



DARLINGTON

Borough Council

General Licensing Committee Agenda

9.30 am

Tuesday, 5 November 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 2 July 2024 (Pages 3 - 4)
4. To approve the Minutes of the meetings of the General Licensing Sub Committee held on :-
 - (a) 13 August 2024 (Pages 5 - 8)
 - (b) 24 September 2024 (Pages 9 - 10)
5. Application for Renewal of Licence for Premises to be approved as a venue for Marriages and Civil Partnerships - Rockliffe Hall Hotel, Hurworth, Darlington – Report of the Assistant Director, Law and Governance and Proper Officer for Darlington Registration District.
(Pages 11 - 14)
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

Monday, 28 October 2024

Town Hall
Darlington.

Membership

Councillors Ali, Crumby, 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 Hannah Miller, Democratic Officer, Operations Group, 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, 2 July 2024

PRESENT – Councillors Donoghue (The Mayor), Ali, Crumbie, Mrs Culley, Curry, Dulston, Haszeldine, Kane, Lawley, Lee, Mahmud, K Nicholson and Ray.

APOLOGIES – Councillor Robinson.

ALSO IN ATTENDANCE – Councillor Snedker.

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Jim Langley (Principal Lawyer - Litigation) and Paul Dalton (Democratic and Elections Officer).

LG1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2024/25

RESOLVED – That Councillor Kane be appointed Chair of the General Licensing Committee for the Municipal Year 2024/25.

LG2 APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2024/25

RESOLVED – That Councillor Ray be appointed Vice Chair of the General Licensing Committee for the Municipal Year 2024/25.

LG3 TO CONSIDER THE TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2024/25 ON THE DATES AGREED IN THE CALENDAR OF MEETINGS BY CABINET AT MINUTE C106/FEB/24

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.

LG4 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

LG5 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 27 FEBRUARY 2024

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 27th February 2024.

RESOLVED – That the Minutes of the meeting of the General Licensing committee held on 27th February 2024 be approved as a correct record.

LG6 TO APPROVE THE MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 27 FEBRUARY 2024, 28 FEBRUARY 2024 AND 15 MAY 2024

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 27 February 2024, 28 February 2024 and 15 May 2024.

RESOLVED – That the Minutes of the meetings of the General Licensing Sub-Committee held on 27 February 2024, 28 February 2024 and 15 May 2024, be approved as correct records.

LG7 GAMBLING ACT 2005 POLICY REVIEW

The Group Director of Services submitted a report (previously circulated) which invited Members to approve a draft Statement of Licensing Principles for the Gambling Act 2005 (Gambling Policy) for release for consultation.

The submitted report stated that the Gambling Act 2005 required licensing authorities to publish a Statement of Principles that they proposed to apply in exercising their functions under the Act every three years. It was highlighted that Darlington's current Statement of Licensing Principles was published in January 2022, and therefore a new policy was due to be published in January 2025.

The submitted report outlined the differences between the Gambling Commission and Local Authorities, and advised that the Gambling Commission provided guidance to Local Authorities.

The submitted report stated that in April 2023, the Department for Culture, Media and Sport (DCMS) published a gambling white paper, which set out the Government's plans for modernising the regulation of the gambling sector, which included a number of key proposals specifically relating to the land-based gambling sector. The public consultation undertaken by the DCMS was highlighted, however it was stated that in April 2024, the Gambling Commission issued a statement that advised that it would be very unlikely that they would be in a position to amend their own 'Guidance to Licensing Authorities' document in sufficient time to allow Local Authorities to incorporate the proposed changes within their own Statements, and further advised that Statements be refreshed in line with the Act so as to be enforceable from January 2025.

RESOLVED – That the draft Licensing Principles for the Gambling Act document be approved for public consultation.

GENERAL LICENSING SUB COMMITTEE

Tuesday, 13 August 2024

PRESENT – Councillors Donoghue (The Mayor), Curry, Haszeldine, Kane and Ray.

OFFICERS IN ATTENDANCE – Colin Dobson (Licensing Manager), Jim Langley (Principal Lawyer - Litigation), Brian Murray (Assistant Licensing Manager), Sgt C Dickenson (Durham Constabulary) and Paul Dalton (Democratic and Elections Officer).

LGS1 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

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

LGS2 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS3 PRIVATE HIRE OPERATOR LICENCE

The Group Director of Services submitted a report (previously circulated) which invited Members to consider a report in respect of the grant of a Private Hire Operators Licence (PHO) out of scope of Darlington Borough Council's Private Hire and Hackney Carriage Licensing Policy.

The submitted report stated that an application for a PHO licence on behalf of Uber Britannica Ltd (Uber) had been received on 22 May 2024. It was reported that within Darlington Borough Council's Private Hire and Hackney Carriage Licensing Policy there was a condition that a Private Hire Operator's licence will not be issued unless the applicant operates from a premises within the borough of Darlington and that a fixed landline telephone number for bookings be provided at the premises. It was noted that whilst Uber had a business premises located in Darlington, with the appropriate planning permission, the company did not have a fixed landline telephone number for bookings to be made, and as this therefore fell outside of Darlington Borough Council's Private Hire and Hackney Carriage Licensing Policy, the decision whether to grant a PHO licence was removed from Officers' delegated authority, and it was for Members to make a determination.

The submitted report acknowledged that technology had progressed and that a fixed line telephone number at a local office could be diverted to a contact centre outside of the borough of Darlington, and that app-based technology on hand-held devices had removed the need for any direct telephone contact when making bookings, whilst still complying with statutory standards for recording details.

The submitted report reminded Members that, when making their decision, they had to give due regard to the Council's Private Hire and Hackney Carriage Licensing Policy and procedures, and should assess whether the applicant is a fit and proper person to hold a licence, and that each case should be assessed on its own merits. In giving consideration to the application, Members were asked to be mindful of safeguarding the public, in particular children and vulnerable adults, and apply the working test to determine whether the applicant was a fit and proper person.

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

RESOLVED – (a) That the Private Hire Operators Licence be granted.

(b) That an additional condition be added to ensure Private Hire Driver training is provided to the standards required by Darlington Borough Council.

LGS4 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.

LGS5 PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)

The Group Director of Services submitted a report (previously circulated) to give consideration to two applications, namely a new application for a Private Hire Driver Licence in light of previous convictions, and a review of a Private Hire Driver Licence in light of information provided by Durham Constabulary.

Ref: 10/24

To give consideration to the grant of a Private Hire Drivers Licence application in light of previous convictions.

Members were advised that the applicant's Disclosure and Barring Certificate contained details of five convictions between 2013 and 2016, and the applicant's Driver and Vehicle Licensing Agency (DVLA) licence summary listed two endorsements, one in 2021 and the other in 2023. The representative from Durham Constabulary also advised Members of a positive drugs wipe in 2022, for which the applicant was arrested and charged, however action was discontinued by the Crown Prosecution Service in 2023. The driver did not attend the meeting.

After careful consideration, the Members of the Committee did not consider the driver to be "fit and proper" and decided to refuse the driver a Private Hire Driver Licence. Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

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

Ref: 11/24

To review of a Private Hire Drivers Licence in light of information provided by Durham Constabulary.

Members were invited to confirm the suspension of the licence of a Private Hire Driver in light of an ongoing criminal investigation by Durham Constabulary. Members were informed of the nature of the allegations and the further investigation which remained ongoing.

Members were further informed that the Assistant Licensing Manager had considered it necessary to apply the provisions of Section 61 2B of the Local Government (Miscellaneous Provisions) Act 1976, and suspend the licence holder's Private Hire Licence with immediate effect on the grounds of public safety, and that the matter be referred to this meeting of the General Licensing Sub-Committee. The driver did not attend the meeting.

After careful consideration, the Members of the Committee did not consider the driver to be "fit and proper" and decided to revoke the Private Hire Driver Licence for this driver on the grounds of public safety. Members made this decision under section 61 (1) and 61 2B of the Local Government (Miscellaneous Provisions) Act 1976 as amended by section 52 of the Road Safety Act 2006.

RESOLVED – That, in the interest of public safety, the Private Hire Driver Licence be revoked.

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GENERAL LICENSING SUB COMMITTEE

Tuesday, 24 September 2024

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

OFFICERS IN ATTENDANCE – Jim Langley (Principal Lawyer - Litigation), Tom Mann (Licensing Enforcement Officer), Colin Dobson (Licensing Manager), Sgt C Dickenson (Durham Constabulary) and Hannah Miller (Democratic Officer)

LGS6 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING

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

LGS7 DECLARATIONS OF INTEREST

There were no declarations of interest reported at this meeting.

LGS8 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.

LGS9 PRIVATE HIRE DRIVER LICENCE GRANT AND REVIEW (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 12/24

To confirm the suspension of the licence of a private hire driver 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 2021; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to confirm the suspension of the licence as the investigation remained ongoing.

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 13/24

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 2021; 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. In doing so, Members noted that the driver had declared the endorsement on his licence at the time of his application; that the endorsement was due to expire in eight months; and the driver had no other relevant convictions. Members decided that a warning as to future conduct should also be issued due to driving without the required business insurance.

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.

GENERAL LICENSING COMMITTEE

5 NOVEMBER 2024

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

ROCKLIFFE HALL HOTEL, HURWORTH, DARLINGTON

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. Rockcliffe Hall Hotel in Hurworth, Darlington has been an approved venue for civil marriages and civil partnerships since it opened as a hotel and leisure resort in 2009.
3. The hotel's current approved premise licence is due to expire on 24 November 2024. Rockcliffe Hall Hotel is seeking to obtain a licence for civil marriages and civil partnerships for a further three years from 24 November 2024.

Information

4. Civil Marriage and Civil Partnership ceremonies have always worked successfully at Rockcliffe Hall Hotel and there have been no issues which would adversely affect this application.
5. Rockcliffe Hall Hotel is a five-star hotel attracting couples for weddings nationwide and internationally and has an important role to play in the local economy. The hotel has several bookings for weddings for 2025 and 2026 and considers weddings an important part of its business.

6. The current locations and capacities hotel for civil marriages and civil partnerships at Rockliffe Hall Hotel are:

Room	Maximum Capacity
In the Old Hall:	
The Morning Room	65
The Drawing Room	60
The Cocktail Lounge	60
The Orangery	150
The Boardroom	20
The Campernella	55
The Old Hall Hall	40
The Old Hall Foyer	80
In the New Hall:	
The Rockliffe Suite	170
The Rockliffe Lounge	100
The Bows Suite	30
The Cotherstone Suite	10

7. The majority of the civil marriage and civil partnership ceremonies take place in either the Orangery, Morning Room or the Rockliffe Suite. The remaining designated areas are principally licensed for business continuity purposes. Only one ceremony takes place per day at the hotel.
8. Outdoor ceremonies are currently not offered at Rockliffe Hall Hotel due to customer demand however under the Marriage and Civil Partnerships (Approved Premises) Regulations of 2021 a civil marriage or civil partnership can now take place outdoors at any suitable location within the boundary of the premise. Should there be a need for an outdoor ceremony at the Hotel the Superintendent Registrar would carry out a risk assessment to determine it a suitable location.
9. Rockliffe Hall Hotel has the required fire risk assessments and there is no accessibility or accessibility issues which would adversely affect this application.
10. The fee payable to the relevant Local Authority for the renewal of a licence for civil marriages and civil partnerships is £1750.00. The Hotel have paid this fee in advance of this application.
11. The application to renew its licence for civil marriages and civil partnerships was received from Rockliffe Hall Hotel on 3 July 2024. In accordance with the process of licensing of approved venues for civil marriages and civil partnerships the application was published on the council's website for 21 days with no comments or objections received.
12. Rockliffe Hall Hotel are seeking to renew its licence as an approved venue for civil marriages and civil partnerships for a further three years from 24 November 2024 without any changes to the locations or capacities already designated.

13. The local authority granting the licence as an approved venue for civil marriages and civil partnership can specify the duration of the licence, and also attach any specific conditions to that licence. The standard licence for civil marriage and civil partnerships has historically been three years.

Financial Implications

14. There are future bookings for marriage and civil partnership ceremonies in Rockcliffe Hall Hotel beyond the expiry of the current licence on 24 November 2024 with ceremony bookings and advance payments having been made into 2025 and 2026.

Legal Implications

15. The renewal of a licence for civil marriages and civil partnerships to be held at the Rockcliffe Hall Hotel, Hurworth, Darlington is required to meet existing contractual bookings beyond the current ceremony licence which expires on 24 November 2024.
16. 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

17. Members are asked to grant the renewal of the licence for Rockcliffe Hall Hotel, Hurworth, Darlington as a venue for civil marriages and civil partnerships for a three-year period with effect from 24 November 2024 to 24 November 2027.

Recommendation

18. It is recommended that a licence for the Rockcliffe Hall Hotel, Hurworth, Darlington as an approved venue for civil marriages and civil partnerships be granted for three years from 24 November 2024 to 24 November 2027, and that the places designated where civil marriages and civil partnerships can take place and maximum capacity in those designated areas be:

Room	Maximum Capacity
In the Old Hall:	
The Morning Room	65
The Drawing Room	60
The Cocktail Lounge	60
The Orangery	150
The Boardroom	20
The Campernella	55
The Old Hall Hall	40
The Old Hall Foyer	80
In the New Hall:	
The Rockcliffe Suite	170
The Rockcliffe Lounge	100
The Bows Suite	30
The Cotherstone Suite	10

Reasons.

19. To facilitate civil marriages and civil partnerships at Rockliffe Hall Hotel, Hurworth, Darlington.

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

Anthony Hall, Superintendent Registrar.

Background Papers.

Application for renewal of a licence for civil marriages and civil partnerships from Rockliffe Hall dated 3 July 2024.