

# Causeway Coast & Glens Borough Council

**To: Council Meeting**

**Legal Advice Standing Order 15 (2)  
Notice of Motion – Prayer**

**28<sup>th</sup> July 2015**

## **For decision**

1. Following Council's meeting on 26<sup>th</sup> May 2015, legal advice was sought regarding the proposed amendment, at the Council Meeting to the recommendation of the Corporate Policy & Resources Committee held on 21<sup>st</sup> April 2015, in respect of prayers at Council meetings.

The advice is reproduced below for Council's consideration.

### **1.1 Legal Advice**

"A point of order has been raised in relation to an amendment proposed by the SDLP, that the recommendation of the Corporate Policy and Resources Committee should be amended from a **recommendation of having the Lord's Prayer and the old Coleraine Borough Council prayer said at Council meetings, to a minute's silence.**

The point of order is raised under Standing Order 15.(2)

It is my view that SO 15(2) is meant to cover situations where a member raises, for example, a question, about an issue which requires an answer. The purpose of requiring notice would be to allow the relevant officer or member time to prepare an answer. If the answer is quickly or easily available, then to expedite business, the Presiding Councillor under SO 15(3) can, at their discretion allow a reply to be given. Standing Order 15(1) prohibits a motion or amendment on the proceedings of committees not in the minutes presented to Council, hence a motion or amendment relating to a matter contained in the minutes presented, is permissible. SO 15(1) would be the dominant provision of SO 15.

Therefore the proposed amendment is properly brought.

For your information going forward, the legal position in relation to Local Authority proceedings beginning with prayers is not entirely clear. A High Court case in England, looking at Section 111 of The Local Government Act 1972(England) in 2012 held that the saying of prayers as part of the formal meeting of a Council is not lawful under that section and that there was no statutory power permitting the practice to continue. ( R V on the application of the National Secular Society v Bideford Town Council). However, again in England, the Localism Act 2011 provides statutory

authority for holding prayers during formal meetings. In England many Councils avoid the issue by not including prayers as part of the formal agenda and holding them prior to the start of the meeting. ( Knowles on Local Authority Meetings).”

## **1.2 Notice of Motion – Councillor Fielding – Prayers**

The Notice of Motion submitted by Councillor Fielding was:

*‘Propose that the new Council retains the practice of opening the Council meeting in Prayer which existed in the Council Chamber under Coleraine Borough Council.  
Prayer read at Coleraine Borough Council and proposed to be read in new Council*

*Almighty and most merciful Father,  
We humbly pray thee so to guide us in our deliberations for this Borough and its inhabitants, that we may have a right Judgement in all things and may have grace to shape our decisions according to thy Holy will.*

*Amen’*