

Council Prayers: Campaign Briefing

What's the issue?

Many local councils include prayers as part of the formal meetings. We argue that it is wholly inappropriate for a group of publicly-elected members to appear corporately to subscribe to any religious beliefs, far less one in particular.

Furthermore, for local democracy to be representative we think it is imperative that the Council reflects the diversity of the community it serves and moves away from practices that deter full involvement from all sections of that community. We are aware of potential candidates who will not put their names forward for election because participation in prayers is against their personal values. This deprives local democracy of potential new members and diversity. For Councillors who do still come forward to represent their communities, Prayers can create a feeling of exclusion. A senior local cleric has also made it known that he believes that prayers are not appropriate in Council meetings.

Everyone should be free to practise their faith, just as they should be free not to have one. Our campaign does not deny anybody the right to pray, but we do question the appropriateness of a council meeting as a place for prayers. We regard acts of worship in council meetings as a key secular issue concerning the separation of religion from politics.

Extent

From research, we estimate that just over half of all UK councils begin their proceedings with prayers. The vast majority of these conduct Christian prayers, others have built in a multi-faith element to their worship.

Legal Challenge – Bideford Town Council

We are advised by our lawyers that the practice of a local authority saying prayers during meetings is likely to be unlawful. We have therefore initiated a judicial review.

A judicial review is a mechanism for challenging the decision of a public body. judicial review can be applied for in relation to any public body, including government departments, local authorities and any organisation exercising a public function. The grounds for such cases will usually be that the body acted illegally or irrationally or that the decision was reached unfairly because of a defect in the procedure which led to the decision.

Our case concerns the way in which Bideford Town Council conducts its formal meetings. We are challenging the legality of the Council's practice of saying prayers (in this case Christian) as an integral part of each formal meeting of its full Council.

The right to practise, **or to choose not to practise**, a religion is recognised by the European Court of Human Rights and as such is worthy of defence and protection in what is an increasingly secular society.

At court we will argue that the Council's practice is unlawful in that:

- Those of no religion are being indirectly discriminated against without justification
- The Council's actions breach articles 9 and 14 of The European Convention on Human Rights (right to freedom of conscience and protection from discrimination)
- The practise is *ultra vires*. This means that conducting prayers is beyond the purposes and powers of the Council.

The court hearing is set for Friday 2 December 2011.

Background to the legal challenge

The National Secular Society was approached by a local Councillor in Bideford who informed us that the Town Council started normal meetings of the full Council with prayers. He told us that he had complained to the Council about the prayers, that his views were shared by some other councillors and that he was aware of potential councillors put off standing for election by the prayers. We therefore raised the matter with the Town Council.

We wrote to Bideford explaining the advice we had received from our lawyers was that prayers during Council meetings was unlawful. The National Association of Local Councils had also advised them that such actions may be unlawful. Unfortunately, none of the matters raised by the NSS was substantively addressed by Bideford Town Council.

The Council resisted the Councillor's compromise proposal that, instead of prayers, there should be a period of silent contemplation by everyone present. It also rejected the suggestion that councillors who wish to pray before council meetings should convene before the formal meeting starts (and outside its formal business) to do so.

It became clear to us that the Council was wholly unwilling to discuss the issue of prayers to see if a sensible compromise could be found. They stuck by the defence that the continuance of prayers had been confirmed by a democratic vote. We therefore decided to seek a judicial review.

The councillor in question is not a Christian and does not wish to participate in, or otherwise be associated (or thought to be associated) with prayers or other acts of religious worship. Prayers make him uncomfortable and he feels embarrassed and awkward as the public act of worship is practised. But he and others of like mind (he was not the only one on the Council with such views) must either participate in prayers or leave the chamber without even an invitation from the mayor to do so, which is embarrassing and inconvenient. Leaving the chamber would also require him to disclose to the public present his personal and private views, something he should not have to do as part of holding public office. Finally, he is not prepared to arrive late to avoid prayers. The holding of prayers as part of the formal business of the meeting thus creates a feeling of exclusion for him and some other councillors. That led him to not to seek re-election.

Key issues

Religious Freedom

The Council have falsely argued that banning prayers is restricting the freedom to worship of those councillors in favour of prayer. The NSS is categorically not seeking to restrict freedom of worship. Obviously this challenge has no bearing on their ability to worship at home or their place of worship, and if some council members want to pray in connection with Council meetings, we think that should be a private matter and there is no problem with them doing so before council meetings. We do however think it unreasonable to insist that anyone's religious beliefs should be imposed on others.

Secularism is not opposed to religious belief or practice itself and takes no issue with people wishing to govern their private lives by reference to their religious beliefs, provided that does not limit the legal rights and freedoms of others.

We maintain, however, that religious worship has no place as part of the business of the meetings of local government that exists to serve all sections of the community, regardless of their religious beliefs, or lack of them.

Community Cohesion

We believe community cohesion is best served when local councils reflect the diversity of the communities they serve. They should therefore move away from practices that deter full involvement from all sections of that community. Christian prayers are one such practice. Counter-intuitively, Bideford Council have argued (albeit, unsupported by evidence) that prayers contribute to social cohesion. When prayers are exclusively Christian, this position is unsustainable. However, even when a multi-faith element is introduced, it can in fact be a cause of tension, rather than cohesion.

When Portsmouth Council allowed for a Muslim Imam to say a prayer (after a Christian prayer had been said) one councillor left the meeting saying "I did so because we are a traditionally Christian country so prayers are read as a matter of tradition. But I don't feel it is appropriate for Muslim prayers to be said, as I don't feel we worship the same God as Muslims."

Meanwhile councillors in Shropshire called a fellow councillor "disgusting" when he wore headphones during a prayer similarly held during a council meeting.

Councillors are of course free to leave the room when prayers are being conducted. However, that councillors should even have to think about walking out of a meeting already in progress without leave from the mayor is in itself counter-cohesive.

The evidence shows prayers do not promote community and social cohesion: in fact they do the opposite.

What you can do

Bideford Town Council has accepted a legal firm's offer to defend them. The Council has agreed to use the services of Manchester firm Aughton Ainsworth, which previously defended Christian bed and breakfast owners who refused to accommodate a same sex couple.

Backed by the Christian Institute, there is therefore little doubt that Bideford will be well supported financially and they benefit from a costs indemnity. We are therefore planning for what could be a long and expensive fight. Our initial budget is for £25,000 but this will rise with appeals, which are likely.

We have set up a [fighting fund](#) and hope our supporters will consider contributing. This is a tangible way of expressing support for our work on this issue, which goes to the very heart of secularism in public life and, if successful, will set a key country-wide precedent.

We suggest you find out if your local council begins meeting with prayers. If so, using the arguments in this briefing, please contact your local council to express your objections to the inclusion of prayers as part of their formal business.

Please write to /email your local media with your objections. The local media are always looking for stories, particularly those with a specific community angle. Taking part in radio phone-ins and writing letters to the local paper is also a great way of making sure the secular point of view is heard. Try to make your letters clear and succinct, and of interest to the wider public.

If you are a local councillor and have been affected by any issues covered by this briefing, or feel you have been discriminated against because of your religion and belief we would like to hear from you. Case studies can form a powerful part of our campaigns as they serve to demonstrate that the issues that concern us are not just theoretical, but actually disadvantage real people.