

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 1st 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&q=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 from 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. 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