



**DARLINGTON**

Borough Council

# General Licensing Committee Agenda

9.30am, Tuesday, 27 February 2024

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 16 January 2024 (Pages 3 - 6)
4. To approve the Minutes of the meetings of the General Licensing Sub Committee held on 16 January 2024 (Pages 7 - 8)
5. Application for Renewal of Licence for Premises to be approved as a venue for Civil Marriages and Civil Partnerships - Bannatyne Hotel, Southend Avenue, Darlington – Report of the Assistant Director, Law and Governance, and Proper Officer for Darlington Registration District. (Pages 9 - 12)
6. Application for Renewal of Licence for Premises to be approved as a venue for Civil Marriages and Civil Partnerships - The Town Hall, Darlington – Report of the Assistant Director, Law and Governance, and Proper Officer for Darlington Registration District. (Pages 13 - 16)
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, 19 February 2024**

**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](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805

## GENERAL LICENSING COMMITTEE

Tuesday, 16 January 2024

**PRESENT** – Councillors Ali, Curry, Donoghue, Dulston, Haszeldine, Kane, Lawley, Mahmud and K Nicholson.

**APOLOGIES** – Councillors Mrs Culley, Ray and Robinson.

**ABSENT** – Councillors Crumbie and Lee.

**ALSO IN ATTENDANCE** – Councillor Snedker.

**OFFICERS IN ATTENDANCE** – Colin Dobson (Licensing Manager), Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

### LG13 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### LG14 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 28 NOVEMBER 2023

**Submitted** – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 28 November 2023.

**RESOLVED** – That the Minutes of the meeting of the General Licensing committee held on 28 November 2023, be approved as a correct record.

### LG15 TO APPROVE THE MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 17 OCTOBER 2023

**Submitted** – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 17 October 2023.

**RESOLVED** – That the Minutes of the meeting of the General Licensing Sub-Committee held on 17 October 2023, be approved as a correct record.

### LG16 VARIATION TO HACKNEY CARRIAGE FARES

The Group Director of Services submitted a report (previously circulated) to enable Members to consider an application to revise the tariffs levied in respect of Hackney Carriage Fares.

The submitted report stated that Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provided for a District Council to fix the rates of fares for Hackney Carriage Vehicles (HCV), and that it may fix the fares based on time as well as distance and any other charges that may be made in connection with the hiring of the vehicle.

It was reported that a formal request for an increase in tariffs had been made by the trade,

and that following consultation three options for potential changes were proposed by representatives of the trade, with a fourth option being that the tariffs remain unchanged.

A separate option ('Option 5') was included within the submitted report and outlined a proposal for an additional charge levied by those vehicles carrying five or more passengers to reflect higher running costs (this option would only be applicable whilst the vehicle was carrying five passengers).

The submitted report highlighted the consultation that had taken place with the trade on the proposed options, and detailed the responses received. Consideration was also given to an 'extra button' which would add an extra amount to the meter for additional costs, such as drop off charges at airports, for example.

Members gave consideration to this report, noting that any increase in tariffs must reflect a balance between allowing licensed drivers to generate a reasonable income whilst representing value for money for the travelling public, and, in doing so, heard from a representative of the trade who was in attendance at the meeting.

**RESOLVED** – (a) That tariffs remain unchanged ('Option 1' within the submitted report); and  
(b) That the proposal for an additional charge levied by those vehicles carrying five or more passengers be rejected ('Option 5' within the submitted report).

#### **LG17 LICENSING FEES AND CHARGES FOR 2024 - 2025**

The Group Director of Services submitted a report (previously circulated) to invite Members to determine the fees associated to licensing. The submitted report stated that Councils were responsible for administering a range of licences and for the majority of these regimes the costs were recovered through fees set by each Council and paid by the licence applicant. It was stated that it was an accepted principle in relation to these schemes that those who benefit from the system (the licence holders) should cover the cost of it.

It was reported that legislation permitted the Council to recover all or part of the costs of providing the licensing service, including its administration and control (i.e. enforcement or supervision), however it did not permit the Council to profit from its fees and charges, thus ring fencing the income to the licensing service. It was highlighted that some fees, notably in relation to the Licensing Act 2003, were set nationally within legislation and the Council had no control, and noted that whilst the Gambling Act 2005 allowed local authorities to set fees, regulations stipulated a maximum amount that can be charged.

The submitted report noted that Council had delegated the setting of fees and registrations to the General Licensing Committee on 28 January 2016. The current National economic position was outlined within the report, together with the provisions around taxi licensing, general licensing and mobile homes.

Members entered into discussion on how fees could be balanced to encourage or reinforce desirable behaviour; how licence fees for street trading could best be structured to attract trade, with incentivisation for longer licences; the discount offered in relation to Hackney Carriage fees for hybrid and electric vehicles; and the need for licensing activity to remain

self-sufficient in the face of increased staffing costs.

**RESOLVED** – (a) That licensing fees across all regimes remain unchanged; and

(b) That the fee collection arrangements be amended for a mobile home site ‘fit and proper person’ registration.

**REASON** - To ensure there is a balance between recovering the costs of delivering the licensing service from the relevant licence fees, whilst acknowledging the dynamics involved in setting them.

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## GENERAL LICENSING SUB COMMITTEE

Tuesday, 16 January 2024

**PRESENT** – Councillors Ali, Curry, Donoghue, Kane and K Nicholson.

**OFFICERS IN ATTENDANCE** – Colin Dobson (Licensing Manager), Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

### **LGS21 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING**

**RESOLVED** - That Councillor K. Nicholson 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 APPLICATIONS FOR GRANT AND 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 the grant of a Private Hire Drivers Licence Application in light of a concern raised during the application process. The submitted report invited Members to consider any appropriate action they may wish to take, which may include the refusal of a licence to drive private hire vehicles.

**RESOLVED** – That consideration of the item be deferred to a future meeting following a request by the Applicant.

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## GENERAL LICENSING COMMITTEE

27 FEBRUARY 2024

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

**BANNATYNE HOTEL, SOUTHEND AVENUE, DARLINGTON**

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#### 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 Bannatyne Hotel, Southend Avenue, Darlington has been licensed as an approved venue for civil marriages and civil partnerships since 1994 and was the first such venue approved when it was known as the New Grange Hotel.
4. The Bannatyne Hotel remains a popular venue for civil marriages and civil partnerships and brings couples being married and their guests to the hotel from Darlington and a wider geographical area thereby playing an important role in the Darlington economy.
5. The civil ceremony licence for The Bannatyne Hotel is due to expire on 6 April 2024 and the hotel are seeking a renewal of that licence for a further three years from 6 April 2024 to 6 April 2027. During the period of its current three year licence which expires on 6 April 2024 there have been no issues which would adversely affect its application to renew its licence.

#### Information

6. The Bannatyne Hotel has the required fire risk assessments and there are no accessibility issues which would adversely affect their application.

7. The premises are considered to be suitable for approval as a venue for civil marriages and civil partnerships. The venue does not wish to change the capacities or designated areas where civil marriages or civil partnership can take place.
8. The Marriage and Civil Partnerships (Approved Premises) Regulations 2005 were amended in March 2022 to permit outdoor marriages and civil partnerships at a suitable location anywhere within the boundary of the licensed premise.
9. The proposed locations and capacities for civil marriages and civil partnerships at the Town Hall, Darlington are:

Location	Maximum Capacity
Maxine's Restaurant & The Study Room	80
Wilbur Suite	150
The Library	20
The Gazebo	6 (see note c)

Notes:

- a) Maximum capacities do not include the couple being married, registrars, photographers/videographers and venue staff.
- b) Outdoor marriages/civil partnerships can take place at any location within the boundary of the venue.
- c) 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.

**Financial Implications.**

10. The Bannatyne Hotel have paid the council £1750.00 being the fee for consideration of application for the grant or renewal of a licence for civil marriages and civil partnerships.
11. The Bannatyne Hotel has several bookings for civil marriages and civil partnerships and couples have booked the register office to attend their ceremony and paid in advance for their ceremonies for ceremony bookings into 2026.

**Legal Implications.**

12. The current licence for The Bannatyne Hotel expires on 6 April 2024. The grant of a further licence is required to facilitate its civil marriages and partnerships bookings. 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.

### Conclusions.

13. Members are asked to grant the renewal of the licence to be an approved venue for civil marriages and civil partnership for The Bannatyne Hotel for a further three years from 6 April 2024 to 6 April 2027.

### Recommendations.

14. It is recommended that the licence for The Bannatyne Hotel as an approved premise for civil marriages and civil partnerships be granted for three years from 6 April 2024 to 6 April 2027 and that the places designated where civil marriages and civil partnerships can take place indoors at the premises and the maximum of numbers of persons who can attend those marriages and civil partnerships continue to be:

Location	Maximum Capacity
Maxine's Restaurant & The Study Room	80
Wilbur Suite	150
The Library	20
The Gazebo	6 (see note c)

### Notes:

- a) Maximum capacities do not include the couple being married, registrars, photographers/videographers and venue staff.
- b) Outdoor marriages/civil partnerships can take place at any location within the boundary of the venue.
- c) 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.

### Reasons.

15. To facilitate civil marriages and civil partnerships at The Bannatyne Hotel, Darlington.

**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.

S17 Crime and Disorder	This report has no implications for Crime and Disorder
Health and Well Being	This report has no direct implications to the Health and well-being of residents of Darlington
Carbon Impact and Climate Change	There are no issues which this reports needs to address
Diversity	There are no issues relating to diversity which this report needs to address
Wards Affected	All wards are affected
Groups Affected	The impact of the report on any individual Group is considered to be minimal
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	The report contributes to the Council Plan in a number of ways through the involvement of Members in contributing to the delivery of the Plan.
Efficiency	The Work Programmes are integral to scrutinising and monitoring services efficiently (and effectively), however this report does not identify specific efficiency savings.
Impact on Looked After Children or Care Leavers	This report has no impact on Looked After Children or Care Leavers

**GENERAL LICENSING COMMITTEE  
27 FEBRUARY 2024**

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

**THE TOWN HALL, DARLINGTON**

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**Purpose of Report**

1. To consider an application for the renewal of a licence to be an approved venue for civil marriages 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. Darlington Register Office has been located at the Town Hall, Darlington since October 2016. A local authority has a legal obligation to provide accommodation and facilities for a statutory marriage and also a statutory civil partnership to take place charged at a fee set by government. Most local authorities provide this facility to accommodate the couple being married or forming a civil partnership plus two witnesses only. The local authority is then able to approve other locations at its register office accommodation and at other local authority building as “decommissioned marriage rooms” which can provide for larger ceremonies and the fees for these ceremonies can be set and reviewed by the local authority.
3. In Darlington the statutory marriage and civil partnership ceremonies take place in a small room adjacent to Committee Room 3, which accommodates the couple and two witnesses only. The Council Chamber Foyer and the Oak Room (formerly Committee Room 2) are approved as decommissioned marriage rooms in the Town Hall.
4. Several other rooms in the Town Hall are approved as an emergency back up in the event of damage to the Oak Marriage Room, Council Chamber Foyer or statutory marriage room, namely the Council Chamber, Committee Rooms 1 and 2 and the Civic Reception thereby allowing the business to continue and meet ceremony booking obligations.

## Information

5. Marriage and Civil Partnership ceremonies have worked successfully at the Town Hall since 2016 without any concern which would warrant a change to the current arrangements.
6. The Town Hall has the required fire risk assessments and is fully accessible. Parking is provided for two wedding vehicles on the Town Hall forecourt. Register office staff manage guests to minimise disruption for meetings that are coinciding with weddings and ensure that security processes are followed.
7. The current ceremony licence for the Town Hall is due to expire on 6 April 2024. An application without any changes has been submitted to renew this licence for a further three years from its expiry, thereby permitting civil marriages and civil partnerships to continue at the following locations:

Location	Maximum Capacity
The Oak Room	50
Council Chamber Foyer	12
The Council Chamber	50
Committee Room 2	40
Committee Room 3	20
Civic Reception	30

### Notes to maximum capacities:

- (a) Maximum capacities do not include the couple being married, registrars, photographers/videographers.
- (b) The Council Chamber, Committee Rooms 2 and 3 and the Civic Reception area are to be licensed for emergency/business continuity purposes only and not intended for regular use for ceremonies.
- (c) Outdoor ceremonies are not available at the Town Hall, Darlington.

### Financial Implications.

8. There are future bookings for marriage and civil partnership ceremonies in the Town Hall, Darlington beyond the expiry of the current licence on 6 April 2024 with ceremony bookings and advance payments having been made into 2026.

### Legal Implications.

9. The renewal of a licence for civil marriage and civil partnerships to be held at the Town Hall, Darlington is required to meet existing contractual bookings beyond the current ceremony licence which expires on 6 April 2024.

10. The application a renewal of a licence for civil marriages and civil partnerships for a further three years which is the standard period of renewal.

### **Conclusions.**

11. Members are asked to grant the renewal of the licence for the Town Hall, Darlington to be approved as a venue for civil marriages and civil partnerships for a three year period with effect from 6 April 2024 to 6 April 2027.

### **Recommendations.**

12. It is recommended that a licence for the Town Hall, Darlington as an approved venue for civil marriages and civil partnerships be granted for three years from 6 April 2024 to 6 April 2027 and that the places designated where civil marriages and civil partnerships can take place and maximum capacity in those designated areas be:

Location	Maximum Capacity
The Oak Room	50
Council Chamber Foyer	12
The Council Chamber	50
Committee Room 2	40
Committee Room 3	20
Civic Reception	30

### Notes to maximum capacities:

- (a) Maximum capacities do not include the couple being married, registrars, photographers/videographers.
- (b) The Council Chamber, Committee Rooms 2 and 3 and the Civic Reception area are to be licensed for emergency/business continuity purposes only and not intended for regular use for ceremonies.
- (c) Outdoor ceremonies are not available at the Town Hall, Darlington.

### **Reasons.**

13. To facilitate civil marriages and civil partnerships at The Town Hall, Darlington.

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

Anthony Hall, Superintendent Registrar, Ext 6400

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