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## **SCOTTISH BORDERS LICENSING BOARD FUNCTIONS AND FINANCIAL REPORTS 2020/2021**

**Report by the Clerk to the Licensing Board**

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### **SCOTTISH BORDERS LICENSING BOARD**

**19 November 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval from the Licensing Board for the Annual Functions Report and Annual Financial Report.

#### **2 RECOMMENDATIONS**

##### **2.1 It is recommended that Members:**

- (a) approve the annual Functions Report set out in Appendix 1 to this report;**
- (b) approve the annual Financial Report set out in Appendix 2 to this report; and**
- (c) authorise the Clerk to the Board to proceed with the publication of the Annual Functions Report and Annual Financial Report.**

### **3 BACKGROUND**

- 3.1 In terms of Section 9A of the Licensing (Scotland) Act 2005 (“the 2005 Act”) Licensing Boards are required to provide an Annual Functions Report. In addition, in terms of Section 9B of the 2005 Act, Licensing Boards are also required to produce and publish an Annual Financial Report. As a consequence, Licensing Boards have a statutory duty to publish these reports within three months of the end of each financial year. However, as a result of the Covid-19 outbreak, Schedule 5 Paragraph 4 of the Coronavirus (Scotland) Act 2020 extended the timeframe for the preparation and publishing of annual finance and functions reports and allowed Licensing Boards to prepare and publish their annual reports no later than 31 December 2021 due to the coronavirus pandemic.
- 3.2 The Board’s Annual Functions Report must include a statement explaining how the Board has had regard to the licensing objectives and the Board’s Policy Statement in the exercise of its functions under the Act as well as a summary of decisions made by the Board and information about the number of licences held in the Board’s area, including occasional licences.
- 3.3 The draft report at Appendix 1 hereto therefore provides all the required information as an accurate representation of the Board’s functions for the period 1 April 2020 to 31 March 2021.
- 3.4 The Financial Report must include:
  - (a) a statement of:
    - (i) the amount of relevant income received by the Licensing Board during the financial year; and
    - (ii) the amount of relevant expenditure incurred in respect of the Board’s area during the year; and
  - (b) an explanation of how the amounts in the statement were calculated.
- 3.5 The draft report at Appendix 2 hereto therefore provides all required financial information and is an accurate representation of the Board’s financial position for the period 1 April 2020 to 31 March 2021.
- 3.6 Members are asked to note that the Licensing Board income cannot be guaranteed in any financial year, this being completely dependent on the number of licensed premises which continue to operate as the vast majority of Board income stems from annual Premises Licence fees. The ongoing Covid-19 pandemic has had a major impact on the Board’s income for the period as a number of premises surrendered their licences and the number of applications received during the financial year was greatly reduced all of which resulted in the Board’s income being significantly lower when compared to previous years.
- 3.7 It is also the case the Board income and expenditure is kept under review on a regular basis.

## **4 IMPLICATIONS**

### **4.1 Financial**

There are no costs attached to any of the recommendations contained in this report.

### **4.2 Risk and Mitigations**

The information provided within these reports ensures transparency and helps to mitigate reputational risk to the Council by allowing ongoing scrutiny of the Licensing Boards functions and income and expenditure.

### **4.3 Integrated Impact Assessment**

There is no impact or relevance to the Equality Duty or the Fairer Scotland Duty for this report. This is a routine annual monitoring report as required by Section 9A and 9B of the Licensing (Scotland) Act 2005 which forms part of the governance of the management of the Licensing Board.

### **4.4 Sustainable Development Goals**

Whilst there are no economic, social or environmental effects arising from the proposals contained in this report there are through the activities reported upon positive impacts upon the economy and the community by the exercise of the Licensing objectives being preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health and protecting children and young persons from harm. Consider each of the UN Sustainable Development Goals (complete the checklist) and decide whether your project/action plan/recommendations will make a difference to any of these.

### **4.5 Climate Change**

There are no effects on climate change arising from the proposals contained in this report.

### **4.6 Rural Proofing**

There are no effects on rural proofing arising from the proposals contained in this report.

### **4.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

### **4.8 Changes to Scheme of Administration or Scheme of Delegation**

There are no changes required to the Scheme of Administration or Scheme of Delegation arising from the proposals contained in this report.

## 5 CONSULTATION

- 5.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications are being consulted and any comments received will be incorporated into the final report.

### Approved by

**Nuala McKinlay**

**Clerk, Scottish Borders Licensing Board Signature .....**

### Author(s)

Name	Designation and Contact Number
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**Background Papers:** None

**Previous Minute Reference:** None

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Ron Kirk can also give information on other language translations as well as providing additional copies.

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