

POLICY NOTE

THE PREMISES LICENCE (SCOTLAND) AMENDMENT REGULATIONS 2018

SSI 2018/49

1. The above instrument is made in exercise of the powers conferred by sections section 20(6), 146 and 147(1) 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. This instrument amends The Premises Licence (Scotland) Regulations 2007, to specify at Schedule 6 the prescribed form required by the provisions at section 179 of the Criminal Justice and Licensing (Scotland) Act 2010 Act (the “2010 Act”). The provisions at section 179 of the 2010 Act and this instrument come into force on 30 March 2018.
3. Section 179 of the 2010 Act amends 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 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. These provisions cannot be fully implemented without the required prescribed form being available.
4. This means that any application for a new premises licence which is received by the Licensing Board after 30 March 2018 will need to be accompanied by the new Disabled Access and Facilities Statement as well as an operating plan, a layout plan and any certificates required. It is important that a completed Disabled Access and Facilities Statement is provided along with the alcohol premises application as failure to provide it would mean that the application was not complete and could therefore not be considered by the Licensing Board.
However, the Disabled Access and Facilities Statement will not subsequently form part of the premises licence. Applicants will therefore not be required to submit a variation should the details provided change in the future.

Consultation

5. No formal consultation was carried out in relation to The Premises Licence (Scotland) Amendment Regulations 2018 (the “2018 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 Disabled Access and Facilities Statement and to assist Licensing Boards in assessing that statement prior to the 2018 Regulations and the guidance being finalised.

Impact Assessments and Financial Effects

6. As the regulations are required as part of 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 to be completed on only one occasion by an applicant for an alcohol premises licence. The Licensing Board will then be required to check that the form has been completed alongside checking the prescribed forms which are already required.

Criminal Justice Reform and Licensing Unit
March 2018