities' Property Fund	1.62	4.75%	10.00	4.75%
<b><u>Overall Deposit Return</u></b>	<b>105.20</b>	<b>0.73%</b>	<b>120.15</b>	<b>1.13%</b>
<b><u>Benchmark Returns</u></b>	2014/2015		2015/2016	
	Offer (LIBOR)	Bid (LIBID)	Offer (LIBOR)	Bid (LIBID)
<b>Average</b>	<b>0.61%</b>	<b>0.49%</b>	<b>0.63%</b>	<b>0.51%</b>

#### **Notes:**

The 'Benchmark Return' figures are based upon Global Rates (national interest rate reporting web-site) average money market LIBOR and LIBID rates for periods between 1 night and 1 year as at 31<sup>st</sup> March 2016.

The Council started using new financial instruments, such as Money Market Funds as an alternative to the bank overnight deposit account for larger sums, and the CCLA Local Authorities' Property Fund, towards the end of 2014/15. The use of these instruments throughout 2015/16 explains the higher yield.

- 3.6 Total interest and dividends of £1.353m has been earned on the Council's deposits during 2015/16 at an average rate of 1.13%. This exceeded the budget of £1.2m. The rate of return compares favourably with the average benchmark rates.
- 3.7 The Council deposited £10m with the CCLA Local Authorities' Property Fund on 29<sup>th</sup> January 2015. The interest earned for 2015/16 amounted to £480,000 (included in paragraph 3.6) which equated to an annual yield of 4.75% on the original deposit.
- 3.8 A summary of deposits is shown at Appendix A.

#### **4. Interest Rate Update**

- 4.1 Capita Asset Services is the Council's independent treasury advisor. In support of effective forecasting the Council needs to be aware of the potential influence of market interest and investment rates. Capita's opinion is presented at Appendix B, and provides an overview as at 31<sup>st</sup> March 2016.
- 4.2 The Bank of England's May 2016 Inflation Report gives additional information on growth, inflation and interest rates. The Bank of England's Monetary Policy Committee (MPC) noted that the outlook for growth remains solid. Household real incomes have been boosted by the fall in food, energy (including oil prices) and imported goods prices. No changes to interest rates or quantitative easing were made. Noticeable increases in employment were observed, but the MPC expressed concerns around the possible impact of the EU Referendum.

Growth had also moderated to around 2% by the second half of last year. CPI inflation was predicted at 2.0% by mid-2018.

#### **5. Prudential and Treasury Indicators**

- 5.1 During the financial year the Council operated within the 'authorised' and 'operational' borrowing limits contained within the Prudential Indicators set out in the Council's Treasury Management Strategy Statement. The outturn for Prudential and Treasury Indicators is shown in Appendix C.

## **6. Revisions to the Counterparty List**

- 6.1 Following a review of rating agency methodology changes, Capita continues to revise its recommendations on counterparties and appropriate durations. The Council follows Capita's recommendations as reflected in the Current Counterparty List at Appendix D.

## **7. Implications**

### **(a) Financial Implications**

Interest payable and receivable are reflected in the Council's existing budgets and reviewed appropriately.

### **(b) Staffing Implications**

None.

### **(c) Equality & Poverty Implications**

No negative impacts identified.

### **(d) Environmental Implications**

None.

### **(e) Procurement**

None.

### **(f) Consultation and communication**

None required.

### **(g) Community Safety**

No community safety implications.

## **8. Background papers**

- 8.1 None.

## **9. Appendices**



- 9.1 Appendix A – The Council’s deposits as at 31<sup>st</sup> March 2016
- Appendix B – Capita’s opinion on UK interest rates
- Appendix C – Prudential Indicators – Outturn for 2015/16
- Appendix D – Current Counterparty List
- Appendix E – Glossary of Terms and Abbreviations

## **10. Inspection of papers**

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

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## TREASURY MANAGEMENT POSITION AS AT 31<sup>st</sup> March 2016

### CURRENT DEPOSITS

The Council's deposits as at 31<sup>st</sup> March 2016 are shown in the table below:-

Counterparty	% Rate	Duration	Principal (£'000)
<b>Fixed Term Deposits</b>			
Bank of Scotland Plc	0.75	6 months	4,000
Bank of Scotland Plc	0.75	6 months	3,000
Bank of Scotland Plc	0.73	6 months	2,000
Bank of Scotland Plc	0.75	6 months	2,000
Bank of Scotland Plc	0.75	6 months	2,000
Bank of Scotland Plc	0.75	6 months	3,000
Lloyds TSB Bank Plc	1.00	1 year	3,000
Lloyds TSB Bank Plc	0.75	6 months	2,500
Lloyds TSB Bank Plc	0.75	6 months	5,000
Nationwide BS	0.71	6 months	2,000
The Royal Bank of Scotland	0.92	1 year	5,000
The Royal Bank of Scotland	0.90	1 year	5,000
Standard Chartered Bank	0.86	1 year	3,000
Standard Chartered Bank	0.88	1 year	2,000
Newcastle-upon-Tyne City Council	0.95	2 years	2,000
Newcastle-upon-Tyne City Council	0.95	2 years	4,000
Newport City Council	1.10	28 months	3,000
Newport City Council	1.00	28 months	3,000
North Lanarkshire Council	0.95	1 year	5,000
West Dunbartonshire Council	0.95	2 years	5,000
<b>Total Fixed Term Deposits</b>			<b>65,500</b>
<b>Variable Rate Notice Accounts</b>			
Barclays Bank Plc	0.74125	100 Day Notice	13,000
HSBC Bank Plc	0.35	Same Day Notice	2,260
CCLA Local Authorities' Property Fund	4.80	5 years	10,000
Insight GBP Liquidity Fund (Class 3)	0.51231	Same Day Notice	5,300
<b>Total Variable Rate Notice Accounts</b>			<b>30,560</b>
<b>TOTAL</b>	-	-	<b>96,060</b>

The above deposits include any forward-deals or forward-renewals that have been agreed (i.e. where the deposit/renewal will take place at a future date).

## **CAPITA'S OPINION ON UK INTEREST & INVESTMENT RATES AS AT 31<sup>ST</sup> MARCH 2016**

UK GDP growth rates in 2013 of 2.2% and 2.9% in 2014 were the strongest growth rates of any G7 country; the 2014 growth rate was also the strongest UK rate since 2006 and the 2015 growth rate +2.1% was again a leading rate in the G7 though the US achieved a higher rate of +2.4%. Growth in quarter 1 of 2015 was weak at +0.4% (+2.9% y/y) though there was a slight increase in quarter 2 to +0.5% (+2.3% y/y) before falling back again to +0.4% (+2.2% y/y) in quarter 3. Growth improved to +0.6% in quarter 4 (+2.1% y/y) but overall this was a disappointing outcome for the year which dashed earlier forecasts for a significantly higher rate. The economy now faces headwinds for exporters from the appreciation during 2015 of Sterling against the Euro, (which has only been minimally reversed in 2016), and weak growth in the EU, China and emerging markets, plus the dampening effect of the Government's continuing austerity programme and uncertainty created by the Brexit referendum coming up in June.

The Bank of England February Inflation Report included a forecast for growth for 2016 of 2.2% and 2.3% for 2017, down from 2.5% and 2.6% respectively. Nevertheless, this is still a reasonable rate of growth which is being driven mainly by strong consumer demand as the squeeze on the disposable incomes of consumers has been reversed by a limited recovery in wage inflation and falls in many prices, especially fuel, which has seen CPI inflation fall to, or near to, zero over the last quarter.

The February Bank of England Inflation Report forecast was notably subdued with inflation barely getting back up to the 2% target within the 2-3 year time horizon. However, with the price of oil taking a fresh downward direction and Iran expected to soon rejoin the world oil market after the lifting of sanctions, there could be several more months of low inflation still to come, especially as world commodity prices have generally been depressed by the Chinese economic downturn.

There are, therefore, considerable risks around whether inflation will rise in the near future as strongly as previously expected; this will make it more difficult for the Bank of England to make a start on raising Bank Rate during 2016, especially given the subsequent major concerns around the slowdown in Chinese growth, the knock on impact on the earnings of emerging countries from falling oil and commodity prices, and the volatility we have seen in equity and bond markets over the last year, which could potentially spill over to impact the real economies rather than just financial markets.

### Capita's Prediction for Interest Rates

The following table shows when Capita predict interest rates will rise, together with an estimate of other interest rates. Capita estimate that the Bank Rate will rise from 0.5% to 0.75% in December 2016.

	NOW	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19
<b>BANK RATE</b>	0.50	0.50	0.50	0.50	0.75	0.75	1.00	1.00	1.25	1.25	1.50	1.50	1.75	1.75
<b>3 month LIBID</b>	0.52	0.50	0.50	0.60	0.80	0.90	1.00	1.10	1.30	1.40	1.50	1.60	1.80	1.90
<b>6 month LIBID</b>	0.66	0.70	0.70	0.80	0.90	1.00	1.20	1.30	1.50	1.60	1.70	1.80	2.00	2.20
<b>12 month LIBID</b>	0.98	1.00	1.00	1.10	1.20	1.30	1.50	1.60	1.80	1.90	2.00	2.10	2.30	2.40
<b>5 yr PWLB</b>	0.92	2.00	2.10	2.20	2.30	2.40	2.50	2.60	2.70	2.80	2.90	3.00	3.10	3.20
<b>10 yr PWLB</b>	2.58	2.60	2.70	2.80	2.90	3.00	3.10	3.20	3.30	3.40	3.50	3.60	3.60	3.70
<b>25 yr PWLB</b>	3.36	3.40	3.40	3.50	3.60	3.70	3.70	3.80	3.90	4.00	4.00	4.10	4.10	4.10
<b>50 yr PWLB</b>	3.18	3.20	3.20	3.30	3.40	3.50	3.60	3.70	3.80	3.90	3.90	4.00	4.00	4.00

## PRUDENTIAL &amp; TREASURY MANAGEMENT INDICATORS

	Actual 2014/15 £'000	Current Budget* 2015/16 £'000	Actual 2015/16 £'000
<b>PRUDENTIAL INDICATORS</b>			
<b>Capital expenditure</b>			
- General Fund	7,162	41,891	26,430
- HRA	23,402	36,099	32,572
<b>Total</b>	<b>30,564</b>	<b>77,990</b>	<b>59,002</b>
<b>Capital Financing Requirement (CFR) as at 31 March</b>			
- General Fund	1,360	10,569	5,976
- HRA	214,652	214,748	214,457
<b>Total</b>	<b>216,012</b>	<b>225,317</b>	<b>220,433</b>
<b>Change in the CFR (Note 2)</b>	<b>103</b>	<b>9,305</b>	<b>4,421</b>
<b>Deposits at 31 March (Note 3)</b>	108,400	99,400	96,060
<b>External Gross Debt</b>	213,572	213,572	213,572
<b>Ratio of financing costs to net revenue stream</b>			
-General Fund	-2.11%	-3.15%	-3.51%
-HRA	18.02%	17.52%	17.03%
<b>Total</b>	<b>15.91%</b>	<b>14.37%</b>	<b>13.52%</b>

\*Note1: Refers to the Council's Budget Setting Report 2016/17 as agreed by Council on 25<sup>th</sup> February 2016.

Note 2: Includes unfinanced capital expenditure of £4,611k and statutory adjustment for HRA non-dwelling revaluation losses.

Note 3: As per the Council's Balance Sheet.

## PRUDENTIAL & TREASURY MANAGEMENT INDICATORS

	Actual 2014/15 £'000	Current Budget* 2015/16 £'000	Actual 2015/16 £'000
<b>TREASURY INDICATORS</b>			
<b>Authorised limit</b>			
for borrowing	250,000	250,000	250,000
for other long term liabilities	0	0	0
<b>Total</b>	<b>250,000</b>	<b>250,000</b>	<b>250,000</b>
<b>HRA Debt Limit</b>	<b>230,839</b>	<b>230,839</b>	<b>230,839</b>
<b>Operational boundary</b>			
for borrowing	216,012	225,317	220,433
for other long term liabilities	0	0	0
<b>Total</b>	<b>216,012</b>	<b>225,317</b>	<b>220,433</b>
<b>Upper limit for total principal sums deposited for over 364 days &amp; up to 5 years</b>	40,000	40,000	40,000
<b>Upper limit for fixed &amp; variable interest rate exposure</b>			
Net interest on fixed rate borrowing/deposits	7,003	6,610	6,141
Net interest on variable rate borrowing/deposits	-23	-23	-54
<b>Maturity structure of new fixed rate borrowing</b>		Upper Limit	Lower Limit
10 years and above (PWLB borrowing for HRA Reform)		100%	100%

\*Note1: Refers to the Council's Budget Setting Report 2016/17 as agreed by Council on 25<sup>th</sup> February 2016.

## Annual Treasury Management (Outturn) Report 2015/16

### Current Counterparty List

The full listing of approved counterparties is shown below, showing the category under which the counterparty has been approved, the appropriate deposit limit and current duration limits. These counterparties have also been shown under Specified and Non-Specified Investments (in line with DCLG Guidance).

Name	Council's Current Deposit Period	Category	Limit (£)
<b>Specified Investments:-</b>			
All UK Local Authorities	N/A	Local Authority	20m
All UK Passenger Transport Authorities	N/A	Passenger Transport Authority	20m
All UK Police Authorities	N/A	Police Authority	20m
All UK Fire Authorities	N/A	Fire Authority	20m
Debt Management Account Deposit Facility	N/A	DMADF	Unlimited
Barclays Bank Plc	Using Capita's Credit Criteria	UK Bank	25m
HSBC Bank Plc	Using Capita's Credit Criteria	UK Bank	20m
Standard Chartered Bank	Using Capita's Credit Criteria	UK Bank	20m
Bank of Scotland Plc (BoS)	Using Capita's Credit Criteria	UK Bank	20m
Lloyds TSB Bank Plc	Using Capita's Credit Criteria	UK Bank	20m
National Westminster Bank Plc (NWB)	Using Capita's Credit Criteria	UK Nationalised Bank	20m
Santander UK Plc	Using Capita's Credit Criteria	UK Bank	5m
The Royal Bank of Scotland Plc (RBS)	Using Capita's Credit Criteria	UK Nationalised Bank	20m
Other UK Banks	Using Capita's Credit Criteria	UK Banks	20m

Name	Council's Current Deposit Period	Category	Limit (£)
Members of a Banking Group (RBS Group includes NWB)	Using Capita's Credit Criteria	UK Banks and UK Nationalised Banks	30m
Deutsche Bank	Using Capita's Credit Criteria	Non-UK Bank	5m
Svenska Handelsbanken	Using Capita's Credit Criteria	Non-UK Bank	5m
Enhanced Cash Funds (Standard & Poor's: AAAf/S1, Fitch: AAA/V1)	Over 3 months and up to 1 year	Financial Instrument	5m (per single counterparty)
Money Market Funds	Liquid Rolling Balance	Financial Instrument	15m (per fund)
Custodian of Funds	Requirement for Undertaking Financial Instruments	Fund Managers	Up to 15m (per single counterparty)
UK Government Treasury Bills	Up to 6 months	Financial Instrument	15m
<b>Other Specified Investments - UK Building Societies:-</b>			
Name	Council's Current Deposit Period	Society Asset Value (£'m) – as at 28 <sup>th</sup> April 2016	Limit (£)
Nationwide Building Society	1 month or in line with Capita's Credit Criteria, if longer	194,821	Assets greater than £100,000m - £20m
Yorkshire Building Society		43,231	
Coventry Building Society		33,672	
Skipton Building Society		16,612	Assets between £50,000m and £99,999m - £5m
Leeds Building Society		14,329	
Principality Building Society		7,409	Assets between £5,000m and £49,999m - £2m
West Bromwich Building Society		5,570	
<b>Non-Specified Investments:-</b>			
Name	Council's Current Deposit Period	Category	Limit (£)
All UK Local Authorities – longer term limit	Over 1 year and up to 5 years	Local Authority	Up to 30m (in total)



<b>Name</b>	<b>Council's Current Deposit Period</b>	<b>Category</b>	<b>Limit (£)</b>
CCLA Local Authorities' Property Fund	Minimum of 5 years	Pooled UK Property Fund	Up to 10m
Certificates of Deposit (with UK Banking Institutions)	Liquid Rolling Balance	Financial Instrument	15m (per single counterparty)
Certificates of Deposit (with UK Building Societies)	Liquid Rolling Balance	Financial Instrument	2m (per single counterparty)
Certificates of Deposit (with Foreign Banking Institutions)	Liquid Rolling Balance	Financial Instrument	2m (per single counterparty)
Enhanced Cash Funds (Standard & Poor's: AAAf/S1, Fitch: AAA/V1)	Over 1 year and up to 5 years	Financial Instrument	5m (per single counterparty)
Supranational Bonds – AAA	Using Capita's Credit Criteria	Multi-lateral Development Bank Bond	15m
UK Government Gilts	Over 1 year & up to 30 Years	Financial Instrument	15m

## Treasury Management – Glossary of Terms and Abbreviations

Term	Definition
Authorised Limit for External Borrowing	Represents a control on the maximum level of borrowing
Capital Expenditure	Expenditure capitalised in accordance with regulations i.e. material expenditure either by Government Directive or on capital assets, such as land and buildings, owned by the Council (as opposed to revenue expenditure which is on day to day items including employees' pay, premises costs and supplies and services)
Capital Financing Requirement	A measure of the Council's underlying borrowing need i.e. it represents the total historical outstanding capital expenditure which has not been paid for from either revenue or capital resources
Certificates of Deposit (CDs)	Low risk certificates issued by banks which offer a higher rate of return
CIPFA	Chartered Institute of Public Finance and Accountancy
Corporate Bonds	Financial instruments issued by corporations
Counter-parties	Financial Institutions with which funds may be placed
Credit Risk	Risk of borrower defaulting on any type of debt by failing to make payments which it is obligated to do
DCLG	Department for Communities & Local Government
Enhanced Cash Funds	Higher yielding funds typically for investments exceeding 3 months
Eurocurrency	Currency deposited by national governments or corporations in banks outside of their home market
External Gross Debt	Long-term liabilities including Private Finance Initiatives and Finance Leases
HRA	Housing Revenue Account - a 'ring-fenced' account for local authority housing account where a council acts as landlord
HRA Self-Financing	A new funding regime for the HRA introduced in place of the previous annual subsidy system
London Interbank Offered rate (LIBOR)	A benchmark rate that some of the leading banks charge each other for short-term loans

<b>Term</b>	<b>Definition</b>
London Interbank Bid Rate (LIBID)	The average interest rate which major banks London banks borrow Eurocurrency deposits from other banks
Liquidity	A measure of how readily available a deposit is
MPC	Monetary Policy Committee - The Bank of England Committee responsible for setting the UK's bank base rate
Non-Specified Investments	These are investments that do not meet the conditions laid down for Specified Investments and potentially carry additional risk, e.g. lending for periods beyond 1 year
Operational Boundary	Limit which external borrowing is not normally expected to exceed
PWLB	Public Works Loans Board - an Executive Government Agency of HM Treasury from which local authorities & other prescribed bodies may borrow at favourable interest rates
Security	A measure of the creditworthiness of a counter-party
Specified Investments	Those investments identified as offering high security and liquidity. They are also sterling denominated, with maturities up to a maximum of 1 year, meeting the minimum 'high' credit rating criteria where applicable
Supranational Bonds	Multi-lateral Development Bank Bond
UK Government Gilts	Longer-term Government securities with maturities over 6 months and up to 30 years
UK Government Treasury Bills	Short-term securities with a maximum maturity of 6 months issued by HM Treasury
Yield	Interest, or rate of return, on an investment

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To Executive Councillor for Finance and Resources

Report by Chief Executive, Director of Customer and Community Services,  
Director of Environment, Director of Business Transformation and  
Head of Finance

Relevant Scrutiny Strategy & Resources 4 July 2016  
Committee

### **2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances – Finance and Resources Portfolio**

#### **Key Decision**

##### **1. Executive summary**

1.1 This report presents, for the Finance and Resources Portfolio :

- a) A summary of actual income and expenditure compared to the final budget for 2015/16 (outturn position)
- b) Revenue and capital budget variances with explanations
- c) Specific requests to carry forward funding available from budget underspends into 2016/17.

##### **2. Recommendations**

The Executive Councillor is recommended to approve the following:

- a) Carry forward requests totalling £233.1k revenue funding from 2015/16 to 2016/17, as detailed in **Appendix C**.
- b) Carry forward requests of £3,243k capital resources from 2015/16 to 2016/17 to fund rephased net capital spending, as detailed in **Appendix D**.

### 3. Background

#### Revenue Outturn

- 3.1 The overall revenue budget outturn position for the Finance and Resources Portfolio is given in the table below. Detail, by service grouping, is presented in **Appendix A**.

2014/15 £'000	Finance and Resources Portfolio Revenue Summary	2015/16 £'000	% Final Budget
(5,418)	Original Budget	(6,103)	(105.1)
165	Adjustment – Prior Year Carry Forwards	153	2.6
0	Adjustment – Service Restructure Costs	0	0.0
0	Adjustment – Earmarked Reserves	0	0.0
0	Adjustment – Capital Charges	150	2.6
0	Adjustment – Central & Support reallocations	0	0.0
15	Other Adjustments	(9)	(0.1)
(5,238)	Final Budget	(5,809)	(100.0)
(6,016)	Outturn	(6,769)	(116.5)
<b>(778)</b>	<b>(Under) / Overspend for the year</b>	<b>(960)</b>	<b>(16.5)</b>
153	Carry Forward Requests	233	4.0
<b>(625)</b>	<b>Resulting Variance</b>	<b>(727)</b>	<b>(12.5)</b>

- 3.2 **Appendix A** shows original and final budgets for the year (with the movements summarised in the above table) and compares the final budget with the outturn position for this Portfolio for 2015/16. The original revenue budget for 2015/16 was approved by the Executive Councillor for Finance and Resources on 19 January 2015.

- 3.3 **Appendix B** provides explanations of the main variances.

- 3.4 **Appendix C** lists revenue carry forward requests.

## Capital Outturn

- 3.5 The overall capital budget outturn position for the Finance and Resources Portfolio is given in the table below. **Appendix D** shows the outturn position by scheme and programme with explanations of variances.

<b>2014/15 £'000</b>	<b>Finance and Resources Portfolio Capital Summary</b>	<b>2015/16 £'000</b>	<b>% Final Budget</b>
3,087	Final Budget	18,900	100.0
1,596	Outturn	15,521	82.1
<b>(1,491)</b>	<b>Variation - (Under)/Overspend for the year</b>	<b>(3,379)</b>	<b>(17.9)</b>
1,542	Rephasing Requests	3,243	17.2
<b>51</b>	<b>Variance</b>	<b>(136)</b>	<b>(0.7)</b>

## 4. Implications

- 4.1 The net variance from the final budget (see above), would result in a decreased use of General Fund reserves of £727k.
- 4.2 A decision not to approve a carry forward request may impact on officers' ability to deliver the service or scheme in question and this could have staffing, equality and poverty, environmental, procurement, consultation and communication and/or community safety implications.

## 5. Background papers

- Closedown Working Files 2015/16
- Directors' Variance Explanations – March 2016
- Capital Monitoring Reports – March 2016
- Budgetary Control Reports to 31 March 2016

## 6. Inspection of papers

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

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## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Revenue Budget 2015/16 - Outturn

Service Grouping	Original Budget £	Final Budget £	Outturn £	Variation - Increase / (Decrease) £	Carry Forward Requests - see Appendix C £	Net Variance £
<b>Business Transformation</b>						
Finance - General	(845,520)	(858,110)	(948,305)	(90,195)	0	(90,195)
General Properties and Grand Arcade	(6,777,990)	(6,623,790)	(6,940,693)	(316,903)	0	(316,903)
Property Services	(176,100)	(176,100)	(184,806)	(8,706)	0	(8,706)
	<b>(7,799,610)</b>	<b>(7,658,000)</b>	<b>(8,073,804)</b>	<b>(415,804)</b>	<b>0</b>	<b>(415,804)</b>
<b>Human Resources</b>						
Employee Travel Plan	0	0	0	0	0	0
Salary Sacrifice Schemes	0	0	(6,783)	(6,783)	0	(6,783)
GMB	0	0	(12,241)	(12,241)	0	(12,241)
Unison	0	0	(678)	(678)	0	(678)
	<b>0</b>	<b>0</b>	<b>(19,702)</b>	<b>(19,702)</b>	<b>0</b>	<b>(19,702)</b>
<b>Chief Executive's</b>						
Sustainable City	122,860	122,860	104,073	(18,787)	0	(18,787)
	<b>122,860</b>	<b>122,860</b>	<b>104,073</b>	<b>(18,787)</b>	<b>0</b>	<b>(18,787)</b>
<b>Customer and Community Services</b>						
Revenues and Benefits	1,655,300	1,807,630	1,367,509	(440,121)	197,600	(242,521)
Mill Road Support Services	0	0	0	0	0	0
Quality/Health and Safety Management - Indirect	0	0	(19,106)	(19,106)	0	(19,106)
	<b>1,655,300</b>	<b>1,807,630</b>	<b>1,348,403</b>	<b>(459,227)</b>	<b>197,600</b>	<b>(261,627)</b>
<b>Environment</b>						
Land Charges and Searches	(81,170)	(81,170)	(128,067)	(46,897)	0	(46,897)
	<b>(81,170)</b>	<b>(81,170)</b>	<b>(128,067)</b>	<b>(46,897)</b>	<b>0</b>	<b>(46,897)</b>
<b>Direct Services Total</b>	<b>(6,102,620)</b>	<b>(5,808,680)</b>	<b>(6,769,097)</b>	<b>(960,417)</b>	<b>197,600</b>	<b>(762,817)</b>
<b>Support Services (net costs recharged to Departments)</b>						
Accountancy and Support Services	1,401,150	1,463,950	1,381,810	(82,140)	35,500	(46,640)
Other Support Services	197,500	177,500	170,836	(6,664)	0	(6,664)
Internal Audit	241,280	241,280	226,065	(15,215)	0	(15,215)
Human Resources	722,400	722,400	690,591	(31,809)	0	(31,809)
IT	1,893,720	2,565,520	2,478,352	(87,168)	0	(87,168)
Legal Services	732,290	732,290	724,195	(8,095)	0	(8,095)
Admin Buildings (including Facilities Management)	2,182,790	2,173,000	2,136,125	(36,875)	0	(36,875)
Architects	19,320	19,320	21,646	2,326	0	2,326
<b>Support Services Total</b>	<b>7,390,450</b>	<b>8,095,260</b>	<b>7,829,620</b>	<b>(265,640)</b>	<b>35,500</b>	<b>(230,140)</b>
Recharged to Departments	(7,390,450)	(8,095,260)	(7,829,620)	265,640	0	265,640
<b>Support Services (net)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,500</b>	<b>35,500</b>
<b>Total Net Budget</b>	<b>(6,102,620)</b>	<b>(5,808,680)</b>	<b>(6,769,097)</b>	<b>(960,417)</b>	<b>233,100</b>	<b>(727,317)</b>

Changes between original and final budgets may be made to reflect:

- portfolio and departmental restructuring
- approved budget carry forwards from the previous financial year
- technical adjustments, including changes to the capital accounting regime
- virements approved under the Council's constitution
- additional external revenue funding not originally budgeted

and are detailed and approved:

- in the January committee cycle (as part of the Budget-Setting Report)
- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
- via technical adjustments/virements throughout the year



**Finance & Resources Portfolio /  
Strategy & Resources Scrutiny Committee**

**Revenue Budget 2015/16 - Major Variances  
from Final Revenue Budgets**

Service Grouping	Reason for Variance	Amount £	Contact
	<b>Business Transformation</b>		
Finance - General	Variance is primarily due to an over achievement of income (interest receipts, CCLA Property Fund dividend income and adjustments to estimates of recoverability in respect of Heritable Bank investment).	(90,195)	Charity Main
General Properties and Grand Arcade	The variance is primarily due to the receipt of new rental income following the acquisition of the Orchard Park Local Centre and the Cambridge Road Retail Park, Haverhill. The income was not budgeted to be received until the 2016/17 financial year. The remaining variance is primarily due to the receipt of backdated rental income following the completion of rent reviews and audits and one-off lease premiums.	(316,903)	Dave Prinsep
	<b>Customer and Community Services</b>		
Revenues and Benefits	The variance is primarily due to unspent Homelessness Prevention Funding of £197.6k allocated to Discretionary Housing Payment use (top up funding) for which a carry forward of budget to the 2016/17 financial year was approved at the Strategy & Resources Scrutiny Committee meeting on 21 March 2016 (see Appendix C) and higher than forecast recovery of Housing Benefit Overpayments from claimants no longer claiming benefits - £149k. The remaining variances are due to one-off residual Council Tax Benefit receipts of £15k, underspend on staffing costs of £16k primarily due to vacancies during part of the 2015/16 financial year (N.B. the majority of the vacant posts have now been filled) and a positive variance of £62k across a range of transport, supplies and services and income budget headings.	(440,121)	Alison Cole
	<b>Environment</b>		
Land Charges and Searches	The variance is primarily due to the Land Charges fee income exceeding the income budget that was set. The income budget is always set conservatively due to year on year changes to the housing market conditions.	(46,897)	Paul Boucher
	<b>Support Services</b>		
Accountancy & Support Services	The Accountancy and Support Services variance is primarily due to the Capital Accountant post being vacant until the end of November 2015 and income received in respect of the shared Head of Finance post of £35.5k for which a carry forward of budget to the 2016/17 financial year is requested for the backfill of Finance staff involved in the Financial Management System project (see Appendix C).	(82,140)	Caroline Ryba
Human Resources	The main variance is due to an underspend on staffing costs, including Salary & Pension (£14k) and a Service Level Agreement (now ended £10k). The remaining variance is primarily due to transport and supplies and services underspends across a range of budget headings. (£7.8k)	(31,809)	Deborah Simpson
IT	The variance is primarily due to one-off costs recharged to the ICT Shared Service.	(87,168)	Tony Allen
Admin Buildings (including Facilities Management)	The underspend is primarily due to a service charge refund paid to the Council in respect of a prior year - £17k and an underspend on Facilities Management of £20k due to a member of staff being on paternity leave during the early part of the 2015/16 financial year - £7k and transport and supplies and services underspends across a range of budget headings - £13k.	(36,875)	Trevor Burdon
Support Services	Services recharged to Departments	265,640	-
<b>Other</b>		(93,949)	-
<b>Total</b>		<b>(960,417)</b>	

**Finance & Resources Portfolio /  
Strategy & Resources Scrutiny Committee**

**Revenue Budget 2015/16 - Carry Forward Requests**

Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for carry forward request	Amount £	Contact
	<b>Director of Customer and Community Services</b>		
<b>1</b>	<b>Revenues and Benefits</b> Request to carry forward unspent Homelessness Prevention funding of £197,600 to support Discretionary Housing Payments. (N.B. The above-mentioned carry forward was approved at the Strategy & Resources Scrutiny Committee meeting on 21 March 2016).	197,600	Alison Cole
	<b>Director of Business Transformation</b>		
<b>2</b>	Request to carry forward unspent funding of £35,500 from the shared Head of Finance post for the backfill of Finance staff involved in the Financial Management System project.	35,500	Caroline Ryba
	<b>Total Carry Forward Requests for Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee</b>	<b>233,100</b>	

## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC596	Replacement Air Cooling Systems	Will Barfield	0	167	40	(127)	127	0	The work to the Northgate offices within Mandela House has been completed. The work to the Revenues and Benefits offices within Mandela House will be carried out at the same time as other works that are planned as part of the recently approved Office Accommodation Strategy. It makes sense to do work in this part of Mandela House at the same time.
SC605	Replacement Building Access Control System	Will Barfield	0	50	38	(12)	12	0	The work to replace the access control system in the Admin Buildings started in the 2015/16 financial year and is due to be completed in June 2016. The budget needs to be carried forward to pay for the remainder of the work including replacing door readers and setting up new ICT systems.
SC579	Office Accommodation Strategy	Frances Barratt	0	86	22	(64)	0	(64)	Scheme completed.  The refurbishment of The Guildhall reception and Mandela House training rooms were completed during the 2014/15 financial year.  The separation works required to facilitate the letting of the Annexe at The Guildhall have now been completed. Rental income is scheduled to come on stream in the 2017/18 financial year.
SC616	General Fund Property Acquisition for Housing Company	Alan Carter	0	7,400	5,286	(2,114)	2,114	0	Final properties due to be completed and purchased June 2016.

## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC391	La Mimosa Punting Station	Philip Doggett	0	2	0	(2)	2	0	Final installation to be arranged.
SC606	Garret Hostel Lane Fencing Project	Dave Prinsep	0	22	19	(3)	0	(3)	Scheme completed.
SC604	Replacement Financial Management System	Caroline Ryba	0	81	0	(81)	81	0	Original schedule delayed by the inclusion of Huntingdonshire District Council in the project. With respect to the planned go-live date, we are awaiting detailed planning with the supplier.
<b>Total Projects</b>			<b>0</b>	<b>7,808</b>	<b>5,405</b>	<b>(2,403)</b>	<b>2,336</b>	<b>(67)</b>	
PV554	Development of Land at Clay Farm	Alan Carter	739	1,159	342	(817)	817	0	This is a scheme whereby we contribute 7% of the net costs incurred in respect of the Collaboration Agreement with Countryside Properties. Rate of invoices from Countryside Properties relate directly to rate of house-building which is variable and beyond our control. Target completion date is long stop date in Development Agreement and equates to four years from estimated planning approval.
PV192	Development Land on the North Side of Kings Hedges Road	Philip Doggett	173	10	4	(6)	6	0	This is a scheme whereby we contribute an average of 7.56% of the Arbury Park Development Collaboration Agreement costs. The variance is due to the expenditure for the 2015/16 financial year being lower than the original estimate supplied by the managing agent.

## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
PV221b	Lion Yard - Contribution to Works - Phase 2	Philip Doggett	300	40	6	(34)	34	0	This is a scheme whereby we contribute 25% of the overall cost of the capital works at Lion Yard. The Phase 2 capital works were not completed during the 2015/16 financial year. The remaining budget for the 2015/16 financial year therefore needs to be re-phased to the 2016/17 financial year.
Page 365 PV583	Clay Farm Commercial Property Construction Costs	Dave Prinsep	375	100	180	80	(80)	0	Variance of £80k is due to budget profiling differences. The overall timing for the project remains on target.
<b>Total Provisions</b>			<b>1,587</b>	<b>1,309</b>	<b>532</b>	<b>(777)</b>	<b>777</b>	<b>0</b>	
PR023	Admin Buildings Asset Replacement Programme	Will Barfield	0	71	42	(29)	29	0	Budget of £29k needs to be re-phased to the 2016/17 financial year in order to complete the works to Hobson House, which commenced during the 2015/16 financial year.
PR024	Commercial Properties Asset Replacement Programme	Will Barfield	0	27	26	(1)	1	0	Budget of £1k needs to be re-phased to the 2016/17 financial year in order to complete the programmed works which commenced during the 2015/16 financial year.
PR020	ICT Infrastructure Programme	Head of ICT	170	170	70	(100)	100	0	Work on a replacement SAN and machine room is being progressed as part of the ICT shared service. The bulk of the work will occur in the next financial year (2016/17).

## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
PR036	Additional Investment in Commercial Property Portfolio	Dave Prinsep	8,515	9,515	9,446	(69)	0	(69)	Scheme completed. Completion of the acquisition of the Orchard Park Local Centre took place on 26 June 2015 and the completion of the acquisition of the Cambridge Road Retail Park, Haverhill, took place on 12 January 2016. The additional investment costs incurred have been financed from capital receipts. The rate of return on the Orchard Park Local Centre capital investment is 5.7%. The rate of return on the Cambridge Road Retail Park, Haverhill capital investment is 6.2%.
<b>Total Programmes</b>			<b>8,685</b>	<b>9,783</b>	<b>9,584</b>	<b>(199)</b>	<b>130</b>	<b>(69)</b>	
<b>Total for Finance &amp; Resources Portfolio</b>			<b>10,272</b>	<b>18,900</b>	<b>15,521</b>	<b>(3,379)</b>	<b>3,243</b>	<b>(136)</b>	

Page 366

Changes between original and final budgets may be made to reflect:

- rephased capital spend from the previous financial year
- rephased capital spend into future financial periods
- approval of new capital programmes and projects

and are detailed and approved:

- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
- in the January committee cycle (as part of the Budget-Setting Report, BSR)



To Executive Councillor for Finance and Resources, Councillor  
Richard Robertson

Report by Head of Finance

Relevant Scrutiny Committee Strategy and Resources 4 July 2016

### **2015/16 Revenue and Capital Outturn, Carry Forwards and Significant Variances – General Fund - OVERVIEW**

#### **Key Decision**

#### **1. Executive summary**

1.1 This report presents, for all portfolios:

- A summary of actual income and expenditure compared to the final budget for 2015/16 (outturn position)
- Revenue and capital budget variances with explanations, as reported to individual Executive Councillors and Scrutiny Committees
- Specific requests to carry forward funding available from budget underspends into 2016/17.

1.2 The outturn reports presented in this Committee cycle reflect the reporting structures in place before the recent changes in Executive portfolios. This meets the requirement to report outturn on the basis of portfolios in place during 2015/16. Members of all committees have been asked to consider proposals to carry forward budgets and make their views known to the Executive Councillor for Finance and Resources, for consideration at Strategy and Resources Scrutiny Committee prior to his recommendations to Council. As this report was published prior to completion of all the Scrutiny Committee meetings, a list of all comments received will be published once available.

1.3 The outturn position for the Housing Revenue Account (HRA) was reported to the Housing Scrutiny Committee and the Executive Councillor for Housing on 21 June 2016.

#### **2. Recommendations**

The Executive Councillor for Finance and Resources is recommended to seek Council approval for the following:

- a) Carry forward requests totalling £485.3k revenue funding from 2015/16 to 2016/17, as detailed in **Appendix C**

- b) Carry forward requests of £18,616k (including £2,171k relating to the Housing Capital Investment Plan) capital resources from 2015/16 to 2016/17 to fund rephased net capital spending, as detailed in **Appendix D - Overview**.

### 3. Background

#### Revenue Outturn

- 3.1 The overall revenue budget outturn position for all portfolios is given in the table below. Detail by portfolio is presented in **Appendix A**.

2014/15 £'000	General Fund Revenue Summary	2015/16 £'000	% Final Budget
19,900	Original Budget	17,855	92.5
-	Adjustment – Prior Year Carry Forwards	657	3.4
-	Adjustment – BSR Feb 2016 approvals	408	2.1
-	Adjustment – Service Restructure Costs	5	0.0
-	Adjustment – Earmarked Reserves	(60)	(0.3)
-	Adjustment – Capital Charges	459	2.4
-	Adjustment – Central & Support reallocations	71	0.4
1,659	Other Adjustments	(97)	(0.5)
21,559	Final Budget	19,298	100.0
18,062	Outturn	16,334	84.6
<b>(3,497)</b>	<b>(Under)/Overspend for the year on committees</b>	<b>(2,964)</b>	<b>(15.4)</b>
657	Carry Forward Requests - revenue	485	2.5
<b>(2,840)</b>	<b>Variation on committees</b>	<b>(2,479)</b>	<b>(12.8)</b>
(1,303)	Other variances (mainly capital rephasing, earmarked reserves and retained business rates)	(2,622)	(13.6)
390	Carry Forward Requests – capital funding	2,208	11.4
<b>(3,753)</b>	<b>Variance and reduced use of General Fund Reserves</b>	<b>(2,893)</b>	<b>(15.0)</b>

- 3.2 **Appendix A** shows original and final budgets for the year (with the movements summarised in the above table) and compares the final budget with the outturn



position for this Portfolio for 2015/16. The original revenue budget for 2015/16 was approved by Council on 26 February 2015.

3.3 **Appendix B** provides explanations of the main variances, which have been reported to appropriate Executive Councillors and Scrutiny Committees.

3.4 **Appendix C** lists revenue carry forward requests.

### Capital Outturn

3.5 The overall revenue capital budget outturn positions for all portfolios and the HRA are given in the tables below. **Appendix D** shows the outturn position by scheme and programme with explanations of variances.

2014/15 £'000	General Fund Capital Summary	2015/16 £'000	% Final Budget
29,385	Original Budget	20,729	49.2
(9,591)	Adjustments	21,397	50.8
19,794	Final Budget	42,126	100.0
6,537	Outturn	25,561	60.7
<b>(13,257)</b>	<b>(Under)/Overspend for the year</b>	<b>(16,565)</b>	<b>(39.3)</b>
13,289	Rephasing Requests	16,445	39.0
<b>32</b>	<b>(Under ) / Overspend</b>	<b>(120)</b>	<b>(0.3)</b>

2014/15 £'000	HRA Capital Summary	2015/16 £'000	% Final Budget
32,839	Original Budget	29,946	81.2
11,733	Adjustments (Rephasing from prior year)	13,758	37.3
(5,315)	Other Adjustments	(6,830)	(18.5)
39,257	Final Budget	36,874	100.0
24,404	Outturn	33,355	90.5
<b>(14,853)</b>	<b>(Under)/Overspend for the year</b>	<b>(3,519)</b>	<b>(9.5)</b>
13,758	Rephasing Requests	2,171	5.9
<b>(1,095)</b>	<b>(Under ) / Overspend</b>	<b>(1,348)</b>	<b>(3.6)</b>

- 3.6 Spending in the Housing Capital Investment Plan in 2015/16 has been at a far higher level than has been achieved in previous years, with both decent homes and new build expenditure delivering against the budgets set for the year.
- 3.7 The biggest area of slippage in the programme is in respect of the refurbishment scheme at Ditchburn Place, where work is yet to begin. There have been significant delays in the project, which will ultimately be delivered in a phased manner, with many residents still in occupation, due to the need to obtain planning permission for some of the changes proposed and overcoming some challenges in securing a contractor to undertake the works.
- 3.8 Permission is sought to re-phase the use of £1,686,000 of direct revenue financing of capital expenditure from the Housing Revenue Account and £545,000 of land receipt into 2016/17 and beyond to finance the re-phased capital expenditure identified. The resulting use of direct revenue financing of capital will be a reduction in the use of this resource of £110,000 in 2015/16 and an increase in 2017/18 of £1,796,000. The deferred use of revenue resource to fund capital expenditure also recognises the need to fund £60,000 of expenditure that would otherwise have been met by HCA grant, where the grant was received earlier than anticipated and therefore used to finance expenditure in 2015/16.

#### **4. Implications**

- 4.1 The variance from the final revenue budget (see above) on committees would result in a decreased use of General Fund reserves of £2,479k. After capital projects financed from revenue rephasing and other variances the overall variance and decreased use of General Fund Reserves is £2,893k.
- 4.2 A decision not to approve a carry forward request may impact on officers' ability to deliver the service or scheme in question and this could have staffing, equality and poverty, environmental, procurement, consultation and communication and/or community safety implications.

#### **5. Background papers**

- Reports for all portfolios to the June 2016 Scrutiny Committee cycle.

#### **6. Inspection of papers**

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

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## General Fund Overview / Strategy &amp; Resources Scrutiny Committee

## Revenue Budget - 2015/16 Outturn

Committee / Portfolio	Original Budget £000	Final Budget £	Outturn £	Variation Increase / (Decrease) £	Carry Forward Requests - see Appendix C £	Net Variance £
<b>Community Services</b>						
City Centre & Public Places	2,216,540	2,377,000	2,420,240	43,240	25,000	68,240
Communities (formerly Community Arts & Recreation)	7,914,170	7,613,220	7,440,054	(173,166)	60,000	(113,166)
<b>Total Community Services</b>	<b>10,130,710</b>	<b>9,990,220</b>	<b>9,860,294</b>	<b>(129,926)</b>	<b>85,000</b>	<b>(44,926)</b>
<b>Environment</b>						
Environment & Waste (formerly Environment, Waste & Public Health)	7,823,030	7,961,710	7,727,788	(233,922)		(233,922)
Planning Policy & Transport	(117,880)	(28,690)	(973,998)	(945,308)	44,550	(900,758)
<b>Total Environment</b>	<b>7,705,150</b>	<b>7,933,020</b>	<b>6,753,790</b>	<b>(1,179,230)</b>	<b>44,550</b>	<b>(1,134,680)</b>
<b>Housing</b>						
Housing GF	3,329,610	3,392,670	3,310,279	(82,391)		(82,391)
<b>Strategy &amp; Resources</b>						
Finance & Resources	(6,102,620)	(5,808,680)	(6,769,097)	(960,417)	233,100	(727,317)
Strategy & Transformation	2,792,290	3,790,860	3,178,391	(612,469)	122,650	(489,819)
<b>Total Strategy &amp; Resources</b>	<b>(3,310,330)</b>	<b>(2,017,820)</b>	<b>(3,590,706)</b>	<b>(1,572,886)</b>	<b>355,750</b>	<b>(1,217,136)</b>
<b>Total Portfolios / Committees</b>	<b>17,855,140</b>	<b>19,298,090</b>	<b>16,333,657</b>	<b>(2,964,433)</b>	<b>485,300</b>	<b>(2,479,133)</b>
Capital accounting adjustments	(4,964,190)	(5,422,730)	(5,423,427)	(697)		(697)
Capital expenditure financed from revenue	9,791,000	10,742,000	8,533,569	(2,208,431)	2,208,431	0
Contributions to earmarked funds	11,526,090	11,024,090	10,462,706	(561,384)		(561,384)
Contributions to/(from) Reserves	393,960	(1,099,490)	4,487,024	5,586,514	(2,693,731)	2,892,783
	<b>16,746,860</b>	<b>15,243,870</b>	<b>18,059,872</b>	<b>2,816,002</b>	<b>(485,300)</b>	<b>2,330,702</b>
<b>Net spending requirement</b>	<b>34,602,000</b>	<b>34,541,960</b>	<b>34,393,529</b>	<b>(148,431)</b>	<b>0</b>	<b>(148,431)</b>
<b>Financed by:</b>						0
Settlement Funding Assessment	(6,889,610)	(6,889,610)	(6,889,610)	0		0
Locally Retained Business Rates - growth element	(800,300)	(800,300)	(1,388,555)	(588,255)		(588,255)
New Homes Bonus (NHB)	(4,962,980)	(4,962,980)	(4,975,637)	(12,657)		(12,657)
Other grants from central government:	0	0	(85,827)	(85,827)		(85,827)
Appropriations from earmarked funds	(14,951,210)	(14,891,170)	(14,053,742)	837,428		837,428
Council Tax	(7,058,230)	(7,058,230)	(7,060,491)	(2,261)		(2,261)
Collection Fund (Surplus)/Deficit	60,330	60,330	60,333	3		3
<b>Total Financing</b>	<b>(34,602,000)</b>	<b>(34,541,960)</b>	<b>(34,393,529)</b>	<b>148,431</b>	<b>0</b>	<b>148,431</b>
<b>Net Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Changes between original and final budgets may be made to reflect:

- portfolio and departmental restructuring
- approved budget carry forwards from the previous financial year
- technical adjustments, including changes to the capital accounting regime
- virements approved under the Council's constitution
- additional external revenue funding not originally budgeted

and are detailed and approved:

- in the January committee cycle (as part of the Budget-Setting Report)
- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
  - via technical adjustments/virements throughout the year

**City Centre & Public Places Portfolio / Community Services Scrutiny  
Committee**

**Revenue Budget 2015/16 - Major Variances  
from Final Revenue Budgets**

<b>Service Grouping</b>	<b>Reason for Variance</b>	<b>Amount £</b>	<b>Contact</b>
<b>Environment - Open Space Management</b>	Bill Posting & Distribution: A service review is being undertaken to identify possible efficiencies and income opportunities. A one off budget bid of £25,000 was approved for the 2016/17 budget to reflect the underachievement in income.	30,613	Anthony French
	Arboriculture: Temporary staff costs to cover recruitment difficulties of arboricultural officer. Recharges yet to be received from the County Council.	39,226	Alistair Wilson
	Closed Churchyards: Underspend due to delay in obtaining the necessary consents and permissions to start projects relating to Mill Road Cemetery - hence the carry forward request.	(42,681)	Alistair Wilson
<b>Environment - Streets and Open Spaces</b>	Environmental Projects / Project Delivery: Majority of officer costs incurred during year now recharged to project cost centres. Overspend relates to salary costs incurred for agency Landscape Architect seconded to cover maternity absence.	36,457	John Richards
<b>Other</b>		(20,375)	-
<b>Total</b>		<b>43,240</b>	

## Communities Portfolio / Community Services Scrutiny Committee

Revenue Budget 2015/16 - Major Variances  
from Final Revenue Budgets

Service Grouping	Reason for Variance	Amount £	Contact
<b>Cultural Facilities</b>	Cultural Facilities Administration: Variance primarily due to unaccounted/unanticipated past year costs incurred by the service since the transfer to Cambridge Live. This overspend has been offset by the planned underspend within cost centre 07101.	49,807	Debbie Kaye
<b>Sport &amp; Recreation</b>	Leisure Contract Client Costs: £14k of this underspend relates to funding held to cover unavoidable additional costs relating to the capital project at Buchan St Neighbourhood Centre.	(20,833)	Ian Ross
	Sport & Recreation Administration: The variance is predominantly down to several staff vacancies throughout the year. £80k was originally held to cover vandalism costs to Parkside Pool windows. This is now being met by the insurance fund which will have an additional contribution paid in for 2016/17.	(74,446)	Ian Ross
<b>Community Development</b>	Community Development - Admin: This variance is mainly due to a planned underspend to cover additional in year costs relating to the transfer of Cultural Services to Cambridge Live (cost centre 20004).	(63,546)	Cathy Heath
<b>Neighbourhood Community</b>	Neighbourhood Community Development: £50k of this underspend relates to Clay Farm set up costs. Progress with the opening of the centre has been delayed and the new manager not in place until April 2016.	(51,217)	Sally Roden
<b>Other</b>		(12,931)	-
<b>Total</b>		<b>(173,166)</b>	

## Environment & Waste Portfolio / Environment Scrutiny Committee

### Revenue Budget 2015/16 - Major Variances from Final Revenue Budgets

Cost Centre	Reason for Variance	Amount £	Contact
	<b>Environment - Environmental Services</b>		
Scientific Team	There are two main reasons for this underspend. Firstly funds to deal with a specific potential contaminated land issue were carried forward from 14/15. This issue was resolved without substantial expenditure on our part and so no further carry forward is requested. This accounts for £15,631 of the variance. Also additional income was received for Planning Performance Agreements and Air Quality Services.	(24,167)	Jo Dicks
Food and Occupational Safety	The underspend is due to two staff vacancies and the reduction of hours by 1 officer.	(49,092)	Frank Harrison
	<b>Environment - Streets and Open Spaces</b>		
Rangers	Underspend due to part year staff vacancies	(28,639)	Wendy Young
Public Toilets	Expenditure budget for programmed works is for twelve months with only ten months of actual charges - linked to the toilet cleaning cost centre which holds the first two months worth of costs	(53,029)	Anthony French
Toilet Cleaning	Linked to the Public Toilets cost centre - this represents the first two months of costs prior to the transfer to CCS	95,554	Don Blair
Street Cleansing	Variance relates to additional income (£60k) from Cbid and underspends on staffing, fleet maintenance and subcontractors	(120,846)	Don Blair
	<b>Environment - Waste and Recycling</b>		
Domestic Special Collections	A budget saving of £90k was approved to review bulky waste in 2015-16. The project to realise this saving could not commence due to resource constraints and pressures of other changes within the service. The saving was deleted for 2016-17 onwards in the October 2015 MFR.	86,247	Simon Payne
Trade Refuse	Income was higher than budgeted for largely due to new contracts (230k). This was partly offset by additional expenditure on bin purchase and refurbishment (77k) and gate fee and waste disposal charges (37k). Budget bids were approved to take account of these variances in 2016-17.	(105,690)	Greg Hutton-Squire
Trade Waste Bulky Collections	The variance is mainly due to increased income.	(26,091)	Greg Hutton-Squire
Recycling Strategy	The variance is due to increased recycling credit income and an underspend on the purchase of bins budget.	(47,135)	Simon Payne
Shared Waste Implementation Costs	The shared waste implementation budget was overspent largely due to the delay in appointing the new shared head of service plus other costs that were greater than expected and were not covered by the efficiency fund budget that was allocated to the project.	80,641	Simon Payne
<b>Other</b>		(41,675)	-
<b>Total</b>		<b>(233,922)</b>	

## Planning Policy & Transport / Environment Scrutiny Committee

### Revenue Budget 2015/16 - Major Variances from Final Revenue Budgets

Service Grouping	Reason for Variance	Amount £	Contact
	<b>Environment - Parking Services</b>		
Car Parks	Income exceeded budget expectations due to buoyant local economic conditions. There was also an underspend on maintenance and one off staffing costs resulting in expenditure savings	(861,858)	Sean Cleary
	<b>Environment - Planning</b>		
City Development	Overall, there has been a significant saving on salaries because of the number of vacancies within the planning service over the past 12 months, in both City Development and New Neighbourhoods Team but this has been off-set by equivalent expenditure on temporary agency staff to cover vacancies, given the high volumes of workloads within the teams. Most of the expenditure on temporary staff can be clawed back through planning performance agreement payments which are phased throughout and across financial years and are therefore ongoing. There has been an over-achievement on major applications planning fee income within the City Development Team and an over-achievement generally on other types of planning fee income such as pre-application fees and discharges of conditions, reflecting the high levels of growth activities generally. However, there has been a significant shortfall in planning fee income associated with large-scale strategic major applications within the New Neighbourhoods Team which has created the overall variance. This is a result of some large-scale applications that were due to be submitted before the end of the financial year being delayed. One example of this is the West Cambridge outline application where submission is delayed until the end of May/early June -the planning application fee for this is £86,462. There are also a number of other projects that have been delayed on Darwin Green 1 site where development has not yet commenced. Planning application fee income is volatile and the outturn forecast is difficult to predict accurately because of this. Officers are reliant on developer programme information, which is subject to constant change at short notice, to project this.	118,170	Sarah Dyer
Cambridge University Contract	This is University contract funding for officer resources to progress and provide inputs to University projects The University confirmed that recruitment could not start until the contract had been signed in February 2016 and this first contract payment has only recently been received. Recruitment is therefore ongoing in some cases so this needs to be carried forward into the next financial year.	(36,942)	Sharon Brown
Urban Design & Conservation	The underspend relates principally to funding within on going program of proactive conservation work (updating conservation area appraisals and historic signage/advertising programme) which should be spent in 2016/17. Exec Cllr has approved year on year carry over in order to complete program.	(33,445)	Glen Richardson
Taxicard Service	The variance is due to fluctuations in passenger usage.	(33,264)	Sara Saunders
	<b>Environment - Director &amp; Business &amp; Information Service (BIS)</b>		
Urban Growth Project Management	The underspend relates to the vacancy of the Corporate Growth Programme Manager which was partly offset by part time administrative support.	(49,435)	Simon Payne
<b>Other</b>		(48,534)	-
<b>Total</b>		<b>(945,308)</b>	

## General Fund Housing Portfolio / Housing Committee

### Revenue Budget 2015/16 - Major Variances from Final Revenue Budgets

Service Grouping	Reason for Variance	Amount £	Contact
<b>Customer &amp; Community Services - Housing Strategy, Development, Housing Advice, Private Sector Housing and Miscellaneous Housing</b>			
Contribution to the HRA	The contribution to the HRA for amenities provided by the HRA, but benefitting the wider population, was lower than budgeted in 2015/16, with more of the estate management expenditure incurred in the HRA being tenant related expenditure.	(34,344)	J Hovells
Development	Underspending in employee costs as a result of a vacancy within the team and also in consultants fees in 2015/16, coupled with a nil contribution to a post intended to be shared with South Cambridgeshire Council due to changes introduced as part of the creation of the HDA. Underspending was partially offset by an under-achievement in fee income.	(19,781)	S Walston
Minor Variations		7,946	
<b>Total</b>		<b>(46,179)</b>	



## General Fund Housing Portfolio / Housing Committee

### Revenue Budget 2015/16 - Major Variances from Final Revenue Budgets

Service Grouping	Reason for Variance	Amount £	Contact
<b>Environment - Environmental Health</b>			
Housing Standards	Underspending in employee costs and associated staff based expenditure due to delays in recruiting to two new posts coupled with no revenue expenditure in relation to CPO's in 2015/16.	(25,393)	R Ray
Energy Officer	Underspend in respect of energy work and software budgets	(12,651)	J Dicks
Minor Variations		1,832	
	<b>Total</b>	<b>(36,212)</b>	
<b>Total for Housing Portfolio / Community Services Scrutiny Committee</b>		<b>(82,391)</b>	

**Finance & Resources Portfolio /  
Strategy & Resources Scrutiny Committee**

**Revenue Budget 2015/16 - Major Variances  
from Final Revenue Budgets**

Service Grouping	Reason for Variance	Amount £	Contact
	<b>Business Transformation</b>		
Finance - General	Variance is primarily due to an over achievement of income (interest receipts, CCLA Property Fund dividend income and adjustments to estimates of recoverability in respect of Heritable Bank investment).	(90,195)	Charity Main
General Properties and Grand Arcade	The variance is primarily due to the receipt of new rental income following the acquisition of the Orchard Park Local Centre and the Cambridge Road Retail Park, Haverhill. The income was not budgeted to be received until the 2016/17 financial year. The remaining variance is primarily due to the receipt of backdated rental income following the completion of rent reviews and audits and one-off lease premiums.	(316,903)	Dave Prinsep
	<b>Customer and Community Services</b>		
Revenues and Benefits	The variance is primarily due to unspent Homelessness Prevention Funding of £197.6k allocated to Discretionary Housing Payment use (top up funding) for which a carry forward of budget to the 2016/17 financial year was approved at the Strategy & Resources Scrutiny Committee meeting on 21 March 2016 (see Appendix C) and higher than forecast recovery of Housing Benefit Overpayments from claimants no longer claiming benefits - £149k. The remaining variances are due to one-off residual Council Tax Benefit receipts of £15k, underspend on staffing costs of £16k primarily due to vacancies during part of the 2015/16 financial year (N.B. the majority of the vacant posts have now been filled) and a positive variance of £62k across a range of transport, supplies and services and income budget headings.	(440,121)	Alison Cole
	<b>Environment</b>		
Land Charges and Searches	The variance is primarily due to the Land Charges fee income exceeding the income budget that was set. The income budget is always set conservatively due to year on year changes to the housing market conditions.	(46,897)	Paul Boucher
	<b>Support Services</b>		
Accountancy & Support Services	The Accountancy and Support Services variance is primarily due to the Capital Accountant post being vacant until the end of November 2015 and income received in respect of the shared Head of Finance post of £35.5k for which a carry forward of budget to the 2016/17 financial year is requested for the backfill of Finance staff involved in the Financial Management System project (see Appendix C).	(82,140)	Caroline Ryba
Human Resources	The main variance is due to an underspend on staffing costs, including Salary & Pension (£14k) and a Service Level Agreement (now ended £10k). The remaining variance is primarily due to transport and supplies and services underspends across a range of budget headings. (£7.8k)	(31,809)	Deborah Simpson
IT	The variance is primarily due to one-off costs recharged to the ICT Shared Service.	(87,168)	Tony Allen
Admin Buildings (including Facilities Management)	The underspend is primarily due to a service charge refund paid to the Council in respect of a prior year - £17k and an underspend on Facilities Management of £20k due to a member of staff being on paternity leave during the early part of the 2015/16 financial year - £7k and transport and supplies and services underspends across a range of budget headings - £13k.	(36,875)	Trevor Burdon
Support Services	Services recharged to Departments	265,640	-
<b>Other</b>		(93,949)	-
<b>Total</b>		<b>(960,417)</b>	

## Strategy &amp; Transformation Portfolio / Strategy &amp; Resources Scrutiny Committee

Revenue Budget 2015/16 - Major Variances  
from Final Revenue Budgets

Service Grouping	Reason for Variance	Amount £	Contact
CCTV	Overspend relates to understating 2014/15 creditors for shared service - final invoice was higher than expected. There is also some loss of income relating to monitoring of CCTV for the County Council.	41,302	Paul Necus
Community Safety	Combination of an underspend of £8k on NRP Volunteer Training as this was picked up by the OPCC but will be required in future years. There is also an admin error in the actual amount for special projects of £8k which should be adjusted down to £2,190 (currently £10,190).	(22,870)	Lynda Kilkelly
Corporate & Democratic Services	Balances on the Corporate Management Services that have been cleared to this centre include underspends of £16k Emergency Planning (£8k additional income, £5k staffing) and £8k Finance General recharges for consultants. Balances on Corporate Services that have been cleared to this centre include underspends of £57k on Corporate Policy, Committee Management, Members Support, Civic Affairs and Twinning relating mainly to staff (including Sergeant at Mace) and office costs.	(81,261)	John Harvey
Central Provisions and Centrally allocated costs	Unspent balances on central provisions which are held on this centre may be partly offset by variances reported within service budgets. So the major areas of variances include net underspend of £34k [Maternity Fund), £80k (R&R), £75k Electricity, £20k Gas, £34k overachievement of savings on SSR phase 1&2. Other underspends are £63k Apprenticeships and £31k Programme Office (and for both of these the unspent balances will be requested to be carried forward). In addition, balances on the Central and Support Services have been cleared to this centre ready for reallocation during final accounts closedown. So, whilst the variance amounts are shown here, where variances are significant they have been explained within the source cost centre so are therefore not reproduced here. So the major variances include underspends of £84k IT, £16k Admin Buildings (primarily due to a £17k prior year service charge refund in respect of Lion House), £20k Facilities Management (staffing £7k, supplies and services £12), £32k HR, £82k Accountancy, £21k Customer Service Centre, £15k Internal Audit, partly offset by an overspend on Insurance Fund of £156k (includes MMI additional levy £76k and an additional £80k contribution towards Parkside Window replacement).	(429,770)	John Harvey
Programme Office	The variance is due to the reduced requirement in 2015/16 to fund transformation projects, as existing sources of funding such as the Efficiency Fund or TCA (Transformation Challenge Award) were available and applied. As these sources of funding are unlikely to be available again in 2016/17 and given the nature of transformation projects, it is requested the underspend is c/fwd to 2016/17 to meet future bids and commitments as they arise.	(91,652)	Ray Ward
Other		(28,219)	-
<b>Total</b>		<b>(612,469)</b>	

## Community Services Scrutiny Committee

### City Centre & Public Places Portfolio

### Revenue Budget 2015/16 - Carry Forward Requests

Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for Carry Forward Request	Amount £	Contact
1	<p><b>Open Space Management</b></p> <p>Underspend due to delay in obtaining the necessary consents and permissions to start projects relating to Mill Road Cemetery - hence the carry forward request</p>	25,000	Alistair Wilson
<b>Total Carry Forward Requests for City Centre &amp; Public Places Portfolio / Community Services Scrutiny Committee</b>		<b>25,000</b>	

## Community Services Scrutiny Committee

### Communities Portfolio

#### Revenue Budget 2015/16 - Carry Forward Requests

##### Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for Carry Forward Request	Amount £	Contact
1	<p><b>Neighbourhood Community Development</b></p> <p>A carry forward of £50k is requested relating to set up costs for Clay Farm Community Centre. The planned opening has been delayed a second time to the end of October 2016.</p>	50,000	Sally Roden
2	<p><b>Community Development - Admin</b></p> <p>A carry forward is requested to reflect the contingent costs of staff affected by restructuring either through pay protection or redundancy costs. This is the remaining amount required from a fund that was earmarked to cover restructuring within Community Services.</p>	10,000	Jackie Hanson
	<p><b>Total Carry Forward Requests for Communities Portfolio / Community Services Scrutiny Committee</b></p>	<b>60,000</b>	

**Environment & Waste Portfolio / Environment Scrutiny Committee****Revenue Budget 2015/16 - Carry Forward Requests**

Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for Carry Forward Request	Amount £	Contact
	No carry forwards are requested for this portfolio		
	<b>Total Carry Forward Requests for Environmental &amp; Waste Services Portfolio / Environment Scrutiny Committee</b>		

## Planning Policy & Transport / Environment Scrutiny Committee

### Revenue Budget 2015/16 - Carry Forward Requests

#### Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for Carry Forward Request	Amount £	Contact
	<b>Director of Environment</b>		
1	Walking & Cycling Strategy - Allocation of funding delayed due to prioritising limited staff time to supporting City Deal project work.	1,850	Alistair Wilson
2	Flood Risk Management - Carry forward request due to delays in starting major drainage projects.	19,900	Simon Bunn
3	Planning Policy - MLEI grant funding received and earmarked for training which will be undertaken in 2016 - 2017.	2,800	Sara Saunders
4	Urban Design & Conservation - Ongoing program of pro-active conservation work which should be spent in 2016/17.	20,000	Glen Richardson
	<b>Total Carry Forward Requests for Planning Policy &amp; Transport Portfolio / Environment Scrutiny Committee</b>	<b>44,550</b>	

## General Fund Housing Portfolio / Housing Committee

### Revenue Budget 2015/16 - Carry Forward Requests

Request to Carry Forward Budgets from 2015/16 into 2016/17 and future years

Item		Request £	Contact
1	<p><b>Director of Customer &amp; Community Services</b></p> <p>No carry forward requests from 2015/16 into 2016/17 from this directorate for this portfolio</p>		
2	<p><b>Director of Environment</b></p> <p>No carry forward requests from 2015/16 into 2016/17 from this directorate for this portfolio</p>		
	<p><b>Total Carry Forward Requests for General Fund Housing Portfolio / Housing Scrutiny Committee</b></p>		



**Finance & Resources Portfolio /  
Strategy & Resources Scrutiny Committee**

**Revenue Budget 2015/16 - Carry Forward Requests**

Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for carry forward request	Amount £	Contact
	<b>Director of Customer and Community Services</b>		
<b>1</b>	<b>Revenues and Benefits</b> Request to carry forward unspent Homelessness Prevention funding of £197,600 to support Discretionary Housing Payments. (N.B. The above-mentioned carry forward was approved at the Strategy & Resources Scrutiny Committee meeting on 21 March 2016).	197,600	Alison Cole
	<b>Director of Business Transformation</b>		
<b>2</b>	Request to carry forward unspent funding of £35,500 from the shared Head of Finance post for the backfill of Finance staff involved in the Financial Management System project.	35,500	Caroline Ryba
	<b>Total Carry Forward Requests for Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee</b>	<b>233,100</b>	

**Strategy & Transformation Portfolio / Strategy & Resources Scrutiny  
Committee**

**Revenue Budget 2015/16 - Carry Forward Requests**

Request to Carry Forward Budgets from 2015/16 into 2016/17

Item	Reason for Carry Forward Request	Amount £	Contact
1	<p align="center"><b>Central Provisions and Centrally allocated costs</b></p> <p>Cost of change on Business Transformation.</p> <p align="center"><b>Programme Office</b></p>	31,000	Ray Ward
2	<p>The underspend occurred due to the reprioritisation of projects within the overall transformation programme. This resulted in the earlier execution of projects that were part funded from other funding streams. The carry forward request is made as the funds are required for re-phased and planned change projects.</p>	91,650	Lynda Kilkelly
	<p><b>Total Carry Forward Requests for Strategy &amp; Transformation Portfolio / Strategy &amp; Resources Scrutiny Committee</b></p>	122,650	

**Overview (Committees and Housing Capital Investment Plan) /  
Strategy & Resources Scrutiny Committee**

**Capital Budget 2015/16 - Outturn**

Committee	Original Budget £000	Final Budget £000	Outturn £000	Variance £000	Rephase £000	Over / (Under) Spend £000
<b>Community Services:</b>						
City Centre & Public Places	450	1,586	708	(878)	881	3
Communities (formerly Community Arts & Recreation)	6,271	10,520	4,566	(5,954)	5,991	37
<b>Total Community Services</b>	<b>6,721</b>	<b>12,106</b>	<b>5,274</b>	<b>(6,832)</b>	<b>6,872</b>	<b>40</b>
<b>Environment:</b>						
Environment & Waste (formerly Environment, Waste & Public Health)	1,010	1,566	1,186	(380)	418	38
Planning Policy & Transport	2,526	8,831	3,449	(5,382)	5,377	(5)
<b>Total Environment</b>	<b>3,536</b>	<b>10,397</b>	<b>4,635</b>	<b>(5,762)</b>	<b>5,795</b>	<b>33</b>
<b>Housing</b>						
Housing GF	200	316	49	(267)	210	(57)
<b>Strategy &amp; Resources:</b>						
Finance & Resources	10,272	18,900	15,521	(3,379)	3,243	(136)
Strategy & Transformation	0	407	82	(325)	325	0
<b>Total Strategy &amp; Resources</b>	<b>10,272</b>	<b>19,307</b>	<b>15,603</b>	<b>(3,704)</b>	<b>3,568</b>	<b>(136)</b>
<b>Total Committees</b>	<b>20,729</b>	<b>42,126</b>	<b>25,561</b>	<b>(16,565)</b>	<b>16,445</b>	<b>(120)</b>
Housing Revenue Account (HRA)	29,151	36,099	32,573	(3,526)	2,146	(1,380)
General Fund Housing	795	775	782	7	25	32
<b>Total for Housing Capital Investment Programme</b>	<b>29,946</b>	<b>36,874</b>	<b>33,355</b>	<b>(3,519)</b>	<b>2,171</b>	<b>(1,348)</b>
<b>Total Capital Plan</b>	<b>50,675</b>	<b>79,000</b>	<b>58,916</b>	<b>(20,084)</b>	<b>18,616</b>	<b>(1,468)</b>

Changes between original and final budgets may be made to reflect: and are detailed and approved:

- rephased capital spend from the previous financial year
- rephased capital spend into future financial periods
- approval of new capital programmes and projects
- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
- in the January committee cycle (as part of the Budget-Setting Report, BSR)
- via technical adjustments/virements throughout the year

## City Centre &amp; Public Places Portfolio / Community Services Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16	Final Budget 2015/16	Outturn	Variance - Outturn compared to Final Budget	Rephase Spend	Over / (Under) Spend	Variance Explanation / Comments
PR010a - 35523	Environmental Improvements Programme - North Area	A Wilson	30	132	27	(105)	105	0	Rolling programme delayed by complex dependencies, including staffing changes and highways approvals/ processes. Recent push with 17 projects completed, further 6 imminent. 2016/17 project bids approved at Area Committee Spring 2016, with further round due later in 2016.
PR010b - 35524	Environmental Improvements Programme - South Area	A Wilson	29	143	1	(142)	142	(0)	Rolling programme delayed by complex dependencies, including staffing changes and highways approvals/ processes. Recent push with 7 projects completed, further 2 (Rectory Terrace, Cherry Hinton and Bateman St.) imminent. Further work needed to allocate outstanding, and 2016/17 programme, funds through Area Committee.
PR010c - 35525	Environmental Improvements Programme - West/Central Area	A Wilson	66	136	28	(108)	108	0	Rolling programme delayed by complex dependencies, including staffing changes and highways approvals/ processes. Recent push with 15 projects completed, further 4 in preparation. 2016/17 project bids approved at Area Committee Spring 2016, with further round due later in 2016.
PR010d - 35526	Environmental Improvements Programme - East Area	A Wilson	50	144	25	(119)	119	(0)	Rolling programme delayed by complex dependencies, including staffing changes and local stakeholder engagement. Recent push with 12 projects completed, further 4 imminent. 2016/17 project bids approved at Area Committee Spring 2016.
PR010di - 35527	Environmental Improvements Programme - Riverside/Abbey Road Junction	A Wilson	0	31	0	(31)	31	0	Project complete
PR027 - 38168	Replacement of Parks & Open Space Waste/Litter Bins	D Blair	75	116	68	(48)	48	(0)	Works complete at Parkers Piece, Christ's Pieces, Queens' Green and Jesus Green. Some new bagged liners to fit to the bins to speed up emptying and reduce manual handling risks. Litter bin replacement programme is on-going for 2016/17
PR030d - 38257	St Thomas Square Play Area Improvements (S106)	A Wilson	0	50	50	(0)	0	(0)	Project complete
PR030e - 38258	Cavendish Rd (Mill Rd end) improvements: seating & paving (S106)	A Wilson	0	8	1	(7)	7	0	Project delayed by dependencies on key local stakeholder and parallel art project. Issues now resolved. Project being firmed up with target implementation late summer 2016.
PR030f - 38259	Bath House Play Area Improvements (S106)	A Wilson	0	49	2	(47)	47	(0)	Local consultation in 2015/16 has clarified the way forward for this play area project. Project now reconfigured and estimated to cost around £60k (S106 funding is available). Business case has been approved by Capital Programme Board, subject to comments from East Area Chair, Vice Chair and Opposition Spokes. Expected to be delivered in summer 2016.

## City Centre &amp; Public Places Portfolio / Community Services Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16	Final Budget 2015/16	Outturn	Variance - Outturn compared to Final Budget	Rephase Spend	Over / (Under) Spend	Variance Explanation / Comments
PR030h - 38255	Romsey 'town square' public realm improvements (S106)	A Wilson	54	58	2	(56)	56	0	Public consultation completed with majority support, nevertheless key stakeholder desire to add value to project. Currently under review, in conjunction with ward councillors. Additional £10k County Council funding available.
PR031b - 38211	BMX track next to Brown's Field Community Centre (S106)	A Wilson	0	29	30	1	0	1	Project complete
PR031d - 38262	Chestnut Grove play area improvements (S106)	A Wilson	0	50	50	(0)	0	(0)	Project complete
PR031i - 38280	Perse Way Flats Play Area (S106)	A Wilson	0	25	23	(2)	2	(0)	Project complete
PR031j - 38345	Landscaping and play area improvements on green on Bateson Road (S106)	A Wilson	0	0	27	27	(27)	(0)	Project starts on site 16th May
PR031m - 38346	Install play equipment at Dundee Close, Discovery Road and Scotland Road play areas (S106)	A Wilson	0	0	10	10	(10)	(0)	Projects complete at Dundee Close and Scotland Road. Discovery Way before 30/05/2016
PR033e - 38267	Accordia Trim Trail & Jnr Scooter Park (S106)	A Wilson	0	50	35	(15)	0	(15)	Scooter trail complete. Area Committee agreed not to go ahead with the adult trim trail, so the £15k informal open space contributions returns to the devolved funds for other local projects.
PR033c - 38222	Public Art element of improvements to the entrances at Histon Rd Rec (S106)	A Wilson	0	31	29	(2)	2	(0)	Project completed. Residual spending to be drawn down. Any remainder to be returned to devolved funding available for other local projects.
PR033f - 38272	Histon Rd Rec Ground Improvements (S106)	A Wilson	0	55	41	(14)	14	0	Project completed. Residual spending to be drawn down. Any remainder to be returned to devolved funding available for other local projects.
PR034c - 38226	Drainage of Jesus Green (S106)	A Wilson	0	6	0	(6)	6	0	Drainage project complete. Repairs to Victoria Ave. gate apron anticipated Summer/ Autumn 2016 (additional £5k County Council funding contribution).
PR034d - 38227	Public Art - 150th & 400th Anniversary (S106)	A Wilson	93	98	(14)	(112)	112	(0)	Project underway with website launched and work on the physical artwork on (revised) programme.
PR037 - 38252	Local Centres Improvement Programme	A Wilson	20	44	17	(27)	27	0	Funding to develop project proposals for 3 local centres. Development work for Cherry Hinton High St. complete with officer costs to be recharged, Arbury Ct. and Mitcham's Corner under development.
PR037a - 37050	Local Centres Improvement Programme - Cherry Hinton High Street	G Richardson	0	15	7	(8)	8	0	Main element of works commenced May 2016 following consultation in 2015
PR040a - 38295	Big Draw event 2015, Chesterton (public art grant) (S106)	A Wilson	0	1	0	(1)	1	0	Project completed. Final accounts to be settled and remaining S106 spending to be drawn down.

## City Centre &amp; Public Places Portfolio / Community Services Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16	Final Budget 2015/16	Outturn	Variance - Outturn compared to Final Budget	Rephase Spend	Over / (Under) Spend	Variance Explanation / Comments
PR040b - 38296	Rock Road library community garden (public art grant) (S106)	A Wilson	0	7	0	(6)	7	1	Project completed.
PR040c - 38297	Creating my Cambridge: clicking to connectivity (public art grant)	A Wilson	0	15	0	(15)	15	0	Project completed. Final accounts to be settled and remaining S106 spending to be drawn down.
PR040d - 38298	Twilight at the Museums 2016: animated light projection (public art grant) (S106)	A Wilson	0	14	0	(14)	14	0	Public art event delivered. Final stage digital resource to be completed in summer 2016 (as planned). Final accounts to be settled and residual S106 spending to be drawn down.
PR040e - 38299	Cambridge Sculpture Trails leaflet (public art grant) (S106)	A Wilson	0	3	0	(3)	3	0	Project completed. Final accounts to be settled and remaining S106 spending to be drawn down.
PR040f - 38317	Public art grant - Syd Barrett (S106)	S Tovell	0	10	8	(2)	2	0	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040g - 38322	Public art grant - Chesterton mural (S106)	S Tovell	0	3	2	(1)	1	0	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040h - 38323	Public art grant - Growing spaces in King's Hedges (S106)	S Tovell	0	2	2	(1)	0	(1)	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040i - 38325	Public art grant - History Trails (S106)	S Tovell	0	20	15	(5)	5	0	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040j - 38325	Public art grant - Sounds of Steam (S106)	S Tovell	0	15	10	(5)	5	0	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040k - 38326	Public art grant - Mitcham's models at Christmas (S106)	S Tovell	0	6	5	(1)	1	0	Project completed. Final accounts to be settled and residual S106 spending to be drawn down.
PR040l - 38327	Public art grant - Newnham Croft stained glass window (S106)	S Tovell	0	12	10	(2)	5	3	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040m - 38328	Public art grant - public art at North Cambridge Academy (S106)	S Tovell	0	15	10	(5)	5	0	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040n - 38329	Public art grant - public art at Humberstone Road (S106)	S Tovell	0	2	2	(1)	0	(1)	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040o - 38330	Public art grant - 'The place where we stand' (S106)	S Tovell	0	15	12	(3)	3	0	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR040p - 38331	Public art grant - Life in Trumpington (S106)	S Tovell	0	8	7	(1)	1	1	Project on-going and first instalment of grant has been paid - completion expected in 2016/17 (as planned).
PR042A - 38336	Improved access to Hobson's Folly (S106)	S Tovell	0	0	6	6	(6)	(0)	Awaiting Cambridge Past Present & Future input
<b>Total Programmes</b>			<b>417</b>	<b>1,417</b>	<b>547</b>	<b>(870)</b>	<b>859</b>	<b>(11)</b>	
SC410 - 38118	Mill Road Cemetery	A Wilson	0	21	11	(10)	10	(0)	Project delayed by various dependencies. Now largely resolved, with funding commitment anticipated Spring 2016.
SC469 - 38131	Vie Public Open Space (S106)	A Wilson	0	32	25	(7)	7	0	Project completed. Residual spending to be drawn down.

## City Centre &amp; Public Places Portfolio / Community Services Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16	Final Budget 2015/16	Outturn	Variance - Outturn compared to Final Budget	Rephase Spend	Over / (Under) Spend	Variance Explanation / Comments
SC492 - 38153	Jesus Green Play Area (S106)	A Wilson	0	2	12	10	0	10	Fencing follow-up project completed, after completion of main play area improvements in 2013..
SC540 - 39152	Electronic Market Management Software	D Ritchie	0	4	0	(4)	2	(2)	Improvements/modifications made to market management software that should have been part of the initial procurement in order that system worked as intended. Work ordered in March 2016 and subsequently invoiced and completed. £1,750 remaining unlikely to be required.
SC544 - 38175	Coleridge Recreation Ground Improvements (S106)	A Wilson	0	70	88	18	0	18	Main project completed. Remaining landscaping improvements (seasonal) due to completed in autumn.
SC548 - 38179	Southern Connections Public Art Commission (S106)	A Wilson	18	25	22	(3)	3	(0)	Long term project delayed due to land transfers, staffing changes and absence. Support for community engagement now in place with next planting phase anticipated Autumn 2016.
SC600 - 38287	Far East Prisoners of War Commemorative Plaque	A Wilson	15	15	4	(11)	0	(11)	Project complete
<b>Total Projects</b>			<b>33</b>	<b>169</b>	<b>161</b>	<b>(8)</b>	<b>22</b>	<b>14</b>	
-	-	-	0	0	0	0	0	0	-
<b>Total Provisions</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total for City Centre &amp; Public Places Portfolio</b>			<b>450</b>	<b>1,586</b>	<b>708</b>	<b>(878)</b>	<b>881</b>	<b>3</b>	

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- in the January committee cycle (as part of the Budget-Setting Report, BSR)

## Communities Portfolio / Community Services Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
PR030k - 38290	C3: grant for kitchen facilities & portable stage lift (S106)	J Hanson	0	53	53	0	0	0	n/a
PR031k - 38291	St Luke's Church: grant for refurbishment of community facilities (S106)	J Hanson	0	30	22	(8)	8	0	Project on target
PR032f - 38268	Cherry Hinton Baptist Church Family Centre (S106)	B Keady	0	111	121	10	0	10	Project Completed. Current Year budget should be £121k and funds have now been drawn down from S106 contributions
PR032g - 38269	Cherry Hinton Rec Ground pavilion refurb. (S106)	I Ross	0	99	2	(97)	97	0	Project reworked at request of local clubs and ward Councillors to provide additional changing rooms, further approval for funds obtained S.Area Committee 14/12/15. Planning approval granted and South Area permissions obtained to procure granted in April 16. Currently out to tender for September 16 completion.
PR032h - 38270	Trumpington Bowls Club Pavilion Ext. (S106)	I Ross	0	70	75	5	2	7	Project complete. Retention money to be carried over for payment in 16/17. overspend funded from S106 draw downs
PR033j - 38292	St Augustine's Church: grant for church hall side extension (S106)	J Hanson	0	87	87	0	0	0	n/a
PR034p - 38293	Cambridge 99 Rowing Club: grant for kitchen facilities (S106)	I Ross	0	5	0	(5)	5	0	Is a grant to the Cambridge 99 rowing club and they have not completed the works to date. Expected completion June 2016.
PR034q - 38294	Cambridge Canoe Club: additional boat and equipment store (S106)	I Ross	0	10	2	(8)	8	0	Is a grant to the Cane Club and some modifications works are completed and in use. Planning permissions had to be sought for containers and was finally granted in late April 2016. Currently procuring containers. Grant to be paid over when works are completed.
<b>Total Programme</b>			<b>0</b>	<b>465</b>	<b>364</b>	<b>(101)</b>	<b>120</b>	<b>19</b>	
SC476 - 38137	Water Play Area Abbey Paddling Pool (S106)	I Ross	0	2	3	1	0	1	Project complete and in use over last two summer seasons 14/15 & 15/16.
SC477 - 38138	Coleridge Paddling Pool Enhancement (S106)	I Ross	0	2	2	0	0	0	Project complete and in use over last two summer seasons 14/15 & 15/16.
SC478 - 38139	Water Play Area Kings Hedges "Pulley" (S106)	I Ross	0	2	3	1	0	1	Project complete and in use over last two summer seasons 14/15 & 15/16.



## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16	Final Budget 2015/16	Outturn	Variance - Outturn compared to Final Budget	Rephase Spend	Over / (Under) Spend	Variance Explanation / Comments
SC560 - 38189	Guildhall & Corn Exchange Cap Schemes RO AR9	D Kaye	0	98	35	(63)	63	(0)	Works to toilets are programmed for August 2016
SC602 - 38306	Buchan Street Community Centre - new roof replacement	I Ross	0	60	74	14	0	14	Project completed. £14K overspend is from installation of Solar PV array and funded from revenue budget.
SC603 - 38307	Ross Street Community Centre - new boiler system	I Ross	0	36	26	(10)	0	(10)	Project completed. Tenders for works came in under budget and underspend can be returned to central reserves.
SC034o - 38304	Netherhall School: supplementary grant for gym and fitness suite facilities (S106)	I Ross	0	45	19	(26)	26	(0)	Is a grant to the School, which has recently changed to an Academy and the new governing body and trustees are reviewing the remaining parts of the proposed scheme of works to ensure that they are a best fit for the new direction of the Academy and the facility improvements are still required.
<b>Total Projects</b>			<b>0</b>	<b>245</b>	<b>162</b>	<b>(83)</b>	<b>89</b>	<b>6</b>	
PV526 4107	Clay Farm Community Centre - Phase 1 (S106)	A Carter	0	0	12	12	0	12	Architects and other professional fees incurred in 2015/16. Future costs to be met from the Phase 2 (construction) budget.
PV567 - 38199	Clay Farm Community Centre -Phase 2 (Construction)	A Carter	6,271	9,810	4,028	(5,782)	5,782	0	Scheme is currently behind schedule
<b>Total Provisions</b>			<b>6,271</b>	<b>9,810</b>	<b>4,040</b>	<b>(5,770)</b>	<b>5,782</b>	<b>12</b>	
<b>Total for Communities Portfolio</b>			<b>6,271</b>	<b>10,520</b>	<b>4,566</b>	<b>(5,954)</b>	<b>5,991</b>	<b>37</b>	

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- approval of new capital programmes and projects

and are detailed and approved:

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- in September (as part of the Mid-year Financial Review, MFR)
- in the January committee cycle (as part of the Budget-Setting Report, BSR)
- via technical adjustments/virements throughout the year

## Environment and Waste Portfolio / Environment Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC588	NW Cambridge Development Underground Collection Vehicle	Simon Payne	210	210	0	(210)	210	0	Vehicle order now place (136719) awaiting confirmation of deliver date, expected sept/Oct. 2016. Total cost of vehicle 265k. 108k to be reclaimed from the university on delivery
SC607	Fleet Maintenance & Management Service at Waterbeach	David Cox	0	34	0	(34)	34	0	Original budget bid was based on a 1 April 2016 occupancy at the Waterbeach garage. This has now slipped to early 2016/17 so a rephase of the budget is requested.
<b>Total Projects</b>			<b>210</b>	<b>244</b>	<b>0</b>	<b>(244)</b>	<b>244</b>	<b>0</b>	
PR016	Public Conveniences	Alistair Wilson	0	41	11	(30)	30	0	Final account for Lion Yard refurbishment still to be agreed. Business Case for Silver St. upgrade under development following options shortlisting Exec Cllr & Env Scrut C'tee March 2016. Public consultation anticipated Summer 2016.
<b>Total Provisions</b>			<b>0</b>	<b>41</b>	<b>11</b>	<b>(30)</b>	<b>30</b>	<b>0</b>	
PR017	Vehicle Replacement Programme	David Cox	597	1,027	1,065	38	0	38	Overspend due to individual cost of one Refuse Collection Vehicle (fleet 238) being greater than expected
PR028	Litter Bin Replacement Programme	Don Blair	125	132	18	(114)	114	0	Litter bin replacement programme is on-going for 2016/17
PR035	Waste & Recycling Bins - New Developments (S106)	Simon Payne	78	122	92	(30)	30	0	The original budget was based on the housing trajectory at the time of setting the budget however the actual build out profile differed.
<b>Total Programmes</b>			<b>800</b>	<b>1,281</b>	<b>1,175</b>	<b>(106)</b>	<b>144</b>	<b>38</b>	
								<b>0</b>	
<b>Total for Environmental and Waste Services Portfolio</b>			<b>1,010</b>	<b>1,566</b>	<b>1,186</b>	<b>(380)</b>	<b>418</b>	<b>38</b>	

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and are detailed and approved:

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- in September (as part of the Mid-year Financial Review, MFR)
- in the January committee cycle (as part of the Budget-Setting Report, BSR)

Planning Policy & Transport Portfolio / Environment Scrutiny Committee

Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC416	UNiform e-consultee Access Module	Paul Boucher	0	7	5	(2)	0	(2)	Project Complete
SC570	Essential Structural/Holding Repairs - Park Street Multi-Storey car park	Sean Cleary	41	45	28	(17)	17	0	3 Year repair project with majority of 3rd year works completed. Final retention invoices are not due until summer 2016. Capital account will need to be rephrased to carry the remaining £17,000 forward into 2016/17 for this.
SC571	Procurement of IT System to Manage Community Infrastructure Levy	Sara Saunders	0	20	0	(20)	20	0	Implementation of CIL dependant on timing of Local Plan Examination.
SC589	Grand Arcade Car Park Stairwell Refurbishment	Sean Cleary	0	7	4	(3)	0	(3)	Final invoice now received and paid. Project complete and capital account can be closed
SC590	Structural Holding Repairs & Lift Refurbishment - Queen Anne Terrace Car Park	Sean Cleary	360	499	215	(284)	284	0	5 year holding repair project with majority of second year works complete. Some of year 2 works have needed to be rescheduled into year 3 resulting in the need for the remainder of year 2 budget to be rephased and added to preplanned year 3 budget. Will liaise with service accountant for roll over of funds into 16/17
<b>Total Projects</b>			<b>401</b>	<b>578</b>	<b>252</b>	<b>(326)</b>	<b>321</b>	<b>(5)</b>	
PV007	Cycleways	Alistair Wilson	240	275	21	(254)	254	0	Rolling programme delayed due to prioritising limited staff time towards City Deal projects. Spend on Green Dragon Bridge likely to be less than anticipated, with forward priorities under review.
PV018	Bus Shelters	Alistair Wilson	0	127	17	(110)	110	0	Rolling programme delayed due to staffing changes and technical difficulties. Solutions largely identified and in process of being implemented, with further phase to follow later in 2016.
PV033B	Street Lighting	Alistair Wilson	42	82	1	(81)	81	0	City Centre Historic Core upgrades in progress with three Kite area streets works anticipated Spring 2016. Opportunity to undertake additional works under review.
PV532	Cambridge City 20mph Zones Project	Alistair Wilson	140	316	75	(241)	241	0	Phase 2 (East) area works now completed with final phase (South and West Central) designed and being procured for implementation Summer 2016. Monitoring work to continue thereafter.

Planning Policy & Transport Portfolio / Environment Scrutiny Committee

Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
PV549	City Centre Cycle Parking	Alistair Wilson	190	190	8	(182)	182	0	On-street element of works completed with additional sites included as committed in Portfolio and Operational plans. Scoping work on further opportunities (incl Grand Arcade Cycle Park) continuing.
PV594	Green Deal	Jo Dicks	1,126	5,404	2,894	(2,510)	2,510	0	Good Progress continues to be made on installations and sales of solid wall insulation to private households. Currently Just under 900 (project target of 1000) customers have signed up and paid a deposit. Close to 700 solid wall properties have completed installation. Underspend is very unlikely on this fund as demand remains high.
PV595	Green Deal - Private Rental Sector	Jo Dicks	357	1,829	174	(1,655)	1,655	0	Sales to PRS properties have remained disappointing . However, new sales activity and greater flexibility from DECC as to how this element of the fund can be spent is helping uptake of the funding. Underspent funds return to DECC under the terms of our MoU. DECC are aware of progress through fortnightly updates.
<b>Total Provisions</b>			<b>2,095</b>	<b>8,223</b>	<b>3,190</b>	<b>(5,033)</b>	<b>5,033</b>	<b>0</b>	
PR039	Minor Highway Improvement Programme	Alistair Wilson	30	30	7	(23)	23	0	Contribution to Local Highways Improvement programme delivered by County Council. Year spend to be finalised with transfer of funds accordingly.
<b>Total Programmes</b>			<b>30</b>	<b>30</b>	<b>7</b>	<b>(23)</b>	<b>23</b>	<b>0</b>	

<b>Total for Planning Policy &amp; Transport Portfolio</b>	<b>2,526</b>	<b>8,831</b>	<b>3,449</b>	<b>(5,382)</b>	<b>5,377</b>	<b>(5)</b>
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## General Fund Housing Portfolio / Housing Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget £000	Final Budget £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Re-phase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
Page 397 SC597	Empty Homes Loans Fund	Y O'Donnell	200	200	0	(200)	200	0	Scheme slow to start due to the need to recruit to a new post. The nature of the scheme is to recycle funds, so a variance is likely to exist on an ongoing basis. Rephase of budget into 2016/17 is requested.
PV529	Upgrade facilities at 125 Newmarket Road	D Greening	0	88	11	(77)	10	(67)	Work to upgrade the facilities at 125 Newmarket Road were expanded to include some routine maintenance, with additional spend of £80,000 approved. Scheme complete, with the need to carry forward resource only to meet any residual retention costs. Budget in 2015/16 was a budgeting error and should not have been included.
SC599	Buchan Street Shopping Area Improvements	A Preston	0	28	38	10	0	10	Project approved in February 2015, fully funded by County Council contributions. Works completed, but with some reconciliation ongoing in respect of the spend versus the County Council contribution.
<b>Total Provisions</b>			<b>200</b>	<b>316</b>	<b>49</b>	<b>(267)</b>	<b>210</b>	<b>(57)</b>	
<b>Total for Housing</b>			<b>200</b>	<b>316</b>	<b>49</b>	<b>(267)</b>	<b>210</b>	<b>(57)</b>	

## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC596	Replacement Air Cooling Systems	Will Barfield	0	167	40	(127)	127	0	The work to the Northgate offices within Mandela House has been completed. The work to the Revenues and Benefits offices within Mandela House will be carried out at the same time as other works that are planned as part of the recently approved Office Accommodation Strategy. It makes sense to do work in this part of Mandela House at the same time.
SC605	Replacement Building Access Control System	Will Barfield	0	50	38	(12)	12	0	The work to replace the access control system in the Admin Buildings started in the 2015/16 financial year and is due to be completed in June 2016. The budget needs to be carried forward to pay for the remainder of the work including replacing door readers and setting up new ICT systems.
SC579	Office Accommodation Strategy	Frances Barratt	0	86	22	(64)	0	(64)	Scheme completed.  The refurbishment of The Guildhall reception and Mandela House training rooms were completed during the 2014/15 financial year.  The separation works required to facilitate the letting of the Annexe at The Guildhall have now been completed. Rental income is scheduled to come on stream in the 2017/18 financial year.
SC616	General Fund Property Acquisition for Housing Company	Alan Carter	0	7,400	5,286	(2,114)	2,114	0	Final properties due to be completed and purchased June 2016.

## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC391	La Mimosa Punting Station	Philip Doggett	0	2	0	(2)	2	0	Final installation to be arranged.
SC606	Garret Hostel Lane Fencing Project	Dave Prinsep	0	22	19	(3)	0	(3)	Scheme completed.
SC604	Replacement Financial Management System	Caroline Ryba	0	81	0	(81)	81	0	Original schedule delayed by the inclusion of Huntingdonshire District Council in the project. With respect to the planned go-live date, we are awaiting detailed planning with the supplier.
<b>Total Projects</b>			<b>0</b>	<b>7,808</b>	<b>5,405</b>	<b>(2,403)</b>	<b>2,336</b>	<b>(67)</b>	
PV554	Development of Land at Clay Farm	Alan Carter	739	1,159	342	(817)	817	0	This is a scheme whereby we contribute 7% of the net costs incurred in respect of the Collaboration Agreement with Countryside Properties. Rate of invoices from Countryside Properties relate directly to rate of house-building which is variable and beyond our control. Target completion date is long stop date in Development Agreement and equates to four years from estimated planning approval.
PV192	Development Land on the North Side of Kings Hedges Road	Philip Doggett	173	10	4	(6)	6	0	This is a scheme whereby we contribute an average of 7.56% of the Arbury Park Development Collaboration Agreement costs. The variance is due to the expenditure for the 2015/16 financial year being lower than the original estimate supplied by the managing agent.

## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
PV221b	Lion Yard - Contribution to Works - Phase 2	Philip Doggett	300	40	6	(34)	34	0	This is a scheme whereby we contribute 25% of the overall cost of the capital works at Lion Yard. The Phase 2 capital works were not completed during the 2015/16 financial year. The remaining budget for the 2015/16 financial year therefore needs to be re-phased to the 2016/17 financial year.
583	Clay Farm Commercial Property Construction Costs	Dave Prinsep	375	100	180	80	(80)	0	Variance of £80k is due to budget profiling differences. The overall timing for the project remains on target.
<b>Total Provisions</b>			<b>1,587</b>	<b>1,309</b>	<b>532</b>	<b>(777)</b>	<b>777</b>	<b>0</b>	
PR023	Admin Buildings Asset Replacement Programme	Will Barfield	0	71	42	(29)	29	0	Budget of £29k needs to be re-phased to the 2016/17 financial year in order to complete the works to Hobson House, which commenced during the 2015/16 financial year.
PR024	Commercial Properties Asset Replacement Programme	Will Barfield	0	27	26	(1)	1	0	Budget of £1k needs to be re-phased to the 2016/17 financial year in order to complete the programmed works which commenced during the 2015/16 financial year.
PR020	ICT Infrastructure Programme	Head of ICT	170	170	70	(100)	100	0	Work on a replacement SAN and machine room is being progressed as part of the ICT shared service. The bulk of the work will occur in the next financial year (2016/17).



## Finance &amp; Resources Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
PR036	Additional Investment in Commercial Property Portfolio	Dave Prinsep	8,515	9,515	9,446	(69)	0	(69)	Scheme completed. Completion of the acquisition of the Orchard Park Local Centre took place on 26 June 2015 and the completion of the acquisition of the Cambridge Road Retail Park, Haverhill, took place on 12 January 2016. The additional investment costs incurred have been financed from capital receipts. The rate of return on the Orchard Park Local Centre capital investment is 5.7%. The rate of return on the Cambridge Road Retail Park, Haverhill capital investment is 6.2%.
<b>Total Programmes</b>			<b>8,685</b>	<b>9,783</b>	<b>9,584</b>	<b>(199)</b>	<b>130</b>	<b>(69)</b>	
<b>Total for Finance &amp; Resources Portfolio</b>			<b>10,272</b>	<b>18,900</b>	<b>15,521</b>	<b>(3,379)</b>	<b>3,243</b>	<b>(136)</b>	

Page 401

Changes between original and final budgets may be made to reflect:

- rephased capital spend from the previous financial year
- rephased capital spend into future financial periods
- approval of new capital programmes and projects

and are detailed and approved:

- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
- in the January committee cycle (as part of the Budget-Setting Report, BSR)

## Strategy &amp; Transformation Portfolio / Strategy &amp; Resources Scrutiny Committee

## Capital Budget 2015/16 - Outturn

Capital Ref	Description	Lead Officer	Original Budget 2015/16 £000	Final Budget 2015/16 £000	Outturn £000	Variance - Outturn compared to Final Budget £000	Rephase Spend £000	Over / (Under) Spend £000	Variance Explanation / Comments
SC586 - 38246	Wide Area Network	T Allen	0	7	7	0	0	0	Scheme completed.
SC601 - 42107	Replacement Telecommunications & Local Area Network	T Allen	0	400	75	(325)	325	0	Project is on course for delivery between May 2016 - July 2016.
<b>Total Projects</b>			<b>0</b>	<b>407</b>	<b>82</b>	<b>(325)</b>	<b>325</b>	<b>0</b>	
<b>Total for Strategy &amp; Transformation Portfolio</b>			<b>0</b>	<b>407</b>	<b>82</b>	<b>(325)</b>	<b>325</b>	<b>0</b>	

Page 402

Changes between original and final budgets may be made to reflect:

- rephased capital spend from the previous financial year
- rephased capital spend into future financial periods
- approval of new capital programmes and projects

and are detailed and approved:

- in the June/July committee cycle (outturn reporting and carry forward requests)
- in September (as part of the Mid-year Financial Review, MFR)
- in the January committee cycle (as part of the Budget-Setting Report, BSR)
- via technical adjustments/virements throughout the year

## 2015/16 Housing Capital Investment Plan - HRA &amp; General Fund Housing

	Original Budget £000's	Current Budget £000's	Outturn £000's	Variance £000's	Re-phase Spend £000's	Notes	Re-Phasing Year				Budget
							2016/17 £000's	2017/18 £000's	2018/19 £000's	Post 2018/19 £000's	2016/17 £000's
<b>General Fund Housing Capital Spend</b>											
Investment in Non-HRA Affordable Housing	0	0	0	0	0		0	0	0	0	0
Other General Fund Housing	795	775	782	7	25	1	25	0	0	0	770
<b>Total General Fund Housing Capital Spend</b>	<b>795</b>	<b>775</b>	<b>782</b>	<b>7</b>	<b>25</b>		<b>25</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>770</b>
<b>HRA Capital Spend</b>											
Decent Homes Programme	7,758	7,603	7,585	(18)	167	2	167	0	0	0	5,517
Other Spend on HRA Stock	3,670	3,453	3,185	(268)	234	3	234	0	0	0	3,530
HRA New Build & Acquisition	13,995	21,049	21,190	141	(163)	4	(163)	0	0	0	22,742
Cambridge Standard Works	200	250	198	(52)	52	5	52	0	0	0	52
Sheltered Housing Capital Investment	1,900	1,900	104	(1,796)	1,796	6	0	1,796	0	0	2,408
Other HRA Capital Spend	353	569	311	(258)	60	7	60	0	0	0	404
Inflation Allowance	1,275	1,275	0	(1,275)	0	8	0	0	0	0	2,223
<b>Total HRA Capital Spend</b>	<b>29,151</b>	<b>36,099</b>	<b>32,573</b>	<b>(3,526)</b>	<b>2,146</b>		<b>350</b>	<b>1,796</b>	<b>0</b>	<b>0</b>	<b>36,876</b>
<b>Total Housing Capital Spend</b>	<b>29,946</b>	<b>36,874</b>	<b>33,355</b>	<b>(3,519)</b>	<b>2,171</b>		<b>375</b>	<b>1,796</b>	<b>0</b>	<b>0</b>	<b>37,646</b>
<b>Housing Capital Resources</b>											
Right to Buy Receipts (General Use)	(516)	(516)	(260)	256	0	9	0	0	0	0	(522)
Right to Buy Receipts (Retained for New Build / Acquisition)	(2,199)	(3,303)	(3,946)	(643)	0	9	0	0	0	0	(5,242)
Right to Buy Receipts (Debt Set-Aside)	0	0	(1,080)	(1,080)	0	9	0	0	0	0	0
Other Capital Receipts (Land and Dwellings)	(3,682)	(3,194)	(4,677)	(1,483)	(545)	10	(545)	0	0	0	(545)
MRA / MRR	(7,432)	(7,499)	(7,499)	0	0		0	0	0	0	(10,292)
Client Contributions	0	0	(145)	(145)	0	11	0	0	0	0	0
Direct Revenue Financing of Capital	(10,968)	(20,191)	(17,101)	3,090	(1,686)	12	110	(1,796)	0	0	(11,129)
Other Capital Resources (Grants / Shared Ownership / Loan Repayments / R&R)	(571)	(2,171)	(1,719)	452	60	13	60	0	0	0	(2,695)
Prudential Borrowing	0	0	0	0	0		0	0	0	0	0
<b>Total Housing Capital Resources</b>	<b>(25,368)</b>	<b>(36,874)</b>	<b>(36,427)</b>	<b>447</b>	<b>(2,171)</b>		<b>(375)</b>	<b>(1,796)</b>	<b>0</b>	<b>0</b>	<b>(30,425)</b>
<b>Net (Surplus) / Deficit of Resources</b>	<b>4,578</b>	<b>0</b>	<b>(3,072)</b>	<b>(3,072)</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,221</b>
<b>Capital Balances b/f</b>	<b>(21,090)</b>	<b>(21,090)</b>	<b>(21,090)</b>								<b>(10,146)</b>
<b>Use of / (Contribution to) Balances in Year</b>	<b>4,578</b>	<b>0</b>	<b>(3,072)</b>								<b>7,221</b>
Set-aside for future Debt Redemption	3,999	3,999	5,079			9					
Ear-marked for specific Retained Right to Buy Receipts 1-4-1 Investment	8,457	8,457	8,937			9					
<b>Residual capital resources remaining to fund future Housing Investment Programme</b>	<b>(4,056)</b>	<b>(8,634)</b>	<b>(10,146)</b>								<b>(2,925)</b>

Notes to the Housing Capital Investment Plan

Note	Reason for Variance
1	An apparent overspend in respect of Disabled Facilities and Private Sector Grants of £33,000, is actually more than offset by the receipt of contributions and grant repayments from clients, as detailed in note 11. The underspending in choice based lettings IT implementation due to delays in the go-live date for the new system will necessitate a carry forward of resource to allow completion of the project in early 2016/17.
2	A net underspend of £18,000 in decent homes expenditure during 2015/16 is a combination of under and overspending against the specific decent homes elements. Overspending in wall insulation (£32,000), kitchens (£149,000), bathrooms (£224,000), roof structure works (£446,000), chimneys (£7,000) and contractor overheads (£519,000), was more than offset by underspending in the remainder of decent homes elements, including heating and boilers, electrical rewiring, health and safety works and roof coverings. Re-phasing of underspending in 2015/16 into 2016/17 is requested in respect of energy improvements (£36,000), wall finishes (£30,000), doors (£18,000), major voids (£60,000) and wall structure works (£23,000).
3	A net underspend of £268,000 was evident in 2015/16, combining underspending in a number of areas where work is still required and funds will need to be re-phased into 2016/17, including; fencing (£41,000, with £38,000 to be re-phased), communal area floor coverings (£100,000, with £98,000 to be re-phased), lifts and door entry systems (£38,000) and contractor overheads (£274,000, with £60,000 to be re-phased). Underspending also occurred in asbestos removal works (£42,000), garage improvements (£18,000), tenants initiative scheme (£11,000) and officer fees (£4,000), where no re-phasing is required. Overspending in disabled adaptations (£97,000), communal area uplift (£65,000), fire prevention works (£91,000) and hard surfacing (£8,000), mean that after carry forward of resource into 2016/17, a net overspend will be reported in this area of the programme.
4	The net overspend in the new build programme in 2015/16 relates to a combination of delays in delivery in some areas of the programme, coupled with spending ahead of profile in respect other schemes. Net negative re-phasing of £163,000 is required, recognising earlier than anticipated use of resource for the Clay Farm (£3,884,000), Homerton (£255,000) and Akeman Street (£3,000) sites in 2015/16. Slippage of resource for Roman Court (£6,000), Colville Road (£107,000), Aylesborough Close (£282,000), Water Lane (£854,000), Ekin Road (£268,000), Hawkins Road (£680,000), Fulbourn Road (£1,293,000), Anstey Way (£389,000) and the 2015/16 garage sites (£100,000) is requested into 2016/17. The profile of spending on all of these schemes will be reviewed again as part of the HRA Mid-Year Financial Review process, in light of resources held and the timeframes in which expenditure must be incurred within.
5	Some of the projects identified as part of the last phase of the City Homes Estate Improvement Programme are yet to be completed and resources of £52,000 are requested to be carried forward into 2016/17 to allow these projects to take place.
6	Underspending of £1,796,000 in respect of the budget for work to re-develop Ditchburn Place is requested to be re-phased into 2017/18 to allow this scheme to still be progressed in phases across 2 years from the summer of 2016. This follows further delays in the planning and tender stage of the project, where the authority has been keen to ensure that it makes best use of the site given the proposed level of investment, the mixed use nature of the buildings as a whole and the involvement of third party partner organisations in the services provided there.

7	A net underspend of £258,000 in this area of the programme comprises a lower level of activity in respect of shared ownership re-purchase in 2015/16 (£179,000), coupled with delays in the delivery of IT and office accommodation infrastructure projects during 2015/16. Funding to upgrade aspects of housing IT system has not been utilised in 2015/16, with a request to re-phase the underspend of £23,000 into 2016/17. The balance of funding for projects to introduce the Cambridge Public Sector IT Network (£23,000), to upgrade the air cooling systems in housing administrative buildings (£11,000) and to complete works to HRA commercial premises (£3,000) is requested as a carry forward into 2016/17 to allow completion of all ongoing projects.
8	The sum of money set-aside in 2015/16 to meet the costs of inflation in the capital programme was not utilised in 2015/16 due to a combination of the level of planned maintenance work ordered in the year at target prices and the fixed price nature of the majority of new build contracts which were fulfilled during the year.
9	42 properties were sold in total during 2015/16. £260,000 of the capital receipt is available for general use (after all costs have been deducted from each receipt), while £1,080,000 of the overall capital receipt is identified as set-aside to be offset against the debt associated with the unit no longer owned. A further £3,946,000 of right to buy receipts have been retained by the local authority in 2015/16, but must be re-invested in financing up to 30% of additional social housing units, provided this is done within a 3 year time frame. The authority is required to invest a significant sum during 2016/17 to ensure that it meets its responsibilities under the retention agreement, and this is now likely to mean the acquisition of dwellings on the open market with some of the new build schemes meeting delays which will put the use of the receipts at risk of being returned.
10	Capital receipts totalling £3,194,000 in respect of the value of land transfer for the market housing at the new build / re-developments which had progressed during the year to the point at which the expenditure incurred by the developer in respect of the affordable housing element of the site exceeded the value of the land, were accounted for in 2015/16. These receipts have been used to finance some of the spend in respect of the affordable housing on the same sites. Receipts of £1,483,000 were also received in 2015/16 in respect of the open market sale of three dwellings and the sale of one property to a returning leaseholder on a new build site. The receipts from the three market sales will be used to 70% match fund retained right to buy receipts in 2016/17 and beyond.
11	Income was recovered from leaseholders in 2015/16 in relation to their share of the cost of major improvements undertaken as part of the decent homes programme (£91,000) and was also received from private residents in relation to contributions towards, or repayments of, private sector housing repair grants (£54,000).
12	Due to slippage in the housing capital plan in 2015/16, the use of revenue funding for capital purposes was less than anticipated. A request to adjust the use of revenue funding of capital expenditure in 2016/17 and 2017/18, resulting in the deferred use of a net sum of £1,686,000 of the funding not utilised in 2015/16, will ensure that there is sufficient funding to meet the re-phased expenditure requested above.
13	Homes and Communities Agency Grant of £1,327,000 was received in 2015/16 for 7 schemes which started on site or reached completion. £60,000 of this was grant received earlier than anticipated, and as a result was used to fund expenditure in 2015/16 instead of 2016/17 as originally planned.

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