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|  Council 27th June 2012 | | Agenda Item No. 14 |
| Title | Prayers at Council Meetings | |
| For further information about this report please contact | Andrew Jones Andrew.jones@warwickdc.gov.uk (01926) 456830 | |
| Wards of the District directly affected | None | |
| Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006? | No | |
| Date and meeting when issue was last considered and relevant minute number | N/A | |
| Background Papers | Overview and Scrutiny Committee 17 th April 2012 | |

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| Contrary to the policy framework: | No |
| Contrary to the budgetary framework: | No |
| Key Decision? | No |
| Included within the Forward Plan? (If yes include reference number) | No |
| Equality & Sustainability Impact Assessment Undertaken | No (If No state why below) |
| N/A. | |

| Officer/Councillor Approval | Date | Name |
|--|---------------------------|---|
| Chief Executive/Deputy Chief Executive & Monitoring Officer | 28 th May 2012 | Author |
| CMT | 30 th May 2012 | Chris Elliott Bill Hunt Author |
| Civic and Committee Services Manager | 28 th May 2012 | Graham Leach |
| Legal Services | 28 th May 2012 | Jane Pollard |
| Group Leaders & Council Chairman | 30 th May 2012 | Councillors Barrott, Boad, Doody, Kirton Councillor Kinson |
| Consultation & Community Engagement | | |
| N/A | | |
| Final Decision? | Yes | |
| Suggested next steps (if not final decision please set out below) | | |
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1. **SUMMARY**

- 1.1 This report advises Members as to the legal position with regard to Prayers at Council meetings and asks how they wish to deal with Prayers in future.

2. **RECOMMENDATION**

- 2.1 Council decides whether it wishes to:
- a. Include prayers as part of the formal agenda of a Council meeting;
 - b. Provide an opportunity for Council Members to gather in the Council Chamber for prayers before a Council meeting on the understanding that prayers have no relationship to the Council meeting;
 - c. Continue with the current practice of saying prayers at the commencement of the Council meeting albeit prayers do not form part of the formal agenda of a Council meeting;
 - d. Propose an alternative arrangement not covered by a, b or c.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Members will be aware that it is this Council's practice to hold prayers at the beginning of most Council meetings. Whilst prayers are not part of the meeting's Agenda, it has become custom and practice that before proceedings commence, all Councillors gather in (are summoned to) the Council Chamber and the Chairman of the Council invites her or his religious nominee to lead on prayers. It should be noted that prayers/reflection at Warwick District Council has not been exclusively Christian, as Council Chairmen of other religions have introduced prayers/reflection from non-Christian belief systems.
- 3.2 On 10th February 2012, the High Court ruled that "The saying of prayers as part of the formal meeting of a council is not lawful under section 111 of the Local Government Act 1972, and there is no statutory power permitting the practice to continue." With regard to Warwick District Council, to any reasonable onlooker it would appear that prayers are part of the Council Agenda, despite there being no reference to Prayers on the Agenda.
- 3.3 Since the judgement of 10th February, things have moved on, specifically following the Secretary of State's (Communities and Local Government) intervention. The Localism Act introduces a General Power of Competence (GPC) for local authorities that enable them to do "anything that individuals generally may do". On 18th February this part of the Act was made law. A fuller note on GPC is attached at the Appendix.
- 3.4 The enactment is important in the context of the Prayers issue because the Secretary of State, Mr Pickles, specifically brought the enactment forward so that Councils could continue to hold prayers as part of their meetings should they explicitly decide to do so.
- 3.5 Members should be aware that although the Secretary of State considers that the GPC provides a Council with the power to hold prayers, this has not been tested in the Courts. However, it is clearly the Government's position that the GPC provides the necessary authority and so this Council should proceed based on this understanding.

- 3.6 If Members wish to hold prayers as part of the formal agenda of Council meetings, there would need to be a Council decision, as the Order of Business in the Council's Constitution would need to be amended.
- 3.7 Members could continue to hold prayers but not as part of the formal Agenda. This would be best achieved by those wishing to pray deciding to meet at 5.55pm. If the Chairman wished to partake of prayers, he or she would then need to leave the Chamber at the end of Prayers and then re-enter the Chamber for the Council meeting.
- 3.8 Members could continue with the current practice but the Overview and Scrutiny Committee considered this to be an unsatisfactory solution as there is a lack of clarity about the status of prayers and it was felt to be discourteous to ask some Members to wait outside the Chamber whilst prayers were taking place.
- 3.9 In the alternative, Members may develop and agree an entirely different approach.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The report proposes three options for consideration but Members may wish to agree a different approach.

5. BUDGETARY FRAMEWORK

- 5.1 There are no budgetary implications as a consequence of this report.

6. POLICY FRAMEWORK

- 6.1 The Council's Constitution will need to be amended should Members wish to include prayers on the full Council Agenda.