

In the matter of St Paul, Brighton

Judgment

1. By a petition dated 10 February 2011, received at the Registry on 14 February 2011, the priest-in-charge and churchwardens of the church of St Paul, Brighton seek a faculty for the cleaning and repair of the church following a fire. The church is listed with a II\* grading and its historic and architectural features are helpfully summarized in a Statement of Significance dated 8 February 2011 prepared by Mr Richard Andrews, the inspecting architect.
2. A fire occurred in the church during the night of 22 December 2010. This occurrence was particularly ill-timed as it occurred just as nave roof repairs, authorized by an Archdeacon's faculty dated 2 June 2010, had come to completion. Whilst the direct fire damage was limited in its extent, soot and ash affected various surfaces to a considerable extent. As is set out in a document entitled 'Cleaning and Repair After Fire', loss adjusters were instructed and various meetings took place in January 2011 involving various individuals including the priest-in-charge and the inspecting architect and professional cleaning contractors.
3. Unfortunately no-one saw fit to make any application to the Consistory Court until the beginning of February 2011 when the Court was faced with something of a *fait accompli*, namely the imminent removal of many of the furnishings and ornaments of the church by an organization known as Antique World which is linked with Continuity. The Court expedited the matter and I made the following Directions on 7 February 2011:

It is highly regrettable that fire damage occurred on 23 December 2010 and it is only now that an approach is made to the registry. It is particularly regrettable that arrangements have been made for certain church furnishings to be uplifted tomorrow. This should not have happened.

In the circumstances I am prepared to permit the collection of the furnishings tomorrow provided:

- i. that a full inventory and photographic record is taken;
- ii. that a copy of such inventory and record is lodged at the registry by 4.00 pm on Wednesday 9 February 2011;
- iii. that no further works take place at the church until further direction of the court.

I would expect the parish to be in a position to lodge a petition for a faculty at the registry within 7 days. This should include a full itemized list of all work so far undertaken following the fire damage and a further list of all additional work required stating that which is urgent and that which is not.

I shall give further directions once that petition has been lodged. At this stage it is NOT necessary to seek the advice of the DAC.

4. This hiatus was entirely avoidable. The application should have been made to the Court at a much earlier stage, or the alternative route could have been taken with the Archdeacon making a place of safety order. It was wholly irregular to engage contractors and then to contact the Court only when a van was already on its way (or virtually so) to collect church furnishings. The Court will always act with expedition to assist a parish *in extremis*; but will be less inclined to do so when the urgency arises solely from the parish's delay in making an appropriate application. Fire causes problems for those charged with the upkeep of church buildings, but as a general rule the Court will expect to be informed of such matters within 48 hours so that directions can be made for dealing with the consequences in a structured and streamlined manner which acknowledges third party interests. The Court is here to help, and the earlier its assistance is called upon the better for all concerned.
5. Despite this unpromising start which I have had the misfortune to rehearse, the past week has been marked by exemplary conduct by the inspecting architect, the priest-in-charge and the churchwardens. I have already made mention of the Statement of Significance and the document 'Cleaning and Repair After Fire'. In addition I have seen an inventory and series of photographs of the items removed by Antiques World in accordance with my Directions of 7 February 2011.
6. It is apparent that the works required are less extensive than might at first have been assumed. The Schedule of Proposed Works helpfully sets out what needs to be done and the urgency attaching thereto. Having considered the documentation submitted in support of the petition, I am prepared to dispense with public notice of the petition and with consultation with the DAC.
7. I am further content that an Interim Faculty be issued covering the following works:
  - i. the removal for cleaning of each and all of the items specified in the inventory dated 8 February 2011 prepared in conjunction Antiques World in accordance with the earlier Directions of this Court; such items not to be reintroduced until approval has been given by the inspecting architect;
  - ii. the removal into storage of such pews as the inspecting architect may direct; such storage to be safe, secure and weather-tight and as approved by the inspecting architect. The pews are not to be damaged, destroyed or disposed of without the prior consent of the Court. Any application to replace the pews with some alternative form of seating is to be lodged at the Registry within 6 months;
  - iii. the removal of the timber components of the former dais and its disposal at the direction of the inspecting architect. Any application to introduce a replacement dais to be lodged at the Registry within 6 months;
  - iv. the temporary introduction of scaffolding in the nave, chancel, aisles and narthex in accordance with paragraph 2.4 of the Schedule of Proposed Works;
  - v. the cleaning of the church in accordance with paragraphs 2.5, 2.6, 2.7, 2.8 and 2.9 of the Schedule as directed by the inspecting architect. The cleaning

of the organ is not to commence until a method statement has been approved by the diocesan organs adviser;

- vi. the repairs and redecoration specified in paragraphs 2.10, 2.11, 2.12, 2.13 and 2.14 of the Schedule as directed by the inspecting architect.
8. All works covered by this interim faculty shall be completed within six months and undertaken under the direction of Mr Richard Andrews. There shall be liberty to apply to the Court for further directions. Any application for the introduction of alternative seating may be made within the present proceedings without the need for a further petition or an additional fee.
9. I am grateful to Mr Andrews and Mr Burdett for the thorough and professional presentation of this petition. The faculty is expressed to be 'interim' as further work may become apparent once the cleaning and repair is underway. The Court will be receptive to applications to vary or amend the interim faculty provided they are made in a timely fashion and supported by appropriate documentation. The sooner regular worship can be resumed the better.

The Worshipful Mark Hill QC  
Chancellor

17 February 2011