

LICENSING PANEL**15 FEBRUARY 2024**

REPORT TITLE	APPLICATION FOR A PREMISES TO BE APPROVED AS A VENUE FOR CIVIL MARRIAGES AND CIVIL PARTNERSHIPS
REPORT OF	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

The purpose of this report is to consider an application for a premises to be approved as a venue for the solemnization of civil marriages and the registration of civil partnerships. The application is made by **Lost Wirral Limited** and relates to the premises known as **Lost Wirral, Unit 1, Claremont Buildings, Old Clatterbridge Road, Clatterbridge, CH63 4JB**.

RECOMMENDATION

The Licensing Panel are asked to consider an application for the approval of the upper floor of Unit 1, Claremont Buildings, Old Clatterbridge Road, Clatterbridge, CH63 4JB for the solemnization of civil marriages and the registration of civil partnerships.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Licensing Authority received an application to licence both the ground floor and upper floor of Unit 1, Claremont Buildings, Old Clatterbridge Road, Clatterbridge, CH63 4JB, for the solemnization of civil marriages and the registration of civil partnerships. Members are asked to consider the part of the application that relates to the upper floor of the venue as this part of the premises does not comply with the Council's requirement that such premises must have suitable disabled access. In these circumstances an Officer does not have authority to determine the application for the upper floor.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 That the application to licence the upper floor of Unit 1, Claremont Buildings, Old Clatterbridge Road, Clatterbridge, CH63 4JB for the solemnization of marriages and the registration of civil partnerships be determined by Officers in accordance with the current criteria for licensing premises for the solemnization of civil marriages and the registration of civil partnerships which would result in the application being refused.

3.0 BACKGROUND INFORMATION

- 3.1 The licensing of premises for the solemnization of civil marriages and the registration of civil partnerships is intended to allow proceedings to take place in hotels, stately homes, civic halls and similar premises without compromising the solemnity of the occasion.
- 3.2 Guidance on the licensing of premises is set out in the "Registrar General's Guidance for the Approval of Premises as Venues for Civil Marriages and Civil Partnerships." In addition to the national criteria contained within this guidance, authorities may if they wish, specify local requirements. The guidance states that these requirements should apply to all premises within their area for which approval is sought. The guidance further states that it is a matter for individual authorities to determine such requirements but that "it is possible that these requirements will relate, amongst other things, to disabled access, a separate room for pre-proceedings questioning by the registrar, toilet facilities, the seating capacity of the relevant room(s), an available approved room or covered structure as an alternative to any linked outdoor area in the event of bad weather, and car parking provision."
- 3.3 The guidance also states that when determining whether a building may be licensed regard must be given to "their primary use, their situation, construction and state of repair, these must, in the opinion of the Authority, be a seemly and dignified venue for the proceedings to take place. It is considered that the primary use of a building would render it unsuitable if that use could demean proceedings or bring them into disrepute."
- 3.4 In determining the application the Council may refuse to grant approval, or attach such additional conditions to an approval that it considers appropriate.
- 3.5 On 20 December 2023 an application was received from Lost Wirral Limited to licence both the ground floor and the upper floor of the premises known as Lost Wirral, Unit 1, Claremont Buildings, Old Clatterbridge Road, Clatterbridge, CH63 4JB for the solemnization of civil marriages and the registration of civil partnerships.
- 3.6 Following receipt of the application the premises was inspected by both a Licensing Officer and the Superintendent Registrar. Having inspected the premises the Superintendent Registrar was satisfied that both the ground floor and the upper floor are seemly and dignified venues in which to carry out the proceedings for the solemnization of civil marriages and the registration of civil partnerships. During the inspection however, it was

identified that there was no provision for disabled access to the upper floor. The ground floor of the premises does have disabled access and meets all of the Council's criteria for licensing premises for the solemnization of civil marriages and the registration of civil partnerships. A copy of the criteria is attached at Appendix 1 to this report. The applicant has subsequently been advised that the part of the application relating to the ground floor has been granted. The full application and the plan of the premises is available.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no specific implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 Section 5 of The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (as amended) states:

1) The authority may grant approval only if it is satisfied —

(a) that the application has been made in accordance with these Regulations;

(b) that the premises fulfil the requirements set out in Schedule 1; and

(c) that the premises fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the premises are suitable.

5.2 The requirements set out in Schedule 1 of the Regulations referred to in paragraph 5.1 above are attached at Appendix 2 to this report.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are no specific implications arising from this report.

7.0 RELEVANT RISKS

7.1 The Council's criteria for licensing premises for the solemnization of civil marriages and the registration of civil partnerships includes a requirement that the premises must provide disabled access. The approval of the upper floor of the premises at Unit 1, Claremont Buildings, Old Clatterbridge Road, Clatterbridge, CH63 4JB could result in individuals being unable to attend a ceremony for the solemnization of civil marriages and the registration of civil partnerships as they would be unable to access the upper floor of the venue.

8.0 ENGAGEMENT/CONSULTATION

8.1 Consultation has been undertaken in respect of this application. As part of the application process, the Council is required to publish a notice of the application on the Council's Website for a period of 21 days. The notice was published on the website between 21 December 2023 and 11 January 2024. No objections have been received in respect of the application.

9.0 EQUALITY IMPLICATIONS

9.1 In determining the application the Licensing Panel must have regard to the Public Sector Equality Duty under the Equality Act 2010. The approval of the upper floor of the premises at Unit 1, Claremont Buildings, Old Clatterbridge Road, Clatterbridge, CH63 4JB could result in individuals who have a disability being unable to attend a ceremony for the solemnization of civil marriages and the registration of civil partnerships as they may be unable to access the upper floor of the venue.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising from the content of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no community wealth implications arising directly from this report.

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APPENDICES

Appendix 1 – Criteria for licensing premises for the solemnization of civil marriages and the registration of civil partnerships

Appendix 2 - Schedule 1 of The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (as amended)

BACKGROUND PAPERS

- Application for a premises to be approved as a venue for civil marriages and civil partnerships
- Plan of premises
- Marriage Act 1949
- Civil Partnership Act 2004
- The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (as amended)
- The Registrar General's Guidance for the Approval of Premises as Venues for Civil Marriages and Civil Partnerships
- Equality Act 2010

TERMS OF REFERENCE

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 8.4 of the Regulatory and General Purposes Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Criteria for licensing premises for the solemnization of civil marriages and the registration of civil partnerships

1. The applicant must confirm whether or not planning permission is required.
2. There must be suitable disabled access.
3. There must be a separate room provided for questions by the Registrar prior to the proceedings taking place.
4. There must be adequate toilet provision.
5. There must be adequate car parking provision.
6. The room in which the proceedings are to take place must be suitable in terms of decor, fittings, size, seating capacity and location.
7. The applicant must have satisfactory public liability insurance cover.
8. A single line layout plan of the area to be authorised (to scale) showing access and egress routes must be supplied with the application.

**Schedule 1 of The Marriages and Civil Partnerships (Approved Premises) Regulations 2005
(as amended)**

Requirements for the grant of approval of premises that are not religious premises

1. Having regard to their primary use, situation, construction and state of repair, the built premises must, in the opinion of the authority, be a seemly and dignified venue for the proceedings.
2. The built premises must be regularly available to the public for use for—
 - (a) the solemnization of marriages; or
 - (b) the formation of civil partnerships.
3. The built premises must have the benefit of such fire precautions as may reasonably be required by the authority, having consulted with the fire and rescue authority, and such other reasonable provision for the health and safety of persons employed in or visiting the built premises as the authority considers appropriate.
4. The premises must not be—
 - (a) religious premises;
 - (b) premises where the built premises are a register office ⁽¹⁾, but this paragraph does not apply to premises where a register office is situated in the built premises, provided that the room which is subject to approval is not the same room as the room which is the register office.
5. The room or rooms in which the proceedings are to take place in the built premises if approval is granted must be identifiable by description as a distinct part of the built premises.