

# GLASGOW COMMONWEALTH GAMES BILL: PARLIAMENTARY CONSIDERATION PRIOR TO STAGE 3

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Stage 3 proceedings on the Glasgow Commonwealth Games Bill will take place on 30 April 2008.

This briefing summarises the Stage One recommendations of the Local Government and Communities and the Scottish Government response. It also summarises the key amendments passed at Stage 2.

SPICe briefing 07/57 *Glasgow Commonwealth Games Bill* provides an overview of the Bill as introduced.

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## INTRODUCTION

The Glasgow Commonwealth Games Bill was introduced in the Scottish Parliament on 9 November 2007. It was accompanied by Explanatory Notes (2007), Policy Memorandum (2007) and a Delegated Powers Memorandum (2007).

The Bill contains a disparate range of measures which are all connected to the holding of the Commonwealth Games in Glasgow in 2014. The Bill, as introduced, sought to:

- create new criminal offences prohibiting unauthorised advertising and outdoor trading within the vicinity of Games venues, with penalties on summary conviction of a fine not exceeding £20,000 or an unlimited fine on conviction on indictment
- create a new criminal offence to prohibit the unauthorised sale of Games tickets in public, in excess of face value or with a view to making a profit, with penalties, on summary conviction, of a fine not exceeding level 5 on the standard scale (currently £5,000)
- provide for the designation of enforcement officers empowered to enforce the Games advertising, street trading and ticket touting offences, and make it a criminal offence to obstruct them in their duties, with penalties, on summary conviction, of a fine not exceeding level 5 on the standard scale
- provide councils with the power to make Games traffic regulation orders
- provide the Scottish Ministers with the power to direct councils to make, vary or revoke any instrument which regulates road use in relation to the Transport Plan for the Games
- provide councils with the power to issue a compulsory purchase order for land within their area which they believe is required for Games purposes
- provide the Scottish Ministers with powers to pay grants and provide other forms of assistance to the Organising Committee of the Games and set conditions on such assistance, and
- provide the Scottish Ministers with the power to repeal the Act from the statute book once the Games have ended.

(Explanatory Notes, 2007, p.2)

SPICe briefing [Glasgow Commonwealth Games Bill](#) (Herbert, 2007) provides information on the Bill's provisions and the main issues which arose during the consultation on the Bill's provisions.

## PARLIAMENTARY CONSIDERATION

The Local Government and Communities Committee was appointed as lead Committee on the Bill. Table 1 below lists the key dates for parliamentary consideration of the Bill.

<b>Table 1: Summary of Parliamentary Consideration</b>	
<b>Bill Introduced</b>	9 November 2007
<b>Stage 1</b>	
Local Government and Communities Committee	7, 21 November 2007; 5 December 2007; 16, 30 January 2008; 6 February 2008
Finance Committee	20 November 2007; 11 December 2007; 15 January 2008
Subordinate Legislation Committee	4, 18 December 2007
<b>Stage 1 Report</b> (Local Government Committee)	15 February 2008
<b>Stage 1 Debate</b>	27 February 2008
<b>Stage 2 Committee Stage</b> (Local Government Committee)	19 March 2008
<b>Stage 3 Plenary Final Consideration</b>	Scheduled for 30 April 2008

The remainder of the briefing highlights the key points of the Local Government and Communities Committee's Stage 1 Report (Scottish Parliament Local Government and Communities Committee 2008), the Scottish Government's response to the Stage 1 Report (Scottish Government 2008) and the main amendments passed at Stage 2.

## **STAGE 1**

During Stage 1 (consideration of the general principles of the Bill) the Committee took oral evidence from the Commonwealth Games Bill Team and from the Minister for Communities and Sport. The Committee also issued a call for written evidence on the Bill.

The Bill's principles were generally welcomed by the Local Government and Communities Committee. However, some areas were identified by the Committee where improvements or further information was sought. In particular, the Committee asked that a definition of 'vicinity' and 'precinct' be provided at an early opportunity and that further work be done on the advertising provisions in the Bill. The Committee also raised concerns regarding the enforcement powers in the Bill and sought a response from the Scottish Government regarding the impact of the compulsory purchase of land provisions in the Bill on existing businesses in Glasgow.

Table 2 (below) summarises the recommendations made by the Local Government and Communities Committee in its Stage 1 Report and the Scottish Government's response to the Stage 1 Report's recommendations.

**TABLE 2: LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE STAGE 1 REPORT RECOMMENDATIONS AND SCOTTISH GOVERNMENT RESPONSE**

Stage 1 Report Paragraph	Recommendation	Scottish Government Response
107	The Committee notes the report of the Subordinate Legislation Committee. The Committee asks the Scottish Government to consider the recommendations of the Subordinate Legislation Committee and where appropriate, bring forward amendments at Stage 2. In particular, the Committee would draw the Parliament's attention to the amendment suggestions contained in paragraphs 9 (definition of a 'Games event') and 50 (enforcement powers) of the Subordinate Legislation Committee's report."	The Scottish Government agreed to bring forward amendments at Stage 2 in relation to definition of a Games event and enforcement powers.
108	The Committee notes the contents of the Financial Memorandum. It notes that the Finance Committee has consulted relevant organisations and has strongly recommended that the Scottish Government pursues possible Lottery fund avenues as an option to off set the public commitment of funding from Glasgow City Council and the Scottish Government, allowing for more money to be invested in grass roots sport development in Scottish communities.	<p>The Scottish Government has committed to funding the net public cost of the Glasgow Games on the basis of an 80:20 split between the Scottish Government and Glasgow City Council. We do not intend to seek lottery funding to supplement public investment already set aside to meet direct Games costs.</p> <p>However, we are keen to begin discussions with lottery distributors to see how with their support we can help create a lasting legacy from the Games. For example, through grass-roots sport or elite athlete development.</p>
109	The Committee seeks assurances that the position of current licensed street traders are taken into consideration and that they are not penalised financially as a consequence of the Games being held in Glasgow.	The Scottish Government stated that it was not in a position to know who those individuals would be. Section 6 of the Bill will allow the trading regulations to prescribe, or provide criteria for determining circumstances in which trading which would otherwise constitute a trading offence is permitted without authorisation from the Organising Committee. This could, for example, exempt certain news vendors, milk deliveries or charitable sales. Section 8 of the Bill also requires Councils to work with existing traders to try to identify alternative trading arrangements if they are prevented from trading by this legislation. They would also be able to apply to the Organising Committee for authorisation to trade within the restricted zones
110	The Committee considers that definitions of "vicinity" and "precinct" should be provided at an early opportunity and	We do not believe that it would be appropriate to limit the definition of vicinity on the face of the Bill. The trading and

	<p>that they should take into account the practical issues surrounding games venues and events, including street trading and advertising.</p>	<p>advertising regulations will define the places and times in which such controls will take effect. They are likely to apply restrictions for different periods in a different way for different events. This will allow the unique characteristics of each location to be taken into account and ensure that restrictions are proportionate in their compliance with the Host City Contract.</p> <p>As the final Games programme will not be finalised until closer to 2014, we would prefer to define vicinity in the Regulations. These will use affirmative procedure for their first and substantive use and be subject to wide consultation.</p> <p>“Precinct” is not a term used in the Bill. Therefore we believe, that the Committee is primarily concerned with the definition of “vicinity”.</p>
111	<p>It is clear to the Committee that further work will be required to assuage the concerns of business and those who will be tasked with implementing the advertising provisions. The Committee accepts that many of the issues identified in relation to advertising are reserved matters but the Committee would welcome a clear statement from the Scottish Government as to why the restrictions outlined by the Scottish Government are considered necessary, in particular responding to the points raised by the Advertising Association.</p>	<p>We are required by the Host City Contract to introduce legislation necessary to effectively reduce and sanction ambush marketing. This includes a third party’s use of creative means to generate a false association with the Commonwealth Games.</p> <p>The measures in this Bill will protect the Games against ambush marketing via intrusion. However, as policy on intellectual property is reserved under the Scotland Act we are working with the UK Government to prohibit ambush marketing through association. We expect this protection to mirror that currently in place for the 2012 Olympic and Paralympic Games.</p> <p>Scottish Government officials, alongside those of the UK Government, met with the Advertising Association and other representative bodies of the advertising industry last week to discuss their concerns and will continue to involve them in the development of these protections.</p>
112	<p>The remit of the Committee is to scrutinise the contents of the Bill at this stage rather than suggest other uses for the</p>	<p>I have sympathy with sporting bodies such as the Scottish Rugby Union or the organisers of cultural events such as T</p>

	<p>Bill. However, issues over ticket touting are not restricted to the Commonwealth Games and therefore must be considered in context. The Committee considers that where legislation can bring benefits through application to other areas, this should be investigated.</p>	<p>in the Park who regularly find tickets for their events being touted on the web. However, this Bill is designed to deliver the Commonwealth Games and would not be an appropriate legislative vehicle to tackle this issue.</p> <p>The House of Commons Select Committee on Culture, Media and Sport recently reported on their inquiry into ticket touting. The UK Government have only just provided their response to this inquiry and we will take time to consider this fully before deciding on any future action.</p>
113	<p>The Committee recommends that, if enforcement officers are to be enabled to enter railway land, then appropriate provisions will be required to ensure health and safety.</p>	<p>We consider this to be an operational issue that could be best addressed by the Organising Committee through appropriate training for their enforcement officers and liaison with Network Rail and the British Transport Police.</p>
114 - 115	<p>The Committee appreciates that some changes have been made from the draft Bill to the Bill as introduced in relation to the recruitment and powers of the enforcement officers granted to them through this Bill. However, it is clear that significant concerns remain regarding these powers. These concerns have been raised by a number of organisations who will be directly involved in the safety and security aspects of the Games, and have experience, knowledge and accepted professional standing on these issues.</p> <p>Accordingly the Committee recommends that the Government reviews and addresses the enforcement provisions of the Bill in the light of the concerns which have been raised.</p>	<p>The Scottish Government agreed to bring forward amendments at Stage 2 regarding enforcement powers</p>
117	<p>The Committee is content with the provisions in relation to transport and the Transport Plan, and would recommend that work continues on consulting and involving all of the relevant organisations on these issues.</p>	<p>We will be bringing forward an amendment at Stage 2 that will require the Organising Committee to consult with every chief constable of a police force maintained for an area in which a Games location is situated during the development of the Games Transport Plan. This is in response to a request made by ACPOS. We have accepted this request as the police will have a key role to play in the implementation of the transport plan and enforcement of Games Traffic Regulation Orders.</p>

		<p>We also intend to submit an amendment at stage 2 that will remove the decriminalisation of parking offences in relation to Games Traffic Regulation Orders. This will allow the police to respond to anyone waiting, loading or unloading a vehicles in a Games Lanes as well as those driving in a Games Lane.</p>
118	<p>The Committee notes that, notwithstanding the funding assumptions which underpinned the successful bid, the Scottish Government is not now precluded from making a policy decision to try to offset some of that public commitment by seeking lottery funding, allowing more money to be invested in grass-roots sport development in Scottish communities. The Finance Committee strongly recommends that the Scottish Government pursues this issue, and reports to it on progress as soon as possible. This Committee endorses this recommendation.</p>	<p>As noted above, we have committed to funding the net public cost of the Glasgow Games on the basis of an 80:20 split between the Scottish Government and Glasgow City Council. We do not intend to seek lottery funding to supplement public investment already set aside to meet direct Games costs.</p> <p>However, it is well known that the funding for the London Olympics is costing Lottery good causes in Scotland some £150 million. It is entirely reasonable therefore to call for an equivalent sum to be returned to Scotland to help us deliver a real, lasting legacy for the whole of Scotland. We are continuing discussions on this issue with the UK Government.</p>
121	<p>The Committee is concerned that businesses, and therefore employment, could be adversely affected in the pursuit of land and buildings for the Games. The Committee has been informed of the employment benefits that the Games can bring, but would not wish to see these benefits undermined by job losses to established businesses. Accordingly the Committee seeks a response from the Scottish Government as to the concerns which have been raised in evidence to the Committee regarding the compulsory purchase of land.</p>	<p>In order to meet the commitments set out in the Candidate City File, we need to be confident that land required to deliver the Games can be brought within public ownership. Relying on current powers available to Councils under the Town &amp; Country Planning (Scotland) Act 1997 would have left an unacceptable degree of uncertainty.</p> <p>The use of compulsory acquisition to secure such land would be very much a matter of last resort. However, such a power is required to guarantee the delivery of the Games.</p> <p>Relocation of businesses displaced by the acquisition of land required for the games is principally a matter for the local authority exercising that power. Scottish Ministers may become involved in appeals and it would be inappropriate to comment on individual cases.</p>



## STAGE 2: SUMMARY OF MAIN AMENDMENTS PASSED

Stage 2 consideration of the Bill took place at one meeting of the Local Government and Communities Committee which took place on 19 March 2008. In total 42 amendments to the Bill were tabled, all by the Minister for Communities and Sport Stewart Maxwell MSP. All 42 amendments were passed. Table 3 below provides an overview of the amendments passed at Stage 2 and deals with the amendments in the 'groupings' in which they were considered by the Committee. The Official Report of the Stage 2 meeting is available at:

<http://www.scottish.parliament.uk/s3/committees/lgc/or-08/lq08-1002.htm#Col740>

**TABLE 3: SUMMARY OF MAIN AMENDMENTS PASSED AT STAGE 2**

<p><b>Games Locations</b> Amendments 1,2,3,4,5,6,7,8,9,10,11,12,27,34,39,42</p>	<p>These amendments remove the term 'Games event' from the Bill and replace it with 'Games location'. The definition of a Games location changes to places in which events are held as part of the Games or any other places specified by Order by Ministers provided they have a connection with the Games. This change allows protection against unauthorised advertising and outdoor trading to be extended to the Games Village and Live Sites. Live Sites are dedicated public areas where people who have not been able to get tickets for the main arenas can watch events via a live link-up.</p> <p>This grouping of amendments also introduced the requirement that any place specified by order made by Ministers as a Games location is being used in connection with the Games. This amendment was in response to concerns raised by the Subordinate Legislation Committee that the original power was too broad.</p> <p>Lastly, the definition of Games ticket was changed as previously it referred to Games events. Games tickets are defined as "any tickets entitling an individual to attend an event held as part of the Games or any other event connected with the Games specified by Order made by Ministers".</p>
<p><b>Enforcement</b> Amendments 13,14,15,19,22,25,26,40,41</p>	<p>At Stage 1 the Local Government and Communities Committee expressed concern that the enforcement regulations were rather wide and unspecific. This grouping of amendments removes all references in the Bill to enforcement regulations. Instead, specific provision is made for Ministers to make regulations to specify criteria for appointment as enforcement officers and the procedure for people to claim compensation for damage done to their property. Ministers may also make regulations to specify the further procedure which enforcement officers or constables must follow when doing anything in relation to their powers under the Bill.</p> <p>In addition, this grouping of amendments also removes the phrase 'enforcing a Games offence' from the Bill and clarifies that a conviction for ticket touting and for obstruction would be summary convictions and not convictions on indictment.</p>
<p><b>Entry and Search Powers</b> Amendments 16,17,18</p>	<p>This grouping of amendments clarifies that enforcement officers may search vehicles and closed containers and that they do not require a warrant to enter and search premises. This grouping of amendments does not change any of the policy intentions of the Bill.</p>

<p><b>Police powers</b> Amendments 20,21,23,24</p>	<p>This grouping of amendments extends the powers of police officers in order that they have the same powers, restrictions, liabilities and protections as enforcement officers. Originally the Bill had intended that the primary responsibility for enforcement would lie with enforcement officers with police officers involved in a supporting role. Whilst this remains the intention of the Bill these amendments enable police officers to enforce the legislation independently of enforcement officers. This grouping also provides police officers with a power to arrest without a warrant those they suspect of committing a Games offence. This is a similar power to that contained in the London Olympics and Paralympic Games Act 2006.</p>
<p><b>Transport plan consultation</b> Amendment 28</p>	<p>This amendment requires the Organising Committee to consult with every chief constable of a police force for an area in which a Games location is situated during the development of the Games Transport Plan.</p>
<p><b>Games traffic regulation orders: parking offences</b> Amendment 29</p>	<p>This amendment removes the decriminalisation of parking offences in relation to Games Traffic Regulation Orders. This allows the police to deal with anyone waiting, loading or unloading vehicles in a Games Lane as well as those driving in a Games Lane.</p>
<p><b>Regulations: procedure</b> Amendments 30,31,32,33,35,36,37,38</p>	<p>This grouping of amendments requires that the affirmative procedure is used for the first use of the power to make trading and advertising regulations but not to any subsequent use of the power. Previously only the negative procedure had been required. However, this amendment was brought in response to issues raised by the Subordinate Legislation Committee which considered that the negative procedure did not provide an adequate level of parliamentary control. In addition, this grouping acts to ensure that the requirement to consult applies only to the first use of the power to make trading and advertising regulations but not to any subsequent exercise of this power. Lastly, the requirement to issue public notice applies only to the first use of the power to make trading and advertising regulations and not to any subsequent exercise of this power is brought about by this grouping of amendments.</p>

The Subordinate Legislation Committee considered the Bill as amended at Stage 2 on 22 April 2008. The official report of the meeting can be accessed at:

<http://www.scottish.parliament.uk/s3/committees/subleg/or-08/su08-1302.htm#Col256>

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