

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>2 MARCH 2012</b>
<b>TITLE OF REPORT:</b>	<b>PRAYERS AT COUNCIL MEETINGS</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR LAW GOVERNANCE AND RESILIENCE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To continue the practice of opening a Council meeting with prayers but with specific regard to Section 1 of the Localism Act 2011

### **Recommendation**

**THAT the Council resolve pursuant to Section 1 of the Localism Act 2011 to continue the practice of prayers before the main body of its agendas**

### **Key Points Summary**

- Recent case law has cast doubt on the established practice of opening a council meeting with prayers. The Secretary of State has brought forward the commencement of the general power of competence contained in the Localism Act 2011 to rectify the problem.

### **Alternative Options**

- 1 The Council could decide to abandon the practice of opening meetings with prayers or to hold prayers informally prior to the time stated in the summons

### **Reasons for Recommendations**

- 2 The Council has a long tradition of Christian prayer before the formal business of its meetings and would wish to perpetuate this practice

### **Introduction and Background**

- 3 Members will be aware of the recent High Court decision involving Bideford Town Council. It was held that section 111 of the Local Government Act 1972 (the old enabling provision) did not permit councils to include prayers in their agendas. It did not however infringe human rights or equalities legislation.

- 4 The Secretary of State has brought forward the commencement of the general power of competence provisions of the Localism Act 2011 to address this problem.
- 5 Council has to invoke the new provisions to re-establish the inclusion of prayers in the agenda for council meetings.
- 6 Some commentators have doubted whether use of the general power of competence will adequately address the problem, as the Secretary of State intends. However, the Government's advice is currently the best available. It may be necessary to review the Council's position if there is continuing litigation on the point.

## **Key Considerations**

- 7 The holding of a Christian act of worship within the Council Meetings is a statement to the general public about the Council's values

## **Community Impact**

- 8 The Council considers it important to perpetuate its community focus as a Christian organisation

## **Equality and Human Rights**

- 9 This proposal does not contravene any limitations in the Equality Act 2010

## **Financial Implications**

- 10 None

## **Legal Implications**

- 11 The Secretary of State maintains that this recommendation is within the general power of competence contained in the Localism Act 2011

## **Risk Management**

- 12 If the inclusion of prayers before the main part of the Council agenda were held to be unlawful then the Council might be subject to judicial review

## **Consultees**

- 13 None. This perpetuates an established practice.

## **Appendices**

- 14 None

## **Background Papers**

- 15 None identified