

**Decision Session - Cabinet Member for
Crime & Stronger Communities**

Date 7th June 2013

Report of the Assistant Director – Housing and Community Safety

Civil Partnerships in Religious Buildings

Summary

1. To inform the cabinet member about the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 which allow civil partnerships to take place in religious buildings.
2. To seek Cabinet member approval of the fee payable by religious premises for a licence to host civil partnership ceremonies.

Background

The law

3. The Marriages on Approved Premises Regulations 1995 allowed civil marriages to take place in a secular premise that was not a register office. It is the responsibility of the Local Authority to grant the licence which is subject to certain criteria, one of which was that that the premises must not be a religious premise. The Regulations were amended in 2005 following the introduction of the Civil Partnership Act 2004, and that allowed civil partnerships to take place in secular premises.
4. Any approval granted by the Authority for secular premises is for both the solemnisation of marriages and for the registration of civil partnerships. The procedure for an Approved Premises (secular) requires an inspection to ensure compliance with the general conditions of the legislation.
5. The Authority must have regard to the premises 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.

6. The premises must have the benefit of such fire precautions as may reasonably be required, and make reasonable provision for the Health & Safety of persons employed in or visiting the premises. In the City of York, officers inspect the premises at the time of the initial application and when the licence is due for renewal as business operations are susceptible to change. In addition, officers check that the business has public entertainment licences etc. in place.
7. The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011 make provision for religious premises to apply to be registered for the formation of civil partnerships.
8. Religious premises are defined as follows:
 - 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 Act 1855
 - d) A place of meeting of the society of friends; or a Jewish synagogue

Both a) and b) include a Cathedral church.

9. Religious premises are expected to meet the same general criteria as secular premises; however the legislation above allows the Authority to waive the inspection of a religious premises if it considers it appropriate to do so. It also allows the Authority to determine the period of approval, although it may not be less than 3 years.

Fees

10. There are four fees that may be levied at the discretion of the authority. They are similar to both religious and secular premises.

Each fee may be set locally at any level up to the full cost of providing the service. The fees concerned are as follows:-

- a) Fee for application and approval
- b) Fee for the renewal
- c) Additional fee payable when a review is requested
- d) A fee for the attendance of a superintendent registrar or registrar at a marriage or civil partnership.

Authorities may choose to set classes of fees or set individual fees according to the cost of dealing with each application.

11. In the City of York, the 2013-14 fee for licensing Approved Premises (secular) is £2700. The licence lasts for 3 years; it is the same charge for renewal and review. The couples pay the fee for attendance by the superintendent registrar or registrar. There are currently 26 licensed premises. These are predominantly businesses like hotels who 'sell' the ceremony to their customers as part of a 'wedding package' thereby making the licensing of these premises a "business" decision rather than an ethical one.

Consultation

12. There has been one expression of interest from the Quaker Group who wish to offer this service. There has been little interest from other religious organisations. No members of the public have enquired about a civil partnership taking place in religious premises.
13. At the time of writing (March 2013), North Yorkshire County Council are charging the same fee for secular and non secular premises. Their charges are currently £1375 for premises with up to two rooms on initial application, and £1100 on renewal. There is an additional fee of £135 per additional room both on initial application and renewal. East Riding of Yorkshire Council have not yet announced their plans.

Options

14. Option 1: To introduce a fee of £2700 for religious premises with the license being renewable every three years following an inspection.

15. Option 2: The licence fee for religious premises be a 'one-off' fee of £500. There will be no requirement to renew the licence and no further checks will be carried out. The fee is set on a 'cost recovery' basis.
16. Option 3: The Council may adopt a different approach to the fee.

Analysis

17. Option 1 will ensure the council takes a consistent approach towards secular and religious premises and follows the approach taken by our neighbouring Authority. However, the cost to religious premises is likely to be prohibitive to them supplying the service.
18. Option 2 will encourage more religious premises to offer the service. The fee of £500 will cover the Council's costs for processing the initial application, ensuring that appropriate fire and health & safety risk assessments are in place, compiling a report, and issuing a licence, and registering the premise with the General Register Office. There will be no 'on-site' inspection (or subsequent inspections) at religious premises just as there is no inspection by our officers prior to religious marriage ceremonies. Secular premises will continue to be charged and inspected in the existing way.

Council Plan

19. Encouraging civil partnerships in religious venues contributes to the council's plan to 'build stronger communities' where no person in the community feels left behind or disadvantaged.

Implications

- **Financial**

20. There are unlikely to be any financial implications associated with this report, as it is likely that the number of religious premises wishing to offer this service will be low.

- **Human Resources (HR)**

21. There are no HR implications associated with this report.

- **Equalities**

22. The changes outlined above give religious organisations the opportunity to perform civil partnership ceremonies. However, for the avoidance of doubt, nothing places an obligation on them to host civil partnerships if they do not wish to do so.

- **Legal**

23. There are no legal implications associated with this report.

- **Crime and Disorder**

24. There are no crime and disorder implications associated with this report.

- **Information Technology (IT)**

25. There are no IT implications associated with this report.

- **Property**

26. There are no property implications associated with this report.

- **Other**

27. There are no other implications to consider.

Risk Management

28. There is a risk that applying the different fee structure outlined in Option 2 may be unpopular with some secular premises.

Recommendations

29. That the Cabinet Member notes the report and adopts Option 1.

30. Reason: To encourage religious premises to host civil partnership ceremonies.

Contact Details

Author: Chief Officer Responsible for the report:
Colin Rumford Steve Waddington
Head of Public Protection Assistant Director – Housing and
Public Protection Community Safety
01904 551502 Report Date 19th June
Approved 2013

Co-author:
Rob Livesey
Registration Service
Manager
Public Protection Report Date 19th June
01904 553190 Approved 2013

Specialist Implications Officer(s) None

Wards Affected: List wards or tick box to indicate all All

For further information please contact the author of the report

Background Papers:

None

Annexes:

None