

## **Applications for new premises licences – Disabled Access and Facilities Statement**

Licensing (Scotland) Act 2005 section 20(2)(b)

One of the 5 ambitions contained in the Scottish Government's delivery plan for a Fairer Scotland for Disabled People is that places are accessible to everyone so that disabled people can participate in Scottish society as full and equal citizens.

Any application for a new premises licence received after 30<sup>th</sup> March 2018 is now required to be accompanied by a Disabled Access and Facilities Statement in addition to the certificates required as to planning, building standards and food hygiene ("Section 50" certificates)

Guidance for completion of the statement and a copy of the prescribed statement style can be found within the licensing section of the Highland Council website. It is hoped that the process of writing the Disabled Access and Facilities Statement will raise awareness amongst applicants of the accessibility of their premises and action they could take to improve this.

The statement should contain clear information about how accessible the venue is for disabled people and the intention is that disabled people can find information about the accessibility of a venue before visiting. The Scottish Government is considering how to make sure the public can best have access to the information in the statements.

The provision does not compel a 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 use a service as close as it is reasonably possible to the standard usually offered to non-disabled people. Applicants should be aware that failure to comply with the duty to make reasonable adjustments may leave the premises open to a complaint under the Equality Act 2010.

Remember that not all disabilities are visible. The statement will also apply to hidden disabilities such as sight or hearing conditions, autism or mental ill-health which may not be obvious but can considerably affect a person's ability to carry out day-to-day activities.

An application for a premises licence will be incomplete without the inclusion of the statement and will not be a valid application. A complete application will be determined by the Licensing Board in the normal way.

Whilst the new requirement relates only to applications for a first premises licence, existing licence holders are encouraged to consider the purpose of the new requirement and to prepare their own statement for the information of all customers and staff and to ensure that premises are accessible and welcoming to all customers..

Please contact your local Licensing Standards Officer if you require any information or guidance on completion of the statement.-