

UEFA European Championship (Scotland) Bill

Policy Memorandum

Introduction

1. This document relates to the UEFA European Championship (Scotland) Bill introduced in the Scottish Parliament on 24 September 2019. It has been prepared by the Scottish Government to satisfy Rule 9.3.3 of the Parliament's Standing Orders.

2. The following other accompanying documents are published separately:

- Explanatory Notes (SP Bill 54–EN);
- a Financial Memorandum (SP Bill 54–FM);
- statements on legislative competence by the Presiding Officer and the Scottish Government (SP Bill 54–LC).

3. This Policy Memorandum has been prepared by the Scottish Government to set out the Government's policy behind the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

Background

4. To commemorate the 60th Anniversary of the European Football Championship ("the Championship") in 2020, Union of European Football Associations (UEFA) has decided to change the normal format of the event so that 12 cities across the continent will host matches, instead of the Championship taking place in only one or two host nations. Glasgow was successful in its bid to co-host the event. The other host cities are

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Amsterdam, Baku, Bilbao, Bucharest, Budapest, Copenhagen, Dublin, London, Munich, Rome and Saint Petersburg.

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

6. 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 and dynamic city, building on the legacy of major events such as the Commonwealth Games in 2014 and the inaugural European Sports Championships in 2018. 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.

7. It is not unusual for the organisers of major sporting events to require host cities to introduce specific legislative protection. The last piece of major events legislation in Scotland was prepared for the 2014 Commonwealth Games.¹

Policy objectives of the Bill

8. The main measures of the Bill will:

- prohibit the unauthorised sale of Championship tickets in excess of face value or with a view to making a profit;
- prohibit unauthorised street trading within an event zone when the zone is in operation;
- prohibit unauthorised advertising within an event zone when the zone is in operation;

¹ Glasgow Commonwealth Games Act 2008:
<http://www.legislation.gov.uk/asp/2008/4/contents>.

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- create criminal offences for unauthorised ticket touting, street trading and advertising. In relation to ticket touting, which will be triable summarily only, the maximum penalty on conviction will be a fine not exceeding level 5 on the standard scale (currently £5,000). In relation to street trading and advertising, the maximum penalties will be a fine not exceeding £20,000 on summary conviction, or an unlimited fine on conviction on indictment;
- provide for the designation of enforcement officers empowered to enforce the 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 (currently £5,000);
- provide that Glasgow City Council must publish guidance on the advertising and trading restrictions, and that Glasgow City Council must offer affected street traders alternative trading arrangements during the times when the trading offence applies; and
- automatically repeal the Act from the statute book on 31 December 2020.

9. The purpose of the Bill is to help ensure successful delivery of the Championship by meeting the commitments required by UEFA in relation to protection of commercial rights for event sponsors during the period of the event and prohibiting ticket touting. It does not make provision in relation to any of the broader preparations that are underway to host the event for which no additional legislative provision is required.

10. The draft Bill provides for three proposed event zones where restrictions will apply: Hampden Park, the Merchant City, and George Square. Maps of the zones and details of when each will be in operation will be set out in regulations under section 1(1) of the Bill. The provisions related to ticket touting apply throughout and outwith Scotland, and prohibit ticket touting in person and by electronic methods.

11. Much of this legislation is designed to tackle ambush marketing. Major events such as the UEFA 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

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events to become official sponsors, thereby securing the exclusive right to promote themselves and their goods or services as associated with the event.

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

13. 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, or parasitic 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 private investment and undermine its revenue base. Many sponsors now insist that protection against such tactics is in place before they commit.

14. Often ambush marketing is achieved through the creation of association through proximity to or intrusion into venues where the event is being held. Ambush marketers could, for example, put in place advertisements (such as banners or blimps) around venues which could be seen by spectators or picked up by television coverage. They could also, for example, hand out free branded merchandising (such as T-shirts) to spectators that could then be carried into venues.

15. The Town and Country Planning (Scotland) Act 1997, the Trade Marks Act 1994, the Trade Descriptions Act 1968, the Control of Misleading Advertising Regulations 1998 and the common law of "passing off" already provide some protection against these activities. Nonetheless, the short term, high profile nature of the Championship leaves it vulnerable to ambush marketing strategies which could operate successfully within the law.

16. The Bill covers fewer matters than the Glasgow Commonwealth Games Act 2008, the most recent primary legislation for a major event in Scotland. In doing so the Scottish Government considers that it is taking a

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proportionate approach given the comparative scale of the event. The Bill seeks to balance providing reassurance to UEFA and its sponsors that commercial rights have been protected in key areas while minimising the impact on local businesses and allowing them to benefit from the economic opportunity that hosting the Championship in 2020 represents.

Consultation

17. 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. The Scottish Government had been working to assure UEFA that the existing regulatory framework in Scotland would be sufficient to protect commercial interests without the need for new legislation. However, after a thorough examination of UEFA's requirements and current protections in place in Scotland, it became apparent earlier this year that for a small number of matters primary legislation will be required, specifically in relation to ticket touting, advertising and street trading.

18. The Scottish Government has reflected on the experience from the Glasgow Commonwealth Games Act 2008 when developing this Bill, which generally worked well, though there are some differences in the requirements for this Championship which have been taken account of during the preparation of the Bill.

19. The Scottish Government has been working with Glasgow City Council to identify the businesses, other organisations and individuals that have the potential to be affected by the Bill. It is mainly street traders, media owners and other businesses based in the proposed event zones which have external advertising (for example bars and restaurants) that could be expected to be affected by the Bill.

20. The Scottish Government, Glasgow City Council and other partners held two drop-in sessions to engage with local businesses that may be affected by the Bill to better understand any concerns they may have and any changes to the approach in the Bill that may be possible to respond to such concerns. Individual meetings were offered to businesses that could not attend the drop-in sessions.

21. The Scottish Government wants to continue engagement with those likely to be affected by the Bill after introduction and as part of the process

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to develop the associated regulations, which will be progressed concurrently with the Bill's parliamentary process.

Key provisions of the Bill

Ticket touting

Policy objectives

22. Demand for tickets for the Championship, both in Glasgow and in other host cities, is expected to exceed the number of tickets that will be available. The policy intention is to prohibit the touting of Games tickets. This is expected to act as deterrent to touts who would seek to profit (potentially significantly) from resale of tickets, providing a basis for both preventative and punitive action in the event of any breach. Prohibiting ticket touting will support fair access to tickets and help to ensure public confidence in the event.

Key information

23. The Bill will make it a criminal offence to tout a Championship ticket for profit (the "touting offence"). A Championship ticket is defined in section 1(1) as any ticket, card, electronic device or other thing which entitles an individual to attend an event. A person touts a ticket if they sell, offer to sell or expose for sale a Championship ticket, advertise a Championship ticket is available for purchase, make a Championship ticket available for sale by another person or give a Championship ticket to another person who pays for some other goods or services. An offence will be committed whether it is done in person or by electronic methods. This seeks to capture the range of ways that tickets may be touted, including public internet sites and by private methods, for example WhatsApp groups. A person convicted of this offence will be liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000). This offence can be committed both in or outwith Scotland, and includes Glasgow match tickets and tickets for matches in other host cities.

24. The Bill provides an exception for advertisers if the sale of the ticket would be for above the face value of the ticket or with a view to making a profit but the advertiser does not and could not reasonably be expected to know that fact. The Bill also provides the Scottish Ministers with the power to make regulations which may specify circumstances in which making facilities available in connection with the electronic communication or the storage of data is, or is not, to be capable of constituting a touting offence.

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These regulations are expected to make exceptions from the offence for providers of these facilities in the circumstances set out in the regulations.

Consultation

25. The requirement for a Bill has arisen reasonably recently and so there has not been sufficient time for a public consultation. As set out at paragraph 17, the Scottish Government had been working to assure UEFA that the existing regulatory framework in Scotland would be sufficient to protect commercial interests without the need for new legislation. However, after a thorough examination of UEFA's requirements and current protections in place in Scotland, it became apparent earlier this year that primary legislation will be required for ticket touting, advertising and street trading. The provisions on ticket touting in the last Scottish legislation for a major event, the Glasgow Commonwealth Games Act 2008, were broadly supported². The Scottish Government has used these provisions as a basis for this Bill, but is considering advances in technology in the interim period such as increased use of private messaging groups such as WhatsApp.

Alternative approaches

26. There is considered to be no alternative to the introduction of legislation on ticket touting that would deliver the policy objectives.

27. 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.

²<https://www.webarchive.org.uk/wayback/archive/20180516230253/http://www.gov.scot/Publications/2007/11/08142254/0>

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28. 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 sections 90 to 95. 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.

29. Given the limitations of the existing legislation it would be better to have specific provisions to limit ticket touting, both in person and by electronic methods, to discourage this and protect members of the public from people who wish to try to profit from reselling match tickets.

Street trading

Policy objectives

30. The policy intention is to prohibit unauthorised outdoor trading in the proposed event zones when these are in operation. This is needed in order to fulfil UEFA's requirements to host the event. It is also considered to help manage the flow of people into and out of the event zones by ensuring that thoroughfares are clear. It will restrict market clutter, prevent inappropriate marketing, and protect the high standards associated with the Championship. It also aims to protect the integrity of the Championship, prevent over-commercialisation, and ensure safety and security.

Key information

31. The Bill will make it a criminal offence to trade within an event zone when the zone is in operation ("the trading offence"), unless that trading takes place within a building, or is done in accordance with regulations made by the Scottish Ministers, or is carried out by UEFA. The trading offence can be committed only at such times and in such places as set out in the regulations. A person convicted of a trading offence will be liable on conviction on indictment to an unlimited fine or on summary conviction to a fine not exceeding £20,000. This level of fine recognises that the offence is likely to be of a commercial nature. The level of penalties associated with this offence are also equivalent to the penalties available for similar

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offences under the Glasgow Commonwealth Games Act 2008 and the London Olympic Games and Paralympic Games Act 2006.

32. The Bill defines what activity is to be treated as trading, along with a list of examples. This is not exhaustive and as such what will or will not be defined as trading may be set out further in the trading regulations, or the regulations may include a way to determine if an activity is classed as trading.

33. The regulations will set out further detail on the time periods during which the restrictions will apply, although the Bill places an overall limit on these being during the Championship period (1 June to 12 July 2020). The Scottish Government wants to take a proportionate approach to the extent and days on which the suggested event zones are in operation. Details of these will be set out in regulations under section 1(1) of the Bill. Proposed maps of the event zones will be shared during the parliamentary process for the Bill, to show how these powers are expected to be used.

34. The trading regulations may also set out exemptions in which trading which would otherwise permit an offence is permitted. For example, although charity collection is a trading activity which is to be restricted, it is expected that certain charity collectors will be permitted to collect in the events zones in a controlled way to manage numbers. Detail of this will be set out in the trading regulations.

35. Having an existing trading licence will not be a defence against the trading offence.

36. In practice the Bill will mean that existing street traders who operate in the Hampden event zone will temporarily have their trading licenses suspended when the zone is in operation. Glasgow City Council has indicated that there are no existing street traders in the other proposed event zones. In order to help ensure that affected traders and others are aware of the restrictions, the Bill provides that Glasgow City Council will issue guidance about trading within the event zones. The Bill also places an obligation on Glasgow City Council to offer existing traders who are affected by the restrictions alternative trading arrangements during the times the restrictions apply. This is intended to help to mitigate the effect of the regulations on local street traders and allow them to benefit from the economic opportunity the Championship provides.

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Consultation

37. The requirement for a Bill has arisen reasonably recently and so there has not been sufficient time for a public consultation on a draft Bill. Glasgow City Council holds details of existing street traders and has identified those that are likely to be affected based on the expected extent of the three event zones. The Scottish Government, Glasgow City Council and other partners held two drop-in sessions for street traders and others that are expected to be affected by the Bill and offered separate discussions for those who could not attend. A number of telephone calls with individual street traders have taken place and the Scottish Government has also attended the Hampden Park area before a Scotland match to speak to street traders about the proposals.

38. Section 32 of the Bill sets out that before the Scottish Ministers can make the trading regulations, the Bill will require them to consult the LOC and any other persons they consider appropriate. Street traders would be expected to be involved in this consultation.

Alternative approaches

39. There are considered to be no alternatives to the introduction of restrictions on street trading that would deliver the policy objectives. Failure to control street vending during the Championship could threaten the image of the Championship and undermine Scotland's ability to attract major events in the future.

40. Before concluding that there was a need for primary legislation, the Scottish Government has considered existing powers and discussed these with UEFA. Current legislation only relates to street trading/peddling, as controlled in Scotland under the Civic Government (Scotland) Act 1982 and the Pedlars Acts³. UEFA requires the prevention of street trading. 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 proposed event zones on particular days and limit trading to approved event sponsors. The penalties associated with these offences are also less likely to discourage attempts to target the Championship as they are set at a maximum of level 4 on the standard scale (currently £2,500). Therefore, relying on current legislation on street trading would

³ <http://www.legislation.gov.uk/ukpga/Vict/34-35/96/contents>
<http://www.legislation.gov.uk/ukpga/Vict/44-45/45/contents>

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not deliver the requirements specified by UEFA to co-host the Championship.

41. Reaching agreement with street traders to not trade when the zones are in operation on a voluntary basis was also considered. However, this would not 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.

Advertising

Policy objectives

42. The policy intention is to prohibit unauthorised advertising in the events zones when these are in operation. This is needed in order to meet UEFA's requirements to control advertising space during the Championship.

43. As with street trading, these requirements are in place not only because of financial motivation, but also to restrict market clutter, prevent inappropriate marketing, and to protect the high standards associated with the Championship. They also aim to protect the integrity of the event and prevent over-commercialisation.

Key information

44. The Bill will make it a criminal offence to advertise in an event zone (the "advertising offence"), unless exempted by the Scottish Ministers in regulations or unless carried out by UEFA. It is expected that only UEFA or Glasgow City Council approved partners will be permitted to advertise in the proposed event zones when these are in operation.

45. The offence can be committed only at such times and in such places as set out in the advertising regulations. A person convicted of an advertising offence will be liable on conviction on indictment to an unlimited fine or on summary conviction to a fine not exceeding £20,000. This level of fine reflects that the offence is likely to be of a commercial nature. The level of penalties associated with this offence are also equivalent to the penalties available for similar offences under the Glasgow Commonwealth Games Act 2008 and the London Olympic Games and Paralympic Games Act 2006.

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46. The Bill defines advertising as communication to the public to promote an item, service, business, trade or other concerns. It also sets out a list of what acts may be considered to be advertising. This list is not exhaustive and the advertising regulations may specify activities which are or are not to be considered advertising. The policy intent to capture traditional advertising such as billboards, along with other more novel types of advertising, such as the handing out of free T-shirts.

47. As with the restrictions on trading, the advertising regulations will define where and when an advertising offence could take place. The Scottish Government wants to take a proportionate approach to this, minimising the impact on local businesses, and is working with Glasgow City Council and UEFA on proposed maps of the zones, which will be included in regulations. These will be shared during the parliamentary process for the Bill, to show how the powers in the Bill are expected to be used.

48. Having an existing advertising licence will not be a defence against this offence. However, the advertising regulations must prescribe circumstances in which advertising that would otherwise constitute an advertising offence would be permitted. 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 (Control of Advertisements) (Scotland) Regulations 1984⁴ do not apply (because, for instance, it forms part of the fabric of a building) and advertising to commemorate events. However, nothing in the advertising regulations can allow anyone to knowingly participate in ambush marketing.

49. The Bill requires Glasgow City Council to issue guidance about the restrictions on advertising. This is to help ensure businesses that may be affected understand what is and is not permitted when the zones are in operation.

Consultation

50. As set out more fully at paragraph 17, the requirement for a Bill has arisen reasonably recently and so there has not been sufficient time for a public consultation. The groups most likely to be affected by the advertising restrictions are media owners and businesses in the proposed event zones

⁴ [S.I. 1984/467](#) as amended by [S.I. 1992/1763](#)

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(such as shops, pubs and restaurants). Glasgow City Council has made an assessment of media owners likely to be affected and has indicated that there are 13 total. The Scottish Government, Glasgow City Council and other partners held two drop-in sessions for those that are expected to be affected by the Bill. Individual meetings were offered to those that could not attend on these dates and a number of telephone calls have taken place to discuss the proposals.

51. Section 32 of the Bill sets out that before the Scottish Ministers can make the advertising regulations, the Bill will require them to consult the LOC and any other persons they consider appropriate. Local businesses would be expected to be involved in this consultation and we are considering what methods might best achieve this including further drop in sessions, telephone calls or visits to some of the affected businesses.

Alternative approaches

52. There is considered to be no alternative to the introduction of legislation that would deliver the policy objectives. Failure to control advertising in the proposed event zones when these are in operation would not meet UEFA's requirements, could threaten the image of the Championship and undermine Scotland's ability to attract major events in the future.

53. Before concluding that there was a need for primary legislation, the Scottish Government considered using existing powers and discussed these with UEFA. The Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Control of Advertisements) (Scotland) Amendment Regulations 1984 provide some control over advertising. However, these are inadequate to meet UEFA requirements to co-host the Championship as they are too limited in the degree of substantive control provided. Ambush marketers are becoming particularly innovative in finding ways to associate their brand, in an unauthorised fashion, with large-scale, high-profile events. Although the regulations 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.

54. Reaching agreement with businesses in the zones to limit advertising voluntarily when the zones are in operation was also considered. However, this is not thought to provide sufficient assurance to UEFA that its

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requirements would be met and would not provide any mechanism to address breaches, due to its voluntary nature.

Enforcement

Policy objectives

55. The policy intention is to provide enforcement mechanisms for the ticket touting, trading and advertising offences contained within the Bill, to minimise the impact of these on Police Scotland so that it is able to meet its other obligations during the Championship period.

Key information

56. 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.

57. These officers will have a range of powers available to them, including the power to seize, conceal or destroy anything which the officer reasonably believes to be an infringing article. An infringing article is anything used in connection with the commission of a Championship offence. They will also be empowered to enter and search any place they believe a Championship offence has been, or is being, committed. This includes the power to use reasonable force to gain entry, although only where a warrant has been granted or where a constable accompanying the enforcement officer reasonably believes that waiting for a warrant to be granted would defeat or prejudice the purpose of taking action. They may also require any person to provide such information as the officer considers appropriate for the purposes of enforcing a Championship offence.

58. The Bill places a range of restrictions on the powers of enforcement officers. 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. Powers to enter and search a home are also restricted, where no warrant has been obtained, to reasonable times of day, and with a concurrent requirement that the officer is accompanied by a police constable.

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59. The Bill makes it a criminal offence to obstruct an enforcement officer. A person convicted of this offence will be liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

60. The 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.

61. Although the Bill will be repealed on 31 December 2020, section 17 of the Interpretation and Legislative Reform Act (Scotland) 2010 means that this repeal would not affect a liability to a penalty for a Championship offence under the Bill which is committed before the repeal. Furthermore, the Bill would continue to have effect for the purposes of investigating the offence, bringing proceedings for the offence, and imposing a penalty for the offence.

Consultation

62. As set out more fully at paragraph 17, the requirement for a Bill has arisen reasonably recently and so there has not been sufficient time for a public consultation. The Scottish Government has liaised with Police Scotland and Glasgow City Council during development of the enforcement provisions to understand the implications of the legislation for these organisations.

Alternative approaches

63. One alternative approach would have been to rely on the police to enforce the Championship offences and not to create enforcement officers. It is expected that the police will be more heavily committed than usual during the Championship period already and the enforcement of these offences may strain their resources or may even not be possible. Police Scotland will retain all of its existing statutory powers in relation to Championship offences and may be required to play a supporting role, much in the same way it already supports trading standards officers. For example, it would be required to accompany enforcement officers without a warrant when using their power of reasonable force to gain entry. Police Scotland is also likely to have a role to play in tackling any ticket touting.

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64. The Bill could have designated all trading standards officers in Scotland as enforcement officers, rather than allowing Glasgow City Council to designate individual officers, but this was considered disproportionate to the number of officers that are likely to be required.

Effects on equal opportunities, human rights, island communities, local government, sustainable development etc.

Equal opportunities

65. The Scottish Government is satisfied that the provisions of the Bill are not discriminatory, nor do they create any adverse impacts, on the basis of gender, age, disability, sexual orientation, marital or civil partnership status, race or religion.

Human rights

66. The Scottish Government is satisfied that the Bill's provisions are compatible with the European Convention on Human Rights. Some specific issues considered in respect of this statement are discussed below.

67. The Bill creates four new criminal offences: the touting offence, the trading offence, the advertising offence, and the obstruction offence. Whenever a new offence is created it is vital for the purposes of compliance with Articles 5 and 6 of the Convention that each offence be effectively prescribed by law, which is to say that the offence must be set out with enough clarity and certainty so as to allow the citizen to regulate their behaviour and to allow the authorities to effectively inform an offending citizen of the reasons for their arrest, detention and/or subsequent charge in relation to that offence. The offences will be set out in the Bill and in regulations made under the Bill and, therefore, the four offences created within this Bill meet these criteria.

68. Given that there will be a relatively short time period between the Bill completing its parliamentary process and the offences coming into force, the Scottish Government has considered how best to ensure awareness of the new offences. Measures to increase awareness are expected to include publishing guidance, advertising in local media, and offering meetings with businesses to discuss the restrictions.

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69. This Bill also raises issues under Article 1 of Protocol 1 to the Convention in relation to the protection of property. The Bill will regulate street trading and advertising within the three proposed event zones. This could prevent existing businesses from trading or advertising during this period, potentially restricting or interfering with their right to the peaceful enjoyment of their possessions. Enforcement officers will also be empowered by the Bill to destroy or conceal any article which infringes the advertising offence. This is a measure of last resort, however, and is only available when there is no reasonable alternative course of action. The Scottish Government is putting these restrictions in place in order to meet commitments to hold the event. If these were not going to be put in place, then Glasgow would not have been able to secure its place as a host city. The restrictions in relation to trading and advertising constitute interference with property which will be time limited. There is provision in the Bill requiring Glasgow City Council to offer alternative arrangements for the street traders who are affected by the ban during the prohibited times when the restrictions apply. The restriction in relation to ticket touting does not prevent the private resale of tickets at face value, however, the resale of tickets may be subject to contractual terms and conditions. These measures are proportionate to the aim and are in the public interest. The power of destruction results in deprivation but is very limited and is subject to safeguards. It is an exceptional measure and one that is proportionate to the aim. These provisions are therefore compatible with the European Convention on Human Rights.

70. This Bill also raises issues under Article 8 of the Convention in relation to the right to respect for private and family life. The Bill allows enforcement officers to use force to gain entry into and to search a house or other property. These powers are subject to significant safeguards. The power to enter a house can only be exercised with permission of the occupier at reasonable times or where a warrant has been obtained from a sheriff. In the case of the former the officer must be accompanied by a constable. Power to enter other premises can only be exercised with permission of the occupier, under warrant or when accompanied by a constable. These powers are for the specific purpose of enforcing offences under the Bill. They are proportionate to the aims and in the public interest and are therefore compatible with Convention rights.

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Island communities

71. The Scottish Government is satisfied that the Bill will have no differential effect on island communities.

Local government

72. Glasgow City Council will play a key role in delivering the Bill provisions. In particular, it will take on an enforcement function for the offences contained within the Bill, with support from Police Scotland. There may be a minor impact on other local authorities if additional enforcement officers are required on secondment but this is uncertain at present, in particular as the draw for the Championship will not take place until later in 2019. Glasgow City Council will also be required to publish guidance on the trading and advertising restrictions and is required to offer affected street traders alternative trading arrangements. Glasgow City Council is a member of the LOC and has been involved throughout the development of the Bill.

Sustainable development

73. The Scottish Government is satisfied that the Bill will have no impact on sustainable development. A pre-screening report confirmed that the Bill would have no impact on the environment. It is, therefore, exempt for the purposes of section 7 of the Environmental Assessment (Scotland) Act 2005 and consequently there is no need for a full Strategic Environmental Assessment to be undertaken.

74. A separate Sustainability Strategy for the wider event is under development by Glasgow Life and the Scottish Government. This Strategy will address measures for the protection of the environment and measures for a socially responsible host city and venue. This will include enforcement of a tobacco-free policy within the stadium perimeter and measures to promote a tobacco-free tournament in the host city; a commitment to provide free local public transport for ticket holders on match-days; and measures to meet or surpass an 80% benchmark of match-ticket holders either using public transport, travelling by bicycle or walking to the stadium.

Business community

75. The Bill seeks to secure a significant positive economic opportunity for Scotland, and Glasgow in particular, by meeting the requirements to allow the UEFA European Championship to be co-hosted in Glasgow. The

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Championship will allow Scotland to demonstrate to the world that Glasgow is a vibrant, cosmopolitan and dynamic city and a place in which people would want to live, study and do business. There are also expected to be broader economic benefits to other parts of Scotland as a result of tourism related to the event.

76. The provisions in the Bill will restrict business activity, but only for a small number of businesses over a short period of time. If such restrictions were not put in place, then the opportunities referred to at paragraph 75 would not exist, as Glasgow would not be able to co-host the Championship. For those businesses that are commercial partners of UEFA and able to trade within the proposed event zones, the Bill will have a positive impact. The potential impact on businesses is set out more fully in the Partial Business and Regulatory Impact Assessment for the Bill.

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UEFA European Championship (Scotland) Bill

Policy Memorandum

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