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28th November 2012
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WLGA • CLILC

Mr William Powell AM
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
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Dear Bill

Thank you for your letter dated 22nd October 2012 seeking the views of the WLGA on the petition your Committee has received requesting amending the Local Government Act 1972 to enable local authorities in Wales to hold prayers at Council meetings as part of the official business agenda should they wish to do so.

This is not an issue that has been considered by the political leadership of the WLGA however it has been discussed by the Association of Council Secretaries and Solicitors as the relevant professional body. You will no doubt be aware that following the 'council prayers' decision of the High Court in the case of R v Bideford Town Council, the UK Government introduced a new power of general competence in England through the Localism Act. This power has not been introduced in Wales and although Welsh councils have a statutory power to promote the economic, environmental and social wellbeing of their areas (as introduced in Section 2 of the Local Government Act 2000), this statutory well-being power is not all encompassing and councils need to ensure that existing legislation does not impose limitations on the use of the power. It should also be noted that the power of wellbeing was also available to English authorities prior to and at the time of the above High Court case.

There are different views as to whether the well-being power is appropriate for councils in Wales to rely upon should they wish to hold prayers as part of formal Council business and should there be a legal challenge. As the Minister notes in his correspondence with the Committee, councils will also need to consider their public sector equality duty under the Equality Act 2010 before introducing prayers as part of council meetings. As it currently stands, this is a matter that each council must consider and determine its position for itself however the lack of clarity on the legal basis is an issue of concern.

As is highlighted in the letter from the Minister to you some councils have decided to take a more cautious route and are now holding prayers prior to the commencement of formal business while others are continuing with their practice of holding prayers at the

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commencement of formal business. Some do not hold prayers at all. Such decisions have been taken by councils themselves having sought their own legal advice however there is not a defined position across all authorities on the appropriateness of whether prayers should be held before or as part of a council meeting.

In terms of the specific request in the petition that legislative change is required to afford authorities the opportunity to hold prayers during council meetings, further consideration of the issues would be required and a discussion amongst our members would be necessary before coming to a clear position from the WLGA. However, it is our view that further clarity on the legislative basis is required and we would suggest that the Welsh Government consider issuing a note that provides a summary of the legal advice they have received on the issue which may assist and provide guidance to local authorities in then developing their own position and practice locally. For information, the Welsh Government has recently consulted on new statutory guidance on the power of well-being (see <http://wales.gov.uk/consultations/localgovernment/lgwellbeing/?lang=en>) and this draft guidance does not refer to using the power to allow council prayers.

I hope this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Thomas', written in a cursive style.

Steve Thomas CBE
Chief Executive