



To: West Central Area Committee
Report by: John Milne, Guided Tours Manager
Relevant scrutiny committee: WEST CENTRAL AREA COMMITTEE
Wards affected: West Central Area

03/11/2011

Punt touting in the city centre

1. Executive Summary

1.1 On 28 April 2011, West Central Area Committee considered a report from the Safer Communities Manager regarding punt touting and related anti-social behaviour issues. The Committee agreed that the Council should:

- Assess the degree to which punt touting on King's Parade is detrimental to the visitor/resident experience.
- Assess whether the ownership of the land by Garrett Hostel Bridge, which is used for embarkation, can be identified.
- Talk to the County Council about how they might use any powers of control they have as a highway authority.

It was also agreed that the Council would continue to lobby the Secretary of State regarding the power to create by-laws.

1.2 This report provides an update on the steps currently being investigated and considered to address concerns about punt touting. The report includes the results of a visitor survey, an update on possible legal solutions and an update on the ownership status of Garret Hostel Lane. The report concludes that there is a mixed reaction to touting, but also that it's an irritant for a significant number of people and concludes that the Council should continue to investigate possible solutions.

2. Recommendations

2.1 It is recommended that members and others consider the contents of the report and the possible solutions and associated implications on Council resources.

3. Background

3.1 Punt touting started in Cambridge in 1993 at the Silver St/Mill Pond end of the river and gradually expanded until 2004/5 when a voluntary Code of Conduct was put in place to limit the numbers and areas that touts could operate in this vicinity.

3.2 There is still a gentlemen's agreement in place between two of the companies operating from the Mill Pond, Scudamore's and Cambridge Chauffeur Punts, which divides Silver St into 2 areas where each will have their touts. Both companies

restrict their touts to this area, the other company operating from the Mill Pond, Granta Punts, rarely employ touts.

- 3.3 Companies operating from Quayside and La Mimosa have touting restrictions placed on them by Cambridge City Council as landowner and Trinity College Punt Scheme, which operates from Trinity College frontage, has not employed touts to date.
- 3.4 Few official complaints regarding the behaviour of punt touts have been received by Visit Cambridge or the Safer Communities team, however this is not seen as a true indication of the problem as dissatisfaction arises from repeated approaches rather than by an individual. A higher number of unofficial “word of mouth” complaints are received by Visit Cambridge.
- 3.5 There are a limited number of stages from which punts can legitimately operate. From our knowledge, 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. As a consequence this part of the river can become crowded
- 3.6 The main summer seasons of 2010 and 2011 have seen a large increase in the number of touts operating in the King’s Parade area, the vast majority of the touts are employed by the businesses operating from Garret Hostel Lane.
- 3.7 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.
- 3.8 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.
- 3.9 The Council has been working closely with the Cam Conservators on the issues raised. At their meeting on 29th September the Cam Conservators decided that persons seeking to operate commercial punts must operate from an officially recognised punt station. The Conservators identified the following sites as recognised punt stations:

- Granta Mill Pond
- Mill Pit east
- Mill Pit west
- Trinity College frontage
- Quayside
- La Mimosa

The conservators also stipulated that operators must be able to provide evidence that he or she has the permission of the land owner or occupier to use that punt operating station.

- 3.10 The new policy will take effect from April 1st 2012 with the effect that businesses operating from Garret Hostel Lane will not be granted a commercial license.
- 3.11 The Conservators new policy is a very important development that has the potential to considerably improve the position but might also present us with new difficulties (for example trespass).

Punt Survey

- 3.12 Survey was carried out by Visit Cambridge to assess the degree to which punt touting on King's Parade is detrimental to the visitor/resident experience.
- 3.13 The survey was conducted in July and August and 94 visitors, 65 residents/city centre workers and 39 businesses were questioned regarding their experience of touting in the city centre.
- 3.14 The survey showed that, on the whole, visitors did not feel that touting had an adverse effect, although a small but significant number felt that it did. However a much larger proportion of residents/city centre workers and businesses felt that punt touting adversely affected their experience of the city centre and had a negative impact on their business.
- 3.15 The survey also included a "head count" of the number of touts operating in the King's Parade area on 10 separate days between late June and late July. The maximum number of touts observed on any one day was 29, the average over the 10 days was 23.

Visit Cambridge Ticket Sales Agreement

- 3.16 The Council is proposing to broaden the range of operators for whom it sells tickets through the Visit Cambridge toursim service, through the introduction of a punt ticket sales agreement. This agreement will include a set of criteria and Code of Conduct to which all punt operators will need to comply in order that the Visit Cambridge service can sell tickets on their behalf.
- 3.17 The criteria will be aimed at improving the level of customer service, reducing touting and ensuring a high quality and safe experience. The agreement will be developed through close consultation with the Cam Conservators and the punt operators. All operators who currently hold a commercial punt license will be consulted on the criteria in November and a report setting out these proposals will go to the Strategy and Resources Scrutiny committee on 16th January 2011.

Legal powers available to control punt touting

3.18 Byelaws

- 3.18.1 There is a byelaw in place that prohibits touting "in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that street or public place." It has proved difficult to gather evidence that would support

prosecution of punt touts under the byelaw and, to date, only one prosecution has been brought.

3.18.2 One possible option would be to seek to regulate punt touts to a greater extent through a byelaw; for instance by seeking to prohibit touting in designated areas. However, consultation would be needed before making a byelaw of this nature. A byelaw would also be subject to confirmation by the Secretary of State.

3.18.3 Enforcement would be by way of prosecution, with a maximum penalty of £200. The introduction of powers to enforce byelaws by way of fixed penalties would aid enforcement.

3.18.4 The Council has been lobbying the Government strongly for the implementation of powers introduced in legislation passed in 2007, which would give local authorities greater freedom to make byelaws to address local needs and which would apply fixed penalties to byelaws. Representations have been made to the Secretary of State for Communities and Local Government and to the Permanent Secretary.

3.19 Local legislation

3.19.1 Some local authorities have sought to tackle problems of this nature by local legislation extending the scope of street trading laws.

3.19.2 Current legislation outside London limits street trading laws to the sale of goods. Some councils have used local Acts of Parliament to extend their remit to include the sale of services.

3.19.3 Canterbury City Council has gone further by promoting a local Bill that, if passed by Parliament, would allow the City Council there to prohibit touting in designated areas, with breach punishable by a maximum fine of £1,000.

3.19.4 The cost of promoting local legislation of this kind is likely to be between £30,000 and £40,000 – possibly more.

3.19.5 The report of the Select Committee which considered earlier bills extending street trading powers, allowed those bills to proceed but expressed "strong reservations about the use of piecemeal private legislation to remedy perceived problems in national legislation" and recommended that "the Government should undertake an urgent review of the law on trading in the streets and selling from door to door with a view to producing national legislation which reflects current conditions." It would be open to the Council to lobby for the touting issue to be addressed on a national basis.

3.20 Land ownership

The Council has incorporated touting restrictions in the lease to Scudamores at Quayside and within the La Mimosa licenses. (There is also a voluntary agreement among the businesses operating from the Mill Pond regarding touting.)

Ownership of Garret Hostel Lane

3.21 The Council have commissioned research into the ownership of this land. This is not straightforward, as it involves investigation into historical records going back more than 200 years. The research is close to completion, requiring only the

inspection of some early 19th Century documents held by Trinity College. Once this is complete, we will be able to form a view of the implications.

Conclusion

- 3.22 Punt touting is an irritant for a small but significant number of visitors and a larger proportion of residents and business and warrants further work into the measures available to address the issues.
- 3.23 The Council should continue to lobby Central Government to review the national legislation regarding the laws on trading in the streets and also to implement the powers introduced in legislation passed in 2007, giving local authorities greater freedom to make byelaws to address local needs.
- 3.24 The Council should monitor the effect of the of new regulations introduced by the Cam Conservators and work with the Conservators to monitor and develop responses to any breaches of the regulations.
- 3.25 The Council should draft and promote a Code of Conduct for all companies operating commercially on the river. The code would be used to promote best practice and limit touting to specific areas of Cambridge. Although the code would be voluntary, those signing up to the code would receive a form of Kite Mark to indicate that they are operating to agreed standards. The Code of Conduct would be compulsory for those companies wishing to have their tickets sold through the Tourist Information Centre and those operating from land owned by Cambridge City Council.

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