

**Government response to the consultation
on proposed exceptions to the
advertising and trading offences under
the Birmingham Commonwealth Games
Act 2020**

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Background

1. The Birmingham 2022 Commonwealth Games will take place from 28 July to 8 August 2022 and will be the biggest sporting event ever held in the city featuring thousands of world-class athletes and over a million spectators. Home to more than 187 nationalities, Birmingham 2022 will be a home Games for every competing nation. The Games will open up a wealth of opportunities and showcase Birmingham, the West Midlands and the entire country to the rest of the world as a great place to live, work, study and do business.
2. The [Birmingham Commonwealth Games Act 2020](#) (the 'Act'), and the advertising and trading regulations that will flow from it, including the proposals in this consultation, make up a part of the overall programme to deliver a world class event. We would like to thank all those who took the time to share their views, knowledge and expertise in responding to this consultation; these responses will help inform the development of the final regulations.
3. The consultation, published on 5 November 2020, sought views on proposed exceptions to the advertising and trading offences under the Act. In line with similar legislation for the London 2012 Olympic and Paralympic Games and the Glasgow 2014 Commonwealth Games, the Act contains a small number of essential, temporary measures to ensure we deliver a successful Games. This includes provisions to restrict advertising and trading in and around specified Games locations to help protect commercial sponsors and ensure safe and easy access for spectators.
4. The exceptions to the measures will be set out in secondary legislation brought forward by the Government later this year and will help to ensure a proportionate approach which minimises disruption to existing businesses. Under the Act, the Government is required to consult with certain groups on exceptions to the advertising and trading restrictions, including the Birmingham 2022 Organising Committee ("Birmingham 2022"), local authorities likely to be affected, and other relevant stakeholders.
5. In developing our position for the consultation, we engaged with over 30 organisations, including relevant government departments, Birmingham 2022, Transport for West Midlands, Birmingham City Council, West Midlands Police, transport operators, host venue local authorities and industry groups.
6. The consultation was open to anyone to respond and a number of stakeholders were invited to submit responses, including Games partners and relevant governance groups, host venue local authorities, transport operators and advertising (including out-of-home advertisers¹ and media owners) and trading industry representative groups. Birmingham 2022 also invited venue owners, local and regional businesses and their representative groups to respond, including the regional federation of small businesses, chambers of commerce and local enterprise partnerships.

¹Advertising that takes place outside of the home (for example, on billboards, poster sheets, bus shelters, public transport and street furniture).

7. In addition, host venue local authorities were asked to share information with local businesses, traders and their representative groups that could be affected, based on the principles around where the restrictions are likely to apply. We will continue to work closely with Games partners, host venue local authorities and representative bodies as the proposals are developed to identify individuals and organisations that may be affected.

Executive summary

8. The public consultation ran for over ten weeks from 5 November 2020 to 18 January 2021. In total, the consultation received 28 responses; 16 via the online survey platform² and 12 via email.
9. The responses received were from a wide range of stakeholders, including Games partners, local authorities, advertising industry representatives, local business organisations and individuals. Not all respondents answered each question and some responded with general comments rather than directly answering the questions posed; we have incorporated these responses into the relevant questions / sections. A list of responding bodies can be found at **Annex A**.
10. Many respondents agreed in principle with the exceptions³ proposed in the consultation, but sought further clarity about the detail or operation of the proposed exceptions or the authorisations process. There were requests for further clarity on where and when the restrictions will apply. Games partners and local authorities will be looking to engage with a range of stakeholders who are likely to be affected by the restrictions as they are further developed. Birmingham 2022 is also required to publish guidance on the operation of the restrictions, including the process for authorisations.
11. There was good engagement from advertising and transport industry representatives. Respondents acknowledged the ongoing economic impact of Covid-19 on the advertising sector, and the importance of Birmingham 2022's continued engagement with affected groups and authorisations process to mitigate the impact of the restrictions.
12. Given the broad support for the exceptions proposed in the consultation, we intend, for the most part, to bring forward those exceptions in the advertising and trading regulations. However, there are a small number of areas where we have proposed a change or provided further clarity about our approach, owing to responses to the consultation and further engagement with Games partners.
13. We have taken the view that taxis and private hire vehicles should be included in the exception to the trading offence for public transport services (if such vehicles are being used principally for the display of adverts, they will be caught by the advertising offence). We will clarify that advertising (or inserts or supplements) intended for a general audience, or which are part of the usual business of a newspaper or periodical, will form part of the exception for both the advertising and trading offences.

²16 responses were actively submitted to the survey platform. Those which were not actively submitted were not used in this report.

³We use the term 'exception' in relation to the advertising and trading restrictions rather than 'exemption', which has a different legal meaning.

14. We also intend to bring forward an exception to clarify the intention not to capture location-based online advertising unless it is part of an ambush marketing campaign and to make an exception for goods displayed outside of a shop or related premises where those goods are part of the usual business of the shop or related premises, subject to certain conditions, including where the necessary permissions are in place.
15. Some respondents requested additional exceptions; for example, to permit long-term advertising lets or to promote brands that do not compete with Games sponsors. However, given the potential for ambush marketing and the impact this may have on the Games, on balance we do not consider such exceptions would be appropriate. It remains that the Birmingham 2022 Organising Committee may authorise such advertising where it is reasonable and proportionate to do so in accordance with its policies; this will help to maintain the necessary level of protection for Games sponsors whilst minimising disruption to existing businesses.
16. As the regulations are further developed, we will continue to work closely with key stakeholders to ensure the exceptions brought forward are proportionate and strike the right balance.
17. We have grouped the summary of responses below into three sections (advertising offence, trading offence and Public Sector Equality Duty) based on the format of the consultation. Each section is broken down by question, and the Government's response is provided at the end of each section.

Advertising offence

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Question 1. Do you agree that there should be a limited exception for promoting a charity, provided this is not advertising a product or service, or part of an appeal for donations? –

18. The majority (15) of the 22 respondents who answered this question agreed that there should be a limited exception for promoting a charity, cause or campaign provided this was not advertising a product or service, or part of an appeal for donations.
19. A small number of respondents said charities should be able to advertise their products or services and appeal for donations provided they do not suggest an association with the Games.
20. Several pointed to the Games as an opportunity for charities to raise awareness of their work during a period of economic challenge. As a result, some respondents, including representatives from the advertising industry, suggested there should not be any restrictions on charity advertising.
21. The possibility of a charity becoming an official Games sponsor was raised and it was suggested that any exception for charities should take account of agreements which may be reached with that sponsor. There were also questions over how a charity will be defined.

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Question 2. Do you agree that there should be an exception for charities promoting certain types of services they provide? –

22. The consultation outlined that this was expected to include services responding to an imminent risk or danger to life, for example, suicide prevention and domestic abuse services, but not services that could be in competition with those provided by non-charitable organisations.
23. Respondents were asked whether they agreed in-principle with such an exception and, if so, they were invited to select which types of services this should include from the options below, which are based on the permitted list of charitable objectives set out in the [Charities Act 2011](#).
 - services for the prevention or relief of poverty;
 - services for advancement of health or the saving of lives;
 - services for the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
 - services for the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage;
 - Other [please specify]
24. The majority (15) of the 21 respondents who answered this question agreed that there should be an exception for charities promoting certain types of services they provide.

25. Respondents in favour of this exception suggested this should include services to support poverty relief, homelessness and mental health and wellbeing. One respondent suggested that only services which are free to the end user should be permitted. A representative from the advertising industry said that charities should be able to promote services that do not compete with the interests of commercial sponsors.

26. However, one respondent stated that charities were businesses and therefore should not be granted an exception; highlighting a question raised by several respondents over the definition of a charity.

Question 3. Do you agree with the exception we have proposed for distributing newspapers or periodicals, subject to certain conditions? [That this must not be done in a manner that causes undue interference or inconvenience to other people and not be done with the specific intention to advertise a product, service or business (other than the newspaper or periodical itself) to someone in or in the vicinity of a Games location at a restricted time.]

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27. The majority (15) of the 22 respondents who answered this question agreed with the exception proposed for distributing newspapers or periodicals, subject to certain conditions. However, five respondents disagreed and two were unsure; a local authority highlighted the potential fire risk/litter problem associated with newspapers.

28. Inserts and supplements provided with newspapers and periodicals were mentioned by several respondents. One respondent asked for the exception to not cover loose leaflets. Another respondent suggested that promotional giveaways and inserts should not be included because of the risk of ambush marketing, and raised concerns about third party advertising on receptacles or stands used to distribute or sell newspapers.

29. However, representatives from the industry and a local community group suggested that any exception should include supplements (both print and online) which are ordinarily part of a newspaper or periodical and aimed at a general audience. Respondents highlighted the practicalities and cost associated with removing inserts and supplements that are part of the usual business of a publication with a broad circulation. Another respondent said inserts and supplements are vital to the sustainability of the local press. A transport operator said they have pre-existing contracts which permit the distribution of newspapers throughout their network, including areas not relevant to the Games.

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Question 4. Do you agree with the exceptions we have proposed which are modelled on the 2007 Regulations?—

30. The 2007 Regulations are the [Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#) (as amended) ('the 2007 Regulations'), which currently control the display of adverts. The exceptions proposed modelled on the 2007 Regulations included:
- Certain adverts on business premises (such as standard shop signs and most in-store advertising)
 - Adverts on moving vehicles
 - Adverts displayed inside buildings or on enclosed land. **The exception proposed would not apply to adverts displayed in railway stations** (including metro and underground stations), **bus stations and sports stadiums and any other building which is specified as Games location** (other than to 'exempt business advertisements' inside a building)⁴
 - Adverts incorporated into the fabric of buildings in existence on the day when the advertising and trading regulations come into force and where the building is not being principally used for the display of adverts
 - Temporary adverts relating to any local event or activity which are not being promoted or carried on for any commercial purpose
 - Other classes of adverts modelled on the 2007 Regulations
31. The majority (15) of the 22 respondents who answered this question agreed with the exceptions proposed modelled on the [Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#). Games partners suggested that the proposed exception for moving vehicles should not include digital adverts or large wrapped vehicles.
32. However, one local authority claimed that the proposed exceptions for indoor advertising or advertising that takes place on enclosed land were too broad and could be exploited for ambush marketing purposes (for example, an advertising display being set up inside vacant premises). An advertising industry representative said the proposed exceptions do not go far enough.

Question 5. Do you think any further exceptions to the advertising restrictions are required to deliver this balance? [The need to protect the rights of commercial sponsors and ensure spectators can safely and easily access Games locations while

⁴'**Exempt business advertisement**' means an advertisement (whether illuminated or not) displayed on business premises within a building (or a forecourt associated with such premises) that refers wholly to any or all of the following: the business carried on, the goods or services provided, or details about the person providing the goods or service.

minimising disruption on existing businesses.]—

33. Ten of the 22 respondents said they did not think there was need for further exceptions on advertising to deliver this balance. Eleven respondents agreed that more exceptions were required and one was unsure whether the balance was delivered.
34. One respondent said the exceptions proposed achieve the aim of proportionality. A couple of respondents suggested that information on transport services, signage and wayfinding should not be captured by the advertising restrictions.
35. Advertising industry representatives asked for a clear timeframe for sponsors to decide whether or not to take up advertising space (and in the case of unsold space, for there to be an exception to allocate this to organisations which do not compete with Games sponsors). They also asked for long-term bookings to be provided with an exception where the advertisers are not in direct competition to Games sponsors and suggested there should be an exception for location-based online advertising, unless this has been specifically targeted at individuals attending the Games. It was also suggested that advertising that draws no association with the Games and is not specifically targeted or disruptive to individuals attending the Games should be allowed to continue.

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Question 6. If you have any (other) comments about the advertising offence, please detail these.---

36. There were a number of comments from respondents that did not relate to the position on exceptions. Representatives from the advertising and transport industries requested further information on the authorisation process and Games sponsors (including the policy on advertising space that is not taken up by Games partners / sponsors). They also asked for reasonable notice on the timings and locations of restrictions. One transport operator suggested unused or boarded-up advertising space could have a negative customer experience on passengers and people who are attending the Games.

Government's response

37. The restrictions on advertising are intended to prevent targeted campaigns and ambush marketing in and around Games locations; helping to protect the rights of sponsors and to achieve a consistent look and feel across Games locations and their surroundings. As a result, we recognise that some existing businesses will be affected by the restrictions proposed, in particular media owners and out-of-home⁵ advertising companies. We have always been clear that restrictions should be proportionate and in place for the shortest possible time and we will continue to work closely with Birmingham 2022 and the advertising industry to address the concerns that have been raised and ensure that there are appropriate mitigations in place.

Town and Country Planning Regulations

38. As outlined in the consultation, for the most part, we have proposed exceptions to the advertising offence which are modelled on existing legislation which controls the display of adverts ([The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)). This is to help minimise disruption on 'business as usual' advertising activity and, where possible, align with the existing rules around the display of adverts. We believe this approach is proportionate and that existing conditions and limitations on the display of adverts under those regulations sufficiently safeguard against the risk of ambush marketing.

39. However, in a small number of areas, where we think the risk of ambush marketing may be more significant, we propose an alternative approach to the 2007 Regulations. For example, we do not intend to include railway or bus stations in the exception for indoor advertising or advertising on enclosed land, as such locations are integral to the spectator experience and key to protecting the rights of commercial sponsors. We recognise concerns raised about adverts on moving vehicles, in particular, digital screens and large wrapped vehicles that could be used for ambush marketing purposes. We note the conditions and limitations on this exception in the 2007 Regulations (that a vehicle cannot be used principally for the display of adverts), however, as the regulations develop, we will continue to assess whether the proposed exception delivers the necessary protection.

40. A small number of responses to the consultation sought clarity about advertisements that provide information or direction about *public* services. As outlined in the consultation, we intend to provide an exception in line with the 2007 Regulations to ensure such adverts are not captured.

⁵Advertising that takes place outside of the home (for example, on billboards, poster sheets, bus shelters, public transport and street furniture).

Charities

41. The advertising offence covers promoting a product, service or business. This includes adverts promoting a charity's products and services (for example, legal advice services) and charities promoting themselves (where they are businesses). However, as set out in the consultation published on 5 November, it is important that charities can continue to promote the vital services they provide (for example, crisis support lines, food banks or temporary accommodation), which is why we proposed an exception for promoting certain types of services. Further, the consultation also made clear that we did not intend to restrict adverts which promote a cause, belief or campaign and so proposed an exception for promoting a charity (where this is not seeking donations or advertising a service or product). There was strong support for these exceptions for charities and we now intend to take these forward in the regulations. As reflected in the consultation responses, the approach proposed is proportionate.
42. Responding to questions over how we will define a charity in the regulations, we currently intend to do this in accordance with the Charities Act 2011, as an institution established for charitable purposes only and subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Newspapers and periodicals

43. The Government recognises the support for an exception for newspapers and periodicals, subject to certain conditions. We have noted the view from respondents to this consultation that this should include inserts and supplements that are business as usual and we agree that advertising aimed at a general audience and not principally targeted at those in and around a Games location should be permitted. However, we are further considering the position on wraps and promotional giveaways which may accompany newspapers or periodicals and are used as part of an ambush marketing campaign. Third party advertising displayed on any stall or receptacle which is being used to sell or distribute newspapers will not be permitted.

Further exceptions

44. We have listened to concerns raised that the advertising restrictions could inadvertently capture online advertising that is targeted but not with the *specific intention* to reach people in or around a Games location at the Games time as part of an ambush marketing campaign. In light of the helpful points made by respondents, we now intend to bring forward an exception to ensure that such adverts are not captured.

45. A number of respondents asked for an exception to be provided for specific organisations or industries. We do not believe it is appropriate to use the power to make exceptions for this purpose. Birmingham 2022, the Organising Committee, will consider applications for authorisation on a case-by-case basis, taking into account, among other things, agreements entered into for the purposes of the Games (for example, with Games sponsors) or any existing permissions to trade or advertise. This process provides Birmingham 2022 with flexibility to attach appropriate terms and conditions to authorisations.
46. We welcome the commitment from out-of-home advertisers to work collaboratively with Birmingham 2022 to ensure that advertising space can be offered in the first instance to Games sponsors. We also recognise the need for information or clarity on the authorisations process and for media owners to understand what their options may be in the event that space remains unsold or where there are long-term advertising bookings.
47. We want to work closely with the advertising industry to ensure that we strike the right balance between protecting Games sponsors and minimising disruption on existing businesses. We believe the authorisations process provides Birmingham 2022 with the necessary flexibility to deliver this. Where possible, it will seek to ensure that existing businesses can continue to operate as usual or with conditions attached, while ensuring the main aims of the restrictions are upheld. Where issues have been raised in the consultation that we believe relate to the operation of the authorisations process, we have shared these with Birmingham 2022.

Trading offence

Question 7. Do you agree with the exception we have proposed for public transport services?

48. Almost all (16) of the 18 respondents agreed with the exception proposed for public transport services. There was strong support for this proposal from transport operators who felt this exception was vital to ensure the smooth running of transport services at Games-time for commuters and spectators.

49. All local authorities who responded to the consultation agreed with the exception proposed for public transport services. A couple of respondents asked for taxis and private hire vehicles to be included in the proposed exception, and one respondent asked for water taxis to be included. Another respondent sought clarity that this exception would not extend to open bus tours, horse and carriage rides, cycling and segway tours.

Question 8. Do you agree with the exception we have proposed for walking tour operators?

50. The majority (16) of the 19 respondents agreed with the exception proposed for walking tour operators. One respondent suggested that walking tours will enhance the overall Games experience.

51. Three respondents disagreed with the exception. One of those respondents suggested that walking tour operators should seek authorisation from Birmingham 2022 instead.

Question 9. Do you agree with the exception we have proposed for selling newspapers and periodicals, subject to certain conditions?

52. Most responses (16) of the 20 respondents agreed with the exception we have proposed for selling newspapers and periodicals, subject to certain conditions.

53. Comments were similar to those provided on the advertising offence, including concerns over the practicality and cost associated with restricting newspaper and periodical distribution in certain areas. One respondent who disagreed was concerned about the potential for litter and fire risks.

Question 10. Do you agree with the exception we have proposed for business as usual trading on private land adjacent to a shop, cafe or relevant premises, subject to certain conditions? [Such trading must form part of the usual business of the shop, café, petrol station etc; be carried out by the relevant owner or operator with all necessary permissions and not be done in a manner that causes undue interference or inconvenience to persons using the street.]

54. Most respondents (16) of the 20 respondents agreed with the exception proposed for business as usual trading on private land adjacent to a shop, cafe or relevant premises, subject to certain conditions. Two respondents disagreed and two were unsure whether they agreed.

55. Respondents asked how the exception would work where business activity extends onto the street or pavement and how 'business as usual' activity will be defined. There was also concern that businesses who would not usually use land adjacent to their premises to trade would do so at Games time.

_Question 11. Do you agree with the exception for items offered or exposed for sale on the frontage [or in the window] of a shop or other related premises - where the items form part of the usual business of the shop or related premises

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56. The majority (16) of the 20 respondents agreed with the exception proposed for items offered or exposed for sale on the frontage [or in the window] of a shop or other related premises, where those items are part of the usual business of the shop or related premises.

57. One respondent voiced concern that shops [or related premises] may take advantage of the exception to display items which are not usually sold at the premises, which could create difficulties in enforcing the provision and determining what is permitted.

Question 12. Do you agree with the exception we have proposed for online trading, where an item has not been offered or exposed for sale specifically to someone in or around a Games location?

58. Almost all (19) of the 21 respondents agreed with the exception proposed for online trading, where an item has not been offered or exposed for sale specifically to someone in or around a Games location.

59. Respondents highlighted the need to differentiate between items that have been intentionally targeted for sale to someone in or around a Games location while the Games are taking place as part of an ambush marketing campaign, as opposed to those which have been geographically targeted for reasons unconnected to the Games; for example, by an algorithm used by the advertiser or online service provider.

Question 13. Do you think any further exceptions to the trading restrictions are required to deliver this balance? [Protecting sponsors, ensuring safe and easy flows of spectators and allowing businesses to operate as usual.]

60. While the majority (11) of the 19 respondents did not think any further exceptions to the trading restrictions were required to deliver this balance, a large minority (8) felt further exceptions were required.

61. One respondent requested that all street trading consents / licences that had been granted prior to the Games taking place remain valid while restrictions on trading are in place. Another local authority asked that all retail markets in their

jurisdiction be provided with an exception. One respondent requested an exception for their organisation and any associated third party traders. Another respondent suggested there should be an exception for the sporting goods industry.

Question 14. If you have any (other) comments about the trading offence, please detail these

62. One respondent commented that the exception provided in the Act for car parking services in a building or on land designed or generally used for parking motor vehicles should not allow individuals to offer car parking services on their private property.
63. One respondent felt that the trading restrictions should capture pedlars and several sought greater clarity on the definition of vicinities to better understand the impact of the restrictions.
64. Whilst not related to trading exceptions, two local authorities expressed concern on the policies and processes for enforcement, and the resources available, including whether guidance and support will be provided to enforcement officers.

Government's response

65. We consider that the exceptions proposed, alongside the authorisations process to be established by Birmingham 2022, will help to minimise disruption to legitimate business and ensure that many existing businesses can continue to operate as usual or with conditions attached, without compromising the main aims of the restrictions. Responses highlighted strong support for the exceptions proposed, but also demonstrated the need for clarity on the detail and scope of the trading restrictions.
66. We also recognise the need to take a proportionate approach to enforcement of the offences. Games partners are working closely with host venue local authorities to develop a proportionate, consistent and coordinated approach which takes into account the resources available and the requirements of the Games.
67. Outside of a Games location⁶ the trading offence only applies to trading that takes place in a relevant public place (but not inside a building)⁷. A number of respondents requested additional exceptions which are already provided for in the Act, including exceptions for trading activity associated with premises adjoining a highway, including selling or offering an item for sale or providing or offering a service to such premises. This is to ensure household services and the majority of trading that takes place inside a building can continue as normal or with proportionate adjustments.

Public transport

68. Following responses to the consultation and further discussion with Birmingham 2022, we propose to amend our original position by including taxis and private hire vehicles in the exception for public transport services; we recognise the important role that taxis and private hire vehicles play in providing accessible transport services. Due to the proximity of the waterways to some Games locations, we do not consider it appropriate to include water taxis; Birmingham 2022 will consider requests to operate additional modes of public transport on a case-by-case basis, acting reasonably and proportionately.

Walking tour operators

69. We have considered comments on the proposed exception for walking tour operators and remain of the view that the approach proposed in the consultation is proportionate. We are confident in the powers available to address ambush marketing associated with such activity. For example, walking tour operators will not be allowed to advertise their services or others in or around a Games location or suggest an association with the Games. Further, we are not aware of concerns raised from previous Games.

⁶A Games location is a place in England which will be used for Games event (for example, a competition venue) or used in connection with the Games (for example, a live site).

⁷A relevant public place includes a highway, an indoor car park or any other place to which the public has access (but that is not a building).

Newspapers and periodicals

70. As in relation to the advertising offence, we recognise the support for an exception for distributing and selling newspapers and periodicals, and will continue to work with the relevant stakeholders to ensure that any exception is workable and proportionate.

Business as usual: use of areas adjacent to shops, cafes, bars or related premises

71. Respondents sought clarity on trading in an area adjacent to a business premises; for example, the provision of outdoor seating at a pub or cafe. While the trading restrictions will apply regardless of any existing licences or permissions to trade, as proposed in the consultation, we intend to bring forward an exception for such trading on private land where it is part of the usual business of the premises and is carried out by the owner or operator on private land in accordance with any necessary permissions. Where a business has existing permission to undertake such trading on public land, for example, a licence to place furniture (such as tables and chairs) on a public highway, they will need to seek authorisation from Birmingham 2022.
72. The consultation also proposed an exception for offering or exposing items for sale on the frontage or window of a shop or related premises, where those items relate to the usual business of the premises. There was broad support for such an exception and we are further considering with Birmingham 2022 and local authorities whether this should be extended to include items related to the business normally carried out which are displayed on the *pavement outside* the relevant premises (where this takes place on public land), subject to certain conditions. To be clear, we do not propose this would include the selling of goods or provision of services on the *highway* (unless this takes place on private land or has been authorised by Birmingham 2022). Once a decision has been made, we will work closely with local authorities to ensure that those affected are made aware.

Further exceptions

73. We note that two local authorities requested an exception for their retail markets or street traders with an existing licence. The Government and Birmingham 2022 will continue to work closely with venue local authorities to take a proportionate approach to the restrictions which takes into account local circumstances, including existing markets and street traders that could be affected. Where restrictions are deemed necessary, to ensure safe and easy access to Games locations, we will carefully consider with local authorities how best to minimise disruption to existing businesses.
74. Similar to the advertising restrictions, respondents also asked for exceptions to be provided for specific organisations or industries. Again, we do not consider this to be appropriate. The Government will continue to work closely with Birmingham 2022 and local authorities to monitor the impact of the restrictions and ensure that traders affected by the restrictions are aware of their options, including seeking authorisation to trade from Birmingham 2022.

75. Lastly, we will ask Birmingham 2022 to ensure that its guidance on the operation of the advertising and trading restrictions considers issues raised in this consultation. Local authorities are statutorily required to provide a copy of this guidance to relevant traders in their area who could be affected by the trading restrictions.

Public Sector Equality Duty

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Do you have any comments about the potential impact that the restrictions on advertising and trading outlined in this consultation may have on individuals with a protected characteristic under the Equality Act 2010?

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76. One respondent said that consideration should be given to the demographics of those affected by the restrictions to ensure that protected groups are not disproportionately impacted.

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In your view, is there anything that could be done to mitigate this impact?

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77. One respondent suggested that taxis should be included in the proposed exception for public transport services for accessibility reasons.

Government's response

78. As operational plans develop, the Government will work closely with Games partners and local authorities to monitor and assess the impact of the proposals on individuals with a protected characteristic and consider how best to address that impact and promote equality of opportunity.

Annex A: responding bodies

1. Advertising Association
2. Avanti West Coast
3. Birmingham City Council (*Games partner*)
4. Birmingham 2022 Organising Committee (*Games partner*)
5. Boldmere Futures Partnership
6. Canal & River Trust
7. Chiltern Railways
8. City of Wolverhampton Council
9. Global Outdoor
10. HS2
11. London Borough of Newham
12. Network Rail
13. News Media Association
14. Outsmart
15. Solihull Metropolitan Borough Council
16. Staffordshire County Council
17. Star Cars
18. Transport for London
19. Transport for West Midlands (*Games partner*)
20. Warwick District Council
21. World Federation of the Sporting Goods Industry