



	Licensing Committee Report
Date:	14 November 2012
Subject:	<i>Implementation of new application forms, fees and Rules of Procedures as a result of The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.</i>

Summary

The report formally advises the Licensing Committee of the requirement to provide updated application forms, fees and Rules of Procedures due to implementation of The Marriages and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011.

Recommendations

- 1 That the Licensing Committee agrees to the proposed documentation annexed to this report.
- 2 That the Licensing Committee agrees that any amendments to the application documents with the exception of a amendment to licensing fees be delegated to officer level.
- 3 That the Licensing Committee agrees to the proposed public consultation method.
- 4 That the Licensing Committee agrees to the proposed duration of a licence for religious premises only.
- 5 That the Licensing Committee agrees to the proposed fees.



City of Westminster

Committee report

Date:	14 November 2012
Classification:	For General Release
Title of Report:	<i>Implementation of new application forms, fees and Rules of Procedures as a result of The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.</i>
Report of:	<i>The Operational Director for Premises Management</i>
Wards involved:	<i>All</i>
Wards involved:	<i>All</i>
Policy context:	N/A
Financial summary:	No implications – see paragraph 3 below
Report Author:	Mr Steven Rowe Environmental Health Case Officer (Licensing)
Contact details	Mr Steven Rowe Telephone 020 7641 7825 srowe@westminster.gov.uk

1. Background

- 1.1 On the 5th December 2011 The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 (2011 Regs) came into force so as to enable the approval of religious premises as a place where the formation of civil partnerships may take place. The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (2005 Regs) make provision for the approval of premises for civil marriages and the formation of civil partnerships. Religious premises (as defined in section 6A of the Civil Partnership Act 2004 (c. 33)) could not previously be approved for the formation of civil partnerships and they may not be approved, by virtue of the 2005 Regulations, for civil marriages. The prohibition in respect of civil partnerships (in England and Wales) has been lifted by section 202 of the Equality Act 2010 (c. 15).
- 1.2 Although the amendment allows religious premises to conduct civil partnerships, the provision is entirely permissive and religious organisations will not be obliged to host civil partnership registrations if they do not wish to do so.
- 1.3 Prior to the amendment the Regulations only provided provisions for secular (non religious) premises to hold marriage and civil partnership ceremonies in approved premises. As the amendment to the Regulations now allow for both religious premises and secular (non-religious) to conduct civil partnership ceremonies the Councils procedures have to be amended to coincide with the changes.
- 1.4 The requirements for secular and religious premises are slightly different and so the Licensing Service have split the two and created separate forms, procedures and fees for both.

2. Changes to the process

Application forms

- 2.1 The proposed application form for secular premises is attached as Appendix A1.
- 2.2 The proposed application form for religious premises is attached as Appendix A2.

Rules of Procedure

- 2.3 The proposed Rules of Procedure for secular premises is attached as Appendix B1.
- 2.4 The proposed Rules of Procedure for religious premises is attached as Appendix B2.

Standard Conditions

- 2.5 The standard conditions for secular premises have not changed under the amended 2011 Regs and therefore do not need approval.
- 2.6 Schedule 3 regulation 2(18) and Schedule 2A regulation 6(1)(aa) of the amended 2011 Regs relate to the 'Conditions to be attached to the Grants of Approval of Religious Premises'. A copy of the conditions is attached as Appendix C.

Public Consultation

- 2.7 The 2005 Regs put the onus on the person making the application to ensure that a public notice of the application is given by advertisement in a newspaper (which may be a newspaper distributed free of charge). That newspaper must be in general circulation at intervals of not more than one week in the area in which the premises are situated.
- 2.8 Under the amended 2011 Regs the onus is placed upon the local authority to advertise any application either in a newspaper as stated in paragraph 4.7 or on the authority's website (in which case it must include the date of publication). It may also be published in such other ways as the authority considers necessary.
- 2.9 The Licensing Service works closely with the Superintendant Registrar when dealing with these types of applications and advertises all notices of applications via the Councils website via the Licensing Services web page. The Superintendant Registrars web page is already currently used by members of the public to find all of the approved venues in Westminster.
- 2.10 A copy of the notice of advertisement for a secular premises is attached as Appendix D1.
- 2.11 A copy of the notice of advertisement for a religious premises is attached as Appendix D2.

Duration of licence

- 2.12 Paragraph 9 (a) of the amended Regulations 2011 states in part that
- 'an approval is to be valid for such period, being not less than three years, as the authority may determine'.*
- All approved premises are currently licensed for 3 years from the date of grant.
- 2.13 It is proposed that all approved premises for both secular and religious are valid for a 3 year period starting from the day of grant.

Notification of the grant of an approval

- 2.14 Upon the grant of all approved premises a notification of the grant will be sent to the applicant and any person who may have raised an objection to the case.
- 2.15 A copy of the notification of the grant of an approval for a secular premises is attached as Appendix E1.
- 2.16 A copy of the notification of the grant of an approval for a religious premises is attached as Appendix E2.

Fees

- 2.17 The fees for secular premises were set by the Licensing Committee on 14th March 2012 and therefore no changes will be made to those fees.
- 2.18 As with all fees charged by the Licensing Service they are set only to recover the reasonable costs incurred. Regulation 3A (5) of the 2011 Regs, which relates to religious premises who currently hold marriage ceremonies in the areas applied for, states:

'If the authority considers that it is not necessary for the premises to be inspected (because for example they are premises where marriages may be solemnized in accordance with the 1949 Act(7)), it may dispense with the requirement to do so'.

Therefore it is proposed that any application received by a religious premises only where the rooms applied for are currently used to hold marriage ceremonies, no inspection of the premises will be requested by the local authority. A copy of the fee with individual officer's costs is attached as Appendix F1. The hours and officer rates upon which the fees are calculated are based on the 14th March 2012 fee calculations for secular premises. These will be reviewed again, along with the secular fee, as part of the 2013/14 fee review.

- 2.19 However, if a religious premises applies to hold civil partnership ceremonies in any part of their premises where they do not currently hold marriage ceremonies, it will be subject to inspections as per paragraph 4 of Regulation 3A of the 2011 Regs:

'Subject to paragraph (5), as soon as practicable after receiving the application, the authority must arrange for the premises to be inspected'.

As this type of application will have the same inspection process as a secular premises (as every secular premises is subject to an inspection) it is proposed that the fee will align with the fee for that process. Please see Appendix F2 for the fees for any premises that requires inspections.

2.20 Please see Appendix F3 for the fees for all other types of applications (with their cost breakdown) under this regime for religious premises only.

3. Financial Implications

3.1 The proposed fee is based on the same fee calculations that were used in the fee review from 14 March 2012. The fee proposed in this report has been calculated to recover the costs associated with that process.

3.2 There are two separate fees proposed that are explained in paragraphs 2.17 – 2.20. Both sets of fees will cover the estimated costs for each of these application types.

3.3 This is a new part of the regime and as such we cannot as yet anticipate the levels of application we are likely to receive. It is unlikely that we will receive many applications for premises to be licensed under the 2011 Regs. As such there are no perceived implications on this year's budgets associated with 2011 Regs.

4. Legal Implications

4.1 This is an existing statutory process which has been amended by The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011. As such, a fee must be set in accordance with the EU Services Directive and amended application forms, rules of procedure and conditions must be provided for the public in order that applications can be made in line with the 2011 Regs.

Appendices

Appendix A1 –	Proposed New Application Form for Secular (Non Religious) Premises
Appendix A2 –	Proposed New Application Form for Religious Premises
Appendix B1 –	Proposed Rules of Procedure for Secular (Non Religious) Premises
Appendix B2 –	Proposed Rules of Procedure for Religious Premises
Appendix C –	Conditions to be attached to the Grants of Approval of Religious Premises
Appendix D1 –	Notice of Advertisement for Secular (Non Religious) Premises
Appendix D2 –	Notice of Advertisement for Religious Premises
Appendix E1 –	Notification of the Grant of an Approval for Secular (Non Religious) Premises
Appendix E2 –	Notification of the Grant of an Approval for Religious Premises
Appendix F1 –	Fee for Religious Premises (no inspection)
Appendix F2 –	Fee for Religious Premises (inspection required)

Appendix F3 – Fee for Religious Premises (other application fees)

If you have any queries about this report or wish to inspect any of the Background Papers please contact: Mr Steven Rowe, Environmental Health Case Officer (Licensing) on 020 7641 7825 or email srowe@westminster.gov.uk

BACKGROUND PAPERS

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



City of Westminster

SECULAR PREMISES (NON RELIGIOUS PREMISES)

NEW APPLICATION FORM FOR PREMISES TO BE APPROVED AS A VENUE FOR MARRIAGES IN PURSUANCE OF SECTION 26(1)(bb) OF THE MARRIAGE ACT 1949 AND CIVIL PARTNERSHIPS IN PURSUANCE OF SECTION 6(3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004.

This application must be made by the proprietor or a trustee of the premises. If successful, the applicant will be the holder of the approval. When completed, it should be forwarded to the Proper Officer for Registration Matters: **Licensing Service, 4th Floor City Hall, Westminster City Council, London, SW1E 6QP** together with the appropriate fee. To view the required fee level, please visit

<http://www.westminster.gov.uk/services/business/businessandstreettradinglicences/general-licensing/approval-of-premises-for-civil-marriages-and-civil-partnerships/> or call 0207 641 8549.

1. I/[] apply[applies] for the premises named at item 2 overleaf to be approved for the solemnization of marriages and the registration of civil partnerships.
2. I attach a copy of a plan of the premises showing all the room(s) in which it is intended that marriages or civil partnerships will take place.
3. I understand that
 - a) the premises will be inspected for suitability before approval is granted and, if this application is successful, may be subject to subsequent inspection;
 - b) public notice of the application will be given by advertisement in a newspaper with a period of three weeks for objections; and/or the notice will appear on the authority's website for the same period and that the authority may also decide to publish it in other ways if it considers it necessary to do so;
 - c) approval, if granted, will be for a period determined by the authority and will be subject to revocation. It will be for no less than three years; and
 - d) the authority will need to be satisfied that appropriate health and safety provision and fire safety is in place.
4. I declare that
 - a) I have read and understood the information contained in this form
 - b) the premises are not religious premises
 - c) the premises are not a register office (or, where a register office is situated in the premises that is not the room that is the subject of this application); and
 - d) I have consulted the planning authority as to whether planning consent is required and attach evidence that it is content that the premises may be used for marriages and civil partnerships.
5. I further declare that, if approval is granted

- a) subject to any exemptions in the Equality Act 2010 (see paragraphs 2.7 -2.11 of this guidance) the premises will be regularly available for public use for the solemnization of marriages and the registration of civil partnerships; and
- b) I will comply with both the standard conditions {Annex C of this guidance} and any further conditions that the authority considers reasonable that are attached to the approval.

<p>1. Full names and private addresses of applicant.</p> <p><i>If the application is made by a limited company (or other incorporated business) please give the address of the registered office and where different state also the main trading address of the company.</i></p>	<p>Name:</p> <p>Address:</p>
<p>2. Name, postal address and telephone number of the premises which are the subject of this application.</p>	<p>Name:</p> <p>Address:</p>
<p>3. Please give the name and position of the responsible person.</p>	<p>Name:</p> <p>Position of responsibility:</p>
<p>4. Please describe the nature of the premises referred to in question 2 (e.g. hotel, stately home, civic accommodation) and the primary and other uses to which they are regularly put.</p>	
<p>5. Is the person or company named in reply to question 1 the occupier of the premises?</p>	
<p>6. If the answer to question 4 is 'No' and there is another occupier, please give their name(s) and address(es)</p>	

<p>7. Please state here the maximum number of people permitted by the premises' fire risk assessment to occupy each room in which the proceedings are intended to be held.</p>	<p>Name of Rooms:</p> <p>a) b) c) d)</p> <p>Capacity of Rooms:</p> <p>a) b) c) d)</p> <p><i>If additional rooms please attached a separate sheet.</i></p>
<p>8. Do the premises currently have the benefit of any licence issued under the Licensing Act 2003 which may be relevant to this application [do you want the applicant to assess relevance or should the authority see it whatever it is?] If so please attach a copy.</p>	
<p>9. Address to which approval or correspondence should be sent.</p>	<p>Address:</p> <p>Email:</p> <p>Telephone:</p>

Where application is made on behalf of a limited company the Secretary or a Director should sign. In the case of a partnership each partner should sign. If signing on behalf of applicant, please state in what capacity you are acting.

Signature of applicant(s) or other duly authorised agent

.....

Date.....

NOTES ON THE REQUIREMENTS FOR AN APPROVAL TO BE GRANTED

The requirements for approved premises are established by the Marriage and Civil Partnerships (Approved Premises) Regulations 2005 and Amendment Regulations 2011 (referred to in these notes as the Regulations). It is these that the authority must apply when considering an application for approval.

The fee for this application must be submitted with the application to the proper officer for Registration Matters at **Licensing Service, 4th Floor City Hall, Westminster City Council, London, SW1E 6QP**. To view the required fee level, please visit <http://www.westminster.gov.uk/services/business/businessandstreettradinglicences/general-licensing/approval-of-premises-for-civil-marriages-and-civil-partnerships/> or call 0207 641 8549.

The application must be made by the proprietor or trustee of the premises. When made on behalf of a limited company or other incorporated business there should be a separate statement of the names and addresses of all the directors.

The premises must fulfil the following standard requirements in the Regulations:

1. 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.
2. Subject to any exemptions in the Equality Act 2010. The premises must be regularly available to the public for use for the solemnization of marriages and the registration (formation) of civil partnerships.
3. 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.
4. The premises must not be a register office, but this paragraph does not apply to premises in which a register office is situated provided that the room which is subject to approval is not the same room as the room which is the register office.
5. The room or rooms in which the proceedings (marriage or civil partnership) will be held if approval is granted must be identifiable by description as a distinct part of the premises.

The premises must also fulfil the authority's following requirements.

In considering the suitability of premises as a venue, the authority will have due regard to the following guidance from the Registrar General:

1. The law relating to "approved premises" is intended to allow proceedings to take place regularly in hotels, stately homes, civic halls, religious premises and similar premises without compromising the solemnity of the occasion.
2. Premises are defined in the Regulations as a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored. Premises not within the meaning of this definition, such as the open air, a tent, marquee or any other temporary structure and most forms of transport, will not be eligible for approval.
3. The premises must be a seemly and dignified venue for the proceedings, which must take place in an identifiable and distinct part of those premises. The primary use of a building would render it unsuitable if that use would demean any proceedings or bring them into disrepute.

4. The premises must not be any part of a register office on the plan submitted by the authority and approved by the Registrar General under the Registration Service Act 1953. Any rooms in the same premises as the register office that aren't on this plan, e.g. a council chamber in the same town hall, can be approved but a room in a register office cannot be approved. However, an authority can set its fee for attending a marriage or civil partnership on approved premises at the same level as the prescribed fee for a marriage or civil partnership in a register office.
5. The requirement that the premises must be regularly available for use by the public will preclude a private house from being approved.



City of Westminster

RELIGIOUS PREMISES

NEW APPLICATION FORM FOR PREMISES TO BE APPROVED AS A VENUE FOR CIVIL PARTNERSHIPS IN PURSUANCE OF SECTION 6A(3C) OF THE CIVIL PARTNERSHIP ACT 2004.

This application must be made by the proprietor or a trustee of the premises. If successful, the applicant will be the holder of the approval. When completed, it should be forwarded to the Proper Officer for Registration Matters: **Licensing Service, 4th Floor City Hall, Westminster City Council, London, SW1E 6QP** together with the appropriate fee. To view the required fee level, please visit

<http://www.westminster.gov.uk/services/business/businessandstreettradinglicences/general-licensing/approval-of-premises-for-civil-marriages-and-civil-partnerships/> or call 0207 641 8549.

1. I/[] apply [applies] for the premises named at item 2 overleaf to be approved for the registration of civil partnerships.
2. I attach a copy of a plan of the premises showing all the room(s) in which it is intended that civil partnerships will take place.
3. I understand that
 - e) the premises will be inspected for suitability before approval is granted and, if this application is successful, may be subject to subsequent inspection;
 - f) public notice of the application will be given by advertisement in a newspaper with a period of three weeks for objections; and/or the notice will appear on the authority's website for the same period and that the authority may also decide to publish it in other ways if it considers it necessary to do so;
 - g) approval, if granted, will be for a period determined by the authority and will be subject to revocation. It will be for no less than three years; and
 - h) the authority will need to be satisfied that appropriate health and safety provision and fire safety is in place.

4. I[Name].....[Position – Trustee/Proprietor] {complete the appropriate section below}

- (a) attach the written consent of (Name and address of the person specified or governing authority), or
- (b) confirm that consent is not required.
- (c) if the premises are shared with other faith groups or Churches then ensure that sections (d) and (e) are completed (as many times as necessary) as appropriate below:-
- (d) attach the written consent of.....(Name and address of the person specified or governing authority), or
- (e) confirm that no consent is required.

Where you have stated that consent is not required (in respect of one or more users) please complete the declaration below: *The statement[s] in paragraph (b) [insert other paragraphs as appropriate] is [are] true to the best of my knowledge and belief.*

.....
Signed: applicant

5. I declare that –

- a) I have read and understood the information contained in this form;
- b) the premises are not a register office (or, where a register office is situated in the premises that is not the room that is the subject of this application);
- c) I have consulted the planning authority as to whether planning consent is required and attach, where it is required, that it is content that the premises may be used for civil partnerships.

6. I further declare that, if approval is granted I will comply with the standard conditions and any local conditions that the authority considers reasonable that are attached to the approval.

<p>1. Full names and private addresses of applicant.</p> <p><i>If the application is made by a limited company (or other incorporated business) please give the address of the registered office and where different state also the main trading address of the company.</i></p>	<p>Name:</p> <p>Address:</p>
<p>2. Name, postal address and telephone number of the premises which are the subject of this application.</p>	<p>Name:</p> <p>Address:</p>
<p>3. Please give the name and position of the responsible person.</p>	<p>Name:</p> <p>Position of responsibility:</p>
<p>4. If the premises are certified for</p>	

<p>religious worship under the Places of Worship Registration Act 1855 or registered for the solemnisation of marriages under the Marriage Act 1949, then please quote the certification/registration number.</p>	
<p>5. Please describe the nature of the premises at question 2 (e.g. Parish Church, Synagogue) and the primary and other uses to which it is regularly put.</p>	
<p>6. If the premises are shared with other faith groups, then please state the details of any sharing arrangements, either formal or informal.</p>	
<p>7. Is the person or company named in reply to question 1 the trustee/proprietor of the premises?</p>	
<p>8. If the answer to question 7 above is 'No' and there is another person qualified as trustee or proprietor, please give their name(s) and address(es)</p>	<p>Name: Address:</p>
<p>9. Please state here the maximum number of people permitted by the premises' fire risk assessment to occupy each room in which the proceedings are intended to be held.</p>	<p>Name of Rooms: a) b) c) d)</p> <p>Capacity of Rooms: a) b) c) d)</p> <p><i>If additional rooms please attached a separate sheet.</i></p>

<p>10. Are the rooms requested currently used to hold marriage ceremonies?</p> <p><i>NB: If the answer to question 10 (above) is no then the premises will need to be assessed and the higher fee of £912 will need to be submitted with the application.</i></p>	<p>Yes/No</p>
<p>11. Do the premises currently have the benefit of any licence issued under the Licensing Act 2003 which may be relevant to this application (for the provision of regulated entertainment) If so please attach a copy.</p>	
<p>12. Address to which approval or correspondence should be sent.</p>	<p>Address:</p> <p>Email:</p> <p>Telephone:</p>

Signature of applicant(s) or other duly authorised agent

.....

Interest in Premises:

.....

Date.....

NOTES ON THE REQUIREMENTS BEFORE AN APPROVAL CAN BE GRANTED

The requirements for approved premises are established by the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and Amendment Regulations 2011. It is these that the authority must apply when considering an application for approval.

The fee for this application must be submitted with the application to the proper officer for Registration Matters at **Licensing Service, 4th Floor City Hall, Westminster City Council, London, SW1E 6QP**. To view the required fee level, please visit <http://www.westminster.gov.uk/services/business/businessandstreettradinglicences/general-licensing/approval-of-premises-for-civil-marriages-and-civil-partnerships/> or call 0207 641 8549.

The application must be made by the proprietor or trustee of the premises. When made on behalf of a limited company or other incorporated business there should be a separate statement of the names and addresses of all the directors.

The premises must fulfil the following standard requirements in the Regulations:

6. 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.
7. The premises must be regularly available to the public for the formation of civil partnerships.
 Holders of approvals for religious premises may decide to limit the use of those premises to persons of the same faith. Such restrictions will be permissible and acceptable for the purposes of approving the premises in so far as they do not discriminate on grounds of religion or belief within the meaning of the Equality Act 2010.
8. 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.
9. The room or rooms in which the proceedings are to take place if approval is granted must be identifiable by description as a distinct part of the premises.

The premises must also fulfil the authority's following requirements.

In considering the suitability of premises as a venue, the authority will have due regard to the following guidance from the Registrar General:

6. The law relating to "approved premises" is intended to allow proceedings to take place regularly in hotels, stately homes, civic halls, religious premises and similar premises without compromising the solemnity of the occasion.
7. Premises are defined in the Regulations as a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored. Premises not within the meaning of this definition, such as the open air, a tent, marquee or any other temporary structure and most forms of transport, will not be eligible for approval.
8. Religious premises are:
 - Premises which are used solely or mainly for religious premises; or
 - Have been so used and have not subsequently been used solely or mainly for other purposes.

They must also satisfy the requirements for premises described in paragraph 2 above.

Only the following types of religious premises may be approved under the Regulations:

- (a) a church or chapel of the Church of England;
- (b) a church or chapel of the Church in Wales;
- (c) a place of meeting for religious worship included in the list of certified places maintained by the Registrar General under section 7 of the Places of Worship Registration Act 1855;
- (d) a place of meeting for members of the Society of Friends; or
- (e) a Jewish synagogue.

9. The Regulations make specific provision in respect of premises that are shared. These may be shared Churches under the Sharing of Church Buildings Act 1969 or chapels in places such as hospitals and universities that are also used by two or more Churches under that Act. Provision is also made where less formal sharing arrangements may exist but where premises are nevertheless used for the religious purposes of more than one religious organisation or faith group. In all cases the consent of all relevant governing authorities will be required.

5. The premises must be a seemly and dignified venue for the proceedings, which must take place in an identifiable and distinct part of those premises. The primary use of a building would render it unsuitable if that use could demean proceedings or bring them into disrepute.

6. The definition of religious premises in 3. (above) would prohibit a private house from being approved. Public access to the premises must be provided during the civil partnership registration.

Other Notes:

1. When you have submitted the application to the local authority it would be good practice to ensure that a copy of application form is displayed on the premises until the application has been determined.
2. If as a result of the display of this form, it is brought to your attention that an individual or group wishes to object to the proposed use of the building, then you should refer that person/group to Westminster City Council.
3. If you have any questions about complying with the conditions of an approval then please contact Westminster City Council for further advice on 020 7641 8549 or email generallicensing@westminster.gov.uk.

General Licensing Team
Premises Management

Marriage and Civil Partnership Guidance and Procedure
Marriage and Civil Partnership Applications for Secular Premises (Non
Religious)

1. Introduction

- 1.1 Premises wishing to offer facilities for the solemnisation of marriage and the formation of civil partnerships must be approved by the relevant local licensing authority in pursuance of section 26(1)(bb) of the Marriage Act 1949 and Civil Partnerships in pursuance of section 6(3a)(a) of the Civil Partnership Act 2004. This is the licensing authority for the area in which the building is situated. The legislation applies to secular ceremonies that take place in commercial premises such as hotels, conference centres, etc. These regulations do not apply to religious marriage services that take place in places of worship (for a definition of this and other terms, see glossary at appendix 5). Premises such as these are exempt from the legislation and do not require approval from the local authority to offer facilities for the solemnisation of marriage.
- 1.2 The legislation aims to ensure that civil ceremonies take place in premises that are fit for use, and that dangers to the public from causes such as fire and overcrowding are minimised. Moreover they aim to ensure that all proceedings take place in a seemly and dignified venue, and do not cause undue nuisance to the public.
- 1.3 In order to gain approval for a marriage premises within the London borough Westminster, the proprietor/trustee of the premises must submit an application to the City of Westminster Licensing Service. If the application is valid it will be referred to the relevant consultees, including such bodies as the Fire Service and Environmental Health. These bodies will consider whether the premises are fit for the proposed use. If they do not object to the application, approval will be granted, and as long as the premises continue to meet the requirements of the relevant authorities, the approval lasts for 3 years and can be renewed.
- 1.4 If any of the consultees make an objection that cannot be resolved, the case will be referred to a public hearing before a committee of Westminster Councillors. The panel will then either; grant the approval as applied for, grant the approval subject to conditions, or reject the approval. Their decision can be subjected to a review by the licensing authority.
- 1.5 If the approval has been granted, the premises will be placed on the local authority register of approved marriage and civil partnership premises. The register shall be open to the public and include relevant details such as premises name and address, date of grant, and descriptions of the rooms in which the proceedings are to take place.

2 What Kind of Premises are Eligible?

- 2.1 For a premises to be eligible it must meet the following requirements:
 - (a) The premises must be a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored. Approval cannot be given, for example, to an open air space, a tent, or a marquee. Please note that a roof garden is also ineligible. Although it is an immovable structure, it is not a room and therefore does not qualify for approval.
 - (b) Having regard to their primary use, situation, construction and state of repair, the premises must be an appropriate and dignified venue for the proceedings.
 - (c) The premises must be regularly available to the public for use for the solemnization of marriages and/or the formation of civil partnerships. For example, if a premises was only available for marriage and civil partnership proceedings once a month, this would not be considered sufficiently regular and the premises would not be eligible.

- (d) The premises must not be a religious premises or a register office
- (e) The room or rooms in which the proceedings are to take place if approval is granted must be identified by description as a distinct part of the premises. For example, a certain conference room in a hotel.

2. Application Procedure

- 2.2 An application for an approval must be made on the statutory form. This can be completed on-line or printed off and posted to the licensing authority. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant
- 2.3 An application can only be made by the proprietor or trustees of the premises for which approval is sought. The applicant to which approval is given is considered the approval holder. The approval relates solely to the premises specified in the application. The applicant can be an individual or a company.
- 2.4 The applicant must also designate at least one 'Responsible Person'. This person must be present during proceedings and suitably qualified to ensure that the standard conditions attached to the approval are complied with.
- 2.5 The application must be accompanied by a plan showing the parts of the premises for which approval is sought. The plan must be to a scale of 1:50 or 1:100 and clearly show details of:
 - a. entry and exit points
 - b. fire escapes
 - c. fire safety equipment
- 2.6 The applicant must pay a non-returnable fee to accompany the application.
- 2.7 If one or more of the application criteria are not met, the application will be deemed invalid and the applicant notified. The licensing authority will then allow the applicant to submit/resubmit any required documents. If these documents are provided the application will be deemed valid from the day they are received. If they are not received within a reasonable time decided by the licensing authority, the application will become completely invalid. Should the applicant wish to gain approval at any point in the future, he will have to submit a completely new application along with the relevant fee. Any person who's application has been completely invalidated can apply for a refund of the part of the application fee that represents enforcement costs. The relevant forms can be obtained from Westminster's Licensing Service.

3. Public Consultation

- 3.1 As soon as is practicable after receiving the application the local authority will issue public notice of the application for a period of 21 days either by advertisement in a newspaper; and/or the notice will appear on the authority's website for the same period and that the authority may also decide to publish it in other ways if it considers it necessary to do so.
- 3.2 The notice shall:
 - (a) Identify the premises and the applicant.

- (b) State the address of the web site where the application and accompanying plans are available for inspection.
- (c) State that any person may give notice in writing of an objection to the grant of approval with reasons for the objection, within 21 days from the date on which the newspaper in which the advertisement appears is published.
- (d) State that objections should be sent to:

Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1P 6QP

4. **Objections**

- 4.1 Any objections will be sent to the licensing authority which will then determine whether they are admissible and relevant for consideration in determining the application. An objection can only be considered as admissible if it is made by an interested party or a consultee nominated by the licensing authority. All objections must be made within the 21 day consultation period.
- 4.2 **Interested parties** are defined as people living in the vicinity of the premises for which the application for approval is made, as well as their representatives and local resident groups. Their objection will only be deemed admissible if they live sufficiently close to be affected by the premises. Their objection will only be deemed relevant if it relates to public safety or ensuring that proceedings are conducted in an appropriate and dignified way. Objections have to be both relevant and admissible to be considered by the licensing authority.
- 4.3 The **consultees** for an application are the professional bodies whose opinion the licensing authority considers in its determination. For marriage and civil partnership approvals these are:
 - a. The District Surveyors Service
 - b. Environmental Health
 - c. London Fire Authority
 - d. Superintendent Registrar
 - e. The Planning Authority
- 4.4 As part of the application process, one or more of the consultees will inspect the premises as soon as is practicable after the receipt of the application. They will contact the applicant directly to arrange this. Once they have considered the application and/or made an inspection they may object on any grounds they think may prevent the premises from being safe to the public and an appropriate and dignified venue for the proceedings. In addition, the superintendent registrar may object if they feel that the applicant or responsible person is not suitable.
- 4.5 Each authority has their own set of requirements which they consider when deciding if a premises is fit for purpose or not. An indication of what these are is listed below. The list is not exhaustive, the relevant legislation allows consultees to object on any grounds they think relevant:

(a) District Surveyor

The District Surveyors will assess each approval application from a public safety reference and look to ensure that the appropriate technical standards are in place for the activities being applied for. This may entail advising on issues such as, means of escape, primary and secondary lighting, seating layout and design and safe capacities. If works are required to bring the premises up to the relevant standard the District Surveyors will then ensure that these are completed satisfactorily prior to any approval being granted.

(b) Fire Service

Compliance with Fire Regulations.

(c) Environmental Health

Visits are made with regard to all applications for approvals to ensure that the applicant is compliant with their duties under the Health and Safety at Work etc Act 1974 and Food Safety Act 1990. This will ensure that the premises are safe to have members of the public on them, that maximum capacities are stated on the approval to minimise overcrowding, have sufficient heating, storage and food preparation facilities for caterers, if relevant, and adequate sanitary facilities.

- 4.6 If one or more of the consultees object to the application, they must notify the licensing authority in writing and explain the reason for it. Any relevant objections will then be forwarded on to the applicant who will then have the chance to respond and provide any further documentation that may support their application. Unless the objection relates to the character of the applicant, council officers may seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.

No Objections

- 4.7 If there are no relevant objections from interested parties or consultees by the end of the 21 day consultation period, the application is automatically granted. The licensing authority will then send out an approval certificate and notification of the approval as soon as possible. Attached to the approval will be the standard conditions that must be adhered to if the premises is to maintain its approval and a copy of a schedule of requirements for the grant of approval of premises that are not religious premises. As soon as the approval is received the premises may conduct marriage and civil partnership proceedings.

Objections Withdrawn

- 4.8 If an objection relates to the suitability of a premises, it may be withdrawn if the objector and the applicant can agree on certain conditions that will apply whilst the approval is in operation. Such a condition may relate, for example, to a capacity figure put on a room in the premises that must not be exceeded during proceedings. Once the objection/s are withdrawn and the consultation period comes to an end, the application will automatically be granted. The approval certificate and notification of the approval will be sent to the applicant with the standard conditions attached as well as those condition/s agreed during the conciliation process and a copy of a schedule of requirements for the grant of approval of premises that are not religious premises. All the conditions must be adhered to if the approval is to be maintained.

5. Objections Maintained - Hearings

- 5.1 If objections are made and agreement cannot be reached to conditions that satisfy both parties, the case will be referred to the Licensing Sub Committee to be determined. The licensing sub committee is a panel of at least 2, but usually 3 councillors that meet regularly to determine the outcome of licensing applications. Written notice of the hearing will be given to the applicant and all other parties concerned beforehand.
- 5.2 The hearing is an informal gathering of the parties involved in the determining of licence applications. This includes the applicant themselves, any local residents or their representatives that have made objections, consultees, and officer/s from the licensing authority. Each party has the opportunity to make their case verbally to the sub committee before it makes its decision on the application. Applicants, if they wish, may be represented by a solicitor or a barrister during the hearing. Although the strict rules of evidence seen in a court of law do not apply, the panel will nonetheless be guided by legal principles in determining whether evidence is both relevant and fairly admitted.
- 5.3 A report will be published prior to the hearing by Westminster Council's Licensing Service. This report will contain any objections by interested parties or consultees, any response to the objections by the applicant, any relevant supporting evidence from either side and background information relating to the case. It will be used by the committee, in addition to evidence given at the hearing, in determining the application. Any documentation for inclusion should be sent to the licensing service as soon as possible prior to the hearing.

6. Decision

Approval Granted

- 6.1 The Committee will give its decision verbally at the hearing after it has considered all the evidence. All parties involved will also be given written notice by the licensing service as possible afterwards. The approval certificate with the standard conditions, the notification of the approval and a copy of a schedule of requirements for the grant of approval of premises that are not religious premises will then be created by the licensing authority and sent out to the applicant, having immediate effect from the date of issue on the certificate.
- 6.2 The premises will then be placed on a register of approved premises. This register will be open to inspection by the public at all reasonable times and will include details of:
- a. The name and full postal address of the approved premises
 - b. The description of the room or rooms in which the proceedings are to take place
 - c. The name and address of the holder of the approval
 - d. The date of grant of the approval
 - e. The due date of expiry of the approval
 - f. If the approval is renewed, the date of renewal
 - g. If the approval is revoked, the date on which the revocation takes effect, and
 - h. The name address and qualification of the responsible person
- 6.3 The approval lasts for 3 years from the date of issue of the certificate. The regulations do not permit temporary approvals. After the end of the 3 year period, the approval is subject to renewal.

Approval Refused or Granted with Conditions

- 6.4 If the authority feels that the premises do not fulfil the requirements mentioned above, or that it is satisfied that it doesn't fulfil any other reasonable requirements which the authority

considers appropriate, it may refuse the approval or grant it subject to certain conditions. These conditions will be attached to the licence in addition to the standard conditions that are attached to all approvals and a copy of a schedule of requirements for the grant of approval of premises that are not religious premises. The authority will give notice of its decision to the applicant and all other interested parties as soon as is reasonably possible. If the applicant is unhappy with the decision, he has the right to seek a review.

7. Review

7.1 An applicant is able to seek a review of a decision made by the local authority to refuse an application or a renewal or revocation. The applicant should send their request to the licensing authority within 21 days of receiving notification of the sub-committee's decision. The authority shall then conduct a review of the decision as soon as is reasonably possible. Neither an officer nor any member of the sub-committee which made the decision on behalf of the authority shall take part in the decision on the review.

7.2 After the review, the authority may decide to: confirm the original decision, vary an original decision to grant or renew approval, in particular by removing or attaching different conditions, or substituting a different decision.

7.3 The authority shall give notice in writing to the applicant or holder of its decision on review, stating its reasons for that decision and the date from which it takes place.

8 Change of Approval Holder

8.1 A named person on an approval, i.e. the applicant or approval holder, can be amended. Any person that becomes the new holder of the approval must notify the Authority immediately (Standard Condition 3) with the appropriate fee. This notification should be in writing and detail the name of the new person responsible for the approval. A new approval will be issued with the new person's name as soon as possible following receipt of the notice.

9 Changing the Area of the Premises Covered by the Approval

9.1 Once approval has been given to a premises, the approval cannot be varied to add additional rooms or amend the layout of the premises. If a premises wishes to do this in any way, a new approval application must be made. The applicant will have to meet all of the application criteria as if it is a premises that has never held an approval.

10 Change of Details

10.1 If for any reason the name or postal address of the approved premises, the description of the room or rooms in which the proceedings take place, the name or address of the holder of the approval and/or the name and address or qualification of the responsible person changes, the Licensing Authority must be notified immediately (Standard Condition 4) with the appropriate fee.

11 Renewals

11.1 The renewal process is similar to that for a new approval. The consultation process is the same and so is the public consultation. However, since the licensing authority already has on record much of the information it requires the fee is less.

- 11.2 It is the applicants' responsibility to make a renewal application, if required, and pay the required fee. No reminders will be sent out by the licensing authority. Renewals may be submitted up to 12 months before an existing approval is due to expire.
- 11.3 If no valid renewal application is made, the approval will lapse and the premises will cease to be able to conduct marriage and civil partnership proceedings. If the premises wishes to resume these activities at any point, the applicant will have to submit a completely new application and pay the required fee.
- 11.4 For those who hold an approval, the regulations allow for an approval to continue past the expiry date if a renewal application has been received and hasn't been determined. If, however a licensee fails to renew his approval and it expires, the licensee can within 1 month of the expiry apply to renew the approval. Once the application is made the approval will continue until such time as it is determined.

12 Duplicate Licence

- 12.1 A duplicate copy of the licence can be issued upon request. A fee will need to be submitted with the request.

13 Revocation of Approval

- 13.1 The licensing authority may revoke an approval if it is satisfied that –
- a. The holder has failed to comply with one or more of the conditions attached to the approval
 - b. The use or structure of the premises has changed so that having regard to the requirements detailed in section 3 above and any other reasonable requirements set by the authority, the premises are no longer suitable for any marriage or civil partnership proceedings.
- 13.2 Before revoking an approval, the authority will give written notice specifying the grounds upon which it proposes to revoke the approval. This notice will be served on the applicant, the superintendent registrar and the civil partnership registrar for the local authority in which the premises are situated. The holder will then have 14 days in which to make representations to the proposed revocation.
- 13.3 If agreement is not reached with the approval holder and the revocation is not withdrawn, the matter will be referred to the licensing sub committee for determination. The committee may then decide to agree the revocation, reject the revocation or attach further conditions to the approval.
- 13.4 If the applicant is aggrieved with the decision, he may request that it be reviewed. The review procedure is the same as above (section 10)

Important Contact Information:

Licensing Service –

Westminster City Council, 4th Floor City Hall, London, SW1E 6QP.

Email: generallicensing@westminster.gov.uk

Phone: 020 7641 8549

Environmental Health Service –

Westminster City Council, 4th Floor City Hall, London, SW1E 6QP
Phone: 020 7641 3161

Metropolitan Police Service Licensing Team –

Westminster City Council, 4th Floor City Hall, London, SW1E 6QP
Email: pollicensingteam@westminster.gov.uk
Phone: 020 7641 3179

London Fire Brigade –

London Fire & Emergency Planning Authority, 156 Harrow Road, London, W2 6NL
Email: info@london-fire.gov.uk
Phone: 020 7587 2000

Further Information

If you have any queries relating to this matter please contact:

Tel: 00 44 (0)20 7641 8549

Email: generallicensing@westminster.gov.uk

General Licensing Team
Premises Management

Civil Partnership Guidance and Procedure
Civil Partnership Applications for Religious Premises

2. Introduction

- 2.8 Premises that are religious premises (as defined by section 6A (3C) of the Civil Partnerships Act) may not be approved for civil marriages. Following amendments to the 2005 Regulations made in December 2011, they may now be approved for the registration of civil partnerships.
- 2.9 The legislation aims to ensure that religious premises may register civil partnerships if they choose to be licensed to do so. The amendment to the 2005 Regulations does not mean that all religious premises must apply to hold civil partnerships registrations but instead allows religious premises who do wish to hold civil partnership registrations to do so.
- 2.10 If the approval is granted, the premises will be placed on the local authority register of approved civil partnership premises. The register shall be open to the public and include relevant details such as premises name and address, date of grant, and descriptions of the rooms in which the proceedings are to take place.
- 2.11 In order to gain approval for the registration of civil partnerships within the London borough Westminster, the proprietor/trustee of the premises must submit an application to the City of Westminster Licensing Service. Further they must satisfy the local authority that the necessary consent or consents from the relevant governing authority for the religious organisation(s) concerned have been provided to allow the application to be made.
- 2.12 The approval lasts for 3 years and can be renewed.

3 What Kind of Premises are Eligible?

- 3.1 Religious premises are defined in the Civil Partnership Act as:
- Premises which are used solely or mainly for religious premises, or
 - Have been so used and have not subsequently been used solely or mainly for other purposes.
- 3.2 To be approved religious premises must be premises as described in 2.1 and must be one of the types listed below (also see Annex 1):
- (a) a church or chapel of the Church of England;
 - (b) a church or chapel of the Church in Wales;
 - (c) a place of meeting for religious worship included in the list of certified places maintained by the Registrar General under section 7 of the Places of Religious Worship Act 1855;
 - (d) a place of meeting for members of the Society of Friends; or
 - (d) a Jewish synagogue.
- Both (a) and (b) include a Cathedral Church.
- 3.3 Authorities should be aware that some premises may be shared by two or more religious groups or denominations.

- 3.4 The Regulations make specific provision in respect of religious premises that are shared under the Sharing of Church Buildings Act 1969. In these cases there is a formal sharing agreement and the consent of all the “sharing Churches” must be included with the application. That Act also covers chapels in public places such as hospitals which may also be used by a number of different Churches. Again, the consents of all the Churches must be included.
- 3.5 Separately provision is also made for religious premises that are otherwise used by more than one religious organisation. Premises may for example be of one or more types described in paragraph 2.2 ([Annex 1](#)) and/or used by one or more other religious organisations. Again in these circumstances the consent of all the relevant governing authorities (and/or bodies specified in the Schedule) will be required.
- 3.6 The onus is entirely on the applicant to provide evidence that they have the necessary consents to make the application and where no consent is required, they will be required to complete a statement to this effect on the application form.
- 3.7 The premises will be approved for the registration of civil partnerships and must be regularly available to the public for use for that purpose. However, there may be circumstances in which the proprietor or trustee of the premises has some flexibility in this regard and may, for instance, restrict use of the premises for civil partnership registrations to followers of the faith worshipped in the premises.
- 3.8 The premises must also meet the following requirements ([also see Annex 3](#)):
- (a) The premises must be a permanently immovable structure comprising at least a room, or any boat or other vessel which is permanently moored. Approval cannot be given, for example, to an open air space, a tent, or a marquee. Please note that a roof garden is also ineligible. Although it is an immovable structure, it is not a room and therefore does not qualify for approval.
 - (b) 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.
 - (c) Except so far as section 196 of, and paragraph 2 of Schedule 23 to, the Equality Act 2010(a) applies the premises must be regularly available to the public for the formation of civil partnerships.
 - (d) 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 the persons employed in or visiting the premises as the authority considers appropriate.
 - (e) The room or rooms in which the proceedings are to take place if approval is granted must be identifiable by description as a distinct part of the premises.
- 3.9 Where an application is being made in respect of a type of religious premises not specified in paragraph 2.2 ([Annex 1](#)), the applicant will need to provide the consent of the governing authority of the religious organisation for whose religious purposes the premises are used. The governing authority is the body that the members of that religious organisation recognise as competent to give consent. It is up to the applicant to ensure that the proper consents are obtained.

3.10 In some cases governing authorities may have decided that their consent is not required for each premises. In such cases the application must include a signed statement to this effect.

3. Application Procedure

3.11 An application for an approval must be made on the statutory form. This can be completed on-line or printed off and posted to the licensing authority. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant

3.12 An application can only be made by the proprietor or trustees of the premises for which approval is sought and the necessary consent or consents from the relevant governing authority for the religious organisation(s) concerned have been provided to allow the application to be made (see [Annex 2](#) for a list of governing authorities for the religious organisation(s)). The applicant to which approval is given is considered the approval holder. The approval relates solely to the premises specified in the application. The applicant can be an individual or a company.

3.13 The applicant must also designate at least one 'Responsible Person'. This person must be present during proceedings and suitably qualified to ensure that the standard conditions attached to the approval are complied with.

3.14 The application must be accompanied by a plan showing the parts of the premises for which approval is sought. The plan must be to a scale of 1:50 or 1:100 and clearly show details of:

- d. entry and exit points
- e. fire escapes
- f. fire safety equipment

3.15 The applicant must pay a non-returnable fee to accompany the application.

3.16 If one or more of the application criteria are not met, the application will be deemed invalid and the applicant notified. The licensing authority will then allow the applicant to submit/resubmit any required documents. If these documents are provided the application will be deemed valid from the day they are received. If they are not received within a reasonable time decided by the licensing authority, the application will become completely invalid. Should the applicant wish to gain approval at any point in the future, he will have to submit a completely new application along with the relevant fee. Any person who's application has been completely invalidated can apply for a refund of the part of the application fee that represents enforcement costs. The relevant forms can be obtained from Westminster's Licensing Service.

3. Public Consultation

3.1 As soon as is practicable after receiving the application the local authority will issue public notice of the application for a period of 21 days either by advertisement in a newspaper; and/or the notice will appear on the authority's website for the same period and that the authority may also decide to publish it in other ways if it considers it necessary to do so.

- 3.2 The notice shall:
- (e) Identify the premises and the applicant.
 - (f) State the address of the web site where the application and accompanying plans are available for inspection.
 - (g) State that any person may give notice in writing of an objection to the grant of approval with reasons for the objection, within 21 days from the date on which the newspaper in which the advertisement appears is published.

(h) State that objections should be sent to:

Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1P 6QP

4. Objections

- 4.1 Any objections will be sent to the licensing authority which will then determine whether they are admissible and relevant for consideration in determining the application. An objection can only be considered as admissible if it is made by an interested party or a consultee nominated by the licensing authority. All objections must be made within the 21 day consultation period.
- 4.2 **Interested parties** are defined as people living in the vicinity of the premises for which the application for approval is made, as well as their representatives and local resident groups. Their objection will only be deemed admissible if they live sufficiently close to be affected by the premises. Their objection will only be deemed relevant if it relates to public safety or ensuring that proceedings are conducted in an appropriate and dignified way. Objections have to be both relevant and admissible to be considered by the licensing authority.
- 4.3 Unlike with secular premises (non-religious) where the local authority are required to inspect the premises, in respect of religious premises it need not do if it decides it is not necessary for example where the premises are already used for marriage ceremonies. However if the local authority considers it necessary to inspect particular premises they will do so.
- 4.4 Any application received where new or additional rooms in which marriage ceremonies are not currently held an inspection will be considered necessary. The **consultees** for the application are the professional bodies whose opinion the licensing authority considers in its determination. For marriage and civil partnership approvals these are:
- f. The District Surveyors Service
 - g. Environmental Health
 - h. London Fire Authority
 - i. Superintendent Registrar
 - j. The Planning Authority
- 4.4 As part of the application process, one or more of the consultees will inspect the premises as soon as is practicable after the receipt of the application. They will contact the applicant directly to arrange this. Once they have considered the application and/or made an

inspection they may object on any grounds they think may prevent the premises from being safe to the public and an appropriate and dignified venue for the proceedings. In addition, the superintendent registrar may object if they feel that the applicant or responsible person is not suitable.

- 4.5 Each authority has their own set of requirements which they consider when deciding if a premises is fit for purpose or not. An indication of what these are is listed below. The list is not exhaustive, the relevant legislation allows consultees to object on any grounds they think relevant:

(a) District Surveyor

The District Surveyors will assess each approval application from a public safety reference and look to ensure that the appropriate technical standards are in place for the activities being applied for. This may entail advising on issues such as, means of escape, primary and secondary lighting, seating layout and design and safe capacities. If works are required to bring the premises up to the relevant standard the District Surveyors will then ensure that these are completed satisfactorily prior to any approval being granted.

(b) Fire Service

Compliance with Fire Regulations.

(c) Environmental Health

Visits are made with regard to all applications for approvals to ensure that the applicant is compliant with their duties under the Health and Safety at Work etc Act 1974 and Food Safety Act 1990. This will ensure that the premises are safe to have members of the public on them, that maximum capacities are stated on the approval to minimise overcrowding, have sufficient heating, storage and food preparation facilities for caterers, if relevant, and adequate sanitary facilities.

- 4.6 If one or more of the consultees object to the application, they must notify the licensing authority in writing and explain the reason for it. Any relevant objections will then be forwarded on to the applicant who will then have the chance to respond and provide any further documentation that may support their application. Unless the objection relates to the character of the applicant, council officers may seek to mediate between the parties to see if agreement can be reached without the need for a licensing hearing.
- 4.7 It is not intended that local authorities get involved in any disputes within religious organisations on individual applications for premises to be approved. The processes described in paragraphs 4.4 to 4.11, the use of a standard application and the recommendation for premises to consult with their congregation prior to the application are all intended to prevent authorities getting involved in any disputes.

No Objections

- 4.7 If there are no relevant objections from interested parties (or consultees if an inspection is necessary) by the end of the 21 day consultation period, the application is automatically granted. The licensing authority will then send out an approval certificate and notification of the approval as soon as possible. Attached to the approval will be the standard conditions that must be adhered to if the premises is to maintain its approval and a copy of a schedule

of requirements for the grant of approval of premises for religious premises. As soon as the approval is received the premises may conduct civil partnership proceedings.

Objections Withdrawn

- 4.8 If an objection relates to the suitability of a premises, it may be withdrawn if the objector and the applicant can agree on certain conditions that will apply whilst the approval is in operation. Such a condition may relate, for example, to a capacity figure put on a room in the premises that must not be exceeded during proceedings. Once the objection/s are withdrawn and the consultation period comes to an end, the application will automatically be granted. The approval certificate and notification of the approval will be sent to the applicant with the standard conditions attached as well as those condition/s agreed during the conciliation process and a copy of a schedule of requirements for the grant of approval of premises for religious premises. All the conditions must be adhered to if the approval is to be maintained.

5. Objections Maintained - Hearings

- 5.1 If objections are made and agreement cannot be reached to conditions that satisfy both parties, the case will be referred to the Licensing Sub Committee to be determined. The licensing sub committee is a panel of at least 2, but usually 3 councillors that meet regularly to determine the outcome of licensing applications. Written notice of the hearing will be given to the applicant and all other parties concerned beforehand.
- 5.2 The hearing is an informal gathering of the parties involved in the determining of licence applications. This includes the applicant themselves, any local residents or their representatives that have made objections, (consultees where an inspections is necessary), and officer/s from the licensing authority. Each party has the opportunity to make their case verbally to the sub committee before it makes its decision on the application. Applicants, if they wish, may be to be represented by a solicitor or a barrister during the hearing. Although the strict rules of evidence seen in a court of law do not apply, the panel will nonetheless be guided by legal principles in determining whether evidence is both relevant and fairly admitted.
- 5.3 A report will be published prior to the hearing by Westminster Council's Licensing Service. This report will contain any objections by interested parties or (consultees where an inspections is necessary) any response to the objections by the applicant, any relevant supporting evidence from either side and background information relating to the case. It will be used by the committee, in addition to evidence given at the hearing, in determining the application. Any documentation for inclusion should be sent to the licensing service as soon as possible prior to the hearing.

6. Decision

Approval Granted

- 6.1 The Committee will give its decision verbally at the hearing after it has considered all the evidence. All parties involved will also be given written notice by the licensing service as possible afterwards. The approval certificate, notification of the approval with the standard conditions and a copy of a schedule of requirements for the grant of approval of premises for religious premises will then be created by the licensing authority and sent out to the applicant, having immediate effect from the date of issue on the certificate.

- 6.2 The premises will then be placed on a register of approved premises. This register will be open to inspection by the public at all reasonable times and will include details of:
- i. The name and full postal address of the approved premises
 - j. The description of the room or rooms in which the proceedings are to take place
 - k. The name and address of the holder of the approval
 - l. The date of grant of the approval
 - m. The due date of expiry of the approval
 - n. If the approval is renewed, the date of renewal
 - o. If the approval is revoked, the date on which the revocation takes effect, and
 - p. The name address and qualification of the responsible person
- 6.3 The approval lasts for 3 years from the date of issue of the certificate. The regulations do not permit temporary approvals. After the end of the 3 year period, the approval is subject to renewal.

Approval Refused or Granted with Conditions

- 6.4 If the authority feels that the premises do not fulfil the requirements mentioned above, or that it is satisfied that it doesn't fulfil any other reasonable requirements which the authority considers appropriate, it may refuse the approval or grant it subject to certain conditions. These conditions will be attached to the licence in addition to the standard conditions that are attached to all approvals and a copy of a schedule of requirements for the grant of approval of premises for religious premises. The authority will give notice of its decision to the applicant and all other interested parties as soon as is reasonably possible. If the applicant is unhappy with the decision, he has the right to seek a review.

8. Review

- 7.1 An applicant is able to seek a review of a decision made by the local authority to refuse an application or a renewal or revocation. The applicant should send their request to the licensing authority within 21 days of receiving notification of the sub-committees decision. The authority shall then conduct a review of the decision as soon as is reasonably possible. Neither an officer nor any member of the sub-committee which made the decision on behalf of the authority shall take part in the decision on the review.
- 7.2 After the review, the authority may decide to: confirm the original decision, vary an original decision to grant or renew approval, in particular by removing or attaching different conditions, or substituting a different decision.

- 7.3 The authority shall give notice in writing to the applicant or holder of its decision on review, stating its reasons for that decision and the date from which it takes place.

14 Change of Approval Holder

- 8.1 A named person on an approval, i.e the applicant or approval holder, can be amended. Any person that becomes the new holder of the approval must notify the Authority immediately (Standard Condition 3) with the appropriate fee. This notification should be in writing and detail the name of the new person responsible for the approval. A new approval will be issued with the new persons name as soon as possible following receipt of the notice.

15 Changing the Area of the Premises Covered by the Approval

- 15.1 Once approval has been given to a premises, the approval cannot be varied to add additional rooms or amend the layout of the premises. If a premises wishes to do this in any way, a new approval application must be made. The applicant will have to meet all of the application criteria as if it is a premises that has never held an approval.

16 Change of Details

- 16.1 If for any reason the name or postal address of the approved premises, the description of the room or rooms in which the proceedings take place, the name or address of the holder of the approval and/or the name and address or qualification of the responsible person changes, the Licensing Authority must be notified immediately (Standard Condition 4) with the appropriate fee.

17 Renewals

- 17.1 The renewal process is similar to that for a new approval. The consultation process is the same and so is the public consultation. However, since the licensing authority already has on record much of the information it requires the fee is less.
- 17.2 It is the applicants' responsibility to make a renewal application, if required, and pay the required fee. No reminders will be sent out by the licensing authority. Renewals may be submitted up to 12 months before an existing approval is due to expire.
- 17.3 If no valid renewal application is made, the approval will lapse and the premises will cease to be able to conduct marriage and civil partnership proceedings. If the premises wishes to resume these activities at any point, the applicant will have to submit a completely new application and pay the required fee.
- 17.4 For those who hold an approval, the regulations allow for an approval to continue past the expiry date if a renewal application has been received and hasn't been determined. If, however a licensee fails to renew his approval and it expires, the licensee can within 1 month of the expiry apply to renew the approval. Once the application is made the approval will continue until such time as it is determined.

18 Duplicate Licence

- 12.1 A duplicate copy of the licence can be issued upon request. A fee will need to be submitted with the request.

19 Revocation of Approval

- 19.1 The licensing authority may revoke an approval if it is satisfied that –
- c. The holder has failed to comply with one or more of the conditions attached to the approval
 - d. The use or structure of the premises has changed so that having regard to the requirements detailed in section 3 above and any other reasonable requirements set by the authority, the premises are no longer suitable for any marriage or civil partnership proceedings.
- 19.2 Before revoking an approval, the authority will give written notice specifying the grounds upon which it proposes to revoke the approval. This notice will be served on the applicant,

the superintendent registrar and the civil partnership registrar for the local authority in which the premises are situated. The holder will then have 14 days in which to make representations to the proposed revocation.

- 19.3 If agreement is not reached with the approval holder and the revocation is not withdrawn, the matter will be referred to the licensing sub committee for determination. The committee may then decide to agree the revocation, reject the revocation or attach further conditions to the approval.
- 19.4 If the applicant is aggrieved with the decision, he may request that it be reviewed.

Important Contact Information:

Licensing Service –

Westminster City Council, 4th Floor City Hall, London, SW1E 6QP.
Email: generallicensing@westminster.gov.uk
Phone: 020 7641 8549

Environmental Health Service –

Westminster City Council, 4th Floor City Hall, London, SW1E 6QP
Phone: 020 7641 3161

Metropolitan Police Service Licensing Team –

Westminster City Council, 4th Floor City Hall, London, SW1E 6QP
Email: policelicensingteam@westminster.gov.uk
Phone: 020 7641 3179

London Fire Brigade –

London Fire & Emergency Planning Authority, 156 Harrow Road, London, W2 6NL
Email: info@london-fire.gov.uk
Phone: 020 7587 2000

Further Information

If you have any queries relating to this matter please contact:

Tel: 00 44 (0)20 7641 8549
Email: generallicensing@westminster.gov.uk

APPROVED RELIGIOUS PREMISES

- (a) a church or chapel of the Church of England;
- (b) a church or chapel of the Church in Wales;
- (c) a place of meeting for religious worship included in the list of certified places maintained by the Registrar General under section 7 of the Places of Religious Worship Act 1855;
- (d) a place of meeting for members of the Society of Friends; or
- (d) a Jewish synagogue.

Both (a) and (b) include a Cathedral Church.

PERSONS WHO MUST CONSENT TO AN APPLICATION FOR APPROVAL OF RELIGIOUS PREMISES

<i>Description of religious premises</i>	<i>Person or description of person who must consent to application</i>	<i>Consent not required</i>
Place of meeting for religious worship of the Roman Catholic Church	General Secretary of the Catholic Bishops' Conference of England and Wales	
Church or chapel of the Church of England	General Synod	
Church or chapel of the Church in Wales	Governing Body of the Church in Wales	
Place of meeting for religious worship of the Methodist Church	Conference of the Methodist Church	
Place of meeting for members of the Society of Friends		Consent not required

REQUIREMENTS FOR THE GRANT OF APPROVAL OF RELIGIOUS PREMISES

- 1.** 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.
- 2.** Except so far as section 196 of, and paragraph 2 of Schedule 23 to, the Equality Act 2010(a) applies, the premises must be regularly available to the public for the formation of civil partnerships.
- 3.** 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 the persons employed in or visiting the premises as the authority considers appropriate.
- 4.** The room or rooms in which the proceedings are to take place if approval is granted must be identifiable by description as a distinct part of the premises.”

CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL OF RELIGIOUS PREMISES

- 1.** The holder of an 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 or her “qualification”), indicate that he or she is in a position to ensure compliance with these conditions.
- 2.** The responsible person or, in the responsible person’s absence, an appropriately qualified deputy appointed by the responsible person, must be available on the premises for a minimum of one hour prior to and throughout the proceedings.
- 3.** The holder of an approval must notify the authority—
 - (a) of his or her name and address immediately upon 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 of an approval 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;
 - (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 holder of an approval must notify the authority immediately if the premises cease to be religious premises within the meaning of regulation 5(1B).
- 6.** The holder of an approval must notify the authority immediately if a sharing Church withdraws from a sharing agreement or if a Church that uses a shared building ceases to do so.
- 7.** The holder of an approval must notify the authority immediately if a required consent has been or is going to be withdrawn and the date on which it was or is to be withdrawn.
- 8.** Where consent was not previously required, the holder of an approval must notify the authority immediately if consent is now or will be required and the date from which it was or will be required.
- 9.** The approved premises must be made available at all reasonable times for inspection by the authority.
- 10.** 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.

- 11.—**(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) These are the exceptions to the prohibition above—
- (a) the consumption of food or drink as a part of any religious ceremony that takes place prior to the proceedings;
 - (b) the consumption of non-alcoholic drinks prior to the proceedings.
- 12.** The 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.
- 13.** 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.
- 14.** The arrangements for and content of the proceedings must meet with the prior approval of the authority.
- 15.—**(1) The proceedings conducted on the approved premises may not be religious in nature.
- (2) In particular, the proceedings may 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 (unless that person is also a civil partnership registrar and is leading the proceedings solely in that capacity);
 - (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 containing an incidental reference to a god or deity in an essentially non-religious context.
- 16.** Public access to any proceedings in approved premises must be permitted without charge.
- 17.** 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 the formation of civil partnerships under section 6(3A)(a) of the 2004 Act but must 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 or either of them.
- 18.** If a change of name to the approved premises occurs after the issue of the civil partnership document but before the proceedings, the former name of the approved premises as recorded in the civil partnership document remains valid for the purposes of the proceedings.

**APPLICATION FOR APPROVAL FOR MARRIAGES AND CIVIL PARTNERHIPS
FOR SECULAR NON RELIGIOUS PREMISES**

Notice is given that...*(name of applicant/s)*...have applied to the Westminster City Council for the approval of the premises...*(enter name and address of premises and areas in which proceedings will take place)*....

Any person may inspect the application and the plan accompanying it on the Westminster Web site or at Westminster City Hall, 64 Victoria St London SW1E 6QP at all reasonable hours during the working day until such times as the application has been finally determined or withdrawn.

Any person may give notice in writing of an objection to the grant of approval, with reasons for the objection, within 21 days from the date on which the notice is published on the authority's website to: Licensing, 4th Floor, Westminster City Hall, 64 Victoria St London SW1E 6QP.

APPLICATION FOR APPROVAL FOR CIVIL PARTNERHIPS FOR RELIGIOUS PREMISES

Notice is given that...*(name of applicant/s)*...have applied to the Westminster City Council for the approval of the premises...*(enter name and address of premises and areas in which proceedings will take place)*....

Any person may inspect the application and the plan accompanying it on the Westminster Web site or at Westminster City Hall, 64 Victoria St London SW1E 6QP at all reasonable hours during the working day until such times as the application has been finally determined or withdrawn.

Any person may give notice in writing of an objection to the grant of approval, with reasons for the objection, within 21 days from the date on which the notice is published on the authority's website to: Licensing, 4th Floor, Westminster City Hall, 64 Victoria St London SW1E 6QP.

NOTIFICATION OF APPROVAL FOR SECULAR PREMISES

NOTIFICATION OF APPROVAL OF PREMISES AS A VENUE FOR MARRIAGES IN PURSUANCE OF SECTION 26(1)(bb) OF THE MARRIAGE ACT 1949 AND AS A VENUE FOR CIVIL PARTNERSHIPS IN PURSUANCE OF SECTION 6(3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004

Westminster City Council has granted approval for the premises shown below to be used for the solemnization of marriages

*and the registration of civil partnerships under the provisions of section 26(1)(bb) of the Marriage Act

1949 and section 6(3A)(a) of the Civil Partnership Act 2004.

Name and full postal
address of the approved
premises.

Name and full postal
address of the holder of
this approval.

Marriages in the presence of a superintendent registrar and registrar, and civil partnerships in the presence of a civil partnership registrar, may take place in the room(s) shown on the plan of the premises, subject to the conditions attached to this approval {Annexes A and C to this guidance}.

This grant of approval will continue, subject to revocation, until the day of

Application for a renewal of approval may be made on or after

The holder of this approval must now notify the authority of the name, qualification and full postal address of the responsible person. This person must be qualified in accordance with the Regulations. If at any time a new responsible person is appointed the holder must immediately notify the authority of his or her details as above.

This approval is granted by *Name of authority*
on this.....day of.....

To be accompanied by:

*A copy of the plan submitted with the application marked with the room(s) which have been approved
(to be attached by the local authority).*

A copy of the requirements for the grant of approval

A copy of the standard and any further conditions.

NOTIFICATION OF APPROVAL FOR RELIGIOUS PREMISES

NOTIFICATION OF APPROVAL OF RELIGIOUS PREMISES AS A VENUE FOR CIVIL PARTNERSHIPS IN PURSUANCE OF SECTION 6(3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004

Westminster City Council has granted approval for the premises shown below to be used for the registration of civil partnerships under the provisions of sections 6(3A)(a) of the Civil Partnership Act 2004.

Name and full postal
address of the approved
premises.
.....

Name and full postal
address of the holder of
this approval.
.....

Civil partnerships in the presence of a civil partnership registrar may take place in the room(s) shown on the plan of the premises subject to the conditions attaching to this approval.

This grant of approval will continue, subject to revocation, until the day of
.....

Application for a renewal of approval may be made on or after

The holder of this approval must now notify the authority of the name, qualification and full postal address of the responsible person. This person must be qualified in accordance with the Regulations

This approval is granted by Westminster City Council on this.....day
of.....

To be accompanied by:

A copy of the plan submitted with the application marked with the room(s) which have been approved (to be attached by the local authority).

A copy of the requirements for the grant of approval

A copy of the standard and any local conditions.

Approval for Marriage and Civil Partnership Venues (Religious Premises Only)

Marriage Act 1949 & Marriage and Civil Partnerships (Approved Premises) Regulations 2011

		New			Renewal		
		Officer Time		Cost	Officer Time		Cost
Licensing	Licensing Support Officer	01:30:00	1.50	£100.50	01:00:00	1.00	£67.00
	Environmental Health Case Officer	03:00:00	3.00	£243.00	01:00:00	1.00	£81.00
	Assistant Service Manager	00:30:00	0.50	£46.00	00:10:00	0.17	£15.64
	Legal	00:30:00	0.50	£49.31	00:15:00	0.25	£24.65
	Service Management	00:05:00	0.08	£6.56	00:05:00	0.08	£6.56
	Licensing Policy & Strategy Manager	00:15:00	0.25	£24.75	00:15:00	0.25	£24.75
Registrars	Senior Registrar						
	Total			£470.12			£219.60

Appendix F2

Approval for Marriage and Civil Partnership Venues (where inspections are required)

Marriage Act 1949 & Marriage and Civil Partnerships (Approved Premises) Regulations 2011

		New			Renewal		
		Officer Time		Cost	Officer Time		Cost
Licensing	Licensing Support Officer	01:30:00	1.50	£100.50	01:00:00	1.00	£67.00
	Environmental Health Case Officer	03:00:00	3.00	£243.00	01:00:00	1.00	£81.00
	Assistant Service Manager	00:30:00	0.50	£46.00	00:10:00	0.17	£15.64
	Legal	00:30:00	0.50	£49.31	00:15:00	0.25	£24.65
	Service Management	00:05:00	0.08	£6.56	00:05:00	0.08	£6.56
	Licensing Policy & Strategy Manager	00:15:00	0.25	£24.75	00:15:00	0.25	£24.75
EH Consultation Team	Senior Technical Support Officer	00:30:00	0.50	£39.50	00:30:00	0.50	£39.50
	Environmental Health Officer	03:00:00	3.00	£192.00	03:00:00	3.00	£192.00
	Senior Licensing Surveyor	03:00:00	3.00	£192.00	03:00:00	3.00	£192.00
	Assistant Service Manager (EH)	00:10:00	0.17	£11.73	00:10:00	0.17	£11.73
	Service Management	00:05:00	0.08	£6.56	00:05:00	0.08	£6.56
Policy Development	Licensing Policy & Strategy Manager	00:00:00	0.00	£0.00	00:00:00	0.00	£0.00
Licensing Inspectors	Compliance Cost (split per premises)						
Registrars	Senior Registrar						
	Total			£911.91			£661.39

Approval for Marriage and Civil Partnership Venues (Religious Premises Only)

Marriage Act 1949 & Marriage and Civil Partnerships (Approved Premises) Regulations 2011

		Change Responsible Persons			Amend Approval		
		Officer Time		Cost	Officer Time		Cost
Licensing	Licensing Support Officer	00:45:00	0.75	£50.25	01:00:00	1.00	£67.00
	EH Case Officer	00:10:00	0.17	£13.77	01:00:00	1.00	£81.00
	Assistant Service Manager	00:05:00	0.08	£7.36	00:10:00	0.17	£15.64
	Legal	00:00:00	0.00	£0.00	00:15:00	0.25	£24.65
	Service Management	00:00:00	0.00	£0.00	00:05:00	0.08	£6.56
	Licensing Policy & Strategy Manager	00:00:00	0.00	£0.00	00:15:00	0.25	£24.75
Registrars	Senior Registrar						
	Total			£71.38			£219.60

Approval for Marriage and Civil Partnership Venues (Religious Premises Only)

Marriage Act 1949 & Marriage and Civil Partnerships (Approved Premises) Regulations 2011

		Change of details (requires amended licence)			Duplicate		
		Officer Time		Cost	Officer Time		Cost
Licensing	Licensing Support Officer	00:45:00	0.75	£50.25	00:10:00	0.17	£11.39
	EH Case Officer	00:30:00	0.50	£40.50	00:05:00	0.08	£6.48
	Assistant Service Manager	00:05:00	0.08	£7.36	00:00:00	0.00	£0.00
	Legal	00:05:00	0.08	£7.89	00:00:00	0.00	£0.00
	Service Management	00:05:00	0.08	£6.56	00:00:00	0.00	£0.00
	Licensing Policy & Strategy Manager	00:05:00	0.08	£7.92	00:00:00	0.00	£0.00
Registrars	Senior Registrar						
	Total			£120.48			£17.87