

APPENDIX 3

KENT COUNTY COUNCIL

REGULATION COMMITTEE

PROCEDURE FOR CONSIDERING A REQUEST FOR A REVIEW OF THE REGULATORY AUTHORITY'S DECISION WITH RESPECT TO THE REGISTRATATION OF A PREMISES FOR THE SOLEMNIZATION OF MARRIAGES AND THE REGISTRATION OF CIVIL PARTNERSHIPS

- 1) The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 permit the applicant, or the holder of an approval of a premise for the solemnization of marriages and the registration of civil partnerships, to request a review of the regulatory authority's decision with respect to the registration of that premise for the solemnization of marriages and the registration of civil partnerships.
- 2) An applicant may request a review in respect of a decision to:
 - (a) refuse an approval
 - (b) attach to an approval special conditions other than those specified in the Regulations.
- 3) A Holder of an approval may request a review in respect of a decision to:
 - (a) refuse to renew that approval
 - (b) attach to the renewal of that approval special conditions other than those specified in the Regulations
 - (c) revoke the approval otherwise than under Regulation 8(9) or 8 (10) of the Regulations.
- 4) The request for a review shall be made in writing to the Proper Officer for the Registration Service, setting out the grounds and the preferred outcome of the review. Except for requests to review a decision to revoke an approval, any such request must be accompanied by a fee of £400.
- 5) Except in the case of a review of a decision to revoke an approval, or where the decision on which the review is requested has been made by the Regulation Committee, the Proper Officer will refer the request to the Director of Community Safety and Regulatory Services, who shall consider whether the request can be acceded to in accordance with normal policies and practices. If so, (s)he may amend the conditions as requested by the applicant and reissue the licence.

6) If the Director of Community Safety and Regulatory Services can not deal with the request as provided for in paragraph 5 (s)he shall refer it to the Head of Democratic Services who shall arrange for it to be considered by a Regulation Committee Panel of Members. The following procedure applies:-

- (a) The Panel of Members will consist of 4 Conservative and 1 Liberal Democrat Member of the Regulation Committee nominated by political group spokesmen. The Chairman of the Panel will normally be the Chairman or Vice-Chairman of the Regulation Committee. No Member of the Panel will have had any previous connection with the request or the original licence application.
- (b) A Democratic Services Officer nominated by the Head of Democratic Services will clerk the Panel and arrange a date for a meeting of the Panel in consultation with the parties concerned, setting a deadline for any additional papers to be provided.
- (c) At least 5 clear working days before the Panel meeting, the agenda papers are sent to the applicant, the Director of Community Safety and Regulatory Services and Panel Members.

7) The Panel will normally meet in public unless the Panel resolves to exclude the press and public under the provisions set out in Section 100A of the Local Government Act 1972. The meeting procedure is set out below:-

- (a) Introductions by the Chairman, including an explanation of the procedure to be followed.
- (b) The Director of Community Safety and Regulatory Services (supported as (s)he deems appropriate) explains the County Council's grounds for refusal or the conditions imposed.
- (c) The applicant and Panel Members ask questions of the Director of Community Safety and Regulatory Services.
- (d) The applicant or his/her representative (with such witnesses as s(he) deems appropriate) explains the grounds for seeking a review and the preferred outcome of the review.
- (e) The Director of Community Safety and Regulatory Service and the Panel Members ask questions of the applicant.
- (f) If the application under review has been the subject of a previous Member Panel, it may be appropriate for the Chairman

of that Panel to be invited to attend, comment to the Panel and be asked questions.

- (g) When the Chairman is satisfied that all parties have completed their representations, the Director of Community Safety and Regulatory Services is invited to summarise the case for the Authority.
- (h) The Applicant is invited to sum up. (The Applicant has the final word).
- (i) Following the summing up by the Applicant, a decision is reached by the Panel. No further representations may be made to the Panel at this stage by either the Applicant or the Director of Community Safety and Regulatory Services. The full decision will be made in public and set out in writing to all parties by the Clerk. The decision can be:-
 - (i) to confirm the County Council's decision;
 - (ii) to vary an original decision to grant or renew an approval, in particular by removing special conditions, or by attaching new or different special conditions;
 - (iii) to substitute a different decision, which may, where the original decision was to revoke an approval, be a decision that the approval should not be revoked but should be subject to new or different conditions than those which were previously attached to it.