

Butler, Sue

From: Tayler, Keri
Sent: 07 February 2012 17:00
To: Mutton, Cllr P; 'ch.hughescp@googlemail.com'
Cc: Butler, Sue
Subject: SACRE Advice

Dear Cllr Mutton and Mr Hughes,

Thank you for inviting me to the Membership sub-group meeting on 23rd January 2012. It was very nice to meet everyone and enabled me to gain a better understanding of the issues you are concerned with.

The request for legal advice arose out of a stated wish by the Humanist Society to be permitted to have a representative appointed to Group A, which has voting rights within the terms of SACRE's constitution.

The constitution has been drafted to reflect the legislative framework under which SACRE operates, and by their own admission, the Humanist Society do not meet the criteria of "Christian denominations and other religions and denominations". Any appointment which did not meet these criteria would be unlawful. Although the illegality may not cause any difficulty for Hampshire's SACRE at the present time, the positive contribution of the current representative being very much appreciated, the risks lie in any decisions made by SACRE being deemed invalid due to the irregularity in Membership, or the advice of SACRE to HCC being accorded less weight, if the current harmonious relations were to change in any way.

I know that the committee is sympathetic to the position of the Humanist Society, but any challenge to the current legislative framework must be directed at the Secretary of State if it is properly to achieve its aims.

What considering this issue has achieved, however, is a resolution that there ought to be more support (and thus consistency in approach) for the Chairman in dealing with applications by new groups for membership. As I understand it, the proposal is that the Chairman will, upon receipt of any new applications, will consult informally with members of the Membership sub-committee, and taking that consultation into account, decide whether or not to support an application for appointment to the Authority. I cannot see that this requires any amendment to the SACRE constitution, provided it is approved by the SACRE at its next meeting. I shall of course be happy to liaise with Judith Downes in the drafting of that report.

In considering this advice, I have become aware that the HCC constitution may not provide for the required processes in the way I had anticipated, and I will endeavour to meet with the Monitoring Officer before the report is finalised so that that part of the loop can also be closed.

I hope that this assists, but do let me know if I can help further.

Kind regards,

Keri

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