



General Licensing Committee Agenda

9.30 am

Tuesday, 18 April 2023

Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 17 January 2023 (Pages 3 - 6)
4. To approve the Minutes of the meetings of the General Licensing Sub Committee held on 17 January 2023 (Pages 7 - 8)
5. Application for Renewal of Licence for Premises to be approved as a venue for Marriages and Civil Partnerships - Kings Hotel, Priestgate, Darlington – Report of the Assistant Director, Law and Governance and Proper Officer for Darlington Registration District.
(Pages 9 - 18)
6. 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
7. Questions



Luke Swinhoe
Assistant Director Law and Governance

Thursday, 6 April 2023

Town Hall
Darlington.

Membership

Councillors Clarke, Crumbie, Donoghue, Haszeldine, C L B Hughes, B Jones, Lee, Newall, K Nicholson, Renton, A J Scott, Mrs H 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 Hannah Miller, 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: hannah.miller@darlington.gov.uk or telephone 01325 405801

GENERAL LICENSING COMMITTEE

Tuesday, 17 January 2023

PRESENT – Councillors C L B Hughes (Chair), Donoghue, Haszeldine, B Jones, Newall, Renton, A J Scott, Mrs H Scott and Snedker

APOLOGIES – Councillors Clarke, Crumbie and Lee

ABSENT – Councillor K Nicholson

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager), Anthony Hall (Superintendent Registrar), Allison Hill (Democratic Officer), Michael Conway (Mayoral and Democratic Officer) and PC Alan Newcombe (Durham Constabulary)

LG24 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

LG25 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 29 NOVEMBER 2022

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 29 November 2022.

RESOLVED – That the Minutes of the meeting of the General Licensing committee held on 29 November 2022 be approved as a correct record.

LG26 TO APPROVE THE MINUTES OF THE MEETING OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 29 NOVEMBER 2022

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 29 November 2022.

RESOLVED – That the Minutes of the meeting of the General Licensing Sub-Committee held on 29 November 2022 be approved as a correct record.

LG27 APPLICATION FOR GRANT OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES AND CIVIL PARTNERSHIPS - DARLINGTON ARENA, NEASHAM ROAD

The Assistant Director, Law and Governance and Proper Officer for Darlington Registration District submitted a report (previously circulated) to give consideration to an application for a licence for Darlington Arena, Neasham Road 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 2021; and the Marriage (Same Sex Couples) Act (2013).

The submitted report gave a summary of the Darlington Arena as an existing experienced hospitality venue; the proposed designated rooms and maximum capacity for each room for civil marriage and civil partnerships and a plan of the venue including the proposed locations.

RESOLVED – That the licence for the Darlington Arena, Neasham Road as an approved premise for civil marriage and civil partnerships be granted for three years from 1 April 2023 to 31 March 2026 and that the places designated where civil marriage and civil partnerships can take place indoors at the premises and the maximum of numbers of persons who can attend those marriage and civil partnerships be:

Location	Maximum Capacity
Executive Lounge (the principal ceremony room)	150
Presidents Suite	250
Platinum Suite	110
Board Room/Directors Room	30 each/60 combined
Concourse Suite	400
Outdoors (Pitch)	The stadium has a maximum capacity of 25,000 people.

Notes:

1. Maximum capacities do not include the couple being married, registrars, photographers/videographers and venue staff.
2. Outdoor marriages/civil partnerships can take place at any location within the boundary of the venue.
3. Where an outdoor structure has been approved for marriages/civil partnerships the maximum number of persons within the approved structure is the couple being married and their witnesses and excludes registrars, photographers/videographers and venue staff. The number of guests located outside of the structure is unlimited and does not form part of the maximum capacity of the structure.

LG28 LICENSING FEES AND CHARGES FOR 2023 - 2024

The Group Director of Services submitted a report (previously circulated) to invite Members to determine the fees relating to licensing.

It was reported that the fees are based on the cost recovery of administering and where appropriate enforcing the relevant legislation relating to such licences; and Councils are responsible for administering a range of licences and for the majority of these regimes the costs are recovered through fees set by each council and paid by the licence applicant.

It was also highlighted that Locally set fees are a vital means of ensuring that full costs can be recovered, reducing the risk of a subsidy from local tax payers, and that businesses do not pay more than they should.

It was reported that this financial year had continued to see unprecedented challenges within the licensing environment following the ongoing recovery from the Covid pandemic and the effects the war in Ukraine has had on the national economy the Taxi provision, which is closely linked to the to the night-time economy had also had to suffer

the impact of a driver shortage following the easing of Covid regulations.

It was also reported that the estimated loss of taxi income due to Covid-19 had been £45,000 and that the funding to support that loss was no longer available.

The report also highlighted other areas affecting licensing including on 1 September 2022 Licensing introduced a new on-line application for taxis with the aim of improving efficiency and satisfaction in processing these applications and early indications were that staff and customers were seeing the benefits of the system and although it was clear that efficiency savings will be made, the income generated will not be as great due the reduction in driver numbers; on the 4 April the Financial Act 2022 introduced a requirement for all taxi and private hire driving licence applications to be accompanied with a code from HMRC to demonstrate that they are registered to pay tax on their earnings as a driver placing an additional administrative requirement on the licensing service; and on 31 March, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent and within that Act there is a requirement for licensing to check a national database (NR3) of licence refusals, suspensions and revocations and to maintain this database with decisions made by this Licensing Authority placing an additional administrative requirement on the licensing department.

It was reported that as part of the ongoing digitisation programme of the licensing department, the on-line appointment system 'Qmatic' was in the process of being integrated into the licensing department for taxis and will be a crucial element in improving service quality and when fully integrated it will be used with other licensing regimes.

The submitted report also provided information on Taxi marshals that were introduced as a direct response to a shortage of drivers servicing the ranks for the night time economy; staffing; taxi licensing fees and general licensing fees; consultation with Highways; Pavement Cafés licences; and detailed the proposed 5 per cent increase on all licence fees from 1 April 2023 compared to the current licence fees.

RESOLVED – That approval be given to increase by 5 per cent, all licensing fees across all regimes in line with the predicted Retail Price Index (RPI) for 2023.

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GENERAL LICENSING SUB COMMITTEE

Tuesday, 17 January 2023

PRESENT – Councillors Donoghue, C L B Hughes, B Jones, Newall and Snedker

ALSO IN ATTENDANCE – Councillor H Scott

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), Allison Hill (Democratic Officer), Michael Conway (Mayoral and Democratic Officer) and PC Alan Newcombe (Durham Constabulary)

LGS21 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor C Hughes be elected Chair for the purpose of this meeting.

LGS22 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS23 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

LGS24 PRIVATE HIRE DRIVER LICENCE REVIEW AND APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)

The Group Director of Services submitted a report (previously circulated) to give consideration to a review of a Private Hire Driver Licence and an application for grant of a Private Hire Driver Licence.

Ref: 01/23

To give consideration to a review of a Private Hire Driver Licence in light of a non-molestation order issued by the family court.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided that the driver be allowed to retain his Private Hire Driver Licence as this was an isolated incident and the non- molestation order had now been lifted; and the driver had been a licensed driver for over 20 years without any other incidents.

RESOLVED – That no further action be taken and the Licence be retained.

Ref: 02/23

To consider the application for the grant of a Private Hire Driver Licence in light of medical information.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to grant the application for a Private Hire Driver Licence as Members were satisfied that they were a fit and proper person to drive a licensed vehicle and also took into consideration the letter from the drivers GP that in their opinion the driver was fit to meet the DVLA Group 2 standards.

RESOLVED – That the application be granted.

GENERAL LICENSING COMMITTEE

18 APRIL 2023

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

KINGS HOTEL, PRIESTGATE, DARLINGTON

Purpose of Report

1. To consider the renewal of a licence for the Kings Hotel, Priestgate, Darlington to be able to continue as an approved venue for civil marriage and civil partnerships in accordance with the provisions of:
 - (a) The Marriage Act 1949 (as amended by the Marriage Act 1994);
 - (b) The Civil Partnership Act (2004);
 - (c) The Marriage and Civil Partnerships (Approved Premises) Regulations 2005 and 2021; and
 - (d) The Marriage (Same Sex Couples) Act (2013).

Summary

2. 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 with most approved venues being hotels.
3. The Kings Hotel has been licensed by the local authority since 1994 as an approved venue for civil marriages and civil partnerships and the Hotel is an established venue in Darlington for civil marriages and civil partnerships. It has important role to play in the local economy in terms of employment and also of attracting wedding couples and their guests to both Darlington and from a wider area.

The current licence for the Kings Hotel is due to expire on 4th June 2023. The hotel has indicated that they have future bookings for weddings and wish to continue as an approved venue for civil marriage and civil partnerships.

4. There have been no issues with the Kings Hotel which would adversely affect their application to renew its licence. Renewal of the licence would provide the hotel with a licence for civil marriage and civil partnerships for a further three years from 4th June 2023.

Information

5. The Kings Hotel has the required fire risk assessments and there are no accessibility or DDA issues which would adversely affect either application.
6. The premises are considered to be suitable for approval as a venue for marriage 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 venue does not wish to change the capacities or designated areas where civil marriages or civil partnership can take place.

The Marriage and Civil Partnerships (Approved Premises) Regulations 2005 were amended in March 2022 to permit outdoor marriage and civil partnerships at a suitable location anywhere within the boundary of the licensed premise however outdoor ceremonies are not an option at the Kings Hotel.

7. The current locations and capacities for civil marriage and civil partnerships at the Kings Hotel, Priestgate are:

Room	Maximum Capacity
The Pullman Suite	60
The Ballroom	300

Financial Implications

8. The Kings Hotel has been invoiced for £1750.00 being the fee for all venues seeking a grant or renewal of a licence for civil marriage or civil partnerships.

Legal Implications

9. The current licence for the Kings Hotel expires on 4th June 2023. The grant of a further licence is required to facilitate its current 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

10. Members are asked to renew the licence for the Kings Hotel for a further three years from 4th June 2023.

Recommendations

11. It is recommended that the licence for the Kings Hotel as an approved premise for civil marriage and civil partnerships be granted for a further three years from 4th June 2023 and that the places designated where civil marriage and civil partnerships can take place indoors at the premises and the maximum of numbers of persons who can attend those marriage and civil partnerships continue to be:

Room	Maximum Capacity
The Pullman Suite	60
The Ballroom	300

Reasons

12. To facilitate the continuation of the Kings Hotel as a premise approved for civil marriages and civil partnerships.

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

Anthony Hall, Superintendent Registrar, Ext 6400

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DARLINGTON
Borough Council

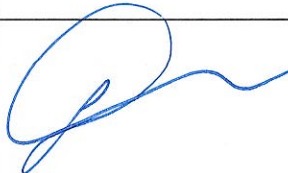
OPERATIONS GROUP
Darlington Register Office

(01325) 406400
registeroffice@darlington.gov.uk
27 January 2023

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)).

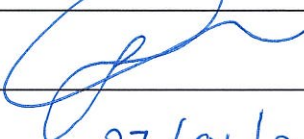
This application must be made by the proprietor or a trustee of the premises. If successful, the applicant will be the holder of the approval. When completed, it should be forwarded to the Superintendent Registrar at Darlington Register Office, Town Hall, Darlington DL1 5QT

Name of premises to be licensed	Kings Hotel Priestgate Darlington DL1 1NW
Type of application (new or renewal)	Renewal (for a further three years)
Where renewal date of expiry of current licence	04.06.2023
Name of applicant	Gareth Freeman General Manager
Signature of applicant	
Date of application	27/1/2023

I, **GARETH FREEMAN** being the applicant, apply for the premises known as **The Kings Hotel, Priestgate, Darlington** to be approved for the solemnisation of civil marriages and civil partnerships in accordance with the above legislation.

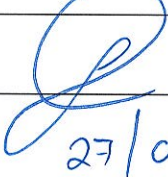
I understand that:

- 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

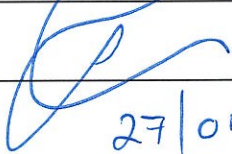
Signature of applicant	
Date of application	27/01/2023

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

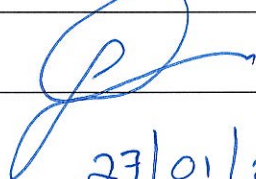
1.	Name of the applicant	Gareth Freeman
2.	Position held within business	General Manager
3.	Nature of usual business of the premises	Hotel
4.	Current licence details	<p>Renewal</p> <p>The hotel is currently licensed for civil marriages and civil partnerships.</p> <p>The current licence is due to expire on 04.06.2023</p>

Signature of applicant	
Date of application	27/01/2023

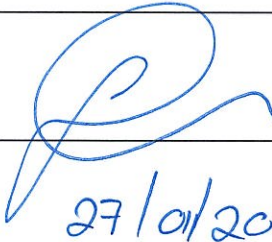
5.	Areas within the premises and maximum number of persons sought to be permitted to present during the marriage or civil partnership.	Room	Maximum Capacity
		The Ballroom	300
		The Pullman Suite	60
		Outdoor ceremonies are not applicable to this venue	

Signature of applicant	
Date of application	27/01/2023

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

Signature of applicant	
Date of application	27/01/2023

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 £1750.00 will be paid to the licensing authority either by (highlight as applicable):</p> <ol style="list-style-type: none"> I have enclosed a cheque for £1750.00 payable to Darlington Borough Council. Raise an invoice to the details as stated 	Invoice to be raised upon return of application
11.	<p>My contact details as the applicant throughout the application process are:</p> <p><i>[Faint, illegible text]</i></p>	<p>Gareth Freeman General Manager Kings Hotel Priestgate Darlington DL1 1NW</p> <p>Tel: 01325 380 222 E: Gareth.Freeman@ Mercuredarlington.co.uk</p>

Signature of applicant	
Date of application	27/01/2023.