

PERTH AND KINROSS LICENSING BOARD

Board Meeting: 19 April 2018

DISABLED ACCESS AND FACILITIES STATEMENT

Report by Clerk to the Licensing Board

PURPOSE OF REPORT

This report advises of the new requirement for premises and provisional premises licence applicants to submit a Disabled Access and Facilities Statement setting out how accessible the venue is and what facilities there are for disabled persons on the premises.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Criminal Justice and Licensing (Scotland) Act 2010 amended Licensing (Scotland) Act 2005 to require applicants for a premises or provisional premises licence, whether for consumption on or off the premises, to provide a Disabled Access and Facilities Statement (DAFS). That requirement was brought into force on 30 March 2018. This Report explains what a DAFS is and how it fits within the application process. No decision is required by the Board on this Report.
- 1.2 The requirement for a DAFS came from the 'Barred' campaign which sought to make accessibility information about licensed premises publically available to make it easier for disabled people to find out about access and facilities provided. For reasons stated later in this report, the new legislative requirements do not achieve that accessibility of information, however, Licensing are working on finding a way to make DAFSs available on the Board's webpages.
- 1.3 A copy of the DAFS form is attached as Appendix 1 to this report.
- 1.4 A DAFS must be submitted by an applicant for a premises or provisional premises licence. It does not require to be submitted with a variation application for an existing premises licence or any other type of application. The applicant should set out (a) how accessible the premises are for disabled people e.g. ramps, accessible floors, signage; (b) what facilities are available for disabled people, e.g. disabled toilets, lifts, accessible tables; and (c) any other provisions for the use of the premises by disabled people, e.g. assistance dogs welcome, large print menus.
- 1.5 The DAFS is not part of a premises or provisional premises licence application but must be submitted along with that application (in the same way that Section 50 certificates are required but are not strictly part of the application).

Failure to provide a DAFS means that an application is not complete and is not processed. Failure to provide is not a ground of refusal.

- 1.6 The requirement does not compel the venue to provide any specific aids/access for disabled people. Nor does it interfere with the existing duty under equality law to make reasonable adjustments to ensure that a disabled person can gain access and use a service. The Scottish Government hope that the DAFS will raise awareness amongst applicants and that they may take improvement actions, however, there is no requirement to do so. The role of the Licensing Board is limited. A completed DAFS must be submitted. Officers can endeavour to ensure each statement is completed to a reasonable standard, however, as the duty to make reasonable adjustment lies in other legislation, it is not for the Board to enforce that duty by way of seeking works be undertaken to the premises. In these circumstances, and as the stated purpose of a DAFS is to provide information to disabled persons, completed forms will not be submitted to the Board when considering a premises or provisional premises licence application.
- 1.7 The Scottish Government have produced guidance for applicants that encourages them to make their statement publically available by, for example, placing it on their own website, however, they are not required to do so. Further, a Licensing Board is not required to publish a DAFS. It has not been made part of the Licensing Register.
- 1.8 DAFSs only apply to new premises and provisional premises, not existing premises. As premises licences are perpetual, the number of DAFSs compared to the number of licensed premises will remain small for a long number of years. Each DAFS will also become out of date over time. As stated, although there is no requirement to publish these statements, Licensing are exploring the possibility of placing each DAFS, possibly as a download, on the Board's webpages.

2. PROPOSALS

- 2.1 The purpose of this report is to advise the Board of the new requirement for applicants for a premises or provisional premises licence to submit a Disabled Access and Facilities Statement.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Board is requested to note the content of this Report.

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Approved

Name	Designation	Signature
Lisa Simpson	Clerk to Perth and Kinross Licensing Board	
Date 23 March 2018		

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Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	No
Resource Implications	
Financial	No
Workforce	Yes
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	No
External	No
Communication	
Communications Plan	No

1. Strategic Implications

- 1.1 This Report relates to the requirement for specified applicants to submit a DAFS.

2. Resource Implications

2.1 Workforce

Further time and resources will be expended by officers to make sure DAFSs are submitted to a reasonable standard.

3. Assessments

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using the Integrated Appraisal Toolkit and have been assessed as **Yes – completely true** for the purposes of EqIA.

4. Consultation

- 4.1 As the purpose of this Report is to provide an update consultation, either internally or externally, has not been undertaken.

5. Communication

- 5.1 No communication plan has been prepared, however, officers will ensure applicants submit their DAFS when required. The DAFS and Guidance will be posted on the Board's webpages.

2. BACKGROUND PAPERS

- The Premises Licence (Scotland) Amendment Regulations 2018
- Guidance for Completing a Disabled Access and Facilities Statement, Scottish Government, March 2018

3. APPENDICES

- 1 Disabled Access and Facilities Statement