

Winterbourne Stoke Parish Council

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Mr D Hillier
5 Church Street
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Wednesday, 8th August 2018

Dear Mr Hillier

Winterbourne Stoke Church Street Lighting

The lack of a publication scheme and clear policy guidance has resulted in a delay to what should have been a simple response; however, notwithstanding that, my response is below.

1. Background

1.1 The Minutes of the Winterbourne Stoke Parish Council Meeting of 20th July 2015 (four pages), record that Mr P Smith, a parishioner, asked the Parish Council to consider switching off street-lights¹ both to save money and to increase the quality of sleep. Cllr Dr A Shuttleworth, availing himself of his right as a parishioner, supported Mr Smith in his request, pointing out the growing body of scientific evidence supporting the health benefits of sleeping in the absence of artificial light. Discussion was deferred until the September 2015 meeting to allow any villagers with an interest to participate. No instruction was given to undertake any formal consultation or survey.

1.2 Villagers were advised of the discussion by way of the official minutes which were made available to them on the village noticeboard; the only means then available. It should be noted that, having made the minutes publicly available, it is for the public to avail themselves of the opportunity to read them.

1.3 Between July 2015 and September 2015, individual Councillors took it upon themselves to informally consult with near neighbours on the issue on an opportunistic basis. Further information was gathered and offered to villagers on request. Villagers were further advised of the discussion to take place in the agenda for the meeting of 21st September 2015

1.4 The minutes (six pages) of the 21st September 2015 meeting record that the Chairman thanked those members of the public who had informed him in advance of their intention to speak on the lighting topic. After an unusually lively debate, with a range of contributions both for and against (including Mr Hillier), it was agreed, unanimously by the Councillors, that any decision to turn the lights off permanently would need to be based on evidence and not hearsay. The

¹ It should be noted that only lights on Church Street, St Peter's Close and Meadow View were considered as those on the A303 are under the control of Highways England and Brook Close is not adopted by Wiltshire Council.

inference was that such evidence would need to be collected and that this would then be presented to villagers to inform their views about a permanent switch off. The idea of conducting a survey of villagers' opinions following a trial period was raised in discussion, as was the idea of holding such a trial over the autumn/winter period. However, it was further agreed that there should first be a meeting with Wiltshire Council's "lighting man" to see what it was possible.

1.5 Between September 2015 and November 2015, there was an exchange of emails (one page) between Parish Councillors and parishioners (including Mr Hillier) regarding Wiltshire Council's own plans to turn off street lights as a purely money saving idea. Councillors were reminded that discussion of this topic should not take place on this topic inappropriately with parishioners by email.

1.6 The minutes of the Parish Council Meeting of 25th November 2015 (four pages) note that Wiltshire Council were now driving the lighting issue (detail may be available from Wiltshire Council under their Publication Scheme) and the Parish Council's plan for a trial switch-off were in abeyance.

1.7 The minutes of 25th January 2016 (three pages) reinforce the same message and note that since that time, we have been trying to establish Wiltshire Council's position on this issue. It is notable that even having a Parish Councillor who was also a Wiltshire Councillor did not help in shedding light on this issue. This was all explained to the village, once again, in the Chairman's Report to the Annual Parish Meeting of 21st March 2016 (four pages). The matter remains in abeyance until we receive a definitive statement of position from Wiltshire Council.

2. Questions Raised

2.1 The Minutes of the Parish Council Meeting of 28th May 2018 record that Mr Hillier raised three questions:

- a) Has a risk assessment been carried out?
- b) Were parishioners consulted?
- c) Do the current Councillors agree to the proposal?

In response the Clerk and Chairman stated:

- d) Any risk assessment will be carried out by Wiltshire Council as it is their initiative.
- e) Yes.
- f) Whether or not current Councillors agree is irrelevant as the course of action had already been decided.

2.2 A review of the agenda and minutes of previous meetings bear out the answers to the questions raised. To clarify these points for the record:

- a) As Wiltshire Council is still taking the lead on this issue, and until and unless we are informed to the contrary, they would naturally be responsible for carrying out any required risk assessments for their plan. If Wiltshire Council do not proceed as planned, and the Parish Council are minded to follow through with the extant mandate to conduct a trial, then Wiltshire Council would still be responsible for conducting the risk assessment on our behalf as they are the authority controlling the lighting.

- b) Parishioners were consulted on an *ad hoc* informal basis for their views; so, there are no records. As indicated above, neither the Chairman, nor Councillors deemed it necessary to conduct formal consultations, let alone a full survey, on a topic that required, above all, information at such a very early stage. In any event, all parishioners have the right to attend Parish Council Meetings and make their views known: only six chose so to do. The idea of a formal survey following a trial period was mooted, but was overtaken by events. It is clear from the fact that some parishioners advised the Chairman in advance of their wish to speak at the meeting in September 2015. (Mr I Rennie and Mr D Hillier are noted in the minutes), that they were aware the discussion was to take place. We do not know if Mr Hillier was consulted by the then Chairman of the Parish Council, his most likely interlocutor. It is conceivable that if Mr Hillier was not informally consulted, he was perhaps not present when a Councillor visited, or, because he had already made his views known both in public and private, his view was not needed.
- c) Whether the current Councillors agree with the mandate or not is irrelevant as the mandate remains extant. Should the Parish Council be convinced to revisit the issue, and that is only likely to happen if Wiltshire Council finally decide what they want to do, then there might be a different outcome and it would be apparent to all during any subsequent discussions and voting as to the position of each Councillor. However, there is no requirement to revisit the issue.

2.3 Mr Hillier subsequently raised three further questions, couched in slightly different terms to those originally asked. Paraphrasing those questions, they were:

- a) When was a survey carried out.
- b) Who carried this survey
- c) How many people were surveyed

Mr Hillier further asked for documentary evidence supporting answers to the above.

Examination of our records show the following:

- d) No survey was undertaken, though a survey was discussed and would have taken place subsequent to any trial lighting evaluation.
- e) As no trial was conducted, no evidence for the benefits or disadvantages of of reducing the lighting period were established and therefore there was no basis for an evidence based survey.
- f) Clearly, as no survey was undertaken, no-one was surveyed. Information relating to *ad hoc* informal consultation is shown earlier in this response and the evidence in the form of Minutes are available at costs shown in the Publication Scheme for Ad Hoc items.

3. Observations

3.1 It should be noted that the events described above took place in 2015 and although some members of the Council then are members of the Council today, it is a different Council as elections have intervened.

3.2 Under the Publication Scheme adopted in August 2018, the Parish Council is only obliged to maintain copies of minutes, agenda and other documents for a minimum of the current and the previous year (although we will endeavour to do so for a longer period); therefore, it is conceivable that we would not be prepared or able to answer similar questions in the future dating back to a previous Council and before the obligatory record retention period. We have done so on this occasion as a matter of good faith and in the absence of a Publication Scheme prior to August of this year.

4. Conclusion

4.1 I conclude that the questions raised by you at the July 2018 Parish Council Meeting relating to discussions held in the July 2015 and September 2015 Parish Council Meetings have been answered. Should you require hardcopy of any document mentioned in this letter I refer you to the Publication Scheme available via the Winterbourne Parish Council website www.winterbournestokepc.org.uk which states hardcopy is available at the cost of 10p per sheet.

Yours sincerely

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