

IN THE CONSISTORY COURT OF THE DIOCESE OF ST ALBANS

IN THE MATTER OF: ST PAUL, ST ALBANS

SCHEDULE OF WORKS: DISPOSAL OF THE ORGAN AND CONSOLE AND
INSTALLATION OF A NEW ELECTRONIC ORGAN

JUDGMENT

1. I have before me a petition dated 25 August 2017 for the disposal of the current pipe organ and console and the installation of a new digital organ at St Paul's Church, St Albans. This petition, which is not formally opposed (though as will be seen as resulted in many letters of opposition) has therefore been considered only on the papers before me. The proposal has generated some considerable local controversy and opposition and national publicity. The PCC unanimously approved the proposed replacement by a resolution dated 5 May 2017 (though that, it seems, did not stop one member of the PCC writing a letter of opposition!).
2. The proposed estimated cost is £17, 850 consisting of the costs of removal of the existing organ (£4,500) and the that of the new digital organ, a two manual and pedalboard Viscount Envoy 35-S with internal and external speakers (£13,350 including VAT). The manufacturers are willing to provide a ten year guarantee provided the organ remains in their care.
3. According to Form 1A lodged with the petition, the church was built around 1910 and is unlisted, the latter confirmed by the DAC advice on form 2. The existing organ appears to date from about 1915 (possibly earlier), originating from a church in Brighton.
4. The proposals were recommended by the DAC subject only to a proviso that the speakers should be fitted to the wall plate. I understand that the DAC Organ Advisor

has suggested that, were a faculty to be granted, an extended period for attempting to find a home for the organ should be considered (two years has been suggested).

5. It appears that the existing organ has become unreliable and unpredictable and may cost, in the Organ Advisor's estimate, as much as £55,000 to repair. (I have seen one quote from Bishop & Son of September 2016 suggesting an overall budget figure of £45,000 plus VAT which might be spread over time – though this was not apparently originally stated. It nevertheless tends to support the Organ Advisor's views.) The Organ Advisor has also reported that the existing organ is not bad, is well-maintained, but is rarely used and is, in summary, a second-rate instrument of little historic, musical or artistic merit having suffered repairs and alterations since installation. (He also described it as "*a shadow of its former self*"). The gist and implication of his reports and emails is that the existing organ (which has been altered and repaired a number of times) is not worth further repair having regard to the church membership's aspirations regarding worship; the layout of the church, the pitch and location of the instrument and the overall economic, historic, musical, or artistic considerations. On the other hand, whilst he doubts anyone would want the complete instrument, it does contain some pipes and soundboards that may be of interest to historians and conservationists or for re-use or study. The British Institute of Organ Studies (BIOS) has, however, indicated little interest. Whilst the DAC Organ Advisor suggested an independent professional evaluation be obtained, he supports the proposals. A further independent report was obtained, broadly supporting these views (see below).
6. Many letters and emails have been received by the Registrar voicing both support for, and (mainly) opposition against the proposals.
7. Those in support broadly speaking make the same points as those made by the Organ Advisor summarised above.
8. Those opposing these views have found them rather negative and they dispute or challenge the estimated cost of repair and the conclusions as to the organ's pitch. Many of the opponents have been regular long-time worshippers at the church and many also have a distinguished musical history or interest. Amongst the many and divergent views expressed are the following: that the current organ is a distinct,

valuable asset and remains fully functional and playable. The objectors point to the current organ's history, its workmanship, inspiration in the past and its use by organists participating in the annual International Organ Festival and Competition. Concern that the current organ should not just be dumped or destroyed is also expressed (an act of vandalism was how one objector described it). One opponent has objected to the form of public notice (it did not originally display the office held by the signatories, these being added at a later date). There were suggestions that the current organ should be retained alongside an alternative electronic organ or portable modern digital keyboard. Other objections regard an electronic organ as a poor substitute requiring expensive maintenance.

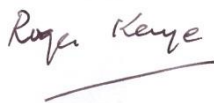
9. None of the objectors have elected to become parties. I have nevertheless carefully considered all of the correspondence as well as the petitioners' response to the objections. I have also seen a report (the further report referred to above) from a Dr William McVicker, organ consultant, commissioned by the petitioners. This report, broadly, is consistent with the views of the Diocesan Organ Advisor. Dr McVicker describes the current organ as not bad, but neither is it good. It makes little impression as a musical instrument and is rather "*vin ordinaire*"! He does not recommend repair. He lists a number of options for disposal (or, as he would prefer, seeking redundancy) of and for the current organ.
10. Having regard to the foregoing, I am persuaded that a faculty should be granted subject to a number of conditions. Any defect in the public notice is hereby waived, in the sense that I do not require a fresh notice: see Faculty Jurisdiction Rules 2015, rule 20.2. It is obvious that the local parishioners and others wider afield were and are well aware of the proposals.
11. My reasons are largely as follows:
 - a. The reports of the Organ Advisor and Dr McVicker ("the two reports") reach broadly the same conclusions. The reaction of BIOS is not inconsistent;
 - b. The DAC recommends the proposals;
 - c. The petitioners and PCC support the proposals;
 - d. The church is unlisted;
 - e. Whilst objection is made on musical, historical and cost grounds (amongst others) I am persuaded on the basis of the two reports above-mentioned that the views therein outweigh those of the objectors;
 - f. I have seen no independent costs analysis from the objectors;
 - g. The concerns that the organ should not simply be destroyed or dumped can be managed by conditions – supported by both the two reports.

12. Accordingly, I propose that a Faculty may issue on the following conditions:

- a. The installation of the new organ is to be completed within 3 months or such further time as the registrar allows;
- b. The current organ is to be disposed of in whole or piecemeal on such terms and conditions as can best be obtained having regard to the contents of the two reports and over such period in each case as the Registrar directs after, in his discretion, taking such further advice as he considers appropriate or after consulting the Chancellor;
- c. The speakers for the new proposed digital organ should be mounted in accordance with the DAC recommended proviso and should be installed to the manufacturer's reasonable satisfaction;
- d. The petitioners have liberty to apply as regards implementation of the foregoing conditions.

13. I do not propose to set an extended period under the second of these conditions, preferring to leave the matter flexible and to the delegated discretion of the Registrar who I have no doubt will direct appropriately. It is not a licence to rush to dispose of the organ. It is apparent from both the two reports that the disposal or redundancy of the current organ needs careful consideration.

14. Costs in this matter (including a correspondence fee for the Registrar) are to be borne by the Petitioners



Roger Kaye QC

Chancellor

3 November 2017