

**IN THE CONSISTORY COURT OF THE DIOCESE OF NEWCASTLE
THE CHURCH OF ST JOHN THE EVANGELIST, KILLINGWORTH.
JUDGEMENT.**

- 1) This is a petition by Sarah Moon, Assistant Curate and Yvonne Gardner and Glen Fabian, Church Wardens of the Church of St John the Evangelist, Killingworth, to repair and re-hang the church bell.
- 2) The bell was found to be damaged and in an unsafe condition in about February 2016 and was removed on the basis of the Archdeacon's permission and taken for safekeeping to the premises of O&P Bell Maintenance, a local firm in North Shields, where it has remained ever since.
- 3) The Statement of Needs in the application states that the parish have wished to repair and reinstate it since it was removed and that it is now wished to proceed with that to fulfil a legacy left by a longstanding member of the congregation. The cost was estimated at £5000.00, with £4000.00 of that coming from the legacy and £1000.00 from parish funds available for the purpose.
- 4) The petition came to me on the Online Faculty System (OFS), recommended for approval by the DAC by their Notification of Advice dated 28 November 2019 and I originally granted a faculty subject to public notice with two conditions:
 - a) The requirements of the Precautionary Method Statement – Bats, St John's Church Killingworth dated October 2019 are to be complied with during the works. And
 - b) The Church's insurers are to be informed of the work prior to commencement and any requirements of the insurers are to be complied with.

- 5) Following display of the required public notice a single objection was received from Revd Canon David Walker. He was written to in accordance with Rule 10(3) Faculty Jurisdiction Rules 2015 and, in due course, indicated that he did not wish to become a party opponent but wished to have his letter of objection taken into account in my reaching a decision.
- 6) The letter of objection in essence raises three points. First it states that Revd Walker understood that when the bell was removed a decision was taken by the PCC not to replace it because of the high cost involved and that that decision was only rescinded when Revd David Gray (then the vicar) informed the PCC that a bequest had been made for the replacement and refurbishment of the bell. Revd Walker says that he could find nothing in the PCC minutes to support this, nor outlining the size of the bequest and queried whether it was a general or specific bequest.
- 7) The second point raised was that he considered the replacement to be an extravagance that the church could not afford. He points to the “antiquated and inefficient heating system and no toilet facilities”. He then states that those (implying the replacement or provision of such facilities) “would seem to be much more desirable than a bell which serves no useful purpose”
- 8) The third point made is that he understood that the PCC had tried to get three quotes for the work, but managed only to obtain one. He queries how anyone can know that the quote is competitive in today's market and he also raises the suggestion that it was not clear from the PCC Minutes whether or not the quote included VAT or whether that would have to be added to the final cost.
- 9) When provided with a copy of the objector's letter pursuant to Rule 10(5) the petitioners chose not to send comments on it in response. As the matters that the Revd Walker had raised had not all been clarified I returned the application to the Registrar seeking information from the Petitioners as to whether the bequest of £4000 referred to in the Petition was specifically for the replacement and refurbishment of the bell; whether the PCC had attempted to obtain a

number of quotes and, if so, how many and how many quotes had actually been obtained. I also sought clarification of how the estimated total cost of £5000.00 set out in the petition was made up and how that relates to the quoted figure of £3350 which appears on the papers as the estimated cost for the work on the bell.

10)The petitioners duly responded supplying copies of all of the relevant correspondence and additional PCC Minutes to those that had already been filed on the OFS. I am satisfied from the PCC Minutes of the meeting of 8 January 2019, which appeared amongst the OFS material, that the bequest was intended specifically to go towards the cost of the refurbishment and replacement of the bell. That point alone is almost sufficient to decide this application as it would have been wholly improper to ignore the wishes of an individual who had given a bequest for a specific purpose and apply it to another. I am also satisfied, however, from the Statement of Needs that it has always been desired to replace the bell since the time of its necessary removal and that it was lack of adequate finance which prevented its repair and restoration, until the bequest was made.

11)Revd Walker is correct that only one quotation was eventually obtained for the work, from the firm which removed and stored the bell, although efforts were made to obtain alternative quotes. It is clear to me from the correspondence that a number of firms – in what is clearly a limited field – were approached and that, apart from O&P, the only other positive response was from a firm in Dorset who were only prepared to be involved if there were at least two or three other possible jobs to view, which was not the case and – in any event – the distance involved would have increased the costs. It is also clear from the quotation from O&P that it includes the cost of the original removal and transport to their premises. It was made clear in the correspondence, perfectly reasonably, that if another company were to be utilised for the restoration and replacement work that costs of £1000.00 would be incurred for the original removal and storage to date. It is also clear that VAT would not be added to the cost of the repair and replacement as O&P are not registered for VAT. The cost of the scaffolding of

£650.00 for one week is exclusive of VAT, additional weeks or parts thereof cost £42.00 plus VAT. It seems clear, therefore, that if the work is to proceed then O&P are the only firm available, but also that they are the most obvious as they have possession of the bell and that they would be entitled to charge for its removal and storage so far if any other firm carried out the work.

12) I am somewhat surprised that Revd Walker is of the view that a bell “serves no useful purpose”. The Statement of Needs states “the reinstatement of the bell will be an audible reminder of the presence of the church within the wider community” and “the bell is an audible reminder of the worshipping community in Killingworth”. Those are, in my view, wholly justified and accurate statements setting out an entirely laudable purpose. Canon F8 of the Canons of the Church of England states: “In every church and chapel there shall be provided at least one bell to ring the people to divine worship”. Bells have always been and I have no doubt will continue to be an important part of the Church of England and I am entirely satisfied that it is appropriate to grant a faculty for the repair and reinstatement of the bell at the Church of St John the Evangelist, Killingworth.

13) I therefore grant the faculty requested, subject to the same two conditions that I originally imposed. The work is to be completed within 2 years hereof. I grant that much longer period than is likely to be necessary in the light of the current difficulties that we are all experiencing as a result of the Covid 19 crisis.

14) As this faculty application has been opposed the petitioners will be obliged to pay the additional costs created by that opposition.

Euan Duff
Chancellor of the Diocese of Newcastle
24 March 2020