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## **SCOTTISH BORDERS LICENSING BOARD FUNCTIONS AND FINANCIAL REPORTS 2021/2022**

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

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### **SCOTTISH BORDERS LICENSING BOARD**

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#### **18 NOVEMBER 2022**

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

**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 2021 to 31 March 2022.
- 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 2021 to 31 March 2022.
- 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 impact of the Covid-19 pandemic which in the previous year had had a major impact on the Board’s income abated slightly during the year as the Licensed trade began to recover. In particular, the number of Occasional Licence applications received greatly increased during the period from the previous year.
- 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 Implications**

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 further scrutiny of its income and expenditure.

#### 4.3 **Equalities Impact Assessment**

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religious belief arising from the proposals contained in this report.

#### 4.4 **Sustainable Development Goals**

There are no sustainable development goals arising from the proposals contained in this report.

#### 4.5 **Climate Change**

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

#### 4.6 **Rural Proofing**

There are no rural proofing impacts 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**

No changes to either the Scheme of Administration or the Scheme of Delegation are required as a result of the recommendations in this report

### **5 CONSULTATION**

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

#### **Approved by**

**Nuala McKinlay**  
**Clerk, Scottish Borders Licensing Board**

**Signature .....**

#### **Author(s)**

Name	Designation and Contact Number
Ron Kirk	Managing Solicitor, Property and Licensing. 01835 826764

**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.

Contact us at Ron Kirk, Scottish Borders Council, Council Headquarters, Newtown St Boswells. T: 01835 826764; F: 01835 826693; E: ron.kirk@scotborders.gov.uk

*Scottish Borders Licensing Board – 18 November 2022*

Jackie Wilson, Scottish Borders Council, Council Headquarters, Newtown St Boswells.  
T: 01835 82826568; F: 01835 826693; E: [jewilson@scotborders.gov.uk](mailto:jewilson@scotborders.gov.uk)