

Neutral Citation No [2018] ECC Yor 5

In the Diocese of York

In the Consistory Court

The Parish of Cawood

The Church of All Saints

1. The Petitioners in this matter are the vicar, the Reverend Terence Dyer, and the churchwarden, Mrs Jean Huby
2. By a petition dated 12th June 2018 they have sought a faculty to permit them to
 - (i) remove and dispose of six pews from the rear area of the church in order to establish a flexible area for use for various activities;
 - (ii) erect an additional plaque directly under the present War Memorial Wall plaque to add 10 missing names.
3. The matter was considered by the DAC at a meeting on the 25th July when the DAC recommended the works for approval by the court.
4. Public Notice was then given of the proposals and Mr David Lewis sent a letter to the Diocesan Registrar dated 23rd August 2018. In that letter he raised various points by way of comment. However the nature of the comments were to an extent objections to some of the proposals.
5. On the 4th September 2018 the Registrar therefore wrote to Mr Lewis explaining the options facing him, namely whether to formally object by filing a Form 5 document, or to allow me to take his letter of objection into account when coming to my decision, without him becoming a party to contested proceedings.
6. Mr Lewis replied on the 5th September 2018. He indicated that he considered it unfortunate that his comments were deemed an 'objection' as he was supportive of the proposals and that he was happy for his original letter and comments to be taken into account by me.
7. The Registrar had also written to the Petitioners to inform them of the 'objection' received. In due course they responded to his comments in a letter dated 1st October 2018.
8. However, the incumbent on 7th September made an enquiry, given that the only objection was in relation to the reordering of the pews, as to whether it would be possible for an interim faculty to be issued in relation to the war memorial plaque, as the parish were concerned that this should be completed prior to the war centenary commemorations later

this year. As there was clearly no live issue in relation to the plaque, I granted an interim faculty in relation to that element of the petition on 8th September.

9. The matter has therefore now been referred back to me for a final decision on the matter in relation to both elements of proposals.

10. Mr Lewis' original letter did say that the proposals were basically to be welcomed. However, he made the following comments

- (i) It was not clear which pews would be removed and the "disposal" was not particularised. If disposal meant destruction, he considered that would be wrong as they could be offered to other churches in the diocese, members of the congregation, village residents, the school, the local population via newspapers and online sources, others via eBay and similar sites, or the local reclaim merchants.
- (ii) Any raising of the floor level in the porch was unnecessary as it had already been ramped to allow smooth access.
- (iii) It was unclear whether the wooden floor, the tapestry and the banner, all currently located in the area to be reordered, would remain.
- (iv) The supplementary war memorial was a praiseworthy idea provided it was in a similar style to the ones currently present.
- (v) He wanted confirmation that the current wooden furniture (other than pews) would remain in place to mark the boundary between the 'communal' area and the rest of the body of the church.

11. The petitioners responded in relation to each of the points as follows:

- (i) It is hoped to sell the pews to whomsoever may be interested; and once permission has been granted they propose "seeking suitable new owners very much in line with Mr Lewis' thoughts".
- (ii) The plans used in the application were old plans that had not taken account of the previous levelling.
- (iii) None of the items referred to by Mr Lewis will be removed, although the use and location of the rugs will have to be reviewed in the light of advice that they are not suitable for church use.
- (iv) The plaque will be in the same style as the present one to which it will be attached.
- (v) The wooden frontal to which he refers will remain.

14. In my judgement, there is now no outstanding issue about the matters raised by Mr Lewis and I am satisfied that the petitioners have made out the case for all of their proposals set out in paragraph 2 above.

15. I therefore direct that a faculty will pass the seal until further order.

16. I will allow 12 months for the completion of the proposals.

17. This being an 'opposed' petition the petitioners will have to pay the additional costs created by this being an opposed petition.

Canon Peter Collier QC
Chancellor

17th October 2018