

General Licensing Committee Agenda

9.30 am, Tuesday, 28 November 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 25 July 2023 (Pages 3 6)
- 4. To approve the Minutes of the meetings of the General Licensing Sub Committee held on 25 July 2023, 26 July 2023 and 5 September 2023
 - (a) 25 July 2023 (Pages 7 10)
 - (b) 26 July 2023 (Pages 11 12)
 - (c) 5 September 2023 (Pages 13 14)
- 5. Application for Grant of Licence for Premises to be approved as a venue for Marriages and Civil Partnerships The Dolphin Centre, Horsemarket, Darlington Report of the Assistant Director, Law and Governance and Proper Officer for Darlington Registration District (Pages 15 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

Le Sinha

Monday, 20 November 2023

Town Hall Darlington.

Membership

Councillors Ali, Crumbie, Mrs Culley, Curry, Donoghue, Dulston, Haszeldine, Kane, Lawley, Lee, Mahmud, K Nicholson, Ray and Robinson.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections 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: paul.dalton@darlington.gov.uk or telephone 01325 405805

GENERAL LICENSING COMMITTEE

Tuesday, 25 July 2023

PRESENT – Councillors Ali, Allen, Crumbie, Mrs Culley, Donoghue, Dulston, Haszeldine, Kane, Lawley, Lee, Mahmud, K Nicholson, Ray and Robinson

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary) and Hannah Miller (Democratic Officer)

LG1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2023/24

RESOLVED – That Councillor K Nicholson be appointed Chair of the General Licensing Committee for the Municipal Year 2023/24.

LG2 APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2023/24

RESOLVED – That Councillor Kane be appointed Vice Chair of the General Licensing Committee for the Municipal Year 2023/24.

LG3 DECLARATIONS OF INTEREST

Councillor Robinson declared an interest in Minute LG7 and left the meeting during the consideration of the item. There were no other declarations of interest reported at the meeting.

LG4 TO CONSIDER THE TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2023/24 ON THE DATES AGREED IN THE CALENDAR OF MEETINGS BY CABINET AT MINUTE C258/FEB/23

RESOLVED – That for the remainder of this Municipal Year the timings of meetings of this General Licensing Committee be held at 9.30 a.m.

LG5 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 18 APRIL 2023

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 18 April 2023.

RESOLVED – That the Minutes of the meeting of the General Licensing committee held on 18 April 2023 be approved as a correct record.

LG6 TO APPROVE THE MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON:-

(1) 18 APRIL 2023

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 18 April 2023.

RESOLVED – That the Minutes of the meeting of the General Licensing Sub Committee held on 18 April 2023 be approved as a correct record.

(2) 13 JUNE 2023

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 13 June 2023.

RESOLVED – That, with the addition of Councillor Ray to 'Also in attendance', the Minutes of the meeting of the General Licensing Sub-Committee held on 13 June 2023 be approved as a correct record.

LG7 PAVEMENT CAFE LICENSING FEES

The Group Director of Services submitted a report (previously circulated) inviting Members to determine the fees relating to the licensing of Pavement Cafes in light of a further extension to the current temporary pavement licensing measures, until September 2024.

It was reported that 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; that Legislation permits the Council to recover all or part of the costs of providing the licensing but does not permit the Council to profit from its fees and charges; and that the setting of fees and registrations had been delegated to this Committee.

Members were informed that pavement café licences were ordinarily issued under the Highways Act 1980; that the Business and Planning Act 2020 introduced a fast track system to assist the hospitality trade in recovering from Covid-19; and that whilst the legislation placed a maximum fee of £100, this committee had approved licences to be issued free of charge.

The report stated that the legislation had been extended to September 2022 due to the second wave of Covid-19; that it was now the intention of the Government to make this Act permanent with an initial decision made to extend to September 2023 and a likely further extension to September 2024. Members were informed that this Committee had agreed, at its meeting on 17 January 2023, that new fees would be charged once the extension had ended in September 2023; and there was an expectation that charges of up to the maximum of £350 would be made after this date.

Members were provided with details of the fee proposal, noting that as funding was no longer available to subsidise the licensing service post-covid, that a proposed maximum fee of £100 be imposed on all pavement café licenses issued under the Business and Planning Act until September 2024.

Members queried the income raised by a fee of £100 and the classification of a pavement café.

RESOLVED – That this General Licensing Committee approves a pavement café licensing fee of £100 be introduced under the Business and Planning Act 2020 until September 2024.

LG8 TAXI DRIVER EQUALITY AND DIVERSITY TRAINING

The Licensing Manager provided Members with an update on the work being undertaken to provide equality and diversity training for taxi drivers, following a recent taxi driver review which had identified a requirement for this training.

Members were informed that the proposal had been taken to the North East Licensing Group and that work was progressing to introduce equality and diversity training as part of the knowledge test, ensuring that the questions were aimed at the right level and that there was adequate reading materials in place. Work was also being undertaken in the Tees Valley to include this training as a mandatory course prior to a licence being issued.

Discussion ensued regarding in house training.

RESOLVED – That the update be noted.



GENERAL LICENSING SUB COMMITTEE

Tuesday, 25 July 2023

PRESENT – Councillors Mrs Culley, Dulston, Kane, Lawley and K Nicholson

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary) and Hannah Miller (Democratic Officer)

LGS5 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor K Nicholson be elected Chair for the purpose of this meeting.

LGS6 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS7 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.

LGS8 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT AND REVIEW OF A HACKNEY CARRIAGE 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 Hackney Carriage Driver Licence and two applications for grant of a Private Hire Driver Licence.

Ref: 08/23

To give consideration to a review of a Hackney Carriage Driver Licence in light of information received regarding inappropriate behaviour.

The driver attended the meeting and, with support from a friend also in attendance, 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 Hackney Carriage Driver licence.

In reaching their decision, Members took into consideration the Council's guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints 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 to refuse to renew the Hackney Carriage Driver Licence. Members felt that as the driver required increasing support from other drivers when

submitting driver applications and in light of information provided in relation to the drivers vulnerability, that there were concerns for the safety of both the driver and passengers.

RESOLVED – That the renewal of the Hackney Carriage Driver Licence be refused as the Committee did not consider the driver to be a fit and proper person to hold a Hackney Carriage Driver Licence.

Ref: 09/23

To give consideration to an application for grant of a Private Hire Drivers Licence in light of a previous conviction.

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 guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints 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 Private Hire Driver Licence as they were satisfied that they were a fit and proper person, however due to the drivers failure to inform the Licensing department of their previous conviction, Members agreed that a warning be issued about their future conduct.

RESOLVED – That the application for a Private Hire Driver Licence be granted and the driver be issued with a warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub-Committee.

Ref: 10/23

To give consideration to an application for grant of a Private Hire Drivers Licence in light of a previous conviction.

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 Drivers Licence.

In reaching their decision, Members took into consideration the Council's guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints 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 not to grant the application for a Private Hire Drivers Licence. Members considered the previous conviction which was a major traffic

offence, additional information regarding further offences which Members felt showed a lack of care and responsibility, and information received in relation to a warning of possession of cannabis.

RESOLVED – That the application for a Private Hire Drivers Licence be refused as the Committee did not consider the applicant to be a fit and proper person to hold a Private Hire Driver Licence.



Agenda Item 4(b)

GENERAL LICENSING SUB COMMITTEE

Wednesday, 26 July 2023

PRESENT – Councillors Mrs Culley, Dulston, Kane, Lawley and K Nicholson

OFFICERS IN ATTENDANCE – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary) and Hannah Miller (Democratic Officer)

LGS9 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

RESOLVED - That Councillor K Nicholson be elected Chair for the purpose of this meeting.

LGS10 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS11 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.

LGS12 REVIEWS OF A HACKNEY CARRIAGE DRIVER LICENCE AND 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 a review of a Hackney Carriage Driver Licence.

Ref: 11/23

To confirm the suspension of a Private Hire Driver Licence in light of an ongoing criminal investigation by Durham Constabulary.

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 guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints 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 to confirm the suspension of the licence and agreed that the allegations were serious; the investigation remained ongoing; and that the

drivers bail conditions would essentially not allow the driver to work as a taxi driver.

RESOLVED - That the Private Hire Driver Licence which was previously suspended in accordance with section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety, be confirmed in accordance with the same legislation.

Ref: 12/23

To confirm the suspension of a Hackney Carriage Driver Licence in light of an ongoing criminal investigation by Durham Constabulary.

The driver had informed the Assistant Licensing Manager that they did not intend to attend the meeting and had given their written approval for the licence review to be considered in their absence.

In reaching their decision, Members took into consideration the Council's guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints 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 to revoke the licence with immediate effect as although the driver had not yet been convicted, the allegations were serious and there had been some admissions made which gave Members reasonable cause for revocation.

RESOLVED – That, with immediate effect, in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, the Licence be revoked.

GENERAL LICENSING SUB COMMITTEE

Tuesday, 5 September 2023

PRESENT – Councillors Ali, Allen, Mrs Culley and Kane

ABSENT – Councillor Robinson

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), Bethany Symonds (Lawyer), PC Alan Newcombe (Durham Constabulary), Charlotte Martin (Durham Constabulary) and Hannah Miller (Democratic Officer)

LGS13 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

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

LGS14 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS15 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.

LGS16 PRIVATE HIRE DRIVER LICENCE APPLICATIONS FOR GRANT (EXCLUSION PARAGRAPHS 1 AND 7)

The Group Director of Services submitted a report (previously circulated) to give consideration to two applications for grant of a Private Hire Driver Licence.

Ref: 13/23

To give consideration to an application for grant of a Private Hire Driver Licence in light of a previous conviction.

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 guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints 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 refuse the application in light of a previous

conviction and following additional information that had come to light during the meeting regarding a further conviction. Members felt that the applicant had been dishonest and agreed that there was no reason to step outside of their policy.

RESOLVED – That the application for grant of a Private Hire Driver Licence be refused.

Ref: 14/23

To give consideration to an application for grant of a Private Hire Driver Licence in light of previous convictions and 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 guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints 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 refuse the application in light of previous convictions and agreed that there was no reason to step outside of their policy.

RESOLVED – That the application for grant of a Private Hire Driver Licence be refused.

Agenda Item 5

GENERAL LICENSING COMMITTEE 28 NOVEMBER 2023

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

THE DOLPHIN CENTRE, HORSEMARKET, DARLINGTON

Purpose of Report

- 1. To consider an application for the grant of a licence to be 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 marriages and civil partnerships can take place as an alternative venue to a Register Office with most approved venues being hotels.
- 3. The Dolphin Centre was licensed as an approved venue from 2008 to 2016 when the Register Office was located at the Dolphin Centre. In 2016 the Register Office relocated to the Town Hall and the Dolphin Centre licence for civil marriages and civil partnerships expired.
- 4. To meet its business continuity arrangements, the Register Office has identified a need to have a premise licensed for civil marriage and civil partnerships for use in the event of an urgent situation e.g. of damage to the Town Hall or a security incident which would prevent a marriage or civil partnership taking place.
- 5. The need to host a marriage or civil partnership at an alternative location in an urgent situation could be required for a single wedding or for a longer period depending upon the need for the relocation.
- 6. The Dolphin Centre have agreed to act as an alternative Register Office venue should an emergency situation arise. Furthermore, the Dolphin Centre are seeking to offer weddings at the Dolphin Centre as a commercial venue offering similar facilities to a hotel licensed for marriages or civil partnerships and could host either the ceremony only or a wedding package of the ceremony and a wedding function.

Information

- 7. The former Register Office ceremony accommodation at the Dolphin Centre (The Pease Suite, Stephenson Suite and ceremony entrance in Bull Wynd) is still in situ and is ready for use as a ceremony facility. The Dolphin Centre are experienced at hosting wedding celebration functions and during the time of the Register Office being located at the Dolphin Centre, a number of couples chose to be married there and then stay to have their wedding celebrations at the Dolphin Centre.
- 8. The Dolphin Centre has the required risk assessments for fire evacuation and accessibility. There are no issues which adversely affect an evacuation or prevent access to the areas proposed to be approved for marriage and civil partnerships.
- 9. Access to the proposed ceremony and function facilities would be by Bull Wynd where there is an entrance either by lift or stairs. In the event that the lift in the Bull Wynd entrance wasn't working there is alternative means of access by lift via the Dolphin Centre main entrance and through the bistro area.
- 10. Any guests attending a wedding at the Dolphin Centre would need to park at the nearby pay and display car parks. Bull Wynd is a narrow but busy road. Whilst the Register Office was located at the Dolphin Centre, a wedding car would alight a bride at Bull Wynd, park at the side of the Dolphin Centre in Houndgate and drive back along Bull Wynd and collect the couple at the end of the wedding.
- 11. As the permanent accommodation for the Register Office is now at the Town Hall, the Dolphin Centre would be an approved venue for marriage and civil partnerships rather than part of the Register Office facilities. As with the licence conditions for all approved venues such as hotels, a member of the Dolphin Centre Staff would be required to manage the event including the public attending the wedding and any post ceremony function, the wedding car, any evacuation and first aid required and also to ensure that maxim capacities in designated rooms are observed.
- 12. The proposed locations and capacities for civil marriages and civil partnerships at the Dolphin Centre are:

Location	Maximum Capacity	
Pease Suite	60 people	
Central Hall	200 people	
Stephenson Suite	30 people	
Seminar Room	40 people	
The Studio	60 people	
Sports Hall	200 people	

Notes to maximum capacities:

- (a) Maximum capacities do not include the couple being married, registrars, photographers/videographers and venue staff.
- (b) In the event of a business continuity emergency where a wedding would be relocated urgently from the Town Hall to the Dolphin Centre, a room for the ceremony from one of the designated rooms would be allocated dependent upon bookings taking place at the time of the emergency.
- (c) Should the Register Office be relocated to the Dolphin Centre for a sustained period of time due to lack of access to the Town Hall i.e., a business continuity emergency, then the Pease Suite would become the temporary ceremony room of the Register Office.
- (d) Where a marriage or civil partnership is to be held for a commercial purpose then the ceremony would be held in the Pease Suite and the wedding celebration function would be held in Central Hall.

Financial Implications.

13. Where a marriage or civil partnership was held at the Dolphin Centre for commercial purposes for the Dolphin Centre, the fees for the Register Office to attend a marriage or civil partnership ceremony at the Dolphin Centre would align with the fees approved by Council each year. A fee is levied for the Register Office to attend a marriage or civil partnership at any council owned venue (currently the Town Hall, Hippodrome and Head of Steam) and the same fee (currently £382.00) would apply to the Dolphin Centre as a council owned venue. The current fee for the Register Office to attend a marriage or civil partnership at a non-council owned approved venues (hotels) is currently charged currently £652.00..

Legal Implications.

- 14. The grant of a licence to be an approved venue for civil marriages and civil partnerships is required to facilitate Register Office Business Continuity plans and also to meet commercial aspirations of the Dolphin Centre.
- 15. The Dolphin is seeking a standard three year licence from 28th November 2023 to 27th November 2026. The licensing committee can issue a licence on a shorter timescale and also make any specific conditions on where ceremonies can take place and be managed.

Conclusions.

16. Members are asked to grant the licence for the Dolphin Centre to be an approved venue for civil marriages and civil partnership for a three year period with effect from 28th November 2023 to 27th November 2026.

Recommendation

17. It is recommended that the licence for The Dolphin Centre as an approved venue for civil marriage and civil partnerships be granted for three years from 28th November 2023 and that the places designated where civil marriage and civil partnerships can take place at the premises and the maximum number of persons who can attend those marriage and civil partnerships can be:

Location	Maximum Capacity
Pease Suite	60 people
Central Hall	200 people
Stephenson Suite	30 people
Seminar Room	40 people
The Studio	60 people
Sports Hall	200 people

Reason

18. To facilitate civil marriages and civil partnerships at the Dolphin Centre.

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

Anthony Hall, Superintendent Registrar, Ext 6400

Background Papers.

There were no background papers in the production of this report.