

Guidance to the Requirements and Conditions For Approved Premises for Civil Partnerships

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INTRODUCTION

Part 1

Requirements for Premises

1. Who can apply for Approval?

- (a) 3 year Period Approval – applications may be made by the Proprietor or a trustee of suitable premises for use as a civil partnership venue.
- (b) Temporary Approval – applications must be made by either of the parties to an intended civil partnership.
- (c) Period Approval shall not be granted where West Lothian Council is of the opinion that the applicant is not a fit and proper person.

2. Which premises/locations can be approved?

Any premises/location which meets the requirements of West Lothian Councils Approval process. The following conditions will determine suitability:-

- (a) The premises/location must provide an appropriate and dignified setting for the celebration of a civil partnership.
- (b) Civil partnership must be solemnised at identifiable places within the Registration district.
- (c) Health and Safety regulations and Fire regulations must be satisfied.
- (d) Public Liability Insurance must be provided.
- (e) The premises must have no recent or continuing religious connections.
- (f) The safety of Registration Office staff and their legal documents will be a consideration as to the suitability of the premises.

3. Additional Information

- (a) There is no limit to the number of rooms which can be approved for civil partnerships. The Council would expect the number of rooms to be kept to a minimum to avoid confusion. Please note each application fee covers the rooms contained in one building.
- (b) Civil partnerships must take place only in a room/location which is approved.
- (c) A separate room must also be available for the confidential interviewing of civil partnership parties.
- (d) Where approval is sought for outdoor locations – appropriate shelter must be provided in case of inclement weather. If the alternative is a separate location (i.e. hotel where reception is to be held) Approval for this location must also be obtained.

Issuing an Approval

1. How to apply

Application forms can be obtained from: Miscellaneous Licensing, Legal Services, West Lothian Council, West Lothian House, Almondvale Boulevard, Livingston, West Lothian, EH54 6QG.

2. Application

The completed form must be signed by the Proprietor of the Premises, his/her Trustee or in the case of Temporary Approvals, the civil partners.

Forms should be submitted with all appropriate documents and fees to the Miscellaneous Licensing at the address above.

Application must be made not less than 6 months or not more than 12 months from the date Approval is required.

West Lothian Council require that public notice be given of an application. The Council requires that this be displayed by the applicant in a prominent place on/at the premises/place for 21 days.

3. Objections

Any person may give notice in writing to the authority of an objection to an application for the granting of an approval in accordance with the regulations. The authority shall consider the objection providing that the objection: -

(a) specifies the name and address of the person making it

(b) specifies the reason for the objection

(c) was made to West Lothian Council within 21 days from the date on which public notice was given.

West Lothian Council can also consider an objection to which the above applies received outwith the notice period.

West Lothian Council shall send a copy of any objection submitted in accordance with the regulations to the applicant.

4. Decision Making

All applications will be acknowledged within 10 days of receipt.

Approvals will be issued within 3 months of application providing all requirements have been met.

Refusals will be issued within 3 months.

5. Appeals

See Appendix D4.

6. Inspection

The premises will be inspected by the Chief Registrar and/or other representatives of the Council, the police and the Fire Brigade. Further inspections may be carried out should a 3 year Period Approval be granted. Temporary Approvals will be granted on condition that the "civil partnership venue" remains the same as at inspection.

7. Validity

A Period Approval will be valid for 3 years from the date of issue – Updated copies of any certificates, which may expire during this time, must be submitted to the Miscellaneous Licensing.

A Temporary Approval will be valid only for the date and place as stated on the Approval - any requests for changes can be made to the Miscellaneous Licensing but this may require re-application and incur charges.

8. Renewal

The approval holder may apply for the renewal of a Period Approval. A renewal will run from the expiry date of the current Period Approval. Application should be submitted not less than 2 months and not more than 6 months before the current Approval expires. A further application fee is payable for inspection of the premises and the issue of a renewed Approval.

Temporary Approvals cannot be renewed – even if a civil partnership has previously taken place at that location – each civil marriage will require separate temporary approval.

9. Expired Approval

Civil partnerships cannot take place in premises or locations where the approval has expired, unless a renewal of application has been applied for and has not been finally determined before the previous application expires. In such cases the approval shall continue in effect until such time as the application is finally determined or withdrawn.

10. Refusal or Non-Renewal of Approval

Where an application or renewal is refused the applicant will be notified in writing and the reason for refusal given.

11. Revocation and Suspension

West Lothian Council has the right to revoke or suspend an Approval at any time.(see Appendix D1)

Before revoking the approval the Chief Solicitor will:

- (a) notify in writing the reasons why it is proposed to revoke the Approval.
- (b) the holder will be given an opportunity to answer and rectify any breaches of requirements, conditions and regulations.
- (c) if the Approval holder is still unable to meet these requirements the Legal Services will notify in writing the date approval will be revoked from. It will be the responsibility of the Approval holder to notify all parties that civil partnerships cannot take place on the premises or at the location concerned. Any fees paid are non-refundable.

12. Surrendering Approval

The holder of a 3 year Period Approval or Temporary Approval may surrender the approval at any time which will be revoked as soon as is practicable. It will be the responsibility of the Approval holder to notify all parties that civil partnerships cannot take place on the premises or at the location concerned. Any fees paid are non-refundable.

13. Variation

Subject to providing notice to the Approval Holder West Lothian Council may at any time vary the conditions attached to any Approval on any grounds it thinks fit.

14. Register of Approved Premises

The register will contain:

- name, description and full postal address (if any)
- name and address of approval holder
- description and location of approved room(s)
- date approval granted
- date approval expires
- date the renewal of approval is granted
- date approval revoked
- name and address of responsible person (present at time of civil partnership)

This register will be available for public inspection during office hours.

Approval Holders Responsibilities

The Approval Holder must:

1. Appoint a “Responsible Person” who will be named on all applications. The responsible person will have sufficient authority to guarantee all requirements and conditions are fulfilled and all arrangements are in place to ensure the solemnity and dignity of the occasion. A Deputy may be appointed providing they have been named at the time of application. Subsequent amendments may be made, in writing to the Miscellaneous Licensing, prior to the date of civil partnership. The Approval Holder may appoint himself or herself as a responsible person.
2. Ensure that all information held by the Miscellaneous Licensing is current and complete i.e. changes to names or telephone numbers of responsible person or depute.
3. Ensure the responsible person is aware of the responsibilities and requirements for co-ordinating civil partnerships. The responsible person must be present at least 1 hour before each ceremony and throughout the ceremony.
4. Ensure compliance with any limitations imposed by Health and Safety regulations and Fire regulations in respect of the number of guests allowed into the approved room*.
5. Ensure the premises are available for inspection at all reasonable times by the Miscellaneous Licensing and or Council Representatives.
6. **Ensure that all parties are aware that the granting of approval does not guarantee the availability of a Registrar.**
7. Ensure advertising of premises or locations where approval has been granted is not implied to be a recommendation of that place by West Lothian Council.
8. Ensure no food or drink is sold, dispensed or consumed within the approved room where the ceremony will take place for at least one hour before or during the ceremony.
9. Ensure that smoking is not permitted in the approved room for at least one hour before or during the ceremony.
10. Ensure that the approved room is clearly signposted and that no charge is made for anyone attending.
11. Ensure a separate room is available to the Registrar before and after the ceremony.
12. Ensure car parking is available at the venue for the Registrar.
13. Ensure music is organised and controlled by a designated person. This music must be secular and take into account any copyright issues.
14. Ensure guests are aware that photographs may not be taken during the ceremony. Also that couples are aware that only one video camera will be permitted for use during the ceremony – preferably hand held and battery operated.
15. Ensure that there will be no connection with religion or religious practice.

The Approval Holder must be aware that civil partnership is a solemn and dignified occasion and must ensure that nothing of a frivolous or unseemly nature is permitted before or during the ceremony, which detracts from the dignity of civil partnership.

* approved room – the room, place or location as defined on the approval certificate where the marriage ceremony will be held.

Arranging a Civil Partnership at Approved Places or Premises

Once approval has been granted the Civil Partnership Ceremony requires to be arranged. Arrangements will be made between the Approval Holder, the parties and the Registrar. The following procedures must be followed in the case of 3 year Period or Temporary Approvals.

1. Parties wishing to marry must make preliminary enquiries with the Approval Holder or Responsible Person. Please note that, in the case of a temporary approval the Approval Holder must be either the civil partners.
2. Form CPR1 (a) must be completed by the Approval Holder or Responsible Person agreeing that the civil partnership can take place on their premises/ location. These forms will be supplied to the Approval Holder by the Chief Registrar. **The Approval Holder should remind the parties that the completion of Form CPR1(a) does not guarantee the availability of the Registrar and therefore the date and time cannot be confirmed at this point.**
3. The parties must be advised to attend the Registrars Office as soon as possible, bringing with them the completed CPR1(a) and the Registrars attendance fee.
4. At this time Form CPR1(b) will be completed confirming the availability of the Registrar and the date and time of the ceremony. The Registrar will issue copies of the completed Form CPR1 to the Approval Holder and to the parties within 21 days of receiving the application CPR1(a).
5. An advance booking may, in most cases, be made with the Registrar up to 1 year before the date of the proposed civil partnership.
6. The parties must be advised of any limits to the number of guests attending their civil partnership as required by Health and Safety regulations and Fire regulations.
7. The parties must be advised that punctuality on the day of the civil partnership is essential as the Registrar may have other appointments on that day.

West Lothian Council accepts no responsibility for the cancellation of ceremonies due to the late arrival of any member of the partnership party.

8. Any civil partnership taking place on a vessel or vehicle will be carried out on the understanding that it remains stationary throughout the ceremony to allow the Registrar to leave once the ceremony has been completed.
9. The Approval Holder and Responsible Person must be aware that the necessary legal preliminaries to civil partnership must be completed by the parties. Form CP10 must be completed by the civil partners and lodged with the Registrar about four to six weeks before the date of the civil partnership. Failure to comply with these preliminaries will mean the civil partnership cannot take place.

Procedures on the day of the Civil Partnership

1. The Registrar will arrive at the premises/location about 30 minutes before the agreed time of the civil partnership.
2. Car parking space should be provided for The Registrar as near to the main entrance as possible.
3. On arrival the Registrar will make themselves known to the Responsible Person. The Responsible Person will liaise with the Registrar to ensure conditions and requirements are met and procedures are in place to allow for the smooth running of the ceremony.
4. Where an admission fee is normally charged this must be waived for all wishing to attend the ceremony.
5. The Registrar must, on arrival, have access to where the ceremony will take place and interview facilities.
6. The Responsible Person may have to ensure Ushers are provided to assist the Civil partnership party and the Registrar.
7. Music may be provided but must be secular in content and organised by the Responsible Person. (see Part 3. 13)
8. The Responsible Person should remind the guests at the ceremony of the procedure regarding photography and video recording. (see Part 3. 14)
8. Immediately before the ceremony the Registrar will conduct a confidential interview with the parties to the civil partnership.
9. After the ceremony the Registrar will require the Civil Partners and Witnesses to sign the Civil Partnership Schedule. A table should be provided for this purpose. Once the Civil Marriage Schedule has been signed the Registrars duties will be complete.

Guidance from West Lothian Council

In considering the suitability of places as venues for civil ceremonies the local authority will have regard to the following guidance:-

1. Civil Partnership Registration or a Civil Partnership Registration with Ceremony may be solemnised at any approved location, including any premises, fixed buildings, temporary structures, enclosures and similar structures, land (including any land covered with water insofar as within the jurisdiction of the registration district) and any vessels or vehicles, without compromising the fundamental principles that a ceremony must be solemn and dignified. This will mean that certain places are not suitable for approval.
2. Civil Partnership Registration or a Civil Partnership Registration with Ceremony must be solemnised at identifiable places within the registration district in respect of which the Civil Partnership Schedule has been issued. The position of the place must be suitably defined in words or figures so as to enable it to be recorded in the Civil Partnership Schedule. Such a system is already in place in relation to both civil and religious marriages. Local registrars are familiar with what is required for describing the location of marriages and will be able to use that experience in describing civil ceremony venues. For the avoidance of doubt, local authorities may approve moving vessels as approved places provided that for the duration of the ceremony any such vessel remains within the boundary of the registration district in which the Civil Partnership Registration or Civil Partnership Registration with Ceremony is to be conducted. This may result in the owner or operator of a vessel seeking approval from more than one local authority if they intend that the vessel should be approved for Civil Partnership Registration or Civil Partnership Registration with Ceremony to be carried out on board. Each approval will apply to the vessel in respect of that area of water within the registration district boundary to which the approval applies.
3. A local authority is required not to approve a place if the authority is of the opinion that the place will compromise the solemnity and dignity of Civil Partnership Registration or Civil Partnership Registration with Ceremony. The primary use of a place would render it unsuitable if that use could be regarded as demeaning a civil ceremony or bringing it in to disrepute.
4. The local authority is also precluded from granting approval to any place with a recent or continuing connection with any religion or religious practice which would be incompatible with the use of that place for the solemnisation of Civil Partnership Registration or Civil Partnership Registration with Ceremony. This would, for example, rule out any place, any building or any specific room or space within a building whose primary purpose is still considered to be linked to religion e.g. a chapel in a stately home. However, a place in which a religious group meets occasionally may be suitable if its primary use is secular. There are places where the issue may not be clear-cut. For instance, ruined abbeys and churches clearly would have had an historical religious connection. In determining whether such places might be approved as venues for Civil Partnership Registration or Civil Partnership Registration with Ceremony, the local authority should examine and take into account the present-day circumstances.
5. Civil Partnership Registration or Civil Partnership Registration with Ceremony in approved places may be followed by a celebration, commemoration or blessing of the couple's own choice, provided that this is distinct from the civil ceremony.

Conditions of Approval

The following conditions are set by West Lothian Council and will be attached to notices of Approval.

1. The Approval Holder is responsible for compliance with these conditions and must make arrangements to ensure that in his or her absence a person of suitable responsibility is available in this regard.
2. The Approval Holder (or his/her delegate) shall be available in or at the approved place for a minimum of one hour prior to each civil partnership ceremony and throughout the ceremony itself.
3. The Approval Holder must notify the authority immediately of any change to the following -
 - (a) the nature of the approved place from that described in the application for approval;
 - (b) the name, description and full postal address (if any) of the approved place; and
 - (c) the address of the Approval Holder.
4. Where a person is deemed to be an Approval Holder, that person shall be obliged to notify the authority immediately of that fact.*
5. The approved place must be made available for inspection by the authority at all reasonable times.
6. No food or drink may be sold or dispensed or consumed in any approved place in which a civil partnership ceremony is to take place within one hour prior to that ceremony or during the ceremony itself, except where the ceremony takes place in separate room or similarly defined space within the approved place in which case this restriction shall only apply to that room or space.
7. The arrangements made by the Approval Holder for each civil partnership ceremony must meet with the prior written approval of the district registrar of the registration district in which the approved place is situated.
8. (1) Any reference to an approved place on any sign or notice, in or on any stationery or publication, or within any advertisement, relating to that place, may state, that the approved place has been approved by the authority as a venue for civil partnerships and if it does so, must state that such an approval does not bind the authority to perform or provide a service without prior consultation with and agreement of said authority.

West Lothian Council Guidance for those wishing to arrange a Civil Partnership at an Approved Place

1. As soon as a couple has made provisional arrangements for their civil partnership at an approved place they should be advised to contact the Registrar for the district in which the place is situated.
2. Without the presence of the Registrar there can be no civil partnership and any arrangements for the use of place depend entirely on the registrars availability. It is, therefore, essential that the couple make an advance booking with the registrar for his or her attendance at their proposed civil partnership as soon as a booking can be accepted. A fee for this attendance will be payable in advance of the ceremony.
3. Each of the couple will also have to complete formal notice of civil partnership and lodge it with the district registrar not more than three months, and not less than fifteen days, before the civil partnership.
4. The couple should be warned that any arrangements made for a civil partnership to take place at the approved place are dependent on:
 - (a) the attendance of the Registrar for the district in which the place is situated; and
 - (b) the issue of the schedule for civil partnership by the Registrar to whom notice of civil partnership was given.
5. The couple should be advised that only a civil **non-religious** ceremony can be permitted by the Registrar. Any music, readings, words or performance that form any part of the ceremony must be secular. The content of the ceremony must be agreed in advance with the Registrar who will be attending the ceremony.
6. Any rights of copyright for music, reading etc. permitted at the ceremony are a matter for the couple and the holder of approval.

Revocation and Suspension of Approval

Revocation and Suspension

- (1) The authority may revoke or suspend an approval if, in its opinion, after considering any representations by or on behalf of the Approval Holder, that:
 - (a) the Approval Holder has failed to comply with one or more of the standard or local conditions attached to the approval;
 - (b) the approved place is no longer suitable for the solemnisation of civil partnerships: or
 - (c) in the case of a period approval, the Approval Holder is not or is no longer a fit and proper person.

If the Approval Holder ceases to have an interest in the approved place, then the local authority may also revoke, suspend or vary the terms of the approval.

- (2) When approval has been suspended or revoked the regulations require the Approval Holder to notify any couples who had arranged to hold a civil partnership in the place.

Variation

- (3) Subject to providing notice to the Approval Holder, a local authority may, at any time, vary the conditions attached to a temporary approval, or the further conditions attached to a Period Approval, on any grounds it thinks fit.

Appeal

- (4) Local authorities should note that an applicant or an Approval Holder may appeal to the Sheriff against any decision of the local authority if the Approval Holder considers that the local authority:, based its decision on any incorrect material fact, acted contrary to natural justice or exercised its discretion in an unreasonable manner. In upholding an appeal, the Sheriff may remit the case back to the local authority for reconsideration of its decision or reverse or modify the decision of the local authority. Thereafter, an appeal to the Court of Session is allowed only on a point of law.

Application for Premises to be Approved as a Temporary Venue for Civil Partnerships

Name of Venue

The granting of this application does not guarantee the attendance or service of a Registrar. You are strongly advised to contact the Registrar to make arrangements for the ceremony.

| For official use only | | | |
|-----------------------|--|-------------------------------|--|
| Date of application | | Fee paid | |
| Date to Police | | Receipt no. | |
| Firemaster | | Deadline for initial decision | |
| Environmental Health | | Deadline for final decision | |
| Building Control | | Date to Committee | |
| Registrar | | Decision | |
| Planning | | Date application determined | |

Please read the enclosed "Guidance to the Requirements and Conditions for Approved Premises for Civil Partnerships".

1. DETAILS OF PREMISES

Please give the full name, address and telephone number of the Premises and the name of the proprietor.

| | |
|----------------------|--|
| Title: | |
| Address: | |
| | |
| | |
| Telephone No: | |
| Proprietor | |

2. DETAILS OF APPLICANT

This application must be made by the Civil Partners . Please give the full name, address, e-mail address and telephone number. Please also state the date on which you wish the Approval to be granted for.

| | | |
|-------------------------------------------|--|-------------|
| Name: | | |
| Address: | | |
| | | |
| | | |
| E-mail address: | | |
| Telephone No: | | |
| Date of Birth | | |
| Date of Proposed Civil Partnership | | Time |

If an approval is granted the Applicant will be known as the "Approval Holder" and will be responsible for ensuring all conditions and requirements are satisfied in respect of the premises for its use as a temporary venue for civil partnership.

3. NATURE OF PREMISES

Please describe the nature of the premises (e.g.Hotel, Civic Building etc.) and the primary and other uses to which they are regularly put. (see Guidance Part 1.2 and Appendix A)

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4. PREMISES

4.a OCCUPIER OF PREMISES

| | | |
|---------------------------------------------------------------------|------------|-----------|
| Is the person named in Section 1 the sole occupier of the Premises? | Yes | No |
|---------------------------------------------------------------------|------------|-----------|

If No, please give the names and addresses of other occupiers and the nature of their occupancy below:

| |
|--|
| |
|--|

4.b OWNER OF PREMISES

| | | |
|-----------------------------------|------------|-----------|
| Are you the owner of the premises | Yes | No |
|-----------------------------------|------------|-----------|

| |
|------------------------------------------------------------------------------------------------------|
| If the answer is no you will have to obtain written permission to use the site from the owner |
|------------------------------------------------------------------------------------------------------|

5. CIVIL PARTNERSHIP ROOM(S)

Please describe the primary and other use(s) of the room(s) which is (are) to be used for civil partnership ceremonies (e.g. Banqueting hall, conference room, garden area, marquee etc.)

Please also state the maximum number of people who are permitted to occupy these room(s) under any fire certificate which applies. (see Guidance Part 1.3)

| Room/Location | Max No: |
|---------------|---------|
| | |
| | |
| | |

Please ensure there is a separate confidential interview room conveniently located to the civil partnership room, which is available to the Registrar.

6. RESPONSIBLE PERSON(S)

Please give details of the person and his/her deputy who will be responsible for arranging and co-ordinating the civil partnership ceremony and ensuring compliance with requirements and conditions as attached. (see Guidance Part 3.1)

| | |
|-------------------------|--|
| Name: | |
| Occupation: | |
| Private Address: | |
| | |
| | |
| Telephone No: | |
| Home/Mobile: | |
| Date of Birth | |

| | |
|-------------------------|--|
| Name: | |
| Occupation: | |
| Private Address: | |
| | |
| | |
| Telephone No: | |
| Home/Mobile: | |
| Date of Birth | |

7. ENCLOSURES

Enclosed with this application are:

- (1) 6 plans of the premises/location showing the civil partnership rooms and interview room and floor plan . You may be requested to provide additional plans for parking and grid reference if outside location
- (2) Copy of fire certificate (where applicable)
- (3) Certificate of Public Liability Insurance
- (4) Written consent of site owner (if applicable)
- (5) Application fee of £489
 (please note: applications without payment will not be processed. If payment is rejected the application will be void.)
 Cheques should be made payable to **“West Lothian Council”**

8. DECLARATIONS AND SIGNATURE

- 1. I apply for the premises identified in Section 1 to be temporarily approved for solemnisation of a civil partnership ceremony on the date specified in Section 2
- 2. I understand that:
 - (a) That the place may be inspected for suitability before approval is granted and, if this application is successful, may be subject to subsequent inspection.
 - (b) The premises must satisfy the local authority on fire precautions and health and safety provisions.
 - (c) Approval, if granted will be for the date specified in Section 2 only
 - (d) Approval, if granted, does not guarantee the availability of a Registrar**
- 3. I enclose the documents requested in part 7 overleaf
- 4. I declare that:
 - (a) I have read and understood “Guidance to the Requirements and Conditions for Approved Premises for Civil Partnerships”.
 - (b) The place has no recent or continuing religious connection.
 - (c) I have obtained any necessary permissions regarding use of and access to the premises
 - (d) I will publish in a prominent place notice of my application for a period of 21 days.
 - (e) If a Temporary Approval is granted, I will comply with the Conditions attached to the Approval.

Signature of Applicant:

Civil Partners

Name in block capitals:.....

Date:.....

Please return to:

Miscellaneous Licensing Services
West Lothian Council
West Lothian House
Almondvale Boulevard
Livingston
West Lothian EH54 6QG