Public participation – receipt of e-petition

Recommendation to Council:

The Council is asked to debate the subject matter of an e-petition containing 544 signatures and to indicate to the petition organiser what action, if any, it intends to take.

Reason for Recommendation:
To comply with the requirements of the Council’s adopted Petition Scheme.

1. Purpose of report

1.1 The purpose of this report is to inform the Council of the receipt of an e-petition which contains 544 e-signatures. The petition reads as follows:

“We the undersigned petition Guildford Borough Council to write to the Home Office expressing support for proposed moves to extend marriage to same-sex couples.

The government is consulting on extending marriage to same-sex couples. Individuals and organisations can respond to this consultation and other local authorities around the country have done so or have considered doing so. As the consultation will draw to an end on 14th June, we ask that the council, if possible, responds to it favourably, supporting extending marriage to same-sex couples but also in addition backing extending civil partnerships to mixed-sex couples. If time does not allow, in lieu of a formal response to the consultation, we ask that the council writes to the Minister for Equalities expressing support for the proposed legislation.”

1.2 The Council is invited to consider and respond to the e-petition.

2. Strategic Priorities

2.1 Formal consideration by the full Council of proposals contained in a petition is in accordance with our core values of being publicly accountable, open and transparent and focusing on what the community needs through dialogue and consultation.

3. The Consultation

3.1 The consultation by the Home Office is about how to enable same-sex couples to have a marriage through a civil ceremony. Under current legislation a marriage
can only be between a couple of the opposite-sex. A marriage can be conducted on either religious premises through religious ceremony, or on secular (non-religious) premises through a civil ceremony.

3.2 A civil partnership can only be between a same-sex couple and can only be conducted through a civil ceremony. A civil partnership can take place on secular premises but can also be held on religious premises, if the religious organisation in question has allowed this to happen (but the ceremony has to remain a civil one). In all cases a civil partnership registration must be secular (non-religious).

3.3 The government proposes to do the following:

- enable same-sex couples to get married through civil ceremonies
- retain the option of civil partnerships for same-sex couples, including the ability to have a civil partnership registration on religious premises (on a voluntary basis and retaining the ban on any religious elements forming part of the registration)
- allow transsexual people to change their legal gender without having to legally end their existing marriage or civil partnership
- allow couples currently in a civil partnership the option of 'converting' their existing civil partnership into a civil marriage
- make no changes to how religious marriages are solemnized

3.4 The basis of the consultation was about how the government can best remove the ban on same-sex couples having a civil marriage, not on whether this should or should not happen. A copy of the full consultation document is available on the Home Office website. Councillors will note that the deadline for submission of formal responses to the consultation was 14 June 2012, so it is not now possible for the Council to make a formal response. However, this is recognised by the petitioners who are asking the Council to express support for the proposed legislation that will introduce the changes.

3.5 No other Surrey council has responded to the consultation. It is likely that those councils which have responded are mainly the upper tier and unitary councils on the basis that they run registrar services.

3.6 Heads of service have confirmed that none of the proposed changes will have any impact on entitlement to this Council’s services.

4. The Council’s Petition Scheme

4.1 The Council’s adopted petition scheme provides that where a petition contains more than 500 signatures (in relation to an issue that affects two or more wards) it will automatically be referred to the full Council for debate. The Council will decide how to respond to the petition at the meeting. They may decide to support the action the petition requests, or not, or refer the matter to the Leader/Executive or a scrutiny committee for further consideration.

5. Procedure for dealing with the e-petition at the meeting

5.1 The petition organiser, Mr Chris Ward, will, if he wishes, be given a period not exceeding five minutes to speak to the subject matter of the e-petition at the meeting and it will then be discussed by councillors in accordance with
the Council’s petition scheme. Councillors will also have an opportunity to ask questions of the petition organiser.

5.2 After the debate on the petition and before a final decision or vote is taken on the Council’s response to it, the petition organiser will be granted a right of reply for a further period not exceeding five minutes.

5.3 Councillors’ comments during the debate shall not exceed five minutes in length.

6. Financial Implications

6.1 None

7. Legal Implications

7.1 None

8. Human Resource Implications

8.1 None

9. Background papers

Adopted Petition Scheme (June 2010)
Equal civil marriage: a consultation (March 2012)

10. Appendices

10.1 None