

WARWICKSHIRE REGISTRATION SERVICE APPROVED PREMISES TERMS AND CONDITIONS

APPROVED PREMISES AS A VENUE FOR MARRIAGES IN PERSUANCE OF SECTION 26(1)(BB) OF THE MARRIAGE ACT 1949 AND CIVIL PARTNERSHIPS IN PERSUANCE OF SECTION 6 (3A)(A) OF THE CIVIL PARTNERSHIP ACT 2004

Warwickshire County Council (WCC) is responsible for providing the Registration Service in the County of Warwickshire.

This includes the registration and celebration of Civil Marriages, Civil Partnerships and non-statutory Naming Ceremonies and Renewal of Vows and the licensing of venues for such celebrations.

Licensed venues are more commonly called “Approved Premises” and can include hotels, stately homes, civic halls, castles and similar places.

WCC welcomes applications in respect of all types of venues that meet the requirements and conditions detailed in this booklet.

Before making an application, applicants are advised to arrange a suitability visit by the licensing officer. There is a charge of £100 for this service. It is an excellent opportunity to discuss an application and ensure the venue is suitable.

The fee for the application and three year licence is £1,900 and must be submitted with the completed application form. Cheques must be made payable to Warwickshire County Council. BACS payment may be arranged upon request.

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.

All applications are subject to approval upon consent from the local environmental health department and fire officer. In addition applications are subjected to a 21 day public objection period.

If you require advice or assistance please contact:

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1. The Premises

All applications must meet the following standard requirements as set out in Schedule 1 of the Marriages and Civil Partnerships (Approved Premise) Regulations 2005:

- 1.1 “Premises” are defined in the 2005 Regulations as a permanently immovable structure, comprising at least a room, or any boat or other vessel, which is permanently moored. Any premises outside 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.
- 1.2 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 proceedings.
- 1.3 The premises must be regularly available to the public for use for the solemnisation of marriages or the formation of civil partnerships. This will preclude a private house from being approved.
- 1.4 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.
- 1.5 The premises must not be -
 - (a) A religious premises as defined by section 6A(3C) of the Civil Partnership Act 2004 (the only exception to this rule is some religious premises that wish to conduct civil partnership ceremonies only):
 - (b) 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.
- 1.6 The room or rooms in which the proceedings (marriage or civil partnership) will take place must be identifiable by description as a distinct part of the premises.
- 1.7 When approved by WCC it is expected that the premises are made available regularly for the registration of civil partnerships and the solemnisation of civil marriages. Owners or occupiers of premises will not be able to refuse to host either marriages or civil partnerships on the ground of sexual orientation. However, this may not apply to premises that are owned or controlled by a religious organisation, though are not religious as defined in Regulations 5(1B) of the 2005 regulations.
- 1.8 The owners or occupiers of such premises, should they wish to, are able to refuse to host civil partnership registrations, providing they fall under the exceptions set out in Schedule 23 to the Equality Act 2010. In these instances, WCC will not revoke an approved premises grant of approval if the religious organisation lawfully refuses to host civil partnership registrations.
- 1.9 In addition to being satisfied that the requirements relating to the type of premises are met, the authority will want to be satisfied that the fire assessment in place at the premises is suitable for the intended purpose.

- 1.10 The holder of the approval must ensure compliance with all relevant laws, legislation, regulatory requirements, best practice, guidance and similar, including the Equality Act 2010, health and safety and planning legislation in force at any time.

2. Licence Conditions

- 2.1 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”) to be available on the premises for a minimum of one hour prior to and throughout the proceedings.
- 2.2 The holder must notify the authority -
- (a) of his name and address immediately upon him becoming the holder of an approval
 - (b) of the name and job title of any newly appointed responsible persons
- 2.3 The holder must also notify the authority immediately of any change to 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 proceedings are to take place;
 - (d) the name or address of the holder of the approval;
- 2.4 The approved premises must be available at all reasonable times for inspection by to WCC.
- 2.5 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 in pursuance of section 26(1)(bb) of the Marriage Act 1949 and the formation of civil partnerships under Section 6 (3A)(a) of the Civil Partnership Act 2004, 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.
- 2.6 If a change of name to the approved premises occurs after the issue of the certificate for marriage or the civil partnership document, but before the proceedings, the former name of the approved premises as recorded in the certificate for marriage or the civil partnership document shall remain valid for its duration for the purpose of the proceedings.

3. Fire, Health and Safety

- 3.1 The holder must ensure that annual health and safety and fire risk assessments be maintained in accordance with legislation. WCC will require a copy of the current fire risk assessment and public liability insurance (£5million minimum) at the time of application and renewal. WCC are entitled to request a copy of either document at any time during the period of the licence.
- 3.2 The holder of the approval will be responsible for ensuring that all those attending the proceedings are aware of evacuation procedure and of the action to be taken in an emergency situation.

- 3.3 WCC staff will not be responsible for the evacuation of ceremony guests in an emergency. This must be conducted by the responsible person.

4. Licensed Rooms

- 4.1 Ceremonies may only take place in a room specified on the approval certificate.
- 4.2 The room in which the ceremony is to take place must be separate from any other activity on the premises at that time.
- 4.3 The Ceremony Room must be clearly sign posted so that anyone wishing to object to the ceremony may do so without hindrance.
- 4.4 Public access to the ceremony must be permitted without charge.
- 4.5 The Ceremony Room should be laid out theatre style and in line with the approved seating plan. Alternative seating arrangements may be possible following submission of a new seating plan to WCC.
- 4.6 All guests must be seated during the ceremony. Extra guests are not permitted to stand. Children under the age of 3 may be seated on laps. Maximum occupancy figures for each room must not be exceeded under any circumstances.
- 4.7 The approved figure must include two registration officers, the couple, photographers, videographers, musicians, venue staff and guests.
- 4.8 The Ceremony Room must contain at least one table no less than 3' x 3' in size and two chairs for the Registrars. A second table can be used for the purpose of signing.
- 4.9 The Ceremony Room must not be decorated with any religious statues, artefacts, pictures or decorations.
- 4.10 WCC may ask the approval holder to provide a microphone and amplification system.
- 4.11 No food or drink may be sold or consumed in the room or outside structure in which the ceremony is to take place for one hour prior to and during the ceremony. This includes preparation of beverages for a drinks reception.
- 4.12 All licensed rooms should have suitable ventilation and heating appropriate to their use, age and location.
- 4.13 Naked flames should not be placed on the table where the register or schedule is to be signed. We strongly advise that where candles are used they are positioned in a safe place away from any ignitable materials. WCC staff may re-position candles if they feel it is necessary.
- 4.14 Flower arrangements containing water should not be placed on the table where the register or schedule is to be signed. WCC staff may re-position arrangements if they feel it is necessary.

5. Interview Room

- 5.1 An appropriate room for the purposes of interviewing the couple before the ceremony must be provided.
- 5.2 Registration officers must have immediate access to the Interview Room up to one hour prior to the ceremony start time.
- 5.3 The Interview Room must be furnished with a table and chairs, water and glasses.
- 5.4 Where possible it should be lockable and a key for the room provided to the Registration officers on arrival.

6. Ceremony Content

- 6.1 Ceremony content should be agreed between the couple and WCC before the day.
- 6.2 The holder of the approval is required to provide a music system to allow music to be played before, during and after the ceremony; this should be operated by the responsible person.
- 6.3 Music should be of a secular nature although incidental reference to religion may be permissible.
- 6.4 The holder is responsible for ensuring compliance where necessary with Performing Rights and Phonographic Performance licence requirements.
- 6.5 Ceremonies at approved premises must not be religious in nature and cannot include:
 - (a) extracts from an authorised religious marriage service or from sacred religious texts;
 - (b) be led by a minister of religion or other religious leader;
 - (c) a religious ritual or series of rituals;
 - (d) hymns or other religious chants; or
 - (e) any form of worship.
- 6.6 However, the ceremony may include readings, songs or music that contains an incidental reference to a god or deity in an essentially non-religious context.

7. Duo Ceremonies

- 7.1 Ceremonies in the pre-agreed unlicensed areas can only take place if the following conditions are met, along with the other standard conditions set out in this document.
- 7.2 Part 1 of the ceremony will take place in the pre-agreed area. This includes the exchange of rings, additional promises and readings.
- 7.3 Guests may be seated theatre style or informally.
- 7.4 No formal registrar's table is required but it may be advisable for two chairs to be placed at the side for the couple should they need to be seated at any point during the ceremony.

- 7.5 At the end of the ceremony the couple, witnesses and registrars will immediately make their way into one of the licensed ceremony rooms for part 2 - to make the marriage legal. This will involve the couple repeating the legal declaratory and contracting vows to each other and signing the register. They will then be presented with a marriage certificate.
- 7.6 The licensed room for part 2 must be suitably set up with a table and enough chairs to accommodate the couple, two registrars and their chosen witnesses.
- 7.7 If the wedding breakfast is to take place in one of the licensed rooms the couple may like to complete part 2 at the top table/one of the laid tables providing it is kept clear of cutlery/crockery.
- 7.8 For ceremonies taking place outside, one of the other licensed rooms within the venue must be kept available, so that it may be used if for any reason the ceremony cannot take place outside.
- 7.9 In the event of bad weather the decision to move the ceremony inside to one of the licensed ceremony rooms must be made on the morning of the ceremony and occupancy figures for the licensed room must be adhered to. The decision of the Registrar is final.
- 7.10 A PA system for the ceremony outside may be used.
- 7.11 Ceremonies outside can only take place between 1st March and 31st October each year.

8. Outside Structures

- 8.1 The following further guidance is provided in respect of the licensing of freestanding or "gazebo" structures.
- 8.2 The structure will only be approved if it forms part of a larger venue, which must include either one, or a number of other approved ceremony rooms.
- 8.3 Ceremonies can only take place in a structure between 1st March and 31st October each year.
- 8.4 It is the responsibility of the premises, where appropriate, to discuss with, or seek approval from, the local planning authority before construction.
- 8.5 Outside structures must be permanent and immovable. Any structure outside this definition would not be eligible for approval.
- 8.6 The structure must have a solid, permanent, level base and roof. The roof should be supported by brick, stone, concrete or wood pillars or walls. The structure must meet requirements of the local planning officer/a conservation or heritage decision.
- 8.7 The front should be open and sufficiently wide to enable the ceremony party to enter.
- 8.8 The structure should be of sufficient size to comfortably accommodate the following:-
- Two Registration staff
 - The Couple
 - The witnesses
 - A square or oblong table no less than 3' x 3' in size

- 8.9 A public address system is preferable.
- 8.10 Guests must be seated theatre style.
- 8.11 A central aisle is preferable for the ceremony party to make their entrance.
- 8.12 Access to the structure and the seating area should be restricted prior to the ceremony, as no food or drink or smoking should be allowed in the vicinity.
- 8.13 Whenever the structure is booked for a ceremony one of the venues other licensed rooms must be kept available, so that it may be used if for any reason the ceremony cannot take place outside.
- 8.14 The main reason why a ceremony may not take place in the structure will normally be because of inclement weather.
- 8.15 The occupancy figure for inside the structure and the adjacent area must not exceed any maximum occupancy figure for any other approved Ceremony Room inside the venue.
- 8.16 The decision as to whether the ceremony has to be moved into a licensed room will be made by the Registration Officers after discussion with the couple and the venue. The final decision is made by the Registration Officers on the day.
- 8.17 Any other activities taking place in the grounds, especially near to the structure and the seating area to be used for guests, are to be kept separate from any ceremony.

9. Car Parking

- 9.1 Two car parking spaces must be reserved for the Registration Officers as near to the entrance to the premises as is possible on the day of the ceremony. The spaces should be available at least one hour prior to the ceremony.

10. Duties of a Responsible Person

- 10.1 At least one of the responsible persons stated on the approval certificate must be available on the day for a minimum of one hour prior to and during each ceremony.
- 10.2 The responsible person should make themselves known to the registration officers on their arrival and confirm timings for the couple's pre-ceremony interviews.
- 10.3 The responsible person must:
- Ensure prompt assembly of guests in the ceremony room.
 - Ensure that the number of guests attending does not exceed the maximum licensed figure.
 - Be present in the ceremony room during the ceremony to assist the guests and Registration Officers as appropriate.
 - Be responsible for the playing of any music

- Take responsibility to organise the couple and their guests when exiting the room.
- Allocate a member of staff to escort the ceremony party as appropriate.
- Be responsible for dealing with any inappropriate behaviour by guests.

11. The Approval

- 11.1 The licence for the premise is valid for a period of 3 years.
- 11.2 The approval certificate must be permanently displayed at the main entrance to the premise.
- 11.3 It is the approval holder's responsibility to ensure that the approval certificate is maintained up to date with names of the relevant responsible persons.
- 11.4 It would not be possible to include an additional room to a current licence. To enable an additional room to be used for a ceremony a fresh approval would need to be granted following the renewal process.

12. Renewal

- 12.1 WCC will invite the approval holder to renew the current licence twelve months before the expiry date. The fee for the renewal is £1,900.
- 12.2 An application for renewal made in this period will extend the current approval until the application has been finally dealt with.
- 12.3 The renewed licence will commence from the expiry date of the current approval and will be for a period of three years.
- 12.4 If the approval holder fails to apply for renewal before the expiry date and the approval expires it will be reinstated by an application for renewal made within 1 month of the expiry date and continue until the application has been dealt with.

13. Objections

- 13.1 If an objection from a member of the public is made to an application or renewal of an approval, the authority will contact the applicant to inform them.
- 13.2 The objection will be considered on its merits and will be dealt with accordingly. The applicant shall have an opportunity to respond to the objection.
- 13.3 The applicant for approval must provide evidence that planning permission has been granted by the Planning Department for use of the premises for marriages and civil partnerships by providing a copy of:
- a) Planning Permission or
 - b) Certificate of Lawful Development

And

- c) A letter from the Planning Department confirming that there are no current enforcement Proceedings against the venue

An approval will be refused if using the premises for marriage ceremonies and civil ceremonies would breach planning laws.

- 13.4 The final decision lies with WCC although relevant objections by regulatory bodies will carry very considerable weight.

14. Revocation

- 14.1 WCC may revoke an approval if it is satisfied, after considering any representations from the approval 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.
- 14.2 The Registrar General may direct the authority to revoke an approval if, in his opinion and after considering any representations from the approval holder, there have been breaches of the law relating to marriage or civil partnerships on the approved premises. This is not subject to review by the authority.
- 14.3 When an approval has been revoked the regulations require the former approval holder to notify any couples who had arranged a ceremony on the premises.

15. Reviews

- 15.1 An applicant may seek a review by WCC of its decision to refuse to grant an approval, to attach local conditions, to refuse to renew an approval or to revoke an approval.
- 15.2 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. A review may confirm the decision, rescind it or vary it with the imposition of fresh or further conditions.
- 15.3 A direction by the Registrar General to revoke an approval is not subject to review by the authority.

16. Indemnities and Limitation of Liabilities

- 16.1 (a)The approval holder shall indemnify and keep indemnified the Council against all claims, demands, damages, costs, charges and expenses (including reasonable legal fees) whatsoever arising from injury, including death to any persons, or loss of, or damage to any property which may arise out of the act default or negligence of the holder, its employees or agents.

(b)The approval holder shall indemnify and keep indemnified the Council in respect of the breach of any fire precautions recommended by the Fire and Rescue Authority

and any reasonable provision for the health and safety of persons employed in, or visiting the premises and occurring during or in connection with the proceedings.

(c) The approval holder shall indemnify and hold harmless the Council from and against any and all losses, demands, claims, damages, costs, expenses (including reasonable legal fees) and liabilities suffered or incurred by the Council as a result of a claim by a third party arising out of the breach of any provision of this agreement.

16.2 WCC is not liable for:

- The failure of any music system that is provided by the venue or third party;
- Any loss or payment of any compensation where a ceremony is stopped from proceeding because:
 - (a) it would be void if it went ahead;
 - (b) an offence would be committed under the marriage and civil partnership acts;
 - (c) it would be against public interest

- Any loss or delay caused by a “force majeure” event
- Any decision made by registration staff to delay a ceremony

16.3 Approval of the venue is granted in relation to the provision of ceremonies and WCC cannot accept liability for any failure or neglect caused by an approved premises holder or its staff which leads to a revocation of the approval and/or any matters relating to the granting, refusal or revocation of planning permission.

17. Amendments to Terms and Conditions

17.1 WCC reserves the right to amend, change and update these terms and conditions at any time.