

# Cabinet Member for Democratic and Public Engagement, Assurance and ICT

## Agenda

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**Date:** Monday 9th October 2017  
**Time:** 11.30 am  
**Venue:** Committee Suite 1 & 2, Westfields, Middlewich Road, Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cabinet meetings are webcast and the recording of the webcast will remain available for public viewing on the Council's website.

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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4. **Registration Fees to be set for the Financial Year 2018/19 and Ceremony Fees for 2020/21** (Pages 3 - 12)

To consider a report on the setting of Registration Fees for 2018/19 and Ceremony Fees for 2020/21.

## CHESHIRE EAST COUNCIL

### Portfolio Holder

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**Date of Meeting:** 9 October 2017  
**Report of:** Head of Governance and Democratic Services  
**Subject/Title:** Registration Fees to be set by Cheshire East Council for Financial Year 2018/19 and Ceremony Fees for 2020/21  
  
**Portfolio Holder:** Cllr Peter Groves, Democratic and Public Engagement, Assurance and ICT

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#### 1.0 Report Summary

1.1 This report seeks authority to agree fee increases across a range of the Registration Service non statutory fees.

#### 2.0 Recommendation:

- a) That the following ceremony fees be agreed, with the equivalent fees also applying to any Renewal of Vows ceremonies :

	<u>Recommended Fees</u> <u>2020/21</u>
Weekday	£550
Sat & Sun	£675
Bank Holiday	£795
Christmas Day and Boxing Day	£900

- a) That that the Administration fee and second stage payment for ceremonies in 2018/19 be set as follows:

Approved Premises	- £150 Administration Fee - £200 second stage payment
Mayor's Reception Room And Silk Room	- £150 Administration Fee - £110 second stage payment

- b) That the fees for ceremonies in the Mayor's Reception Room and the Silk Room for 2019/20 be set at £275 for weekdays and £350 for Saturdays.
- c) That the fee for licensing a building for Marriage and Civil Partnership be set at £1800 for 2018/19.
- d) That the fees for the Nationality Checking Service for 2018/19 be set at:  
  
Adult - £90; and  
Child under 18 - £50
- e) That the fees for a Private Citizenship ceremony for 2018/19 be retained at:  
  
Adult £100 weekday;  
Adult £150 weekend;  
Child under 18 – nil
- f) That the fees for copy certificates for 2018/19 be set at:  
  
Standard Service (5 working days) - £10 statutory fee  
Next day Service – £25 (inc £10 statutory fee for certificate)  
Premium 1 hour service - £45 (inc £10 statutory fee for certificate)
- g) That a policy of one free booking amendment (date, time or venue) be introduced with immediate effect with subsequent changes being charged a fee of £50 per amendment. This fee to be introduced for the remainder of 2017/18 and for 2018/19.
- h) That a Celebrant Service be introduced with immediate effect and that the fees for this Service be set at the same level as those agreed for Ceremony Fees as follows for 2017/18 and 2018/19:

	<u>2017/18</u>	<u>2018/19</u>
Weekday	£485	£500
Sat & Sun	£590	£605
Bank Holiday	£695	£715
Christmas Day and Boxing Day	£835	£850

**3.0 Reasons for Recommendations**

3.1 In 2009 a full review of the Registration fees was undertaken and since that time fees have been reviewed and determined on an annual basis. In July 2014 a review of ceremony fees was undertaken for the financial years 2014 to 2017.

**4.0 Wards Affected**

4.1 All

**5.0 Local Ward Members**

5.1 All

**6.0 Policy Implications**

6.1 None identified

**7.0 Financial Implications**

7.1 Financial advice has been sought on the proposed fees taking into account the full cost of administering the service. The proposed fees for ceremonies will recover the full cost of ceremonies for the year without generating excess fee income.

**8.0 Legal Implications**

8.1 The majority of fees collected by the registration service are set by central government. The Council has legal authority under legislation to set fees for non statutory services including:

- Ceremonies at Approved Premises
- Grant of Approval for Approved Premises
- Naming Ceremonies
- Renewal of Vows Ceremonies
- Nationality Checking Service
- Private Citizenship Ceremonies
- Administration Fee for booking ceremonies
- On demand certificate service

8.2 The specific power to levy fees for Approved Premises is set out in the Marriages (Approved Premises) Regulations 2011. These state that local authorities may charge an amount determined by the authority as reasonably representing all the costs incurred by it of providing a registrar and superintendent registrar to attend at a solemnization. It is therefore incumbent on the Council to ensure that an assessment of all the costs incurred at a solemnization are made and that the charges levied do not exceed this amount in order to comply with the Regulations.

- 8.3 There is a specific power to charge under section 93 of the Local Government Act 2003, which gives relevant authorities the power to charge for discretionary services. Further the general power of competence contained in the Localism Act 2011 now sits alongside a local authority's power to trade and charge. In common with the LGA 2003 powers, charging for things done in the exercise of the general power of competence is not a power to make a profit from those activities (unless the local authority specifically sets up a company to trade).

## **9.0 Risk Management**

- 9.1 No risks have been identified.

## **10.0 Background and Options**

- 10.1 The background to the recommendations is set out in the attached appendices 1 and 2.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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**Registration Fees to be set by Cheshire East Council for Financial Year 2018/19 and Ceremony Fees for 2020/2021 (Ceremony fees for 2018/19 and 2019/20 having been agreed in the previous review)**

**Background**

Arrangements for ceremonies, particularly at Approved Premises, are made up to three years in advance. Couples are constantly reminding Ceremonies Officers of their need to budget for the ceremony and as such are very anxious to know the level of fee they will be charged. Publishing fees this far in advance, will also help the registration service to more accurately predict income levels.

The majority of fees collected by the registration service are set by central government. The Council sets fees for non statutory services including:

- Ceremonies at Approved Premises
- Grant of Approval for Approved Premises
- Renewal of Vows Ceremonies
- Nationality Checking Service
- Private Citizenship Ceremonies
- Administration Fee for booking ceremonies
- On demand certificate service

**Power to set fee levels**

Statutory fees for the Registration Service are set by central government and are periodically updated. The fees listed below do not come within that remit.

**Recommendations**

**Marriage and Civil Partnerships Fees at Approved Premises**

Ceremony fees for 2018/19 and 2019/20 were set as part of the review of fees conducted and agreed in previous reviews in April 2016 and April 2017.

Advice has been sought from Financial Services in terms of the level of ceremony fees recommended for 2020/21 to ensure that the costs of the service are recovered.

**Recommendation: The following ceremony fees are recommended, with the equivalent fees also applying to any Renewal of Vows ceremonies :**

	<u>Agreed fees for</u>		<u>Recommended Fees</u>
	<u>2018/19</u>	<u>2019/20</u>	<u>2020/21</u>
Weekday	£500	£525	£550
Sat & Sun	£605	£640	£675
Bank Holiday	£715	£750	£795
Christmas Day and Boxing Day	£850	£875	£900

### **Administration Fee and Second Stage Payment for booking ceremonies**

The Administration fee is non refundable but deductible from the final balance of charges for ceremonies at Approved Premises. This currently stands at £100 and it is recommended that this be increased to £150 for 2018/19.

In 2013/14 a second stage payment of £100 was introduced, paid at six months prior to the ceremony and deductible from the final balance. This was introduced to clarify with couples whether their ceremony was to go ahead or not as they often forget to cancel their booking, only remembering when asked for the final payment. This enables the Registration Service to remove any cancelled ceremonies from their diary at an earlier stage, thus freeing up appointments for other couples. These fees were set at £100 for the Mayor's Reception Room and Silk Room and at £200 for Approved Premises for 2017/18. It is recommended that these fees be increased to £110 for the Mayor's Reception Room and Silk Room and be retained at £200 for Approved Premises for 2018/19.

**Recommendation: It is recommended that the Administration fee and second stage payment for ceremonies be set as follows for 2018/19:**

**Approved Premises** - £150 Administration Fee  
- £200 second stage payment

**Mayor's Reception Room  
And Silk Room** - £150 Administration Fee  
- £110 second stage payment

### **Marriage/Civil Partnership ceremonies in the Mayor's Reception Room (Municipal Buildings) and the Silk Room (Macclesfield Town Hall)**

Cheshire East Council is required by law to provide a statutory ceremony room for use of its residents at a statutory fee set by the Registrar General. The current statutory fee is £50.

The statutory rooms provided in both the Municipal Buildings and the New Town Hall at Macclesfield only cater for small parties of 12 people; the statutory obligation being a room for the couple and two witnesses.

The Registration Service offers enhanced ceremonies for up to 50 people in the Mayor's Reception Room in Crewe and the Silk Room in Macclesfield. This additional service commenced in 2013/14 and has proved to be popular. Fees for ceremonies in the Mayor's Reception Room and the Silk Room for 2018/19 were set at £260 for weekdays and £320 for Saturdays. It is recommended that these fees be increased for 2019/20 to ensure that costs continue to be recovered.

**Recommendation: It is recommended that the fees for ceremonies in the Mayor's Reception Room and the Silk Room for 2019/20 be set at £275 for weekdays and £350 for Saturdays.**

### **Fees for Licensing a Building for Marriage/Civil Partnership**

This fee is charged for a three year licence. The latest fee increase came into effect on 1<sup>st</sup> April 2016 and was not increased for 2017/18.

**Recommendation: It is recommended that the fee for licensing a building for Marriage and Civil Partnership be set at £1800 for 2018/19.**

### **Nationality Checking Service**

The last fee increase was introduced on 1 April 2016 when the charge for an adult was set at £75 and the charge for a child under 18 set at £40. The fee was increased at that time to reflect the fact that Nationality checking is a time intensive and often complex process for which staff require specialist training. These fees remained unchanged for 2017/18.

**Recommendation: It is recommended that the fees for the Nationality Checking Service for 2018/19 be set at:**

**Adult - £90; and  
Child under 18 - £50**

### **Private Citizenship**

When a person is granted British Citizenship they are required by law to attend a citizenship ceremony. This is the final part in the process of becoming a British citizen. Each local authority is required to provide a group ceremony and is given an allowance per citizen from the Home Office to cover the cost. However, new

citizens may choose to have a private ceremony if they wish to and local authorities are permitted to make a charge for these.

As there is no distinction in the cost of providing a ceremony for people in the same family it was agreed that a single fee of £100 be introduced for all adults for 2016/17. An increased fee of £150 was applied for weekend ceremonies to cover costs incurred for 2017/18.

**Recommendation: It is recommended that the fees for a Private Citizenship ceremony for 2017/18 remain at:**

**Adult £100 weekday;  
Adult £150 weekend;  
Child under 18 – nil**

### **On Demand Certificates**

New fees for copy certificates were introduced for 2017/18 as follows:

Standard Service (5 working days) - £10 statutory fee  
Next Day Service - £20 (inc £10 statutory fee for certificate)  
Premium 1 hour Service - £40 (inc statutory fee for certificate)

**Recommendation: It is recommended that the fees for the production of copy certificates be set as follows for 2018/19:**

**Standard Service (5 working days) - £10 statutory fee  
Next Day Service - £25 (inc £10 statutory fee for certificate)  
Premium 1 hour Service - £45 (inc statutory fee for certificate)**

### **Amendment Fee**

Bookings made for Ceremonies are often changed by couples (in terms of the date, time or venue) and often this is done more than once. This is very time consuming process for the Ceremonies and Administration staff.

It is proposed that a policy of one free change be introduced with immediate effect. Subsequent changes would then be charged at £50 per amendment.

The benefits of introducing such a charge would be to reduce the overall number of changes, leading to better use of staff time and ensuring that costs are recovered.

**Recommendation: It is recommended that a policy of one free booking amendment (date, time or venue) be introduced with immediate effect with subsequent changes being charged a fee of £50 per amendment. This fee to be introduced for the remainder of 2017/18 and for 2018/19.**

## **Cheshire East Registration Service Proposal to introduce Celebrant Service**

### **Background**

Since the start of Cheshire East Council in 2009, the Registration Service has been very successful in increasing the number of civil marriages in approved venues. This has been achieved by a commitment on the part of the Council to invest in the service and staff resources, as well as increased efforts on the part of the Registration Service to actively promote its marriage programme and the relationship with approved venues.

The success of this programme can only be maintained and improved upon by continuing to explore new markets and to ensure that the Registration Service continues to offer the best possible service to its customers, potential customers and stakeholders.

### **Current and future issues**

#### **Celebrants**

Over recent years there have been a number of challenges to current marriage legislation, particularly by non belief groups such as Humanists who wish to be able to perform legal marriage ceremonies. There is also currently a Law Commission group looking at the future of the legal basis of marriage in England and Wales. Its scope includes changing the authority for legal marriage to be solemnized from the building to the person and introducing a schedule system to replace marriage registers.

In addition, there are a growing number of independent celebrants offering their services to couples. Whilst these individuals are not currently able to offer a legal ceremony, they do offer the possibility to have a ceremony in locations not approved for marriage and to include ceremony content not permitted to registration staff, such as hand fasting, religious texts and other ceremonial rituals.

The independent nature of these celebrants means that they are able to offer couples a more flexible approach to ceremony times, locations and ceremony content.

To maintain and increase the number of ceremonies, and to meet the aspirations of its customers, the Registration Service needs to adopt a more flexible approach to ceremony provision, whilst still operating within the legislative framework.

#### **Employment status of registration staff**

Since 2007 all registration staff have been employed as local authority employees. As part of their role, they perform statutory duties on behalf of the Registrar General, including the conducting and registering of civil marriage ceremonies. It is a requirement of the Registrar General that only local authority employees can perform these duties. The Registrar General has taken the view that non statutory ceremonies are a matter for local authorities and not for the Registrar General.

A specific power to charge was introduced by section 93 of the Local Government Act 2003, which gave relevant authorities the power to charge for discretionary services. Cheshire County Council (which had jurisdiction of the Registration Service until 2009) used this legislation to enable the Service to offer non statutory services, such as renewal of vows, naming ceremonies and also civil funerals.

**Proposal  
Celebrant Service**

It is proposed that the Registration Service introduces a Celebrant Service. This would enable registration officers acting solely as local authority employees to offer non statutory ceremonies at approved venues or other locations. These ceremonies would be entirely separate and distinct from any legal marriage ceremony, as required by marriage legislation. This would provide flexibility for the Registration Service to be able to offer couples more choice about the ceremony location and service content.

It is proposed that this service be marketed in the 2017 Your Ceremony brochure and the September 2017 wedding fairs attended by Registration Service staff.

**Proposed Fees for the Celebrant Service**

It is proposed that the fees for the Celebrant Service be set at the same level as those agreed for Ceremony Fees as follows for 2017/18 and 2018/19:

<b>Agreed fees for</b>	<b><u>Recommended Fees</u></b>	
	<b><u>2017/18</u></b>	<b><u>2018/19</u></b>
<b>Weekday</b>	<b>£485</b>	<b>£500</b>
<b>Sat &amp; Sun</b>	<b>£590</b>	<b>£605</b>
<b>Bank Holiday</b>	<b>£695</b>	<b>£715</b>
<b>Christmas Day and Boxing Day</b>	<b>£835</b>	<b>£850</b>