

PET(4)-11-12 : Monday 2 July 2012

P-04-402 : Council Prayers

Dear Minister,

**Re: Council prayers in Wales**

I would like to provide fresh evidence from Wales' 22 local councils to present a case that it is necessary to legislate on the issue of council prayers in Wales.

I contacted all 22 Welsh councils in March and April this year to gather information relating to council prayers and the extent to which the Bideford judgment of 10 February (National Secular Society and Clive Bone v Bideford Town Council) had affected them.

This stemmed from a meeting of the Faith Communities Forum on 27 March 2012 in which the issue was on the agenda and raised by Rev Aled Edwards. It will also be an agenda item at the next Forum meeting on 24 October.

Of the 22 councils at the time of the Bideford judgment:

- 5 councils indicated that they had *some* arrangements for prayer but not as part of formal meetings
- 5 had no stated arrangements for prayer either before or as part of formal meetings
- 12 were holding prayers as part of the agenda of formal meetings

What is crucial to the issue is that each one of these 12 councils that were holding prayers - without exception - subsequently removed them from the agenda of formal meetings in order to comply with the judgment. In other words, the power to promote wellbeing was not used by any as a power of first resort to retain prayers on the agenda. A 13<sup>th</sup> council, Cardiff, also complied with the judgment by moving prayers, even though they were not being held as part of the formal agenda.<sup>1</sup> Therefore I suggest that legislation on the issue is necessary.

The following were questions asked of the councils:

**Question 1: Were prayers part of the formal agenda for council meetings before the ruling in Bideford in February this year?**

This first question was asked to all 22 councils, of which prayers *were not* part of the agenda for the following 10:

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<sup>1</sup> See Cardiff Council statement in Table 3

Council	Reply
1. Bridgend	<i>"Prayers have not been part of the agenda of any formal meeting of Bridgend County Borough Council since its formation in 1996."</i> <sup>2</sup>
2. Caerphilly	<i>"No."</i> <sup>3</sup>
3. Cardiff	<i>"Prior to this, prayers were not included as a standing item on the formal summons or agenda of Council meetings, but were held on an informal basis before the commencement of formal business at the discretion of the Lord Mayor and in line with previous custom and practice. All Councillors did not have to be present in the Council Chamber when prayers were offered by the Lord Mayor's chosen faith representative immediately after the Lord Mayor had entered the Chamber, with some choosing to remain outside the Chamber until they had ended before joining the meeting."</i> <sup>4</sup>
4. Carmarthenshire	<i>"A short prayer is given by a member prior to the commencement of the formal meeting."</i> <sup>5</sup>
5. Merthyr Tydfil	<i>"Prayers have never formed part of the agenda for Council meetings at Merthyr Tydfil County Borough Council."</i> <sup>6</sup>
6. Pembrokeshire	<i>"Prayers are not on the agenda in Pembrokeshire County Council meetings, and never have been. However, it is at the discretion of the Chairman at the time as to whether he or she wishes to commence with prayers."</i> <sup>7</sup>
7. Rhondda Cynon Taf	<i>"No."</i> <sup>8</sup>
8. Swansea	<i>"No."</i> <sup>9</sup>
9. Torfaen	<i>"Prayers have always been said immediately before the start of Torfaen Council meetings."</i> <sup>10</sup>
10. Wrexham	<i>"Wrexham Council have prayers with those who wish to participate before the Council meeting starts."</i> <sup>11</sup>

Table 1

<sup>2</sup> Email received from Mr. PA Jolley, Bridgend County Borough Council, on 15 May 2012

<sup>3</sup> Email received from Stephen Pugh, Caerphilly County Borough Council, on 16 May 2012

<sup>4</sup> Email received by Adam Foster, Cardiff Council, on 3 April 2012

<sup>5</sup> Email received from John Tillman, Carmarthenshire County Council, on 2 May 2012

<sup>6</sup> Email received from the Freedom of Information Officer, Merthyr Tydfil County Borough Council, on 24 April 2012

<sup>7</sup> Email received from Anna Wilson, Pembrokeshire County Council, on 30 March 2012

<sup>8</sup> Email received from Emma Coates, Rhondda Cynon Taf county Borough Council, on 30 March 2012

<sup>9</sup> Email received from Greg Jones, City & County of Swansea, 17 April 2012

<sup>10</sup> Email received from Lauren Mills, Torfaen County Borough Council, on 2 April 2012

<sup>11</sup> Email received from Gill Stevens, Wrexham County Borough Council, on 3 April 2012

However, there were 12 councils for whom prayers were a part of the formal agenda of council meetings at the time of the Bideford ruling:

Council	Reply
1. Blaenau Gwent	<i>"Prayers were a formal part of the agenda until recently i.e. until the [Bideford] judgement was received."</i> <sup>12</sup>
2. Ceredigion	<i>"Yes"</i> <sup>13</sup>
3. Conwy	<i>"Yes, prayer was an agenda item."</i> <sup>14</sup>
4. Denbighshire	<i>"Prayers used to be included on the summons/agenda page for meetings of full Council, but they weren't formally part of the business of the meeting. They would be held to open the meeting prior to moving to the agenda business itself."</i> <sup>15</sup>
5. Flintshire	<i>"Prior to the court ruling in England prayers were a formal part of meetings of Flintshire County Council."</i> <sup>16</sup>
6. Gwynedd	<i>"In a recent case against Bideford town council in Devon, the High Court ruled that councils do not have a legal right to include a prayer on their committee agenda. As a result, Gwynedd Council will no longer be including prayer on the agenda of its full council meetings."</i> <sup>17</sup>
7. Isle of Anglesey	<i>"I can confirm that prayers are no longer part of the formal agenda of full council (following the recent ruling), they had been in the past."</i> <sup>18</sup>
8. Monmouthshire	<i>"Yes"</i> <sup>19</sup>
9. Neath Port Talbot	<i>"Prayers were previously on the Council Agenda as part of the formal meeting."</i> <sup>20</sup>
10. Newport	<i>"Prior to the ruling against Bideford Town Council, prayers were always a formal part of full council meetings at Newport City Council."</i> <sup>21</sup>

<sup>12</sup> Email received from Alwyn Holland, Blaenau Gwent County Borough Council, on 19 April 2012

<sup>13</sup> Email received from Claire Jones, Ceredigion County Council, on 14 May 2012

<sup>14</sup> Email received from Eirian Edwards, Conwy County Borough Council, on 2 April 2012

<sup>15</sup> Email received from Nicola Samuel, Denbighshire County Council, on 18 April 2012

<sup>16</sup> Email received from Delwyn Evans, Flintshire County Council, on 3 April 2012

<sup>17</sup> Email received from Ceri Llwyd Brunelli, Gwynedd Council, on 3 April 2012

<sup>18</sup> Email received from Gethin Jones, Isle of Anglesey County Council, on 3 April 2012

<sup>19</sup> Email received from Mike Trigg, Monmouthshire County Council, on 18 April 2012

<sup>20</sup> Email received from Linda White, Neath Port Talbot County Borough Council, on 17 May 2012

<sup>21</sup> Email received from Christopher Latham, Newport City Council, on 5 April 2012

11. Powys	<i>"Since the recent Court ruling prayers have not been included on the Council agenda - they previously had been."</i> <sup>22</sup>
12. Vale of Glamorgan	<i>"Yes"</i> <sup>23</sup>

Table 2

## Question 2: Are prayers still taking place?

For those 12 councils in Table 2 plus Cardiff, I asked for clarification if prayers were still taking place. This was to establish if those councils had made alternative provision for prayers *and* if they had opted to use the power to promote wellbeing as a first resort in order to protect the tradition of prayers as part of the formal agenda.

The decisions of each of these 13 councils *not* to opt to use the power to promote wellbeing as a power of first resort were consistent with research findings of the UK government:

*...the scope of action permitted to councils under [the power to promote wellbeing] is not clear, and cautious legal departments in many local authorities are wary of using the power for fear of costly and time-consuming legal challenge. As a result the Government's own research shows that only a small number of authorities have used the power of wellbeing as a power of first resort; many local authorities have not used it at all.*<sup>24</sup>

I am not suggesting that the power to promote wellbeing is wholly ineffective but that it is vis-à-vis council prayers.

Council	Reply
1. Blaenau Gwent	<i>"Prayers now take place prior to the start of the formal meeting."</i> <sup>25</sup>
2. Cardiff	<i>"As the general power of competence in the Localism Act recently approved by Eric Pickles does not apply in Wales, prayers at Council meetings are still deemed to be unlawful following the recent Bideford judgement. As Cardiff Council does not wish to act unlawfully, following a discussion between party leaders last night, the decision was made to hold prayers prior to the summonsed start of the Council Meeting in the Council Chamber for those councillors who wish to be present."</i> <sup>26</sup>

<sup>22</sup> Email received from Steve Boyd, Powys County Council, on 11 April 2012

<sup>23</sup> Email received from Dennis Baker, Vale of Glamorgan Council, on 22 May 2012

<sup>24</sup> <http://www.parliament.uk/briefing-papers/SN05687> Accessed 20 May 2012

<sup>25</sup> Email received from Alwyn Holland, Blaenau Gwent County Borough Council, on 19 April 2012

<sup>26</sup> Email received by Adam Foster, Cardiff Council, on 3 April 2012

3. Ceredigion	<i>"Now taking place before the meeting."</i> <sup>27</sup>
4. Conwy	<i>"We will continue with the prayers but they will not be included in the agenda."</i> <sup>28</sup>
5. Denbighshire	<i>"After the High Court's ruling the council looked at the judgement and removed prayers from the agenda page. Council decided that prayers would still be said but before the meeting of full Council started, on a completely informal basis i.e. they would not be part of the meeting itself."</i> <sup>29</sup>
6. Flintshire	<i>"Since the ruling prayers now take place before the start of the formal meetings of the county council."</i> <sup>30</sup>
7. Gwynedd	<i>"Any member who wishes to pray before a meeting should contact the Council beforehand and will be invited by the Council's Chairman to meet in prayer before the meeting begins."</i> <sup>31</sup>
8. Isle of Anglesey	<i>"During the last full council, members said a prayer before the formal agenda got underway."</i> <sup>32</sup>
9. Monmouthshire	<i>"No longer on the agenda-taking place before the meeting."</i> <sup>33</sup>
10. Neath Port Talbot	<i>"In order to comply with the terms of the judgement, prayers are said at the 6 weekly Council meetings and occur before the meeting is formally opened."</i> <sup>34</sup>
11. Newport	<i>"Members are now given the opportunity to join the Mayor and her chaplain in prayers before the formal meeting begins."</i> <sup>35</sup>
12. Powys	<i>"At the last meeting Members were invited by the Chairman to prayers 10 minutes before the meeting."</i> <sup>36</sup>
13. Vale of Glamorgan	<i>"The Vale of Glamorgan Council currently holds formal prayers ahead of Council meetings. The agenda for each Council meeting indicates that prayers will be said before, and not as part of, the meeting. This complies with the recent legal ruling that prayers should not form part of formal proceedings."</i> <sup>37</sup>

Table 3

Councils in Blaenau Gwent, Newport and Powys also offered the following related comments when asked if they were aware of the Welsh Government

<sup>27</sup> Email received from Claire Jones, Ceredigion County Council, on 14 May 2012

<sup>28</sup> Email received from Eirian Edwards, Conwy County Borough Council, on 2 April 2012

<sup>29</sup> Email received from Nicola Samuel, Denbighshire County Council, on 18 April 2012

<sup>30</sup> Email received from Delwyn Evans, Flintshire County Council, on 3 April 2012

<sup>31</sup> Email received from Ceri Llwyd Brunelli, Gwynedd Council, on 3 April 2012

<sup>32</sup> Email received from Gethin Jones, Isle of Anglesey County Council, on 3 April 2012

<sup>33</sup> Email received from Mike Trigg, Monmouthshire County Council, on 18 April 2012

<sup>34</sup> Email received from Ali Forbes, Neath Port Talbot County Borough Council, on 20 April 2012

<sup>35</sup> Email received from Christopher Latham, Newport City Council, on 5 April 2012

<sup>36</sup> Email received from Steve Boyd, Powys County Council, on 11 April 2012

<sup>37</sup> Email received from Catherine Evans, Vale of Glamorgan Council, on 10 April 2012

communication on council prayers, particularly with reference to section 2 of the Local Government Act 2000:

*"Following the court decision, in order to prevent any challenge, it was felt wiser to remove [prayer] from the formal agenda."*<sup>38</sup>

*"This was a pragmatic decision taken to avoid any potential legal issues."*<sup>39</sup>

*"...our view is that the Council would still be open to challenge"*<sup>40</sup>

**Question 3: If they used to be a part but have now been taken off, was that decision made after taking legal advice?**

This question was asked to the same 13 councils who were asked Question 2. The responses that I received illustrate that the councils had due regard for legal process:

Council	Reply
1. Blaenau Gwent	<i>"The advice was provided by the Chief Legal Officer."</i> <sup>41</sup>
2. Cardiff	<i>No reply</i>
3. Ceredigion	<i>"Yes."</i> <sup>42</sup>
4. Conwy	<i>"Technically, Conwy has taken Legal advice."</i> <sup>43</sup> (the Head of Legal and Democratic Services, who took the decision, is a solicitor)
5. Denbighshire	<i>"The council's Legal Services Department looked at the judge's ruling but no external advice was sought."</i> <sup>44</sup>
6. Flintshire	<i>"Prayers were taken off the County Council meeting agenda after taking legal advice."</i> <sup>45</sup>
7. Gwynedd	<i>"Gwynedd Council can confirm that the decision to remove prayers as an agenda item was taken on legal advice."</i> <sup>46</sup>

<sup>38</sup> Email received from Alwyn Holland, Blaenau Gwent County Borough Council, on 30 April 2012

<sup>39</sup> Email received from Christopher Latham, Newport City Council, on 2 May 2012

<sup>40</sup> Email received from Steve Boyd, Powys County Council, on 1 May 2012

<sup>41</sup> Email received from Alwyn Holland, Blaenau Gwent County Borough Council, on 19 April 2012

<sup>42</sup> Email received from Claire Jones, Ceredigion County Council, on 14 May 2012

<sup>43</sup> Email received from Eirian Edwards, Conwy County Borough Council, on 2 April 2012

<sup>44</sup> Email received from Nicola Samuel, Denbighshire County Council, on 18 April 2012

<sup>45</sup> Email received from Delwyn Evans, Flintshire County Council, on 11 April 2012

<sup>46</sup> Email received from Ceri Llwyd Brunelli, Gwynedd Council, on 10 April 2012

8. Isle of Anglesey	<i>No reply</i>
9. Monmouthshire	<i>"Yes - the Chairman sought advice of the Council's Monitoring Officer."</i> <sup>47</sup>
10. Neath Port Talbot	<i>"Legal advice was taken before this decision."</i> <sup>48</sup>
11. Newport	<i>"The council has taken legal advice and has now been forced to remove prayers from the official agenda for these meetings."</i> <sup>49</sup>
12. Powys	<i>"We acted on the advice of our own senior officers."</i> <sup>50</sup>
13. Vale of Glamorgan	<i>"Yes"</i> <sup>51</sup>

Table 4

### Concluding comments

The Welsh Government has been clear in its correspondence on the issue of council prayers that the matter of when and where to hold council prayers is one for local determination. Prior to my research, the Welsh Government perhaps did not realise how ineffective the power to promote wellbeing was in this respect. The First Minister, for example, commented in the 27 March Faith Communities Forum meeting that he thought that it would be a relatively straightforward matter for councils to satisfy the wellbeing criterion to allow prayers on the agenda of meetings.

We conclude that, vis-à-vis council prayers in light of the 10 February Bideford judgment, the Welsh Government never intended for councils to be hindered by promoting the power to promote wellbeing over the general power of competence.

Although the 13 councils in question have made alternative arrangements for prayers, pre-Bideford freedoms were clearly preferred as can be seen in the following statements from Newport City Council and Flintshire County Council:

*"Prior to the ruling against Bideford Town Council, prayers were always a formal part of full council meetings at Newport City Council. The council has taken legal advice and has now been forced to remove prayers from the official agenda for these meetings."*<sup>52</sup>

<sup>47</sup> Email received from Mike Trigg, Monmouthshire County Council, on 18 April 2012

<sup>48</sup> Email received from Ali Forbes, Neath Port Talbot County Borough Council, on 24 April 2012

<sup>49</sup> Email received from Christopher Latham, Newport City Council, on 5 April 2012

<sup>50</sup> Email received from Steve Boyd, Powys County Council, on 11 April 2012

<sup>51</sup> Email received from Dennis Baker, Vale of Glamorgan Council, on 22 May 2012

<sup>52</sup> Email received from Christopher Latham, Newport City Council, on 5 April 2012

*“I am advised that if the Bideford ruling were overturned, the likelihood is that formal prayers would be restored to the agenda of Flintshire County Council meetings.”*<sup>53</sup>

Therefore, despite previous Welsh Government statements that they did not intend to legislate on the matter, I ask in light of the findings in this document, on behalf of Evangelical Alliance Wales and members of the Faith Communities Forum, that the Welsh Government either amends existing legislation or brings legislation forward in order to remedy this situation.<sup>54</sup> This would be entirely consistent with the Welsh Government’s commitment to localism and to finding Welsh solutions to Welsh problems.

Wales’ faith communities are committed to helping our communities – Evangelical Alliance members, for example, play a central role in services such as Street Pastors, night shelters, foodbanks and debt advice centres – but the issue of council prayers remains important to us.

Finally, as Welsh Government has a proud record not only of upholding human rights and equalities but of going beyond what is expected in order to ensure that they are embedded into our political culture, I’m sure that you will be grateful to me for bringing a related concern to your attention.

A BBC online article from Feb 28<sup>th</sup> quoted a Welsh Government spokesman as saying:

*“With record unemployment, huge cuts to funding for English local authorities, cuts to vital public services and the abolition of council tax benefit, one really has to wonder if this is the most urgent matter crossing Eric Pickles’ desk.”*<sup>55</sup>

This is an unacceptable statement as the issue in question, council prayers, clearly has a human rights dimension relating to freedom of worship. It also involves a protected equality group, i.e. those in Welsh councils who share the protected characteristic of religion, who had been negatively affected by the Bideford judgment. Although the *full* impact of the judgment was perhaps not then known, councils such as Newport and Cardiff were publicly outspoken at the time of their wish to be able to retain council prayers on the agenda of meetings, and it is reasonable to conclude that the Welsh Government was aware of this strength of feeling.

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<sup>53</sup> Email received from Delwyn Evans, Flintshire County Council, on 16 April 2012

<sup>54</sup> I am aware, for example, of the recent NAW *Council Prayers* petition and the statement of opinion (OPIN-2012-0084) raised by Russell George AM and Aled Roberts AM, both of which call on the Welsh Government to amend the Local Government Act 1972 to enable prayers to be held as part of the formal agenda of council meetings for those councils that wish to do so.

<sup>55</sup> *Council prayers: Newport parties urge worship at meetings* <http://m.bbc.co.uk/news/uk-wales-south-east-wales-17193614> Accessed 12 June 2012.



Having stated our case and expressed our concern, we reaffirm our support for the Welsh Government and recognise the overall respect given by them to faith and to Wales' faith communities.

Yours sincerely,

Jim Stewart  
Evangelical Alliance Wales