

POLICY NOTE

THE LICENSING REGISTER (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/267

1. The above instrument is made in exercise of the powers conferred by sections section 9(2) and 146(2) of the Licensing (Scotland) Act 2005 (the “2005 Act”) and all other relevant enabling powers. It is subject to negative parliamentary procedure.

Policy Objectives

2. Section 179 of the Criminal Justice and Licensing (Scotland) Act 2010 Act (the “2010 Act”) amended section 20 of the 2005 Act to require individuals applying for an alcohol premises or provisional premises licence, for the sale of alcohol for consumption either on or off the premises, to provide a Disabled Access and Facilities Statement (the “Statement”) in a form prescribed by the Scottish Ministers, along with their application.
3. The Premises Licence (Scotland) Amendment Regulations 2018 (the “Premises Regulations”) provide for the required prescribed form. The provisions at section 179 of the 2010 Act and the Premises Regulations came into force on 30 March 2018. Non-statutory guidance, developed to assist applicants in completing, and local authorities in considering the Statement, was published on 8 March 2018.
4. The Licensing Register (Scotland) Amendment Regulations 2018 (the “Licensing Register Regulations”) amend The Licensing Register (Scotland) Regulations 2007 (the “2007 Regulations”), to provide at regulation 3 that the Licensing register must contain a copy of the Statement. This instrument comes into force on 2 November 2018.
5. This means that the Statement accompanying an application for a premises or provisional premises licence received on, or after, 2 November 2018 will be contained in the public register provided for by the 2007 Regulations and disabled people will be able to access information about the accessibility of a new licensed venue before deciding whether to visit it.

Consultation

6. No formal consultation was carried out in relation to the Licensing Register Regulations. However, focussed stakeholder engagement was undertaken on both the prescribed form and the non-statutory guidance, developed to help those applying for an alcohol premises licence to prepare their Statement and to assist Licensing Boards in assessing that Statement, prior to the Premises Regulations and the guidance being finalised.
7. While the legislation does not provide for the publication of the Statement, stakeholders may expect to have access to it. Following discussions with local authority staff, we believe that adding the Statement to the public register provided for by the 2007 Regulations is an appropriate and proportionate way to provide for access.

Impact Assessments and Financial Effects

8. As the regulations are required to assist the implementation of primary legislation, no impact assessment or assessment of the financial effects was undertaken. However, the impact is not thought significant as it requires one additional prescribed form, provided by an applicant for an alcohol premises licence, to be published by the Licensing Board on only one occasion.

**Criminal Law, Practice and Licensing Unit
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