

## **Council addendum 27 June 2012**

### **Item 14 Prayers at Council meetings**

Dear Councillors

Paragraph 3.3 of the Prayers report makes reference to an Appendix which contains an explanation of the General Power of Competence. Unfortunately, I neglected to forward the Appendix to Committee Services and so it was not included in the papers. I have produced the Appendix below and hard copies will be available tomorrow evening.

Apologies

Andrew Jones  
Monitoring Officer

#### Appendix

"Local authorities' powers and responsibilities are defined by legislation. In simple terms, they can only do what the law says they can. Sometimes councils are wary of doing something new - even if they think it might be a good idea - because they are not sure whether they are allowed to in law, and are concerned about the possibility of being challenged in the courts.

"The Government has turned this assumption upside down. Instead of being able to act only where the law says they can, local authorities will be freed to do anything - provided they do not break other laws.

"The Localism Act includes a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited; they will not, for example, be able to impose new taxes, as an individual has no power to tax.

"The new, general power gives councils more freedom to work together with others in new ways to drive down costs. It gives them increased confidence to do creative, innovative things to meet local people's needs. Councils have asked for this power because it will help them get on with the job. The general power of competence does not remove any duties from local authorities - just like individuals they will continue to need to comply with duties placed on them. The Act does, however, give the Secretary of State the power to remove unnecessary restrictions and limitations where there is a good case to do so, subject to safeguards designed to protect vital services."

Dear Councillors

Item 14 offers 4 recommendations in section 2. The final recommendation is that Council may "propose an alternative arrangement not covered by a, b, or c."

May I offer advance notice that I will be proposing an alternative arrangement.

I have approached this issue on the basis that:

political life should be secular

councillors and officers who are non-believers or do not wish to take part in communal prayer should not be put in a position of exclusion and

the right of individual councillors to pray before Full Council meetings is protected.

Unfortunately, the proposals put forward do not reflect these principles.

a) If this proposal was supported, it would mean that some members would be excluded from a part of the Council's agenda.

b) Although, the intention of this proposal is to suggest that this is not part of the meeting, it will take place after the Chair has entered the Chamber which is *de facto* the start of the meeting. If it isn't why do we have to stand when the Chair arrives? It also mean that those councillors who do not wish to pray are excluded from the Chamber.

c) This has the same effect as b) except that it make religion part of the political process.

*Proposal for the arrangement of prayers before Full Council meetings*

The following simple proposal is to offer those elected members and officers who gain personal benefit from prayers before a Full Council meeting the opportunity to pray.

There is clearly no wish from any Warwick District Council elected member to prevent councillors the opportunity to pray. On the other hand, provision needs to be made for those members who do not wish to engage in prayers.

*The Proposal to Council is:*

Councillors wishing to take part in communal prayers may gather in a separate room away from the Chamber at 5.50 pm. The Chair is at liberty to invite her/his priest to conduct prayers

Councillors and officers gather in the Chamber at 6.00 pm for the commencement of the meeting which will be marked by the arrival of the Chair.

Kind regards

Jerry Weber

District Councillor

Leamington Clarendon"

## *Amendment to Agenda Item 14*

Proposed by Councillor Alan Boad  
Seconded by Councillor Bill Gifford

Delete 2.1. a. b. c. & d and replace with,

2.1 Council resolves to:

- a. Cease the practice of holding any form of worship at the start of all meetings of the Council with immediate effect.
- b. Introduce at the start of the Council meeting a period of quiet reflection (of no more than 30 seconds) to enable all members and officers to gather their thoughts for the ensuing meeting.
- c. Review the period of quiet reflection prior to the Annual Council in 2013.

### **Item 15. New Standards Regime**

Following the publication of the agenda the Government has published the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012. This has made provision for Warwick District Council to appoint its current Independent Representatives as the Independent Persons for the Council, until the Council has been able to appoint a new Independent Person as set out in the Localism Act 2011 but no later than 1 July 2013.

It is understood that all four current Independent representatives (Mr C Purser, Mr P Willers, Mr C Bennett and Miss J Ratcliffe) would be interested in the two roles available.

#### **Recommendation**

Based on the roles undertaken by Mr Purser and Mr Willers and Chair and Vice Chair of the Current Standards Committee the Council appoints them as Independent Persons for the Council up to 1 July 2013.

In addition if the new arrangements are agreed this evening the Council will need to appoint the Warwick District Councillors of the Standards Committee from 1 July 2012.

#### **Recommendation**

That Council appoints the following number of representatives from the Groups on the Council to the Standards Committee:  
5 Conservatives,  
2 Liberal Democrats,  
2 Labour; and  
1 Independent

Andrew Jones  
Monitoring Officer

### *Standards Committee*

Below are the comments, agreed unanimously, from the current Standards Committee on the New Standards Regime from their meeting on 26 June 2012.

The Committee welcomed the work by all on the new arrangements and supported the recommendations in the report.

That the Council continues to call "Standards Committee" "Standards Committee" because it is recognised publicly as responsible place for considering complaints about the conduct of Councillors and the changes in process and name could lead to confusion and lack of clarity.

#### **Recommendation**

The Standards Committee welcomed the change in approach by the Government to enable the current Independent Representatives to be appointed as the Council's Independent Persons under the Localism Act for a transitional arrangement up to 1 July 2013.

Based on this the Standards Committee recommended to Council that the Council appoints two of the current Independent Representatives as the Independent Persons for the Council until new Independent Persons can be appointed and no later than 1 July 2013.