

PARLIAMENTARY DEBATES

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OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT BIRMINGHAM COMMONWEALTH GAMES (COMPENSATION FOR ENFORCEMENT ACTION) REGULATIONS 2021

Wednesday 30 June 2021

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The Committee consisted of the following Members:

Chair: †ANDREW ROSINDELL

Butler, Dawn (*Brent Central*) (Lab)

† Caulfield, Maria (*Lewes*) (Con)

Davies, David T. C. (*Parliamentary Under-Secretary of State for Wales*)

† Duguid, David (*Parliamentary Under-Secretary of State for Scotland*)

Fovargue, Yvonne (*Makerfield*) (Lab)

Gwynne, Andrew (*Denton and Reddish*) (Lab)

Harman, Ms Harriet (*Camberwell and Peckham*) (Lab)

Harris, Rebecca (*Lord Commissioner of Her Majesty's Treasury*)

† Huddleston, Nigel (*Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport*)

Lamont, John (*Berwickshire, Roxburgh and Selkirk*) (Con)

Mann, Scott (*Lord Commissioner of Her Majesty's Treasury*)

† Matheson, Christian (*City of Chester*) (Lab)

† Morden, Jessica (*Newport East*) (Lab)

Morris, James (*Lord Commissioner of Her Majesty's Treasury*)

Rutley, David (*Lord Commissioner of Her Majesty's Treasury*)

Thomson, Richard (*Gordon*) (SNP)

Throup, Maggie (*Lord Commissioner of Her Majesty's Treasury*)

Kevin Maddison, *Committee Clerk*

† **attended the Committee**

Fifth Delegated Legislation Committee

Wednesday 30 June 2021

[ANDREW ROSINDELL *in the Chair*]

Draft Birmingham Commonwealth Games (Compensation for Enforcement Action) Regulations 2021

9.25 am

The Chair: Before we begin, I remind colleagues to remain socially distanced and to wear their masks unless they are speaking. Any speaking notes from the debate should be sent to *Hansard* via email.

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Nigel Huddleston): I beg to move,

That the Committee has considered the draft Birmingham Commonwealth Games (Compensation for Enforcement Action) Regulations 2021.

It is a real pleasure to serve under your chairmanship, Mr Rosindell, for the first time.

The regulations were laid in draft before the House on 17 May. Before I detail the specifics of the regulations, I will briefly set the scene for the Committee. With under 13 months to go until the Commonwealth games, preparations are ramping up for the Birmingham 2022 Commonwealth games. They will be the biggest sporting and cultural event ever staged in the west midlands. Despite the significant delivery challenges they have faced, the games remain very much on track and on budget.

Home to more than 187 nationalities, Birmingham 2022 will be a home games for every nation. I am delighted that west midlands residents will have the first opportunity to apply for tickets through a west midlands ballot in July, before a main ballot in September. Hosting the games will bring a wealth of opportunities for people across the west midlands and the UK including through cultural engagement, business, trade, volunteering, physical activity, jobs, education and tourism. The games offer a massive opportunity for the region, and will play a key part in supporting its economic recovery.

Volunteers are also the backbone of any great games, and the Commonwealth collective will be no different. As the faces of Birmingham 2022, the collective will represent the very best of the region, the country and the modern Commonwealth. Birmingham 2022 will also be recruiting hundreds of 15 to 17-year-olds through a separate process in the near future, which will be a huge experience for those young people, broadening their horizons and giving them important life skills. The Commonwealth games are a huge opportunity for the city and the people of Birmingham.

Measures in the Birmingham Commonwealth Games Act, which gained Royal Assent in June 2020, include those that restrict the resale of the games tickets and prevent unauthorised advertising and trading in and around specific games locations. They also include those that ensure that tickets to the games remain accessible and affordable, that the rights of commercial sponsors

are protected, and that spectators can easily and safely move to and from the games locations. To ensure swift action against breaches, the Act provides a suite of enforcement powers that build on those available under the Consumer Rights Act 2015. For example, the 2020 Act provides powers to seize and detain infringing goods or documents.

Enforcement activity can be undertaken by a trading standards authority in England or, for the ticketing offence only, a trading standards authority in Wales or Scotland, or the Department for the Economy in Northern Ireland. As the Minister for the Commonwealth games, I want everyone to get behind them, and the measures in the 2020 Act aim to strike a balance that ensures that people in the west midlands can support, celebrate and benefit from the games, while offering commercial sponsors the assurances they need and ensuring the economic benefits of the games are fully realised.

For that reason, the measures in the Act are intended to be a strong deterrent against anyone seeking to ambush the games or to sell tickets at inflated prices. As with previous games, we expect formal enforcement action to be taken only as a last resort. To that end, we are working closely with the organising committee and enforcement authorities to ensure that there is a consistent, co-ordinated and proportionate approach to enforcement. None the less, as a safeguard in the enforcement framework, the 2020 Act provides a person with a right to compensation in the event of property damage arising from unlawful enforcement or the use of unreasonable force in enforcement action. The draft regulations before the Committee set out the administrative process by which a claim for compensation can be made, considered and appealed. That ensures the process is clear, consistent and proportionate both for potential claimants and for the enforcement authorities involved.

On the detail of the regulations, where someone believes that they have experienced damage to their property as a result of enforcement action being unlawful or unreasonable, they will be able to submit a claim to the local trading standards authority where the damage occurred, or to the Department for the Economy in Northern Ireland. They are known as the “relevant authority” in the regulations. Claimants should submit a claim, in writing with the necessary information, within 90 days of the end of the games, and that should include the date on which and location where the enforcement action took place, the nature of any damage and any supporting evidence. Within 14 days of a claim being received, the relevant authority should determine whether it has sufficient information and evidence to make a decision on the claim. If so, the authority will have 28 days to decide whether the claimant is entitled to compensation and the amount due, and to communicate that outcome alongside information about how to seek a review.

The 2020 Act provides that a person is entitled to compensation for the cost of repairing the property damaged during the enforcement action or, if it is not possible to repair it, for the cost of replacing it, and the amount of any other loss that was the direct result of damage to the property. If a claimant is unhappy with the relevant authority’s decision, such as the amount of compensation offered, they will have 14 days to request a review of the decision. The relevant authority will then have a further 14 days to consider that request and

to provide a response. If the claimant remains unsatisfied with the outcome of the review, they will be able to submit an appeal within 21 days to the county court, or to the sheriff in the case of Scotland.

I would like to reassure members of the Committee that we continue to work closely with the organising committee of the games and enforcement authorities to develop a co-ordinated and proportionate approach to enforcement. We know that supporting businesses need to understand what they can and cannot do, and that will be key to reducing the need for formal enforcement. We are already working closely with the games partners and local authorities to identify those who could be affected. The organising committee will develop resources to support traders and businesses in understanding the measures, including publishing guidance on the operation of the advertising and trading restrictions. The organising committee will also be working with venue local authorities to develop brand protection training for enforcement officers.

In the context of the regulations before us, it is important to recognise that local authorities routinely exercise enforcement powers proportionately and reasonably, in accordance with the law and established policies and procedures. Moreover, because the restrictions on advertising and trading can be in place for a maximum of 38 days only, I expect any compensation claims arising from enforcement to be minimal. Indeed, I am not aware of any arising from similar regulations that supported the 2012 London Olympic games and Paralympic games, or the Glasgow 2014 Commonwealth games.

In summary, the regulations set out the process that will govern any compensation claim that is made under the provisions specified in the Birmingham Commonwealth Games Act, including the right to appeal any decisions made by an enforcement authority. They are a small but nevertheless important part of the ongoing preparations to deliver a fantastic Birmingham games next year, and I commend them to the Committee.

9.33 am

Christian Matheson (City of Chester) (Lab): It is a great pleasure to serve under your chairmanship, Mr Rosindell, and not for the first time, I am pleased to say.

I thank the Minister for his clear exposition of the regulations. There is an honourable tradition of the role of the substitute in British life, and with due respect nodded to the Under-Secretary of State for Scotland, the hon. Member for Banff and Buchan, there can be no greater example right now than that of Jack Grealish, who came on and gave a fantastic performance in that wonderful match last night at Wembley, when England progressed against one of our oldest rivals. Jack of course is a Brummie. I make that point about substitutes just to remind the Committee that I am a substitute today for my hon. Friend the Member for Wirral South (Alison McGovern), and I hope that I will do her justice.

The Opposition welcome the regulations, particularly their focus on ticket-touting—an issue that the Government are beginning to take seriously. I pay tribute to my hon. Friend the Member for Washington and Sunderland West (Mrs Hodgson) and my friend the hon. Member for Selby and Ainsty (Nigel Adams) who have conducted a very active campaign from the Back Benches against

some ticket resale sites and ticket-touting sites. I know that the Minister has looked at the issue in the past, with particular reference to the industrial scale of touting, and I also understand that the Competition and Markets Authority is also looking at the practice. We welcome the regulations before us that aim to tackle the problem. I particularly like the idea of local resident ballots for tickets first, to make the Birmingham games a real people's games.

If I may sound one discordant note, a lot of the enforcement regulations are predicated on the role of the local trading standards authority. I remind the Committee that Birmingham has suffered the biggest cut to any local government authority in history at £700 million, which has been removed by the Government. Its local services are under extreme stress, and I hope that Birmingham has the resources to deal with the responsibilities placed on it by the regulations.

The Commonwealth games in Birmingham will be an exciting opportunity to showcase some of the best sport in the world. After a difficult 18 months, we have recently witnessed the true power of sport. With the Euros and Wimbledon under way, there is a real sense of togetherness. With so many exciting matches and games on at the same time, I often do not know which one to choose but that is a good problem to have.

I have every confidence that Birmingham will be an excellent host city for the 71 teams from around the world that will take part in 24 disciplines across 19 different sports. I am sure that the Commonwealth games will do what sport does best—bring people together, and we need that right now.

The games will have a lot to be proud of and will be the games of many firsts. They will be the first carbon-neutral games and the first ever major multi-sport event to award more medals to women than to men, with women's cricket being included for the first time. As the Minister said, the games will also have the first comprehensive and most ambitious community engagement programme of any Commonwealth games. I welcome that.

Sport is for everyone and should be accessible to everyone, no matter their upbringing or background. The Commonwealth games is a brilliant opportunity to promote sport participation, especially among those on lower incomes and other groups whom we know are less likely to be active. Birmingham 2022 will be the biggest multi-sport event to be held in the UK for a decade and will present the opportunity to inspire people from all walks of life. Everyone should have the opportunity to play sports and to watch elite athletes such as those taking part in the games. Every effort must be made to ensure that the games are accessible to everyone, so the Opposition welcome the aim of the statutory instrument to ensure that tickets are not resold for exorbitant amounts. As we know, that is not the case with all sporting events, and currently we are seeing some eye-watering prices from UEFA for the Euros. What steps are the Government taking to work with all governing bodies to prevent future expensive ticket sales? Perhaps the legacy of the SI could be tougher enforcement across the patch.

I am pleased that the Birmingham games are taking important steps to truly make them a games for everyone, with tickets starting from just under £8 for under-16s and from £15 for adults. The Minister referred to the

[*Christian Matheson*]

fair ballot that will be held to ensure that everyone has an equal chance to apply for tickets, and we welcome that.

Inclusion and accessibility are key, so will the Government publish an inclusion analysis of who was able to buy tickets for the Birmingham games? That way we will learn whether they came from different parts of the country; whether disabled fans got good access; how many women spectators attended, what were their ethnicities and so on.

The games will bring a wealth of tourism, jobs and opportunity to the west midlands and to the wider UK. Most importantly, the games will bring 11 days of world-class sport and a celebration of culture and unity, and of the best in Britain. Let us celebrate the sporting talent in this country and ensure that the games inspire a new generation of athletes by making them as accessible as possible. We welcome the regulations and thank the Minister.

9.39 am

Nigel Huddleston: I thank the hon. Gentleman for his comments, and I am very impressed that he managed to get in his congratulations on England's success before me. I am sure that we are looking forward to the next games. I appreciate the co-operative tone that he and his colleagues have adopted towards the Commonwealth games. They are a games for everyone and that goes for politicians as well. I have been very pleased to work with hon. Members of many different parties on the games locally in Birmingham and across the country.

As the hon. Gentleman said, sport is a great opportunity to bring people together. Now that large-scale sporting events are finally coming back that creates many opportunities but, as he alluded to, that also creates some challenges, particularly in relation to ticket sales. The regulations will help to resolve some of the challenges and dangers of ticket-touting, but broader issues still need to be addressed. In that context, the hon. Gentleman was correct to praise the work of the hon. Member for Washington and Sunderland West and my hon. Friend the Member for Selby and Ainsty. We had the pleasure of working with them on the Digital, Culture, Media and Sport Committee, when we considered the broader issue of ticket-touting. I think that progress has been made, and regulations and consumer rights in particular are now being enforced by the CMA in a manner that

was perhaps lacking a few years ago. We are seeing progress but the hon. Gentleman is absolutely right that we need to keep a very close eye on the issue because we have seen how some touts act in an incredibly unprofessional and exploitative manner. Some of the sites also lack professionalism. We will keep a close eye on such behaviour, particularly as more tickets will come on sale, which means that the problems and risks of secondary ticketing could return. I praise the CMA for taking enforcement action that was perhaps lacking a few years ago. We are in a better situation than we were but let us not take it for granted.

The hon. Gentleman asked about resources. On the Commonwealth games, we are working very closely with the West Midlands Combined Authority, Birmingham City Council and others. The Department for Digital, Culture, Media and Sport has a very positive relationship with the organising committee. Birmingham City Council has said that its funding for the games should not have an impact on day-to-day services and should not come from council tax. We are also confident that we have the resources available for enforcement and what we expect of the various stakeholders, but I take note of the hon. Gentleman's comments on the ongoing funding challenges.

The Birmingham Commonwealth Games Act criminalised the unauthorised sale of games tickets, and the organising committee is working closely with Birmingham 2022, the official ticket provider, to ensure that there are appropriate protections in place for the games. The organising committee is also working closely with enforcement authorities, including trading standards and the police intellectual property crime unit, to ensure that clear processes are in place to identify and to act against unauthorised sales of games tickets. The issue is getting due attention, as the hon. Gentleman rightly pointed out and requested.

The regulations are important because they represent a procedural milestone in the preparations for delivery of the Commonwealth games next year. If hon. Members have further questions about the good progress being made to deliver the games next year, officials in my Department would be very happy to listen and to discuss the matter.

I recommend the regulations to the Committee.

Question put and agreed to.

9.43 am

Committee rose.