



LICENSING COMMITTEE – 8TH NOVEMBER 2012

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

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To review the role of the Civil Marriages / Partnerships Sub Committee in the approval process of premises for the Solemnization of Marriages and Registration of Civil Partnerships.

2. SUMMARY

- 2.1 The Authority currently licences secular premises for the solemnization of marriage and registration of civil partnerships. Recent changes also enable the approval of religious premises for civil partnership registrations and are the subject of a separate report. Updated National guidance on both types of premises has been issued which covers the application and approval process for Local Authorities.
- 2.2 This report reviews the role of Members in the approval /inspection of such premises as a result of a request by Members at an earlier meeting of the Licensing Committee.

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 Places
 - Building Better Public Services

4. THE REPORT

- 4.1 The Authority currently licences secular premises for the solemnization of marriage and registration of civil partnerships. Recent changes also enable the approval of religious premises for civil partnership registrations and are the subject of a separate report. Updated National guidance on both types of premises has been issued which covers the application and approval process for Local Authorities.
- 4.2 It is a requirement of the legislation for secular premises that they are inspected as soon as is practicable after receipt of an application. Currently such inspections are carried out by Members of the Civil Marriages / Partnerships Sub Committee accompanied by a Licensing Officer.

- 4.3 Under the aforementioned regulations the Authority has 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.
- 4.4 Current standard conditions for approved secular premises are attached at Appendix 1 and additional Caerphilly Council Local conditions at Appendix 2 for information.
- 4.5 The role of the Civil Marriages / Partnerships Sub Committee was considered previously in May 2011 as part of a general review of the full Licensing Committee. The previous report recommended that the approval be delegated to the Head of Public Protection where no objections had been received from statutory consultees. If objections were received they were to be considered by the relevant Licensing Sub Committee with a further right of Appeal to the Full Licensing Committee minus the original Members. This would have meant the removal of the Civil Marriages / Partnerships Sub Committee and the recommendations were rejected.
- 4.6 At a training session for Members of the new Licensing Committee in June 2012 a further request was made to review the approval / inspection process again.
- 4.7 The following information is supplied in support of a move to approval by officers under delegated powers: -
- The Authority should inspect a premises as soon as is practicable after receipt of an application. Arranging a date and time suitable for sufficient Members of the special Committee, Licensing officers and the venue can often be problematic and result in delays.
 - The function is carried out by officers in all other authorities in Wales and as far as we are aware in England also.
 - Since December 2010 Licensing and Registrars are part of the same management group within Public Protection and work closely together on the Licensing of venues for Civil Marriage /Partnership.
 - Registration officers attend the premises to conduct Ceremonies on many occasions each year and would report any issues as they arise to the Licensing section.
 - Environmental Health officers and the Fire and Rescue service are consultees under the approval process and consider any Public Health, Public Safety issues. The latter carry out audits and spot checks of all premises on a risk assessment basis.
 - Premises will already have been issued with a Premises Licence under the Licensing Act 2003, which involves detailed consideration, by Responsible Authorities such as Trading Standards, Planning, Environmental Health, Gwent Police, and Fire and Rescue Service etc.
Many of the service areas also inspect the premises on a risk assessed basis.

- Authorities can only inspect and determine premises on the basis of Appendices 1 and 2. Any other aspects are outside the remit of the Authority and would be subject to challenge by applicants.
- The Licensing service deal with 1500 applications each year and the majority are dealt with by licensing officers under delegated powers with only those that are contentious being referred to the relevant sub committee for consideration by Members.

4.8 It is therefore recommended that officers from Licensing and Registrars carry out joint inspections of secular premises in future and Licensing officers process applications under delegated powers. Where objections are received from statutory consultees applications to be referred to the Taxi and General Sub Committee with a right of appeal to the Full Licensing Committee minus the original Members. This would not require any changes to the existing constitution but would result in the removal of the special committee. (NB Religious premises are not required by legislation to be inspected and are considered in a separate report)

4.9 An alternative option would be for officers to process and approve renewal applications under delegated powers with new applications being considered by the Taxi and General Sub Committee with a right of appeal to the Full Licensing Committee minus the original Members.

4.10 Such changes would reduce bureaucracy, the cost of the inspection process and the time-scales for issuing of licences for the venues. It would also bring the Authority into line with other councils in Wales.

5. EQUALITIES IMPLICATIONS

5.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan.

6. FINANCIAL IMPLICATIONS

6.1 Currently there are only 6 licensed venues whose licences are renewed every three years. If the proposals were agreed there would be a slight reduction in the costs associated with the Civil Marriages / Partnerships Sub Committee and attendance at the venue.

7. PERSONNEL IMPLICATIONS

7.1 Licensing Officers attend the existing inspections and Registrars welcome the opportunity of joint inspections, as it would complement their existing role at these premises.

8. CONSULTATIONS

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

9. RECOMMENDATIONS

9.1 That Members consider and endorse one of the following options: -

9.1.1 the approval of the recommendation set out in paragraph 4.8 and recommend to Council that the Civil Marriages / Partnerships Sub Committee be dissolved

9.1.2 the approval of the recommendation set out in paragraph 4.9 of this report and recommend to

Council that the Civil Marriages / Partnerships Sub Committee be dissolved

9.1.3 retention of the current inspection and approval arrangements.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To streamline the application and inspection process, reduce bureaucracy and improve customer service. To acknowledge the closer working relationship between the Licensing and Registration Services and to bring CCBC into line with processes in other LA's in England and Wales.

11. STATUTORY POWER

11.1 The Marriage and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011. Local Govt. Acts 1972 and 2000.

Author: Jacqui Morgan, Trading Standards, Licensing and Registration Services 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 / Monitoring Officer
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)

Appendices:

Appendix 1 Conditions - None Religious Premises

Appendix 2 Basis of Authority's Inspection and Determination of Premises