

CABINET MEMBER FOR RESOURCES – MR J NOEKEN

DIRECTOR OF BUSINESS SERVICES

OFFICER CONTACT: Jacqui White (713013) email: Jacqui.white@wiltshire.gov.uk

REFERENCE: R-004-12

Registration Service - Income

Purpose of Report

1. This report seeks approval for the following changes to Registration service in Wiltshire
2. **Removal of restrictions on the times for solemnisation of marriage and registration of civil partnership and to agree the fee to be charged to couples.**
 - i) To request approval for the removal of the restrictions on the times during which marriages may be solemnised and civil partnerships registered. The only limitation placed on time would be the ability of the registration service to provide two officers.
 - ii) To approve a schedule of fees to be charged to couples for this service.
3. The result of this change will be to give customers greater choice in the time for their ceremony to take place.
4. **Approve a licensing procedure and fee for religious premises as a civil approved venue**
 - (i) To approve a licensing procedure for proprietors or trustees of religious premises to apply to local authorities for their premises to be made an approved venue for civil partnership registrations.
 - (ii) To approve a licence fee of £1,700 for the provision of the licence.
5. The result of this change will enable the registration service to set up a licensing procedure similar to that for civil approved venues for marriage and civil partnerships and cover the cost of the procedure.

Background

6. **Removal of restrictions on the times for solemnisation of marriage and registration of civil partnership**
7. The Marriage Act 1949 restricts the hours during which a marriage can be legally solemnised to between 8.00 am and 6.00 pm.

8. The Civil Partnership Act 2004 places the same time restrictions on the registration of civil partnerships (between 8.00 am and 6.00 pm)
9. The Protection of Freedoms Act 2012 includes a clause which permits Local Authorities to remove the time restrictions for solemnisation of marriages and registration of civil partnerships.
10. These provisions come into effect on 1st October 2012.
11. It is proposed that the removal of time restrictions be applied to all ceremonies, including the discretionary ceremonies of Naming and Renewal of Vows. The only limitation placed on time would be the ability of the registration service to provide two officers to attend the ceremony.

Proposed Fees

12. Whilst the remaining fees and charges for the Registration Service were approved as part of the 2012-13 budget setting process it was not possible to make proposals on this new service at that time. Instead a note was made in the budget papers that a decision would be subsequently required. A formal decision now needs to be made on the fees to be charged to couples.
13. It is proposed that ceremony fees should remain the same as the existing (already approved) day- time fees (Fig .1), with the exception of ceremonies booked to start on or after 10 pm on Christmas Eve and New Year's Eve. These ceremonies will be subject to the bank holiday fee.

Fig.1 Approved day time fees

Day	Marriage	Civil Partnership Registration	Civil Partnership with Ceremony	Naming	Renewal of Vows
Monday to Friday	£385	£105	£240	£170	£170
Saturday	£395	£127	£268	£200	£200
Sunday	£460	£143	£284	£215	£215
Bank Holiday includes from 10.00 pm on Christmas Eve and New Year's Eve	£490	£164	£332	£260	£260

14. At this stage it is not anticipated that Register Office and Registration Office ceremonies in the council offices at Trowbridge, Chippenham, Salisbury and Devizes will be provided outside of the current office hours (9.00/9.30 am to 4.00 pm) and day time on Saturdays (9.00 am to 1.30 pm). However, demand for ceremonies at different times will be monitored.

Consultation

15. **Customers** A survey of customers, undertaken by a neighbouring authority, showed that 25% of couples were interested in evening ceremonies with the majority favouring early evening
16. **Approved venues** Approved venues have been consulted through the regular newsletter and on visits for licence renewals. Response has been generally muted but open.
17. **Staff** -The outcomes of consultation with staff showed that staff felt this was a service that should be provided. They expected the demand will be low initially with a very gradual increase. The consultation highlighted issues relating to health and safety and pay and working hours which have been addressed within Council guidelines.
18. **Licensing Religious Buildings for the Registration of Civil Partnerships**

Background

19. The Civil Partnership Act 2004 made provision for civil partnership registration in register offices and civil approved venues. It excluded civil partnership registration in religious buildings.
20. The Equalities Act 2010 includes the Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011.
21. From Monday 5 December 2011 the proprietors or trustees of religious premises have been entitled to apply to local authorities for their premises to be made an approved venue for civil partnership registrations. These registrations are secular and must be undertaken separately to any religious ceremony.

Licensing process

22. The process for approval is similar to that for civil approved venues with the same considerations in relation to the building, including a fire risk assessment and disabled access.
23. There are some fundamental differences in relation to the qualification of the religious organisation and the need to obtain consents from the relevant governing authority for the religious organisation concerned.
24. The application must be on a standard application form created by the local authority, with a plan of the rooms to be used, evidence of the consents and the fee attached.
25. The application must be advertised for 21 days on the council's website or in a local newspaper.

26. Although not compulsory it is proposed that an inspection visit will be held, in line with the process for civil approved venues. This will enable the visiting officers to verify the information on the application and ensure the registrar's needs in respect of their statutory duties can be met. It also provides an invaluable opportunity to provide comprehensive advice and guidance on the requirements of the licence, the duties of the responsible person named by the venue and the civil partnership registration.
27. The objections procedure will mirror that for civil approved venues.
28. Once the licence is granted the registration service must inform the General Register Office and maintain a record of licensed religious buildings. On-going administration over the licence period includes providing on-going advice and guidance, including additional visits if problems arise, ensuring the responsible person is kept up to date, keeping records up to date with any changes, ensuring a reminder is sent for licence renewal and managing revocation of the licence should the consent of the governing body be withdrawn.

Proposed Fees

29. The registration service has liaised closely with neighbouring authorities, most of whom are proposing to charge the same fee to religious premises as to civil venues for licensing their premises. A breakdown of the fees charged by other authorities for licences is attached in Appendix 1.
30. It is proposed that the fee for granting an approval to a religious building should be equitable with the fee for a civil venue in Wiltshire which is currently £1700.
31. Similarly, it is proposed that the fee for the registrar's attendance to register a civil partnership should match the fee for a registrar to attend an approved venue to register a civil partnership since the costs are the same (see Fig 2 below).

Fig 2

Day	Civil Partnership Registration in a Religious Building
Monday to Friday	£105
Saturday	£127
Sunday	£143
Bank Holiday includes from 10.00 pm on Christmas Eve and New Year's Eve	£164

32. There is variation across local authorities in the fee, the validity period of the licence and the fee for the registrar's attendance.
33. At present there has only been one general enquiry from a religious organisation regarding fees and the licensing process. The General Register Office and neighbouring authorities have also received the same enquiry.

34. Removal of restrictions on the times for solemnisation of marriage and registration of civil partnership

Options Considered:

35. Make no change and continue to apply the statutory time limits. Rejected on the grounds that this would be contrary to the spirit of the Protection of Freedoms Act provisions and would restrict customer choice within Wiltshire. Customers wanting later times could go to other registration districts outside Wiltshire.
36. Extend the hours on a limited basis, keep 8.00 am as the start time and extend the end time from 6.00 pm to 9.00 pm. Rejected on the grounds that this would restrict customer choice and may lead to challenges from couples wanting at later or earlier ceremony.

37. Licensing Religious Buildings for the Registration of Civil Partnerships

Options Considered:

38. Reduce the cost of the licence to make it easier for religious organisations. Rejected on the grounds that the service needs to recover the full costs, to introduce a subsidy would unfairly place the burden of the costs on other users of the service. This is the same rationale is applied to charities wishing to obtain a civil approved venue licence for marriage and civil partnership for their premises for whom there is no subsidy.
39. Extend the licence period for religious buildings but not civil approved venues in line with a few other local authorities. Rejected on the grounds that much can change in a three year period. Renewal of the licence provides an essential opportunity to visit, inspect and review all the arrangements and give advice, guidance and support. Renewal after three years ensures parity with civil approved venues.

40. Reason for Decision

41. Removal of restrictions on the times for solemnisation of marriage and registration of civil partnership and to agree the fee to be charged to couples

42. It is necessary for the Council to decide whether or not to permit the removal of time restrictions for the solemnisation of marriage and registration of civil partnerships and to approve a schedule of fees for the provision of the service to couples.

43. Licensing Religious Buildings for the Registration of Civil Partnerships

44. It is necessary for the Council to approve the process and set the licence fee for religious buildings wishing to become approved venues for the registration of civil partnerships. The fee must also be set for the attendance of a civil partnership registrar at a religious building to register a civil partnership.