



LICENSING COMMITTEE – 8TH NOVEMBER 2012

**SUBJECT: THE MARRIAGE AND CIVIL PARTNERSHIPS (APPROVED PREMISES)
(AMENDMENT) REGULATIONS 2011**

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To inform Members of changes required as a result of The Marriage and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.

2. SUMMARY

- 2.1 The above legislation came into force on 5th December 2011 and enabled civil partnerships to be registered at religious premises in England and Wales. Religious premises will need to be approved by this authority before such registrations can take place.
- 2.2 This report requires adoption of conditions of licence for these venues and recommendation of a suitable fee for consideration by Council.
- 2.3 The report also updates Members on advertisement requirements as a result of the new regulations.

3. LINKS TO STRATEGY

- 3.1 Public Protection and Licensing are statutory functions that contribute to the following Corporate Improvement Plan themes:
- Building better lifestyles
 - Building better public services

4. THE REPORT

- 4.1 The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 set out a process whereby marriages and civil partnerships could be carried out at premises other than religious places of worship.

The 2011 Regulations amended the above in a number of ways:

- Added religious premises to the list of premises that may be approved to carry out civil partnerships

- Changed the method by which applications needed to be advertised from a locally circulating newspaper to either an advertisement on the Council's website or a locally circulated newspaper.

- 4.2 Religious premises can only be licensed for civil partnerships not civil marriages. Registrars will attend and register the formation of the civil partnership. The registrar will not carry out a ceremony and will leave the premises before the religious ceremony commences.
- 4.3 Religious denominations are able to decide whether or not their premises are to be approved for civil partnership registrations. Proprietors are required to demonstrate that they have the consent of the governing religious organisation for that premises to make an application.
- 4.4 Religious buildings will need to be approved before civil partnerships can be formed at them but the approval process is more streamlined than those for secular premises. Under the regulations there is no requirement for Local Authorities to inspect religious premises, only where they deem it is appropriate to do so. Before a religious building can apply to be licensed for civil partnership registration it will have to have been licensed by the Registrar General for worship and for marriage. The fee for application to the Registrar General is £120. The Registrar General's guidance to the 2011 Regulations advocates a simpler, more administrative approach by Local Authorities to these premises. It is therefore recommended that officers process such applications administratively under delegated powers and that a fee of £120 is charged to reflect this and to align it to the fee that the religious building pays to the Registrar General.
- 4.5 The requirements for the grant of approval of religious premises are attached as Appendix 1. Standard conditions for religious premises have been set by the new regulations and are attached in Appendix 2. Local authorities may also add additional conditions if they so wish and these are attached as Appendix 3.
- 4.6 Notice of applications for approval of premises are now placed on the Council website removing the need for and cost of a newspaper advertisement. Notices are displayed on the Licensing Services web pages with links to and from the Registration service pages. The reduction in cost has therefore been reflected in the application fee. The current fee for Secular venues that have an inspection requirement has been reduced from £1721 to £1421 as a result.

5. EQUALITIES IMPLICATIONS

- 5.1 The Equality Act 2010 makes provision for civil partnerships to be registered in religious premises where this is agreed by the respective religious authorities. The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 enable venues to be licensed so that civil partnership registrations can take place. These changes have been introduced as part of the Government's commitment to advancing equality for lesbian, gay, bisexual and transgender people and ensuring freedom of religion for people of all faiths.

6. FINANCIAL IMPLICATIONS

- 6.1 The level of demand for applications for civil partnerships at religious premises is expected to be low so any income will be minimal.
- 6.2 The change to web advertising has already been reflected in the fee for secular premises. This has no impact on the income for the authority as it no longer has to pay advertising costs.

7. PERSONNEL IMPLICATIONS

- 7.1 Registration Officers will be required to register the civil partnership at any religious premises approved by the Authority and Licensing officers to issue the licences. As these are expected to be low in number the effect on workload will be minimal.

8. CONSULTATIONS

- 8.1 This report has been sent to the consultees listed below and there are no responses that have not be reflected in the recommendation.

9. RECOMMENDATIONS

- 9.1 That Members: -

9.1.1 Adopt the conditions in Appendices 2 and 3 for the approval of religious premises as venues for civil partnership.

9.1.2 Agree that religious premises already licensed for marriage ceremonies shall not generally require an inspection and that applications will be processed by officers under delegated powers.

9.1.3 Acknowledge the change to advertising requirements and the reflection in fees currently charged for secular premises.

9.1.4 Recommend to Council that the fee for approval of religious premises be set at £120 in recognition of the streamlined process.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To keep Members informed of changes to legislation controlling the approval of premises for civil marriages and civil partnerships.

10.2 To comply with statutory changes endorsing religious premises to be licensed for civil partnerships.

11. STATUTORY POWER

- 11.1 The Marriages and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011, Equality Act 2010.

Author: Jacqui Morgan Trading Standards, Licensing and Registrars Manager
Consultees: Councillor J. Bevan, Chair, Licensing Committee
Councillor D.M. Gray Vice Chair, Licensing Committee
Councillor D.V. Poole, Cabinet Member for Community and Leisure Services
Rob Hartshorn, Head of Public Protection
Paul Hotchkiss, Licensing Officer
Della Mahony, Superintendent Registrar
Dan Perkins, Head of Legal and Governance
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)

Appendices:

Appendix 1 Requirements for the grant of approval of Religious premises

Appendix 2 Standard Conditions for Religious Premises

Appendix 3 Local Conditions for the grant of approval of Religious premises