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REGULATORY INFORMALITY ACROSS OLYMPIC EVENT ZONES

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Olympic event zones are characterized as being intensely formally regulated during live staging periods, producing exclusionary environments blamed for sidelining host community interests. Yet, our findings contradict what scholars perceive to be inflexible formal regulations, and, the regulator's ability to take informal action. By interviewing and drawing on the experience of 17 regulators during London 2012 we identify how regulators simultaneously oscillate between modes of regulatory formality and informality, straddling what is referred to as the "formality–informality span." Our application and theorization of these concepts critiques existing explanations of how regulation is enacted in mega-sporting events, providing new insights into the way organizers balance regulatory demands and potentially opening up new emancipatory policies and more equitable outcomes for host communities.

Key words: Regulatory in/formality; Formality–informality span; Olympic event zones; Host community; Mega-sporting events; London 2012

An Olympic Regulator's Tale

Brenda pulls on her handbrake and looks over at the front windows of Spiros' Café. She slumps in her car seat, expelling a sigh of resigned, sardonic amusement. Spiros, or whoever owns the bloody café, has gone and put up a poster with the Olympic rings all over it. She sighs again. She logs the infringement on her iPad and sends it up the chain of command to the "generals" at Gold level. Brenda, a Bronze level enforcement foot soldier knows the score: no infringements and definitely no prosecutions. No one, absolutely no one, wants bad press. Gold Head Quarters and the Olympic Delivery Authority certainly didn't want anything rubbing the shine of the Great British Games. And Brenda was sick and tired of Trading Standards getting it in the neck about being a burden to businesses. So, she doesn't want the hassle either. This'll be easy. She gets out of the car, hitches her trousers,

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and squares up to the shop frontage looking like she means business. She does. She smiles and asks a young girl at the counter where Spiros was, and she replies with a giggle: It's John you want. She shouts over her shoulder and a few seconds later John emerges wearing an apron.

It wasn't a long conversation. Brenda likes to show her badge. She places a leaflet on the counter and explains the new Olympic laws. Friendly mind. Brenda then got on to the poster. She explains that she could just initiate proceedings. The laws gave her those powers, and if you read the all the guff online and the newspapers you'd think that Stratford (home of London's Olympic Park) had become a dictatorship. Formally, Brenda has those powers, but in reality she knows that most of the technical infringements would be resolved informally, just like she was doing with Spiros . . . John. The last thing she wants is for John to start blathering to his Member of Parliament or worse still the press, about heavy-handed, small business-smashing regulation. So, softly, softly, friendly-like, Brenda says that she was going for a walk and explains that it would be really nice if when she gets back that poster with the Olympic rings on it was gone. There was a slight murmur of protest, but Brenda knew it was sorted. In all honesty, even if it went back up, they were never really going to do anything.

Introduction

How are we to understand this contradiction between the presence of seemingly overbearing and draconian formal regulations and the ease at which informal resolutions were found? How was it that the legal architecture at London 2012, which included the most powerful advertising and trading regulations ever enacted in the UK (James & Osborn, 2011a) and lasted for the duration of the Olympic and Paralympic Games, were not always directly used?

Our article will address this apparent contradiction and show that staff at the Olympic Delivery Authority, the public body responsible for enforcing Olympic advertising and trading regulations, adopted both formal and informal enactment strategies when engaging with local businesses. Our findings differ from existing research depicting mega-sporting event-specific regulations as highly formalized with little to no latitude for local negotiation between the regulator and small businesses (Duignan et al., 2019; Kelly et al., 2019; Pappalepore & Duignan, 2016). We show that faced with intense public and media scrutiny, regulators adopted a military style reporting structure to preserve the integrity of what they called *Brand UK*. This Gold–Silver–Bronze command structure highlighted the need for accountability and a transparent audit trail. And yet, with the same aim of protecting Brand UK, Olympic Delivery Authority managers also used informal discretionary practices in their interactions with local businesses in order to avoid the negative publicity that might follow an infringement of the formal regulation.

Our first step in explaining this seeming contradiction is to take the experience of regulators seriously. Typically, research on the regulator–small business relationship concentrates on the perspective of small businesses, (e.g., Fairmann & Yapp, 2005; Kitching, 2006, 2007, 2016; Kitching et al., 2015; Pollard et al., 2017; Sommers & Cole, 1985). That same focus has been adopted in Olympic research as well (e.g., Duignan et al., 2019; Giulianotti et al., 2015; Pappalepore & Duignan, 2016; Vlachos, 2016). However, there has been no research on the experience of Olympic regulators enacting regulation directed at small businesses (we recognize that Olympic regulators is a broad term, because the manner in which Olympic regulation is managed and structured varies. For our purposes we define it as all regulatory actors and inspectorates that operate in the context of the Olympic Games). Therefore, our article investigates and amplifies the experience of event regulators, and in so doing we generate new conceptual and empirical insights concerning the way regulators behave towards small businesses when enforcing mega-sport event-specific regulation.

Secondly, with these empirical insights we show how and why highly formalized regulatory conditions produced by the organization of the Olympics are less formal in practice. Our observations challenge received wisdom in recent Olympics research, specifically works looking at Olympic event zones (e.g., Armstrong et al., 2017; Giuliannotti et al., 2015; McGillivray & Frew, 2015; Vlachos, 2016). We show how regulators use their agency to make strategic, discretionary decisions,

oscillating between modes of formality and informality, across what Misztal (2000) called the "formality–informality span." Regulators invoke and enact formal, officially mandated legal and regulatory demands, while simultaneously adopting informal regulatory practices, where various forms of compliance and quasi-compliance are achieved, as well as discretion used in avoiding strict compliance for other broader benefits to the operation of the Games.

Thirdly, having surfaced this contradiction, new lines of inquiry become possible. If Olympic regulators are able to use discretionary tactics to reconfigure what are highly determined relations and event spaces demanded by Olympic delivery, we explore the proposition that such knowledge be used in order to promote inclusive and equitable outcomes in similar Olympic and/or other event and tourism contexts.

With these debates in mind, our research aim is to investigate regulators' engagement with small businesses and examine how they enact formal and informal modes of Olympic regulatory enforcement. Three research questions frame our study:

1. How do Olympic regulators regulate during the live staging of mega-sporting events?
2. How do Olympic regulators mediate the formality–informality span?
3. What are the implications of such regulatory practices for local small businesses?

A simple structure is used to organize the article's conceptual framework, methodology, empirical work, line of argument, and suggested contribution. Section 1, as presented above, serves as an introduction to the research problem under investigation. Section 2, aligned with our research questions, draws on the concepts of formality and informality as applied to the regulator–small business relationship. Regulatory arrangements between Olympic event zones and Games regulation imposed at a local host community level are then examined. Section 3 provides a brief insight into London 2012's legal architecture to introduce the reader to regulatory context in question. Section 4 details the methodology used. Section 5 synthesizes findings and discussions by developing an analysis covering three parts: 1) Formalization of regulatory practice through Gold-Silver-Bronze command; 2) Protecting Brand UK through the importance of formal visible enforcement practices; and 3) Discretionary informal enforcement. Section 6: closes the article with managerial and policy implications and presents both a practical and conceptual scheme for future academic research.

Literature Review

There are three areas of research relevant to addressing our research questions. First, we explain an approach to understanding the formal and informal dimensions of regulatory enactment. Second, we briefly characterize how existing research conceptualizes the relationship between small businesses and regulation. Finally, we examine how mega-sporting events research tends to eschew the impact of informal relations on the enactment of regulation in Olympic zones, assuming that regulators simply enforce formal rules as they are written.

Formal Versus Informal Regulation and the "Formality–Informality Span"

Our article concerns the enactment of regulation through social interaction and the experientially derived outcomes that flow from such interaction. In order to understand such interactions and outcomes we need to define regulation. We draw on Anyadike-Danes et al.'s (2008) definition: "The legal and administrative rules created, applied and enforced by Government regulatory authorities—at local, national, and transnational level—that both mandate and prohibit actions by individuals and organizations, with infringements subject to criminal, civil, and administrative penalties" (p. 3).

This implies impersonal and direct sanctions on behavior that are typically seen in formal relations: "neutral, legally circumscribed or depersonalized and structured types of behavior . . . seen as a means to sustain power relationships as methods exercising formal control" (Misztal, 2000, p. 21). However, in social interaction informal responses to rules are also commonly observed, even within supposedly tight and inflexible regulations enacted at the Olympics Games. Misztal (2000) also defined the concept of informality as "a style of interaction among partners enjoying relative freedom in

interpreting their formal roles' requirements" (p. 11). It is this conceptual juxtaposition of informality and formality that underpins our approach to regulating Olympic event zones.

Typically, formality and informality have been seen as dichotomous (Marlow et al., 2010; Misztal, 2000). We follow Misztal's (2000) interpretation of a formality–informality span: that informal and formal relations coexist simultaneously, such that managers strategically oscillate between the two trying "to mediate between the particulars of personalized relations and the impersonality of formal structures" (Misztal, 2000, p. 5). In other words, where regulators have personal interaction with the regulatee they will be more likely to deploy discretionary decision-making practices to soften or circumvent outcomes associated with more formal relations.

Regulator–Small Business Relationship

The relationship between small businesses and regulators has received a significant amount of general attention, particularly with regards to the regulatory burden that small businesses are perceived to suffer (Kitching et al., 2015). This fixation on burden has meant the manner in which actual interactions between regulators and businesses shape outcomes has been underemphasized. As a result, regulators are often depicted as constraining business freedom (Carter et al., 2009; Mason et al., 2006; National Audit Office, 2007; Williams & Cowling, 2009). Much of the research on small business regulation simply assumes the burden discourse and seeks to calculate the compliance costs faced by small businesses, ignoring questions of how regulators enact regulation through social interactions with small businesses.

Other research, interpretivist in orientation, emphasizes how a small business's ability to exploit the benefits of regulation is largely dependent on the skills, knowledge, and competence of either owner–manager and/or employees (Anyadike-Danes et al., 2008; Kitching et al., 2015) and wider networks utilized to support the business's activity (Kitching, 2016). Specifically, Kitching et al. (2015) noted the extent to which regulation ends up burdening or benefitting is highly dependent on the business's access to knowledgeable stakeholders, such as actual and prospective customers, suppliers, competitors, infrastructure providers, and crucially, regulatory authorities.

Recognizing agency as a determining force for small business responses to regulation has led to a number of studies that go beyond the notion that regulations negatively affect businesses in terms of time and money (Kitching et al., 2015; Pollard et al., 2017; Ram et al., 2001, 2007). Such research shows that regulation has both a constraining and enabling effect on small businesses (Kitching, 2016; Kitching et al., 2015). Anyadike-Danes et al. (2008) found that although regulation imposes cost, how this constrains or enables is down to a business's ability to discover, interpret, and respond to those regulations. Similarly, Ram et al. (2001) revealed a myriad of context-specific factors and business-based endowments that drive compliance, or the lack of it. Therefore, it is unreasonable to expect that regulators would adopt a fixed approach to every business they interact with. Hence, in order to explain the impact of event-related regulation, the manner in which regulators mediate regulation in their interactions with small businesses, especially through an analysis of both formal and informal strategies, is an appropriate focus.

Olympic and Event-Led Regulation Across Olympic Event Zones

Mega-sporting events come with detailed and exacting regulations designed to efficiently and effectively stage live sports, cultural, and commercial activity across event zones situated at the heart of designated host communities (Giulianotti et al., 2015). The hosting procedure for such events is formalized through complex contractual arrangements between supranational organizations and host governments (Kelly et al., 2019). Specifically, the International Olympic Committee and the host sign a Host City Contract that commits the host to accept new legal exceptions that temporarily cedes national sovereignty (Siddons, 2012). Formalization, such as special or temporary regulation, has been criticized by some commentators for the way it channels and preprograms agents' behavior (R. D. Hall, 1999, as cited in Kelly et al., 2019): agents such as Olympic regulators. Yet, although there has been a flurry of empirical work looking at the

mostly negative fall-out of these regulator–small business relations, there is no mega-sporting event research that examines the interactions between regulators and small businesses, and no scholarly research that shows how interactions, and specifically the informal strategies adopted by regulators, mediate the impact of regulations.

The prevailing mega-sporting event research discourse on event-related regulation has yet to apply the implications of seeing regulation as both constraining and enabling, which is commonplace in other regulatory research studies (e.g., Kitching et al., 2015; Ram et al., 2001, 2020). Hence, the consensus is that Olympic-induced regulatory environments, specifically advertising, trading, and security formal rules are overwhelmingly bad (Giulianotti et al., 2016), and have direct, detailed, and unmediated impacts on small businesses. Thus, Marrero-Guillamón (2012) described these areas as militarized Olympic states of exception, deploying a series of "draconian" and "nonnegotiable" (Girginov, 2012), "top-down" and "autocratic" regulatory practices that serve to directly and indirectly exclude local small business interests (Duignan et al., 2019). Hence, advertising, trading, and security regulation are generally considered a burden, constraining business performance (Louw, 2012), with particular impacts on smaller businesses (Gauthier, 2014; Hall, 2006; James & Osborn, 2011a, 2011b, 2012; Kelly et al., 2019; Marrero-Guillamón, 2012; McGillivray & Frew, 2015; Pappalepore & Duignan, 2016; Raco & Tunney, 2010; Steinbrink, 2013).

Yet, our empirical evidence suggests that this consensus is based on a rudimentary empirical and theoretical understanding of how Olympic regulations are actually applied. A prevailing conception is that regulators simply enforce formal rules as written (e.g., Gauthier, 2014; James & Osborn, 2011a, 2011b, 2012; Marrero-Guillamón, 2012). This is the result of research designs that variously: 1) critique event regulation in advance of the Games, but do not follow up empirically (James & Osborn, 2011a, 2011b, 2012; Marrero-Guillamón, 2012); 2) adopt an uncritical and one-sided analysis of the small business voice in isolation (Pappalepore & Duignan, 2016; Vlachos, 2016); 3) take a narrow, decontextualized focus on discursive analysis of official Olympic bid, policy, contractual, and legal documents that are assumed to be the sole driver of regulatory outcomes (Gauthier, 2014; James & Osborn, 2011a, 2011b). Although such research examines the local implications and often negative fallout of such regulatory action, none look at the way Olympic regulation is enacted and how regulators' agency shapes local action and outcomes. We address this research gap and question conventional wisdom that has formed and dominates the field in a way that strips human agency out of regulatory processes, and specifically fails to recognize the mediating effects of the regulator's informal strategic and tactical actions.

Research Setting: London 2012's Legal Architecture

In order to ensure an appropriate level of understanding of the regulatory context, especially for our focus on advertising and trading regulations, we now set out an overview of the legal structures that provided formal governance of the London Olympics.

There were two Acts of Parliament that constituted the Olympic regulatory landscape. The first is the Olympic Symbol etc. (Protection) Act 1995, which provided broad instruction on the protection of the Olympic symbol, motto, and various protected words from unregulated use. Later the London Olympic Paralympic Games Act 2006 (amended in 2011) set out the regulatory framework for the Games, including the creation of new regulatory bodies and advertising and trading regulations. The London Olympic Paralympic Games Act (2006, 2011) had two main purposes. First, it provided a regulatory framework to facilitate the building of the necessary Games infrastructure. Second, it set out explicit protections for the Olympic commercial rights, protecting associated words and symbols. This Act also prescribed the creation of the Olympic Delivery Authority (sections 3–9 and Schedule 1).

The Olympic Delivery Authority had wide-ranging powers. It was responsible for delivering the Games infrastructure, the London transport plan, and the dissemination and enforcement of advertising and street trading regulations in the vicinity of Olympic venues (Raco, 2014). James and Osborn (2011b) noted that the Olympic Delivery Authority

had powers that overlapped those of local councils, transport executives, Trading Standards offices, and the police service. As a consequence, these regulatory actors had their powers temporally and spatially muted for the duration of the Games in and around Olympic event zones as a result of the Act (Louw, 2012; McGillivray & Frew, 2015; Raco, 2014). This is why the state of exception is a relevant description of this suspension of law by law (Marrero-Guillamón, 2012).

In terms of Olympic advertising and trading regulations, Section 33 and Schedule 4 of London Olympic Paralympic Games Act 2006 set out legislation specific to the Games, known as the London Olympics Association Right. The Olympic Delivery Authority's responsibility was to implement this Right as workable regulations and enforce them for the duration of the event (July 25, 2012 till September 9, 2012). The London Olympics Association Right had a far wider definition of ambush marketing than at any other previous Games (Piątkowska et al., 2015), and allowed the London Organizing Committee of the Olympic and Paralympic Games to maximize the commercial value of Olympic words and symbols. Such exclusivity, and powers to protect the interests of official sponsors, formed a central part of the Organizing Committees' sponsorship and merchandising strategy (James & Osborn, 2011a).

As well as the broad definition of what constitutes making an association with the Games, the London Olympic Paralympic Games Act also specified use of such words as "Olympian," "Olympic," "Summer," "2012," "Twenty-Twelve," and "Gold" by unofficial sponsors as an infringement and thus a "criminal offence," attracting a fine of £20,000, or greater in serious cases. This Act (s19) also granted enforcement officers the power to:

> Enter land and premises on which they reasonably believe a contravention of regulations is occurring . . . to remove, destroy, conceal or ease any infringing article . . . and use, or authorize the use of, reasonable force for the purpose of taking action under this subsection.

Thus, in terms of legality and sanction, the London Olympic Paralympic Games Act (2006, 2011) contained the most powerful advertising and trading regulations ever enacted in the UK, or at any previous mega-sporting event. The scope and breath of the new regulations, and the powers given to the regulating bodies, make it clear why Marrero-Guillamón (2012) concluded that the Olympics were run in a state of exception. Indeed, reflecting on the Olympic Charter (rule 61), which states that "no kind of demonstration or political, religious or racial propaganda is permitted in the Olympic area," Marrero-Guillamón (2012) claimed that the Olympic event zones were an "Olympic Camp," which implied "surrendering the right to express one's self freely, or more exactly, accepting that it has been 'suspended by law'" (p. 25).

Methodology

Seeking to examine how regulators enact Olympic regulation, we applied an interpretive, inductive, and qualitative research design using London 2012 as our event case study (Yin, 2014). Such an approach allowed us to examine localized and situated decision-making and regulatory practices, as other similar mega-sporting event studies have sought to do (e.g., Cade et al., 2019; Duignan et al., 2020; Giulianotti et al., 2015; Kirby et al., 2018; McGillivray et al., 2020), helping to answer all three research questions.

Our data derives from a purposive sample drawing on three specific and influential regulator stakeholder groups: 1) Olympic Delivery Authority personnel across Gold-Silver-Bronze Command responsible for strategy, tactics, and on-the-ground enforcement (SG1); 2) national and regional level regulatory bodies like Joint Local Authority Regulatory Services and Trading Standards (SG2); and 3) UK Government, including Department for Digital, Culture, Media and Sport and the Cabinet Secretariat for London 2012 (SG3, see Table 1 for a full list of our stakeholder groups). By doing so, we we're able to examine how Olympic regulators regulate and mediate the formality–informality span (research question 1 and 2) and the subsequent implications on local small businesses (research question 3). We conducted 17 semistructured interviewes in total: 11 face-to-face and 6 via telephone, undertaken between November 2015 and May 2016 (see Table 2 for full list of interviewees). The study went through full university ethical approval (university and ethics number not included for blind

Table 1
Stakeholder Groups

Stakeholder Group(s)	How Were They Recruited	Why Perspective Important for This Article
Stakeholder group 1: ODA and GSB command	Interviewee #9 (primary gatekeeper) introduced us to Interviewee #1 and Interviewee #4. These then introduced us to Interviewee #13 & #15. Interviewee #8 introduced us to Interviewee #13, #15.	ODA was responsible for the enforcement of Advertising and Trading regulations at London 2012
Stakeholder group 2: Regulatory bodies	JLARS: Interviewee #9 (primary gatekeeper) introduced us to Interviewee #14 and Interviewee #7	JLARS worked alongside ODA—responsible for all other regulations (e.g., food standards and health and safety).
	CTSI: Interviewee #8 (Primary Gate Keeper) introduced us to Interviewee #6 who then introduced us to Interviewee #3.	CTSI (part of Trading Standards) the body which ODA staff often had a background working for or directly seconded from. CTSI officers provided background to organizational life in Trading Standards.
	Interviewee #8 also introduced us to interviewees' #16, and #17 (CTSI)	LART was responsible for ensuring host borough's general readiness for staging London 2012.
	Interviewee #9 introduced us to Interviewee #2 (Local Authority Resilience Team [LART])	The GLA gave access to difficult to attain secondary data.
	Interviewee #2 introduced us to Interviewee #10 (GLA)	Hackney Council gave perspective on firms' expectations around London 2012.
	Interviewee 10# introduced us to Interviewee #5 (Hackney Council)	
Stakeholder group 3: UK government	Interviewee #9 was found and contacted via LinkedIn (Cabinet Secretariate for London 2012/Better Regulation Delivery Office)	Cabinet Secretariate for London 2012/ Better Regulation Delivery Office: Key gatekeeper whose role was to ensure the readiness of the bodies organizing London 2012

Table 2
Interviewees

Interviewee	Organization	Position
#1	Olympic Delivery Authority	Senior Manager (Gold Command)
#2	Local Authority Olympic Resilience Team	Program Manager
#3	Chartered Trading Standards Institute	Senior Policy Maker
#4	Olympic Delivery Authority/Department for Communities Culture Media and Sport	Senior Manager (Gold Command) (Dec 2011–Oct 2012) & Senior Policy Officer (Oct 2009–Nov 2011)
#5	Hackney Council	Advisor for Growth Boroughs Initiative
#6	Chartered Trading Standards Institute	Director of Policy
#7	Joint Local Authority Regulatory Services	Interim Head
#8	Chartered Trading Standards Institute	Commercial Director
#9	Cabinet Secretariat for London 2012/Better Regulation Delivery Office	Head of Cabinet Secretariat/Assistant Director
#10	Greater London Authority	Senior Manager
#11	Better Regulation Delivery Office	Senior Manager
#12	Trading Standards	Lead Officer for Product Safety
#13	Trading Standards & Olympic Delivery Authority	Lead Officer & Bronze Command–Brand Protection Officer
#14	Joint Local Authority Regulatory Services	Head
#15	Trading Standards & Olympic Delivery Authority	Lead Officer & Silver Command–Brand Protection Officer
#16	Trading Standards	Lead Officer
#17	Trading Standards	Lead Officer

peer review) and provided a project participant pack and consent forms, requiring respondents' explicit consent before taking part.

Rommel (2009) detailed four types of regulators present in most "regulatory constellations": 1) *Sectoral regulator*—Olympic Delivery Authority—responsible for the regulatory chain of Olympic advertising and trading regulation; 2) *Sectoral regulator in the same sector*—Joint Local Authority Regulatory Services—responsible for Olympic regulation, but not that of advertising and trading regulations; 3) *General regulator*—Department for Digital, Culture, Media and Sport—responsible for the overall delivery of the London 2012 Olympic Games, with an oversight of the regulatory bodies; and 4) *Sectoral regulator in another sector*—Trading Standards—a non-Olympic regulator but with wider national regulatory authority for the UK. Although the data underpinning the research is weighted towards the perspective of staff from the sectoral regulator (Olympic Delivery Authority), insights from all four general types contributed to our empirical work. Our study would have been enhanced by including more Olympic Delivery Authority Bronze level officers (like Brenda in our opening vignette) to offer more junior perspectives to complement those of other regulators. However, accessing this lower-level command group after the hosting of the Games was difficult for two reasons. First, they were often not individually named in official documentation. Second, the Olympic Delivery Authority disbanded immediately after hosting and individuals returned to their parent organization, making them difficult to identify and access.

Specifically, we draw on interview data with Trading Standards officers because staff in the advertising and trading regulatory arm of the Olympic Delivery Authority almost exclusively comprised of Trading Standards secondees or those with Trading Standards training and background. This homogeneity of career background is important because our analysis below illustrates how officers' previous Trading Standards experience informed their decision-making and regulatory practices during the Games. These "contextually rich personal accounts, perceptions, and perspectives" (Bloomberg & Volpe, 2008, p. 69) allowed us to explore the experience of regulators that was vital for answering our research questions (Oppenheim, 2000).

With respect to access, social media and professional online networks like LinkedIn played a key role in identifying, contacting, and securing research participants; an increasingly common approach in tourism and mega-sporting event research (e.g., Cade et al., 2019; Duignan & McGillivray, 2019; National Centre for Research Methods, 2020). Interviewee #7 served as our primary gatekeeper, and subject of the pilot study, facilitating access to other participants and providing hard-to-find governmental and nongovernmental documentation (e.g., Olympic Plenary Meetings). It is also worth pointing out an advantage of conducting the study after the Games. Respondents felt able to speak freely, unencumbered by exigencies of everyday operations, concerns about confidentiality, or speaking in a guarded manner.

Extensive documentary analysis of Olympic-related and regulatory-focused reports supports our empirical work as part of our methodological triangulation approach (Easterby-Smith et al., 1991). This is vital for developing situationally pertinent and sensitive interview questions. Reading and analyzing official documentation meant that competency in speaking the language of participants was developed in what is a highly technical sector. This technical familiarly increased the likelihood of candid and fulsome responses (Ram, 2000). Documentary analysis formed an invaluable contextual addition to the work, helping to develop our understanding of the labyrinthine legislative context, which Rommel (2009) argued is important for understanding who is responsible for regulation and how it is enacted (e.g., Host City Contract, 2005; London Olympic Paralympic Games Act, 2006, 2011; Olympic Symbols Protection Act of 1995; Olympic Charter, 2005–2012). Crucially, however, we maintain that these legislative documents are not synchronous with the way they are actually enacted or with enforcement outcomes. Hence, a key contribution of this article is to empirically examine and illustrate formal and informal interactions in practice, rather than solely relying on the formal published legal architecture.

Analytically, as we built our knowledge of the complex regulatory constellation, we moved back and forth between collecting data and analysis, to

develop our data themes and ultimately reach a point of data saturation, referred to by Verschuren (2003) as "iterative-parallel research" (p. 123). We also used the pilot study phase to define concepts and refine interview questioning, in order to avoid ambiguity and vagueness.

Finally, utilizing Attride-Stirling's (2001) Thematic Network Analysis, we developed "basic," "organizing," and "global" themes to bridge on-the-ground evidence with our theoretical perspectives, reflected in the way we structured our analysis below (see Table 3). However, we do not claim generalizability except in so far as the regulator–small business relationship detailed for London 2012 may well transfer (Yin, 2014) to other mega-sporting event contexts (e.g., Duignan et al., 2020) or other tourism contexts such as festivals or carnivals where complex temporary regulations create "states of exception" (Marrero-Guillamón, 2012) that reconfigure such relationships. However, we do claim a degree of analytical generalizability, in that the processes we have examined—how interactions between small firms and regulators operate in practice—concur with other theoretical explanations of such processes (e.g., Kitching et al., 2015; Ram et al., 2001, 2020).

Table 3
Data Analysis Structure of Global Theme: Formality–Informality Span

Organizing Themes/Basic Themes
Formality
Gold/Silver/Bronze Command (GSB)
Formal enforcement practices
Fear of ambush marketing damaging "Brand UK"
Reputational damage to other host cities of Games that were "ambushed"
Political pressure to make Games a success
Domestic and international media spotlight on London
Consistent enforcement
Authorizing business to trade
Challenging of preventing opportunistic traders descending on London for Games
Protecting local business from shutting down for Games
Security
Leaflets
Informality
Fear of Damaging "Brand UK" though heavy handed enforcement practices
Many ODA staff seconded from Trading Standards
Trading Standings "everyday" regulatory practices
Burden-on-business rhetoric
"Light touch" enforcement
Discretionary enforcement practices
Regulators being videoed tearing by businesses
Regulators "walking away" from infringements

Findings and Discussions

Formalization of Regulatory Practice: Gold–Silver–Bronze Command

Gold-Silver-Bronze command, introduced by the Olympic Delivery Authority, served as a "militaristic command system" (#1) to institutionally structure and enforce temporary Olympic advertising and trading regulations. Used to record and escalate infringements, it was indicative of the "UK government's lower risk tolerance for the Games" (#2). Developed by the UK police services in 1985, Gold-Silver-Bronze "provides a framework for delivering a strategic, tactical and operational response to an incident or operation. It also allows processes to be established that facilitate the flow of information, and ensures that decisions are communicated effectively and documented as part of an audit trail" (College of Policing, 2016). In using this system, the Games were being categorized alongside other examples of critical incidents including: "riots," "acts of terrorism," "severe weather events," and "epidemics" (Home Office, 2016, p. 8).

During London 2012, Bronze command enforcement officers recorded all infringements on tablets and relayed this information up to Silver command (responsible for managing Bronze-level officers), and subsequently Gold command, who were based in Canary Wharf. The Olympic Delivery Authority favored the use of Gold-Silver-Bronze command as it allowed for potential threats, specifically major ambushes and minor infringements, to be dealt with swiftly in most cases before media outlets reported them. Indeed, quick decision making was required to evaluate what constituted a criminal infringement under the newly installed temporary exceptions. Decisions taken at Gold and Silver levels were actioned by on-the-ground Bronze level enforcers such that "all the officers enforced in the way that the Olympic Delivery Authority wanted the regulations enforced" (#1).

As well as being a deterrent to potential ambushers of the Games, Gold-Silver-Bronze command

(a visible and auditable enforcement practice) demonstrated the Olympic Delivery Authority's ability as a regulator to protect the Games. This demonstration was aimed at Central Government and London Organizing Committee of the Olympic and Paralympic Games who managed relations with the International Olympic Committee, who in turn prioritized the protection of their official sponsors. This need for the Olympic Delivery Authority to show it was doing something to protect what both #1 and #4 called "Brand UK" was one of the reasons behind such formalizations of regulatory practice seen at the Games.

Protecting Brand UK: The Importance of Formal, Visible Enforcement Practice

Positive media exposure is one of the critical success factors of hosting a mega-sporting event (Chalip, 2017; Hall, 2006). Considering that London 2012 cost the public purse in excess of £12 billon and broadcasted to 220 countries with a projected audience of 3.6 billion people (Global Broadcast Report, 2012), positive image transfer between event and host was vital (Knott et al., 2015). It was stated by #9 that the UK Government was particularly concerned that the "UK's national image could be damaged if it failed to protect official sponsors from ambush marketing." A poorly enforced Games could scupper London's ambition for such coverage. Therefore, Olympic Delivery Authority staff repeatedly spoke of protecting Brand UK.

As senior managers, #1 and #4's key concern was that a serious ambush of the Games would define people's memory of London 2012, as had been the case at previous Games (Girginov, 2012). These failures played an instrumental role in solidifying and justifying #1 and #4's decisions regarding the formalization of enforcement for London 2012.

Some respondents, particularly those who occupied roles more detached from the advertising and trading regulations, expressed ethical concerns about the new regulations and noted:

> I think philosophically and even morally, with some of the restrictions, you are thinking, well, you are using criminal statutes to effectively give protection to your sponsors, and there are civil remedies available for them really . . . and the control of public space that this requires, you know left me and a lot of people I know, a lot of others, a bit uncomfortable. (#7, Joint Local Authority Regulatory Services)

However, from #4's perspective, the extensively reported ambush marketing stories from previous Games weighed heavier than her ethical concerns:

> I think, we were scratching around for evidence that what we were doing was right. So, we used to quite often talk about the Atlanta Games and ambush marketing and that's part of the reason why the International Olympic Committee put these demands on all host cities from that time forward. (#4)

Attitudes to protecting Brand UK were not solely about preventing ambush marketing. There was also concern about minimizing the potential negative image that overzealous and heavy-handed enforcement affecting local small businesses would create. This concern was particularly prevalent because in the run-up to (and during) London 2012 academic, media, and industry analysis highlighted multiple instances where businesses were negatively impacted by Games planning and regulation. For instance, local businesses were said to have been negatively impacted by loss of public space and public parking (Federation of Small Business, 2013), and been unable to attract event spectators to spend locally (Giulianotti et al., 2015). Indeed, some policymakers also expressed concerns that the additional licensing required to operate in and around Olympic event zones would "force some [local small businesses] to close down for the Games" (Olympic Plenary Meeting, 2011, p. 19). It was stressed by #1 and #9 how the Olympic Delivery Authority "feared" being depicted by the media as Goliath to a local business David, further fueling extant "burden on business" rhetoric. The result, as we show below, was a softer, more discretionary mode of enforcement, focused on educating and building relationships with businesses. According to #4 the Olympic Delivery Authority's overarching objectives were "authorizing trading licenses, managing the enforcement of the Games, and to come away without any sort of real negative press."

The challenge of regulating the London Olympics in a way that was visible to some stakeholders

(e.g., UK Government, London Organizing Committee of the Olympic and Paralympic Games, and International Olympic Committee) without looking too heavy-handed to others (e.g., the host community and the media) is not a problem faced by some previous host cities. For example, at the Beijing 2008 Olympics not only was the media state controlled, but advertising and trading legislation was intended to leave a legal legacy showing that China could protect intellectual property (Department for Digital, Culture, Media & Sport, 2011). In contrast to what was seen previously (most recently at Beijing 2008), and in keeping with the view that overly-zealous enforcement practices could damage Brand UK, the Olympic Delivery Authority took a more measured approach to enforcement.

One way that this was done was in the Olympic Delivery Authority's initial engagements with businesses. Colorful, detailed leaflets (see Fig. 1) using everyday language were disseminated before and during the Games to fixed-address businesses deemed a potential threat (e.g., restaurants, bars, and retailers) so that they had "clear instructions about what constituted an infringement" (#1). These leaflets contrasted with the "hard and militaristic" discourse surrounding Gold-Silver-Bronze command (Marrero-Guillamón, 2012), serving instead to simply "remind them [small business

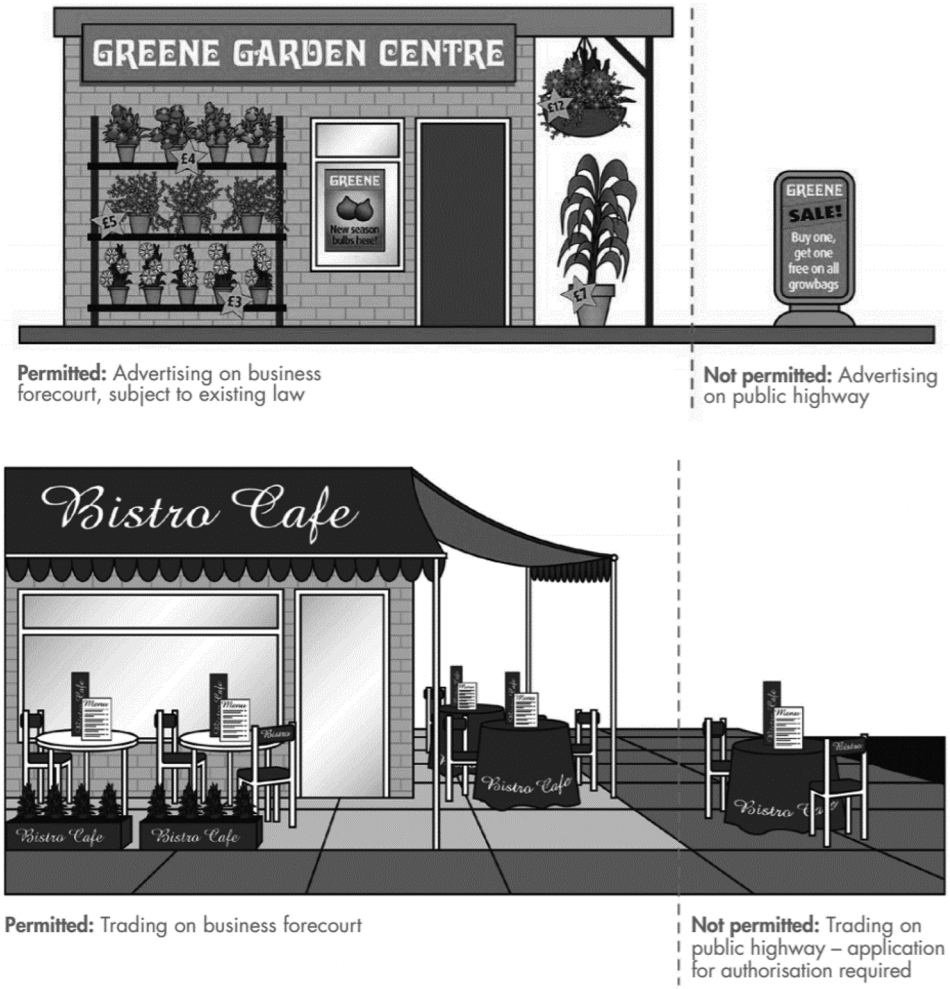

Figure 1. Leaflets denoting infringements of advertising and trading regulations.

owner managers] of the regulations" (#4) in "plain English" (#15). Such messaging shows that the Olympic Delivery Authority were aware that many small businesses are generally alienated by complex regulatory language and often can't afford to pay for professional advice (Blackburn et al., 2006; Kitching, 2016; Kitching et al., 2015). In this way the Olympic Delivery Authority sought to minimize the number of small businesses "unintentionally falling foul of the regulations" (#1) under their initial presumption that "the vast majority" (#1) that infringe the regulations do so unwittingly.

Discretionary Informal Enforcement

Alongside formalized enforcement structures and procedures, regulators simultaneously promoted discretionary and informal enforcement practices. This was driven by the need to reduce negative media exposure. Additionally, regulators did not want to be seen as favoring corporate interests over the local, as #1 explained:

> It was very, very important that reputationally we got this right. There was a huge, huge fear in government that we were going to have [our] people out there ripping stuff down, bullying small traders, and being aggressive; that would have detracted from actually what was a sporting event. So, it was a massive [objective] for the Olympic Delivery Authority that this did not happen, because [the UK did] such a wonderful job in building a most beautiful park, and at Games time basically my team could have ruined all that good work.

Yet, in the course of interviewing regulators an unexpected and additional explanation for discretionary and informal work emerged. Regulators expressed more concerns about the consequences of negative publicity on Trading Standards' reputation above and beyond that of the Olympic Delivery Authority. In other words, regulators wanted to ensure, first and foremost as a point of professional honor and reputation, that Trading Standards was not being seen to generate "burden" on businesses—a non-Olympic objective, not necessarily a London 2012 specific issue. Both #15 and #1 bemoaned this cliché about regulators, claiming that "people [in the UK] perceive regulators as a burden on business" and "I know all about burdens on business, I know all about the kind of, you know, the horrible local authority, bureaucracy—and all that nonsense." The regulators felt aggrieved at the way they were seen by policy makers, media, industry, and trade associations as a policing regulator whose activities include "regularly visiting businesses, kicking down doors and confiscating goods" (#6).

In reality, Trading Standards, partly driven by necessity in the form of austerity-related staff reductions of 50% (Chartered Institute for Trading Standards, 2015), have in recent years undergone a major restructure and reorientation towards a more explicit business support approach. Therefore, seconded Trading Standards officers were alive to the risk of being perceived as an excessive burden on business at the Games as this might be damaging to Trading Standards' reputation, possibly leading to further cuts from an unsympathetic government keen to play to the media gallery in support of the burden rhetoric. As such, regulators walked a tightrope between enforcement and protection of Brand UK, and their desire to avoid further damage to an embattled organization fearful of further damage to its reputation. Thus, without recognizing the particular historical, institutional, and career context of decision makers, exactly how regulation was enacted at the Games remains opaque, reliant on assuming that regulators simply enforce formal rules as they are written. Thus, although London 2012 produced a state of exceptionality—wildly different legal and regulatory environments that transcend everyday governance—they also produced discretionary and informal modes of regulatory action also, based on complex but quotidian relationships between institutions and individual actors.

A common tactic that regulators used when faced with noncompliance at the Games is encapsulated by this comment from #4: "I'm going for a walk and when I get back in 10 min this stuff needs to be out of here!" This and other kinds of discretionary enforcement of local small businesses was typical. The majority of infringements were relatively minor and did not warrant a heavy-handed approach. #15 somewhat comically stated, "a lot of the offences were for stupid stuff like builders' vans being parked so that they would be on the TV, basically to advertise their building company. We just told them to move along and they did." Other

scenarios demanded a more tactful approach. For instance, #4 recounted what she describes as her "biggest challenge" involving the owner of a local restaurant putting up posters infringing Olympic advertising regulations. She explained that "when enforcement officers went to take the posters down, someone was filming as a way to get publicity and show these big enforcement officers tearing it all down and restricting local business." Rather than ignore the film crew, #4 explained that the officers checked in with Gold command who instructed enforcement officers to leave the posters up and walk away: tolerating a minor regulatory noncompliance in exchange for avoiding a high risk of negative publicity.

Thus, Gold command created an institutional system designed to promote discretionary and informal regulatory action by instructing street-level regulators in real time. Rather than such discretionary behaviors being the organizationally deviant work of Bronze level officers seeking to smooth over every day working life, the impetus was from the top and strategic in nature. A factual statement that #4 provided in an interview underlines the overall point: "896 contraventions of those regulations during the 2-week period of the Olympics and 2-week period of the Paralympics. That's a lot of contraventions and I think there were no prosecutions."

Discussion and Concluding Thoughts

Our findings, through our in-depth empirical work with senior and street-level regulators at the coal face, contrast with the view that Olympic regulation and legal states of exceptions produce highly determined environments that are impervious to resistance or mediation by microlevel or host community actors (e.g., Gauthier, 2014; James & Osborn, 2011a, 2011b, 2012; Louw, 2012). Such studies focus on the way formal structures (e.g., the London Olympic Paralympic Games Act, 2006, 2011) determine social action. Typically, such scholars paint a picture of Games officials responsible for enforcement as a direct mechanical consequence of the written statute. Yet, this view is too simplistic, and fails to recognize and attribute institutional and individual agency to those at the center of regulatory decision making, who act by oscillating between the formality and informality span (Marlow et al., 2010; Misztal, 2000).

Thus, even in the most rigid of legislative contexts, set in the most powerful of criminal statutes, agents' power of discretion and interpretation determined the Olympic Delivery Authority's engagements with small businesses at London 2012. Olympic Delivery Authority staffs use of both formal and/or informal tactics, and their "relative freedom in interpreting their formal roles' requirements" (Misztal, 2000, p. 11), to solve the problem of operationalizing regulation at the Olympics was influenced by a number of factors. Firstly, Olympic Delivery Authority managers sought to avoid damaging Brand UK, leading them to oscillate between formal and informal tactics to satisfy both national stakeholders (e.g., International Olympic Committee and UK Government) as well as a critical media. Secondly, and relatedly, because protecting stakeholders' interests furthered their own interests as well, Olympic Delivery Authority staff were keen to protect the embattled institutional and professional reputation of Trading Standards, the organization where they were previously employed.

In neglecting agency, we argue that previous studies have effectively considered Olympic Delivery Authority staff as if they were unthinking machines, confined within the prescriptions of social structures. In so doing research on Olympic and mega-sporting event-specific adverting and trading regulations (e.g., Duignan et al., 2019; Kelly et al., 2019) has unwittingly imported the rhetoric that all regulation is inevitably a burden on business into the field of study. By investigating regulators' actions in greater empirical detail our research has revealed a more nuanced picture, producing a more balanced policy perspective of how the Olympic Delivery Authority interacted with smaller businesses, and on the outcomes for all concerned. Our findings show that Olympic regulators (managers and enforcement officers) were fallible agents, with concerns for their own individual and collective interests, performative achievement, and collective "norms" (formed by their experience working for Trading Standards). As such the way they understood and acted on the formal legislation and instruction from the International Olympic Committee and UK Government was much more complex than prior research suggests.

We also believe these insights open up a new emancipatory line of inquiry for tourism research more broadly. According to research (e.g., Giulianotti et al., 2015), large tourism events, and particularly mega-sporting events, suffer from regulatory-influenced actions that create exclusionary zones that marginalize small businesses and produce visitor immobility, reducing the likelihood of visitors exploring, engaging, and consuming locally across host community spaces (e.g., Vlachos, 2016). Our research shows that systems can be organized such that regulators responsible for local enforcement actively use discretionary tactics to mitigate the negative effects of official legal and regulatory demands, and in the process potentially reconfigure exclusionary and marginalized spaces. This observation accords with Misztal's argument (2000) that informal relations function to generate greater trust and reciprocity in achieving organizational goals, while formal rules exist to ensure predictability.

Formal rules reduce the scope for negotiation and may reduce mutual trust and understanding (Misztal, 2000). Hence, our observations of the beneficial impacts of informal and face-to-face regulatory interaction, suggest that, while acknowledging the largely serendipitous nature of the outcomes reported here, greater intentional and explicit management of the balance between formal and informal regulatory levers in mega-sporting events and other legally sanctioned temporary tourism events might produce more positive outcomes for local communities. It seems that informal dialogue can increase the efficacy of formal messages and objectives, and improves trust and understanding between regulators and small business, and perhaps ultimately can militate against the sense of alienation that host communities experience in relation to involvement with mega-sporting events.

Therefore we suggest—particularly because the London Olympic Games, in this regards at least, were seen as a success, with no prosecutions and satisfied corporate sponsors—this as a key policy and managerial implication to help promote more inclusive and equitable outcomes derived from temporary visitor economies created by mega-sporting events, carnivals, festivals, and the like. Moreover, and more specifically, our research suggests that the regulatory relationship with businesses in tourism and events contexts is a site of some specific interest and promise. There is, for instance, scope to investigate the way that subsequent host cities of the Olympics and other mega-sporting events implement advertising and trading regulations, specifically to examine further instances of the formality–informality span.

Theoretically, Misztal's (2000) notion of actors simultaneously engaged in both formal and informal social relations, interactions, and tactics is also more broadly useful for addressing a range of similar issues across mega-sporting event zones. Misztal's (2000) conceptualization of informality is a deep meditation on the role of formal rules and informal interactions, and her argument that "the positive value of informality is only ensured in the context of the process of formalization of individual rights and public rules" (p. 3) helps explain our empirical observations. Previous research has failed to observe that the public rules of seemingly exclusionary and marginalizing mega-sporting event regulation as noted by Kelly et al. (2019) is also complimented by mitigating informal interactions and enactments. We do not suggest that the balance of interests at the London Games was optimally harmonious, but we do believe that greater theoretical and empirical nuance needs to be applied to understanding the impact of such regulation across targeted event and related tourist zones, and our contribution is to have begun that project.

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