

BRIEFING PAPER

THE LONDON OLYMPIC GAMES AND PARALYMPIC GAMES (AMENDMENT) BILL

Summary

- The Bill is a short, technical Bill which seeks to address issues which have emerged since the passage of the London Olympic Games and Paralympic Games Act 2006.
- It seeks to ensure that the intentions behind the 2006 Act are given full effect.
- The Bill's provisions cover advertising and trading, ticket touting and traffic management during the Games period.
- The Bill was introduced in the House of Commons on 16th March. It completed its Third Reading in that House on 8th September and was introduced in the House of Lords on the same day. It is hoped that Royal Assent will be achieved by the end of 2011.

Overview

1. In the course of preparing for the 2012 Olympic and Paralympic Games, a number of issues have emerged in relation to advertising and trading, ticket touting and traffic management, where the existing powers, provided through the London Olympic Games and Paralympic Games Act 2006 (the 2006 Act), are insufficient or do not achieve the intended effect. The Department for Culture, Media and Sport, the Home Office and the Department for Transport have therefore brought forward a Bill to remedy these issues.
2. The Bill is intended to be a short, technical Bill, designed to ensure that the intentions behind the 2006 Act are given full effect. It does not introduce new policy issues; and its provisions are not considered to be particularly contentious.
3. The Government introduced the Bill in the House of Commons on 16th March, and hope to achieve Royal Assent by the end of 2011. The new and amended powers need to come into force by early 2012 to allow sufficient time for the Olympic Delivery Authority (ODA), the police and local authorities to complete their planning and preparations for the Games.

Bill Provisions

Advertising and Trading

Measure	Require the ODA to hold articles seized in England and Wales during the Games for breaches of the advertising and trading regulations. In Scotland, articles seized will be held by the ODA or the police.
Rationale	<p>The Bill will ensure that any articles seized in England and Wales by ODA enforcement officers or the police during the 2012 Games for breaches of the advertising and trading regulations are held by the ODA instead of the police. ODA are looking to designate local authority officers to be their enforcement officers and almost all local authority regulatory / enforcement legislation allows for the seizure, retention and forfeiture of offending goods by a local authority enforcement officer. In handling seized articles, the ODA would be required to comply with detailed rules set out in the Bill which are similar to those that currently apply to local authorities that seize goods. This measure has been requested by the police to allow them to focus on safety and security at Games time.</p> <p>In Scotland the handling of seized articles mirrors the equivalent provisions in the Glasgow Commonwealth Games Act 2008. The Bill provides for seized articles to be held by either the ODA or the police. The intention is that they will have the flexibility to work out enforcement practices between themselves. Where seized articles are held by the ODA, it will be required to comply with the detailed handling rules set out in the Bill (which are slightly modified for Scotland to reflect the usual procedure in Scotland). Articles held by the police will be treated by them in the same way as they treat all other articles acquired by them in the investigation of an offence.</p>

Measure	Change the procedures for making regulations to allow amending regulations to be made quickly if required.
Rationale	<p>Under the 2006 Act, all regulations on advertising and trading are subject to the affirmative resolution procedure in Parliament, which means that they must be debated and approved by both Houses before they can come into force. In practical terms, this means that there is little scope to amend the regulations once they have been made and it will not be possible to amend them quickly and at short notice. This means that it might not be possible to prevent ambush marketing should a venue or road event change at the last minute. The Bill will allow for second and subsequent versions of the regulations to be subject to the negative resolution procedure only. This procedure does not require debates in Parliament (although either House can decide to debate the regulations if they so wish). It</p>

	provides flexibility but continues to ensure parliamentary scrutiny.
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Ticket Touting

Measure	Increase the maximum penalty for illegal touting of Olympics tickets from £5,000 to £20,000.
Rationale	Investigations by the Metropolitan Police Service have indicated that organised criminal groups have identified the touting of Games tickets as a potential source of revenue. Given demand, organised touting of Games tickets could give rise to considerable illegal profits. The global profile of the Games also means that touting activity targeted at Games events could significantly damage the UK's reputation. Moving the penalty to £20,000 would provide a more effective deterrent and response to touting of Games tickets by criminal groups.

Traffic management

Measure	Enable the ODA (on the ORN only) and traffic authorities to make temporary traffic regulation orders purely for traffic management reasons and for Games purposes only; and enable traffic authorities to make temporary notices for immediate changes during Games time.
Rationale	Since the passage of the 2006 Act, further thought has been given to the handling of situations where, during the operation of the ORN or restrictions around the venues, short notices changes or revisions to the traffic management arrangements are required. For example, if it becomes clear that a Games Lane is not operating as efficiently as anticipated, the Lane may need to be extended to work properly. Currently, legislation allows for short notice changes for specified purposes (for works, safety or litter collection) and Olympic purposes, but does not allow for changes to be made for Olympic purposes only. The Bill will allow short notice changes to be made for Olympic purposes, so as to enable changes to make the traffic arrangements for the Games work better.

Measure	Provide local traffic authorities with powers for the civil enforcement of moving traffic contraventions set out in Traffic Regulation Orders made for Olympics purposes.
Rationale	When the 2006 Act was drafted it was assumed that all the civil enforcement provisions in the Traffic Management Act (TMA) 2004 would be implemented by 2012. However, only one of the relevant TMA provisions has been commenced (that allowing for civil

	enforcement of parking provisions). The Bill will enable traffic authorities to use civil enforcement measures for moving traffic contraventions on the Olympic Route Network – for example, where unauthorised vehicles enter Games lanes or where vehicles perform banned turns – and other affected roads. This will help to ensure the effective operation of the ORN and to assist traffic management at other locations, for example near Games venues.
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Measure	Clarify the ability of traffic authorities to use the special event traffic powers for Olympics purposes.
Rationale	The 2006 Act lifted certain limitations on the use of special event traffic orders, in relation to an event’s duration (currently a three day maximum) and location (currently only for an event on the street), where roads are being closed for Games events. The Bill will clarify that traffic authorities will be able to use the special event traffic orders for Olympics events, with the same limitations lifted, for other types of restriction and not just for road closures.

Measure	Enable the ODA to set the penalty charge levels for moving traffic contraventions of Traffic Regulation Orders made for Olympics purposes and subject to civil enforcement, subject to the approval of the Secretary of State, as already provided by the 2006 Act for parking contraventions.
Rationale	The ineffective operation of the ORN, or restrictions in place around the venues, poses a risk to the wider Games operations. To mitigate this risk, the Bill provides the power for, and the mechanism by which, the ODA, which has statutory responsibilities in respect of Games traffic management, can set the penalty charge level for moving traffic contraventions of Traffic Regulation Orders made for Olympic purposes, subject to the Secretary of State’s approval. The intended procedure for setting this penalty charge level is the same as that already in place for setting the penalty charge level for parking contraventions.

Measure	Enable Traffic Commissioners to apply a shortened application process to applications received from haulage operators who wish to apply for a change to any environmental conditions imposed on the location where an operator’s lorries are kept, such as the hours lorries may operate in and out of that location.
Rationale	Traffic Commissioners are committed to using the current application procedures wherever possible. This should ensure the full range of environmental protections provided by the current procedures will

continue in the vast majority of cases. However, conditions may cause problems for haulage operators (but not for operators of passenger vehicles which are not subject to these particular rules) who may need to adjust their operations during the Olympics period in response to increased delivery restrictions in London (or potentially elsewhere in Great Britain where Olympics events are being held) or to increased work associated with the Olympics that they may need or wish to undertake.

The Bill will allow the Traffic Commissioners to apply a shortened application procedure in cases where a haulage operator requires a variation in the environmental conditions at short notice for the duration of the Olympics. This provision forms part of a critical wider programme of work led by Transport for London to encourage businesses and individuals to change their travel behaviour at Games-time in the light of the very significant challenges that the operation of the Games and expected additional demand will place on the transport system.