



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

NOT FOR PUBLICATION: Appendix B of the report relates to an item during which the public is likely to be excluded from the meeting by virtue of paragraph 5 of Part 1 of Schedule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

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 6th 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:

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Appendix A: Plans showing possible punt and touting locations

