

## **TEST VALLEY BOROUGH COUNCIL**

### **CHIEF EXECUTIVE'S URGENT DECISION (pursuant to paragraph (2) of Delegations to the Chief Executive)**

#### **SUBJECT**

**The inclusion of prayers as part of the formal agenda at Council meetings**

#### **DECISION**

That prayers should be included as the first item on the agenda for the Council meeting on 17<sup>th</sup> April 2012.

#### **REASON FOR URGENCY**

Until its meeting on 24<sup>th</sup> February 2012 the Council has always included prayers as the first item on the agenda for its Council meetings. Prayers were not included as an agenda item on 24<sup>th</sup> February 2012 because a High Court decision some two weeks' earlier on 10<sup>th</sup> February 2012 had held that Councils have no legal power to include prayers.

On 18<sup>th</sup> February 2012, section 1 of the Localism Act 2011 came into force. This contains a General Power of Competence that, with some exceptions, enables Councils to "do anything that individuals may do".

The decision to include prayers as part of the Council agenda will need to be taken by Council itself. Therefore, it is necessary to use the Chief Executive's delegated powers if prayers are to be restored to the agenda for the meeting on 17<sup>th</sup> April 2012 at which all members will be able to formally consider the matter for the future.

#### **BACKGROUND**

The report of the Corporate Portfolio Holder entitled 'The inclusion of prayers in Council agendas' for Council on 17<sup>th</sup> April 2012 sets out the background.

In response to a question at the last Council meeting on 24<sup>th</sup> February 2012, the Leader of the Council indicated that he had formally requested the Chief Executive to consider, via his delegated powers to take urgent decisions, the restoration of prayers to the first item on the agenda at the next Council meeting in April. The Chief Executive has duly considered the matter in the light of legal advice and representations from members that he has received. No member has objected to the proposal to restore prayers to the Council agenda for April's meeting whilst a significant number of members have indicated their express support.

The Leader of the Council also indicated in the said response that he had asked the Chief Executive to include an item on the agenda for April's meeting to enable Council to pass a resolution to include prayers as the first item on the agenda for all

future Council meetings. That item has been duly included on the Agenda to enable all members to formally consider the matter.

**DECISION**

Head of Finance's Signature ..... *W. Fullbrook* ..... Date: *29/3/12*  
Head of L & D's Signature ..... *S. Gray* ..... Date: *29.3.2012*  
CE Signature: ..... *JR White* ..... Date: *29.3.2012*  
Leader's Signature: ..... *J. Sloan* ..... Date: *29.3.2012*  
Reported to <sup>*Council*</sup> Committee on ..... *Council 17/April* ..... Date: *29/3/12*

- DISTRIBUTION**
- 1. Chief Executive
  - 2. Head of Finance
  - 3. Head of Legal and Democratic Services
  - 4. Head of Administration (original for report to Committee)

**BACKGROUND PAPER:** Draft report to ~~Gabinet~~ <sup>*Council*</sup> on 17 April 2012