

DERBYSHIRE COUNTY COUNCIL

CABINET

11 February 2021

**Report of the Managing Executive Director for
Commissioning, Communities and Policy**

**REGISTRATION SERVICE – CESSATION OF WEDDINGS AND CIVIL
PARTNERSHIPS
(Health & Communities)**

1. Purpose of the Report

To advise Cabinet of an urgent decision taken by the Managing Executive Director to temporarily cease wedding and civil partnership ceremonies except in exceptional circumstances during the period of the tier 4 restrictions in Derbyshire.

2. Information and Analysis

In accordance with the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374 (as amended) and government guidance, the Managing Executive Director agreed on 7 January 2021 that with immediate effect weddings and civil partnerships could only take place with up to 6 people in attendance (excluding staff working) and in exceptional circumstances. The change will apply throughout the period the Tier 4 restrictions are in place in the county of Derbyshire.

The government guidance makes it clear that an example of exceptional circumstances is an urgent marriage where one of those getting married is seriously ill and not expected to recover, or is to undergo debilitating treatment or life-changing surgery. However there may be other circumstances which are exceptional and the wedding or civil partnership should be able to proceed. In recognition of this, delegated authority was granted to the Director of Legal and Democratic Services to approve any other circumstances which are deemed to be exceptional.

As well as complying with the Regulations and guidance, the decision will reduce the risk of staff contracting the virus and to reduce the pressure on the Registration Service resulting from increased death registrations due to Covid-19 and also the usual large numbers of winter deaths.

A copy of the decision record is appended to the report.

3. Financial Considerations

There will be some loss of income to the Registration Service as a result of the decision. However, in the majority of cases, weddings and civil partnerships are being re-arranged to a later date when hopefully the restrictions will be lifted.

4. Legal Considerations

To comply with the restrictions set out in Schedule 3A to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374 which limit the circumstances in which marriages and civil partnerships may take place in Tier 4 and government guidance, which makes it clear that in Tier 4 weddings and civil partnership ceremonies must only take place with up to 6 people and should only take place in exceptional circumstances. This would include, for example, an urgent marriage where one of those getting married is seriously ill and not expected to recover, or is to undergo debilitating treatment or life-changing surgery.

5. Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, legal, property and transport considerations.

6. Officer's Recommendation

That Cabinet notes the decision taken with regard to the temporary cessation of weddings and civil partnerships other than in exceptional circumstances whilst the Tier 4 restrictions are in place in the county of Derbyshire.

EMMA ALEXANDER
Managing Executive Director for Commissioning, Communities and
Policy

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION AND DECISION REVIEW RECORD

Officer: Emma Alexander <i>*For emergency powers, this would be the Executive Director</i>		Service: Registration
Delegated Power Being Exercised: Executive Director - delegated Power under the emergency powers contained in the constitution <i>*The delegation detailed in the Constitution to the specified officer or emergency powers</i>		
Subject of Decision: (i.e. services affected)	Cessation of weddings and civil partnerships except in exceptional circumstances during the period of the tier 4 restrictions in Derbyshire.	
Is this a review of a decision? If so, what was the date of the original decision?	No	
Key decision? If so have Democratic Services been notified?	No	
Decision Taken (specify precise details, including the period over which the decision will be in place and when it will be (further) reviewed):	<ol style="list-style-type: none"> 1. In order to comply with the provisions of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374 as amended- Schedule 3A Tier 4 restrictions and government guidance, with immediate effect weddings and civil partnerships shall only take place with up to 6 people and in exceptional circumstances. 2. Exceptional circumstances shall include an urgent marriage where one of those getting married is seriously ill and not expected to recover, or is to undergo debilitating treatment or life-changing surgery 3. The Director of Legal and Democratic Services be authorised to approve any other circumstances which are deemed to be exceptional. 4. The change will apply throughout the period the Tier 4 restrictions are in place in the county of Derbyshire. 	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy and anticipated impact of the decision) Where the decision is subject to statutory guidance please state how this has been taken into consideration.	<p>To comply with legislation and the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374 as amended - Schedule 3A Tier 4 restrictions and government guidance.</p> <p>To reduce the risk of staff contracting the virus and to reduce the pressure on the Registration Service resulting from increased death registrations due to Covid-19 and also the usual large numbers of winter deaths.</p>	

	To enable the Director of Legal and Democratic Services to determine individual cases which do not meet the above criteria, but nonetheless the circumstances would be considered exceptional and the wedding or civil partnership may proceed in accordance with the legislation and government guidance.
Alternative Options Considered (if appropriate) and reasons for rejection of other options	<p>To allow weddings and civil partnerships to continue without restriction, however in doing so the Council would not be complying with the legislation and government guidance.</p> <p>To cancel all weddings and civil partnerships, however under the legislation and government guidance weddings and civil partnerships are permitted subject to the limitations set out above. There is no evidence to justify a departure from legislation and government guidance.</p>
Has a risk assessment been conducted ?- if so what are the potential adverse impacts identified and how will these be mitigated?	An appropriate risk assessment is already in place to ensure that any wedding or civil partnership can be conducted in a covid secure way.
Would the decision normally have been the subject of consultation with service users and the public? If so, explain why this is not practicable and the steps that have or will be taken to communicate the decision	<p>Any changes to regulations governing weddings and civil partnerships would usually be the subject of consultation. However, these temporary measures are considered urgent due to unprecedented situation caused by the Covid-19 pandemic. Re-arrangement and cancellation fees have been waived.</p> <p>Although general consultation will not take place, individuals who have booked a wedding or civil partnership will be contacted to discuss whether there are exceptional circumstances which would permit the ceremony to go ahead in accordance with the government guidance. If not, the individuals will be offered to re-arrange the ceremony on a priority basis once the restrictions are lifted.</p>
Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?	Marriage and civil partnerships – arrangements are in place to re-arrange cancelled weddings and civil partnerships on a priority basis once the restrictions are lifted. At the present time, it is not known when the national lockdown restrictions will be lifted and when Derbyshire will move out of Tier 4 restrictions, however for the period up to 31 March 2021 (the expiry of the above Regulations), 266 ceremonies (256 weddings and 8 Civil ceremonies) will be affected should Derbyshire remain subject to the current Tier 4 restrictions.
Background/Reports/Information considered and attached (including Legal, HR, Financial, Equality and other considerations as required))	On 31 December 2020, the County of Derbyshire was moved into Tier 4 and became subject to the restrictions set out in Schedule 3A to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374

	<p>These Regulations limit the circumstances in which marriages and civil partnerships may take place in Tier 4. In addition, government guidance made is clear that in Tier 4 “Weddings and civil partnership ceremonies must only take place with up to 6 people. Anyone working is not included. These should only take place in exceptional circumstances, for example, an urgent marriage where one of those getting married is seriously ill and not expected to recover, or is to undergo debilitating treatment or life-changing surgery.”</p> <p>Subsequently on 4 January 2021, the Prime Minister announced a national lockdown and instructed people to stay at home to control the virus, protect the NHS and save lives. The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374 were further amended on 6 January 2021 to increase the Tier 4 restrictions set out in Schedule 3A and all areas in England moved into Tier 4.</p> <p>In summary, from 6 January 2021 individuals must not leave, or be outside of their home except where necessary. They may leave their home to:</p> <ul style="list-style-type: none"> •shop for basic necessities, for themselves or a vulnerable person •go to work, or provide voluntary or charitable services, if they cannot reasonably do so from home •exercise with their household (or support bubble) or one other person, this should be limited to once per day, and they should not travel outside your local area. •meet their support bubble or childcare bubble where necessary, but only if they are legally permitted to form one •seek medical assistance or avoid injury, illness or risk of harm (including domestic abuse) •attend education or childcare - for those eligible <p>The amended Regulations continue to limit the circumstances in which marriages and civil partnerships may take place. In addition, the government guidance continues to make it clear that: “Weddings and civil partnership ceremonies must only take place with up to 6 people. Anyone working is not included. These should only take place in exceptional circumstances, for example, an urgent marriage where one of those getting married is seriously ill and not expected to recover, or is to undergo debilitating treatment or life-changing surgery.”</p>
Consultation with relevant Cabinet Member (s) – please note this is obligatory.	Councillor C Hart, Cabinet Member for Health and Communities has been consulted and is in agreement with the decision.
Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is	Councillor G Musson, Chairman of the Improvement and Scrutiny Committee – People, has been consulted and

intended to be waived – please note this is obligatory in those circumstances	agrees that given the circumstances around this decision, it is reasonable and appropriate for call-n to be waived.
Decision:	Approved by Emma Alexander, Managing Executive Director
Signature and Date:  Thursday 7 January 2021	