



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

17 June 2021

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

**Registration Service – Weddings and Civil Partnerships
(Health & Communities)**

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is not a Key Decision

3. Purpose

3.1 To advise Cabinet of an urgent decision taken by the Managing Executive Director relating to wedding and civil partnership ceremonies in Derbyshire.

4. Information and Analysis

4.1 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, weddings and civil partnerships could only take place with up to 6 people in attendance (excluding staff working) and in exceptional circumstances. This decision was reported to Cabinet on 11 February 2021.

4.2 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.

- 4.3 The Government subsequently issued the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021/364 which remove the “exceptional circumstances” restriction on weddings and civil partnerships. Therefore, with effect from 29 March 2021 wedding and civil partnership ceremonies were no longer limited to exceptional circumstances. As a result of these new Regulations, the Managing Executive Director agreed on 26 March 2021, that the exceptional circumstances restriction in relation to weddings and civil partnerships should be removed.

A copy of the decision record is appended to the report at Appendix 2.

5. Consultation

- 5.1 There is no requirement to consult in respect of the preparation of this report as it is simply for Cabinet to note a decision previously made. However, Cabinet should note that any changes to regulations governing weddings and civil partnerships would usually be the subject of consultation. However, these temporary measures were considered urgent due to unprecedented situation caused by the Covid-19 pandemic.
- 5.2 Councillor C Hart, Cabinet Member for Health and Communities was consulted in respect of the urgent officer decision and was in agreement with the decision.
- 5.3 Councillor G Musson – Chairman of the Improvement and Scrutiny Committee - People was consulted in respect of the urgent officer decision and agreed due to the urgency of the decision the call-in provisions could be waived.

6. Alternative Options Considered

- 6.1 Not to report the urgent officer decision to Cabinet, however this would not be in accordance with established process.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 None identified

9. Appendices

9.1 Appendix 1- Implications.

9.2 Appendix 2 – Officer decision record.

10. Recommendations

That Cabinet notes the decision taken with regard to the removal of the exceptional circumstances condition in relation to weddings and civil partnerships in Derbyshire.

11. Reasons for Recommendation(s)

11.1 To ensure that Cabinet is aware of the urgent officer decision taken in order to comply with the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021/364 and government guidance.

12. Is it necessary to waive the call-in period?

12.1 No.

Implications

Financial

1.1 None directly arising out of this report.

Legal

2.1 None directly arising out of this report.

Human Resources

3.1 None directly arising out of this report.

Information Technology

4.1 None directly arising out of this report.

Equalities Impact

5.1 None directly arising out of this report.

Corporate objectives and priorities for change

6.1 None directly arising out of this report.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)


7.1 None directly arising out of this report.

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)	Weddings and civil partnerships – removal of the ‘exceptional circumstances’ restriction from 29 March 2021	
Is this a review of a decision? If so, what was the date of the original decision?	No, this is not a review of a decision but is a response to a change in legislation and government guidance which affects an earlier decision.	
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):	<p>To agree to remove the ‘exceptional circumstances’ restriction on wedding and civil partnership ceremonies, so that with effect from 29 March, weddings and civil partnership ceremonies will no longer be limited to exceptional circumstances.</p> <p>To agree that future wedding and civil partnership ceremonies will be conducted in accordance with the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021/364 whilst they are in force.</p>	
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.	To comply with the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021/364 and government guidance.	

Alternative Options Considered (if appropriate) and reasons for rejection of other options	To retain the 'exceptional circumstances' restriction, however, to do so would mean that the Council would not be complying with government guidance and current legislation.
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	<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>
<p>Has a risk assessment been conducted?- if so what are the potential adverse impacts identified and how will these be mitigated?</p>	<p>An appropriate risk assessment is already in place to ensure that any wedding or civil partnership can be conducted in a covid secure way.</p>
<p>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>	<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 they wish the ceremony to go ahead in accordance with the revised government guidance limiting the numbers to 6 people. If not, the individuals will be offered to re-arrange the ceremony on a priority basis once the restrictions are lifted.</p>
<p>Has any adverse impact on groups with protected characteristics been identified and if so, how will these be mitigated?</p>	<p>Marriage and civil partnerships – arrangements are in place to re-arrange cancelled weddings and civil partnerships on a priority basis in line with the Government’s phased approach to lifting the restrictions.</p>
<p>Background/Reports/Information considered and attached (including Legal, HR, Financial, Equality and other considerations as required))</p>	<p>Previously, the Health Protection (Coronavirus, restrictions) (All Tiers) (England) Regulations 2020/1374 as amended - Schedule 3A Tier 4 restrictions and government guidance, provided that weddings and civil partnerships could only take place with up to 6 people and in exceptional circumstances. Exceptional circumstances were defined as “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>This was the subject of an ODR taken by the Managing Executive Director on 7 January 2021.</p>

	<p>As part of Step 1 of the roadmap out of lockdown, government guidance has been amended and the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021/364 made on 22 March. With effect from 29 March 2021, in accordance with the revised guidance and Regulations, weddings and civil partnership ceremonies will still be able to proceed with 6 people only but will no longer be limited to exceptional circumstances.</p> <p>A decision is required to remove the 'exceptional circumstances' restriction and ensure that the Council is complying with the current legislation and latest government guidance.</p> <p>As Derbyshire moves into Step 2 and Step 3 the limits on weddings and civil partnership ceremonies will be relaxed further and any future restrictions will be applied in accordance with the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021/364.</p>
<p>Consultation with relevant Cabinet Member (s) – please note this is obligatory.</p>	<p>Councillor C Hart, Cabinet Member for Health and Communities has been consulted and is in agreement with the decision.</p>
<p>Approval of Chair of appropriate Improvement and Scrutiny Committee where call in is intended to be waived – please note this is obligatory in those circumstances</p>	<p>Councillor G Musson – Chairman of the Improvement and Scrutiny Committee - People has been consulted and has agreed due to the urgency of the decision call in can be waived; and supports the action being taken.</p>
<p>Decision:</p>	<p>Approved by Emma Alexander, Managing Executive Director</p>
<p>Signature and Date:</p>  <p>Emma Alexander Managing Executive Director 26 March 2021</p>	