

REQUEST FOR MAYORAL DECISION – MD1380

Title: Invictus Games 2014 on Queen Elizabeth Olympic Park

Executive Summary:

The Mayor wishes to direct the London Legacy Development Corporation (LLDC) to waive certain fees in relation to the staging of the 2014 Invictus Games on Queen Elizabeth Olympic Park between 10 and 14 September 2014. Additionally, the Mayor wishes to direct Transport for London (TfL) to provide free travel to carers, friends and families of the athletes competing. The directions are contained at Appendices B and D to this form respectively.

Decision:

In recognition of the significance of London playing host to the 2014 Invictus Games and as a city contribution towards the staging of the event, the Mayor:

- Directs the LLDC to waive fees, totalling £585,808, relating to the staging of the 2014 Invictus Games on Queen Elizabeth Olympic Park as at Appendix B to this form; and
- Directs TfL to provide 1,000 'pay as you go' Oyster cards at a cost to TfL of approximately £66,000, for use by carers, families and friends of the athletes who will be participating in the 2014 Invictus Games as at Appendix D to this form.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:

Date: 18 July 2014

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

Background

- 1.1 The Invictus Games will be held between 10 and 14 September 2014 on Queen Elizabeth Olympic Park (QEOP) and will be one of the highlights of this year's sporting calendar, building on the legacy from the London 2012 Olympic and Paralympic Games. It aims to harness the power of sport to inspire recovery, rehabilitation and respect for those who risk their lives so others may live in a safer world.
- 1.2 Athletes will be drawn from serving service personnel and veterans who have been wounded, been injured or become sick during their service and will act to promote sport as part of the recovery and rehabilitation pathway. There will be three days of competition and events, framed by significant opening and closing ceremonies.
- 1.3 Events will take place on QEOP in the Aquatics Centre, Copper Box, Here East and the VeloPark, with track and field taking place at the Lea Valley Athletics Centre.
- 1.4 The sports will be Athletics, Archery, Wheelchair Basketball, Road Cycling, Indoor Rowing, Wheelchair Rugby, Swimming and Sitting Volleyball.
- 1.5 More than 300 injured, wounded and sick serving service personnel and veterans from 13 countries will participate. The 13 countries are Afghanistan, Australia, Canada, Denmark, Estonia, France, Germany, Iraq, Italy, Netherlands, New Zealand, USA and the UK.
- 1.6 Previously known as the Warrior Games, the competition has existed as an annual event in the USA since 2010. Wounded, injured and sick athletes are drawn from all US services and are hosted by the US Olympic Committee and the USAF Academy in Colorado Springs. The USA has hosted a UK team for the past two years. Inspired by what he witnessed on a visit to the tournament last year, HRH Prince Harry wanted to take the games onto a much larger platform and the concept of an international event was born.
- 1.7 The Royal Foundation in partnership with the Ministry of Defence (MoD) set up a Community Interest Company as the vehicle to deliver the event and Sir Keith Mills was invited by HRH Prince Harry to chair the board of the new company and oversee the delivery of the games in London. Due to the ownership in the US of the intellectual property for Warrior Games, a decision was taken to change the name to Invictus Games.

Support from London

- 1.8 On 14 January 2014, representatives from the Board of the Invictus Games appeared before London's Major Events Oversight Board (MEOB), setting out their plans for the event and outlining a package of support that they were requesting from the GLA Group. This request for support included:
 - Free use of QEOP land and facilities for the Games;
 - Assistance in the planning and execution of simple and effective transport solutions for the anticipated levels of traffic on TfL facilities throughout the Games; and
 - Free public travel during the period of the Games for carers, families and friends of competing athletes.

- 1.9 MEOB agreed in principle to support the Games and made recommendations to the Mayor that the event should be provided with the levels of support requested. A meeting was subsequently convened between HRH Prince Harry and the Mayor of London at which confirmation of this support was provided.
- 1.10 GLA officers have since worked closely with staff at Invictus Games and colleagues at LLDC and TfL to scope out exactly what resources are required for the delivery of the Games, and the financial implications for LLDC and TfL of making the necessary support available.

Financial overview

- 1.11 This decision requires that the LLDC is directed to waive the following fees, to ensure that the Invictus Games can be successfully delivered on QEOP:

Hire fees for Copper Box and Aquatics Centre across all competition days	£86,000
Fee for additional build and break days on QEOP	£48,000
Fees for licences/planning/health and safety and assurance	£50,000
Hire fees for staging of opening and closing ceremonies	£401,808
Total fees to be waived by LLDC	£585,808

- 1.12 Any other costs incurred in relation to QEOP will be covered by the Invictus Games or its commercial partners, including all transformation and restoration costs, as well as all security stewarding, cleansing and waste management costs.
- 1.13 This decision also requires that TfL provide 1,000 'pay as you go' Oyster cards for use by carers, families and friends of the injured service personnel for use during the duration of the games.

1,000 'pay as you go' Oyster cards	£66,000
Total approximate cost incurred by TfL	£66,000

- 1.14 There is no requirement to provide transport for the athletes themselves, as they will be transported exclusively in coaches, which are being provided and paid for by Invictus Games.

2. Objectives and expected outcomes

- 2.1 By hosting the Invictus Games in 2014, we will look to achieve a number of positive outcomes for the city and for those participating in the event:
- Demonstrating that London remains the world's leading city for hosting all kinds of major sporting events, and showcasing London's array of world-class venues and facilities;
 - Increasing the understanding generated in this country and overseas by the 2012 Paralympic Games, that disabled people are capable of participating in, and excelling at, a range of different sports;
 - Integrated branding and recognition of City (GLA, QEOP and TfL) across all sites and Tickets and advance presales.

- Providing a platform to demonstrate to everyone that there is a body of people that can overcome adversity with tenacity and dignity, that can work together as a team to reach a common goal, who carry self-discipline and focus as standard and who, in spite of injury, would be assets to any employer; and
- Promoting the benefits of sporting achievement as part of the recovery, rehabilitation and transition pathway. The athletes will be positive role models for others who have been wounded in service to which they can aspire through hard work in their own rehabilitation programme.

3. Equalities comments

- 3.1 As public authorities, TfL, the LLDC and the Mayor of London are subject to the general equality duty set out in section 149 of the Equality Act 2010, which requires them to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The aims and objectives of the Invictus Games are entirely consistent with the need to foster good relations between disabled and non-disabled people. There is not considered to be any potential impact on any other protected group as a result of this decision.

4. Other considerations

a) Key risks

Event is not delivered to a suitably high standard by organising committee, causing reputational damage to London	Invictus Games has established a steering committee, led by a number of experienced and well-respected individuals with a track record of successful event delivery. The event is also well-resourced and budgets are robust. GLA officers are keeping close oversight of the event, along with colleagues from LLDC, and will continue to do so.
Security risk associated with an event involving service personnel	The Joint Terrorism Analysis Centre has assessed the event as a moderate risk. In addition to this, the Metropolitan Police have performed their own assessment and worked closely with the Ministry of Defence to develop a comprehensive to ensure that the event is delivered in the safest way possible.
Decision to waive venue hire fees is seen as setting a precedent for future sporting events on QEOP	This is a unique, charitable event that is supported by a number of partners including Government. A strong case can be made that it does not set a precedent for more traditional or commercial sporting events. However, it may be seen as reasonable that, should a future event meet Mayoral objectives, a further direction to LLDC to reduce or waive certain fees might be appropriate. It is intended that all future event requests will be handled by the GLA's Major Sports Events Group and Major Events Oversight Board and subject to an 18 month planning period, wherever possible.

b) Links to Mayoral strategies

Invictus Games has the potential to deliver against some of the criteria for hosting major sporting events set out in the Mayor's recently-published framework for major sporting events – including international exposure, and community engagement.

By making use of and promoting QEOP and the facilities on it, the event is contributing to the continuation of London's Olympic and Paralympic legacy.

5. Financial comments

- 5.1 There are no costs arising for the GLA directly.
- 5.2 The costs arising for the LLDC will form the first call on any spares resources available in LLDC's budget for 2014-15 as a result of underspends or additional savings. Any outstanding LLDC budget issues will be handled jointly by the GLA and the LLDC as part of the 2015-16 budget setting process.
- 5.3 The costs arising for TfL can be subsumed within TfL's budget for 2014-15.

6. Legal comments

(a) Direction to the LLDC

- 6.1 The LLDC is a Mayoral development corporation established under section 198 of the Localism Act 2011 and the London Legacy Development Corporation (Establishment) Order 2012. It is a functional body of the GLA as defined by section 424(1) of the GLA Act.
- 6.2 The statutory object of the LLDC is to secure the regeneration of its area, namely the former Olympic Park and its surroundings. By virtue of section 201(2) Localism Act 2011 the LLDC has wide powers to do anything it considers appropriate for the purposes of that object, or for incidental purposes. In addition it has a range of specific powers, which must (under section 201(4)) also be exercised for the purposes of its object or incidental purposes. This includes the power in section 212(1) to "carry on any business". Using these powers, the LLDC is able to hire out parts of the QEOP and venues within it, for a charge. It is clear that doing so is conducive to its object of regeneration, as it generates income which can be used for that purpose.
- 6.3 Section 213 of the Localism Act gives the LLDC the power to give financial assistance to "any person" "in any form". The exercise of this power is subject to the consent of the Mayor. As a specific power, it is subject to the requirement in section 201(4) that it must be exercised for the purpose of the statutory object or for incidental purposes. The issue is therefore whether the waiving of fees to ensure the successful delivery of the Invictus Games in the Olympic Park can reasonably be regarded as having the purpose of securing regeneration of the LLDC's area, or an incidental purpose.
- 6.4 It is considered that the high profile of the Games will attract significant numbers of visitors to the area, so that waiving charges in order to enable the successful delivery of the event can reasonably be considered to fall within the LLDC's powers referred to above.
- 6.5 Under section 220 of the Localism Act 2011, the Mayor has the power to give the LLDC general or specific directions as to the exercise of any of its functions. In taking the decision to direct the LLDC to exercise its power to grant financial assistance by waiving charges as set out in this decision form, the Mayor must act lawfully, reasonably and fairly.

- 6.6 In this context it is appropriate for the Mayor to take account of the fact that the benefit which results from the waiver of charges will principally accrue to the individual beneficiaries of the charity and to those individuals purchasing tickets at rates lower than is common for these kinds of events. There are also likely to be benefits to the LLDC, for example in the form of positive publicity which may impact on future bookings and ticketing sales.

(b) Direction to TfL

- 6.7 There is no specific power for TfL to grant free travel, either in general or to specific groups. Therefore, in order to grant concessions in respect of fares, TfL must rely on powers delegated to it by the Mayor under section 38 GLA Act.
- 6.8 For the purpose of the decision referred to above, it is necessary for the Mayor to delegate, under section 38 GLA Act, his powers in section 30 GLA Act to do anything which he considers will further the purpose of promoting social development in London. It is considered that contributing to the successful delivery of the Invictus Games by providing free travel to the carers, families and friends of participants, will further the promotion of social development in London. The Games will build on the success of the 2012 Paralympic Games by increasing awareness of the fact that disabled people can participate in and excel at a range of different sports. They will also provide a platform for promoting the benefits of sporting achievement and will provide positive role models for those in service and others who have been wounded and are undergoing rehabilitation.
- 6.9 The Mayor may also choose to exercise his power to direct TfL as to the exercise of its functions (including delegated functions) (section 155(1) (c) GLA Act). Section 174 GLA Act specifically provides that the Mayor shall exercise his powers under section 155(1) so as to ensure that the general level and structure of the fares to be charged for public passenger transport services provided by TfL is determined. The effect of these statutory powers, taken together, is that the Mayor can direct TfL to determine fares in order to promote social development in London. As set out above, it is considered that the granting of a fare concession to the carers, families and friends of participants in the Invictus Games will promote social development in London. The Mayor therefore has the necessary legal powers to direct TfL in the terms set out in this decision form and the attached direction.

7. Investment & Performance Board

- 7.1 This decision falls outside the Board's terms of reference.

8. Planned delivery approach and next steps

Activity	Timeline
Ticket sales launched	2 July 2014
Event opening ceremony	10 September 2014

Appendices

Appendix A: LLDC covering letter

Appendix B: LLDC direction

Appendix C: TfL covering letter

Appendix D: TfL delegation and direction

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Tom Middleton has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Tom Middleton has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Martin Clarke has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Sir Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Date