

In the Consistory Court of the Diocese of Winchester

In the parish of Bournemouth St Francis

In the church of St Francis of Assisi

JUDGMENT

The introduction of an audio-visual system

1. St Francis of Assisi, Bournemouth is a grade II listed church dating from the early 20th century, and forming part of a group with a church hall, curates' house, former vicarage and cloister. One of the reasons for its designation, according to the list entry, is that it was designed in a Romanesque style, with a focus on simple planar forms and a spacious interior. Another is the "impressive simplicity of design and... rich variety of materials and fixtures", including a baldacchino. A third is its intactness as an example of an inter-war church.
2. I was able to observe all three of these features of the church on my helpful site visit on 16 December 2019. I am grateful to the Petitioners for showing me round the church, and for clarifying the nature of the proposals now before the court for determination (as set out below).

The proposals

3. The petition seeks permission for the installation of an audio-visual system including three 49" flat screen monitors to pillars in the nave, a 55" screen for the sanctuary area (all for viewing by the congregation), and a 32" screen to be fitted to the rear of the foremost 49" screen (for viewing from the sanctuary).
4. In substance, that remains the proposal before me. However, in response to objections to the proposals and comments from the DAC, the Petitioners have modified their proposals in terms of how the screens would be fixed in place. Initially, it was proposed to fix the screens to the faces of the pillars, necessitating the rehangng of the stations of the cross. The DAC minutes record concern that this would impact on the "exceptional Baldacchino" and "whole architectural style of the church", and express a preference for moveable screens. The DAC's notification of advice, whilst recommending approval, comments that the screens "should have the ability to be rotated to a vertical position, to minimise the visual impact when not in use".
5. By the time of my site visit, the Petitioners were able to confirm that it would be possible to mount the screens on the rear of the relevant columns such that they would be able to be rotated (1) behind the respective pillar and (2) into a vertical position. I am satisfied that if this was done the screens would be virtually invisible from the nave when looking towards the sanctuary.
6. I should add at this stage that the proposals also include the installation of a camera, which would be used (1) to broadcast a view of the sanctuary area to the screens and (2) as a security camera when the church is left open mid-week.

The objections

7. The court has received three letters of objection. None of the objectors wished to become a party opponent, and I have therefore considered the letters as they stand. The following principal points of objection are raised:
 - a. The screens would be detrimental to the character of the listed building;
 - b. There is no need for permanent screens during regular worship, and they are inferior to the use of paper worship materials;
 - c. The financial cost of the screens is not justified;
 - d. Privacy/data control concerns in respect of the connection to the camera.
8. I note that these objections were made when it was not clear, as it now is, that the screens proposed would be fully retractable. Indeed, they refer to the need to move the stations of the cross, which concern has clearly been overtaken by events. Nevertheless, in other respects I deal with them in the terms in which they were made.

Consideration

9. As the church is listed, the framework for consideration is provided by *Re St Alkmund, Duffield* [2013] Fam 158 as summarised and supplemented in *Re St John the Baptist, Peshurst* [2015] PTSR D40. It is only necessary to set out the first two questions:
 - (1) Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 - (2) If the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals.....Questions 3, 4 and 5 do not arise.
10. I have set out in the first paragraph of this judgment what I consider to be the main relevant features which give rise to the special architectural and historic interest of the church. It seems to me that none of these would be adversely affected by the proposals as they are currently advanced. As the screens are fully retractable, the existing character of the church will still be able to be appreciated when they are not in use. Inevitably, they will be visible whilst they are in use; but in that respect they have no more impact on the character of the building than any other transient aspect of its use – for example, than the use of mobile screen(s) which do not require faculty permission.
11. That being so, I consider whether to permit the screens applying the ‘presumption in favour of things as they stand’. I am satisfied that there is a genuine requirement for screens in order to facilitate the worship and mission of the church as it is currently advanced, particularly in terms of special occasions and use of the church building by third parties. I am further satisfied that the current proposals represent the best option in terms of a balance between function, cost and preservation of the character of the building. That being so, it is not for me to second guess the PCC’s decision-making as to how it promotes worship and mission and/or spends its budget.
12. I see no reason for concern in terms of data protection from the provision of the camera, which will not be used routinely to record the congregation. If there are concerns then there is separate legislation to deal with them.

13. As such, I intend to grant permission for the proposals (save for the moving of the stations of the cross, which is no longer necessary) subject to conditions to ensure (1) that the wiring is done sensitively and (2) that the screens are fully retractable.

14. Finally, I would record that for my own part I have considerable sympathy with the views of one of the objectors in respect of the use of screens in worship: "please don't forget those who worship in a more traditional way and have done so for many years, who enjoy the peace, silence and presence of the Lord in our church". I understand from the Petitioners that it is not their intention to have all worship involve the use of screens; a significant number of regular services will still not involve the screens. Hopefully this stance, together with the terms of this faculty, will ensure that a space can be preserved for those worshippers who find screens a hindrance rather than a help.

Matthew Cain Ormondroyd
Chancellor

13th January 2020