

POLICY NOTE

THE CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010 (COMMENCEMENT No. 14 AND SAVING PROVISION) ORDER 2017

SSI 2017/445 (C. 33)

1. The above instrument is made in exercise of the power conferred by sections 201(1) and (2) and 206(1) of the Criminal Justice and Licensing (Scotland) Act 2010 ("the 2010 Act"). It is not subject to any parliamentary procedure.

Policy Objectives

2. This Order brings the provisions at section 179 of the 2010 Act into force on 30 March 2018.
3. The Bill for the 2010 Act received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 of the 2010 Act came into force the following day. Section 179 was lodged as a non-Government amendment at stage 3. The link below records the passage of the Bill through Parliament and includes the Official Report of Chamber proceedings at Stage 3:

<http://www.parliament.scot/parliamentarybusiness/Bills/16193.aspx>

4. This Order forms part of an implementation package for the 2010 Act. This is the fourteenth commencement order. Specifically, it brings into force on 30 March 2018 section 179, an alcohol licensing provision of the 2010 Act.
5. Section 179 amends section 20 of the Licensing (Scotland) Act 2005 ("the 2005 Act") to require individuals applying for an alcohol premises or provisional premises licence to provide a Disabled Access and Facilities Statement in a form prescribed by the Scottish Ministers, along with their application. Section 179 also sets out that the statement is to contain information about disabled access to the premises and the facilities and any other provision available to aid the use of the premises by disabled people. The provisions will not apply to applications received by a Licensing Board on or before 30 March 2018.
6. The provision does not compel the venue to provide any specific aids for disabled people nor does it interfere with the existing duty under equality law to make reasonable adjustments to make sure that a disabled person can use a service as close as it is reasonably possible to get the standard usually offered to non-disabled people.
7. Failure to provide a statement is not a ground for refusing an application but means that the premises application would be incomplete and could not be considered by the relevant Licensing Board. Some premises may have no such access or facilities and this does not mean that a licence should not be granted. A premises application which is accompanied by the statement would require to be determined by the Licensing Board in the normal way according to section 23 of the 2005 Act.

8. The prescribed form required by the provisions at section 179 of the 2010 Act. will be laid before the Scottish Parliament to come into force on 30 March 2018 to coincide with the coming into force date of section 179 of the 2010 Act.

Consultation

9. No formal consultation was carried out in relation to this Order. Section 179 of the 2010 Act originated from the 'Barred' campaign which sought to make accessibility information about licensed premises publicly available to make it easier for disabled people to find out about access and facilities of such premises. The provision was lodged as a Stage 3 amendment therefore no consultation took place during the passage of the Bill. It did however receive cross-party support

Impact Assessments and Financial Effects

10. While both an Equality Impact Assessment and a Business and Regulatory Impact Assessment were carried out in relation to the Bill for the 2010 Act, as the provisions for section 179 were lodged as a Stage 3 amendment this was not included. However, the impact of implementing the provision is not thought significant as it requires one additional prescribed form to be completed on only one occasion by an applicant for an alcohol premises licence. The Licensing Board will then be required to check it has been completed alongside checking the other prescribed forms which are already required.

Criminal Justice Reform and Licensing Unit
13 December 2017