

NOTES ON THE REQUIREMENTS BEFORE AN APPROVAL CAN BE GRANTED

The non-returnable fee for this application is £1,850.00 and must be submitted with the application to the Proper Officer for Registration Matters at Civic Centre, Victoria Avenue, Southend on Sea, Essex SS2 6ER.

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

The premises must fulfil the following standard requirements set out in Schedule 2 of 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 solemnization of marriages, the formation of civil partnerships and celebratory ceremonies. The primary use of a building would render it unsuitable if that use could demean proceedings or bring them into disrepute.
2. The premises must be regularly available to the public for use for the solemnization of marriage, civil partnerships and celebratory ceremonies.
3. The premises must have the benefit of such fire precautions as may reasonably be required by the authority, having consulted with the fire 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 religious premises as defined by section 6(2) of the Civil Partnership Act 2004. These are premises which are used solely or mainly for religious purposes or which have been used solely or mainly for religious purposes and have not been subsequently used for other purposes. A building that is certified for public worship would fall into this category as would a chapel in a stately home or hospice. However, premises in which a religious group meets occasionally might be suitable if the other criteria are met.
5. For approval to be granted, the room or rooms in which marriage ceremonies, , civil partnership formations and celebratory ceremonies will take place must be identifiable by description as a distinct part of the premises.

In addition to being satisfied that the requirements relating to the type of premises are met, the authority will have to consult the fire and rescue authority and be assured that the premises comply with their requirements as well as any relating to health and safety. There is no planning class which specifically allows marriage ceremonies or civil partnership registrations, so the owner will have to consult the local planning authority and, if regular use as a venue for marriages or civil partnerships would constitute development, obtain planning permission. Before an application can be processed, Southend-on-Sea City Council requires written evidence that the local planning authority is content that the premises can be regularly used for proceedings.

The Regulations refer to “proceedings”, defining these as the solemnization of marriages or the formation of civil partnerships and this guidance uses this term, where appropriate.

In addition to the standard requirements as set out above the Southend on Sea City Council has specified the following requirements which will have to be met by premises in order to gain approval for use as a venue for the solemnization of civil marriages, civil partnerships and celebratory ceremonies under Section 26(1)(bb) of the Marriage Act 1949 or the formation of civil partnerships under Section 6 (3A)(a) of the Civil Partnership Act 2004:-

(1) In addition to the room or rooms approved for the solemnization of the marriages, civil partnerships and celebratory ceremonies, a separate room must be available to allow for the confidential interviewing of the couple by the Registrar prior to proceedings.

(2) The size of the room where proceedings are to take place should be sufficient to accommodate all attendees, divided between standing and sitting as appropriate.

(3) Access must be available for disabled persons.

(4) Lighting levels must be satisfactory dependent upon the size and location of the room where proceedings are to take place.

(5) Toilet facilities should be available and easily accessible. These should include toilet facilities for disabled persons.

(6) Two free car parking spaces shall be provided for the use of the Registration staff. These should be as near to the main entrance of the premises as possible and allow free access and egress at all times.

(7) Any music system should be situated so that it is under the control of the Registration staff.

(8) Registration staff must at all times have access to a telephone.

(9) The applicant must satisfy the Council that adequate insurance cover is held in respect of third party risks.

In considering the suitability of premises as a venue the local authority will have regard to following Guidance from the Registrar General: 1. The laws are intended to allow civil marriages, civil partnership formations and celebratory ceremonies to take place regularly in hotels, stately homes, civic halls and similar premises without compromising the fundamental principles of English law and Parliament’s intention to maintain the solemnity of the occasion. The term “premises” is defined in Regulation 2(1) as a permanently immovable structure, comprising at least a room, or any boat or other vessel which is permanently moored. Any premises outside this definition, such as the open air, a tent, marquee or any other temporary structure and most forms of transport, would not be eligible for approval. In addition, there are requirements in Schedule 1 that must be met before an approval can be granted.

2. Proceedings must take place in readily identifiable premises. This will preclude proceedings from taking place in the open air, in a tent, marquee or any other temporary structure and in most forms of transport.
3. Proceedings must take place in premises with open doors, which the Registrar General interprets to mean that the public must have unfettered access to witness the marriage or civil partnership formation and make objections prior to or during proceedings.
4. A register office cannot be approved as a venue under these regulations. If a register office is located in a building which is otherwise an approved venue (eg a Town Hall), that is acceptable provided that the two occupy mutually exclusive parts of the buildings: the register office marriage/ceremony room cannot be part of the approved premises, and the approved premises plan will not include the area covered by the register office.
5. The primary use of a building would also render it unsuitable if that use could demean marriage, civil partnerships and celebratory ceremonies or bring it into disrepute.
6. The secular nature of civil marriage, civil partnerships and celebratory ceremonies precludes the use of any building with a recent or continuing religious connection. This effectively rules out any building or room whose description, purpose or appearance is still considered to be linked to religion. A chapel in a stately home and a building containing furniture or fittings associated with a place of religious worship, or which has stained glass windows depicting a religious image are examples of a continuing religious connection. However, premises in which a religious group meets occasionally may be suitable if the primary use of the premises is secular.
7. Marriage, civil partnerships and celebratory ceremonies on approved premises may be followed by a celebration, commemoration or blessing of the couple's choice, providing that it is not a religious ceremony and is separate from the civil ceremony. However, if a religious blessing were regularly to follow marriage or civil partnership ceremonies on particular premises, or be considered part of the service being offered on the premises, there may well be a religious connection which would breach the requirements and lead to the local authority having to consider revoking the approval.

THE CONDITIONS TO BE ATTACHED TO GRANTS OF APPROVAL

The authority must attach the following standard conditions from Schedule 2 of the Regulations to any approval:

1. The holder of the 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 “qualification”), indicate that he is in a position to ensure compliance with these conditions.
2. The responsible person or, in his absence, an appropriate qualified deputy appointed by him, shall be available on the premises for a minimum of one hour prior to each marriage, civil partnerships and celebratory ceremonies ceremony and throughout each marriage, civil partnerships and celebratory ceremonies ceremony.
3. The holder must notify the authority –
 - (a) of his name and address immediately upon him 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 must also 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, or in the use of the premises,
 - (b) the name or full postal address of the approved premises,
 - (c) the description of the room or rooms in which marriage, civil partnerships and celebratory ceremonies are to be solemnized,
 - (d) the name or address of the holder of the approval, and
 - (e) the name, address or qualification of the responsible person.
5. The approved premises must be available at all reasonable times for inspection by the authority.
6. A suitable notice stating that the premises have been approved for the solemnization of marriage in pursuance of section 26(1)(bb) of the Marriage Act 1949 and identifying and giving directions to the room in which a marriage, civil partnerships and celebratory ceremonies ceremony is to take place must be displayed at each public entrance to the premises for one hour prior to the ceremony and throughout the ceremony.
7. No food or drink may be sold or consumed in the room in which a marriage, civil partnerships and celebratory ceremonies ceremony takes place for one hour prior to that ceremony or during that ceremony.

8. All marriage, civil partnerships and celebratory ceremonies must take place in a room which was identified as one to be used for the solemnization of marriage, civil partnerships and celebratory ceremonies on the plan submitted with the approved application.

9. The room in which a marriage, civil partnerships and celebratory ceremonies is solemnized must be separate from any other activity on the premises at the time of the ceremony.

10. The arrangements for and content of each marriage, civil partnerships and celebratory ceremonies ceremony must meet with the prior approval of the superintendent registrar of the district in which the approved premises are situated.

11. Any reading, music or performance which forms part of a ceremony of marriage, civil partnerships and celebratory ceremonies must be secular in nature; for this purpose any such material used by way of introduction to, in any interval between parts of, or by way of conclusion to the ceremony shall be treated as forming part of the ceremony.

12. Public access to any ceremony of marriage and civil partnerships solemnized in approved premises must be permitted without charge.

13. 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 marriage, civil partnerships and celebratory ceremonies in pursuance of section 26(1)(bb) of the Act, but shall 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 of either of them.

The County Council will also attach the following conditions to all approvals, together with such further conditions as appear appropriate following inspection of the premises.

(1) The holder of the approval will be responsible for ensuring that all those attending the ceremony are aware of evacuation procedures and of the action to be taken in an emergency situation.

(2) Registration staff must have access to the Marriage Room and Interview Room at least 30 minutes before the ceremony is due to begin. In any accommodation where an admission charge is made to members of the public, this must be waived and arrangements made for the easy access of Registration staff.

(3) One table measuring not less than 8 feet by 3 feet plus four chairs should be provided in the Marriage Room as directed by the Registration staff. Chairs for guests may be provided, in number and position to be dictated by the size of the room and subject to the approval of the Registration staff in order to allow free access and movement during the marriage, civil partnerships and celebratory ceremonies ceremony.

(4) At the discretion and requirement of the Registration staff, additional portable lighting may be required in that part of the room where the entry is to be made in the Marriage Register and the Register signed.

(5) A box of tissues, carafe of water and four glasses should be provided.

(6) No smoking will be permitted in the Marriage Room for one hour before and during the ceremony.

(7) Depending upon the size of the Marriage Party, the approval holder may need to provide an Usher or Ushers to control or assist the guests. The Usher(s) will be under the supervision of the Registration staff.

(8) Marriage, civil partnerships and celebratory ceremonies must not be disturbed by noise or otherwise by other activities taking place in or in the proximity of the approved premises.

(9) All reasonable efforts should be made by the holder of the approval to ensure that no noise, litter or any other nuisance or disturbance is caused to local residents, neighbours or others.

(10) The responsible person shall give advance notification to the Superintendent Registrar of the District in which the approved premises are situated of any occasion when he will be absent and of the name and qualification of the deputy appointed by him on that occasion.

(11) The holder of the approval will ensure that the Marriage Room is in a clean and tidy condition and free of litter immediately prior to any marriage, civil partnerships and celebratory ceremonies ceremony.

ADDITIONAL INFORMATION

Renewal

1. The holder may apply for the renewal of an approval when the current approval has between six and twelve months to run. An application for renewal made in this period will extend the current approval until the application has been finally dealt with. A renewal will run from the expiry date of the current approval.

Revocation

2. The authority may revoke an approval if it is satisfied, after considering any representations from the holder, that the use or structure of the premises has changed so that any of the standard or local requirements cannot be met or the holder has failed to comply with one or more of the standard or local conditions attached to the approval.

3. The Registrar General may direct the authority to revoke an approval if, in his opinion and after considering any representations from the holder, there have been breaches of the law relating to marriage and civil partnerships on the approved premises.

4. When an approval has been revoked the regulations require the former holder to notify any couples who had arranged to marry on the premises.

Reviews

5. An applicant may seek a review by the local authority of its decision to refuse to grant an approval, to attach local conditions, to refuse to renew an approval or to revoke an approval.

6. The review must be carried out by a different officer, committee or sub-committee than that which made the decision which is being appealed against. The review panel may confirm the decision, rescind it or vary it with the imposition of fresh or further conditions.

7. The authority may charge an additional fee for a review of its decision to refuse to grant an approval, to attach local conditions or to refuse to renew an approval.

8. A direction by the Registrar General to revoke an approval is not subject to review by the authority.

Registration

9. Details of approved premises will be held for public inspection by the authority. These details will be copied to the superintendent registrar of the district in which the premises are situated and to the Registrar General who will periodically circulate the details to all superintendent registrars