

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**THE MARRIAGE ACT 1949, CIVIL PARTNERSHIP ACT 2004, THE MARRIAGES
AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 &
THE MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES)
(AMENDMENT) REGULATIONS 2011**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To note the introduction of the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 and the changes that these regulations have brought about.
- 1.2 To approve the proposed fees for approved premises as per the report.

2. BACKGROUND INFORMATION

- 2.1 The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 set out the process whereby marriages and civil partnerships could be carried out at premises other than at religious places of worship.
- 2.2 The 2011 Regulations amend the Marriages and Civil Partnerships (Approved Premises) Regulation 2005 in a number of ways, as follows:
 - Adds religious premises to the list of premises that may be approved to carry out civil partnerships.
 - Changes the method by which applications need to be advertised from advertising in a locally circulating newspaper to either advertising in the paper or on the council's website.
 - Allows for a licence to be issued for a period of 3 years or more at the council's discretion.
- 2.3 The 2005 regulations allow premises on application to perform marriages and civil partnerships. The licence is issued for a period of three years and each application is advertised in the Scunthorpe Telegraph.

- 2.4 Prior to the 2011 regulations religious premises could not apply to perform civil partnerships. Upon receipt of an application for such a premises, the council need only inspect where it is deemed to be appropriate- whereas there is a requirement to inspect non-religious premises.
- 2.5 Changing the method of advertising applications from the locally circulating news paper to the council's website will have significant savings. Each advert costs at least £200.00. The reduction in cost should be reflected in the application fee.
- 2.6 The current application fee for an approved marriages premises is £1640.00 for a three year licence. Removing the cost of advertising but allowing for a cost of living increase would result in a revised fee of £1475.00 for a three year licence for non-religious premises. In the case of religious premises, as there is no requirement to inspect the premises and as they are only licensed to perform civil partnerships under this legislation it is proposed that the fee should be £600.00 for a three year period.
- 2.7 In the case of both non-religious and religious premises, conditions are attached to the licence. These conditions are set by the orders of 2005 and 2011 respectively.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – Approve the report with the fees and length of licences being set in accordance with paragraph 2.6.
- 3.2 Option 2 – Approve the report in relation to the length of licence but set an alternative fee for either one or both the religious and non-religious premises.
- 3.3 Option 3 – Approve the report in relation to the fees but set an alternative length of licence for either one or both the religious and non-religious premises.
- 3.4 Option 4 – Set an alternative fee and length of licence.
- 3.5 Option 5 – Maintain the current level of fee and length of licence.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – The fees and length of licence suggested in paragraph 2.6 address the changes in legislation, while maintaining the current level of income for the council. The savings from the removal of advertising applications are passed on to the applicant.
- 4.2 Option 2 – Approving the length of licence but changing the fee charged would result in more or less income from this type of application. The fees have been set to reflect the work for each type of application.

- 4.3 Option 3 – Approving the fee but changing the length of licence would result in a reduction of income. The licence can be issued for a period of 3 years or more.
- 4.4 Option 4 – The minimum length of a licence is three years, therefore the licence would be issued for a greater period. The fee is based on the current fee, less the advertising- albeit that an alternative fee could be set.
- 4.5 Option 5 – The fee for licence includes the cost of advertising. Maintaining the current fee and length of licence would mean that the cost saving would not be passed on to the applicant- however the additional income could be used to support the modernising of the licensing service.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial Implications – Further to paragraph 2.6, the changes in advertising requirements will result in a reduction of costs. These reductions have been passed on to the applicant and a cost of living increase has been added to the revised fee. It is not predicted that many religious premises will opt to apply for a licence to carry out civil partnerships, although the reduction in the fee for non-religious premises may result in further applications..

5.2 There are no staffing, property or IT implications from this report.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory Implications – The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 came in to force on 5 December 2011 and the council needs to put measures in place to allow for the regulation changes.

7. OUTCOMES OF CONSULTATION

7.1 The Registrar has been consulted on the proposals and has agreed with the proposals.

8. RECOMMENDATIONS

8.1 That the changes in the legislation be noted and that proposal at either Option 1 or 5 at paragraph 4.1 be approved in relation to length of licence and the fee.

DIRECTOR OF NEIGHBOURHOOD AND ENVIRONMENTAL SERVICES

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Background Papers used in the preparation of this report: -

The Marriage Act 1949,

Civil Partnership Act 2004,

The Marriages and Civil Partnerships (Approved Premises) Regulations 2005

The Marriages and Civil Partnerships (Approved Premises) (Amendment)
Regulations 2011