

Re St. Giles Uley [2014]

Diocese of Gloucester

JUDGMENT

1 On Saturday 22nd February 2014, I held a Directions' hearing at St Giles, Uley, to consider preliminary points raised by Objectors to a Faculty Petition brought by the Priest in Charge and Church Wardens of the Church for a scheme of re-ordering its interior. As I indicated to those present at the end of those proceedings, I would give them an oral decision so that the Parties would be able to know where they all stood, but that that would be followed up with a fuller written Judgment of record. Little did I know that the need for my formal written Judgment would become so necessary so soon. I had indicated at that hearing that my written Judgment would be available on the web site of the Diocesan Registry for all interested Parties to read, and would be ordered to be placed on public display in the church for 56 days after receipt, again so that openly all, especially those without access to a computer, may read it. That has been, and is, my usual practice for all Judgments arising from full Consistory Court hearings in this Diocese, and, on occasions in respect of Judgments arising from Directions (i.e. preliminary) hearings such as this present one. To this I now must add that this Judgment be publically available at the APCM meeting to be held, I understand, during the weekend of 8/9th March 2014.

2 It is essential that there is a full public explanation is provided in this Judgment as to how and why this profoundly unhappy situation has arisen. Such a course is absolutely necessary in the light of subsequent events which have occurred since I gave my oral judgment on 22nd February 2014. Since that hearing, there has been drawn to my attention that various documents purporting to be accounts of what happened have been circulated.

3 Let there be no misunderstanding, this Judgment, with the reasons given in it, is the only legal and binding document in respect of this Petition and record of what I have determined at the Directions' hearing.

4 The views, which I have subsequently read in respect of what was decided by myself on 22nd February 2014, are merely the personal views of the author(s). It would have been vastly more sensible for all involved to have waited for this full Judgment.

5 There appears to be in Uley some serious and fundamental misunderstanding of the Faculty Jurisdiction of the Church of England, which exists for the protection of church buildings, their users and their wider parishioners. We enjoy what is called "the Ecclesiastical Exemption" from state planning and listed buildings consent. It allows pastoral considerations to be taken into account by Chancellors when re-ordering historic churches, rather than merely conservation issues under state planning and listed buildings consent. It is a system which, if treated in the way which appears to be occurring here as I set out below brings the whole Faculty Jurisdiction system into disrepute, and puts at risk the Ecclesiastical Exemption from state planning control. If anyone actually supposed that under the state planning system a Grade2* church by S. S. Teulon with its interior virtually totally intact could be altered in the way apparently hoped to be achieved here would be achieved without very much greater difficulty than the approach to so doing under the Faculty Jurisdiction system, such demonstrate a terrifying naivety and ignorance.

6 As I have indicated at the outset of the proceedings, I am here to decide preliminary points in respect of a Petition for faculty. This Faculty, dated 25th March 2013, has been brought by the Priest in Charge and the two Church Wardens for a reordering. There have been various objections raised against it. Among these objections is the preliminary point as to the advertisement of the notice for the Petition. That point now comes before me.

7 I have had objections both formally, and informally by letter, in respect of various features of what the Petitioners wish to do. I make it clear that this Judgment does not consider the proposals in themselves on their merits, nor the objections to all or some of the proposed changes. That may be for a later day. I stress that I am not concerned with the merits of the Faculty application itself in this Judgment. I restrict my comments to the methods by which we have got here. The matter comes before me to decide the preliminary point which has been taken by the Objectors, which is that preliminary statutory requirements necessary for a Faculty have not been complied with. If I was to decide this preliminary objection to have been made out, I then would have to consider if such breach or breaches is/are so serious that it should stop the matter proceeding to a (contested) hearing; that is that the presentation of the current Petition is so flawed that it would be unsafe to continue I should also say that, even if there had been no objections, the need for advertisement would have been of crucial importance in itself, as without proper advertisement any proper objection/comment cannot be gauged; otherwise people may not know what is

being proposed. As in the state planning system, the concept of openness and publicity is the bedrock for the operation of the system in an open and democratic society.

8 Every year in this and other Dioceses, hundreds of faculties are applied for and the rules are complied with. It is unusual to have so basic an objection taken at this stage of a petition's progress. **However, let there be no doubt, this is not just some legal gobbledy-gook" This is a matter of importance which if not considered now would, I have no doubt, be raised at the later contested hearing, or, possibly even on appeal, or, even by way of judicial review in the High Court by unknown third parties, when even more costs would have been occurred.**

9 There are serious and substantial reasons as to why the rules set out for the obtaining of faculties for Church works are of importance. The proper observance of the Faculty Jurisdiction Rules, passed by the General Synod of the Church of England, and approved subsequently by Parliament are necessary and crucial to the Church of England as a whole to justify to a critical outside world that the Church of England is a body fit to operate its own planning laws. Many of the opponents of the Ecclesiastical Exemption regard the Ecclesiastical Exemption as some "get out of jail free" card to circumvent planning. That is why proper observance of the rules is not just some legal game, but a necessary justification of the system. To treat it with contempt by choosing to ignore it, or circumnavigate it, brings the Church of England into disrepute.

10 In addition, I as your Chancellor, have additional pastoral aspects and concerns to consider, which is all the more necessary to ensure that proper observance is kept so that the Church of England can justify to external critics that this has been exercised properly. The Parish Church is a matter of concern to the whole parish, church goers, occasional attendees at weddings or funerals village dwellers who never darken the Church door; all are as entitled to know what is being proposed as the public would be had this been an ordinary planning application where proper public notice would have had to been given and opportunity taken for objections. Complex prescribed details of all planning applications have to be given and local planning authorities display these on their website for the world to see and comment. What the Faculty Jurisdiction Rules require by way of advertising and publicity is much more modest and limited.

11 It is with sadness and surprise that, on the evidence given by the Priest in Charge and her co-Petitioners, there has been total failure to carry out clear rules

and instructions to ensure that this procedure has been carried out properly. This, notwithstanding the directions given with what I might describe as child-like clarity to the Petitioners by the Diocesan Registrar. This was not legalese, but a clear warning: "...a notice board in the Church porch is not sufficient. Again on the website of the Gloucester Diocese is an outline flow chart as to how to obtain a Faculty. As I said during the hearing, the Letters of St Paul are more demanding and difficult to understand than this document is.

THE HISTORY OF THIS PETITION

12 In September 2010 the PCC published a document "Worship Outreach and Welcome", outlining general plans for improving disabled access, and to facilitate community activities. This document appears to have been the catalyst for the current Faculty Petition. The merits or otherwise of these proposals are not being decided by me to-day. The Objectors doubt the need of all or many of the proposals, against the back ground of a declining congregation. As in any major scheme like this, ideas emerge, are discussed by the PCC, then with the Church architect and then funding has to be considered. All of this takes time. Sometimes plans are abandoned, or radically altered in the course of consideration. All these initial discussions are perfectly proper for a duly elected PCC to discuss without outside consultation. A committee of any club or society does not have to conduct all its business in the glare of unending public meetings. A PCC is elected to run the parish affairs. If their decisions or work is challenged, the parishioners can discuss matters at an annual meeting, when decision can be approved, or challenged. It is a democratic system which each parishioner can decide whether to bother to attend or vote. If people are indifferent to, or content with, the way the PCC is running things, they need not attend the annual meeting. It is a free country. It is the individuals' choice.

13. However, there will have come a point where the PCC, having formally among themselves decided to make the faculty application for whatever it is they seek to do, may find it advisable to explain why they are proposing doing something, what they are proposing doing and precisely what they would like to do. Village gossip can give rise to sprats turning into whales. The proposers may wish to present whales as sprats. Often, unless the costs of a proposed project are explained to the wider parish, misconceptions can occur.

14. Some of the current Objectors here were concerned with the aspect of costs. As it happens, there have been substantial bequests to the Church, the purposes of which, it is said, would properly cover the work proposed. It was not sought to

be argued fully before me on this hearing that such expenditure would not be proper for a PCC to expend if they voted to do so. I did not hear full evidence at this hearing on this point and it would be open to be raised at any later hearing

15. As I have said, the Church is not just for regular worshippers, those on the PCC Roll, or, even occasional parishioners, but it is for the wider parish. Everyone has a duty to comply with the rules that they have to abide by. Being a church warden of a church is very onerous and a very difficult job, as is being a member of the PCC and I pay tribute to everyone who fulfils those posts, especially as it is all done in a volunteer capacity. However, everyone has to obey the law, and a wise PCC should endeavour to take the congregation with it. This is an opportunity to mission and the proposals need to be given to the wider community. Many Faculty applications which come before me have started as a germ of an idea thought of in a small struggling PCC, but that PCC has used this idea to involve and energise the wider parish. Sadly, that has not happened here.

16 So just what did happen?

17 The preliminary ideas were in gestation from late 2010 onwards. In 2011/2012 there appears to have been discussion between the Petitioners and the DAC (Diocesan Advisory Committee), the advisory body of experts in various relevant fields, which every Diocese has to advise the Chancellor on all aspects of church alterations, lighting, heating, furniture, aesthetics, re-orderings etc. Members of that body may visit a church for discussions in the early stages of discussions, to give advice as to potential problems and as to how those might be dealt with. Most churches work well within this system and have been glad of the wider, more experienced, views of DAC members. Many churches may not have experts in particular fields as a DAC has, and value their advice. A Faculty in its final form, after advice, when filed goes to the DAC to be considered at their monthly meetings.

13 There are only sparse preliminary documents produced by the Petitioners in respect of the above, but there are extracts of the Minutes from two PCC meetings, held on 15th May 2012 and 3rd July 2012. The first involves a general discussion as to a variety of possibilities, moving the font, levelling the floor, what kind of flooring (wood or stone) providing a welcome area. All these proposals were still indicative of the early discussion stages being, very properly, "kicked around" for discussion by the PCC membership. However, the only firm decisions made at the May PCC meeting were to move the font (passed 11:1) and to ask the

church architect to produce designs/costings for a stone or wood floor to which all agreed, including some who now object.

¹⁹ By the July 2012 PCC meeting, the proposals had grown into what was later the basis for the Faculty before me, which included the removal of pews. As might have been expected the DAC Secretary had advised on the legal need to cite the relevant amenity societies and this had been done, at least informally during 2012. Again, as might have been expected it was the Victorian Society who had raised potential concerns/suggestions. Their sticking point was the Teulon screen. At the July 2012 PCC meeting, the Priest in Charge reported that the necessary "Statement of Significance" (a document explaining why the proposals were being made by the Petitioners in the first place) had been circulated to some of the relevant outside bodies, such as the Victorian Society and English Heritage.

²⁰ I am puzzled as to how and when the limited and exploratory proposals approved by the PCC at their May meeting had suddenly grown into a much wider set of proposals without any formal meeting in between. I struggle to find a minute of a final formal decision taken by the PCC to apply formally for a final detailed Faculty. As I have said above, I can well understand the normal process of discussion, but at some point finite decisions have to be made and approved.

²¹ The July 2012 PCC minutes contain the following: "... The Victorian Society had raised no objections in principle to the removal of pews at the front of the church, but asked if the unfixed pews could remain in position and be moved as necessary ... At the last PCC meeting (i.e. May 2012) the members made a proposal regarding a faculty for movement of the font."

²² By the July 2012 PCC meeting, having heard that they might have a fair wind for their original proposals, it was proposed to extend the Faculty to include "pew thinning". Again, I quote from the July 2012 minutes: "Since the Statement of Significance and Needs' responses have been received it was now felt we could move to the next stage of pew thinning". The statutory consultees, the national Amenity Societies, should know just what is being proposed so that they can properly comment.

²³ *There appears to have been a fundamental misunderstanding of the whole process from the very start It seems that the amenity societies were being initially asked to consider; inter alia, (and I quote from the Faculty petition itself) **"the possible disposal of some pews, yet to be decided"**, and then having given a condition comment, this being taken as an opportunity **to proceed with a much***

wider scheme, ultimately proposing the removal of 25% of the pews and the purchase of stacking chairs.

²⁴ This appears to be a Faculty being extended "on the hoof" without proper authorisation recorded in the PCC Minutes. Given the muddle over displayed plans and lack of any drawings being displayed (to which I refer below), the PCC's proposals *just might* have been clear to the DAC, but to the outside world might still seem to have been in a developing and inchoate state.

²⁵ So muddled is the paper work provided by the Petitioners that is unclear to me just what was being decided to be done, and when such decisions were taken. I have not got before me, other than in the most general terms, a detailed, costed proposal, together with plans on which the PCC could properly vote, as the basis on which they were making their Petition. Although the above did not form a major plank in the Objectors' limited case as to breach of Notice requirements, I remind myself of the PCC's documents before me as being indicative of the PCC's general approach.

²⁶ On 17th March 2013 (there was disagreement between the parties even as to its date, possibly 18th March 2013) there was the Annual Parochial Church Meeting, in lay terms, the Parish's AGM. It was accepted on behalf of the Petitioners that their proposals, then some 10 days away from a formal Faculty application, were not discussed in any detail at that meeting. It is quite astonishing that this opportunity was not taken to explain fully to those who attended what was being proposed, being a fairly major re-ordering, apparently costing £33,000 plus VAT plus Fees.

²⁷ Some 8 days later, came the Faculty Petition, the formal document to be prepared by the Petitioners and signed by them on 25th March 2013. Here the Priest in Charge, the Rev'd. Mrs Crook, and the two church wardens, Mr. Valentin and Mrs. Rymer, stated what they proposed, saying the money was to be paid for privately or by way of gift (in fact, from a bequest to the church). Somewhat disingenuously under the paragraph dealing with disposal of items in the Church, the Petitioners deposed that there might be "**a possible disposal of some pews, vet to be decided**". I remind myself of the July 2012 minutes as to this, and I find this to be example of documents changing their content. Apparently accompanying the Petition but dated 22nd March 2013, a letter to the now retired DAC Secretary from the Rev'd Mrs Crook raised a variety of matters such as the storage of chairs to replace the pews to be removed and matters which I do not see reflected in the PCC discussions before me. The Priest in Charge wrote in

answer to an enquiry from the new DAC secretary: You (the DAC Secretary) advised that I (the Rev'd. Mrs Crook) did not reply to the points raised in the letter from the Victorian Society dated 15th May 2012, rather we went ahead to raise (sic) the faculty making clear what we hoped to achieve by requesting the change. Discussions are still ongoing on the best way forward with the Teulon screen.... The PCC will continue to investigate the proper manner in which to deal with the Teulon screen and disable access to the tower vestry once this stage of the re-ordering is complete". It again is clear to me that this PCC had applied for "changes" without fully and clearly articulating just what they wanted Did the PCC see this Faculty possibly as a stalking horse for more far reaching proposals; perhaps, did they consider it would be easier to alter a Teulon interior by nibbling at bits, rather than to apply for a wholesale re-ordering. I make no finding on that as I heard no evidence, but I have before me the documents and correspondence I have referred to.

28. It is not without note, given the later recent criticism of the Diocesan authorities, that in her letter of 22nd March 2013, the Rev'd. Mrs Crook thanks the then DAC Secretary: "for all the support and advice we have received from you and (the incoming new secretary) and other members of the DAC who have made many visits to the church over these last two year to advise on the proposed scheme".

29. Unhappily, the scheme put forward by the Petitioners was flawed in the following ways:-

- to their Petition was exhibited a proposed plan of the interior alterations dated 15th October
- I do not see where or understand how or why this plan or plans were authorised by the PCC, as their minutes for May and July 2012 appear to be still thinking about this. It may well be that earlier minutes had moved this proposals well down the road, and the 2012 minutes were merely refining a developed scheme
- in any event, it was said that this was not the correct plan, or that there was another which had been displayed in the Church. The Petitioners were, bluntly hopelessly muddled and uncertain as to just what plan had been displayed during the relevant 28 day period of advertisement.
- the Petitioners accepted that the only documents subsequently on display in the church had been the 2010 Mission statement and a plan which may

or may not have been the final plan. Either plan placed before me, a passer-by would have had to have been fairly psychic to have fully grasped just what was being proposed under the terms of this Petition.

30 This statutory notification process is mandatory in the (then in force) *Faculty Jurisdiction Rules* 2000, as St Giles is a church listed Grade 2* and situate in a conservation area.

31 The new DAC Secretary on receipt of the March 2013 Faculty Petition was by that formally notified of the PCC's proposals. In this Diocese, to make it easier for individual Churches the DAC Secretary informs the relevant amenity societies, rather than leaving the individual church have to find out whom to notify. I, as Chancellor, also then know that notification has been formally done. The DAC Secretary is also then in a position to reply rapidly to any technical query which an amenity society might raise.

32 The Victorian Society and others replied. In this Judgment, I need not deal with the matters sought to be covered in the Petition, nor the reasons for the proposals nor the objections to them. I made it clear at the out- set of this hearing that might be for argument on another day. The Petitioners had first to deal with the initial problem of advertisement

33 At a meeting of the DAC held on 12th April 2013 the Uley petition was on the agenda. The DAC recommended it to me, but with a raft of conditions, including now matters as to carpeting It is right to say that the amendments by the DAC were not immaterial, and these should have also been made clear to the outside world. The *Faculty Jurisdiction Rules*, in force since January 2014, have strengthened those requirements, but, in this case this was not done However, given the lack of even basic information provided for the outside world to see, complaining about the non-display of the DAC conditions appears to be straining at a gnat.

34 The whole project appears just to have grown. As I have said, I would expect there to have been discussions, arguments, meetings with the church architect etc., etc. before a finalised plan could be presented and voted on. I have here only minutes of two meetings reflecting general agreements, "in principle".

35 I have concerns that in comparison to earlier faculty applications there has been a breakdown of relationships and communications in this matter. It seems there is an inner group which is fearful to say to the outside world that: "this is

what we propose for the following reasons". In ordinary circumstances, one would have expected such a major re-ordering scheme costing £33,000 plus fees and VAT and involving the break-up of a Teulon interior to have been at least openly discussed/advertised in the local community. Full information and explanation might well have forestalled objections. It is clear to me that nothing like this was even tried. Even at the Annual Church meeting held a few days before the Faculty was applied for, there was little if any discussion.

36 The Petitioners' argument in respect of their failure to comply with the rules might have had more force had they shown me that they had, voluntarily, endeavoured to inform the whole parish as to their plans and the reasons for their proposals. I find that the contrary was the case.

37 I was saddened to hear from the Rev'd. Mrs Crook her explanation as to why these proposals were not published in the parish news magazine or in a public meeting, because if you can't trust the public and at the earliest opportunity give them chance to have they say, this can stir up trouble, and therefore objections such as this are given during formal proceedings, which make them more expensive.

38 In addition, the amenities societies may have had issues or any other bodies, and it is therefore sensible to test the water at an early stage. It is clear that this was not done here. What should follow is proper consultation. This should be made when making a faculty petition.

39 The Rev'd Mrs Crook told me that they had not held a public meeting as "people would have used it as an opportunity to attack me". It has become clear to me during this whole saga that irrespective of the Faculty itself, personal feelings run deep in this matter. All the more reason for the PCC to have come out in the open to gauge just how strong objections really were. That was not done.

40 What I see before me is a total confusion and mess, plans which dribbled on while being amended, half formed plans, and the screen was included and then removed. I see in correspondence, even after the Petition, lots of things being discussed and still being finalised and that is not the way to present a faculty petition. The outside world has got to know just exactly what is proposed and, I, even now, struggle to see, as your Chancellor, just what is being proposed.

41 Nevertheless, a kind of faculty petition was made and those matters were fed in. Following receipt of the DAC certificate with its conditions, the amenity

societies having formally replied, and the Diocesan Registry sent to the Petitioners on 26th April the formal notices for public display. This was accompanied by an explanatory letter from which I quote :-

"you will see from the Directions to the Petitioners attached that the public notice must be posted in two places, on the inside of the parish church (on a notice board or in some other prominent position) and also on the outside of the Parish Church (on a notice board or other prominent position) so that it is visible to the public. For the latter, a notice board in the Church porch is not considered to be sufficiently visible to the public. Please note that you must display the public notice for a continuous period of not less than 28 days.

This really could not be clearer or simpler.

42. It is admitted by the Petitioners that they did not display their Public Notice on the large church ' notice board readily visible at a main church entrance. It is admitted that, in the teeth of the specific advice as to NOT displaying a notice inside the porch, they did so. I am very puzzled why the Petitioners did not display their Public Notice on the large church notice board outside, which is readily readable both from the road and the footpath. I can only conclude that, that striking omission was made intentionally to avoid publicity.

43 One of the Church Wardens, Mr. Valentin, told me that in respect of previous Faculties, they had "always done it in the way they did for this Faculty". I am afraid that those who choose to blatantly disobey the law cannot be surprised if, once they are caught out, as here, they have no justifiable excuse. The instructions as to what to do could not have been clearer. It is rather like someone who regularly speeds on the M4 telling a policeman when he is at last caught: "I have always done this, so it's alright".

44 This requirement is not just some whim of the Diocesan Registrar. It is a legal requirement of the then (and now new) *Faculty Jurisdiction Rules*. It part of the law of the land. The old Rules were then in force at the relevant time in 2013. For the avoidance of doubt I set them out :-

Rule 6(4)

- (a) Display of the public notice shall take place as follows:
- (i) in the case of a petition relating to a parish church or its churchyard, display of the notice shall be at that parish church; ...
- (b) Display of the notice shall take place under paragraphs (a)(i)...-
- (i) inside the church on a notice board or in some other prominent position, **and**
 - (ii) on a notice hoard outside that church or in some other prominent position (whether on the outside of the church or elsewhere) so that it is readily visible to the public.**

The importance is to ensure public knowledge.

45 In the present case, this was reinforced by a letter sent by the Registry on 26th April 2013 in terms of what had to be done and set out what and where these should be exhibited. It is hard to envisage a sentence less clear than: "a notice board in the church porch is not-considered to be sufficiently visible to the public".

46 However, this failure to advertise is made worse here, in that the public notice should also specify where the relevant plans and documents relating to the proposed Faculty may be inspected. On the public notice returned to me to ensure that the Rules have been complied with, all it says is :-

"Internal alterations involving the adaptation of some pews and platforms, installation of new areas of flooring, relocation of the font and modifications to the heating and electrical services and installations "

That is a coy and misleading description for plans to remove 25% of the pews and all the other matters. Well that *might just* have been acceptable, had an earnest enquirer been able to follow up this notice (if they had had the opportunity of seeing it). The Petitioners admit that only two places a member of the public could have seen this notice were in the church or (against express advice) in the church porch. Had enquirers read either notice they would have seen that the documents and plans "may be examined at St Giles Church".

47. But what would enquirers actually have seen in St. Giles' Church? Rule 4 (2) of the *Faculty Jurisdiction Rules* provides :-

"Where significant changes to a church are proposed a copy of the designs, plans photographs and other documents submitted with the Petition shall be displayed in the church to which the works or other proposals relate and shall remain on display until the petition for the Faculty has been determined "

I find as a fact there was a virtually total failure to comply with Rule 4(2). One unclear and possibly out of date plan, and the Petitioners were uncertain which plan, and a 2010 Mission statement was completely inadequate to comply.

48. The Petitioners had no real answer to why this was. They said the Church Wardens could have been asked, but this was not mentioned on the Notice as a way of getting information, and, anyway, beside the point. The Notice which the Petitioners themselves put up states: "*...the petitioners are to enter an address at which the documents may be examined. They may also be on display at the church. Copies of the relevant plans and documents must be available for inspection at either an address of a petitioner or in the parish and /or on display inside the church*". This was either not done at all, or complied with by a plan which was it was complained difficult to read, and, in itself did not show clearly (on the versions I have been shown) just what was being proposed. The explanation given to me for these lapses was that the necessary documents would have been too difficult for people to understand. I found that to be breath-taking in its arrogance.

49 The Petitioners, I find, signally failed to comply, and gave their proposals the minimum of publicity that they felt they could get away with. Worse, when their failure to make any adequate public display was drawn to their attention, I extended the time within which objections could be made. I am saddened that even with this having happened, the Petitioners continued to be coy about presenting a full and frank display of just what they were proposing.

50 The outside world needs to have the opportunity to make comments as they see fit. They may not be interested, but they must know about it. It is not sufficient to advertise simply to your own members and at the PCC meeting. This failure is clearly admitted by the Petitioners. It is not enough to say that they didn't have resources, or didn't want to have a meeting as this would be divisive, because it is a statutory requirement and it cannot be ignored. The Vision Statement is not sufficient in itself, being merely an expression of wish. It is abundantly clear and I so find that the legal requirements to advertise were not carried out.

51 Sometimes something does goes wrong procedurally which would normally seem fatal can nevertheless still be rectified: for instance, had there been extensive public meetings and articles in village magazines as to the proposals and describing a finite set of proposals with full and clear detail for all to see. It is quite clear to me that for whatever reasons, there was no enthusiasm, nor wish by the Petitioners to draw the outside world into the proposals. Their blatant disregard for the Rules shows this, and this approach has been fatal to their current application.

52 I am told that the Vision Statement was displayed but this is irrelevant to the application I have been shown clearer plans at this hearing, but it is totally impossible to be sure just what plan alone was on display. In any event, the detail of the works itself shown is insufficient. Anyone coming in to the church would not have known clearly what was being proposed. It is not enough that people weren't beating down the door in order to get further information; had a passer-by been clearly informed, views could have been taken both for or against the proposal. It is clear that further information should have been put up in the church.

53 I have been shown a drawing, some details of which was not going, at least yet, to be applied for. I understand the costs of obtaining another drawing, but, even if the irrelevant bits had been blanked out, that would have, if displayed, given the outside world a somewhat clearer view of the proposals, but that was not displayed.

54. I am concerned that there is a complete failure by the Petitioners to comply with the spirit let alone the letter of the rules under which they were to operate. It seems from the outside that this has tried to be pushed through with the minimum of consultation. The end result is that the Petitioners will have to go back to square one if they wish to continue, as I take the view that there is such failure of compliance with the requirements of the law in this matter that it would be unsafe to go forward. I am driven inexorably by the various defaults to the conclusion that under the old Rule 33(1), I consider that the non-compliance with the relevant requirements is so substantial and the outcome so irregular that the Petition must be set aside.

55. Accordingly, the Objectors had fair and valid objections, which have been fully made out.

56. I have listened to the reasons given by Petitioners for the breaches, and they do not hold water. They are totally inexcusable in the circumstances and I have no understanding of why the correspondence confirming where to put up the public notices were ignored. There seems to be no recognition of the law of the Church of England.

57. The upshot is that if the Petitioners upon reflection wish to pursue some scheme, another petition will have to be submitted.

58. I urge that at the APCM[1] this whole mess is publically explained, and, as and when a new petition, is being prepared it should be properly put together with plans and drawings and specifications explained and a public meeting held in the parish at that stage in order to give everyone a chance to discuss the new scheme, before a definite detailed scheme is embodied in a new petition. Lessons from all this have to be learned.

59. The Petitioners will bear their costs of the Petition and I make no order as to costs for the Objectors, who, made it very clear that they did not seek any costs against the Petitioners, a most merciful course for the Objectors to take in the circumstances. If the Objectors were to have asked for costs, I may very well have taken a very different view, and, I warn the Petitioners that, if they were to bring a fresh petition without having learned lessons from this fiasco, they may well next time be at risk of being at the receiving end of an adverse order for costs.

60. However, these failures by the Petitioners have given rise to substantial costs, estimated, subject to assessment at about £4,000, the vast majority of which arise from untangling this mess. The PCC and Petitioners must pay those. In July 2013 I expressed a wish for there to be a Directions' hearing at that point to sort out matters. Every effort was made by the Archdeacon to deal with it. Had the Petitioners then accepted they had gone about things in the wrong way, much of the costs could have been saved. They cannot be surprised that the Objectors refused to negotiate. The Petitioners suggested "mediation", a totally unsuitable way to try to avoid their own compliance with basic requirements of the law of the land, which cannot just be "negotiated away" for any party's convenience. Had the matter been properly presented, this Court could have concentrated on the proposals themselves.

61. A copy of this Judgment is to be exhibited on a notice board inside the church for 56 days and placed on the Diocesan and parish websites for the same period.

62. It would be wholly wrong for those who are at a remove from all this to be left with the impression that this outcome was in some way merely the result of some minor technical hitches raised by Objectors to foil a proposal. Before this Faculty Petition could be fairly adjudicated upon, very basic hoops have to be gone through by the Petitioners. Quite simply and sadly, they were not. This was a fiasco of the Petitioners' own making in defiance of the clearest advice.

63. At the end of my Judgment, and totally unconnected from it, but in my role as Vicar General, I expressed my concern that people in and around Uley, totally unconnected with all this save from what they learned by gossip from all parties, were just laughing at the whole unpleasant business. I reflected that the views of those people did not do credit to the work and energy all, Petitioners and Objectors alike, had over the years put into this church. I urged all those involved to consider the impression all this was presenting to the outside world.

6th March 2014

JUNE RODGERS
Chancellor

[1] I have prepared this fuller written Judgment so that it may be available to be read by all interested before the ACPM.