

LICENSING YOUR VENUE FOR CIVIL MARRIAGE AND CIVIL PARTNERSHIP CEREMONIES

INFORMATION PACK

1. Introduction

West Berkshire Council is responsible for providing the Registration Service in West Berkshire.

The Registration Service includes the solemnisation of civil marriage and the formation of civil partnerships and the licensing of venues where these ceremonies can take place*

Licensed venues are more commonly referred to as 'Approved Premises' and can include hotels, stately homes, civic halls and other similar venues. Many venues also have permanent freestanding structures where civil ceremonies can be celebrated.

West Berkshire Council welcomes applications from all types of venue which meet the requirements and conditions detailed in this booklet.

If you require advice or assistance regarding any licensing matter please contact:

Julie Young, Superintendent Registrar
The Register Office, Shaw House, Church Road, Newbury, Berkshire, RG14 2DR
Tel: 01635 279238. Email: julie.young@westberks.gov.uk

**For further information about the relevant primary legislation that provides for the approval of civil marriage and civil partnership you can access the following:*

Marriage Act 1949

<http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/76/contents>

Civil Partnership Act 2004

<http://www.legislation.gov.uk/ukpga/2004/33/contents>

The Marriages and Civil Partnerships (Approved Premises) regulations 2005

<http://www.legislation.gov.uk/uksi/2005/3168/contents/made>

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

<http://www.legislation.gov.uk/uksi/2011/2661/made>

The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2013

<http://www.legislation.gov.uk/uksi/2013/2294/contents/made>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

NOTES

In this booklet the term 'Approved Premises' means 'Approved Premises for the solemnization of civil marriages under The Marriage Act 1949, and the formation of civil partnerships under The Civil Partnership Act 2004'

Licence means the approval of any premises pursuant to The Marriages and Civil Partnership (Approved Premises) Regulations 2005 (as amended)

2. CIVIL MARRIAGES AND CIVIL PARTNERSHIPS

2.1 When can ceremonies take place?

Civil marriage and civil partnerships can take place in any West Berkshire Approved Venue between the hours of 8.00am and 7.00pm on any day of the week, including weekends and bank holidays. Any ad-hoc requests for ceremonies outside these hours will be considered depending on staff availability and a risk assessment.

2.2 Who carries out the ceremonies?

All civil marriage must be carried out by a Superintendent Registrar and a Registrar. A civil partnership must be carried out by a Civil Partnership Registrar and does not require the partners to have a ceremony. Couples may however wish to enhance their registration with a non-statutory ceremony, which we will be pleased to provide. Registrars will normally arrive at the venue up to 30 minutes before the start of the ceremony.

It is essential that ceremonies are conducted at the appointed time as registrars are frequently required to deliver a number of ceremonies on a given day and therefore work to a tight timescale.

2.3 Who books the ceremonies and organises the Registrar's attendance?

In the first instance the couple should make a provisional booking with the Approved Venue of their choice, alongside checking the availability of registration staff by contacting the Superintendent Registrar for West Berkshire on 01635 279230. A fee is payable to West Berkshire Council in advance for the attendance of the registration staff at the ceremony. The fee is in addition to and separate from any charges made by the venue. Any enquiries should be directed to West Berkshire Registration Service. Once the registrar/s has been booked, the Approved Venue booking can also be confirmed.

The booking for the registrars' attendance at the ceremony will be provisional until legal notice has been given and the fees for attendance have been paid. Details of West Berkshire's fees, which include booking, preparation of the ceremony/paperwork and attendance of the registrars at the event, can be found on our website at www.westberks.gov.uk.

Providing the couple is legally able to enter into the marriage or civil partnership, we will seek to ensure that staff are available to provide the ceremony accepted by the venue. However, at peak times of the year when there are a large number of bookings, a venue and the couple may need to consider other timings to ensure registration staff availability.

2.4 What other ceremonies are offered?

In addition to the above, West Berkshire Registration District also offers a range of other ceremonies which can also be held at Approved Venues including:

Renewal of Vows – a non-religious ceremony for couples who might wish to celebrate their commitment to each other in a unique and personal way. These ceremonies might take place on a special anniversary or in a situation where the couple may have been married abroad, or they can follow on from a marriage or civil partnership ceremony providing an opportunity to celebrate outdoors.

Naming Ceremony – a non-religious ceremony to celebrate key life events, such as the birth of a new baby, welcoming an adopted child/children or step-child into the family or formally naming an older child. This ceremony can follow on from a marriage or civil partnership ceremony.

3. Licence Requirements

3.1 All applications must meet the requirements as set out in schedule 1 of The Marriages and Civil Partnerships (Approved Premises) regulations 2005. These may be amended from time to time on the instructions of the Registrar General.

‘Premises’ are defined in the 2005 regulations as:

“a permanently immovable structure comprising at least a room or any boat or other vessel which is permanently moored”

Any premises outside of this definition such as the open air, a tent, marquee or any other temporary structure, and most forms of transport would not be eligible for approval. See section 6.9 for guidance on acceptable structures.

3.2 The Registration Service also requires that:

- a) The premises must, in the opinion of the authority, be a “seemly and dignified” venue in terms of their primary use, situation, construction and state of repair.
- b) The premises must be regularly available to the public for:
 - the solemnization of marriages; and
 - the formation of civil partnerships
- c) The premises must meet the necessary legal requirements with regard to fire safety precautions, having consulted with the fire authority. There must also be reasonable provision for the health and safety of persons employed in, or visiting the premises, again meeting the necessary legal requirements, and as considered appropriate by the local authority.
- d) the premises must not be religious premises as stated in the Marriages and Civil Partnership (Approved Premises) Regulations 2005 and defined in section 6A (3C) of the 2004 Act (Civil Partnership Act 2004)
- e) the room/rooms to be approved for ceremonies must be clearly identified (i.e. named) as a distinct part of the overall premises.

3.3 Additional Licence Requirements

The following additional requirements have been agreed by West Berkshire Council and will apply to all licences issued for Approved Premises. They may be amended from time to time by West Berkshire Council.

The licence holder must:

- a) ensure that the premises are covered by an appropriate public liability insurance policy
- b) room occupancy (identified in Fire Risk Assessment document) must not be exceeded and this includes the couple, guests, premises duty manager and Registrars, plus any other attendees. (e.g. Photographer, videographer, musicians, singers etc)
- c) ensure that the couple are advised that a marriage or civil partnership cannot take place unless the legal notice (of marriage or civil partnership) has been given, which

should not be more than 12 months and less than 15 days before the date of the ceremony.

4. Licence Conditions

4.1 The following licence conditions as set out in Schedule 2 of The Marriages and Civil Partnerships (Approved Premises) Regulations 2005, will apply to all licences for Approved Premises in the registration district of West Berkshire. They may be amended from time to time on the instructions of the Registrar General.

These require that:

- a) the holder of the approval must ensure that there is at all times (and on the premises) 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 (their 'qualification'), indicate that they are in a position to ensure compliance with the conditions
- b) the responsible person, or, in their absence, an appropriately qualified deputy, shall be available on the premises for the minimum of one hour prior to, and throughout, each of the ceremonies.
- c) the holder must notify the authority immediately of a change to any of the following:
 - name and address immediately upon coming the holder of an approval
 - name, address and qualification of the responsible person immediately upon the appointment of a new responsible person
 - layout of the premises, as shown in the plan submitted with the approved application, or in the use of the premises
 - name or full postal address of the approved premises
 - description of the room or rooms in which ceremonies are to take place
- d) The approved premises must be made available at all reasonable times for inspection by the authority.
- e) The licence must be permanently displayed in a prominent position (usually in main entrance), and a suitable notice identifying and giving directions to the room in which the ceremony is to take place, must be displayed at each public entrance to the premises for one hour prior to and throughout the ceremony.
- f) no food or drink may be sold or consumed in the room which the ceremony is to take place for one hour prior to and during these proceedings. Once the ceremony is complete, food and drink may be served immediately.
- g) All ceremonies must take place in a room which has been identified for that purpose on purpose on the plan submitted with the approved application. No other rooms will be permissible for this purpose.
- h) The room in which ceremonies are to take place must be separate from any other activity on the premises at the time of the proceedings.

- i) The room capacity as specified at the point of inspection should not at any point be exceeded.
- j) The arrangements for and content of the proceedings must meet with the prior Approval of the Superintendent Registrar of the District/Civil Partnership Registrar of the Registration Authority in which the approved premises are situated.
- k) Any ceremony conducted in approved premises should not contain any religious content.

In particular the proceedings shall not:

- Include extracts from an authorised religious marriage service or from sacred religious texts
- Be led by a minister of religion or other religious leader
- Involve a religious ritual or service of rituals
- Include hymns or other religious chants, or,
- Include any form of worship

This applies to **all or any part** of the ceremony.

- l) Public access to the approved premises must be permitted without charge during any proceedings, enabling the attendee(s) to object to a marriage or civil partnership should they wish (and have grounds) to do so.
- m) The granting of the licence by West Berkshire Council does not imply any recommendation of the premises or its facilities by the authority, the Registrar General, or any of the officers of either of them. No literature or advertisement produced by the premises should suggest that this is the case.

The licence holder may use the following words to describe an 'Approved Premises' licence:

'Approved by West Berkshire Council as a venue for the solemnization of civil marriages and the formation of civil partnerships'.

- n) If a change of name to the approved premises occurs further advice will need to be sought from the Superintendent Registrar for West Berkshire as in some cases the former name will appear on the ceremony documents.
- o) Where possible, access must be available for disabled persons, and any provisions, or exemptions, must comply with the Disability Discrimination Act.

4.2 Access

The following will have access to the Approved Premise when required:

- a) Representatives of West Berkshire Council carrying out inspections in respect of the licence.
- b) West Berkshire Council registration staff officiating at a civil marriage or civil partnership require access to the ceremony room and the interview room at least 30 minutes before the ceremony is due to begin.

4.3 Special Licence Conditions

West Berkshire Council reserves the right to apply special licence conditions, in addition to those set out in this information pack, to any licence as it considers necessary, and at any time during the three year licence.

5. Application Process and Procedure

5.1 Application Procedure

All applications must be made on a West Berkshire Council Approved Premises Application form, a copy of which can be found on the website www.westberks.gov.uk

Your completed application and documents as indicated should be sent to:

Julie Young
Superintendent Registrar
The Register Office
Shaw House
Church Road
Newbury
RG14 2DR

Your application should be accompanied by:

- Current copies of the premises fire risk assessment showing room occupancy numbers;
- Confirmation of public liability insurance (see section 7.3 for details);
- Confirmation from the local planning authority that they support civil ceremonies taking place in the venue;
- Plan no larger than A3, clearly indicating the room or rooms where ceremonies will be held.

It is important that all rooms that are intended to be used for the purpose of ceremonies are clearly indicated on the plans, since ceremonies may only take place in those rooms once the approval is granted. If additional rooms are added after the approval is granted, an amendment to the licence will be required for which an additional fee will be charged (see section 6.7 for details)

5.2 Inspections

Staff from West Berkshire Council Registration Service will inspect the premises upon receipt of a completed application form and fee. The inspection provides an opportunity to discuss in greater details the arrangements and commitments required. West Berkshire Council reserves the right to make additional visits to ensure that the conditions of the licence are adhered to.

5.3 Advertisement

West Berkshire Council will advertise all applications in the local paper. The advertisement will advise of the application and will be available for a period of 21 days to allow any objections to be made. During this time a full review of the application and supporting documents will be made. Additionally the information will be sent to the local

fire authority asking them to visit and inspect the property, along with an officer from West Berkshire Councils licensing team.

The full application will be available for review by interested parties for a period of 21 days during the consultation period. Such applications will be held at:

The Register Office
Shaw House
Church Road
Newbury
RG14 2DR

6. The Licence

The licence application normally takes 12 weeks to process and is valid for three years. If a licence lapses, no bookings can be taken or ceremonies take place on the premises, even if arranged earlier when the licence was still valid. It is therefore essential that renewal is applied for in advance.

West Berkshire Council may only grant an approval if it is satisfied that the application has been made in accordance with the Regulations, and that the premises fulfil the requirements set out in the approval.

6.1 The Licence Notice (certificate)

The licence notice (A4 size) must be displayed prominently and permanently, preferably at the main entrance to the venue. Additional copies can be provided for other parts of the venue or for display in the ceremony room areas.

6.2 Refusal to approve a licence

If a licence is not approved the applicant will be given notice in writing together with the reasons for the decision.

6.3 Renewing a Licence

The licence may be renewed within the last year of its 3 year period, allowing a minimum of 3 months for processing.

6.4 Revoking a Licence

In a situation where a licence is revoked, responsibility will rest with the former licence holder to notify any couples who have booked a ceremony to be held on the premises.

West Berkshire Council may revoke a licence if:

- Any conditions attached to the grant of the licence have been broken
- The use or structure of the Approved Premises has changed in that West Berkshire Council no longer considers the premises as a suitable venue for the solemnization of civil marriages and the formation of civil partnerships
- If directed to do so by the Registrar General

6.5 Transfer of Licence

The licence is not transferable between premises. However, subject to the approval of West Berkshire Council, the licence may be transferred between licence holders. This

would normally apply when a venue is sold or a new manager appointed, when notification must be provided in writing to West Berkshire Council Registration Service within seven days of the change.

6.6 Compliance

Registration staff will comply with any rules or regulations affecting the 'Approved Premises' providing they do not conflict with:

- West Berkshire Council's Requirements and Conditions for Approved Premises for Civil Marriages and Civil Partnerships
- Regulations and/or Code of Practice issued by the Registrar General
- The various Marriage Acts and Regulations
- The Civil Partnership Act and Regulations
- Their statutory responsibilities

6.7 Licensing Fees

The following application fee is applicable:

April 2019 to March 2020	
Approved premise licence	£2100

6.8 Outside/Garden Structures

If you are considering licensing an existing outside/garden structure, or constructing one, you should in the first instance seek advice from Julie Young, Superintendent Registrar, West Berkshire Council Registration Service, to ensure it will comply with licensing requirements.

6.9 Acceptable Structures

Applicants are advised to consult with their local planning authority to check whether constructing a permanent freestanding structure would constitute a development. A copy of any existing planning decisions should be enclosed with the application.

- A freestanding or garden structure must be permanent and immovable and in this matter the decision of West Berkshire Council on what is considered 'permanent' and 'immovable' will be final.
- The structure should have a waterproof roof, which ideally should be tiled, although other coverings will be considered. The roof should be supported by brick, stone, concrete or wooden pillars or walls. The space between pillars may have trellising or other decoration.
- The front should be open and sufficiently wide to enable the ceremony party to enter. Steps may be provided if the structure is raised above the surrounding ground level.
- The structure should be of sufficient size to accommodate the following:
 - two registration staff and two chairs
 - a table (size approx 3' x 2') and two chairs
 - the couple (bride and groom or two partners)
 - space for two witnesses and two chairs
 - comfortable space in which the ceremony can be conducted

- The decision of West Berkshire Council of what is considered sufficient space is final
- Consideration should be given to the area immediately in front of the structure where guests may be seated or stand. Soft ground should be avoided and a hard standing may need to be provided. Sufficient room must be available for a central aisle to allow the ceremony party to make their entrance.

If a permanent freestanding structure is approved then the following Special Licence Conditions will be applied:

- The structure and the adjacent area to be used for guests should be roped off, or barriers erected, at least an hour before the ceremony and no food or drink may be consumed in this area during this time or during the proceedings.
- Any other activities taking place in the grounds, especially near to the licensed structure and the adjacent area to be used for guests, are to be kept separate from any ceremony.
- Inclement weather may mean that the ceremony cannot take place in the garden structure and another licensed room should be used instead. The decision as to whether a ceremony had to be moved will be made by the registration staff after discussion with the couple/partners and the venue.

7. Essential Requirements

7.1 Fire and Health & Safety

The applicant will be deemed by West Berkshire Council to be the responsible person (or acting on their behalf under the Regulatory Reform (Fire Safety) Order 2005) to ensure that the fire risk assessment has been carried out on the premises

<http://www.legislation.gov.uk/ukxi/2005/1541/contents/made>

The assessment is required to reduce the risk of fire, and make sure that all the people who might be on the premises can escape if there is a fire. The applicant may be required to provide confirmation of the current fire risk assessment at any time during the life of the licence.

West Berkshire Council is obliged to consult the Fire Authority. The Fire Authority will inspect the premises and any recommendations regarding fire precautions, alarms, signage, occupancy levels etc may need to be resolved prior to the licence being approved, or become a special condition of the licence.

West Berkshire Council will also consider the health and safety of both the registration staff and public who visit the premises.

West Berkshire Council registration staff will not be responsible for the evacuation of ceremony guests in an emergency. This role will fall to the Responsible Person.

7.2 Planning Permission

Applicants are advised to consult with their local planning authority to check whether use as an approved premises for civil marriages and civil partnerships would constitute development or change of use. Equally, if you are considering constructing a freestanding or other outside structure, you should seek the advice of the planning authority.

If retrospective planning permission is required and subsequently refused, West Berkshire Council will revoke the licence and there will be no refund of fees. Venues may not advertise as being licensed and available for ceremonies until any necessary planning permission has been received.

7.3 Public Liability/Third Party Insurance

The building or structures to be licensed must have public liability (third party) insurance cover during the three years of the licence. The applicant must provide evidence of this insurance when making the application and may, at the discretion of West Berkshire Council, be required to confirm this insurance cover at any time during the licence period.

8. Local Conditions required by West Berkshire Council

8.1 Equality Act (Sexual Orientation) Regulations 2010

The Acts require that providers of goods, facilities and services ensure that customers are not treated unfairly on the grounds of their sexual orientation. If the holder of an approved is deemed by West Berkshire Council to discriminate on the grounds of the sexuality of the couple, the Council reserves the right to revoke this approval.

<http://www.legislation.gov.uk/ukpga/2010/15/schedule/27>

8.1 Notice Display

A notice should be displayed, at any entrance to the premises, at least one hour prior to the start of the ceremony, stating the names of the Parties, the time of the Ceremony and the name of the Ceremony Room.

8.2 Car Parking

Two reserved parking spaces should be provided for the use of the registrars attending the premises for a ceremony. These should be clearly marked and available at least 30 minutes before the start of proceedings. They should be near the main entrance of the building/ceremony room and must allow ease of access and exit so that the registrars may leave the venue quickly once the ceremony is finished.

8.3 Private Interview Room

This must be a private room and must be available for the registrars use only at least one hour prior to the ceremony and for 10 minutes following the proceedings.

8.4 Lighting

Lighting levels must be sufficient to enable the registrars to complete the necessary paperwork.

8.5 Noise

The proceedings must not be adversely affected or interrupted by noise from any other activities.

8.6 On the Ceremony Day

The Duty Manager should:

- Escort the parties to the registrar 20 minutes prior to the ceremony. If they wish to see the registrar separately, they may do so.

- Show the guests to the ceremony room 15 minutes prior to the start of the ceremony.
- Ensure that the witnesses are seated on the front row
- Organise the music to be played at appropriate times during the ceremony.
- Be present in the ceremony room throughout the ceremony.