

**The Marriage (Approval Of Places) (Scotland) Regulations 2002
Period Approval of Place for the Solemnisation of Marriages - Application
Hall of Lodge Newbattle St Mary 1063, 26 Newbattle Road, Newtongrange**

Report by Director, Resources

1 Purpose of Report

The purpose of the report is to provide background information to enable the Committee to consider an application for a Period Approval of a Place For The Solemnisation Of Marriages in the Presence of a Registrar at the Hall of Lodge Newbattle St Mary 1063.

- 2** Lodge Newbattle St Mary 1063 and Mr J Cooper Have applied for a Period Approval as a Place for The Solemnisation of Marriages in the presence of a Registrar in respect of the Hall at 26 Newbattle Road, Newtongrange, with a maximum capacity of sixty persons.

3 Procedure for Considering Applications at Hearings

The Draft Procedure for considering applications at Hearings is shown in a separate report.

4 Objection

Ms A Gunn 1 Galadale Crescent, Newtongrange has submitted an objection to the application with the support of 22 residents in Galadale Crescent and Drive. A copy of letter, dated 2 August 2013 is attached as **Appendix 1**.

The Police and Fire and Rescue Services and other appropriate Officers have been consulted and offer no objections. The Registrar has commented that the premises do not comply with Disability Discrimination Regulations and the applicant has been asked to address this.

3 Background Guidance provided by the Registrar General

When granting applications, Local Authorities may if they wish specify local requirements. One of the provisions that the Registrar General envisages that these requirements will include *inter alia* parking.

In addition, the Regulations require the approval holder to seek the prior written approval of the District Registrar to the physical arrangements for each civil marriage at the approved place. The Registrar who conducts the marriage retains the existing discretion in law to refuse to proceed with a ceremony if there is a risk of inappropriate conduct.

4 Disposal of Applications for Period Approvals

In disposing of an application for period approvals, the Committee may:-

- (a) grant the Approval subject to the standard conditions (**Appendices 2, 3 and 4**);
- (b) grant the Approval subject also to other reasonable conditions to ensure that the facilities provided at the location are suitable; or
- (c) refuse to grant the Approval.

Applications can be granted for three years or such shorter period as the Local Authority determines.

The grounds for refusal of applications of this kind are not prescribed in detail.

The legislation provides that:-

- (1) The authority shall not grant an approval if the application has not been made in accordance with the Regulations.
- (2) The authority shall not grant an approval if, in its opinion—
 - (a) the place will compromise the solemnity and dignity of civil marriage;
 - (b) the place has 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 marriages; or
 - (c) the place does not fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the place are suitable.

Therefore, the grounds for refusal might reasonably include (i) the site not being suitable or convenient for the activity having regard to the location or condition of the site; (ii) the nature and extent of the proposed activity; (iii) kind of persons likely to be in or on the site; (iv) the possibility of undue public nuisance; (v) public order or public safety considerations; or (vi) other good reason.

If the Committee grant subject to conditions other than the standard ones or refuse the application, the applicant has the right of appeal to the Sheriff.

The Sheriff may uphold an appeal only if he considers that the Licensing Authority in arriving at their decision:-

- (a) erred in law;
- (b) based their decision on any incorrect material fact;

- (c) acted contrary to natural justice; or
- (d) exercised their discretion in an unreasonable manner.

5 Report Implications

5.1 Resource

There are no resource implications.

5.2 Risk

The risk here relates to the failure to consider the representations.

5.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☒ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☒ Improving opportunities in Midlothian
- ☒ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

5.4 Impact on Performance and Outcomes

There is no impact on Performance and Outcomes.

5.5 Adopting a Preventative Approach

The representations relate to this topic

5.6 Involving Communities and Other Stakeholders

No other representations were received. Notice was posted at the site.

5.7 Ensuring Equalities

There is no impact on equalities.

5.8 Supporting Sustainable development

There is no impact on sustainable growth owing to the itinerant nature of the activity.

5.9 IT Issues

There are no IT issues.

6 Summary

An application has been submitted and requires to be considered.

7 Recommendations

It is recommended that:-

- (a) the Committee consider the representations; and
- (b) determine the application.

9 August 2013

Report Contact:

Mr R G Attack

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attackb@midlothian.gov.uk

Background Papers: Application for Period Approval

APPENDIX 1

Ms Ann Gunn

1 Galadale Crescent

Newtongrange

Midlothian

EH22 4RR

2/8/2013

Dear Sir

I have enclosed a list of signatures from residents of Galadale Crescent and Galadale Drive whose homes are closest to the masonic hall and are particularly effected by the parking and noise issues when events are held at present. Our objections to the proposed application for the solemnisation of marriages is that these problems will last for the whole day of the wedding not just an evening reception. Weddings will become a regular event. It will most probably be at weekends when residents are at home and will require parking and may have family visitors. The street is unsuitable for wedding transport such as bridal cars and buses this has been an issue in the past when receptions have been held and the bridal cars have blocked the street.

The noise disturbance will increase as guests will be drinking for the whole day rather than a few hours in the evening.

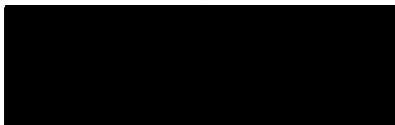
We feel if the masonic hall wish to become a function hall to stage events they need to address the issue of an allocated car park to serve the hall.

I have agreed to be point of contact for any correspondence and will notify neighbours of any information I am sent.

I was surprised to learn from neighbours that several of them have been approached by masonic members asking why we as residents are objecting to the application. Their knowledge of the fact we are objecting could be through local gossip but they feel it is inappropriate that they are approaching people in this way and would like it noted.

I look forward to contact from yourself regarding this application.

Yours Sincerely



We the undersigned object to the application for the solemnisation of marriages being granted to the masonic lodge at Galadale Crescent . The hall is situated in a small narrow residential street which is not suitable for all day functions on a regular basis.

Our concerns are-

The lack of parking which already creates problems for residents and often blocks access for emergency services .

Noise from visitors and vehicles in the late evening leaving the hall

Disturbance from visitors using the Galadale entrance as a smoking area and as a toilet

The lack of consideration given to residents if concerns are raised to the management committee

APPENDIX 2

CONDITIONS TO BE ATTACHED TO PERIOD APPROVALS

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 or her delegate) shall be available in or at the approved place for a minimum of one hour prior to each civil marriage ceremony and throughout the ceremony itself.
3. The approval holder must notify the authority immediately of any change to any of 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 under regulation 17, that person shall be obliged to notify the authority immediately of that fact in accordance with regulation 17(2).
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 marriage ceremony is to take place within one hour prior to that ceremony or during the ceremony itself, except where the ceremony takes place in a separate room or similarly defined space within the approved place in which case this restriction shall apply only to that room or space.
7. The arrangements made by the approval holder for each civil marriage 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, or on any stationery or publication, or within any advertisement, relating to that place may state, subject to subparagraph (2), that the approved place has been approved by the authority as a venue for civil marriages in pursuance of the Act 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.
 - (2) Any reference under (1) shall not state or imply any recommendation of the approved place or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.

9. A residual current device should be used in conjunction with any amplifiers used on site.
10. A fireguard should be provided or use in conjunction with the gas fired stove in the room in which solemnisation are to take place.

APPENDIX 3

ADDITIONAL INFORMATION

1.1 RENEWAL

1. The approval holder may apply for the renewal of a period approval to the Corporate Resources Division, Midlothian House, Buccleuch Street, Dalkeith, Midlothian, EH22 1DN. A renewal will run from the expiry date of the current period approval.

REVOCATION AND SUSPENSION

2. 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
 - (i) the approval holder has failed to comply with one or more of the conditions attached to the approval;
 - (ii) the approved place is no longer suitable for the solemnisation of civil marriages; or
 - (iii) 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.

3. When an approval has been suspended or revoked the regulations require the approval holder to notify any couples who had arranged to marry in the place.

VARIATION

4. 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

5. Local authorities should not that, under section 18A of the Marriage (Scotland) Act 1977, 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: erred in law, 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.

REGISTRATION

6. Details of approved places will be held for public inspection by the authority. These details will be copied to the registrar of the district in which the places are situated and to the Registrar General who shall both, in turn, keep a register of every approved place based upon the entries provided by the authority. Those registers shall be available for public inspection at all reasonable times.

APPENDIX 4

GUIDANCE FOR THOSE WISH TO MARRY AT AN APPROVED PLACE

1. As soon as a couple has made provisional arrangements for their marriage at an approved place they should be advised to contact the Registrar situated at Fairfield House, 8 Lothian Road, Dalkeith, Midlothian EH22 3AA (Tel: 0131 271 3281) (e-mail: dkregistrar@midlothian.gov.uk).
2. Without the presence of the registrar there can be no marriage and any arrangements for the use of the place depend entirely on the registrar's availability. It is, therefore, essential that the couple make an advance booking with the registrar for his or her attendance at their proposed marriage 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 a formal notice of marriage and lodge it with the district registrar not more than three months, and not less than fifteen days, before the wedding.
4. The couple should be warned that any arrangements made for a marriage 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 marriage by the registrar to whom notice of marriage was given.
5. The couple should be advised that only a civil **non-religious** ceremony can be permitted by the registrar. Any music, reading, words or performance which 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 the approval.