

## LONDON BOROUGH OF WALTHAM FOREST

### APPLICATION FOR PREMISES TO BE APPROVED AS A VENUE FOR CIVIL MARRIAGES IN PURSUANCE OF SECTION 26(1)(bb) OF THE MARRIAGE ACT 1949, FOR CIVIL PARTNERSHIP IN PURSUANCE OF SECTION 6(3A)(a) OF THE CIVIL PARTNERSHIP ACT 2004 AND THE EQUALITY ACT (SEXUAL ORIENTATION) REGULATIONS 2007

This form when completed must be forwarded to the Registration Service Manager, Waltham Forest Register Office , Walthamstow Library, High Street, Walthamstow, London E17-7JN together with the appropriate fee (**Please refer to Annex A**) payable to London Borough of Waltham Forest.

1. I apply for the premises named at item 2 below to be approved for regular use by the public as a venue for the solemnization of marriages and the registration of civil partnership in the presence of a superintendent registrar.
2. I attach 3 copies of a plan of the premises showing the room(s) in which it is intended that civil marriages and civil partnerships will take place.
3. Public Notice of this Application has been given by advertisement and will be inserted by the Local Authority in a publication which is in general circulation in the area in which the premises are situated, with a period of three weeks for objections.
4. 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) Approval, if granted, will be for a 3 year period, subject to revocation; and
  - c) The premises must satisfy the local authority on fire precautions and health and safety provisions.
5. I declare that:-
  - a) I have read and understood the information contained in this form and Annexes A, B, and C;
  - b) The building has no recent or continuing religious connection; and,
  - c) 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 civil marriages and civil partnerships.
6. I further declare that, if approval is granted:-
  - a) The premises will be regularly available for public use as a marriage and civil partnership venue; and,
  - b) I will comply with the standard conditions (Annex A) and any local conditions attached to that grant of approval.

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.

Signature of Applicant:

Full Name (Block Capitals):

Interest in the Premises:

Contact Number:

Date:

Address for correspondence and contact telephone number: Superintendent Registrar, Waltham Forest Register Office, Waltham Forest Library, High Street, Walthamstow, London, E17-7JN

<p>1. Full names and private addresses of Applicant</p> <p>If the Applicant is made by a Limited Company please give the address of the registered office and, where different, state also the main trading address of the Company. Also attach a list of the names and addresses of all the Directors.</p>	
<p>2. Name, postal address, and telephone number of the premises which are the subject of this Application.</p>	
<p>3. Please describe the nature of the premises at question 2, (eg hotel, stately home, civic accommodation) and the primary and other uses to which it is regularly put.</p>	
<p>4. Is the person or Company named in reply to question 1 the occupier of the premises?</p>	
<p>5. If the answer to question 4 above is "No" and there is another occupier, please give their name(s) and address (es).</p>	
<p>6. Please list the room(s) to be licenced and the maximum number of people permitted in each room to comply with any fire safety certificate.</p> <p>Please attach a copy of any certificate in force.</p>	
<p>7. Do the premises currently have the benefit of any licence authorising use for public entertainment or similar process? If so, please attach a copy.</p>	

## **NOTES ON THE REQUIREMENT BEFORE AN APPROVAL CAN BE GRANTED**

The non-returnable fee for this Application is £950.00 which covers a 3 year licence period. **A total payment of £950.00 will be required prior to the start of the renewal date.** The completed application must be submitted to the Registration Service Manager, Waltham Forest Register Office, Walthamstow Library, High Street, Walthamstow, London E17 7JN.

You may apply to renew your licence up to 6 months before the end of the 3 year licencing period. However the renewal will commence from the end of the original 3 year period.

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 address of all the Directors.

The Applicant is reminded that planning permission may also be required for the use of the premises for marriages and civil partnerships. Any enquiries should be made to the Head of Development Control and Planning, Environmental Services at Sycamore House, Forest Road, Walthamstow, London E17 4SU.

The premises must fulfil the following standard requirements in Schedule 1 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 and the registration of civil partnerships.
2. The premises must be regularly available to the public for use for the solemnization of marriages and the registration 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 authority, and such other reasonable provision for the health and safety persons employed in or visiting the premises as the Authority considers appropriate.
4. The premises must have no recent or continuing connection with any religion, religious practice or religious persuasion which would be incompatible with the use of the premises for the solemnization of marriages in pursuance of Section 26(1)(bb) of the Act and the registration of civil partnerships in pursuance of section 6(3A)(a) of the Civil Partnership Act 2004.
5. The room or rooms in which ceremonies of marriage will be solemnized and civil partnerships will be registered, if approval is granted, must be identifiable by description as a distinct part of the premises.

In considering the suitability of premises as a venue, the Local Authority will have regard to the following Guidance from the Registrar General:

1. The new law is intended to allow civil marriages and civil partnerships to take place regularly in hotels, stately homes, civic halls and similar premises without compromising the fundamental principals of English marriage law and Parliament's intention to maintain the solemnity of the occasion. The term "premises" is defined in Regulation 21 and there are restrictions introduced in Schedule 1. These will mean that certain premises would not be suitable for approval.
2. Marriages and civil partnerships must take place in readily identifiable premises. This will preclude marriages and civil partnerships from taking place in the open air, in a tent, marquee or any other temporary structure and in most forms of transport.
3. Marriages must be solemnized and civil partnerships registered in premises with open doors, which the Registrar General interprets to mean that the public must have unfettered access to witness the marriage and civil partnership and make objections prior to or during the ceremony.
4. A private house is unlikely to be an appropriate venue for civil marriage or civil partnership. It would not be known to the public as a marriage or civil partnership venue or regularly available for their use.
5. The primary use of a building would also render it unsuitable if that use could demean marriage and civil partnership or bring it into disrepute.
6. The secular nature of civil marriage and civil partnership 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. Marriages and civil partnership on approved premises may be followed by a celebration, commemoration or blessing of the couple's choice, providing that it is not a religious marriage or civil partnership ceremony and is separate from the civil ceremony. However, if a religious blessing were to regularly 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 appropriately qualified deputy appointed by him, shall be available on the premises for a minimum of one hour prior to each marriage or civil partnership ceremony and throughout each 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 marriages are to be solemnized and civil partnerships are to be registered;
  - 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 marriages in pursuance of Section 26(1)(bb) of the Marriage Act 1949 and the registration of civil partnership in pursuance of section 6(3A)(a) of the Civil Partnership Act 2004 must be displayed at each public entrance to the premises for one hour prior to the ceremony and throughout the ceremony. This notice must also include the directions to the room in which a marriage or civil partnership ceremony is to take place.
7. **No food or drink may be sold or consumed in the room in which a marriage or civil partnership ceremony takes place for one hour prior to that ceremony or during that ceremony.**
8. All marriage and civil partnership ceremonies must take place in a room, which was identified as one to be used for the solemnization of marriages and the registration of civil partnership on the plan submitted with the approved application.
9. The room in which a marriage is solemnized or civil partnership registered 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 or civil partnership 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, words or performance which forms part of a ceremony of marriage or civil partnership 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 solemnized or civil partnership registration 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 in pursuance of Section 26(1)(bb) of the Marriage Act 1949 and civil partnership in pursuance of 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.
14. The Equality Act (Sexual Orientation) Regulations 2007 came into force on 30<sup>th</sup> April 2007, which forms part of the Equality Act 2006. It makes it unlawful for a person concerned with the provision to the public of goods, facilities or services to discriminate against a person who seeks to use those goods, facilities or services on the grounds of sexual orientation of that person. They do not change the current provisions for the approval of premises. The holder of an approval, who does not allow the premises to be used for both marriages and civil partnership, and provide the same accommodation, services and facilities for both, is liable to legal action by the parties concerned. As is the case with other equality legislation, the Registration Service that granted the approval has no powers to act or intervene unless it is the holder of the of the approval.

## **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 to the current Approval until the application has been finally dealt with. A renewal will run from expire date of the current Approval.

### **REVOCAATION**

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 or civil partnership on the approved premises.
4. When an Approval has been revoked the regulations require the former holder to notify any couples who had arranged a ceremony on the premises.
5. When an approval has been revoked, the Local Authority will deliver to the holder of that approval a notice specifying the ground or grounds for the revocation. It will invite the holder to make written representations as to the proposed revocation within 14 days.

### **REVIEWS**

6. 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.
7. 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 to vary it with the imposition of fresh or further conditions.
8. 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.
9. A direction by the Registrar General to revoke an Approval is not subject to review by the Authority.

### **REGISTRATION**

10. 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.

## **GUIDANCE FOR THOSE WHO WISH TO MARRY OR HAVE A CIVIL PARTNERSHIP ON APPROVED PREMISES**

1. **As soon as a couple have made provisional arrangements for their marriage or civil partnership on approved premises they must be advised to contact the Superintendent Registrar for the district in which the premises are situated, at Waltham Forest Register Office, Walthamstow Library, Walthamstow, London, E17 7JN.**
2. Without the presence of this Superintendent Registrar and a Registrar there can be no marriage or civil partnership and any arrangements for the use of the premises depend entirely on their availability. It is, therefore, essential that the couple make an advance booking with this Superintendent Registrar for his attendance at their proposed marriage or civil partnership as soon as a booking can be accepted. A fee for this attendance will be payable before the ceremony.
3. The couple will also have to give a notice of marriage or civil partnership to the Superintendent Registrar(s) of the district(s) in which they live. Both partners will be required to give notice in the registration authority where they have resided for at least the last seven days.
4. The couple should be warned that any arrangements made for a marriage or civil partnership to take place on the approved premises are dependent on:
  - a) The attendance of the Superintendent Registrar and a Registrar for the district in which the premises are situated; and
  - b) The issue of the Authority or Authorities for marriage or civil partnership by the Superintendent Registrar(s) to whom notice of marriage or civil partnership was given.
5. The couple should be advised that only a civil, non-religious ceremony can be permitted by the Superintendent Registrar. Any music, reading, words or performance which forms any part of the ceremony must be secular. The content of the ceremony must be agreed in advance with the Superintendent Registrar who will be attending the ceremony.
6. Any rights of copyright for music, readings, etc., permitted at the ceremony are a matter for the couple and the holder of the Approval.