EXECUTIVE NOTE

THE LONDON OLYMPIC GAMES AND PARALYMPIC GAMES (ADVERTISING AND TRADING) (SCOTLAND) REGULATIONS 2011

SSI 2011/458

The above instrument was made in exercise of the powers conferred by sections 19, 20(1), 22(8), 25, 26(1), 28(6) and 37 of the London Olympic Games and Paralympic Games Act 2006. The instrument is subject to affirmative procedure.

Policy Objectives

The UK Government is required under the terms of the Host City Contract with the International Olympic Committee (IOC) to prevent unauthorised advertising and outdoor trading around Games events, including Hampden Stadium, Glasgow which will be used as a venue for London 2012 Olympic football matches. The Scottish Government agreed to respect commitments made by the UK Government and as advertising and outdoor trading are devolved matters, Scottish regulations to control this activity around Hampden Stadium have been developed. This commitment included taking all necessary measures to reduce and prevent ambush marketing within the vicinity of Hampden Stadium.

Existing Legislation

The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 currently regulates advertising in Scotland. However a tailored approach is needed for the Olympic Games events as the existing legislation does not fulfil the commitment given to the IOC to prevent ambush marketing. The definition of advertisement in the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 is narrower than that in these Regulations. These Regulations have a wider definition of advertisement but include a number of exemptions. They specify the types of advertising and trading activity which will be restricted.

Regulations

These Regulations neither authorise advertising or trading that is prohibited by the general law nor affect any legal requirement to hold a licence before engaging in advertising or trading activity. The Regulations specify the types of advertising and trading activity which will be restricted by them, including by specifying a number of exceptions.

However, the Regulations do override existing consents or permissions that entitle a person to advertise or trade in an area covered by the Regulations. In the areas where the Regulations will apply (the ‘event zone’) during a period when they apply (an ‘event period’), the Regulations will override any existing advertising and trading authorisations and licences. Advertisers and traders who operate in open public places will need to be authorised under the Regulations (in addition to holding current authorisations and licences under the general law).

The Regulations proposed for Scotland are consistent with those being introduced by the UK and Welsh governments for their Olympic venues. The relevant period applied to Hampden

Stadium by the Regulations is tailored to only the few days of competition and runs from 24 July to 28 July 2012 and 31 July to 3 August 2012 (the day before the first match to the day of the last match for each period). The Regulations do not apply for the duration of the entire Olympic Games but cease to have any effect from 4 August 2012. A map illustrating the event zone accompanies this note. The approach taken in establishing the event zone and event periods is consistent with that proposed for other Olympic football venues.

Enforcement

The regulations may be enforced by the police or by enforcement officers designated by the Olympic Development Authority (ODA) and/or the Police. The ODA will designate small teams of enforcement officers drawn predominantly from the local authority trading standards officers who are experienced in dealing with street trading and advertising offences. The ODA will remain responsible and accountable for the enforcement of the regulations and for the actions of these enforcement officers. The ODA will take a light touch approach to minor infringement but persistent offenders could have offending items seized in order to stop or prevent contraventions or for evidence.

Consultation

In June 2009 the ODA published UK-wide advance notice, to those likely to be affected, of the intention to introduce regulations restricting unauthorised advertising and trading activity around all the Olympic venues, including Hampden Stadium. The ODA will also give notice of the detailed provisions of the Regulations, highlighting the differences in Scotland (where these exist), at least six months before they come into effect. Relevant industry bodies, local authorities and others likely to be interested or affected by the Regulations will be alerted to the existence of the document which will be published on the London 2012 website. A map of the Hampden venue showing where the Regulations will apply will be available to view on the London 2012 website and in hard copy in the Glasgow City Council (GCC) office.

The Scottish Government has consulted London Organising Committee of the Olympic Games (LOCOG), the ODA, the Government Olympic Executive (GOE), GCC and Glasgow Trading Standards officials on the proposals prior to drafting the regulations. Their views have been taken into account when deciding the vicinity of the restricted area, the period of restriction and the consequence of enforcement of the regulations.

To comply with the requirements of sections 20(3) and 26(3) of the London Olympic Games and Paralympic Games Act 2006 a public consultation took place from 7 March to 30 May 2011. This consultation was carried out jointly on the English, Welsh and Scottish Regulations and was coordinated by the Department for Culture, Media and Sport. A detailed analysis of the consultation outcome and a full list of those consulted and who agreed to the release of this information published on the UK Governments website here:- http://www.culture.gov.uk/publications/8483.aspx

In addition, the Scottish Government also arranged an informal consultation meeting with a number of the traders in Glasgow, who could potentially be affected by the introduction of the regulations, to better assess the potential effect of the regulations on small businesses. The meeting was, however, cancelled due to lack of interest from traders.

Impact Assessments

An equality impact assessment has been completed for the regulations.

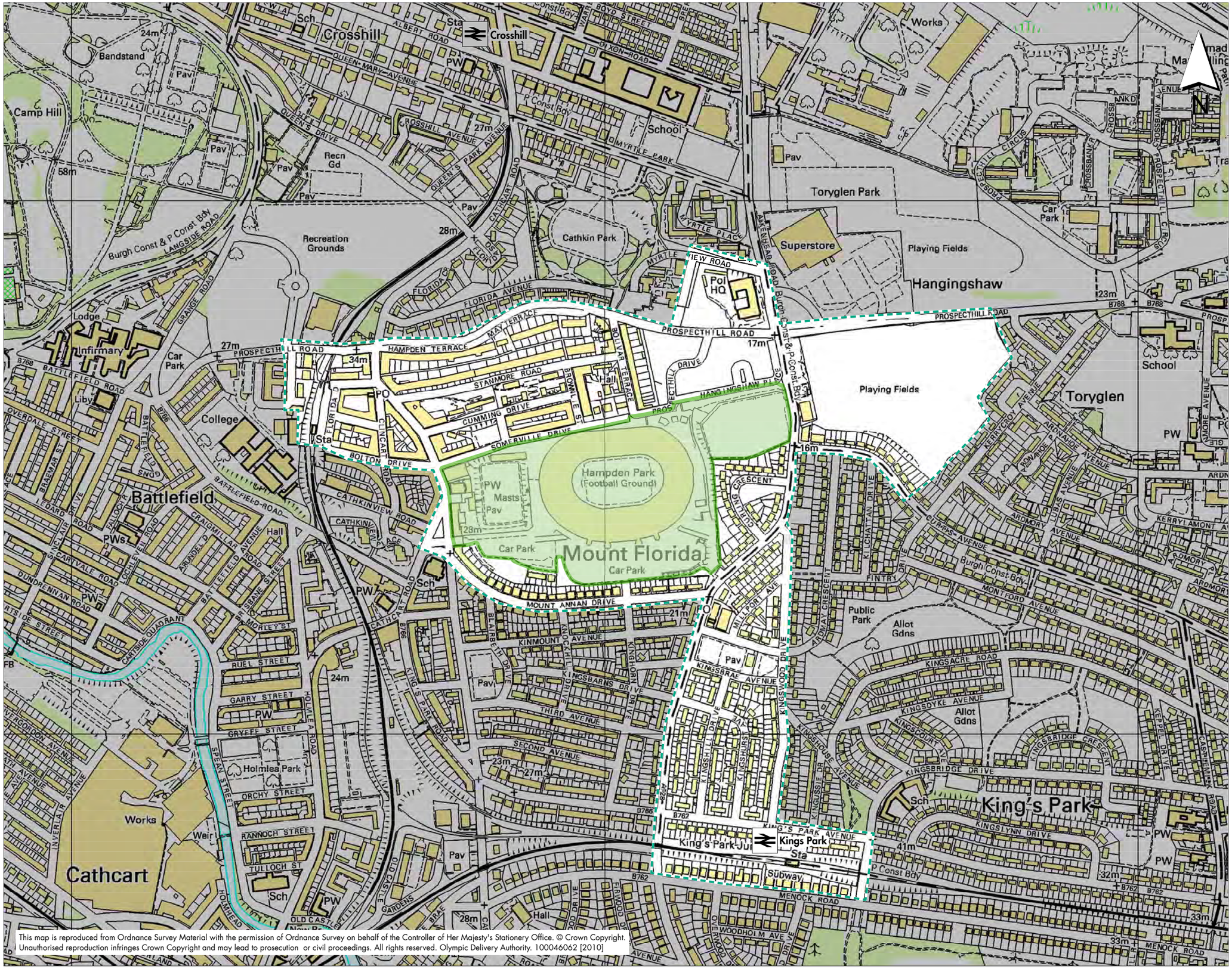
Financial Effects

These regulations may have an impact on a small number of fixed-stance and mobile traders who hold licences to trade in the streets within the restricted area around Hampden, or firms who maintain small billboards. The regulations will also restrict unauthorised adverting in all its guises within the restricted area. The affected traders may continue to trade with ODA's authorisation and it is envisaged that the sellers of advertising space will be able to sell their space generally to sponsors, possibly at a higher price, thereby mitigating some of the potential loss. We do not believe that the restrictions are substantial or long lasting enough to warrant a detailed assessment. A full Business and Regulatory Impact Assessment (BRIA) has been completed for the regulations.

Scottish Government
Housing, Regeneration, Culture and Commonwealth Games Directorate

Hampden Park zone

Advertising and Trading Regulations



This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. All rights reserved. Olympic Delivery Authority. 100046062 [2010]

Legend

- Event zone boundary
- Competition Venue Footprint

Operational Days:
Tuesday 24 to Saturday 28 July 2012,
Tuesday 31 July to Friday 3 August 2012

Sporting Event: Football

London Olympic Games and Paralympic Games (Advertising and Trading) (Scotland) Regulations 2011.

Creator
GOVERNMENT OLYMPIC EXECUTIVE

Scale
1:6864

Date
September 2011

Diane McLafferty, Deputy Director of the Regeneration and Commonwealth Games Division