

CONSERVATORS OF THE RIVER CAM

4

MATTER FOR DECISION: REGULATING THE COMMERCIAL PUNTING INDUSTRY

4.1 Preamble

At their meeting on 14th July 2011, Conservators considered a report with proposals about regulating the commercial punting industry. The report was accompanied by representations from commercial punt operators using the middle river ('College Backs'). The accelerating growth of the independent commercial punting industry (i.e. those operators not associated with one of the five major punt operating companies¹) had highlighted a number of navigational and enforcement issues which required review.

Accordingly, the Conservators appointed a sub-committee group to look into these issues in greater detail. The membership of this group comprises Mr Adams (Chairman), Prof Richards, Mr Pryce-Jones, Cllr Nimmo-Smith, Dr Brighty and the River Manager. The group met on 24th August in Cambridge. The outcome of these discussions and the group's recommendations are set out below.

With the objective of assisting the Conservators with evidence gathering, Mr Lyall and colleagues (Trinity Punts) devised a monitoring programme to quantify the extent of congestion issues along the Backs. It should be noted that this study was not commissioned by the Conservators and it is not therefore, independent. However, for the purposes of reviewing all available evidence it was agreed that the preliminary findings would be presented to the sub-committee group at the same meeting. Their final summary report is attached to this paper (see below and Annex 1).

4.2 Capacity of the navigation and evidence of congestion

The Conservators have no direct powers to limit the numbers of vessels on the navigation.

As at 31 August 2011, the office has registered 139 single width commercial punts and 80 wide-beam 'ferry' punts (a total of 219 hire-craft). This compares to 136 single punts and 70 ferry punts in the previous licensing year (total 206 craft as at 31 March 2011).

The 2011/12 year has seen a large number of independent commercial punt operators making use of the public slipway at Garret Hostel Lane, this being the only available point of public access along the Backs. The picking up and setting down of goods and passengers 'without undue delay' is permitted by the Conservators at this location under the still extant section 83 of the 1851 Act (see Annex 2). Unfortunately, many of these operators have been mooring along the opposite riverbank to the slipway, to the nuisance of the landowner (Clare College) and in so doing, obstructing other users' enjoyment of the navigation.

¹ Scudamore's, Granta Punts, Cambridge Chauffeur Punts, Trinity Punts and the La Mimosa operators

Very few navigation authorities have conducted studies on carrying capacity. The Conservators have limited observational data of motorised boat traffic movements through Baits Bite Lock. Monitoring along the Backs is generally achieved through routine enforcement counts of static vessels observed by the River Bailiff. The actual effect of these vessels upon each other when they move about is varies with user expectations and experience on the actual day. There are clearly seasonal, and weather-related, peaks and troughs of activity.

Dr Lyall's survey findings indicate that there are two reaches of the middle river where punts may be more prone to collisions:

1. The reaches between Trinity Bridge and Clare Bridge (i.e. capturing the activities at Garret Hostel Lane); and,
2. Between King's Bridge and the Mathematical Bridge.

Garret Hostel Lane has a heightened risk of collisions because of (i) moored punts on both sides of the river, and (ii) punts making transit across the navigation when called-upon to load up passengers. In the second location, many tours are observed to turn around before Silver Street road bridge and the channel's restricted width may be contributing to the enhanced likelihood of collision.

4.3 Accidents and incidents

The sub-committee group reviewed the history of punting-related incidents along the Backs. Most collisions are trivial and some may regard the occasional 'bump' as part of the punting experience. Very rarely, collisions can be serious, such as finger entrapments leading to crush injury (approximately one per annum). In 2011, two such entrapments have occurred, perhaps evidencing a worsening situation. Monitoring of the situation is ongoing and operators and third parties are encouraged to submit their reports of dangerous behaviour or poor practice.

4.4 Legislative tools

The Acts confer byelaw-making powers to the Conservators and fundamental to these byelaws is the notion that the Conservators should use them for the good government, order and regulation of river users.

There is a growing body of evidence that suggests that measures need to be put in place to re-establish good order amongst users of the middle river in particular.

Byelaw 8.4 gives the Conservators authority to impose conditions upon registration should they be deemed 'reasonable requirements'. Some of the provisions of this clause are already in effect (i.e. insurance cover). Counsel has advised that byelaw 8.4 may be used by the Conservators to impose additional conditions upon those seeking registration providing that the measures are fair and reasonable.

The operators of passenger-carrying vessels have a greater responsibility for meeting safe operating standards above and beyond those owners of private craft. For example, passengers must be able to embark and disembark safely at a suitable landing place. First aid and safety equipment (e.g. buoyancy aids) needs to be stored in a suitable area and should be made readily available to those passengers requiring them. Welfare facilities should be made available to the operators' employees.

Operators should have a dry covered space where they can maintain their records of lading and other safety/insurance documents.

The sub-group recommends that as of 1 April 2012, it should be a reasonable requirement of those commercial applicants seeking registration that they must operate their punts from an officially-recognised punt station AND that the applicant can demonstrate evidence that they have the permission of the landowner or occupier to use that punt operating station.

The Conservancy annual registration form can be tailored to capture this information at the time of application. Staff will continue to monitor and enforce the Conservators' registration requirements throughout the licensing year.

4.5 Authorised punt operating stations

There is no statutory definition of a punt station. The 1851 and 1922 Acts make reference to wharves, jetties and landing places.

A Planning Appeal Decision made in 2000 (APP/Q0505/X/00/1039200) gave consideration to the legal definitions available, and came to the conclusion that a 'punt station' might reasonably be defined as 'a stopping place, where passengers would board and alight from punts'.

There are currently six established punt-operating stations on the College Backs with punts available for hire to the public at these locations:

1. *Granta Mill Pond* (station comprises the access jetty and associated land adjacent to Newnham Terrace and the access steps and jetty at the Granta public house)
2. *Mill Pit west* (station comprises access steps and associated land at Silver Street Island adjacent to Darwin College)
3. *Mill Pit east* (station comprises access steps and associated land adjacent to the Mill public house on Mill Lane).
4. *Trinity College* (station comprises the river frontage and associated land adjacent to Garret Hostel Lane)
5. *Quayside* (station comprises the entire river frontage and associated access steps)
6. *La Mimosa* (station comprises the jetty and associated access steps nearest to Jesus Lock and adjacent to Thompson's Lane)

The sub-group recommends that the Conservators make official recognition of these punt-operating stations and for all operators of commercial punts (or other craft) on the College Backs to be able to demonstrate that they are using one of these stations upon application for registration as of 1 April 2012.

Within this context it should be noted that the creation of any punt station(s) additional to the six listed above would be subject to a stringent two-stage process:

- Firstly, permission would have to be sought and received from the Conservators under sections 15 and 16 of the 1922 Act.

- Secondly, the applicant would also have to obtain planning permission for a punt station. At present, any planning consent is subject to the Cambridge Local Plan (2006) which sets out the planning framework applicable to any waterside development and this includes punt stations² (see also Annex 3).

The Conservators fix the terms and conditions of the licensed pontoons on the navigation at three of these recognised sites. All licences are due for review and renewal before 1st April 2012.

4.6 Craft identification and construction standards

The identification of craft is poorly-observed in spite of legal requirements. The sub-group recommends that commercial punts should have much clearer signage to indicate that the vessel has been approved for passenger use. Taxi cabs for example, carry a Hackney cab plate. An additional plate is recommended which will make it clear to any prospective customer that the vessel is registered and compliant with the Conservancy's requirements. This will also assist staff in their enforcement activities.

National guidance is awaited through the draft Hire Boat Code Part 2 for manually-propelled craft (being taken forwards by Defra and the Association of Inland Navigation Authorities). The Conservators will contribute to the drafting of this Code as a member of AINA. A policy on craft construction standards would therefore be best delayed.

Until the effect of the proposals in this paper can be assessed, the question of reducing the number of double-width 'ferry' punts or reducing the number of passengers that they carry (i.e. 9 instead of 12) should be delayed for a further year. The sub-group will continue to keep a watching brief over developments throughout this period.

4.7 Enforcement and staffing

The sub-group have re-affirmed that the Code of Conduct for Commercial Punt Operators and all registration requirements (including the identification of vessels), must be enforced fully along the Backs.

At the meeting on 14th July 2011, Conservators agreed to the appointment of a part-time River Bailiff for the remainder of the 2011 summer season (see item 3, Matters Arising).

In order to fully enforce the proposals above, the sub-group recommends that instead, a full-time Seasonal River Bailiff should be appointed for the period April to September each year, commencing 2012. This officer will be delegated the task of conducting spot-checks on the river, particularly at weekends, to ensure that commercial punt operators are meeting all of the Conservancy's registration and safety requirements.

4.8 Partnership working

The sub-group have re-emphasised the importance of partnership working with the City Council and its agents to improve the quality of the visitor experience on the

² Policy 3/9 Watercourses and Other Bodies of Water

Cam in Cambridge through regular communications and meetings of officers. An example of successful partnership working is already in place (Mooring Policy on the lower river).

4.9 Summary of recommendations

- 1. As of 1 April 2012, owners and operators of commercial punts must be able to satisfy two criteria as a registration requirement: (a) that the punt to be used is to be operated from an officially-recognised punt station, and (b) that the applicant can demonstrate evidence that they have the permission of the landowner or occupier to use that punt operating station.**

- 2. The sub-group recommends that for the purposes of the above, that the following locations (as set out in section 4.5, above) are recognised as authorised punt operating stations:**
 - Granta Mill Pond**
 - Mill Pit (2 sites, west and east)**
 - Trinity College frontage**
 - Quayside**
 - La Mimosa**

- 3. Recruitment of a full-time Seasonal River Bailiff for the 2012 season (April to September) to ensure that all operators are complying fully with the Conservancy's registration and byelaw requirements.**

Conservators are asked to give consideration to the proposals and recommendations set out in this paper.

ANNEX 1

Survey of punt numbers, collisions and congestion on the river Cam

Self Hire Punt Questionnaire Punt Collisions and Congestion	
Name:	
Phone number:	
Date:	
Time of hire:	
Time of return:	
Duration of hire:	
<p>How many punt collisions did you see during your punt hire? Total number of collisions: _____ Collisions involving your punt: _____ Please indicate the location of each collision with an "X" on the map</p> <p>Were there any places on the river where multiple simultaneous collisions occurred? Please indicate these areas with a "⊗" on the map</p> <p>Were there any areas on the river where navigation was congested? Please indicate these areas with a "○" on the map</p>	

Two observers were employed to monitor punts on the Cam for seven consecutive days from Tuesday 2.8.2011 to Monday 8.8.2011.

Collisions between punts and areas of high congestion were observed along the length of the backs from Magdalene bridge to Silver Street bridge, by an observer sitting in on 40 minute punt tours given by the Trinity Chauffeurs. For each tour observed, a simultaneous count of the number of punts on the backs was made from a fixed position in the middle of the backs (at Trinity College).

The location of each observed collision and areas of high congestion were marked on a map of the river for each tour, and the total collisions observed recorded at the end of the tour. Although a definition of congestion is somewhat subjective, areas of high congestion were judged by the same two monitors over the week, to provide consistent relative data.

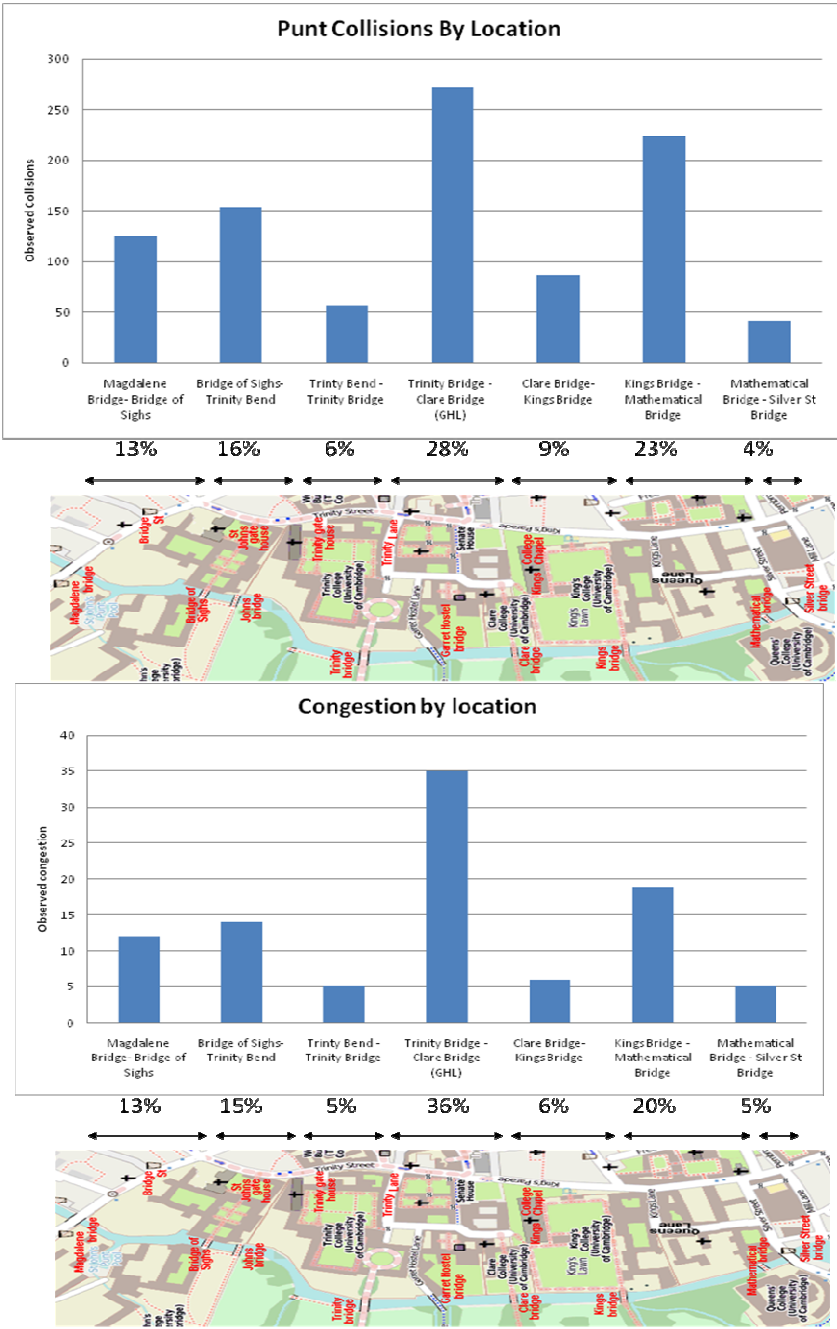
Calculation of the total number of collisions per 40 minutes

It is estimated that the river consists of approximately 7 distinct observable sections (as indicated on the map below). Each observer can only observe one section of the river at one time. Therefore to estimate the total number of collisions along the backs per 40 minutes the total number of observed collisions was multiplied by 7.

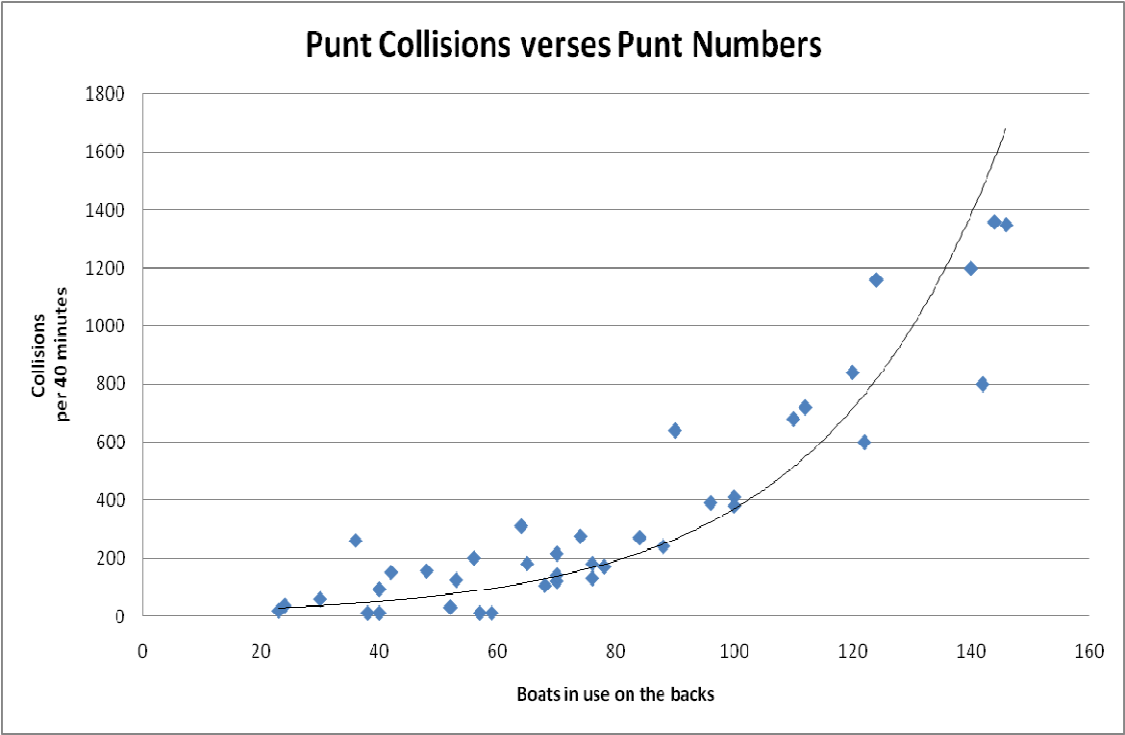
Calculation of the total number of boats in use per 40 minutes

The number of punts in use on the river was estimated by a count of all punts and ferries passing a point on the river just downstream of Trinity Punts. Each boat would be expected to pass Trinity Punts (in the centre of the backs) twice during its period of hire. Therefore the number of punts and ferries counted over of 40 minute period is divided by 2 to estimate the number of boats in use on the backs.

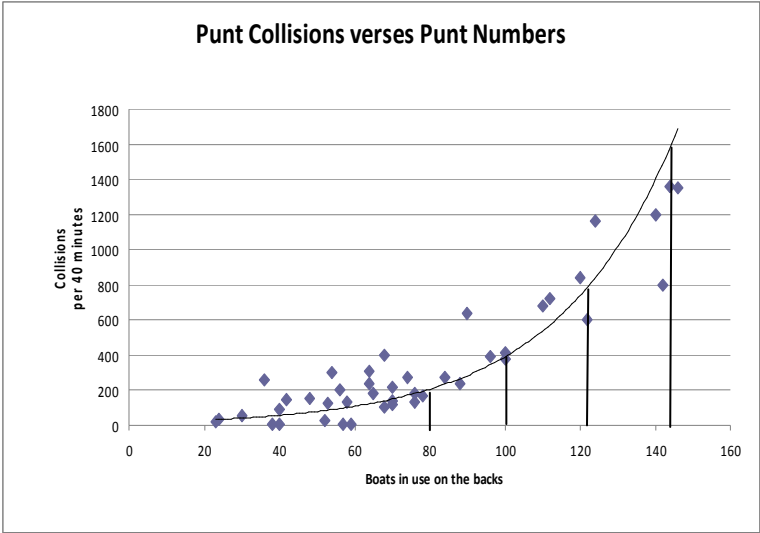
Results



- Both observed collisions and areas of congestion showed the same pattern of distribution along the backs (top and bottom graphs).
- 28% of observed crashes occurred around Garret Hostel Lane Bridge. The two adjacent, geographically similar regions (from the Trinity bend to Kings Bridge) accounted for only 6% and 9% of collisions.
- The section around Garret Hostel Lane Bridge was found to be congested in 35/43 trips, and accounted for 36% of the observed congestion on the backs.

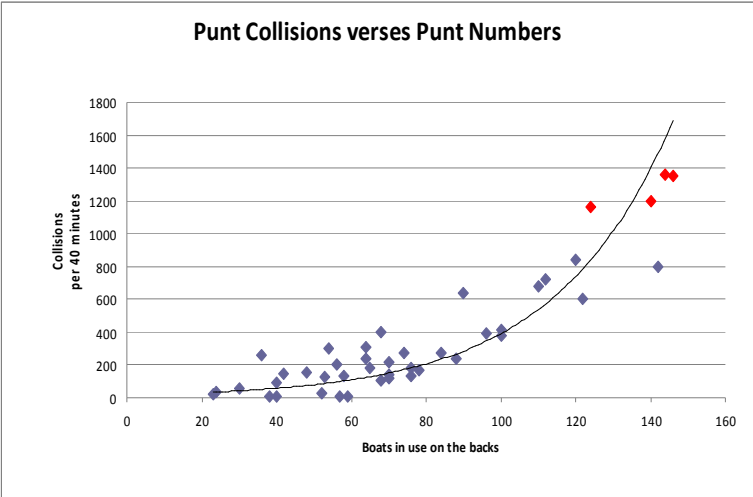


- **1019 crashes observed on 43 trips, over 7 days. By inference, over 1000 collisions occurred each day of the study**
- **35% of boats in use were ferries**
- **The number of collisions doubled for every extra 22 boats in use on the Backs.**



80 boats = 200 collisions
101 boats = 400 collisions
123 boats = 800 collisions
145 boats = 1600 collisions

- **469 of the 1019 observed crashes happened within just 7 of the trips – times when the river had over 120 boats.**
- **Punt chauffeurs judged conditions to be unsafe for their passengers during the tours recorded where over 1000 collisions occurred on the backs and over 140 boats were in use.**



Jon Lyall
Trinity Punts
September 2011

ANNEX 2

Section LXXXIII, The River Cam Navigation Act 1851

Penalty for Vessels or Boats lying or making fast between the small Bridge and North-west buttress of the Library of Saint John's College

That if any Owner or other Person having charge of or employed in navigating any Boat, Barge, or other Vessel upon the said River shall on any Account or Pretence whatsoever (except for the Purpose of Repairs on the said River, or during such Repair,) permit such Boat, Barge, or other Vessel to stop and remain or lie in any Part of the said River between the small Bridge which adjoins the South Side of Queens' College in the University of Cambridge and the north-west Buttress of the Library of Saint John's College in the said University, unless for the Purpose of taking on board or landing Passengers or Goods, and during such Time only as shall be necessary for those Purposes, or shall in any Manner damage, injure or deface any Part of the Buildings, Walls, Bridges, Walks, Grounds, Trees, Hedges, Gates, Posts, Pales, Rails, or Fences, or trespass upon any of the Premises belonging to any of the Colleges or Halls in the said University abutting upon or adjoining to any Part of the said River, every such Owner or other Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

River Cam Conservancy Act 1922

Section 25

Conservators of the River Cam – Byelaws

Pleasure Boat includes any steam or motor launch, sculling, boat, row boat (including in that term any pair-oared or four-oared row boat and any row boat over four oars) randan, houseboat, wherry, skiff, dinghy, punt, canoe and sailing boat or yacht not being used solely for the carriage of goods.

Registration of Boats

- 8.4 Owners of pleasure boats seeking registration shall comply with such reasonable requirements as the Conservators may impose, including:
- (a) the need for owners to have third party/public liability insurance cover in respect of all or any class of pleasure boats and to such limits of insurance cover as the Conservators may decide
 - (b) the safety of all pleasure boats and to require owners to comply with such standards of construction and equipment as may be recommended or modified by the National Rivers Authority/British Waterways Board from time to time
 - (c) upon application being made to the Conservators for registration or licensing of a vessel in respect of which class a specification under these Byelaws has been duly prescribed and is for the time being in force the applicant shall certify that he has read the relevant current specification as to the construction and equipment of such class of vessels under these Byelaws and that the vessel complies in every respect with such specification and shall provide such information to the Conservators in respect of the construction, equipment and compliance with the specification of that vessel as may be required by the Conservators.

ANNEX 3

Cambridge Local Plan (2006)

Policy 3/9 Watercourses and Other Bodies of Water states that: Waterside or water-related development will be permitted if it is demonstrated that it would:

- a. Complement and enhance the waterside setting;
- b. Maintain or improve public access to and along the waterside
- c. Maintain and enhance the biodiversity of the watercourses and other bodies of water and their margins; and
- d. In the case of recreational development there is sufficient capacity to accommodate additional usage of the waterway arising from the development.