

Glasgow Commonwealth Games Bill

Consultation Response on behalf of Glasgow City Council.

1. Sections 2-8 (Street Trading etc).

In Section 7(2), the definition of "existing trader" appears to be very wide and may cause difficulties in application. The definition as proposed would mean that a continual review and updating process would have to be conducted for the five years prior to the Games in order to identify all existing traders and thereby fulfil the requirements of Section 7(1).

2. Sections 9-14 (Advertising).

Section 9 contains a ban on advertising in the vicinity of Games events. Given the definition of advertising in Section 10, this ban could also include legitimate businesses carrying out their day to day business simply because of their location. It is presumed, therefore, that the Regulations will allow for such businesses to continue conducting their ordinary day to day business provided that these do not very directly conflict with the Games.

In relation to authorised advertising (Section 11), if the Regulations do not allow for the type of advertising referred to above, then there is a danger that the authorisation process set out in Section 11(1) will be overwhelmed. It is assumed that the Regulations will clarify the costs, if any, of such authorisation.

3. Sections 21 (Enforcement Powers)

It is suggested that Section 21(1)(a)(i) and (ii) is re-drafted to include the words "reasonable cause to suspect". This would be consistent with other similar legislative powers.

These comments also apply to Section 23(3).

At Section 23(1)(a) the draft states "at reasonable times". Given the emphasis, however, on urgently dealing with infringements, this seems an unnecessary and counter productive restriction.

Section 24(4)(Further restrictions on entering houses)

It is not clear why the warrant requires to expire after only 72 hours as set out in Section 24(4). If this remains as drafted it is likely to cause practical enforcement difficulties given the nature of the associated operation. For example, if, as a result of intelligence, covert or overt investigations, sufficient evidence is gathered that would allow a warrant to be applied for, this could relate to several premises, potentially being geographically spread and as such would require practical arrangements to be put in place to ensure that the warrants could be executed simultaneously to avoid the possibility of the "targets" removing or destroying evidence. Whilst some of these arrangements could be made prior to the application for a warrant, it is not always possible to guarantee when or if the warrant will be granted in the terms applied for and therefore some of the practical arrangements would have to be dealt with once the warrant has been formally signed. This could

result in a delay whilst these arrangements are put in place. The intention would, of course, still be to pursue execution of the warrant with urgency.

4. Sections 28-30 (Trial and Punishment)

There appears to be a conflict between Sections 28 and 29 as Games offences are triable under summary processes, yet a fine is only payable following conviction on indictment.

Section 29(4)

It is illogical to have a penalty for obstruction that is lower than that for other offences as this may encourage a person to obstruct an officer on the basis that their penalty for so doing would be less than the offence they may otherwise be convicted of.

In addition, it is felt that the level of fines in this section and generally in the Bill (including those for breach of Traffic Regulations Orders) is insufficient and not at a level which would strongly discourage infringement. It is noted that the London 2012 Bill has increased levels of fine in order to strongly discourage infringement. As the Scottish Government will require to take ambush marketing which is a reserved matter to Westminster, it is felt that the level of fines could be dealt with at the same time.

5. Sections 31-24 (Transport)

Section 31(2) suggests that the Organising Committee must consult on the Transport Plan with "every Council in whose area a Games event is to take place". As the Transport Plan is likely to include roads in areas where a Games event is not going to take place, this should read "every Council in which a road is likely to be affected by the Transport Plan".

This section should also contain a duty to consult with other statutory bodies such as Strathclyde Partnership for Transport, emergency services, statutory undertakers and other groups such as Taxi Owners Association (TOA), disability groups, RAC and the AA etc.

Section 34 gives Ministers power to direct a Council to regulate road use for Games purposes. There does not, however, appear to be any way for Ministers to enforce their direction. It is noted that in the London 2012 Bill, powers have been taken to allow ministers to do this themselves or instruct someone else to do it for them (e.g. the OC). Similar powers should be taken in the Glasgow 2014 Bill.