

**IN THE CONSISTORY COURT  
OF THE DIOCESE OF MANCHESTER**

**RE AN APPLICATION FOR A FACULTY BY  
REVEREND DAVID ANTHONY DAVIES,  
MISS GERALDINE MARY GREENHALGH  
AND MISS ELSIE HOLLINRAKE**

**AND**

**RE ST AUGUSTINE TONGE MOOR BOLTON**

**FURTHER JUDGMENT  
delivered on 23 July 2012**

1. On 1 May 2012 I granted Reverend David Anthony Davies [‘the Incumbent’], and Miss Geraldine Mary Greenhalgh and Miss Elsie Hollinrake [‘the Churchwardens’], [together described as ‘the Petitioners’] a faculty to install at St Augustine Tonge Moor Bolton :

- [i] one internal and four external CCTV cameras to the building as detailed in the quotation from Messrs TAS Electrical and Security and in the documentation provided by the parish.
- [ii] an overhead projector in the undercroft (the crypt) together with a pull down screen as detailed in the estimate provided by Service Solutions NW Ltd.
- [iii] two sets of railings to the south side of the Church with a 1m wide gate at each end, to prevent unauthorised entry and for security purposes as detailed in the quotation provided by Messrs Connaught Security dated 18 May 2011.

2. The only significant issue was as to whether the proposed fencing to the south side of the Church was appropriate.

3. All the proposed works were supported by the PCC and the DAC.

4. There was a very significant response to the Public Notice. Letters of ‘objection’ were received from some 11 people, some of which enclosed photographs of the south side of the church, and a petition was presented which was signed by about 71 people and signed by many, if not all, of the former. Subsequently, a very small number of people who signed the petition wrote to ‘withdraw’ their ‘objection’.

5. Ultimately only three persons elected to become objectors in the strict legal sense, namely Mr David Woods, Mrs Deborah Woods and Revd Malcolm Drummond [‘the Objectors’]. At paragraphs 14, 15 and 17 of my judgment I set out their objections in

summary form. At paragraph 18 I set out in summary form the views of those who did not wish to become formal parties but who nevertheless wished me to take their views into account when reaching a decision.

6. I decided that it was appropriate to visit the Church so as to ensure that I could better understand what was being proposed and the precise objections thereto. I directed that the Petitioners together with Mr and Mrs Woods and Revd Drummond should be entitled to attend and they all did so.

7. The visit took place on 14 April 2012. At paragraph 30 of my judgment I expressly observed that I detected a degree of hostility between Mr and Mrs Woods and Revd Drummond on the one hand and the Incumbent on the other hand which I regarded as both unnecessary and unfortunate and noted that Christian people who worship together should be able to do with goodwill towards each other.

8. For the reasons set out at paragraphs 31 to 40 I concluded that the faculty should be granted. I ordered that 'in accordance with the practice of the court the Petitioners must pay the court fees incurred in relation to the Petition'

9. Such decision prompted an application by letter dated 13 May 2012 by the Petitioners. Their application was not that the Objectors should pay *all* of the costs, but only the *additional* costs incurred as a result of them becoming Objectors. It was suggested by the Petitioners that that the Objectors had acted in a vexatious or unreasonable way.

10. Such issue having been raised I directed that the Objectors should be invited to make submissions as to why they should not pay such court fees.

11. I have now read and considered all the documentation sent by the Petitioners and the Objectors and in particular :

- [a] letters from Revd Drummond dated 17 June 2012 [which annexed the Incumbent's email to him sent on 15 November 2012] and 28 June 2012.
- [b] letters from Mr Woods undated and dated 22, 25 and 29 June 2012
- [c] a letter from Mrs Woods dated 22 June 2012
- [d] letters from Petitioners dated 13 May 2012 and 5 July 2012
- [e] a letter from the Incumbent dated 5 July 2012.

12. I note that in this case there were very many people who expressed concerns about what was proposed and who, whilst declining to become parties to the proceedings, wished me to take their views into account when reaching a decision. The number of such persons has undoubtedly increased the costs in this case.

13. The Objectors were thus not the only persons who had concerns about what was proposed.

14. Although I decided to visit the church and thought it proper to give both the Petitioners and the Objectors the right to attend my visit and orally express their concerns, such did not increase the costs because neither myself nor the Registrar has claimed any costs in relation to such visit, notwithstanding that strictly speaking we would have been entitled to do so.

15. On the facts of this case I am not prepared to conclude that the Objectors behaved vexatiously or unreasonably even though I did not accept the submissions which they made.

16. I can thus see no legitimate basis for my making any order that the Objectors should be responsible for any 'additional costs', even if there are any significant additional costs resulting from them electing to become Objectors.

17. Frankly I am somewhat concerned as to the inappropriate tone of the some of the correspondence. I have no doubt that all those concerned need to put aside any personal differences and work together for the good of those who reside or worship in the parish.

18. For the avoidance of any doubt I am satisfied that the PCC has authority to discharge such court fees incurred on behalf of the Petitioners.

19. I thus decline to make an order for costs against the Objectors and I re-affirm the order already made that in accordance with the practice of the court the Petitioners must pay the court fees incurred in relation to the Petition.



Geoffrey Tattersall QC

Chancellor of the Diocese of Manchester