

**LONDON OLYMPICS BILL
MEMORANDUM FROM THE SCOTTISH EXECUTIVE**

Motion

1. The motion to be put to Parliament is:

London Olympics Bill: “That the Parliament agrees that those provisions in the London Olympics Bill which relate to the arrangements for staging Olympic football matches at Hampden and the prevention of ticket touting and which are within the legislative competence of the Scottish Parliament, including those which confer powers on the Scottish Ministers, should be considered by the UK Parliament.”

Background

2. The Executive has from the outset supported London’s 2012 Olympic bid and welcomed its success. We are confident that the staging of the Games in London will provide many opportunities for Scotland (and other parts of the UK) to realise substantial benefits in sporting, tourism, business and cultural terms. Support for the Bid is consistent with Partnership Agreement commitments on increasing participation in sport and culture throughout Scotland and the desire for these aspects of Scottish life to play a part in the wider promotion of Scotland’s image overseas and in the attraction of more cultural and sporting events to Scotland. If the bid to stage the 2014 Commonwealth Games in Glasgow is successful, there will be synergies and opportunities which we will wish to maximise and exploit.

3. The London Olympics Bill was introduced to the House of Commons on 14 July and received its Second Reading on 21 July. The current print of the Bill and explanatory notes can be found at:

www.publications.parliament.uk/pa/cm200506/cmbills/045/2006045.htm

4. The Minister for Tourism, Culture and Sport wrote to the Convenor of the Enterprise and Culture Committee on 11 July alerting him to the imminent introduction of the Bill and the general nature of provisions likely to be subject to the consent of the Scottish Parliament and promised that more detailed information would be provided to the Parliament.

5. London’s bid includes a proposal that several matches in the Olympic football tournament will be played at Hampden Park, Glasgow. Because of this, the First Minister has provided a guarantee to the International Olympic Committee (IOC) which relates mainly to health care provisions and public order and security but which also guarantees the respect of the Olympic Charter and the Host City Contract. The guarantee was incorporated in London’s Candidature File (Bid document).

6. Maximising the revenue brought in by the Olympic Games is one of the IOC’s highest priorities. In order to protect the revenue generated by the Olympic Partnerships, the IOC seeks to control the market in and around the Host City and other venues for the duration of the Games (ie the Olympic Games and Paralympic Games). To this end, the IOC requires that Candidate Cities undertake to protect Olympic marks and imagery, prevent unauthorised or ‘ambush’ marketing, and maintain clean venues. It is in the general public interest in the

UK for the IOC to maximise its revenues because this reduces the risk to the public purse in the UK, the UK Government being the ultimate guarantor of the Games.

Purpose of the Bill

7. The purpose of the Bill is to ensure the deliverability of the London 2012 Olympic and Paralympic Games, on time and within the public funding package, by creating the Olympic Delivery Authority (ODA) and by giving it and the Greater London Authority Olympic-specific remit and powers. The Bill also contains provisions necessary in order to meet the requirements of the IOC, as set out in the Host City Contract and various Technical Manuals. These requirements relate primarily to the protection of Olympic intellectual property and to the prevention of unauthorised marketing in connection with the Games.

Content of the Bill

8. The Bill's provisions relate mainly to the delivery of the Games in London and to reserved matters. The main measures of the Bill provide for:

- The establishment of the Olympic Delivery Authority, its powers, duties and functions;
- The delivery of transport needs for the Games, including the necessary preparation in the lead up to 2012;
- Controls of marketing in connection with the Olympic Games, including the protection of Olympic intellectual property, restrictions on commercial association with the Games, the prohibition of street trading and outdoor advertising in the vicinity of Olympic venues and of ticket touting in connection with Olympic events;
- A specific power for the Greater London Authority to prepare for and stage the Olympic Games;
- The amendment of the purposes of regional development agencies to include the purpose of preparing for the London Olympics.

Provisions subject to the consent of the Scottish Parliament

9. The provisions which relate to Scotland and devolved matters are concerned with:
- a) restrictions on street trading and outdoor advertising in the vicinity of an Olympic venue (Hampden);
 - b) ticket touting in connection with Olympic events (wherever staged in the UK);
 - c) provisions to allow the ODA to enter arrangements with a relevant authority for variation/enhancement of street cleaning and lighting during the Olympic period (in essence, in the vicinity of Hampden).

An explanation of these provisions is detailed in the Annex to this memorandum.

10. During the Bill's Committee Stage, which is expected to commence this month, amendments will be tabled by the Government to achieve appropriate application to Scotland of the relevant provisions. The amendments are concerned mainly with the way in which the provisions in respect of police powers and criminal procedure should operate in Scotland.

Financial Implications

11. These provisions will not have a significant effect on public expenditure and public service manpower falling within the ambit of the Scottish administration. The ODA will be funded from the public sector funding package for the 2012 Games put together by the UK Government. The ODA will be primarily responsible for implementing the controls over advertising and street trading, operating within the framework laid down in Regulations to be made by the Scottish Ministers and approved by the Scottish Parliament. If the ODA delegates any of its functions to another body and/or makes arrangements with another body for enhanced services (eg street cleaning or lighting), it will be expected to meet the additional expenses of those bodies. Any impact on the police service and criminal justice system in Scotland arising from the Bill's provisions will not be significant.

Considerations in proceeding through a Bill at Westminster

12. The key considerations in proceeding through a Bill at Westminster are:

- The Bill is concerned mainly with the delivery of the Games in London and with reserved matters. It will have a very limited impact in Scotland.
- The provisions within devolved legislative competence – and the Bill as a whole – are time-limited and Olympic Games-specific.
- The ticket touting provisions will apply throughout the UK and to all Olympic events. No Ministerial powers are exercisable in respect of these provisions.
- The restrictions on street trading and outdoor advertising will be operative only:-
 - on the days Olympic football tournament matches take place at Hampden (probably 7 matches) and, for the advertising controls, perhaps the day before; and
 - within a short radius of Hampden, probable no more than 1 kilometre
- The Scottish Ministers will exercise Ministerial powers in respect of commencement of the relevant provisions and the restrictions on street trading and advertising. Detailed implementation of the policy will be through the Regulations to be made under Clauses 17 and 23. These will be subject to the approval of the Scottish Parliament.
- The ODA will be required to develop strategies, which require the approval of the Scottish Ministers, for how it proposes to exercise its functions in Glasgow in relation to street trading and advertising.
- UK Ministers will not exercise any powers impacting directly on devolved matters. UK Ministers are also required to consult the Scottish Ministers before giving guidance or a direction to the ODA that might affect a devolved matter.
- The primary legislation required in relation to Scotland will be enacted at the same time as that for the rest of the UK.

LONDON OLYMPICS BILL: PROVISIONS SUBJECT TO THE CONSENT OF THE SCOTTISH PARLIAMENT**Advertising (Clauses 17-22)**

1. **Clause 17 imposes a duty on the Scottish Ministers to make regulations in order to control advertising in the vicinity of Olympic venues. The Regulations will be subject to Scottish Parliament scrutiny and approval.** These regulations are required in order to fulfil obligations imposed by the International Olympic committee and made within the Host City Contract. In particular, the Contract requires that no advertising is placed outside Olympic venues so as to be within the view of television cameras covering, or spectators watching, Olympic events.

2. The Scottish Ministers have broad discretion in the detail to be included in the regulations. The regulations will specify the nature and extent of these restrictions including the place, time period and type of advertisements to which the restrictions will apply. However, *Subsection (6)* provides that they will only apply for a period which the Scottish Ministers consider necessary to comply with the Host City Contract.

3. Much of the detail of the restrictions has been left to secondary legislation in order to make a proper assessment of what is required closer to 2012; the IOC may change the requirements which are placed on host cities and venues may also change. The regulations may apply restrictions for different periods and in a different way for different venues. This will enable the characteristics of different venues and different events to be taken into account; for example, the intention is to restrict advertising around football venues for a limited period as some of those venues will only be used for a very short space of time. The regulations will also include exceptions. It is intended that these will follow exceptions provided in the regulations relating to the control of advertising under the Town and Country Planning (Scotland) Act 1997 as closely as possible.

4. Clause 18 set out in more detail what restrictions and flexibilities will apply to the making of regulations. Clause 19 creates a criminal offence for contravening the regulations and Clause 20 provides a power of entry for a constable or enforcement officer. Clause 21 requires the ODA to inform those people likely to be effected by restrictions. It also requires the ODA to develop and publish a strategy for how they intend to publicise and enforce the restrictions. **The strategy is subject to approval by the Scottish Ministers.**

Trading (Clauses 23-28)

5. **Clause 23 imposes a duty on the Scottish Ministers to make regulations to control trading in the vicinity of Olympic venues. The Regulations will be subject to Scottish Parliament scrutiny and approval.** These regulations are required in order to seek to fulfil obligations imposed by the International Olympic Committee and made within the Host City contract and in order to address issues of amenity and public safety (including avoiding congestion). These regulations will specify the nature and extent of restrictions including the place, time period and type of activity to which restrictions will apply. Regulations may apply during different periods in respect of different places. As is the case in relation to the advertising regulations in clauses 17-22, much of the detail of the

restrictions has been left to secondary legislation in order to make a proper assessment of which is required closer to 2012; the IOC may change the requirements which are placed on host cities and venues may also change.

6. The regulations will allow the ODA to authorise trading within the vicinity of Olympic venues. The ODA will in turn be able to delegate this function of granting authorisations. This ability to delegate is required as the ODA may rely on the expertise of local authorities that already license street trading in their areas. The regulations will also include provision about the circumstances in which such authorisations may or may not be granted. For example, the regulations may provide that the ODA is restricted to granting authorisations in relation to areas or types of trading already permitted by the relevant local authority. An authorisation may itself be subject to terms and conditions about the times of trading or steps to be taken to reduce congestion, litter or noise. Such terms and conditions may differ from, or be more onerous than, those of existing trading licences for the same area.

7. Clause 24 sets out in more detail what restrictions and flexibilities will apply to regulations made under clause 23. In particular, the regulations may disapply existing legislation in relation to street trading (including legislation about markets) and exceptions to the application of the regulations may be provided. For example, exceptions which may be provided include permitting certain news vendors and milk floats to trade in the vicinity of venues. Exceptions may also include charitable sales.

8. Clauses 25-27 are broadly equivalent to clauses 19-21 in respect of advertising restrictions offence, enforcement and requirements on ODA to inform and develop a strategy. **The strategy is subject to the approval of the Scottish Ministers.**

Ticket Touting (Clause 29)

9. It will be a criminal offence to sell a ticket (or anything that purports to be a ticket) for an event held as part of the London Olympics in a public place or in the course of a business without the written authorisation of the London Organising Committee of the Olympic Games (LOCOG).

10. The meaning of selling a ticket includes offering to sell a ticket, exposing a ticket for sale, advertising that a ticket is available for purchase and giving (or offering to give) a ticket to someone who is paying for other goods and services. The definition is drafted to include where a ticket is offered as part of a package of other goods because this sort of activity has been used to circumvent ticketing conditions in the past.

11. The LOCOG is required to establish a system for granting written authorisation to official ticket sellers. It will be allowed to charge for such authorisation and will be entitled to exercise discretion in deciding whether or not to authorise.

Street Cleaning and Lighting (Clause 6)

12. Clause 6 enables the ODA to take action with regard to the cleaning or lighting of specified areas during the London Olympics period. Only sub-sections (1) (3) and (5) will apply to Scotland. This means that the ODA may arrange with the authorities responsible for cleaning or lighting a highway or other area to which this clause applies for cleaning or

lighting to be carried out in a specified way or to a specified standard during all or part of the London Olympics period. The ODA can pay authorities to carry out this work and the arrangements can set out what will happen if the authorities fail to deliver the services as agreed.

Establishment of the ODA

13. Clause 3 provides for the establishment of the ODA. Schedule 1 makes further provision for the constitution of the ODA. **This Schedule contains a requirement on the Secretary of State to consult the Scottish Ministers before giving guidance or a direction to the ODA that he thinks may affect Scotland otherwise than in respect of a reserved matter.**