

NORTH LINCOLNSHIRE COUNCIL

**NEIGHBOURHOOD, ENVIRONMENT AND
COMMUNITIES CABINET MEMBER**

THE EUROPEAN SERVICE DIRECTIVE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members of the implications of the European Services Directive on the Council's regulatory services.
- 1.2 To seek approval to appoint a project manager to oversee the implementation of the European Services Directive.
- 1.3 To advise that the directive shall be implemented by 28 December 2009.

2. BACKGROUND INFORMATION

- 2.1 The European Services Directive was adopted by the European Union (EU) Member States in December 2006. The aim of the directive is to open up the European internal market by making it easier for cross-border trading. The directive requires that EU Member States screen legislation, set up the Point of Single Contact, enhance cooperation between regulators in the 27 Member States and ensure consistency in the quality of information provided.
- 2.2 The Council will be required to review certain services to ensure that they conform to the aforementioned directive. In reviewing these services, the council will have to ensure that applications and payment methods are available online.
- 2.3 In addition to mandatory timescales for determining some applications, the council will be required to set its own timescales for determining applications where no statutory time limit applies. Where the application process involves consultation with the police or another statutory body, this consultation must be included in the said timescale for approval of the application. Timescales will only start once the application is complete.
- 2.4 As the directive deals with licences, registrations and authorisations, it is proposed that the Licensing Manager be appointed to lead the

project and act as the Primary Liaison Point on behalf of the council, with support from other areas where the directive has an impact.

- 2.5 A list of the legislation and authorisations covered by the directive are included at Appendix A to this report.

3. OPTIONS FOR CONSIDERATION

- 3.1 The EU Services Directive must be implemented by 28 December 2009.

3.1.1 Option 1 – That the directive be implemented with the Licensing Manager being appointed to lead the project on behalf of the council.

3.1.2 Option 2 – That the directive be implemented with another officer to lead the project.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – This is an extension of the work carried out under e-government. As the directive deals with licences, registrations and authorisation it would seem appropriate for the lead officer and Primary Liaison Point to be the person responsible for such activities.

4.2 Option 2 – An alternative officer could be appointed as the Primary Liaison Point from another regulatory service.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 The working group will be drawn from the service areas affected by the directive. There should be no financial, staffing or property implications from the report.

5.2 There will be an IT implication, as applications and payment methods will need to be made available online. Discussions have already commenced with IT.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory Implications – Failure to implement the directive would mean that the council was in breach of European Law.

6.2 There are no other Environmental, Diversity or Section 17 implications from this report.

7. OUTCOMES OF CONSULTATION

- 7.1 Consultation has been carried out with the managers of the relevant services covered under the directive. Those consulted are in agreement with the proposal contained in this report.
- 7.2 Consultation has been carried out with IT regarding applications and methods of payment being available online.

8. **RECOMMENDATIONS**

- 8.1 That the Cabinet Member supports the principle that requirements under the EU Services Directive be implemented by 28 December 2009 and that the Licensing Manager be appointed as the project lead.
- 8.2 That the recommendation be submitted to the Corporate Services Cabinet Member for approval.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

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Background Papers used in the preparation of this report – The European Services Directive Guidance for Local Authorities

Unitary authorities and county councils, generally

Procedure	Legislation
Animal movement	Animal Gatherings (England) Order 2006
Camp sites	** Public Health Act 1936
Explosives	Manufacture and Storage of Explosives Regulations 2005
Fireworks manufacture and storage	Manufacture and Storage of Explosives Regulations SI 2005/1082
Other business in road	Highways Act 1980, Section 115
Performing Animals	** Performing Animals (Regulation) Act 1925
Permission to run a business on a pavement	Highways Act 1980
Premises for Civil Ceremonies/Marriage	** Marriage Act 1994
Skip operator	Highways Act 1980, Section 139
Skip	Highways Act 1980, Section 139
Storage of petroleum	Petroleum (Consolidation) Act 1928 as amended by the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) plus London County Council (General Powers) Act 1933
Use of parts of buildings for storage of celluloid	** Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35)
Weighbridge operator	** Weights and Measures Act 1985

Unitary authorities and district councils, generally

Procedure		Legislation
Animal boarding establishments		Animal boarding establishments act 1963
Approved Premises (for Food)		Food Hygiene (England) Regulations 2006 / Regulation (EC) No 853/2004
Car boot sale authorisation	**	Local Government (Miscellaneous Provisions) Act 1982
Caravan and camping site	**	Caravan Sites and Control of Development Act 1960
Club Premises Certificate		Licensing Act 2003
Cooling tower	**	Notification of Cooling Towers and Evaporative Condensers Regulations 1992
Environmental Permitting		Environmental Permitting (England and Wales) Regulations,
Food premises		Food Hygiene (England) Regulations 2006 / Regulation (EC) No 852/2004
House in multiple occupancy		Housing Act 2004
House to house collection	**	House to House Collections Act 1939
Hypnotism	**	Hypnotism Act 1952
Market stall	**	Markets and Fairs Clauses Act 1847
Motor salvage operator		Vehicles (Crime) Act 2001
Premises Licence		Licensing Act 2003
Riding establishment		Riding Establishments Act 1964 (as amended 1970)
Safety certificates for regulated stands at sports grounds	**	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)
Safety certificates for sports grounds.	**	The Safety of Sports Grounds Act 1975 (c. 52)
Scrap metal dealer		Scrap Metal Dealers' Act 1964

Sea going pleasure boats	**	Public Health Acts Amendment Act 1907
Sex shop and cinema		Local Government (Miscellaneous Provisions) Act 1982
Street Collection	**	Section 5 of the Police, Factories, etc. (Miscellaneous Provisions Act 1916, as amended by the Local Government Act 1972 and Schedule 29 of that Act.)
Tattooists, piercing and electrolysis (incl Acupuncture)		Local Government (Miscellaneous Provisions) Act 1982 (not London)
Temporary Event Notice		Licensing Act 2003
Zoo licence	**	Zoo Licensing Act 1981
Childminder ¹	**	Care Standards Act 2000

Local Acts (Where applicable)

Procedure		Legislation
Auction premises	**	Greater London Council (general Powers) act 1984 Part VI
Busking	**	Local Act or by-law
Game dealing	**	Game Licences Act 1860
Hairdresser	**	Local Acts eg Greater Manchester Act 1981, Section 30
Massage and Special Treatment (MST), Premises		Local acts
Massage and Special Treatment (MST), Personal		Local acts
Second hand dealers	**	Local acts
Street Trading (where extended to services) ²		Local Government (Miscellaneous Provisions) Act 1982

1 The primary responsibility for regulating childminders rests with Ofsted, however local authorities play a role in the regulatory process. Specific advice will be provided on this procedure.