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Rt Hon Lord Blencathra  
Chair of DPRRC  
House of Lords  
London  
SW1A 0PW

Dear Lord Blencathra

I am writing to respond to the 5th report of the Delegated Powers and Regulatory Reform Committee that considered the Birmingham Commonwealth Games Bill and which was published on 13 February 2020.

I am grateful to the Committee for their report on the delegated powers memorandum produced to support the Bill. I am sorry that it was not possible to get this response to you ahead of Lords Report stage of the Bill.

**Clauses 13 and 16: Advertising and trading regulations - Games locations, time periods and vicinity**

I have carefully considered the DPRRC's recommendations for certain regulation making powers to be subject to the affirmative procedure unless the Secretary of State certifies that by reason of urgency the negative procedure should apply instead.

Whilst I am grateful for the Committee's acknowledgement of the differences between the powers in the Bill and the precedents of the London Olympics and Paralympics, the Government does not agree with the Committee's recommendation that regulations concerning advertising and trading made under clauses 13 and 16 should be subject to the affirmative procedure.

However, I want to reassure the Committee that regulations brought forward by the Government will ensure that any restrictions are proportionate, and only in place when and where absolutely necessary. That is why the Bill specifies that the restrictions will be in place for a maximum of 38 days, and it will potentially be much less in many cases, for example where Games locations are only in operation for a few days.

Further, the Government has made clear, as set out at Report stage of the Bill in the previous session, that the intention is, in most cases, for a **vicinity** to only "*extend a few hundred metres beyond a Games location*". (Official Report, Volume 799, Column 790)



Finally, the Bill requires that the Government consults specific persons before making regulations setting out exceptions to the advertising or trading offences (in addition to those exceptions on the face of the Bill), a commitment I reiterated during Committee stage on the Bill on 25 February. Engagement with key stakeholders on potential exceptions is already underway in advance of a consultation taking place, likely later on this year.

I hope that the Committee is reassured that an appropriate approach to delegated powers will be taken by the Government.

### **Clause 25: Power to direct a local authority or combined authority to produce a Transport Plan**

I am grateful to the Committee for acknowledging why it is appropriate to provide for a local authority or combined authority to be the person responsible for a Games transport plan and why it is not feasible at this stage to specify which authority that should be.

However, the Government does not agree that it is proportionate to require that the designation of the authority be made in regulations subject to the negative resolution procedure. Instead, the Government will reiterate its commitment to provide Parliament with a written Ministerial statement when a local authority or combined authority is directed under clause 25.

I have set out our reasoning below and I hope the Committee will be reassured that Parliament will be appropriately sighted on the exercise of this discretion.

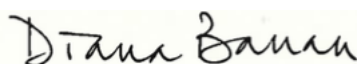
Clause 25 of the Bill provides that a local authority or combined authority is to prepare a local transport plan of the kind described in subsection (2), and clause 26 provides that a traffic authority for a road may implement that plan via powers in section 14 of the Road Traffic Regulation Act 1984. Subsections (4) and (5) require consultation to ensure that views of stakeholders are taken into account in the preparation of a local transport plan.

The substance of the policy is therefore set out on the face of the Bill; the only discretion left to be exercised by the Secretary of State is in deciding *which* local authority or combined authority is best placed to prepare a transport plan. While the Government agrees that Parliament should be kept informed of which authority is to prepare a local transport plan, it does not agree that the limited discretion in clause 25 is of a kind that should be subject to the negative resolution procedure.

You will also note that the only other substantive function conferred on the designated authority – the concurrent powers in clause 27 – may only be exercised following the specification of local traffic authorities in regulations of the Secretary of State, which are subject to the negative resolution procedure.

A copy of this letter will also be placed into the library of both Houses, and a copy will also be sent to all Peers that spoke in the debate on the Commonwealth Games Bill at Second Reading.

Yours sincerely



Baroness Barran  
**Parliamentary Under Secretary of State for Civil Society**

