

**Partial
Business and Regulatory Impact Assessment**

**UEFA European Championship
(Scotland) Bill and associated
Regulations**

September 2019

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Title of Proposal

UEFA European Championship (Scotland) Bill and associated Regulations

Purpose and intended effect

Background

To commemorate the 60th Anniversary of the European Football Championship in 2020, the Union of European Football Associations (UEFA) is providing a “EURO for Europe” and has awarded twelve cities and countries the opportunity to host matches, including Glasgow.

The Championship will take place from 12 June to 12 July 2020. Hampden Park in Glasgow will host three group matches (15, 19 and 23 June) and one round of 16 match (30 June). A Local Organising Committee (LOC) has been created to help deliver the event. Members of this Committee are the Scottish Football Association, Scottish Ministers, Glasgow City Council, Hampden Park Limited, VisitScotland and Police Scotland.

The Championship as a whole presents a significant economic opportunity for Scotland. It will provide another opportunity for Scotland to demonstrate to the world that Glasgow is a vibrant, cosmopolitan, dynamic city, building on the legacy of the Commonwealth Games. The Scottish Government believes that the event will reinforce Scotland’s and, in particular, Glasgow’s reputation internationally as a major event and tourist destination.

This Business Regulatory Impact Assessment outlines the evidence, engagement and careful consideration that has been undertaken to support the proposals for the introduction of the UEFA European Championship (Scotland) Bill 2020 and associated secondary legislation.

Objectives

The Scottish Government aims to drive sustainable economic growth and enhance Scotland’s international reputation (in particular as a place to live, work, study, visit and invest) through delivery of the national tourism strategy, ‘Tourism Scotland 2020’, and the national events strategy, ‘Scotland the Perfect Stage’.

The key objectives of the policy delivered by the Bill are:

- To prohibit the unscrupulous touting of match tickets, often at significantly inflated prices, both in person and by electronic methods;
- To meet UEFA's requirements for hosting the tournament in relation to protecting commercial rights and preventing ambush marketing;
- To protect the character and integrity of the Championship by eliminating inappropriate advertising and street trading;
- To control advertising (including giving away merchandise) in designated areas to ensure the safety and the free flow of spectators to and from the event zones, including accessing the Championship venue;
- To ensure that the Championship has a consistent "celebratory" look and feel across all 12 host cities; and
- To maintain and develop Scotland's reputation as a place to host successful major events.

The Scottish Government has ensured that the measures in the Bill are targeted and proportionate, and draw upon the experience from the 2014 Commonwealth Games, which was the last major event in Scotland for which primary legislation was prepared. The proposals for street trading and advertising are intended to allow the vast majority of businesses in Glasgow to operate as normal while ensuring that the Championship interests and related objectives are not compromised.

Rationale for Government intervention

Current laws in Scotland are not adequate to implement the Rights Protection Programme in accordance with UEFA's requirements to host the Championship and so the Bill will help to ensure successful delivery of the Championship by meeting these requirements during the period of the event. The Bill will prohibit ticket touting, which is considered to benefit the public as a whole. The legislation will strengthen restrictions on street trading and advertising. It does not make provision in relation to any of the broader preparations that are underway to host the Championship, nor will it apply to any other events.

Much of this legislation is designed to tackle ambush marketing. Major events such as the European Championship attract large audiences and have positive values associated with their brand. They are, therefore, attractive to businesses seeking to promote their goods or services. Such businesses pay significant sums to the organisers of these events to become official sponsors, thereby securing the right to promote themselves and their goods or services as associated with the event.

If sponsors do not have confidence in the exclusivity of such sponsorships rights, their value as a source of revenue can become eroded. Ambush marketing describes the actions of companies or advertisers who seek to capture these benefits for themselves without the authorisation of the event organisers. If unregulated, such activity can prove very lucrative for those organisations as they gain the benefits of association without paying the sponsorship fee. Not paying this fee also allows them to direct greater levels of resource at traditional marketing activities. Such practices can frustrate an event's ability to attract commercial investment and undermine its revenue base. Many sponsors now insist that protection against such tactics is in place before they commit.

The sale of such sponsorship rights provides a significant revenue stream for events which might otherwise have to rely more heavily on public subsidy.

The short term, high profile nature of the Championship leaves it vulnerable to ambush marketing strategies which could operate successfully within the law currently and so additional protection through this Bill is required.

Demand for tickets for the Championship is expected to exceed supply. Government intervention is therefore also considered necessary to prohibit ticket touting of match tickets.

In the absence of the Bill and regulations, it is considered highly likely that ticket touting and unauthorised advertising and street trading would occur and that we would be unable to provide the necessary level of rights protection required to host the event.

The draft Bill provides for three event zones in Glasgow where restrictions will apply: Hampden Park, the Merchant City, and George Square. It is proposed that the George Square zone will be operational throughout the tournament and for a short time beforehand as a fanzone (10 June – 12 July 2020). Hampden Park is proposed to be in operation from 1 June to 30 June, as required by UEFA. Dates for the Merchant City zone are still under consideration. The provisions related to ticket touting apply throughout and outwith Scotland, and prohibit ticket touting in person and by electronic methods.

The Bill provides for the enforcement of measures related to trading, advertising and ticket touting by designated and experienced enforcement officers. These are expected to be drawn from the existing pool of experienced officers at Glasgow City Council, although consideration is currently underway of whether secondments from other local authorities will be required.

Subject to Parliamentary approval, the package of subordinate legislation will consist of trading and advertising regulations, ticket touting regulations (both of which will follow the affirmative procedure), regulations about when the zones will be in operation, and Enforcement Officer criteria regulations which will both follow the negative procedure. These will be developed concurrently with the Bill's Parliamentary progress and the Scottish Government will look to engage with businesses and others that are expected to be affected by the regulations during their development.

Overall, the aim of the Bill and regulations is to ensure the right balance between supporting local traders, minimising disruption for local people and businesses while protecting the integrity of the Championship by restricting street trading and advertising in event zones. These measures will help to ensure successful delivery of the event.

In particular, these Regulations support the achievements and outcomes of the Scottish Government's National Performance Framework¹, Scotland's Events Strategy² and Scotland's Economic Strategy³:

- We have a globally competitive, entrepreneurial, inclusive and sustainable economy;
- We are open, connected and make a positive contribution internationally;
- There must be sustained support for and investment in events and business events from private, public and third sectors. Gaining this support requires a clear demonstration of value to those investing; and
- Promote Scotland's international brand, and showcase both Scotland and Scottish goods and services internationally and secure major international cultural and sporting events.

Consultation

Delivery Partners

The Scottish Government has consulted delivery partners on the Bill proposals, including the Local Organising Committee (LOC) which is made up of the Scottish Football Association, the Scottish Ministers, Glasgow City Council, Hampden Park Limited, VisitScotland and Police Scotland. The proposals have also been discussed with UEFA. These views helped to shape the Bill and plans for its associated regulations. In particular this engagement informed the development of the event zones and the necessary periods of restrictions.

Public Consultation

The requirement for a Bill has arisen reasonably recently and so there has not been sufficient time for a full public consultation to be held prior to introduction. Initially the Scottish Government and Glasgow City Council had sought to deliver the required protections without developing new legislation. However, during detailed consideration and discussions with UEFA about how to deliver the event it became clear that there were some areas where strengthening commercial rights protection would be required, including on street trading and advertising. It was also decided that in addition to the terms and conditions of ticket sales, stronger enforcement powers were required through legislation for ticket touting.

Business

As street trading is governed by the Civic Government (Scotland) Act 1982 and administered by local authorities, information on the number of street trading (business) licences held within the event zones has been gathered directly from Glasgow City Council to inform the data analysis for this Business Regulatory Impact Assessment.

¹ <https://nationalperformance.gov.scot/index.php/what-it>

² <http://www.eventscotland.org/assets/show/4658>

³ <https://www.gov.scot/publications/scotlands-economic-strategy/>

There are no street trading licences currently in place for the proposed George Square and Merchant City event zones. As of 28 August 2019, Glasgow City Council has indicated that there are currently 107 street traders (113 licences) that will be affected by the proposed Hampden Park zone. Some of these traders have mobile licences, which allow them to trade in a number of parts of Glasgow, whereas some have fixed licences that allow them to trade in one particular location (called a stance).

Glasgow Life has also identified advertising firms and media owners in Glasgow, though not all have media sites in the proposed zones. These are: Chris Stewart Group, Drum Development, Posterplus, Insite Poster Properties Ltd, Build Hollywood T/a Jack Arts Scotland, The Poster Association, Clear Channel, Primesight, Exterior, JCDecaux, Infinity, Blow Up and Ocean.

The Scottish Government wishes to learn from previous experience from the 2014 Commonwealth Games. Key feedback from the business engagement during the BRIA process for the Glasgow Commonwealth Games (Scotland) Act 2008 was that it would be important that businesses were well informed about the restrictions. For the Commonwealth Games this was done through publication of guidance which translated the legislation into an easy to follow format suitable for all businesses that may be affected.

When developing this Bill, the Scottish Government and Glasgow City Council arranged two informal drop in sessions. Businesses, street traders and media owners that could potentially be affected by the introduction of the Bill and associated regulations were invited. Other organisations such as the Federation of Small Businesses, Glasgow Chamber of Commerce, the Scottish Retail Consortium, and Greater Glasgow Hoteliers Association were also invited.

The meetings were intended to provide the businesses with details about the proposed legislation and hear the views of those who could be affected so that this could help to inform the development of the Bill and associated regulations. Telephone calls have also taken place with street traders and other businesses that wanted to understand the proposals but who could not attend in person.

Street traders – key matters raised

In addition to holding the drop in sessions, phone calls have taken place with a number of traders who could not attend and Scottish Government officials attended the proposed Hampden event zone before a football match in order to speak to street traders about the proposed Bill and regulations. Most of these traders also trade in other parts of Glasgow (for example at Celtic Park and Ibrox). Some indicated that they would trade in other parts of Scotland (such as at Murrayfield, Edinburgh), while one indicated that they would trade in other parts of the UK, including London.

Other opportunities to trade: A number of the traders understood that there were requirements to hold a major event that could include restrictions on trading around the Championship venue. Almost all traders were interested in what other trading arrangements would be offered by Glasgow City Council (as provided for in the Bill),

including whether there might be scope to trade nearer, or in, the city centre. Some were also interested in what scope there was to become a UEFA approved partner (the Scottish Government provided appropriate contact details so that this could be discussed with UEFA directly) although others did not think that this would be something that would be suitable for them.

Size of the event zone: Some of the traders were concerned about the size of the Hampden Park event zone, which is based on the Commonwealth Games event zone, although others thought that it was reasonable to use the 2014 event zone.

Impact on small traders to the benefit of larger companies: This concern was raised by two of the traders. To help to mitigate the impact of the restrictions on street traders the Bill provides that Glasgow City Council must offer alternative trading arrangements during the time the event zone is in operation. The Council is considering options at present and will listen to any proposals from traders on this matter. One trader noted that there was likely to be quite a lot of competition between existing traders to get another location, given the numbers likely to be affected. The temporary licence fee that would usually be associated with applying for a temporary trading licence (£62) will be waived by the Council and the Council will prioritise processing these applications. Two traders asked about whether it would be possible to trade in the city centre zones instead. Glasgow Life will let traders know once it opens the procurement process to trade in these areas so they can apply if they wish to do so, although there is no guarantee that they would be successful.

Other businesses – key matters raised

Road closures: A number of businesses were concerned about road closures, restrictions on parking and what was planned in terms of public transport given the number of people that would be in the city centre and around Hampden Park. These matters are not included in the Bill but form part of wider planning for delivery of the event.

Costs to businesses: Some concerns were raised about any costs to business of covering or removing advertising. At this stage the Scottish Government considers that these costs are likely to be small and would be more than offset by the business opportunity the Championship represents. Exemptions to the advertising restrictions will be made in regulations and the Scottish Government is considering what these will be. This provides an opportunity to reduce any expected costs for businesses by exempting some advertising from the restrictions.

Awareness raising: Some suggested the need for good communication about the restrictions in a range of formats so businesses knew what was and was not permitted. This has been considered during development of the Bill. A duty has been placed on Glasgow City Council to publish guidance on the advertising and trading restrictions. This will be available in hard copy as well as online. It is also the intention to publicise the event zones, for example in local newspapers and other media, as appropriate, to ensure that those affected are aware of the restrictions.

Overall, most of the businesses that attended the drop-in sessions or that the Scottish Government had separate calls with indicated that what was proposed on advertising and street trading was reasonable and would be likely to have a minimal impact on their day to day business.

Development of the Regulations

The Scottish Government wants to continue engagement with those businesses that are expected to be affected by the Bill after introduction and as part of the process to develop the associated regulations, which will be progressed concurrently with the Bill's Parliamentary process.

Options

Prior to development of the Bill, four options were considered by the Scottish Government.

Option 1: Do nothing (reliance on existing legislation and regulations)

Under this option it is expected that the event would go ahead and that existing legislation would be relied upon to try to deliver the required protection of commercial rights and discourage ticket touting.

Existing powers are as follows:

Street Trading – In Scotland street trading is regulated under the Civic Government (Scotland) Act 1982, administered by local authorities. The 1982 Act provides for a street trader's licence to be required for trading by a person whether trading on their own or as an employee. There are certain exemptions set out, relating to the sale of certain goods, and for activities in respect of which a pedlar's certificate has been granted. Governance under the Civic Government (Scotland) Act 1982 is generally not sufficient to meet the key aims of the policy, largely due to the inability to suspend current licences in the event zones on particular days and limit trading to approved event sponsors.

Advertising – In Scotland the display of advertisement is controlled by the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Local authorities are responsible for the day to day operation of advertising control. Although the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 give local authorities the ability to require the removal of illegal advertisements on private property, the removal process is too slow to enable Glasgow City Council to deal effectively with advertisements installed during the Championship. Ambush marketers in particular are becoming particularly innovative in finding ways to associate their brand, in an unauthorised fashion, with large scale high profile events.

Ticket Touting – Scots law restricts ticket touting through section 55 of the Civic Government (Scotland) Act 1982. This does not specifically criminalise the touting of tickets but rather causing annoyance, either to persons being approached to purchase tickets, or any other person who has reasonable grounds to be annoyed by

the selling operation. The offence can be committed only by touting in a public place, and therefore does not cover ticket touting by electronic methods. Furthermore, the offence arises only where touting has continued in spite of a request from a constable in uniform that the tout desists. The Civic Government (Scotland) Act 1982 is not truly concerned with the prevention of ticket touting but rather the prevention of a public nuisance. As such it is incapable of satisfying the policy intention. In addition, anyone selling a ticket would have to provide information regarding the face value, location and any restrictions or conditions as per the Consumer Rights Act 2015 Chapter 5. Any ticket conditions (such as prohibiting resale) could be enforced at the stadium to try to discourage touting, although by that point the person buying the ticket would be the one affected, rather than the person selling the ticket. This is unlikely to discourage ticket touts, though it may help to discourage the public from buying touted tickets. For street trading of tickets, if this is not licensed under the Civic Government (Scotland) Act 1982 an offence will have been committed.

Overall, relying solely on existing legislation would not act as a sufficiently strong deterrent to ambush marketing and illegal trading and would not meet UEFA requirements. Existing legislation was not drafted to support such a large and time critical event as the UEFA Euro 2020 Championship. It is therefore insufficient for example, to prevent illegal ambush marketers from benefiting from an association with the Championship. Nor is it considered sufficient to discourage ticket touting.

Option 2: Voluntary restrictions on trading, advertising and ticket touting

Under this option, agreement would need to be reached with street traders not to trade when the zones are in operation on a voluntary basis and a similar approach would be taken with owners of advertising spaces and other businesses. The event would go ahead as planned. This would rely entirely on the goodwill of street traders, advertisers and others to meet the restrictions voluntarily. There would be no way to ensure compliance if this voluntary agreement was breached. Therefore this option would not meet the conditions of hosting the event.

Option 3: Proportionate and limited restrictions (preferred option)

In meeting UEFA's requirements for rights protection programme, the Scottish Government wants to create a backdrop that will be fit to present Scotland's celebration of the Championship locally and to the world. This not only includes the stadium where there are spectators and extensive television camera coverage, but also within the city centre where it will be important to create the celebratory look and feel of the Championship while ensuring safe and secure routes allowing the free flow of spectators, while also safeguarding sponsors brand association rights.

Section 5 of the Bill specifies that it is an offence to trade outdoors in an event zone during a prohibited period (the trading offence) and Section 11 provides that it is an offence to advertise in an event zone during a prohibited period (the advertising offence). The Bill enables Scottish Ministers to make associated regulations which set out the extent of the event zones, timings when the restrictions will apply (though these must be within the event period defined in the Bill), and exemptions to the trading and advertising offences.

The Scottish Government is taking a proportionate approach given the size and duration of the Championship, so as to balance protecting commercial rights with the impact on businesses. For example the Scottish Government has limited the scope of restrictions by introducing legislation which will only restrict specific activity within a limited area in three parts of Glasgow for a short and specified time. This proportionate approach reflects the intention of the Scottish Government to ensure that for the majority of businesses in Glasgow it will be business as usual during Championship time. This option will also ensure that sponsor's brand association rights are not compromised in key event locations.

To progress with this option, Scottish Statutory Instruments (SSIs) will be introduced to the Scottish Parliament. Preparation of these instruments, along with further engagement activity with those that are likely to be affected, will take place during the Bill's Parliamentary process, giving Parliament the opportunity to understand how the Scottish Government expects to use its powers in the Bill in more detail. The Scottish Government will include maps of the event zones in the associated regulations to reflect the boundaries where the restrictions apply and will be enforced.

It is the intention that certain advertisements on business premises (such as shop signs and in-store advertising) will not be affected. Details of this will be set out in regulations. Other forms of advertising including advertising on taxis and buses are also not expected to be captured by the restrictions. The Scottish Government also proposes that there will be a number of trading exceptions set out in associated regulations, such as selling current newspapers.

The Scottish Government recognises that the effectiveness of enforcement activity is paramount. It is equally important that an undue burden is not imposed on the pool of resource available to carry out this activity. The Bill allows Glasgow City Council to designate Trading Standards Officers as enforcement officers. It also allows for the Scottish Ministers to specify in regulations criteria for others who could also be designated as enforcement officers. The extent of enforcement officers' powers has been considered carefully and the Bill places a range of restrictions on these. For example, an infringing article may only be destroyed if it concerns the advertising offence and if the officer does not consider seizing or concealing the article to be a reasonable alternative course of action in the circumstances. Power to enter and search a home are also restricted to reasonable times when the officer is accompanied by a police constable, or where a sheriff has granted a warrant. The enforcement provisions in the Bill, including level of penalties associated with this offence, are very similar to those included in the Glasgow Commonwealth Games Act 2008.

Option 4: Extended advertising and trading restrictions

This option would be an extension of option 3 in that there would still be a necessity to have a Bill and associated regulations. This option would also meet UEFA's requirements. The legislation would, however, be more wide-ranging and stringent preventing all advertisers and traders from conducting business within a wider space in and around venues and for longer extended periods of time. This could extend to advertising not only on billboards in the three event zones but also taxis and buses

that are exempt under option 2. Under this option there would be additional event zones to include all train stations and Glasgow airport. The three event zones included under option 3 would also be larger under this option.

Sectors and groups affected

As the key purpose of the Bill and associated regulations is to regulate trading and advertising activity for the reasons outlined under the policy objectives, there would be an impact on both traders and advertisers under options 3 and 4. Glasgow City Council would also be affected under both these options as local authority enforcement officers would be carrying out the enforcement.

Street trading – Under option 3 (preferred option) street traders with static trading licences and street traders with mobile trading licences will not be permitted to trade in the event zones. As of 28 August 2019, Glasgow City Council has indicated that there are currently 107 street traders (113 licences) around Hampden Park that are expected to be affected by option 3. Most traders do not operate in the Hampden Park zone every day (though some are permitted to do so under the terms of their licence). The majority trade specifically for football matches or other events held at Hampden. There are no existing street traders in the George Square and Merchant City zones.

In considering how this group could be affected the Scottish Government's aim is to minimise the burden on businesses, and small businesses in particular, maintaining business as usual as far as possible across Glasgow as a whole. This was considered along-side the strong commitment to maximise the wider benefits of hosting the Championship. For this Championship a temporary licensing application scheme has not been put in place for the event zones as a requirement of hosting the Championship and only UEFA or Glasgow Life approved partners will be allowed to trade. None of the existing street traders meet this criterion but we have offered contact details for UEFA and Glasgow Life should any existing trader wish to explore these options.

The Scottish Government expects to exempt charity collections from the trading and advertising offences provided that there is an appropriate process to ensure that numbers are managed and that their activities are restricted only to their own charity and not to any third party entities.

Advertising – The Scottish Government expects that the Bill and associated regulations would only have a limited effect in relation to advertisers, given the extent of the proposed event zones. In addition exemptions to the restrictions must be set out in regulations. It is possible that the majority of the advertising space in the zones could be sold to sponsors or Championship partners, in which case any negative impact of the restrictions on media owners would be reduced.

Local authorities and Police Scotland - There will also be implications for Glasgow City Council in conducting their licencing and enforcement role. The designated enforcement officers will be experienced local authority officers trained in the detailed provisions of the Bill and Regulations. The police may also take enforcement action, and so there is also a potential impact on Police Scotland,

however, this has been minimised by the Bill provisions to allow enforcement officers to enforce the restrictions, not only the police. The enforcement activity will range from a warning being given to ensure the offender is aware how to comply with the restrictions to confiscation and destruction of property.

Benefits

Overall economic benefits of hosting the event

Hosting the UEFA Euro 2020 Championship is predicted to have a positive impact economically and reputationally due to an increase in visitor numbers to the host city and wider Scotland. These impacts are considered to outweigh the short term impact on businesses in a limited geographical area, Glasgow City Council and Police Scotland of the preferred option (option 3).

Major events normally bring a benefit to the economy of the local areas and potentially more broadly. For example we know that preparation for, and delivery of, the 2014 Commonwealth Games supported a substantial amount of economic activity. Overall the Games are estimated to have contributed, in gross terms, approximately £740 million to Scotland's Gross Value Added (GVA), and approximately £390 million to Glasgow's GVA specifically, over the period 2007-2014. An estimated average of 2,100 jobs per year nationally, and 1,200 jobs per year in Glasgow specifically, were supported over this time period, peaking in 2014.⁴

Specifically for football, Glasgow City Council has indicated that the gross impact of the 2007 UEFA Cup Final at Hampden was expenditure of over £16.3 million, with expenditure by finalist supporters accounting for £8.9 million of this, £2.3 million from neutral fans, and £2.3 million from delegates. Net impact was nearly £10 million of expenditure in Glasgow including indirect and induced impacts, with a further £1.5 million outside Glasgow.

Additionally the UEFA Champions League has resulted in substantial economic gain for its hosts in recent years. Post event reports from previous finals indicate that when the final was held in London in 2011, the city earned an estimated £43 million; when Lisbon hosted in 2014, income was estimated at 45 million euros and the Football Association for Wales has confirmed that an economic impact evaluation of the Cardiff final has indicated an estimated £45 million in direct additional spending in and around Cardiff.⁵

These examples give us some indication of the scale of the economic impact for Glasgow of hosting four matches as part of the Championship. The expected impact of the Championship will also be affected by the teams that are drawn to play matches at Hampden. This will not be known until later in 2019.

⁴ <https://www.gov.scot/publications/evaluation-legacy-glasgow-2014-commonwealth-games-post-games-report/>

⁵ <https://www.walesonline.co.uk/all-about/uefa-champions-league-final>

Option 1: Do nothing (reliance on existing regulations)

It is expected that the event would still go ahead under this option, although it is possible that UEFA could decide not to proceed with Glasgow as a host of the event. This option would mean the Scottish Government would not be required to produce the Bill and associated regulations but would result in the Championship not meeting the assurances that have been provided to UEFA as a condition of hosting the event. There would also be less necessity for increased resource from Glasgow City Council (estimated at £45,000-£85,000) and Police Scotland (£5,000) to enforce the enhanced regulation, so this would be a saving compared to option 3.

There is no existing offence of ticket touting in Scotland (other than the restriction under the Civic Government (Scotland) Act 1982), although anyone selling a ticket would have to provide information regarding the face value, location and any restrictions or conditions as could be enforced at the stadium to try to discourage touting, although by that point the person buying the ticket would be the one affected, rather than the person selling the ticket. This is not ideal and it would be better to have specific provisions to limit ticket touting, both in person and by electronic methods, to discourage people who wish to try to profit from reselling match tickets.

Option 2: Voluntary restrictions on street trading and advertising

This option would also avoid the cost to the Scottish Government of producing the Bill and associated regulations but would result in the Championship not meeting the assurances that have been provided to UEFA as a condition of hosting the event. Street traders and advertisers would not be subject to enforcement action if they accidentally or intentionally breached the voluntary restrictions. This could disproportionately benefit businesses that decide to ignore the voluntary suspension of trading and advertising compared to businesses that adhere to the voluntary restrictions. There would also be the benefit of reduced resource requirements from Glasgow City Council and, to a lesser extent Police Scotland, for enforcement as for option 1.

Option 3: Proportionate and limited restrictions

This option ensures that the event will meet commitments that have been made to UEFA on protection of commercial interests in a proportionate manner, helping to ensure successful delivery of the event which will bring broader economic benefits to Glasgow and Scotland, and which may help Scotland's chances in securing any future major events.

There are a number of other benefits by restricting the scope of the regulations as provided for by this option. There will be a safe and celebratory look and feel where there is Championship related activity. This option secures the vital source of sponsorship funding for the Championship by ensuring that sponsors exclusive rights to associate their brands with the UEFA Euro 2020 Championship is safeguarded. This option limits the number of street traders and advertisers that will be affected benefitting those that are not captured under this option but would be affected under option 4. Creating provisions in relation to ticket touting will reduce the likelihood of

this being attempted. This would benefit members of the public who might otherwise buy tickets at inflated prices and still be unable to attend the matches due to the ticket terms and conditions.

Option 4: Enhanced advertising and trading restrictions

The introduction of more far reaching and stringent restrictions would exceed the requirements of UEFA. There would also be a high satisfaction level assured from Championship sponsors, potentially more so than under option 3. As the restrictions would apply to more locations, giving event sponsors greater exclusivity than under option 3.

Costs

Option 1: Do nothing and rely on existing regulations

If Scottish Ministers do not prepare legislation then Glasgow is unlikely to meet UEFA's requirements to host the Championship. Without detailed regulation to prevent ambush marketing or trading activity, UEFA may find it more difficult to secure investment commitment from sponsors, for example to purchase advertising space. This could potentially have a significant negative financial impact on the delivery and success of the Championship in Scotland. Not meeting the standards required by UEFA could have a negative impact on Scotland's reputation as a place to hold major events, and might make it less likely that we are successful in bidding for events in the future, which could have a negative economic impact.

Option 2: Voluntary restrictions on street trading and advertising

Relying on voluntary compliance with advertising and trading restrictions is not thought to provide sufficient assurance to UEFA that its requirements would be met and would not provide any mechanism to address breaches, due to its voluntary nature. Without this assurance through legislation, UEFA may find it more difficult to secure investment commitment from sponsors, for example to purchase advertising space. This could potentially have a significant negative financial impact on the delivery and success of the Championship in Scotland. Not meeting the standards required by UEFA could have a negative impact on Scotland's reputation as a place to hold major events, and might make it less likely that we are successful in bidding for events in the future, which could have a negative economic impact.

Option 3: Proportionate and limited restrictions

The costs of the Bill are considered to be relatively minor, especially in relation to the economic opportunity provided by co-hosting the Championship (as set out in the Benefits section). The main costs are for Glasgow City Council in relation to enforcement activity that is required to ensure compliance with the provisions in the Bill (£45,000-£85,000). Glasgow City Council expects to incur these costs from early 2020 until shortly after the Championship ends, with the bulk of costs arising in June and July. There are also expected to be some small costs to other organisations including Police Scotland, the Scottish Government, the Scottish Courts and Tribunals Service and the Crown and Procurator Fiscal Service as a result of the

Bill. The overall cost of the Bill to these five public sector organisations is £80,000-£130,000.

There are no street trading licences currently in place for the proposed George Square and Merchant City event zones, so no existing street traders will be affected by these zones. As of 28 August 2019, Glasgow City Council has indicated that there are 113 street trading licences in place for the area proposed to be covered by the Hampden Park zone. These traders will be unable to trade when the zone is in operation. Glasgow City Council has a duty to offer affected traders alternative trading arrangements, which we expect will mitigate the impact of the restrictions and allow them to still benefit from the opportunity the Championship represents.

The Bill provides that Scottish Ministers must prepare regulations setting out exemptions to the advertising offence. Certain advertising that is in place in the event zones is to be able to remain such as fixed/permanent branding of businesses but not any advertising relating to installed specially for the Championship in addition to usual branding. Glasgow City Council will carry out an audit of existing branding before the event. This will help to minimise the impact of the advertising restrictions on businesses.

Option 4: Enhanced advertising and trading restrictions

Increasing the restrictions on advertising and trading activity could have a detrimental impact on enforcement activity. It would most certainly increase the costs to Glasgow City Council who would have to increase its enforcement officer resource, and potentially the number of enforcement officers it might need to have seconded from other local authorities, in order to cover wider geographical areas for longer periods of time. The overall costs could be expected to be in excess of the £130,000 upper estimate for option 3.

This option would be expected to increase the number of traders and advertisers negatively affected as a result of the increase in the number of event zones, extended boundaries of the three zones included under option 3 and extended time periods.

Scottish Firms Impact Test

These regulations will have an impact on a relatively small number of street traders and other businesses in comparison to those operating in Glasgow as a whole. Only external advertising and trading is captured by the restrictions, meaning that many existing businesses in these zones can continue to trade unaffected and certain advertising in place in the event zones when the Bill comes into force are expected to be able to remain, minimising the impact on business. The duty Glasgow City Council has to offer affected street traders alternative trading arrangements is designed to mitigate the impact of the legislation on this group.

In order to understand and try to mitigate the impact on businesses, when developing the Bill, the Scottish Government and Glasgow City Council arranged two

informal drop in sessions and invited street traders, advertising and media owners, and other businesses in Glasgow that could potentially be affected by the introduction of the Bill and associated regulations. Other organisations such as the Federation of Small Businesses, Glasgow Chamber of Commerce and the Scottish Retail Consortium were also invited. The Scottish Government wants to continue engagement with those businesses that are expected to be affected by the Bill after introduction and as part of the process to develop the associated regulations. The effective enforcement of the Bill and regulations will be beneficial in dealing with people who are carrying out ticket touting and any rogue traders who are trying to capitalise on the Championship by taking away business from legitimate authorised traders.

Given the one-off relatively short nature of the event, the actions that have been taken or will be taken to mitigate the impact on business, and the limited number of event zones, the Scottish Government does not believe that the restrictions are substantial or that their impact will be long lasting.

Competition Assessment

A relatively small number of suppliers (compared to those operating in Glasgow as a whole) could be directly limited, but only when the event zones are in operation. The Scottish Government anticipates that the impact on street traders will be mitigated by the duty the Bill places on Glasgow City Council to offer them alternative trading arrangements.

In relation to advertising, the Scottish Government must make exemptions to the advertising offence through regulations. The Bill contains an illustrative list of advertising that might be exempted in the regulations including certain advertising to which the Town and Country Planning Regulations 1984 do not apply (because, for instance, it forms part of the fabric of a building) and advertising to commemorate events. This will help to minimise the impact on businesses.

As the regulations will restrict trading and advertising in the event zones for specified event periods there will be some impact on competition. This is expected to benefit championship sponsors and authorised traders who will be able to operate in the event zones with reduced competition. We think that this impact on competition is proportionate given the overall size and economic benefit of the event to Glasgow as a whole. Where the regulations do apply it will be for a short time and within a limited geographical area. We are not making a permanent change to business.

As with the Scottish Firms Impact Test, the Scottish Government does not regard the impact on competition to be substantial, widespread or long lasting and as such it is considered that this policy does not raise competition concerns.

Consumer Assessment

The Bill and regulations do not affect the essential services market. The provisions will limit the number and range of suppliers in the event zones when these are in operation (providers of food, beverages and Championship memorabilia, in the main), however, other businesses in the zones such as those based inside buildings

(such as bars, shops and restaurants) will be able to operate as normal. These provisions are considered to be proportionate as they will only apply to the relatively small geographical area covered by the event zones and will only be in effect for a short period of time around the time of the event.

We also expect that there will be a positive impact of the Bill and regulations for consumers as a result of people being assured that they are buying official merchandise. Creating a criminal offense of ticket touting is expected to discourage this practice and allows for action to be taken to punish ticket touting both in person and by electronic methods. For these reasons the Bill and regulations are considered to reduce opportunities for unscrupulous suppliers to target consumers.

The provisions are not considered to have an impact on consumers' ability to seek advice. It will be possible for consumers to inform enforcement officers of breaches of the restrictions so that these can be addressed, as appropriate. The policy will not affect the information available to consumers on either goods or services, or their rights in relation to these. The policy does not involve storage or increased use of consumer data.

Test run of business forms

The Bill and regulations will result in no new business forms.

In order to ensure awareness and understanding of the restrictions by affected businesses and others, Glasgow City Council will publish guidance on line and in hard copy. Awareness raising through local press and other media channels is being considered, as appropriate.

Digital Impact Test

The legislation will make it an offence to tout a Championship ticket, either electronically or in person. This is considered to be important as increasingly there are opportunities to tout tickets electronically, through both public and private methods (such as WhatsApp groups). As such the Bill does take into account changing digital technologies and its aims cannot be circumvented by digital / online transactions.

Legal Aid Impact Test

The Bill provisions on street trading and advertising are not considered to have implications in terms of legal aid. The implications of the provisions on ticket touting are currently under consideration but are expected to be minimal given relatively few prosecutions are expected as a result of the Bill.

Enforcement, sanctions and monitoring

The UEFA European Championship 2020 will be a large event hosted in Glasgow and will attract an unprecedented level of commercial activity in public spaces in the proximity of the Championship venue, unless it is proportionately controlled. It is essential that trading and advertising is managed safely, for residents and visitors

alike, or the integrity of the Championship will be affected. The Bill and its regulations will strengthen the ability to regulate and enforce activity at the right level to ensure this is the case.

Enforcement of the regulations may be carried out by enforcement officers designated by Glasgow City Council. The enforcement officers will be drawn from teams within Glasgow City Council, who are familiar in dealing with street trading and advertising offences (e.g. trading standards officers). Glasgow City Council is considering whether enforcement officers may be required on secondment from other local authorities in order to increase the number of officers available to enforce the restrictions, however, this is uncertain at present, in particular as the draw for the Championship will not take place until later in 2019.

Enforcement officers will be familiar with the local traders, will know the local area and will be able to use their existing powers if necessary to deal with other offences. Breaches of the restrictions could result in offending items being seized, removed or destroyed. Deliberate ambush offences will be dealt with using the enforcement powers conferred on designated officers to secure compliance. Although a light touch approach may be taken to minor infringements, persistent offenders and more serious offences could potentially be reported for prosecution through the criminal courts. The enforcement provisions in the Bill, including level of penalties associated with the offences, are very similar to those included in the Glasgow Commonwealth Games Act 2008.

Implementation and delivery plan

Subject to Parliamentary procedure, the Bill is expected to receive Royal Assent in January 2020, with regulations to come into force as soon as possible after this and by 31 May 2020 at the latest.

During development of the regulations the Scottish Government and delivery partners will continue to engage with local businesses so they have an opportunity to influence development of the regulations. At this time guidance on what restrictions will apply, where and when will be drafted so that this can be published by Glasgow City Council as soon as possible to allow local businesses to understand what is and is not permissible in the event zones. This guidance is expected to be made available in a range of formats, including hard copy and also online.

Glasgow City Council will offer existing street traders who cannot trade in their usual area alternative trading arrangements during the time when the trading offence applies.

Post-implementation review

The Bill will be used for this specific event only and will be repealed on 31 December 2020. We will seek feedback from Glasgow City Council, other key partners and local businesses after the event on how the legislation worked in practice. This could help to inform development of any future legislation to support major events.

An Evaluation Framework has been developed for the broader event with input from the partners. The Bill and regulations will be included in this.

Summary and recommendation

We recommend option 3 – Introduce the Bill and associated regulations which are proportionate in their restrictions on trading, advertising and ticket touting in Glasgow during the UEFA Euro 2020 Championship.

This will meet the requirements to co-host the event, protecting against ambush marketing, protecting sponsorship rights and proportionately restricting trading activity to meet the key objectives already set out, while ensuring as far as possible that existing businesses can continue to operate as usual.

- **Summary costs and benefits table**

Options	Benefits	Costs
1. Do nothing and rely on existing regulations	<p>Avoids cost to the Scottish Government of introducing secondary legislation. Also reduces costs to Glasgow City Council and Police Scotland of enforcement activity. Overall saving to public sector organisations of £80,000-£130,000 compared to option 3.</p> <p>Minimises disruption to street traders and other businesses in proposed event zones, allowing them to generate revenue during the Championship.</p>	<p>Would not provide sufficient assurance about commercial rights protection required to host the event.</p> <p>Potential damage to Scotland's reputation as a location to host major events.</p> <p>Risk to sponsorship revenue.</p>
2. Voluntary restrictions on trading, advertising and ticket touting	<p>Avoids cost to the Scottish Government of introducing secondary legislation. Also reduces costs to Glasgow City Council and Police Scotland of enforcement activity. Overall saving to public sector organisations of £80,000-£130,000 compared to option 3.</p>	<p>Would not meet the requirements to protect commercial rights as there would be no way to take action to address breaches.</p> <p>Potential damage to Scotland's reputation as a location to host major events.</p> <p>Risk to sponsorship revenue.</p> <p>Impact on ability of 107 street traders (113 licences) in the event zones when these are in operation. A small number of media owners may be able to generate less revenue if they are unable to sell all advertising space in the zones to</p>

		<p>approved sponsors of the event. However, businesses that choose to ignore the restrictions will be able to benefit at the expense of businesses that choose to observe them.</p>
<p>3. Bill and associated Regulations with proportionate and limited restrictions.</p>	<p>Will ensure there is a safe and celebratory look and feel within proportionate boundaries. Will maintain free flow of spectators and secure sponsorship funding by maintaining sponsors exclusive rights to associate their brands with the UEFA Euro 2020 Championship is assured.</p> <p>Ensures that wider economic benefits of the Championship are realised and enhances Scotland's reputation as a location that can stage major events in line with requirements of the organisers, potentially increasing the likelihood of Scotland to be successful in bidding for any future major events.</p>	<p>Costs of £80,000 - £130,000 – mainly to Glasgow City Council for enforcement activity (£45,000-£85,000). The figure also includes some lesser costs to Police Scotland, the Scottish Government, the Scottish Courts and Tribunals Service and the Crown and Procurator Fiscal Service.</p> <p>Impact on ability of 107 street traders (113 licences) in the event zones when these are in operation (though mitigated by requiring Glasgow City Council to offer alternative trading arrangements). A small number of media owners may be able to generate less revenue if they are unable to sell all advertising space in the zones to approved sponsors of the event.</p> <p>These costs are considered proportionate given the expected wider economic benefits of the event and steps that have been taken to minimise the impact on local businesses, for example though limiting the number of event zones to three, minimising the size of all three zones, offering alternative arrangements, and creating exemptions to advertising restrictions.</p>
<p>4. Introduce the SSIs restricting any and all advertising and trading activity</p>	<p>High satisfaction from Championship sponsors, giving them scope to maximise revenue.</p>	<p>Costs of over £130,000, higher than option 3, mainly to Glasgow City Council for enforcement activity (over £85,000). The figure also includes some lesser costs to Police Scotland, the Scottish Government, the Scottish Courts and Tribunals Service and the</p>

		<p>Crown and Procurator Fiscal Service.</p> <p>Highest impact on local businesses through additional event zones around airports and stations, wider extent of these zones and operation of all zones for a longer period of time than option 3.</p>
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Sign-off for Partial BRIAs:

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: 

Date: 25th September 2019

Minister's name Mr Ben Macpherson

Minister's title Minister for Europe, Migration and International Development



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This publication is available at www.gov.scot

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The Scottish Government
St Andrew's House
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EH1 3DG

ISBN: 978-1-83960-166-8 (web only)

Published by The Scottish Government, September 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS629010 (09/19)

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