

Members' Library Service Request Form

Date of Document	08/03/13
Originator	Chief Executive
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Document Title	National Applicability of Licences - Consultation Response

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East Lothian Council

Additional information:

This is a response to the Department of Business, Innovation and Skills consultation about the applicability of licences from one area of the UK to another. It has been put together in consultation with colleagues.

Authorised By	Christine Dora
Designation	Executive Assistant
Date	8 March 2013

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Department for Business, Innovation & Skills

A SHORT CONSULTATION: On proposed changes to the implementing legislation for the EU Services Directive to allow for the national applicability of licences – Response form

A copy of the consultation document can be found at:

<https://www.gov.uk/government/consultations/provision-of-services-regulations-2009-national-applicability-of-licences-consultation>

You can complete your response online through Survey Monkey:

<https://www.surveymonkey.com/s/M7VL2V8>

Alternatively, you can email, post or fax this completed response form to:

Email:

magdalena.zulli@bis.gsi.gov.uk

Postal address:

Magdalena Zulli
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Tel: 020 7215 2024
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The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is: 08/03/2013

Your details

Name: Christine Dora

Organisation (if applicable): East Lothian Council

Address: John Muir House, Haddington, East Lothian EH41 3HA

Telephone: 1620827104

Fax:

Please tick the boxes below that best describe you as a respondent to this consultation:

- Business representative organisation/trade body
- Central government
- Charity or social enterprise
- Individual
- Large business (over 250 staff)
- Legal representative
- Local government
- Medium business (50 to 250 staff)
- Micro business (up to 9 staff)
- Small business (10 to 49 staff)
- Trade union or staff association
- Other (please describe)

Question 1: Confidentiality & Data Protection - Please read this question carefully before you start responding to this consultation. The information you provide in response to this consultation, including personal information, may be subject to publication or release to other parties. If you do not want your response published or released then make sure you tick the appropriate box?

Yes, I would like you to publish or release my response

No, I don't want you to publish or release my response

Question 2: Has the need to apply for an additional licence to open up an identical business elsewhere in the UK caused you to reconsider or defer expanding into new areas?

Yes No

Comment

This is not applicable to East Lothian Council as a local authority.

Question 3: Please give an indication of costs incurred when applying for any additional licence to operate an identical business in other areas? As far as possible please distinguish between monetary costs and time/resources spent in meeting administrative requirements. If costs vary between competent authorities, please provide a range.

Comment

Not applicable.

Question 4: Do you have any views on the extension to legal powers of competent authorities in the above circumstances? If so, please provide details.

Yes No

Comment

If licences are to apply nationally, universal mandatory conditions would be required as opposed to the current imposition of local conditions that attach to licences. Legislation applying in Scotland often does not apply in England, Wales and/or Northern Ireland and vice versa. Furthermore, breach of licence conditions is a criminal offence and applicability may cause difficulties given the different criminal law in Scotland. The proposal at 2.13 would have to introduce a fee to cover the work involved in dealing with registration checks.

Question 5: Do you foresee any unintended consequences resulting from this approach to national applicability? If so, please provide details.

Yes No

Comment

See response to Question 4 above.

Question 6: Can you provide a list of personal licences where national applicability would be inappropriate? Please provide reasons and/or evidence.

Comment

Personal Licences in terms of the Alcohol (Scotland) Act 1976 would not be suitable for national (UK) applicability because of the different legislation in Scotland.

Question 7: Do you have any other comments that might aid the consultation process as a whole?

Comment

The consultation has not distinguished adequately between the possible applicability of licences across authorities in the same jurisdiction (e.g. Scotland) and between different jurisdictions within the same state (e.g. between Scotland and England within the U.K.). It is not just the lack of authority in another part of the UK that is at issue; it is that different laws apply.

Question 8: Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Comment

The consultation period was only four weeks.

Question 9: Thank you for taking the time to let us have your views on this consultation. We do not acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

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