

Carl Sargeant AC / AM
Y Gweinidog Llywodraeth Leol a Chymunedau
Minister for Local Government and Communities



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-402
Ein cyf/Our ref CS/06638/12

William Powell AM
Chair Petitions Committee
Ty Hywel
Cardiff Bay
Cardiff
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31st July 2012

Thank you for your letter dated 9 July regarding the petition that has been received requesting the Welsh Government to introduce legislation that explicitly enables local authorities in Wales to include prayers as a formal part of the proceedings at their meetings.

The background to this issue is the ruling of the High Court in R (on the application of the National Secular Society and Clive Bone) –v– Bideford Town Council, that local authorities could not rely upon the power within section 111 of the Local Government Act 1972 to include prayers as part of the formal proceedings of council meetings. In response to this decision the UK Government commenced section 1 of the Localism Act 2011 which provides local authorities in England with a general power of competence.

The general power of competence within the Localism Act does not extend to Wales. However, local authorities in Wales are able to make use of the well-being power within section 2 of the Local Government Act 2000, which enables them to do anything which would promote the social, economic or environmental wellbeing of their areas or citizens.

It is of course a matter for local authorities to determine whether they can rely upon the well-being power to include prayers as part of the formal business of their meetings. If they determine to utilise the wellbeing power they will also need to satisfy themselves that they have complied with their public sector equality duty under the Equality Act 2010 before including prayers as part of the formal business of their meetings.

In the event that they are not content to rely on the well-being power it does remain open to local authorities to hold prayers before the start of meetings, an option I am aware many authorities have chosen to take.

I can confirm that the Welsh Government has given careful consideration to the request to introduce legislation, but is of view that such legislation is not necessary. We believe that the official business of local authorities, having regard to their statutory duties, should be focussed on the provision of goods and services and facilitating the well-being and inclusion of all the community, and we are satisfied that local authorities in Wales already have sufficient powers to enable them to do this. As part of our consideration of this matter we have had full regard to our public sector equality duties under the Equality Act 2012, and are satisfied that these have been met.

If you require any further information from me in respect of this matter please do not hesitate to contact me.

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a wavy line that tapers off to the right.

Carl Sargeant AC / AM

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Minister for Local Government and Communities