

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

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Agenda Item No.

meeting date: 15 JUNE 2010  
title: EU SERVICES DIRECTIVE  
submitted by: LEGAL SERVICES MANAGER  
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## 1 PURPOSE

- 1.1 To inform Committee about the EU Services Directive and the Council's implementation of the Directive.

## 2 BACKGROUND

- 2.1 The Provision of Services Regulations 2009 implement the EU Services Directive in the UK.
- 2.2 Implementation of the Regulations is overseen by the Department for Business Innovation and Skills (BIS).
- 2.3 The scope of the Regulations is wide ranging but the main purpose is to secure equal access within Europe so that residents throughout Europe can apply for licenses in all EU countries on an equal basis.
- 2.4 In practical terms this has required this Authority to look at any local legislation, for examples bye laws, and screen this legislation to ascertain whether or not it has an impact on access for residents of other EU states. This part of the process is complete.
- 2.5 Secondly, the EU Directive and Regulations seek to secure a position where all regulatory applications (there are certain exemptions from the Regulations, for example Planning) can be made on line and payments taken on line.
- 2.6 There is no requirement to use any other languages or to offer translation.
- 2.7 The Regulations and Directive have implications for several services but primarily for licensing.
- 2.8 The Council is currently working towards complying fully with its obligations under the Regulations and Directive (arrangements should have been fully in place by the end of 2009). This is in part due to the continued difficulties experienced by the Council's software suppliers Lalpac to upgrade the system to meet the requirements of the legislation.
- 2.9 However, in addition to the specific software requirements there are also numerous issues in relation to use of the Council's website, payment on line etc.

## 3 ISSUES

- 3.1 The Council, with considerable support from the IT Section, is committed to ensuring compliance with the Regulations.

3.2 However, the Regulations place a considerable burden on a small local authority with limited resources.

3.3 A letter has recently been received to remind local authorities of the requirements of the Regulations and to draw to the Authority's attention some of the possible implications for non compliance. These are as follows:

- If the Authority is unable to meet its legal obligations it is open to risk of legal challenge by a dissatisfied business and possibly judicial review;
- The legislation implements an EU Directive. Failure by the UK to implement in full could lead to a fine in the European Court of Justice. As a contributory to that failure the Authority may be asked to meet a proportion of any fine;
- Reputational and possibly financial damage, the result of failure to comply;
- Exclusion from the benefits of compliance, for example potential administrative savings as a result of being E-Enabled across a wide range of the licensing regime;
- Potential for the area to miss out on opportunities both in local jobs and economic development, potential impact on CAA and 'Better Connected' ratings (CAA now abolished);

3.4 The purpose of the report is to inform Committee of the current position.

3.5 As soon as the software suppliers finalise the system for licensing the Council should be in a position to implement an on-line licensing system.

3.6 However there will be other issues to overcome. For example in relation to payments etc and we will continue to work to address these as quickly as is possible.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources - }
- Technical, Environmental and Legal - } See above at 3.3
- Political - }
- Reputation - }

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Note this report.

LEGAL SERVICES MANAGER

For further information please ask for Diane Rice, extension 4418