

*The Mayor has agreed that this can be considered as a matter of urgency, in accordance with S100B(4) of the Local Government Act 1972, in order that this matter can be resolved within the necessary timescale.*

## Council 28 February 2012

### Prayers at Council Meetings

#### 1. Background

- 1.1 Earlier this month the High Court issued a judgement in a case brought against Bideford Town Council. The ruling was that prayers could not be held as part of council meetings because there was no power to do so under the existing legislation as set out in the Local Government Act 1972.
- 1.2 In response to the judgement, at its last meeting on 15 February 2012 this Council offered Members the opportunity to participate in prayers before the formal opening of the meeting.

#### 2. Present Position

- 2.1 The Secretary of State for Communities and Local Government, Eric Pickles, has now made an order bringing into effect Section 1 of the Localism Act. This contains a '*general power of competence*' which enables a local authority '*to do anything that individuals generally may do*' so long as no other law is contravened.
- 2.2 By a letter dated 20 February 2012 to all Council Leaders, Mr Pickles explained what he had done, and his view that this would allow Councils the choice on holding prayers.

#### 3. Options

- 3.1 It is open to the Council to exercise the power of general competence to reinstate prayers as part of its meetings.
- 3.2 The alternative is not to exercise the power, but to hold prayers at the Mayor's discretion prior to Council meetings.

#### 4. Recommendation

- 4.1 This Council has a long unbroken tradition of holding prayers as part of its meetings, and this has never been formally challenged. Councillors who do not wish to participate may join the meeting when prayers are over.

4.2 The Borough has strong associations with the history of Christianity in this country, and St Edmund is commemorated in its title. Whether they are practising or not, the faith with which most residents identify is Christianity and the Chaplains of all previous Mayors have been from a Christian denomination. However, were a future Mayor to be of another religion, nothing in the proposed recommendation would prevent his or her chaplain from conducting prayers in accordance with the traditions of that faith.

4.3 It is, therefore, **RECOMMENDED** that:-

The Council exercise its general power of competence under s1 of the Localism Act 2011 to approve the inclusion of prayers, conducted by the Mayor's Chaplain, as part of the formal business of its full Council meetings.

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