

# Public Document Pack



## LOCAL LICENSING FORUM TUESDAY, 30 APRIL 2024

A MEETING of the LOCAL LICENSING FORUM will be held in the on TUESDAY, 30 APRIL 2024 at 4.00 pm. The meeting will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS and will be a blended meeting and can be accessed remotely via Microsoft Teams.

**All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days.**

N. McKINLAY,  
Clerk to the Council,

26 April 2024

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<b>Minutes</b> (Pages 3 - 6) Minute of Meeting held on 23 January 2024. (Copy herewith.)	5 mins
5.	<b>Licensing Standards Officer - Update</b>	10 mins
6.	<b>Licensing Update</b>	10 mins
7.	<b>Scottish Borders Licensing Board Minutes</b> (Pages 7 - 16)	5 mins
8.	<b>Any Other Items Previously Circulated.</b>	
9.	<b>Any Other Items which the Convener Decides are Urgent.</b>	

## **NOTES**

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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**Membership of Forum:-** S. Bell, S. Elliot, S. Dalrymple, S. Mabon, R. Mackay, R. McIntyre, A. Dow, D. Hutchins. R. Anderson, C. Pringle, M. Hay, M. Wynne and P.C. S. Lackenby (Police Scotland)

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**SCOTTISH BORDERS COUNCIL  
LOCAL LICENSING FORUM**

MINUTE of Meeting of the LOCAL  
LICENSING FORUM held via Microsoft  
Teams on Tuesday, 23 January 2024 at  
4.00 pm

- Present:- Licensing Board: Councillors M. Douglas (Convener), J. PatonDay, F. Sinclair, D. parker, N. Richards  
Forum: Stephanie Bell, Susan Elliot, Rupali Sachar, Roddy MacKay.
- Apologies:- Licensing Board:- Councillors E. Small, T. Weatherston,  
Forum: Hannah Wood (LSEO), Rod Anderson, Mark Hay, Sarah Dalrymple, John Scott (LSEO).
- In Attendance:- Mike Wynne (Licensing Standards and Enforcement Officer), F. Henderson (Democratic Services Officer), S. Dishington (Police Scotland),

**WELCOME BY CONVENER OF SCOTTISH BORDERS LICENSING BOARD**

1.0 The Convener of the Licensing Board, Councillor Douglas welcomed everyone to the meeting.

2.0 **ANNUAL REPORT 2022-2023** The Local Licensing Forum (LLF) was a partnership of representatives which included license holders, licensing standards officer, police, health and local residents. The role of the LLF was to review and provide advice to the Local Licensing Board, although this did not include reviewing or offering recommendations in relation to individual applications or cases. The LLF was chaired by the Licensing Standards Officer and every council required to establish a local licensing forum in their area.

2.1 As the Forum had been unable to meet due to the pandemic, a development had been held, supported by Alcohol Focus Scotland to develop a workplan for 2023/24. A learning resources pack was developed for all new members to support the understanding of the principles and remit of the LLF. A survey to seek views of the community on the approach to alcohol licensing in Scottish Borders was held between May 23 - July 23 and received 102 responses. A report on the findings was shared with the Licensing Board and included within the Alcohol Profile. An updated Alcohol Profile was provided to the Licensing Board in October 2023 which highlighted alcohol related harm in Borders and to support decision making. An extraordinary meeting took place to support development of response to Licensing Board Policy Statement Consultation and submission provided. A recruitment campaign to appoint new members to the forum was undertaken. The Forum Participated in the exploratory conversation to discuss the development of a National Licensing Forum. The role of the National Licensing Forum was to share good practice, promote policy in action and look at ways to find consistency across LLFs whilst maintaining the independence of individual forum.

3.0 **SCOTTISH BORDERS LICENSING BOARD  
ANNUAL REPORT DECEMBER 2022 to JANUARY 2024**

There had been circulated copies of a report by the Clerk to the Licensing Board presenting a summary of the work of the Scottish Borders Licensing Board and the staff supporting the Board and was to assist the Forum in its scrutiny role of how the Board discharged its duties and responsibilities in terms of the Licensing (Scotland) Act 2005 (the Act), as amended.

3.1 Since the last joint meeting on 29 November 2022, the Board had met nine times. At each Board meeting, in addition to determining applications and reviews, members considered all matters which had been dealt with under the delegated powers of the Clerk where both the Act permits this method of determination and there had been no objection or representation in respect of the application. Many delegated decisions were in connection with grants of occasional licences which were a feature of sporting fixtures and local festivals in the Community;-

Occasional Licenses granted	1505
Above includes Voluntary Organisations	325
Extended Hours granted	36

3.2 The Board considered applications to vary Premises Licenses and included both major and minor variation applications which must be determined by the Board and applications which attracted objections or representations. As in previous years much work had been generated by established businesses who realigned their layout and/or operating plans or because of transfer of business to a new licence holder or manager. Such applications can be the outcome of visits by the Licensing Standards Enforcement Officer when it was apparent that the current operation did not comply with the Licence, or the Licence Holders discussed how they could amend their Licence to move with their perceived training and business needs. When subsequent applications were submitted and processed often these did not generate objections and were granted by the Board at the meetings after due consideration of the application in relation to the statement of policy. Such non-contentious applications could relate to changes in opening hours often relating to the times for sales of alcohol where premises wished the opportunity to open earlier for the sale of breakfasts, coffees etc. Applications were also generated from store refits where national retailers changed corporate layout and/or practice such as playing music in store. The majority of these had also contained an increase in the area of alcohol sales in shops and these had all been within policy and had not attracted objections from the statutory consultees.

3.3 During the period, the Board arranged a review hearing in respect of one premises licence, in connection with a review request received from one of the Council's Licensing Standards and Enforcement Officers for non-compliance with mandatory condition 10 attached to all premises licences relating to the payment of annual fees. In this instance payment of the annual fees due at 1 October 2021 and 1 October 2022 were outstanding. At the first review hearing, the Board continued consideration of the review request and afforded the licence holder the opportunity to make payment of the fees outstanding for 2021. At the second review hearing the Board were advised that payment of the fees outstanding for 2021 had not been made and as a result the licence was revoked. The Board also carried out a review of a personal licence following a request by Police Scotland, as the licence holder had been charged with a number of domestic related offences including assault to injury and domestic breach of the peace. Following a hearing, the Board revoked the licence with immediate effect.

3.4 One of the main functions of the Board during the period was the review of its Licensing Policy Statement. The Board acknowledged the work of the Forum in producing the Alcohol Profile and keeping it under review and for its contribution to the review of the policy statement. The Board had recently finalised its review of the policy statement and considered and agreed appropriate changes thereto some of which flowed from the contribution received from the Forum.

#### **DECISION**

**NOTED the report and requested that the Clerk continued to provide updates to the joint meeting on an annual basis.**

#### **4.0 CHIEF CONSTABLE'S ANNUAL REPORT 2022/23**

There had been circulated copies of the Chief Constable – Police Service of Scotland report to the Licensing Board for the period 1 April 2022 to 31 March 2023 in accordance with Section 12(A) Licensing (Scotland) Act 2005. The report summarised the work undertaken throughout this period. The Scottish Borders Licensing Board area was policed by J Division and Chief Superintendent Catriona Paton was the Local Police Commander who had responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Vincent Fisher was based at Galashiels and was responsible for performance management, community engagement, partnership working and the daily management of local personnel. Chief Inspector Fisher was supported by Inspector Robbie Noble who was also based at Galashiels. The Scottish Borders Licensing Boards were predominantly attended by PC Scott Dishington. The report outlined the local policing priorities, description of Board area and information on the operation of the Licensing (Scotland) Act 2005. In the Scottish Borders, there were 206 recorded incidents in licensed premises between 1 April 2022 and 31 March 2023, showing a decrease from previous years of 13%.

- 4.1 There were 436 premises in Scottish Borders licensed to sell alcohol, which was a reduction of 15 since the previous reporting year. There was an additional demand on Police resourcing in the Scottish Borders area especially during the summer months due to common ridings and rugby 7's tournaments. There were 2 active premises trading until 3 a.m. and 1 premise trading until 2 am at the weekend, with annual occasional extensions for some Common Ridings and Town Balls. Police Scotland carried out 696 recorded inspections of licensed premises in the Borders during the reporting year. On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400. The proactive use of exclusion orders and antisocial behaviour legislation continued to contribute to reducing repeat offending in licensed premises. The misuse of alcohol was regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour. The report also summarised the proposed activity for the year ahead which included the licensing officer to continue to work alongside partner agencies and LSO's to provide pertinent advice and support to licence holders and their staff, Local Community Police Officers to undertake a dedicated night-time economy policing plan focussing on alcohol-related incidents, anti-social behaviour, violence, disorder and drugs misuse, and to engage with licensees to deliver any national campaigns including providing 'bystander' training to licence premise staff with a view to education to protect vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption.

## **DECISION**

**NOTED the report.**

*The meeting concluded at 4.45 p.m.*

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**SCOTTISH BORDERS COUNCIL  
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in the COUNCIL, CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS and via Microsoft Teams on 1 March 2024 at 10.00 a.m.

- Present: - Councillors M. Douglas (Convener), J. Paton Day, N. Richards, F. Sinclair, T. Weatherston.
- Apologies: - Councillor J. Cox, D. Parker, E. Small.
- In Attendance: - Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and John Scott), Licensing Officers – (S. Lackenby and T. Thomson), PC S Dishington, Democratic Services Officer (F. Henderson).

**1.0 MINUTE**

There had been circulated copies of the Minute of the Meeting held on 26 January 2024.

**DECISION**

**APPROVED the minute for signature by the Convener.**

**2.0 LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 16 January 2024 – 18 February 2024.

**DECISION**

**NOTED.**

**LICENSING (SCOTLAND) ACT 2005**

**3.0 Section 20: Application for Grant/Provisional Grant of Premises Licence**

**3.1** Consider the following application for Grant of Premises Licence.

**Verdant 2 Leisure Limited**

**Coldingham Bay Leisure Park  
School Road  
COLDINGHAM  
TD14 5NT**

Proposed business activity – These premises are located within a holiday home park where holiday accommodation is provided. The premise is a leisure facility and entertainment complex with a bar and restaurant.

Licensed hours applied for:

## ON SALE

Sunday to Wednesday 11.00am – 12.00midnight  
Saturday 11.00am - 1.00am  
10.00pm

## OFF SALE

Monday to Sunday Thursday to  
11.00am –

### Representations received:

Police Scotland - none.  
Licensing Standards Enforcement Officer - none.  
Health - none.  
Other - none.

There had been circulated copies of an application for the grant of a Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was for the new Club House, the previous one having been demolished as a result of a fire in February 2020. The applicant had previously held a licence for the old premises and had been operating with occasional licences in the temporary accommodation since June 2021. The application was within policy and there had been no objections received. There were no objections from Police Scotland.

The Convener welcomed, the applicant Mr George Hope, Verdant Leisure and his representative Mr McGowan of TLT, Solicitors to the meeting via Teams. Mr McGowan explained that Verdant Leisure, was an experienced licence holder, who operated across the Country. Following the fire in 2021, the Company had invested in £2m in a new facility, creating 16 jobs in the height of the season. The Application was within policy and the Company were happy to accept the planning condition in terms of live music outdoors ceasing after 11 p.m. and an assessment had been undertaken and submitted.

Mr Wynne advised that the condition on the planning permission would be removed once the noise impact assessment had been reviewed. In response to a question about a disco continuing after 11 p.m. Mr Wynne confirmed that that disco music could continue as the volume was more manageable.

## **DECISION**

**AGREED TO Grant.**

## **PRIVATE BUSINESS**

### **DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.**

### **Summary of Private Business**

## **6.0 MINUTE**

The Board considered the Private Minute of the Meeting held on 26 May 2023.

*The meeting concluded at 10.15 a.m.*



**SCOTTISH BORDERS COUNCIL  
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in the COUNCIL, CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS and via Microsoft Teams on 26 January 2024 at 10.00 a.m.

Present: - Councillors M. Douglas (Convener), J. Cox, D. Parker, J. PatonDay, N. Richards, E. Small, F. Sinclair, T. Weatherston.

In Attendance: - Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne, J. Scott and Hannah Wood), Licensing Officers – (S. Lackenby and T. Thomson), PC S Dishington, Sergeant S. Miller (Police Scotland), Democratic Services Officer (F. Henderson).

**1.0 MINUTE**

There had been circulated copies of the Minute of the Meeting held on 15 December 2023.

**DECISION**

**APPROVED the minute for signature by the Convener.**

**2.0 LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 5 December 2023 – 15 January 2024.

**DECISION**

**NOTED.**

**LICENSING (SCOTLAND) ACT 2005**

**3.0 Section 20: Application for Grant/Provisional Grant of Premises Licence**

**3.1** Consider the following application for Grant of Premises Licence.

**Co-operative Group Food Ltd**

**Co-op  
115 – 117 High Street  
Selkirk  
TD7 4JX  
(Provisional)**

Proposed business activity – The premises are a ground floor retail unit in the town centre of Selkirk. The proposal is to operate as a convenience store, as part of a national chain, selling a broad range of products, including alcohol to be sold on an off-sale basis only. The premises has been licensed previously as the Co-op and Sainsburys in the past, but the licence was surrendered a couple of years ago.

Licensed hours applied for:

ON SALE

Mon to Sun – N/A

OFF SALE

Mon to Sun - 10.00am to 10.00pm

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for the grant of a Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was for the Ground Floor premises which had previously been owned by Sainsbury and had held a Licence. The Co-op had recently acquired the property and had carried out an extensive refurbishment to create a new Co-op store. The application was for off sales, was within policy and no objections had been received. Police Scotland had no objections.

The Convener welcomed, Mr Lewis Barn, representing the Co-op to the meeting via Teams. Mr Barn explained that the application contained standard terms and was similar to Licences held by Co-ops stores throughout the Borders. Mr Barn went on to explain that the newly refurbished premises would replace the co-op store situated at 70 High Street, Selkirk with all staff transferring to the new store. The Co-op was very committed to the local area and would be employing additional staff in the new store. Mr Barn confirmed that the store was scheduled to open in September 2024, rather than July as previously stated.

**DECISION**

**AGREED TO Grant.**

*The meeting concluded at 10.15 a.m.*

**SCOTTISH BORDERS COUNCIL  
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH  
BORDERS LICENSING BOARD held via  
Microsoft Teams on 24 November 2023 at  
10.00 am

Present: - Councillors M. Douglas (Convener), J. Cox, J. PatonDay, D. Parker, N. Richards, E. Small, F. Sinclair, T. Weatherston.

In Attendance: - Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne and J. Scott), Licensing Officers – (S. Lackenby and T. Thomson), PC S Dishington (Police Scotland), Democratic Services Officer (F. Henderson).

**1.0 MINUTE**

There had been circulated copies of the Minute of the Meeting held on 22 September 2023.

**DECISION**

**APPROVED the minute for signature by the Convener.**

**2.0 LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 9 October 2023 – 13 November 2023.

**DECISION**

**NOTED.**

**LICENSING (SCOTLAND) ACT 2005**

**3.0 Section 20: Application for Grant/Provisional Grant of Premises Licence**

Consider the following applications for Grant of Premises Licence.

**3.1 Partnership of G Allicate & C Pinto**

**Bella Sicily  
12 Canongate  
Jedburgh  
TD8 6AJ  
(Provisional)**

Proposed business activity - The premises is a ground floor terraced premises in Jedburgh town centre comprising of lower and upper seating areas, kitchen, toilet facilities and storage areas. Retail premises on either side with residential premises above. The proposal being to sell alcohol to compliment the restaurant facility, with alcohol served generally, but not exclusively as an accompaniment to food, as well as being offered as an Off Sale to accompany takeaway and delivery food orders.

Licensed hours applied for:

ON SALE

Mon to Sun - 11.00am to 12.00 midnight

OFF SALE

Mon to Sun - 11.00am to 10.00am

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

The Applicant was not present, and it was agreed to continue in their absence. There had been circulated copies of an application for the grant of a Premises Licence. Mr Wynne, Licensing Standards and Enforcement Officer advised that the application was for a ground floor Italian Restaurant, which included seating on the 1<sup>st</sup> floor. The premises had been operating on an occasional licence without incident and there had been positive feedback. Police Scotland had no objections.

**DECISION**

**AGREED TO Grant.**

3.2 **Rafal Ziembra**

**Scrummy & Scrumpy**  
**29 High Street**  
**Hawick**  
**TD9 9BU**  
**(Provisional)**

Proposed business activity - The premise was a small ground floor retail unit situated in Hawick Town Centre. The premises consisted of a main shop area and backroom storage. The proposal being to sell alcohol on an Off-Sales basis, along with food produce from around the UK and home baked cakes.

Licensed hours applied for:

ON SALE

N/A

OFF SALE

Mon to Sun - 10.00am to 10.00am

Representations received:

Police Scotland - none.

Licensing Standards Enforcement Officer - none.

Health - none.

Other - none.

There had been circulated copies of an application for the grant of a Premises License. Mr Wynne, Licensing Standards and Enforcement Officer advised that the applicant was not present but had agreed that the application be considered in their absence. The application was in respect of a retail unit, with backroom storage behind and a residential property above, situated in Hawick Town Centre. The proposal was to sell alcohol on an Off-Sales basis only, together with food produced from around the UK and home baked cakes. The alcohol was a small display within the Unit which was within policy and no objections had been received. Police Scotland had no objections.

**DECISION**

**AGREED to Grant.**

**4.0 FESTIVE SEASON EXTENDED HOURS POLICY**

There had been circulated copies of a report by the Licensing standards and Enforcement Officer in respect of the Festive Hours for 2023/2024. The report explained that the Boards policy terminal hours were Sunday to Wednesday midnight and Thursday to Saturday 1.00 a.m. The vast majority of licensed premises in the Scottish Borders had a seasonal variation included in their operating plan allowing a terminal hour of 1.00 a.m. on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day. For 2023/24, Christmas Eve and New Year's Eve were on Sundays and Christmas Day and New Years Day being Monday and Boxing Day being on a Tuesday. As in previous years, it was proposed to allow premises, who did not have seasonal variations to apply for an extension to their core hours up to the same terminal hour (1 a.m.) on Christmas Eve, Christmas Day, Boxing Day, New Years Eve and New Years Day and that those applications be dealt with under delegated powers where no objections or representations were received. Where applications attract objections or representations, these would be referred to the Board for a decision as required by legislation. In addition, it was proposed that the same policy be applied to events being catered for in unlicensed premises by way of an Occasional Licence.

- 4.1 In terms of Night Club/Late Hour premises, it was proposed to allow night club premises to apply for extensions to their existing hours on these festive dates allowing them to trade to their usual core weekend hours. This preserved their normal weekend time differential between specific late-night venues and other licensed premises. Any extended hours applications for these dates would be dealt with under delegated powers when no objections or representations were received.

**DECISION NOTED.**

**5.0 DRAFT LICENSING POLICY STATEMENT**

There had been circulated copies of a note to update Members, together with a copy of the Draft Policy Statement 2023-2028 and responses to the consultation with regard to the review of the Board's Statement of Licensing Policy for the period November 2023 to November 2028.

- 5.1 As it happened, the Licensing Forum, which the Licensing (Scotland) Act 2005 required each local authority to have, set up its own consultation, a Community Insight into Alcohol Impacts and Licensing in the Scottish Borders. The Forum consultation ran for the period 25 May 2023 to 16 July 2023, and it was understood that the responses received aided the Forum framing its response to the Boards own consultation process. In order to avoid confusion with the Forum's consultation, the Board's consultation process was held back until and made available from 21 July 2023 to 17 September 2023. Unfortunately, it appeared that those who responded to the Forum's consultation did not respond to the Board's consultation and as a result only three responses were received, one from the Licensing Forum, one from the Borders Alcohol and Drugs Partnership and one from the Jethart Callants Festival. Following the public consultation period Licensing Officers had reviewed the responses received and after consideration feel that no further changes were required to these highlighted on the draft policy statement.

- 5.2 Councillor Weatherston, proposed an amendment at the end of paragraph 7.3 as follows; -

*'As with any policy, the Licencing board must allow for the possibility of exceptions in considering an application for additional licenced hours outwith the standard Licencing hours, the Licencing board will have regard to the impact that the licenced hours sought may have on one or more of the Licencing objectives and in terms of the suitability of the premises for sale of alcohol during the hours applied for, and each application will be considered on its own merits.'*

*Councillor Weatherston, amendments was unanimously approved and otherwise Members were content with the changes proposed by officers.*

**DECISION**

**AGREED** that Changes proposed to draft Policy Statement together with the amendment were sufficient and that a report seeking approval of the finalised statement would be brought to the next meeting.

*The meeting concluded at 10.27 a.m.*

**SCOTTISH BORDERS COUNCIL  
LICENSING BOARD**

MINUTE of Meeting of the SCOTTISH BORDERS LICENSING BOARD held in the COUNCIL, CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS and via Microsoft Teams on 15 December 2023 at 10.00 a.m.

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Present: - Councillors M. Douglas (Convener), J. Cox, J. PatonDay, N. Richards, E. Small, F. Sinclair, T. Weatherston.

Apologies:- Councillor D. Parker.

In Attendance: - Managing Solicitor (Property and Licensing), Licensing Standards and Enforcement Officers (M. Wynne, J. Scott and Hannah Wood), Licensing Officers – (S. Lackenby and T. Thomson), PC S Dishington, Sergeant G. Wood (Police Scotland), Democratic Services Officer (F. Henderson).

**1.0 MINUTE**

There had been circulated copies of the Minute of the Meeting held on 24 November 2023.

**DECISION**

**APPROVED the minute for signature by the Convener.**

**2.0 LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 14 November 2023 – 4 December 2023.

**DECISION**

**NOTED.**

**3.0 ANNUAL FINANCIAL AND FUNCTIONS REPORT**

There had been circulated copies of a report by the Clerk to the Licensing Board to seek approval from the Board of the Annual Functions Report and Annual Financial Reports for 2022/23. The Managing Solicitor (Property and Licensing), Mr Kirk advised Members that Licensing Boards were required to provide an Annual Functions Report which must include a statement explaining how the Board has had regard to the licensing objectives and its Policy Statement in the exercise of its functions in terms of Section 9A of the Licensing (Scotland) Act 2005 as well as a summary of decisions made by the Board and information on the number of licenses (including occasional licences) held in the Board's area. Mr Kirk advised that the Annual Financial Report must include a statement of the amount of relevant income received by the Board during the financial year together with the amount of relevant expenditure incurred and an explanation on how the amounts in the statement were calculated. Covid-19 had impacted on the revenue of the Board, which was reflected in the number of Occasional licenses granted being significantly lower than previous years. In response to a question about reviewing the fees paid for occasional licences, which were considered disproportionate, Mr Wynne advised that the fees were set by the Scottish Government and had been out for consultation when COVID 19 began, and the consultation was put on hold. Members expressed a desire to have input into the consultation, should it

re-commence. Members noted the small deficit in income, as businesses continued to recover from the pandemic.

**DECISION**

**(a) APPROVED:-**

- (i) the Annual Functions Report set out in Appendix 1 to the report;**
- (ii) the Annual Financial Report set out in Appendix 2 to the report.**

**(b) AGREED to authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report.**

**4.0 LICENSING POLICY STATEMENT**

With reference to paragraph 5 of the Minute of 24 November 2023, there had been circulated copies of the final Policy Statement 2023-2028 for approval which included additional wording to paragraph 7.3 proposed by Councillor Weatherston and approved at the previous meeting on 24 November 2023.

**DECISION**

**APPROVED the Policy Statement 2023 – 2028 as detailed in Appendix to the Minute in the Minute Book and authorised the Clerk to proceed with the publication of the Policy Statement.**

*The meeting concluded at 10.15 a.m.*