



To: West Central Area Committee  
Report by: Lynda Kilkelly, Safer Communities Manager  
Relevant scrutiny committee: WEST CENTRAL AREA COMMITTEE 28/04/2011  
Wards affected: West Central Area

## **Punt touting in the city centre**

### **1. Executive Summary**

- 1.1 At the west /central area committee of 24 February 2011 a member of the public reported that “aggressive punt touting is a big issue in the city”. It was requested that the safer communities manager should provide a report on the issue for the next committee meeting.
- 1.2 This report provides some background information about the Cambridge punting industry. It shows that punt touting has generated a relatively low number of complaints from the public in past years, and that these have tended to concern nuisance rather than serious anti-social behaviour. The report explains that the Council’s powers to deal with the issue are limited, but it also shows that full use has been made of these powers and of opportunities to work with partners who have other responsibilities and powers. The report concludes that the situation is, however, a dynamic one, and that the Council’s current close monitoring of the situation should be continued.

### **2. Recommendations**

- 2.1 It is recommended that members and others consider the contents of the report and acknowledge, in particular, the scale of the punt touting issue, the limited powers of the Council with regard to punting, and the activities taken in the past and being taken currently to keep the problem within acceptable bounds.

### **3. Background**

#### **The Cambridge punting industry**

- 3.1 Punting is a major part of the Cambridge tourism industry. As an indication of the size of the industry, 221 punts (excluding 42 college-based punts) were registered for commercial use in 2010 providing a total seating capacity for more than 1500 passengers.
- 3.2 It is a business that generates significant revenues with the number of operators growing each year. There are a number of organisations with responsibilities as landowners and enforcers both on and off the river making control of the punting business complex.

- 3.3 According to the Cam Conservator's register there were approximately 27 owners of the 221 punts registered in 2010. Not all owners operate their own punts, some lease the punts to operators and the register does not record how many operators there are on the river or who they are.
- 3.4 Except for the University punts, operators market their services from their own ticket office, through the tourist office and/or on the street ("touting"). They also use forms of advertising such as the internet.
- 3.5 The regulation of craft on the river is the responsibility of the Cam Conservators. The Conservators are the statutory navigation authority for Cambridge between the Mill Pond at Silver Street to Bottisham Lock. They also have some lesser responsibilities upstream of the Mill pond to Byron's Pool. The Conservators' role is to ensure that the river is kept in a "navigable state"; that a balance is maintained between the needs of the various river users and the river users and owners of the riverbank; and to manage the river environment.
- 3.6 Arising from their role, the Conservators enforce the byelaws of the River Cam. Considering only those elements of the byelaw that relate to punting, this requires that any "pleasure boat" using the Cam must be registered annually with the Conservators. As a condition of registration, punt owners are required to accept a code of conduct that relates largely to safety and identification.
- 3.7 The Conservators do not have powers to limit the registration of punts meeting the registration requirements. This means the number of punts on the river is not limited by them, other than subject to their controls regarding navigation, which in turn affects the behaviour of punt operators on the river and the number of touts in the streets.
- 3.8 The Conservators have no powers in relation to the numbers or activities of punt touts and so their code of conduct is silent on this matter.

### **Complaints about punt touting – nature and scale**

- 3.9 Each year the Council receives a number of complaints about the punting industry that tend to follow the course of the punting season, that is, they begin from around mid-March and tend to fall away after October.
- 3.10 All complaints about punt-touting concern the historic city centre area. A small number of these concern the quality of the punt trip or some other aspect of the experience on the river, but most complaints concern punt touting.
- 3.11 Since 2007, punt-related nuisance and anti-social behaviour reported by the public to any section of the Council, or to the Council's partner agencies, have been logged centrally by the safer communities section.
- 3.12 It is acknowledged that the log will not represent the whole picture. Not everyone who has a bad experience will necessarily report it, and this may be especially true if the person is a visitor who may not bother to complain or know where to complain. The number of reported complaints since 2007 are summarised in the following table:

Year	Nuisance and ASB by touts	Obstruction by touts	Other touting complaint	Non-touting punt complaint	Total
2007	18	10	9	1	38
2008	6	1	3	2	12
2009*	5	0	1	3	9
2010	9	2	1	1	13
Totals	38	13	14	7	72

\* 2009 information was not collected after August.

- 3.13 A fuller consideration of the complaint log shows that most nuisance complaints concern over-enthusiastic or aggressive touting; being repeatedly approached by different touts, and touts arguing among themselves. Of 'Other' touting-related complaints, a total of six people claimed that touting was affecting their businesses while a further six were complaints made by punt owners and touts about the behaviour of other touts (mainly about poaching custom).
- 3.14 Complaints about punt touting tend to be quite geographically specific with Quayside and, especially, King's Parade being most frequently mentioned. However, the position at Quayside would seem to have improved in recent years. A recent random sample of businesses operating in King's Parade did not reveal any major concerns about touting, at least as regards the last punting season.
- 3.15 However, some businesses said they witness several incidents of aggressive touting on a regular basis but whilst running a business they do not have the time to log each complaint with the Council.
- 3.16 While the recorded evidence does not support a view that punt touting has been a major problem within the city, or even within the city centre, Council officers are nevertheless aware that the daily nuisance factor may be very demanding on people who live and work in certain parts of the city centre and who are unable to walk away from it. It has also been claimed that being repeatedly stopped by touts is spoiling the visitor experience and this can certainly be acknowledged. Two recent complaints by visitors logged by the safer communities section have made just this point.

### **Powers to address complaints**

- 3.17 The City Council has no direct powers to limit tout numbers. It cannot, for example, decide that there are too many touts in one street and ask some to move on.
- 3.18 There is a City Council byelaw that applies to touting generally (and not just touting for punt business). It provides as follows:  
 "No person shall in any public place:  
 advertise or solicit custom for any service; or  
 seek to gather information for use in the supply of goods or services  
 in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that public place"

- 3.19 The Byelaw can be an effective tool in controlling touting. However, it requires witnesses to attend Court and evidence to be produced to a criminal standard. For a prosecution under the byelaw to be successful an offence must be proved beyond reasonable doubt. The Police and the Council enforcement teams constantly monitor the touting situation and ensure that the byelaw is not breached. A successful prosecution for breach of the byelaw by a punt tout in the Bridge Street area was secured. However, usually witnesses are reluctant to come forward in these situations and prosecutions are likely to be dependent on observations by Council and constabulary staff.
- 3.20 The Council has entered into agreements with punt operators working out of the punt station located directly in front of the La Mimosa restaurant and with Scudamores at Quayside with regard to touting. The code of conduct relating to the agreements sets out limits to where touts are permitted to work and a strict standard of touting behaviour. The agreement is generally working well and we have seen improvements in recent years.

### **Punt tout numbers**

- 3.21 It has been suggested by some members of the public affected by punt touting that a reduction in the number of punt touts would relieve the situation. The number of punts touts will, at some level, be a function of the number of craft on the river and also of the number of individual operators.
- 3.22 The Council has used its rights as a landowner to limit the number of places within the city from which punt operators can pick up and set down passengers or store and maintain vessels. This has helped to contain the impact the industry has on the central area.
- 3.23 As stated above the Council has no power to limit the number of touts on the street provided they are behaving in accordance with the byelaw.

### **Garrett Hostel Bridge**

- 3.23 Because the financial and other barriers to entry into the punt industry are low relative to the returns that may be made, it is inevitable that there will be a constant stream of new entrants and that some existing operators may wish to expand.
- 3.24 There is, however, a limited number of stages from which punts can legitimately operate. The last remaining area of the historic city riverbank where there are no restrictions (or no restrictions currently being applied) is at Garrett Hostel Bridge. It is from this area that many of the smaller operators work, and it is from this area that any new entrant to the industry would likely have to work, due to the limited available sites on the river. As a consequence this part of the river can become crowded.
- 3.25 Touts for Garrett Hostel Bridge operators appear to be working mainly in the King's Parade area.
- 3.26 Garret Hostel Bridge and the slipway are public highway and therefore are under the control of the County Council as Highway Authority. As the City Council is not a landowner at Garrett Hostel Bridge it has no powers to restrict numbers or impose a code of practice.

## **Competition between rival operators**

- 3.27 With reference again to low barriers to entry into the punt business, it is inevitable that there will be competition between competing operators. The Council has been informed of incidents of criminal damage to punts which occurred last year and more recently this year. These incidents were reported extensively in the local and national media.
- 3.28 This issue of criminal damage must not be conflated with the issue of nuisance touting nor associated with the Council's policy to control the industry where its powers permit and where it seems necessary. Deliberate damage to property is a criminal offence and is a matter for the police. The Council provides the police with every assistance to bring perpetrators to justice.

## **Conclusion**

- 3.29 We have seen that punt touting has generated relatively few complaints from the public, but officers are aware that this is a dynamic area which may quickly change. This report has shown how competition for trade is growing and the Council is aware that this may encourage more, and more aggressive, touting.
- 3.30 The Council will continue to closely monitor the situation and will be especially diligent about following up complaints of actual anti-social behaviour.
- 3.31 The Local Government and Involvement in Public Health Act 2007 makes provision that councils will be given new powers to create byelaws and enforce them through the issuing of fixed penalty notices. The Order in relation to these powers is in force but the regulations as to their use have not yet been written. When the regulations have been written the Council will consider if they can be appropriately applied to control punt touting. The Executive Councillor for Community and Health has written lobbying the government to approve the regulations.

## **Contact Details**

### Cambridge City Council Anti-social Behaviour Team

To report anti-social behaviour to the City Council Anti-social Behaviour Team phone 01223-457950 or email [asbsection@cambridge.gov.uk](mailto:asbsection@cambridge.gov.uk)