

Council prayers: Local Government (Religious Etc. Observances) Bill

We would like to see local government meetings conducted in a manner equally welcoming to all attendees, regardless of their individual religious beliefs or lack of belief. We therefore argue that religious worship should play no part in the formal business of council meetings.

What's the issue?

The Local Government (Religious etc. Observances) Bill¹ seeks to make provision for the inclusion of prayers or "other religious observance" or "observance connected with a religious or philosophical belief" at local authority meetings.

The Private Member's Bill, sponsored by Conservative MP Jake Berry, seeks to negate a High Court ruling² that "The saying of prayers as part of the formal meeting of a Council is not lawful under s111 of the Local Government Act 1972, and there is no statutory power permitting the practice to continue."

The judgement followed a Judicial Review initiated by the National Secular Society to challenge the practice of saying prayers as part of the formal business of council meetings in Bideford Town Council (Devon).

The ruling was an important step in recognition of secularism as a basis for equality in public life and public office. Simply, it ensured that all elected councillors, whatever their religious beliefs, would be treated with equal respect at council meetings.

If the Local Government (Religious Etc. Observances) Bill were to become law, it would enable a majority of councillors to impose their beliefs on other elected councillors who do not wish to participate. As well as those of no belief, this would of course include those of another faith to those of the prayer being recited.

Furthermore, for local democracy to be representative, we think it is important for local councils to resist practices that deter full involvement from all sections of the community they serve.

¹ <http://services.parliament.uk/bills/2014-15/localgovernmentreligiousetcobservances.html>

² <https://www.secularism.org.uk/uploads/bideford-judgment-final.pdf>

Why worship should play no part in local authority meetings

Given that the role of local councils is to represent and serve all people in their area equally, it is inappropriate for them to appear corporately to subscribe to any religious beliefs, far less to one faith in particular.

The imposition of prayer gives the impression of the body identifying with a particular belief or range of beliefs. This can alienate those who do not wish to pray, or make them feel they are not full or legitimate councillors. It may also deter prospective councillors/candidates.

Mr Justice Ouseley, the Judge in Charge of the Administrative Court at the High Court, stated in his ruling that the 1972 Local Government Act did not give councils the power to introduce a religious dimension to their meetings:

"I do not think that the 1972 Act, dealing with the organisation, management and decision-making of local Councils, should be interpreted as permitting the religious views of one group of Councillors, however sincere or large in number, to exclude or, even to a modest extent, to impose burdens on or even to mark out those who do not share their views and do not wish to participate in their expression of them. They are all equally elected Councillors."

The Local Government (Religious Etc. Observances) Bill would overturn this ruling, in order to allow one group of councillors to impose their religious practices on other elected councillors.

In our view, permitting acts of worship to be imposed on councillors in a secular council chamber, as the Bill seeks to do, is incompatible with religious freedom and inimical to ensuring our local councils are equally welcoming to all sections of society.

Local authorities have a statutory duty to advance equality of opportunity between people who share a protected characteristic and those who do not

Within each local authority area there will be a diverse range of religious beliefs. If enacted, this legislation can be expected to increase the incidence of religious observance (predominantly, but not exclusively, Christian prayer) during formal council proceedings, potentially generating unnecessary sectarian conflict.

We note that the average age of councillors increased from 55 in 1997 to 60 in 2010 and only 4 per cent came from an ethnic minority background³. It is important to make local democracy as open and inclusive as possible. The presence of predominantly Christian prayers may be seen as alienating for some who are not Christian. This is equally true for non-believers forced to sit through Christian prayers, as (for example) Christian councillors forced to sit through Islamic ones.

³ http://www.local.gov.uk/local-government-intelligence/-/journal_content/56/10180/100325/ARTICLE

Religious freedom

The supporters of this Bill claim it increases 'religious freedom'. We think the opposite is true. The Bill undermines religious freedom by enabling the majority of councillors to impose their beliefs on other councillors. Secularism is a necessary adjunct to any democracy that supports equality for all.

The absence of prayers from the formal business of local authority meetings does not impede the religious freedoms of believers or deny anybody the right to pray. The current legal position simply prevents local authorities from summoning councillors to religious observance at council meetings and imposing it on those that do not wish it.

It is important to note that religious freedom is not just for believers. It also includes non-believers. Religious freedom protects both "freedom of religion or belief." This protects an individual's rights to manifest their religion, but does not extend to allowing believers to impose acts of worship on those that do not share their faith. This may also be regarded as basic good manners. Secularism does not seek to interfere with believers following their faith in any way, provided that it does not impinge adversely on others.

Councillors are free to meet and pray before their meetings, but formal acts of worship should not take place as part of the official business of local authority meetings. In this way, meetings can be conducted without anyone feeling compelled to participate in prayers, or feeling excluded, or that they have to absent themselves from any part of the meeting.

Social Cohesion

Separating acts of worship from the formal business of council meetings creates a neutral space and removes an unnecessary barrier to local democracy being equally representative of all sections of society.

Acts of worship can alienate councillors who simply do not wish to participate in public religious activity. This was the experience of the late Clive Bone, a councillor who assisted the NSS in our High Court challenge of the inclusion of prayers before meetings of Bideford Town Council by being a party to the case. Cllr Bone felt uncomfortable in refusing to participate, and said the worship created an unwelcoming atmosphere for non-religious councillors, and that he was aware of it putting off potential councillors from standing.

This was also the case for Cllr Imran Khan, a Muslim and Conservative councillor on Reigate and Banstead Borough Council in Surrey, who asked for Christian prayers to be separated from full council meeting as he felt it was wrong that he was forced to stand outside the council chamber while prayers were being said. After speaking out on the

issue, Mr Khan was not reselected by the Tories to contest the seat and claimed the prayer row had "a big influence".⁴

Before the High Court ruling in 2012, a number of local authorities introduced multi-faith prayers. Such initiatives, though often well-meaning, became cause of tension, rather than cohesion.

When Portsmouth Council allowed for a Muslim Imam to say a prayer during a meeting, a local councillor was accused of "disrespect" after excluding himself from the meeting while the prayer was said. The councillor told local media: "I don't feel it's appropriate for Muslim prayers to be said, as I don't feel we worship the same God as Muslims, so I left."⁵

Similarly, councillors in Shropshire called a fellow non-religious councillor "disgusting" after he wore headphones during a prayer held during a council meeting.

If successful, this new legislation could re-open the door to such unnecessary conflict and sectarianism at council meetings.

Community cohesion is best served by local authorities moving away from divisive practices, such as religious worship, that deter full involvement from all sections of communities they serve.

In a religiously diverse nation, where large sectors of the population do not hold or practise religious beliefs, local authorities should perform their civic duties in a secular manner without privileging or identifying with any particular religious position.

Get involved!

Using the arguments set out in the briefing, please [contact your MP](#) and ask them to ensure local democracy is inclusive and secular by opposing Jake Berry's Local Government (Religious Etc. Observances) Bill.

⁴ <http://www.surreymirror.co.uk/Muslim-councillor-deselected-Horley-prayer-row/story-15669740-detail/story.html>

⁵ <http://www.bbc.co.uk/news/uk-england-hampshire-12284894>