

Neutral Citation Number: [2020] ECC Gui 2

**IN THE CONSISTORY COURT OF
THE DIOCESE OF GUILDFORD**

Date: 30 March 2020

**IN THE PARISH OF CAPEL AND OCKLEY
THE CHURCH OF ST JOHN THE BAPTIST**

In the matter of a petition for a faculty in relation to the introduction of new lighting

Judgment

1. Most, if not all, of the decisions made about the maintenance and refurbishment of a church building are made by the Parochial Church Council of which the incumbent plays his part. This is, essentially, a democratic process, the ordinary members of the PCC having been elected to their posts. Consequently, if the PCC considers in the exercise of its duties of management that works of maintenance or improvement should be undertaken, then, subject to the faculty jurisdiction, their decision should be respected. The decision of the PCC is a crucial and necessary element of a petition; the petitioners, in effect, seeking to carry out the mandate of the PCC. In most cases, it is not for a third party to decide that he would have acted differently or spent the necessary funds in a different way.
2. But the actions of the PCC, as part of that democratic process, must be subject to scrutiny. In particular, the faculty jurisdiction acknowledges that those who disagree with the actions of the PCC are able to voice their dissent. Indeed, the dissenting voice is often a means by which the decision-making process is strengthened by having the proposals tested.
3. Mr Cole objects to the PCC's proposal to introduce a new lighting system in the church of St John the Baptist in Capel. The church dates from the 13th century and is listed as Grade II*. It falls within the Capel conservation area. The architect appointed for the church under the Inspection of Churches Measure 1955 is Mr John Bailey of the Thomas Ford Partnership, an experienced architect in church matters. The proposal for the relighting has been prepared

by CES LLP, lighting and electrical specialists, who are a respected provider of new lighting projects in the diocese. CES has provided a specification running into over 60 pages showing the type of lighting it proposes to install, the positions of each light source and the suggested effect each will create.

4. Mr Cole lives close to the church and has worshipped there for the last 29 years. He has lived in the parish for 30 years and is on the current electoral roll. He recalls that the interior lighting was replaced about 25 years ago and the exterior lighting about 20 years ago.
5. He has decided not to become a party opponent to the petition but has asked that his letter of objection dated 9 December 2019 is taken into account by me.
6. His objections are set out in eight numbered paragraphs. In due course I shall deal with each in turn. When the papers came before me in January 2020, I prepared a memorandum in which, amongst other things, I said that it was premature to grant the petition because insufficient time had elapsed to enable Mr Cole to decide whether to become a party opponent or to have his letter of objection taken into account. I was also concerned, and this is something of a general complaint, that when architectural plans are reduced to A4 size there are parts that are often unintelligible, particularly when notes written on the plans are reduced to a font size which cannot easily be read and which lose definition if an attempt is made to enlarge them on screen. I therefore considered that Mr Cole should be given the opportunity to inspect a copy of the plans as originally prepared. In addition, outside Mr Cole's objection, I wanted to know whether a brass chandelier, shown in one of the photographs, was to be retained and, if so, where was it to hang in relation to the other lighting units.
7. Mr Cole has not sought to become a party opponent and has asked that his letter be taken into account by me. I do so in response to the matters raised by Mr Cole, adapting his paragraphs 1 to 8 to read (i) to (xiii):
 - (i) Mr Cole was concerned about public notice. The petitioners have provided a copy in Form 4A of the Public Notice which was placed on a noticeboard inside the porch, as Mr Cole accepts. Mr Norman Ede has confirmed that two notices remained in place for 28 days. The certificate of publication goes on to state that a copy of the notice was placed inside the church and outside the church where it was capable of being read by members of the public. I am satisfied this was a lawful process of public notice.
 - (ii) The need for additional lighting in the north aisle is conceded by Mr Cole. Mr Cole does not agree that the new lighting in the nave is necessary or that the current lighting creates glare. That is the personal view of Mr Cole but it is not the view of the PCC. Nor

do I consider it likely that CES have managed to persuade them that they should embark upon wholly unnecessary expenditure merely for their own commercial advantage. It is an intrinsic part of their detailed and extensive report that the current lighting system would benefit from being replaced. That cannot be a surprise if the existing system has been in place for between 20 to 25 years. I am not persuaded that Mr Cole's objection is any other than a personal preference.

- (iii) Mr Cole asserts that there is no need to replace the lighting because the existing bulbs are being phased out. Either existing bulbs can be replaced or, in some cases, there are direct LED alternatives that may be used. I have no doubt there may be ways to lower the electricity consumption which fall short of replacing the entire system. However, there comes a time when a value judgment has to be made as to whether 'make-do-and-mend' is the best approach or whether the time has come to start afresh. The PCC's decision is supported by the detailed workings of lighting experts, the Friends of Capel Church, the DAC, the congregation and the wider public (to judge from the absence of any objection save that expressed by Mr Cole). There is no legitimate basis for saying that Mr Cole's sole voice should determine the outcome of this petition.
- (iv) Mr Cole asserts that no other options have been considered to reduce the carbon footprint of the existing lighting. For the reasons I have given in (iii) above, the PCC have used their judgment and have taken professional advice as to whether the current system can be adapted or should be replaced. There is no evidence to suggest that they have wilfully refused to consider what other options are available.
- (v) Mr Cole asserts that the wiring, though 25 and 20 years old (interior and exterior respectively), was upgraded in 2006 or 2008. It has not reached the end of its useful life or is otherwise in need of replacement. That is no more than Mr Cole's personal opinion. It carries less weight than the cumulative effect of those in favour of renewing the lighting, including the lighting experts.
- (vi) Mr Cole asserts that no costs have been provided: the work has not been competitively tendered and has not been shown to be economically advantageous. The petition itself, however, refers to putting the work out to competitive tendering but also, at 4a, to an estimated cost of £59,000. Importantly, the proposals are to

be paid for by the Friends of Capel Church. There will be no drain on the funds of the PCC. It is a matter for the Friends of Capel Church to determine how they spend the funds at their disposal and whether they consider the expenditure is justified on cost and aesthetic grounds. I see no role for Mr Cole to play in answering those questions.

- (vii) Mr Cole asserts that the level of expenditure is out of place in this particular church. For the reasons given in (vi), the level of expenditure is a matter for the Friends of Capel Church to determine. Unless there is evidence of perversity or reckless expenditure (of which there is none) I would ascribe to those involved in the care of this ancient building the obvious motive that they wish this building to be seen at its best by all those worshipping there, using it for community events as well as those visiting it. I regard a modern lighting system as a significant part of maintaining the church and advancing the mission of this church by demonstrating that those who care for it are prepared to spend money to ensure the church maintains itself as a vital place of importance in the community. This does not make the church a mere 'tourist attraction' as Mr Cole suggests but suggests it is as relevant today as it was when it was built several centuries ago. A cold, dark, damp, poorly maintained church may be a sign of its irrelevance in the community. Substantial expenditure, even lavish expenditure, has always been seen as part of the worship of God. Of course, there are always other calls upon the PCC to advance the mission of this church and the wider Church but the PCC is not seeking to use its funds for the new lighting scheme. It should be remembered that this grade II* listed building is there because others, in past generations, have lavished money and effort in creating it. The builders' wooden cottages of wattle and daub have now gone but this building is probably the sole 13th century survivor because it was the object of money and effort.
 - (viii) Understandably, Mr Cole was hampered by being provided with a copy of the relevant drawings reduced in size to A4. Such a reduced format does not provide the reader with sufficient detail. Mr Cole was, however, offered the opportunity to see the original. He has made no further comment.
8. Finally, the petitioners have confirmed that the chandelier photographed is in the sanctuary and is one of two which are to remain there. Their style has influenced the design of the chandeliers to be hung in the north aisle.

9. I am not persuaded that Mr Cole's objections afford a sound or lawful basis for refusing the petition. I have considered whether the petitioners and the lighting experts should provide a detailed written response to the objections raised in Mr Cole's letter. However, on the material before me, I have decided that this is not necessary and that the reasons I have provided above form an adequate response. It is clear from the papers how they would have answered if called upon.
10. Let the faculty issue.

ANDREW JORDAN
CHANCELLOR