

5.3

MATTERS FOR DECISION

REGULATING THE COMMERCIAL PUNTING INDUSTRY

1. INTRODUCTION

At 14th April 2011 meeting, Mr Austen (Granta Punt Company) raised the issue of navigational congestion in the vicinity of the public slipway at Garret Hostel Lane, and how the growth in the number of independently-operated commercial punts has changed the nature of the river and degraded the quality of the visitor experience.

Since that meeting, new representations have been received from Mr Macnaghten (Scudamores), Drs MacGinnis and Lyall (Trinity Punt Scheme) and Mr Marks (Cambridge Chauffeur Punts, CCP). These individuals represent the major operating companies of punt hire fleets on the Cam navigation. Their letters (see Annex) demand that the Conservancy takes measures to better regulate the commercial punting industry on the Cam navigation.

Conservators have taken Counsel Advice previously on the powers available to control commercial operations on the navigation in light of safety issues. This legal query arose because operators with no fixed operating station were using a set of public steps at Quayside which are located between two existing licensed pontoons. The steps were deemed to be unsuitable for the loading and unloading of passengers, demonstrated by a clear accident history (see summary of incidents, Annex). Conservators agreed that the Control Officer (River Manager) should put a prohibition notice in place, banning commercial operators from using the steps. Operators obliged this request following the successful conviction of one of the operators at Ely Magistrates for breaching this directive.

The Conservancy has duties under the Health and Safety at Work (HSW) Act to ensure that persons *not* in their employment are not exposed to risks to their health and safety,

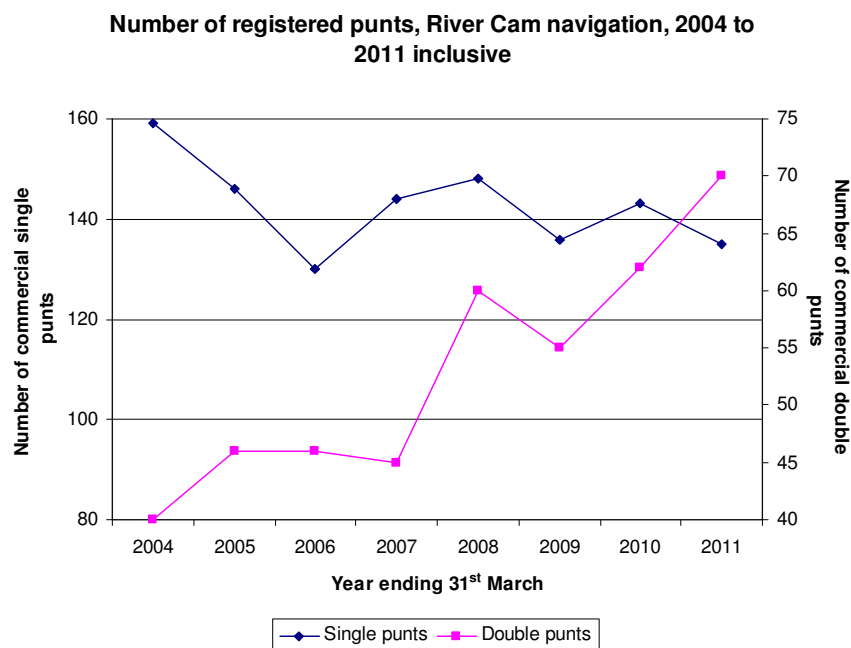
so far as is reasonably practicable. Breaches of the HSW Act are a criminal offence. The Conservancy will also be liable under the civil law if their negligence results in an injury to whom they owe a duty of care. Responsibilities and powers are conferred on the Conservators under their enabling acts.

Conservators have recently reviewed the Code of Practice for Commercial Punt Operators (January 2011). The new policy has had limited impact over the 2011/12 season to date. This report exposes the issues pertinent to the commercial punting industry on the navigation and the regulatory tools which are available to the Conservators to address some of these issues. Recommendations are set out in each section of the report for the Conservators' consideration.

2. NUMBERS OF PUNTS AND CONGESTION

2.1 Numbers of registered punts and operators

The number of registered commercial punts has been observed to increase over recent years (see graph below).



It is difficult to establish whether peak numbers have been attained. The picture for 2011/12 is not clear yet because craft are still in the process of being registered, subject to enforcement pressure. The general picture is that ferry punts have been increasing in numbers and single punt numbers are in decline. There is an obvious reason for this: more passengers can be loaded in any one trip aboard a ferry punt, yielding the operator a larger, and faster, return.

The situation as it stands is that a number of independent operators, not just the larger traditional companies, have more than one punt in their fleet.

As at 30th June 2011, there are 27 registered companies and individuals operating a fleet of 152 single and 'ferry' commercial punts on the Cam. College punt hire schemes are represented by an additional 35 punts (both singles and ferries). The majority of these punts are used on the middle river (College Backs) between the head of navigation (King's Mill Weir) and Jesus Weir.

The River Manager has instituted a policy over the last 2 seasons of interviewing new commercial applicants. For the first year, this placed a huge strain upon resources. For the 2011/12 licensing year, only two such interviews have taken place. Established operators are leasing their punts out to others and the office has no record of these people or the chauffeurs that they are employing. In turn, there is no opportunity to speak with the operators to inform them about the Conservancy's rules regulations and expectations in terms of behaviour. In one case, an operator 'Oxbridge Tours Ltd' advised the office that an individual was no longer being employed by them, and yet there was no record of that punt company having ever registered a punt with the Conservancy. The City Council's enforcement team confirmed that this company had been operating 'under the radar' on the Cam for some months.

In June 2011, the Bailiff issued approximately a dozen notices against punts moored at the boardwalk between Quayside and Jesus Green for reason of being (i) unidentified and/or (ii) unregistered. Tracing the owners is almost impossible given the lack of vessel

identification. Owners only come forwards once an abandoned vessel notice has been issued and/or the punt is towed away to Jesus Lock prior to its ultimate reclaim to Clayhithe Depot. It has been noted that this year, some owners who registered their craft as commercial craft in 2010/11 have approached the offices for a private registration instead. Staff are understandably suspicious that these individuals may still be operating tours. Evidence gathering adds to the enforcement burden. Whereas in the past the office might have been dealing with a dozen applicants seeking commercial registrations, some of whom remitted their fees in bulk, the increase in the number of operators has also swollen the Conservancy's administrative burden.

2.2 Registration fees and fiscal measures to cap numbers

At the meeting in January 2011, Conservators fixed the fees for punts as follows:

<i>Type of punt</i>	<i>Craft category</i>	<i>Owner category</i>	<i>Fee multiplier</i>	<i>Annual fee per craft</i>
Single punt – privately owned	11	1	x 1	£87.41
Ferry punt – privately owned	11	N/A	N/A	£218.53
Single punt – College hire scheme, members' use only	11	4	x 2.25	£196.67
Ferry punt – College hire scheme, members' use only	12	4	x 2.25	£491.69
Single punt – general public hire (College and corporate)	11	6	x 5	£437.05
Ferry punt – general public hire (College and corporate)	12	6	x 5	£1092.65

Independent operator Tersoo Sugden, who operates punt tours from Garret Hostel Lane, in an e-mail dated 26 April 2011 stated:

'... It would seem that your policy of increasing the punt licence fees has had virtually zero impact on the number of commercial punts licensed. Even 'fly-by-night' operators would be undeterred by an increase in the fees because they can still make a living out of a commercial punt operation. As for your statutory inability to affect this situation, it's still an issue.'

In spite of the relatively high fees imposed, ferry punts (craft of beam/width from 1m but less than 1.95m) remain the popular choice of all operators. There have been demands from other users of the navigation to ban the use of ferry punts completely owing to perceived safety issues. A fully laden punt (13 persons) has considerable momentum when underway, with greater potential for damage or personal injury in any collision incident. Conversely, one member of the public has suggested that punts should only be operated by chauffeurs (no self-hire at all) in this, at times, congested environment.

Conservators have discussed raising the multiplier to control hire punt numbers in the past. There is a point of note regarding fairness to the operators with static punt stations. These companies pay commercial rents to use the river frontage owned by the City Council and/or pontoon licence fees to the Conservancy totalling thousands of pounds per annum. Increasing registration fees or the multiplier would penalise these operators and legal challenge may result if the position regarding the issuing of registrations to operators without fixed operating stations remains unchanged.

2.3 Punt construction standards

Hire-craft on the Cam navigation must comply in every respect with any construction and equipment specification for that craft as may be required by the Conservators (byelaw 8.3b). Aspects of equipment provision are in part covered by the Code of Practice for Commercial Punt Operators (revised January 2011). However, there is currently no specified construction standard for commercial punts. This further compounds the issue of the unregulated growth of commercial punting. Traditional Cambridge punts are constructed from hardwood (e.g. mahogany) and are therefore expensive but can withstand the rigours of use year-on-year, subject to time off the water in the low season for refurbishment. Cheaper marine ply and softwood (i.e. pine) constructed craft are becoming increasingly commonplace on the Cam and they tend to be left on the navigation all winter, sometimes sinking one or more times during that period due to the owners' lack of attention. Officers feel that these lightly-built craft are insufficiently robust to withstand the environment in which they operate (i.e. collision likelihood). The

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collision incident last year involving a plywood constructed ferry punt 'Blue Bear', which was holed in a side-on collision with another punt, demonstrated this point (see summary of incidents, Annex).

Some of these new craft are made to back-of-the-envelope designs with odd dimensions, inappropriate freeboards and sharp corners. An example of a home-built punt, observed 25 June 2011 moored to the County Council's boardwalk, is pictured below.



The lack of defined construction standards makes the reclamation of 'unsafe' vessels problematical for Conservancy staff because they must use their subjective judgment in deciding whether a craft is suitable and safe for its purpose. Notice is usually served upon vessels which are deemed to be 'derelict' under byelaw 11.2 (*'no person shall place or allow to be placed or remain upon any part of the River any useless or derelict vessel without the previous consent of the Conservators and shall without undue delay remove the same on being requested to do so by any officer of the Conservators'*). A Useless or Derelict vessel is given a definition in the byelaws. It means that *'by reason of the defective condition of the hull, superstructure, machinery or equipment of a vessel whether anchored, made fast to the shore, moored aground or underway it may sink, break up or constitute a risk to other persons or property or obstruct or limit the navigation of the river in any manner'*.

None of the Conservancy staff are qualified marine surveyors and this leaves the decision to reclaim a 'useless or derelict' vessel open to challenge.

In 2010 the River Manager made an informal approach to the 3 major operators (Scudamores, CCP, Granta Punts) to assist in producing a recognised construction standard. As a minimum measure, if the Conservators choose to specify that all commercial craft should be hardwood-constructed, it will raise the opportunity cost for new operators seeking to register their craft. This will indirectly control the numbers of commercial punts using the navigation.

2.4 Recommendations

- **Officers recommend that Conservators should wait for the feedback and conclusions from the River Cam Navigation Benefits' Assessment (study being undertaken by consultants Ecorys Ltd) and to take a decision on appropriate fee-charging for commercial craft at their Special Meeting on 7 December 2011.**
- **Officers recommend that the Conservators should dictate a construction standard in that all hire punts should be constructed from hardwood and for this policy to come into effect on 1 April 2012.**

3. MOORINGS AND OPERATING STATIONS

3.1 The statutes and their application on the middle river (College Backs)

The Conservators have the following powers:

- Byelaw 3: the Control Officer may give directions to the master of every vessel who shall obey and conform to them as they relate to the use, navigation,

anchoring, berthing or mooring of such vessel. Byelaw 18 makes breach of any byelaw a summary only offence.

- Byelaw 6.2: provides that moorings must be head to stern and must not cause an obstruction to the navigation of other vessels.

The normal rule in English law is that a riparian landowner may enjoy mooring rights adjacent to their property, to the mid-point of the river's width, unless a statutory undertaker has over-riding powers.

3.2 Conservators' Mooring Policy

The Policy is in effect using Byelaw 3, above and it has been agreed following consultation with users of the navigation over a number of years. The most recent version of the Policy (July 2009) states that for the reaches above Jesus Lock and upstream of Quayside,

During the period 1 October to 31 March mooring be permitted in the Mill Pond only.

At other times prohibit mooring along both banks apart from the punt stations.

The second statement is in reference to section 83 of the 1851 River Cam Navigation Act which remains in force (see letter from James Macnaghten, Annex). It takes effect at Garret Hostel Bridge and the riparian frontages of Queens, Clare, King's, Trinity, Trinity Hall and St John's Colleges (see below). St John's College has its own 'punt pool' which provides off-line mooring.

For Quayside itself, mooring is prohibited along both banks apart from the punt stations. This policy is actively enforced by Scudamore's staff during their operating hours and this arrangement works effectively.

For the Riverside walkway (raised boardwalk between Quayside and Thompson's Lane), mooring is prohibited along both banks save for those boats in registration categories 1-12 (i.e. manually propelled craft) and the punt station at the public house (i.e. La Mimosa punt station, operated by the City Council). The craft moored here are opportunistic, representing a mixture of privately-owned and commercial punts and rowing dinghies. The commercial craft are, almost without exception, using Garret Hostel quay and slipway as a base for their daytime operations, there being no other landing place available to them (see below). The occupier of the boardwalk is the Highways Authority (County Council) and the owners are the residents and businesses which hold title for the buildings and the walls supporting the boardwalk (their rights being effective to the mid-point of the adjacent navigation channel). The riparian landowners do not generally exert control over the moored craft except following instances of particular nuisance.

There is no specific Conservancy policy applicable to the lands owned by the City Council along the west bank of the Cam between the garden of Magdalene College and Jesus weir and footbridge (Jubilee Gardens). The right to moor rests with the City Council. A section of that frontage is allocated as a commercial mooring and it is presently un-used. The remaining 75 metres has been set aside for residential powered craft under the City Council's Mooring Licence scheme. This area has also been used for the unauthorised launching and temporary refurbishment of commercial and private punts. On 26 February 2011 there was an incident involving the near-immersion of an unauthorised 4x4 vehicle and trailer; ground conditions and driver incompetence caused both the vehicle and trailer to slide down the bank towards the river's edge. The City Council has subsequently improved the standard of railings along Chesterton Road to prevent the public from using vehicles to slip boats in and out of the river here. The absence of launching and boatyard facilities close to the City is also an issue for those operators without a permanent station (see 4.3, littering, below).

The City Council prohibits mooring along Jesus Green frontage upstream of the lock. The Conservators also prohibit mooring within 36 metres of Jesus lock and weir (byelaw 6.7).

3.2 Recognised punt stations

There are well-established punt stations at Granta Mill Pond (Granta Punts), the Mill Pit (Scudamores), Silver Street (CCP), Trinity College (Trinity Punts) and Quayside (Scudamores). The City Council added an extra station at La Mimosa, Jesus Green, in 2008.

Section 15 of the 1922 Act empowers the Conservators to issue licences for the mooring of pontoons or rafts on the river. Licences are currently in place at Granta Mill Pond, the Mill Pit and Quayside. The City Council has elected to use access from the raised boardwalk rather than emplace a pontoon upon the navigation at La Mimosa. There have been some loading issues here resulting in accidental immersions of passengers owing to the curvature of the platform edge and absence of fixed mooring points for tying-off; it is believed that these issues have been resolved by the landlord (City Council).

Section 17 of the 1922 Act gives the Conservators powers to alter or shut up or remove a landing place with the consent of the owner or occupier. Conservators are not obliged to provide any alternative.

To counter arguments of favouritism being displayed towards the larger operating companies, and to institute some control on punt numbers and congestion, Conservators could give consideration to specifying the maximum number of punts which can be moored to each licensed pontoon and to the station at La Mimosa. There is an opportunity to discuss this with the licence holders and City Council before the renewal terms are agreed for the year commencing 1 April 2012.

3.3 Garret Hostel Lane quay and slipway

The matter of operations at Garret Hostel Lane has been raised previously at the Conservators' meetings (e.g. item 11.5.2 Minutes 15 January 2009; item 7.5.7 Minutes 16

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April 2009; item 8.6.5 Minutes 24 September 2009; item 11.5.7 Minutes 14 January 2010; items 8.5.1, 8.5.7 & 8.7.4 Minutes 8 July 2010; item 8.5.1 Minutes 30 September 2010).

During his weekend duties 23 April 2011, the River Foreman, who has been in the Conservancy's employ for 33 years, made the following observations of the situation at Garret Hostel Bridge:

'I sat and watched the punts coming in and out of the slipway today and at times it was a right mess! The main problem arises when there are three or four boats all trying to unload at the same time when there is only space for two at a push. Combine this with a couple of punts trying to get in to pick up and mayhem ensues. The waiting punts tend to hang around the end of the slipway as I guess they do not know there is a queue until they get there, and the punts trying to get in to pick up are in a hurry as the more trips they do the more they get paid! You end up with a 'jumble' of punts with other river users getting caught up in it, and as soon as one goes broadside it blocks the whole river up and it takes ten minutes or so to sort itself out. In my opinion it is a hazard to navigation and the situation is going to get worse as the season moves on and it is just a matter of time in my opinion before tempers flare ... there were about twenty or so there today and not easy to pick out any individual at fault ...'

The picture of congestion near Garret Hostel slipway, below, was taken on Saturday 23 April 2011 by the River Bailiff during his weekend duties.



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The Bailiff's punt was hard alongside the west riverbank when this picture was taken. The effective navigation width is approximately 6 metres (one punt's length). This allows two-way traffic parallel to the stream providing the chauffeur is sufficiently competent to steer a straight course uninterrupted. The finger mooring of punts at Trinity Punts tends to create a bottleneck immediately downstream of the bridge. The additional punts using the quay and slipway has created even more congestion in this area.

The next picture, below, was taken on a weekday in early July, before the school holidays. It illustrates the typical congregation of punts awaiting loading on the west bank of the Cam abutting Garret Hostel Bridge.



Again, navigation is part-obstructed, leaving an effective navigation width of 6-8 metres (one punt length).

Cambridge News published an item on 23 May 2011 entitled 'Alarm over punt danger on last free bit of river' (web: <http://www.cambridge-news.co.uk/Cambridge/Alarm-over-punt-danger-on-last-free-bit-of-river-23052011.htm>) citing the problems posed by this congregation of freelance punt operators loading and unloading passengers at Garret Hostel Lane. In an e-mail dated 31 May 2011, Simon Pugh, City Council Solicitor, asked if the following points could be considered:

'The article [Cambridge News, <http://www.cambridge-news.co.uk/Home/Alarm-over-punt-danger-on-last-free-bit-of-river-23052011.htm>] suggests that the use of Garrett Hostel Lane is causing problems for navigation on the River. If this is the case, the Conservators may be able to use their byelaw powers to address the problem. Specifically, Byelaw No. 3 states:

"The master of every vessel shall obey and conform to the directions of the Control Officer relating to the use, navigation, anchoring, berthing or mooring of such vessel."

This suggests that it would be open to the Control Officer to direct that punt operators should not use the land at Garrett Hostel Lane to anchor, berth or moor their punts. This would be a very direct way of removing the impediment to navigation that, I understand, results from punt operations from this location.

As one of the problems is that punts intending to pick up passengers at Garrett Hostel Lane wait on the opposite bank, causing an obstruction, Bylaw No. 12.1 may help also:

"Except in an emergency or due to unavoidable cause or with the consent of the Conservators the master of any vessel shall not anchor moor berth or otherwise stop in such a position as to impede the clear and free passage of any other vessel or otherwise obstruct the navigation of the River water use of the banks or tow path thereof."

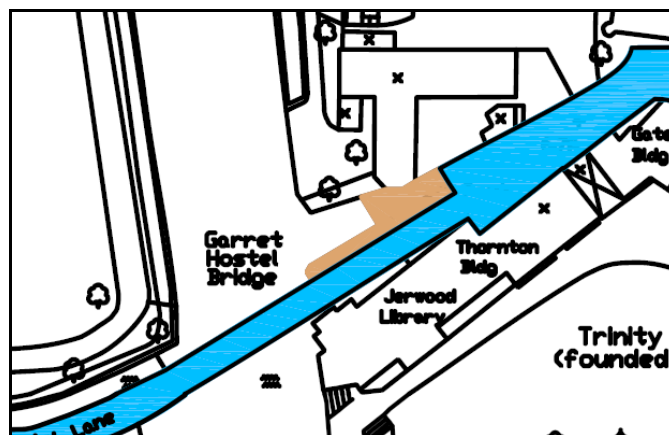
Representations from the larger operating companies (see letters, Annex) warn of the danger that this poses to the problem and the heightened risk of an accident occurring. It seems likely that when craft move across the navigation, in breach of the byelaws and Code of Practice, collision risk may be impossible to avoid due to other traffic movements parallel to the stream.

There is a Conservancy 'no mooring' sign next to Garret Hostel slipway. This is generally abided by, with the exception of one or two punts which are deliberately left in the slipway itself to frustrate the other operators. From the picture below, taken from

Garret Hostel Bridge on 2 May 2011, it is quite clear that punts are ‘standing-by’ on the opposite side of the river (west bank) awaiting customers to be brought down to the quay and slipway for loading.



The plot below, provided by the County Council, shows the extent of the adopted public highway (shown in brown and blue, the blue being both an adopted public highway and a definitive footpath).



The County Council owns and maintains the Bridge and the stone/concrete skirt that runs around the abutment. The height of the quay is not well-suited to use by punts. Its Listed

status means that it will not be possible to make modifications to improve loading and unloading.

Generally, the subsoil underneath the adopted highway is owned by the private owner of the land. There is a rebuttable presumption that the owner of the adjoining land owns the subsoil beneath the highway. If the land is privately owned on either side of the highway then the two owners own the subsoil up to the mid point of the road. Trinity College lies to the north of Garret Hostel Lane; Trinity Hall to the south. There may be evidence to suggest that because this area has always been used for public and commercial operations, the lands may have been invested in the Corporation (now City Council). The sub-soil owners have locus to bring an action for trespass against unreasonable user of the highway. Common law permits lawful assembly on the highway provided the activity in question does not amount to a public or private nuisance and does not obstruct the highway by unreasonably impeding the primary right of the public to pass and repass.

John Finney, Cambs Highways, in an e-mail to the River Manager dated 30 June 2009 stated:

'Garrett Hostel Lane, however, is adopted public highway and as such its primary purpose is the passage and re-passage of traffic (all modes) which includes accessing the river, the slipway being the only point within the city centre where the two methods of transport meet. The Highway Authority has no powers to control or regulate this access and the punts as they picking up and dropping off passengers are not in breach of any section of the Highways Act 1980. From the information available to me all the trading is being undertaken at local shops (some even have advertising posters in the window) so no (or very limited) trading is taking place on the highway.

'Clearly large numbers of pedestrians etc., can be a nuisance and even on occasion cause an obstruction, but this is probably equally true of guided tours, people taking photographs off the bridge etc., as much as people waiting for a punt. Obstruction on the highway can only be enforced by the police, the Highway Authority have no powers in

this regard, and it would be up to the individual officer to assess the situation and take the action that they feel necessary.'

Application of section 17 of the Act (to close up a landing place) may contradict the rights of public access implicit in s83 of the 1851 Act. This is an area of legal difficulty for the Conservators, and further legal advice may be required before any action can be taken. The closing up of the landing place must be with the consent of the owner or occupier. County Highways may not be willing to oblige consent and the owner is not known. The situation at Garret Hostel is subtly different to the prohibition of the use of the middle set of steps at Quayside. At the latter site, the public rights of access had been acquired over time permissively rather than being enshrined in an Act of Parliament.

The 'Grande Arcade effect' has predetermined, in some ways, the success of punt operators using Garret Hostel Lane as a tour base. The whole focus of people's activity in the City has shifted away from Bridge and Trinity Streets and the river instead towards King's Parade, Lion Yard and the Grande Arcade. Retail units remain empty at Quayside and the punt touting activity on Bridge Street appears to have diminished slightly as compared to 2010 and previous years.

For this reason, licensed operators at the City Council's punt station at La Mimosa, have been arranging for some of their craft to join the melee of other operators at Garret Hostel Lane to ensure that they do not lose out on trading opportunities. This has caused considerable friction with some of the independent punt operators who were not granted a licence to operate from La Mimosa.

The Conference Manager at Trinity Hall has indicated by e-mail that the College is considering deploying 'no mooring' signs along the garden frontage to reduce the nuisance caused by the congregation of punt operators queuing up to use the quay and slipway. Active enforcement by the riparian colleges of s83 of the 1851 Act and Conservators' Mooring Policy - as already takes place at Queens', King's and Clare Colleges - will certainly be of assistance to Conservancy officers.

3.4 Recommendations

- **It is recommended that the notice set out below should be sent to all commercial punt operators using the Control Officer's powers (byelaws 3 and 12.1):**

'Dear punt operator,

'It has come to our attention that a number of commercially operated punts have been mooring in the vicinity of Garret Hostel Bridge. This practice is causing an obstruction to others seeking to use the navigation.

'The Conservators' Mooring Policy prohibits mooring along the College Backs with the exception of recognised punt stations. At this time, Garret Hostel Lane is not a recognised punt station although the act of picking up and setting down of passengers is permissible.

'Enforcement notices will be served upon those vessels which are moored in this area in contravention of the Conservancy byelaws. Those who flout these regulations will face prosecution proceedings.

'Thank you for your attention and cooperation.'

4. BEHAVIOURAL ISSUES

4.1 Deliberate boat ramming

There have been instances of deliberate boat ramming (see summary of incidents, Annex). Personal differences, competitive trading and congestion at peaks times of the

day have lead to heightened aggression on the navigation. There have also been acts of deliberate vandalism to punts to undermine certain operators. The larger operating companies have also been subject to spiteful damage upon their property.

4.2 Noise

The good weather can lead to high spirits, and there have been occasional complaints about the noise generated by the congregation of operators beside Garret Hostel Bridge. In one instance, the City Council Environmental Health Officer and River Bailiff attended a noise nuisance complaint and an enforcement notice was served upon the operator (see summary of incidents, Annex). Both the City and Conservators have powers to regulate noise (Environmental Pollution Act 1990 and byelaw 15.11, respectively), subject to evidence gathering. Naturally, the Police have powers to deal with public order offences.

4.3 Littering

The Conservators have a SLA with the City Council to clear rubbish from the College Backs. The need for litterpicking is constant to maintain the visual and environmental amenity of this iconic river.

The mooring of craft to the boardwalk brings its own problems. In an e-mail dated 15 June 2010, local resident Mr Bond stated:

'The river bank area beneath the boardwalk is used by many independent commercial punt tour operators to moor their boats. Rubbish is emptied from the boats into the river or just thrown onto the boardwalk, boat repairs are carried out on the river bank of Jesus Green leaving discarded pots of paint, timber etc on the grass, punt poles, boat trailers, chairs and tables are chained to the railings on Jesus Green when not in use – the list goes on. A recent rebuild of punt No. CC957 has resulted in a huge pile of unwanted

rotting timber stacked on the boardwalk for the past 2 weeks both obstructing, and with nails sticking out, endangering every passerby’.

4.4 Drugs and alcohol

The Conservators offer a registration tariff for ‘vending punt’. In the past, operators have sold ice-creams and soft drinks. There was one registered vending punt in 2010/11 and there have been no applications for the current licensing year. The offices have recently been approached by a punt operator who wishes to sell alcoholic beverages from his punt. He has been advised to make contact with the City Council as the licensing authority.

The revised Code of Conduct for Commercial Punt Operators requires operators to have an alcohol and drugs policy in place. Rumours have been circulating of drugs being distributed amongst the operators, an inevitable consequence of a cash-rich economy. Alcohol, drugs and water do not mix.

4.5 Dubious characters

One commercial operator has claimed that there is at least one chauffeur operating punts without a valid visa to work in the UK. The operator was asked to report this directly to the UK Border Agency. Another well-known chauffeur wears a parole ‘tag’ on his ankle.

4.6 Recommendations

- **Officers recommend that the Conservators’ make it their policy that no alcoholic beverages should be served from any commercial punt, albeit recognising that members of the public may bring their own drinks on board for personal consumption.**
- **Officers recommend that all registered commercial operators provide a list of names of chauffeurs under their charge for enforcement purposes**

5. ENFORCEMENT AND STAFFING

5.1 Conservancy

At present, the River Bailiff is required to work contractually over 14 weekends between April and September each year. The River Foreman has agreed to cover those weekends which are not allocated to the Bailiff and he is paid at the Bailiff's pay rate for his time. This means that the River Foreman may work a standard 5 day week followed by 2 further days. It is difficult to roster paid rest days given the other priorities of the maintenance programme. Dealing with the punt operators is stressful and frustrating. Notices were issued on 23 May 2011 to operators standing-by opposite the slipway (moored in an area prohibited to mooring, byelaw 3). The Bailiff recounted that one operator 'was about to sign the ticket but another chauffeur intervened and told him not to sign' [to accept acknowledgement]. Another chauffeur 'when challenged for his details punted off'.

5.2 Relationship with City Council

There is a working relationship in that Conservancy officers deal with issues on the navigation and City officers deal with street-based issues including punt touting and environmental issues (noise, rubbish etc.). A monthly update on the registered commercial punt operators is provided to Safer Communities for enforcement purposes. Lynda Kilkelly, Safer Communities Manager, reported on punting issues to the West Central Area Committee on 28 April 2011. Registration statistics were presented in this report as well as a summary of the Conservators' powers in relation to regulating commercial punting. The City Council has no direct powers to limit tout numbers. Contrary to perceptions, the report identified that punt touting had generated relatively few complaints from the public between 2007 and 2010. The Council however, is aware that this is a dynamic area and the competition for trade may encourage more, and more aggressive, touting. Councils will be given new powers to create byelaws and enforce

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them through the issuing of fixed penalty notices under the provision of the Local Government and Involvement in Public Health Act 2007.

5.3 Recommendation

- **Officers recommend that the Conservators give consideration to employing a part-time enforcement officer during the summer months for the specific purpose of providing support to the Bailiff/Foreman, thereby increasing the enforcement presence along the Backs with the objective of keeping good order.**

6. SUMMARY

Conservators are asked to give consideration to this paper and its recommendations and timescales for implementation if they are deemed to be appropriate.

July 2011

River Manager

ANNEX

Summary of punt-related incidents on the middle river ('College Backs') known to the Conservancy, 2007-2011

N.B. This catalogue represents only those incidents and accidents known to the Conservancy. Many incidents and accidents are probably not reported and those requiring the intervention of the emergency services are not usually brought to officers' attention with the exception of examples reported by the press.

Date	Location	What happened
21/06/2007	Laundress Green	A member of the public got out of a punt and put his foot down a hole in the riverbank near the boat rollers, allegedly suffering scratches and bruises to his right leg.
27/08/2007	Trinity Bridge	A member of the public took a trip on a chauffeured ferry punt. The passenger was sitting at the front of the punt when another punt came towards them at a 45 degree angle. The passenger tried to stop the approaching punt, unsuccessfully, with her foot, losing her shoe in the process. To avoid being hit by the punt, the passenger tried to push it aside with her hand. In so doing, her arm got caught between the two hulls and she sustained a broken wrist. Upon disembarkation from the punt she took herself to Addenbrookes hospital.
16/09/2007	St John's (Bridge of Sighs)	An elderly member of the public and his wife were punting on a Sunday afternoon when they were deliberately rammed by another fully-laden chauffeured ferry punt near the Bridge of Sighs. The member of the public nearly tumbled into the river.
06/10/2007	The Backs	A member of the public was punting along the Backs on a self-hired punt which was involved in a collision. The member of the public's right hand was trapped between the punts, sustaining a partial amputation to the right little finger, a fracture of the middle finger and lacerations. Upon

		attending hospital subsequently, a further portion of the injured finger was removed surgically.
21/03/2008	Quayside	Two tourists fell into the river whilst attempting to disembark from a chauffeured punt tour in the City Centre. They had been alighting at a set of steps which had a high freeboard.
10/05/2008	Trinity College	A punter was deliberately pulled into the river by another punter aboard a self-hire punt near Trinity College and then abducted. The punter managed to escape onto a nearby riverbank.
13/05/2008	Quayside	A passenger disembarking from a chauffeur punt fell into the river and had to be rescued from the water.
31/07/2008	Trinity College	A punt chauffeur crashed into 2 other punts and then collided with a child passenger in a third punt.
16/08/2008	Erasmus Building	A chauffeured punt was deflected off its course in a collision with a self-hire punt; the chauffeured punt then ran into a seated passenger in another punt, making contact with the passenger's chest.
29/09/2008	Jesus Lock	A punt was found sunken in the lock.
11/10/2008	Quayside	Two tourists disembarking from an unsecured chauffeured punt fell into the river along with the punt chauffeur who was trying to hold the punt fast against the river wall. The Police and Ambulance were called; one of the tourists was reported to have stopped breathing. Both tourists were taken to A&E for observations.
11/10/2008	Quayside	A punt chauffeur attempted to board a punt using a half-flight of steps at a public quay. A set of temporary wooden steps had been placed on the punt's stern deck to reduce the drop. The steps slid away as the weight was placed upon them and the punt chauffeur fell into the water.
14/06/2009	Garret Hostel slipway	A punt operator threw a water ball at a party on another punt at the start of a tour. Returning to disembark their passengers, more water balls were thrown and two of the passengers were splashed with water.
07/08/2009	Boardwalk	Two wide-beam punts (max. capacity 12 passengers plus punter) were deliberately vandalised to take them out of commercial operation.

23/01/2010	La Mimosa punt station	A commercial punt operator took 2 tours on the river during when the river was suspended (closed) for works along the Backs and water levels had been lowered. Strong rain had swollen flows and the conditions were dangerous.
01/03/2010	College Backs	A self-hire punt was observed navigating the Backs during flood conditions.
05/06/2010	College Backs	A woman in a chauffeur punt was hit in the back and neck by another chauffeur punt which struck the punt she was in and rode up onto her. The woman suffered bruising and shock. She was taken to a first aid station for treatment.
06/07/2010	College Backs	A man on a punt reported that he had been deliberately rammed by another punt.
13/07/2010	Jesus Green	Two commercial ferry punts suffered vandalism to their hulls. It was presumed that someone had deliberately stamped hard to break the bottom of the punts. For one of these punts, two struts running lengthwise fore and aft needed to be fixed, requiring off-the-water repairs.
20/07/2010	Garret Hostel Bridge	A ferry punt of plywood construction was holed in a side-on collision with another chauffeured ferry punt. The holed punt went in to load up a party of 12 fare-paying passengers, regardless of the hole in its side. The party were taken on a river tour. The hole was around 1-2 inches above the waterline. The office received reports and the operators were contacted by phone and ordered to desist operating immediately. After service of notice, the punt was impounded for 24 hours until it could be inspected for damage.
09/08/2010	Mill Pond	Two punts were stolen from their moorings and deliberately loaded with bags of aggregate then scuttled in the river.
15/08/2010	Jesus Green	Suspected saboteurs drilled holes into the bottom of a commercial punt and it sank at its moorings.
02/09/2010	La Mimosa	Two fare paying passengers, obese, fell into the river when trying to get off a tour punt at a landing stage. The chauffeur and other operators struggled to get the passengers out of the water. One of the passengers suffered a mild heart attack later the same day which may have been caused by the stress of the accident.

04/09/2010	La Mimosa	Fare paying passengers were involved in an accidental immersion when boarding a commercial ferry punt at a punt station.
24/12/2010	La Mimosa	A punt came loose from its moorings and was observed drifting down the river towards the weir safety boom.
26/02/2011	Jubilee Gardens	A 4x4 driver was launching a punt and had reversed down a grassy slope with a trailer. The vehicle went into a skid. The 4x4 and trailer jack-knifed, leaving the front of the vehicle hanging over the edge of the riverbank. The driver removed his seatbelt in haste and evacuated the cab, jumping into the river. The Fire Services winched the vehicle and trailer clear. During the retrieval exercise, a bowline was borrowed from a nearby barge. The rescuers did not re-tie the barge with the borrowed line. The barge swung out from its moorings, held fast by its sternline only, approx. 50 metres upstream of some sluices.
03/04/2011	Jesus Weir	A commercial punt was deliberately pushed over a weir to take it out of operation.
03/04/2011	La Mimosa	A commercial punt was deliberately damaged by someone who pushed their foot hard down on its bottom deck, causing it to leak.
03/04/2011	Granta Mill Pond	A commercial ferry punt was stolen from its moorings in the early hours of the morning. Its chain was cut. The thieves poled the punt away. The owner believed that it had been stolen 'to order'. The punt was later found abandoned and deliberately holed approximately 3 miles downstream of the City.
11/04/2011	Jesus Green	A commercial punt operator, licensed to operate by the City Council from La Mimosa, was refurbishing a punt and he managed to spill the contents of a one litre can of oil-based paint into the river.
12/04/2011	College Backs	Tourists on a punt tour were disturbed to see two ducklings being killed by passing punts. They found the disrespectful nature of the punt operators to be an utter disgrace to the City.
19/04/2011	Jesus Green	Some students were caught on CCTV trying to steal a punt. The Police took chase and arrested three

		teenagers. The punt was taken into temporary storage by a large commercial operator until its ownership could be ascertained.
20/05/2011	Garret Hostel Bridge	A complaint was received about excessive noise being created by a punt operator with a 'ghetto blaster', plus a congregation of moored punts which were causing an obstruction to passing traffic.
03/06/2011	College Backs	A family took a chauffeured punt tour along the Backs. The 18-month old daughter's finger was crushed when the punt collided with a self-hire punt crewed by an exuberant party of foreign students. The girl's finger was broken and lacerated. She was taken to A&E and spent the weekend in hospital undergoing plastic surgery.
04/06/2011	Garret Hostel slipway	A commercial punt operator was observed berthing his single punt with a compliment of 6 passengers instead of 5 (cameraphone evidence), plus himself as the chauffeur. The punt operator subsequently came to the offices to pay his registration fees (private tariff), claiming that his punt was not being used for commercial tours. A warning letter was given to him, reminding him of the terms of the Code of Conduct for Commercial Punt Operators.
05/06/2011	Quayside	Wooden floor gratings from 6 punts were thrown into the river in the early hours of the morning by someone moving upstream in another punt or small craft. The flotsam was reported later the same morning by a College Porter. The gratings were retrieved by a member of a College Punt Society and the 'find' was reported to the Conservancy office, with the serial numbers which identified them to the owner. The owner, an established punt operator, was contacted and put arrangements in hand to collect the missing gratings. The interference was probably contemporaneous with the deliberate holing of one of the same punt company's punts at its moorings (publicly accessible location).