

LONDON OLYMPIC GAMES AND PARALYMPIC GAMES ACT 2006

EXPLANATORY NOTES

THE OLYMPIC DELIVERY AUTHORITY

Section 3: Establishment and Schedule 1: The Olympic Delivery Authority

11. *Section 3* provides for the establishment of a body corporate to be known as the Olympic Delivery Authority (“the ODA”). Provision about the ODA is made in *Schedule 1*. The aim is that the ODA is to have no fewer than 7 nor more than 11 members, who are to be appointed by the Secretary of State. The Secretary of State shall appoint one of the members as Chairman. The Secretary of State must consult the Mayor of London before appointing the Chairman and other Board members.
12. *Schedule 1* makes further provision for the constitution of the ODA, including the tenure of members and the appointment of staff and committees. Part 2 of Schedule 1 provides for the proceedings of the ODA, which is to be able to delegate its functions but those functions are to be exercised having regard to any guidance of the Secretary of State and in compliance with any direction given by him. Before giving a direction the Secretary of State is required to consult the ODA and the Mayor unless this is impracticable because of urgency. Before giving guidance or a direction which the Secretary of State thinks may affect Scotland otherwise than in respect of a reserved matter, the Secretary of State shall consult the Scottish ministers. Part 3 makes provision in relation to money, including financial assistance to be given by the Secretary of State, borrowing arrangements, the remuneration of members and staff and the keeping of accounts.

Section 4: General functions

13. *Section 4* sets out the functions of the ODA. Those functions are to do anything necessary or expedient for the purpose of:
 - preparing for the London Olympics,
 - making arrangements in preparation for or in connection with the use or management before, during or after the Games of premises and facilities acquired, constructed or adapted in preparation for the Games, or
 - ensuring that adequate arrangements are made for the provision, management and control of facilities for transport in connection with the Games.
14. Particulars of those functions are set out in *subsection (2)*. The ODA’s functions include acquiring land (with the consent of the Secretary of State on the basis of the compensation package which would be payable if the land were being acquired compulsorily by an authority empowered to exercise such powers) and disposing of land (which with the consent of the Secretary of State may be at less than might be expected in a commercial transaction at arms-length). The ODA can also apply for, or undertake work in connection with applications for, planning permission and make

These notes refer to the London Olympic Games and Paralympic Games Act 2006 (c.12) which received Royal Assent on 30 March 2006

arrangements for the construction of premises and facilities as well as in relation to utilities, highways, transport systems and facilities. The ODA is enabled to form bodies corporate and to acquire interests in such bodies or in other undertakings.

15. In exercising its functions under this section, the ODA shall, where relevant, have regard to maximising the benefits to be derived after the Games from things done in preparation for them, and contribute to achieving sustainable development.
16. *Subsection (5)* requires the ODA to compensate anyone whose land is injuriously affected by works executed by the ODA. Any disputes may be referred to the Lands Tribunal, or (*subsection (6)*), in Scotland, the Lands Tribunal for Scotland.

Section 5: Planning

17. This section enables the Secretary of State by order to appoint the ODA as the local planning authority for an area specified in that order. It does so by adopting the model provided for urban development corporations, set out in section 149 of, and Schedule 29 to, the Local Government and Land Act 1980.
18. *Subsection (4)* provides that the Mayor of London may direct the ODA to refuse an application for planning permission in a specified case. The cases in which the Mayor can direct refusal are set out in the Town and Country Planning (Mayor of London) Order 2000, made under section 74 of the Town and Country Planning Act 1990.
19. In discharging its functions as a local planning authority, *Subsection (5)* requires the ODA to have regard to the need to prepare properly for the 2012 Games and, in that preparation, to seek to maximise the benefits to be derived from the preparations for the Olympics over the longer-term. The ODA should also have regard to the existing framework of plans, in particular any planning permissions already granted in connection with the London Olympics, any guidance issued by the Secretary of State and to the development plan for any area for which the ODA is made the local planning authority.
20. *Subsection (6)* includes provision for the Secretary of State, in making an order which revokes a previous order establishing the ODA as a local planning authority, to specify which authority is to become the local planning authority in place of the ODA.
21. Given that the ODA will in most cases be the applicant for planning permission, the ODA's development control powers will be exercised by a separate committee. Provision for the formation of committees within the ODA is made in [Schedule 1 Paragraph 10](#). In order to avoid any conflict of interests, anyone who is involved in the exercise of the ODA's functions in relation to land may not participate in deliberations or decisions of the ODA acting as a local planning authority in relation to that land ([Schedule 1 Paragraph 20](#)).

Section 6: Security

22. This section requires ODA, in exercising all its functions, to have regard to safety and security, in consultation with the police.

Section 7: Street lighting and cleaning

23. This section enables the ODA to take action with regard to the cleaning or lighting of specified areas during the London Olympics period.
24. The ODA may arrange with the authorities responsible for cleaning or lighting a highway or other area to which this section applies for cleaning or lighting to be carried out in a specified way or to a specified standard during all or part of the London Olympics period. The ODA can pay authorities to carry out this work and the arrangements can set out what will happen if the authorities fail to deliver the services as agreed.

25. *Subsection (2)* provides that if the ODA is not satisfied that an appropriate result can be or is being achieved through the arrangements it makes with the relevant authorities, it may make arrangements for cleaning or lighting the highways or other areas to which the section applies during all or part of the London Olympics period. *Subsection (4)* provides that in doing so, the ODA can repair, maintain or use structures or installations which belong to the local authority such as streetlamps.
26. This section applies to any highway or other area to which the public have access which the ODA reasonably expect to be used:
- In the course of a London Olympic event,
 - By persons watching a London Olympics event, or
 - By persons travelling to a London Olympic event.

Section 8: Olympic Delivery Authority: transfer schemes and Schedule 2: Transfer Schemes

27. This section allows the for the creation of a “transfer scheme” to transfer specified property, rights and liabilities to the ODA simultaneously, where the Secretary of State thinks it expedient in order to enable the ODA to carry out its functions.
28. The Secretary of State may direct the Greater London Authority, the London Development Agency and Transport for London to make such a scheme and submit it for approval. Both the Secretary of State and the Mayor of London must consent to any scheme before it has effect. If a body fails to comply with the Secretary of State’s direction to make a scheme, or the Secretary of State decides not to approve a scheme that has been submitted, then the Secretary of State may make a scheme himself. Before approving or making any scheme, the Secretary of State must consult the person who submitted or should have submitted the scheme, the ODA and any other person who may be affected.
29. This section also introduces *Schedule 2*, which sets out in more detail what may and may not be included in a transfer scheme. The ODA, the GLA, the LDA and TfL are all required to provide the Secretary of State with information and assistance in connection with any direction to prepare a scheme. Schedule 2 also gives the Secretary of State powers to require modifications to a proposed scheme, with the consent of the Mayor and after having consulted any person affected.

Section 9: Dissolution

30. *Section 9(1)* provides for the dissolution of the ODA by order made by the Secretary of State. *Subsections (2) to (7)* make further provision about the order. Under *subsection (7)* the order is to be made by statutory instrument and is not to be made unless a draft has been laid before Parliament.