



TAXI AND GENERAL COMMITTEE – 20TH APRIL 2018

SUBJECT: APPROVAL OF SECULAR VENUES FOR THE SOLEMNISATION OF MARRIAGE AND REGISTRATION OF CIVIL PARTNERSHIPS

REPORT BY: INTERIM CORPORATE DIRECTOR OF COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To review the approval process for new applications for premises to be licensed for the solemnisation of Marriage and Registration of Civil Partnerships.
- 1.2 To note that the proposed fees for new and renewal applications will be presented in the annual fee review report to be considered by this Committee on the 16th of May prior to consideration by Council on 5th June.

2. SUMMARY

- 2.1 The Authority currently licences secular premises for the solemnisation of Marriage and Registration of Civil Partnerships. Under the current process existing premises are inspected and licensed by officers under delegated powers. New applications are however subject to inspection /approval by the full Taxi and General Licensing Committee.
- 2.2 This report reviews the above approval process at the request of Members involved in a new application hearing and also in order to provide an internal appeal process as required by legislation. If the process for new premises is amended the new fee will need to be approved by Council.

3. LINKS TO STRATEGY

- 3.1 The Licensing function is a statutory duty of the authority and contributes to the Well-being Objectives contained within the Caerphilly Public Services Board's Well-being Plan, "The Caerphilly We Want".
- 3.2 The Licensing Service also contributes to the following Well-being Goals within the Well-being of Future Generations (Wales) Act 2015:
 - A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities.

4. THE REPORT

- 4.1 The Authority currently licences secular premises for the solemnisation of Marriage and Registration of Civil Partnerships. It is a requirement of the legislation for secular premises that they are inspected as soon as is practicable after receipt of an application.

- 4.2 The Marriage and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 requires the Authority to consider the following for each venue before giving approval.
- Having regard to their primary use, situation, construction and state of repair, the premises must, in the opinion of the Authority, be a seemly and dignified venue for the proceedings.
 - The premises must be regularly available for such ceremonies.
 - The premises must have the benefit of such fire precautions as may reasonably be required by the Authority, having consulted with the Fire and rescue Authority, and such other reasonable provision for the health and safety of persons employed in or visiting the premises as the Authority considers appropriate.
 - The room or rooms in which the proceedings are to take place if approved must be identifiable by description as a distinct part of the premises.
- 4.3 Standard conditions for approved secular premises are attached at Appendix 1 and additional Caerphilly Council Local conditions at Appendix 2 for information.
- 4.4 For existing premises, officers from Licensing and Registrars carry out joint inspections and Licensing officers process renewal applications under delegated powers. Where objections are received from statutory consultees applications are referred to the Taxi and General Sub Committee with a right of appeal to the Full Committee (minus the Members who sat on the Sub Committee hearing). New premises are however subject to inspection/approval by the full Taxi and General Licensing Committee. Several Members involved in the inspection/approval of a new premises application requested that the process for new premises be reviewed.
- 4.5 This report proposes that the same inspection, approval process is implemented for both new and renewal applications. This would result in a more streamlined and responsive process for new venues and bring the authority into line with other local authorities in Wales. Importantly it will also provide a standardised route for consideration of statutory objections and appeals.
- 4.6 Fees are charged on a cost recovery basis. The application fee for a new premises is currently £1089 and a renewal £769. If Members decide that the new and renewal application processes are standardised the fees will also need to be standardised. This can be addressed in the annual fee review report to be considered by this Committee on the 16th of May and Council on the 5th of June.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act as the process ensures that a number of checks and safeguards are in place before a licence is granted. The application process also requires consultation with other agencies and the opportunity to input into the decision making process.

6. EQUALITIES IMPLICATIONS

- 6.1 The Council ensures that it treats all individuals and organisations, those currently licensed, those who are renewing or making new applications for licenses, with equal respect both when corresponding with those individuals and organisations, and during the licensing approval process.

7. FINANCIAL IMPLICATIONS

- 7.1 The fee for a new premises licence is based on cost recovery and so would need to be reduced to the same as for a renewal if the processes are standardised. The reduction in fee income will be offset by savings in officer and Member time.

8. PERSONNEL IMPLICATIONS

- 8.1 If members endorse the recommendations there will be a reduction in officer time within Licensing and Committee Services for processing new applications. New applications are few in number so impacts are minimal.

9. CONSULTATIONS

- 9.1 All responses from consultees have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 That Members approve the following process for new and renewal applications

That officers from Licensing and Registrars carry out joint inspections and Licensing officers process the applications under delegated powers. Where objections are received from statutory consultees applications are referred to the Taxi and General Sub Committee with a right of appeal to the Full Taxi and General Committee minus the Members who sat on the Sub Committee hearing.

- 10.2 To note that the proposed fees for new and renewal applications will be presented to the Taxi and General Committee in the annual fee review report on 16th May prior to consideration by Council on 5th June.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To standardise and simplify the approval and appeal process for licence applications.

12. STATUTORY POWER

- 12.1 The Marriage and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011. Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; Fee setting is a Council function.

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Consultees: Cllr Denver Preece Chair, Licensing Committee
Cllr Julian Simmonds, Vice Chair, Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Mark S. Williams, Interim Corporate Director, Communities
Robert Hartshorn, Head of Policy and Public Protection
Lee Morgan, Licensing Manager
Della Mahoney, Superintendent Registrar
Mike Eedy, Finance Manager
Lisa Lane, Interim Monitoring Officer
James Williams, Senior Solicitor, Legal Services
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Background Papers:

Licensing Committee Report - Responsibility for the approval of secular venues for the solemnisation of marriage and registration of civil partnerships, 8th of November 2012.

Appendices:

- Appendix 1 Conditions to be attached to grants of approval of premises that are not religious premises
- Appendix 2 CCBC Local conditions

CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL OF PREMISES THAT ARE NOT RELIGIOUS PREMISES

1. The holder of the approval must ensure that there is at all times an individual with responsibility for ensuring compliance with these conditions (“the responsible person”) and that the responsible person’s occupation, seniority, position of responsibility in relation to the premises, or other factors (his “qualification”), indicate that he is in a position to ensure compliance with these conditions.
2. The responsible person or, in his absence, an appropriately qualified deputy appointed by him, shall be available on the premises for a minimum of one hour prior to and throughout each of the proceedings.
3. The holder must notify the authority—
 - (a) of his name and address immediately upon him becoming the holder of an approval under regulation 7(2); and
 - (b) of the name, address and qualification of the responsible person immediately upon the appointment of a new responsible person.
4. The holder must notify the authority immediately of any change to any of the following—
 - (a) the layout of the premises, as shown in the plan submitted with the approved application, or in the use of the premises;
 - (b) the name or full postal address of the approved premises;
 - (c) the description of the room or rooms in which the proceedings are to take place;
 - (d) the name or address of the holder of the approval; and
 - (e) the name, address or qualification of the responsible person.
5. The approved premises must be made available at all reasonable times for inspection by the authority.
6. A suitable notice stating that the premises have been approved for the proceedings and identifying and giving directions to the room in which the proceedings are to take place must be displayed at each public entrance to the premises for one hour prior to and throughout the proceedings.
7.
 - (1) Save as provided below, no food or drink may be sold or consumed in the room in which the proceedings take place for one hour prior to or during those proceedings.
 - (2) Non-alcoholic drinks may be consumed prior to the proceedings.
8. All proceedings must take place in a room, which was identified as one to be used for that purpose on the plan submitted with the approved application.
9. The room in which the proceedings are to take place must be separate from any other activity on the premises at the time of the proceedings.

10. The arrangements for and content of the proceedings must meet with the prior approval of the superintendent registrar of the district, or the registration authority of the area, as the case may be, in which the approved premises are situated.
11. (1) Any proceedings conducted on approved premises shall not be religious in nature.
 - (2) In particular, the proceedings shall not—
 - (a) include extracts from an authorised religious marriage service or from sacred religious texts;
 - (b) be led by a minister of religion or other religious leader;
 - (c) involve a religious ritual or series of rituals;
 - (d) include hymns or other religious chants; or,
 - (e) include any form of worship.
 - (3) But the proceedings may include readings, songs, or music that contain an incidental reference to a god or deity in an essentially non-religious context.
 - (4) For this purpose any material used by way of introduction to, in any interval between parts of, or by way of conclusion to the proceedings shall be treated as forming part of the proceedings.
12. Public access to any proceedings in approved premises must be permitted without charge.
13. Any reference to the approval of premises on any sign or notice, or on any stationery or publication, or within any advertisement may state that the premises have been approved by the authority as a venue for marriage in pursuance of section 26(1)(bb) of the 1949 Act *and the formation of civil partnerships under section 6(3A)(a) of the 2004 Act but shall not state or imply any recommendation of the premises or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.
14. If a change of name to the approved premises occurs after the issue of the certificate for marriage or the civil partnership document but before the proceedings, the former name of the approved premises as recorded in the certificate for marriage or the civil partnership document shall remain valid for its duration for the purpose of the proceedings.



The licensing authority is entitled under the legislation to impose local conditions as it thinks reasonable.

Premises must have the following:

1. Satisfactory disabled access.
2. Adequate tables and chairs must be available for Registration Officers and the parties being married, or registering their civil partnership, including seating for the majority of guests.
3. An additional room must be available for the interview of the parties prior to the ceremony.
4. Toilet facilities must be available.
5. Car parking spaces for Registration Staff must be guaranteed.
6. Absence of noise from other activities.
7. Any music played before or during the ceremony must have prior consent of the Registration Officers.
8. The recommendations of the Divisional Fire Safety Officer, as detailed below, are also imposed as a condition of licence.

The maximum number of persons allowed to resort to the premises, at any one time is limited to:

(INSERT MAX NUMBERS)