

# General Licensing Committee Agenda



**9.30 am Tuesday, 6 April 2021  
Via Microsoft Teams**

**In accordance with Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held on a virtual basis. Members of the Public can view a live stream of the meeting at:**

**<https://www.darlington.gov.uk/livemeetings>**

**Members of the public wanting to raise issues/make representations at the meeting can do so by emailing [Allison.hill@darlington.go.uk](mailto:Allison.hill@darlington.go.uk) 24 hours before the meeting begins.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 23 February 2021 (Pages 3 - 4)
4. Application for Renewal of Licence for Premises to be approved as a venue for Marriages and Civil Partnerships - Bannatyne Hotel, Darlington – Report of the Assistant Director, Law and Governance and Proper Office for Darlington Registration District.  
(Pages 5 - 14)
5. Review of Licence as a Premise approved for Marriages and Civil Partnerships - Town Hall, Darlington – Report of the Assistant Director, Law and Governance and Proper Officer for Darlington Registration District.  
(Pages 15 - 18)
6. Interim Procedures for Grant of Pavement Cafe Licences – Report of the Director of Economic Growth  
(Pages 19 - 22)
7. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting

8. Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Monday, 29 March 2021**

**Town Hall**  
**Darlington.**

**Membership**

Councillors Clarke, Crumbie, Donoghue, Dulston, Haszeldine, C L B Hughes, B Jones, Lee, Newall, K Nicholson, A J Scott and Snedker

If you need this information in a different language or format or you have any other queries on this agenda please contact Allison Hill, Democratic Officer, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: [allison.hill@darlington.gov.uk](mailto:allison.hill@darlington.gov.uk) or telephone 01325 405997

## GENERAL LICENSING COMMITTEE

Tuesday, 23 February 2021

**PRESENT** – Councillors B Jones (Chair), Clarke, Crumbie, Donoghue, Dulston, Haszeldine, C L B Hughes, Lee, K Nicholson and Snedker

**APOLOGIES** – Councillor Newall

**ABSENT** – Councillor A J Scott

**OFFICERS IN ATTENDANCE** – Allison Hill (Democratic Officer), Graham Hall (Head of Community Safety), Colin Dobson (Licensing Manager), Paula Park (Licensing Enforcement Officer), Bethany Symonds (Lawyer) and Pc Iain Robertson (Durham Constabulary)

### LG16 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### LG17 MINUTES

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 12 January 2021.

**RESOLVED** – That the Minutes of the meeting of the General Licensing committee held on 12 January 2021 be approved as a correct record.

### LG18 REVIEW OF LICENCES FOR APPROVED VENUES FOR MARRIAGES AND CIVIL PARTNERSHIPS

The Assistant Director Law and Governance and Proper Officer for Darlington Registration District submitted a report (previously circulated) to review the licensing arrangements for venues approved for marriages and civil Partnerships in Darlington giving consideration to the impact of the current Covid-19 pandemic; and to review the arrangements for marriages and civil partnerships in the Town Hall, Darlington.

The submitted report gave the background to the current legislation which provides the legal framework for marriages and civil partnerships and the responsibility of the local authority for the licensing of all other venues for marriages and civil partnerships; and outlined the implications of the current Covid-19 pandemic upon marriages and civil partnerships and for those suppliers and hospitality venues connected with weddings.

It was reported that since March 2020 some marriages and civil partnerships had proceeded however approximately 400 weddings at the register office and at the approved venues had either been cancelled or had to be rescheduled which has had a financial impact on the couples being married, lost revenue for the local authority and the approved venues, most of which are hotels which had been significantly hit by the current Covid-19 pandemic.

The General Register Office had suggested that local authorities give consideration to how it can utilise its licensing arrangements for approved venues to support them during this difficult time and possible options were contained in the submitted report.

It was also reported that ceremonies had continued throughout the pandemic in the Council Chamber at the Town Hall and the Statutory Marriage room had been relocated to Committee Room 4 to meet social distancing requirements for the couple being married, two witnesses and two registrars. The submitted report outlined potential options to maximise locations for weddings in the event of the Council Chamber or Council Chamber Foyer not being available and a number of alternative areas were proposed to be licensed for marriages and civil partnerships.

Members entered into discussion on the submitted report and had a number of questions that were unable to be answered at that time so proposed that the decision on this matter be deferred.

**RESOLVED** – That further consideration of this matter be adjourned to a future meeting.

**LICENSING COMMITTEE  
6 APRIL 2021**

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**APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE  
APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS**

**Bannatyne Hotel, Southend Avenue, Darlington**

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**Purpose of Report**

1. To consider an application received from Bannatyne Hotel for the renewal of a licence to be approved as a venue for Civil Marriages and Civil Partnerships in accordance with the provisions of:
  - The Marriage Act 1949 (as amended by the Marriage Act 1994),
  - The Civil Partnership Act (2004)
  - The Marriage and Civil Partnerships (Approved Premises) Regulations 2005, and
  - The Marriage (Same Sex Couples) Act (2013)

**Summary**

Since 1994 local authorities have been able to approve venues where civil marriage and civil partnerships can take place as an alternative venue to a Register Office most of which are hotels.

Bannatyne Hotel has been a licensed venue for Civil Ceremonies since 1994 when it was formerly the New Grange Hotel and has continued to be a popular wedding venue generating business for the register office and for local business, attracting couples who are marrying both local and from further afield.

Its current licence expires on 6<sup>th</sup> April, 2021.

There have been no issues with the venue which would adversely affect its application to renew its licence. The three year licence as an approved venue is now due for renewal and the committee are asked to consider the application.

## Information

2. The building has the required fire risk assessments and there are no access or DDA issues which would adversely affect the application.

The premises are considered to be suitable for approval as a venue for Marriages and Civil Partnerships, subject to the standard conditions and a limit on the number of people permitted to be present in the nominated rooms.

The applicant is not seeking to alter or change any of the areas or capacities of persons who can be present when ceremonies take place. These are currently:

Room	Maximum Capacity (where no government restrictions apply)
Maxine's Restaurant/Study Room	80
Wilbur Suite	150
The Library	20
The Gazebo	6*

*\*ie. two registrars, the couple and two witnesses inside the gazebo. Guests Outside on the garden is unlimited.*

3. A copy of the application submitted is attached and the renewal fee of £1700.00 has been invoiced.
4. Following receipt of the application, an advert inviting public responses has appeared on the council website and no responses have been received. The application has also been considered by the planning, environmental health and building control officers and no issues have been raised.

## Financial Implications.

5. The renewal of a licence for a premise as a venue for civil marriages and civil partnerships incurs a fee payable to the local authority which is currently £1700.00

## Legal implications.

6. The current licence for the Bannatyne Hotel expires on 6<sup>th</sup> April, 2021. The grant of a further licence is required for the hotel to continue with its bookings for civil marriages and partnerships. The standard renewal licence is for three years from the date of expiry of the current licence. The licensing committee can issue a licence on a shorter timescale as a temporary measure should it wish and/or make specific conditions including where the ceremony can take place, how many can attend and improvements for accessibility.

## Conclusion.

7. Members are asked to renew the licence for Bannatyne Hotel as an approved premise for civil marriages and civil partnerships for a further three years from 6<sup>th</sup> April, 2021.

## Recommendation.

8. It is recommended that:
- (a). The licence for Bannatyne Hotel, Southend Avenue, Darlington as an approved premise be granted for a further three years from 6<sup>th</sup> April, 2021.
- (b) That the places designated where civil marriages and civil partnerships can take place and the maximum of numbers of persons who can attend those marriages and civil partnerships continue to be:

Room	Maximum Capacity (where no government restrictions apply)
Maxine's Restaurant/Study Room	80
Wilbur Suite	150
The Library	20
The Gazebo	6*

*\*ie. two registrars, the couple and two witnesses inside the gazebo. Guests Outside on the garden is unlimited.*

## Reasons.

To facilitate the continuation of Bannatyne Hotel, Southend Avenue, Darlington as a premise approved for civil marriages and civil partnerships.

**Luke Swinhoe, Assistant Director, Law and Governance and Proper Officer  
for Darlington Registration District**

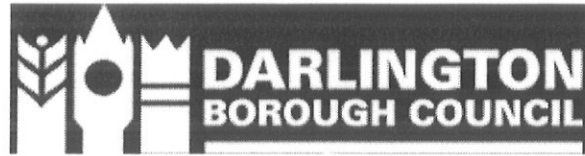
## Background Papers

Application for renewal of licence as an approved premise for Civil Marriage and Civil Partnership from Bannatyne Hotel.

Anthony Hall, Superintendent Registrar Ext 6400

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## Application for approval as a venue licensed for civil marriages and civil partnerships.

An application is made to the **Darlington Borough Council** being the local licensing authority for approval of premises suitable for civil marriages and civil partnerships in pursuance of the Marriage Act 1949 (section 26(1)(bb); the Civil Partnership Act 2004 (section 6(3A)(a)); and the Marriage (Same Sex Couples Act (2016)).

This application must be made by the proprietor or a trustee of the premises. If successful, the applicant will be the holder of the approval. When completed, it should be forwarded to the Superintendent Registrar at Darlington Register Office, Town Hall, Darlington DL1 5QT

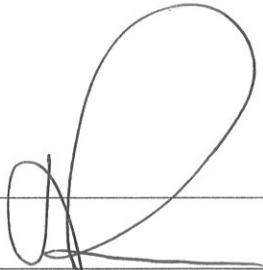
Name of premises to be licensed	Bannatyne Hotel, Southend Avenue, Darlington DL3 7HZ
Type of application (new or renewal)	Renewal
Where renewal date of expiry of current licence	06.03.2021
Name of applicant	Mr John Price, General Manager
Signature of applicant	
Date of application	08.03.2021

I, **John Price**, being the applicant, apply for the premises known as **Bannatyne Hotel, Southend Avenue, Darlington DL3 7HZ** to be approved for the solemnisation of civil marriages and civil partnerships in accordance with the above legislation.

I understand that:

- a) the premises may be inspected for suitability before approval is granted and, if this application is successful, may be subject to subsequent inspection as required;
- b) public notice of the application will be given by advertisement on the Darlington Borough Council website with comments or objections to the application being submitted for consideration to the approving licensing committee.
- c) approval, if granted, will be for a period determined by the authority and will be subject to revocation. It will be for no less than three years; and
- d) the authority will need to be satisfied that appropriate health and safety provision and fire safety is in place.
- e). I declare that I have read and understood the information contained in this form and Annexes A, B, C and D to this application.
- f). the premises are not religious premises.
- g). the premises are not a register office (or, where a register office is situated in the premises that is not the room that is the subject of this application); and
- h) I have consulted the planning authority as to whether planning consent is required and attach evidence that it is content that the premises may be used for marriages and civil partnerships.
- i). I further declare that, if approval is granted subject to any exemptions in the Equality Act 2010 (see paragraphs 2.7 - 2.11 of this guidance) the premises will be regularly available for public use for the solemnization of marriages and the registration of civil partnerships; and
- j). I will comply with both the standard conditions {Annex C of this guidance} and any further conditions that the authority considers reasonable

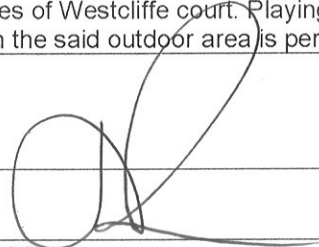
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Signature of applicant	
Date of application	08.03.2021

**Details of premises to be approved as a venue  
for civil marriages and civil partnerships**

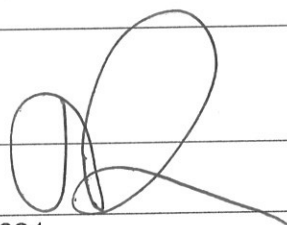
1.	Name of the applicant	John Price										
2.	Position held within business	Hotel General Manager										
3.	Nature of usual business of the premises	Hotel										
4.	Current licence details	<p>Premises Reference Number: 033109 Current Licence expires: 06.04.20</p> <table border="1"> <thead> <tr> <th>Room</th> <th>Maximum Capacity</th> </tr> </thead> <tbody> <tr> <td>Maxine's Restaurant/Study Room</td> <td>80</td> </tr> <tr> <td>Wilbur Suite</td> <td>150</td> </tr> <tr> <td>The Library</td> <td>20</td> </tr> <tr> <td>The Gazebo</td> <td>6*</td> </tr> </tbody> </table> <p>The playing of recorded music is not permitted in the garden/gazebo for outdoor ceremonies due to the close proximity of the neighbouring properties of Westcliffe court. Playing of live music in the said outdoor area is permitted.</p>	Room	Maximum Capacity	Maxine's Restaurant/Study Room	80	Wilbur Suite	150	The Library	20	The Gazebo	6*
Room	Maximum Capacity											
Maxine's Restaurant/Study Room	80											
Wilbur Suite	150											
The Library	20											
The Gazebo	6*											

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Signature of applicant	
Date of application	08.03.2021

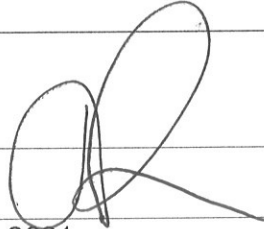
5. Areas within the premises and maximum number of persons sought to be permitted to present during the marriage or civil partnership.  If this different from the last application ?	Room	Maximum Capacity
	Maxine's Restaurant/Study Room	80
	Wilbur Suite	150
	The Library	20
	The Gazebo	6*
No change to current requirements.		

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Signature of applicant	
Date of application	08.03.2021

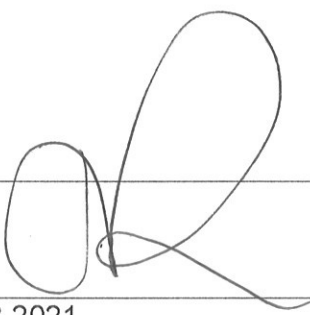
6.	Do the premises currently have the benefit of a public entertainment licence ?	Yes
7.	Are you aware of there being any current planning applications or restrictions which may impact this application ?	No
8.	Do you have a current fire risk assessment which is available for inspection upon request and that its content does not adversely affect the proposed ceremony room occupancies or the performing of civil marriages or civil partnerships within the proposed ceremony rooms.	Yes

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Signature of applicant	
Date of application	08.03.2021

9.	Do you currently have a current Disability Discrimination assessment which is available for inspection upon request and that its contents does not adversely affect the proposed ceremony room occupancies or the performing of civil ceremonies within the proposed ceremony rooms.	Yes
10.	<p>I can confirm that the application fee of £1700.00 will be paid before consideration by the licensing authority either by (highlight as applicable):</p> <ol style="list-style-type: none"> <li>1. <del>I have enclosed a cheque for £1700.00 payable to Darlington Borough Council.</del></li> <li>2. Raise an invoice to the details as stated</li> </ol>	<p>Raise invoice to:                  Mr. J. Price                  General Manager                  Bannatyne Hotel,                  Southend Avenue                  Darlington DL3 7HZ                  £1700.00</p>
11.	<p>My contact details as the applicant throughout the application process are:</p> <ul style="list-style-type: none"> <li>• Name:</li> <li>• Email:</li> <li>• Telephone number:</li> <li>• Postal address:</li> </ul>	<p>John Price                  gm.darlingtonhotel@                  bannatyne.co.uk                  01325 365 899                  Address as above</p>

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Signature of applicant	
Date of application	08.03.2021

**GENERAL LICENSING COMMITTEE  
6 APRIL 2021**

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**REVIEW OF LICENCE AS A PREMISE APPROVED FOR MARRIAGES AND  
CIVIL PARTNERSHIPS**

**Town Hall, Darlington**

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**Purpose of Report**

1. To review the arrangements for marriages and civil partnerships in the Town Hall Darlington to ensure business continuity in accordance with the provisions of:
  - The Marriage Act 1949 (as amended by the Marriage Act 1994),
  - The Civil Partnership Act (2004)
  - The Marriage and Civil Partnerships (Approved Premises) Regulations 2005, and
  - The Marriage (Same Sex Couples) Act (2013)

**Information**

2. The Register Office relocated from the Dolphin Centre to the Town Hall, Darlington in October 2016 and has since then been a successful choice for couples for a register office marriage or civil partnership. There are currently three options for couples:

<i>Area</i>	<i>Maximum number of persons who can attend (without any government restrictions)</i>
The Statutory Marriage Room (former Radio Cleveland Office)	7 people (the couple, two witnesses and one photographer and two registrars)
Council Chamber Foyer	20 people (the couple, 17 guests, one photographer and two registrars)
The Council Chamber	70 people (the couple, 64 guests, two photographers and two registrars)

## Background

3. Marriages and Civil Partnerships can take place in one of four places:

- (a) A religious building;
- (b) A register office statutory marriage/civil partnership room (the couple being married/civil partners and two witnesses only)(our statutory marriage room is currently the former radio cleveland office adjacent to committee room 3);
- (c) A register office ceremony room other than the statutory room which is known as a “decommissioned marriage room” ie. the Council Chamber or Council Chamber Foyer.
- (d) A building approved by the local authority deemed suitable as a venue for civil marriages and civil partnerships. Known as an “approved venue” most of these are hotels, museums and leisure-based venues.

In addition to the three venues within the register office accommodation at the Town Hall, Darlington currently has nine approved premises for civil marriages and civil partnerships (seven hotels, the Head of Steam and the Hippodrome Theatre)

### Marriages and Civil Partnerships in the Town Hall

- 4. Since relocating to the Town Hall in 2016, marriages and civil partnerships have worked successfully at the Town Hall. However, we have not considered the potential impact of the current register office accommodation not being available due to an emergency situation for example a flood or fire. Alternatively, there may be a high profile civic engagement or public inquiry which would render the council chamber unavailable for a wedding.
- 5. To maximise the potential options for a location for a wedding in an emergency or urgent situation the following areas would be deemed suitable as an emergency alternative to the Council Chamber and Council Chamber Foyer. These rooms would not be offered as options for couples wishing to be married, they are for business continuity use only.

Area proposed to be licensed for marriages and civil partnerships	Proposed maximum of persons (1)
Committee Room 1	40 persons
Committee Room 2	40 persons
Committee Room 3	20 persons
Committee Room 4 (2)	20 persons
The civic reception lobby	30 persons



The maximum number of persons permitted are relevant when no government restrictions on the limitation of persons able to be present. The maximum numbers also include the two registrars, couple being married any guests and photographers.

If a wedding cannot go ahead because of building issues and we do not have a contingency plan the local authority might be subject to complaints or claims from customers.

### **Financial and Legal Implications**

6. This report has been considered by the Assistant Director, Law and Governance, for financial and legal implications in accordance with the Council's approved procedures. There are no issues which need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Conclusion**

7. Members are asked to approve the additional rooms and capacities as being suitable places for marriages and civil partnerships for emergency and business continuity use.

### **Recommendation**

8. It is recommended that the Council Chamber, Council Chamber Foyer and statutory marriage room continue to be the venues for marriages and civil partnerships in the Town Hall but that the following be licensed as additional rooms for marriages and civil partnerships for business continuity purposes:
  - (i) Committee Room 1 – maximum of 40 persons;
  - (ii) Committee Room 2 – maximum of 40 persons;
  - (iii) Committee Room 3 – maximum of 20 persons;
  - (iv) Committee Room 4 – maximum of 20 persons;
  - (v) The civic reception lobby – maximum of 30 persons.

### **Reasons**

9. The reasons are:
  - (a) To enable a greater degree of flexibility over the rooms that can be used for marriages and civil partnerships in the Town Hall Darlington, particularly in an urgent situation where a designated room is not available due to an unexpected incident.

**Luke Swinhoe, Assistant Director, Law and Governance and Proper Officer  
for Darlington Registration District**

Anthony Hall: Ext 6400

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**GENERAL LICENSING COMMITTEE  
6 APRIL 2021**

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**INTERIM PROCEDURES FOR GRANT OF PAVEMENT CAFÉ LICENCES**

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**Purpose of the Report**

1. The purpose of this report is to invite Members to consider a proposal to simplify the application process of granting a pavement café licence when deviating from our Pavement Café Policy.

**Background**

2. A revised Pavement Café Policy was approved by Darlington Borough Council's Licensing Committee in March 2014 following a review. A full consultation process took place with all stakeholders and an Equality Impact Assessment was carried out by Darlington Association on Disability (DAD). A pavement café licence is bespoke to each premises but includes a number of mandatory conditions.
3. The Covid-19 pandemic highlighted a requirement for social distancing, thereby reducing capacity within premises. Given the continuing importance of the outdoors to reduce transmission of the virus, government strongly encourages local authorities to plan for outdoor dining and make all necessary changes to local high streets, squares and the public realm so this is as convenient as possible for businesses and members of the public.
4. An emergency Business and Planning Act was introduced in July 2020, which allowed for a greater use of outside space to increase capacity for premises and generate income. This Act reduced the consultation and decision making time for a pavement café licence from 28 days to 14 and placed a cap on the fee that could be charged at £100. A decision was made by the Darlington's Licensing Committee that no fee should be charged. This Act was due to cease on 30th September 2021, however this is to be extended to 30<sup>th</sup> September 2022 subject to new legislation.
5. On the 5 March 2021, Robert Jennick MP, Minister for Housing, Communities & Local Government, wrote to council leaders highlighting support for the safe re-opening of the hospitality trade and what is to be expected from local authorities (**Appendix 1**). There is an expectation that a pavement café licence will be granted unless there is a good reason not to do so.
6. The Business and Planning Act also made amendments to the Licensing Act 2003 to allow premises with outside space such as car parks, to be used for the consumption of alcohol without the requirement to apply for a new premises licence and provided those premises that had on-sale only on their licence to automatically be given off-sales. To safeguard against potential

nuisance caused by premises, an expedited review process was also introduced.

7. With the introduction of the Act there are now 32 premises with pavement café licences within Darlington. Each licence was approved by Highways, Police and Darlington Association on Disability (DAD) following consultation. These premises will have their licence automatically renewed until September 2022 provided police and highways have no representations to make.

#### **Issue to be addressed**

8. The hospitality trade and service industry is crucial to our national and local economies and it is important that these are allowed to operate safely as soon as possible. Whilst a number of premises already have pavement café licences we must be alert to other struggling businesses that may benefit from using outside space with a pavement café. It is clear from the Business and Planning Act 2020 that the government intention was to speed up the application process for pavement café licences and for local authorities to take a pragmatic approach. Our current pavement café policy has served Darlington Borough Council well for a number of years, however these unprecedented times were not considered during the last review. It would be sensible to review this policy in light of the changes experienced, however, with the hospitality trade still in a period of extreme change it would be prudent to carry this out when there is a greater understanding what the full impact Covid-19 has had on this industry.
9. When an application is received and representations are made it would ordinarily require a hearing by the Licensing Committee to decide if a licence should be granted. It may take several weeks from application to determination to complete. This delay would reduce the ability of a struggling business to take advantage of using outside space at a critical time of recovery. Once these businesses are closed it is unlikely that they will return in the future.

#### **Proposal**

10. As an interim and pragmatic approach to support local businesses on the road to recovery it is proposed that the following process be adopted when the grant of a pavement café licence will be outside of our policy:
11. Following representations, a panel comprising of the following officers will make an informed decision, after risk and equality assessments are carried out, if it will be considered safe to issue a licence subject to any conditions that may be required:
  - Head of Culture and Community Services (Chair)
  - Highways Manager
  - Licensing Manager
  - Police

12. If an application is considered to be safe with mitigating measures, the group will seek approval to grant from the Chair of the Licensing Committee, who may consult with Members before an officer delegated decision is made.
13. This will streamline the process without the requirement to convene a Licensing Committee meeting every time an application is to be considered, whilst still allowing a decision to deviate from policy to be examined by elected Members. The decision to hold a full meeting will remain for those contentious premises where opinion may be divided, however officers will continue with the practice of trying to resolve any issues by negotiation in the first instance.

### **Recommendation**

14. Members are invited to approve a new interim decision making process to be adopted when an application for a pavement café licence falls outside our current policy

### **Reasons**

15. The recommendation is put forward to ensure that each application is considered safe, whilst adapting to the extreme challenges presented during this pandemic

**Ian Williams**  
**Director of Economic Growth**

### **Background Papers**

Highways Act 1980  
Business and Planning Act 2020  
Darlington Borough Council Pavement Café Policy

Appendix 1  
Letter from Minister of Housing, Communities & Local Government to Council Leaders

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