

## IN THE CONSISTORY COURT OF THE DIOCESE OF CHELMSFORD

### St Andrew, Hornchurch

#### Faculty 1106

#### Judgment

1. This is a petition dated 11 February 2014 brought by the Incumbent and churchwardens of the parish seeking a Faculty to permit the installation of a replacement audio-visual system (AV) costing about £28,000 in the church of St Andrew, Hornchurch in the Diocese of Chelmsford. The church is listed Grade I and it is a substantial building dating from 1391. It has a copper spire erected by Trinity House as a landmark for shipping on the River Thames. A bull's head with two substantial horns is attached to the roof. It is there because this is Hornchurch.

2. It is a lively parish with several services in this church each Sunday. Within the Incumbent's responsibilities are two daughter churches.

3. For some years there has been an AV system in the church. Screens are brought in and put in place and the electrical connecting cables are then connected up. This takes about 40 minutes each Sunday. After the service people remove the connecting cables and screens. This takes about 15 minutes. So the total time is about 1 hour.

4. All of the PCC, the elected representatives of worshippers, support the proposed replacement AV system. The DAC supports the replacement AV system. English Heritage (EH) by their letter dated 10 May 2013 has no objections. (In any matters of construction, taste, decoration or fabric EH could have objected and could have been Parties Opponent.)

5. There are both Parties Opponent and Objectors who are not Parties Opponent. The Objectors are Mrs Gammans, Miss Sewell and Ms R Metcalfe. The Parties Opponent are Mr C Metcalfe and Mrs C Metcalfe. The substance of the objections of both groups are as follows:

- (1) Poor stewardship of the church's finances when there are other financial needs.
- (2) No benefit to the church or parish shown; the fabric will be spoiled.
- (3) Attempt to change the churchmanship of the church.
- (4) Detraction from the beauty of the church and traditional worship, making it more like a business conference centre.
- (5) Loss of three rows of pews, causing difficulties on three occasions annually when the church is full.
- (6) "ko-ach", the proposed installers, have exaggerated the advantages and do not understand the Anglican church.
- (7) Costing is confusing.

(8) No other companies have been asked to quote.

(9) Installing the AV system, far from bringing people into the church, will alienate people.

(10) Wheelchair bound people, or those who cannot easily stand cannot see the screens.

(11) Security of the equipment has not been addressed.

6. With the consent of the Petitioners and the Parties Opponent I ordered the hearing to be by way of written representations. The Petitioners and the Parties Opponent and Objectors provided written representations which are both clear and cogent. They are written with courtesy and restraint and are thus the more compelling. I accept without hesitation that each of the Parties Opponent and Objectors are devout Christian people who love this church and that they make their objections because they are genuinely concerned that the alterations proposed are damaging to the church and are not affordable; together with their other objections.

#### Law

7. The Bishopgate questions do not arise because this is a replacement of existing part-time equipment with a permanent installation. None suggests that no AV system should be there at all.

8. Weight is to be attached to the following facts (1) The PCC unanimously support the proposals; (2) the DAC support them; (3) English Heritage have no objections.

9. Volume of support is a significant matter but by no means determines the issue. I shall later refer in detail to the objections. But it is necessary to point out that if the Christian Church did not move with the times there could be no progress and the Church would appear out of touch, dated and only for old people. It took over 100 years for Archbishop Cranmer's Book of Common Prayer to be commonly accepted. Many younger people appreciate a style of worship with loud music, dancing and witnessing of faith. Equally others value a quieter, contemplative style. "Messy Church" and "Café Church" are not to the taste of many more mature Christians. But where adopted these styles of worship attract people who are not yet used to what others regard as conventional worship.

10. So there is room in the Anglican Communion and therefore in each parish church for different styles of worship: from the high church "bells and smells" to the low church "happy clappy" together with the range of styles outside these two.

11. In larger parishes there can be services which accommodate different traditions and styles. This is what the leadership in Hornchurch seek to achieve.

12. As a matter of law the Chancellor has no jurisdiction over the style of worship which is adopted.

13. It would be wrong in law for the Chancellor exercising the faculty jurisdiction to seek to preclude a particular style of worship unless that style was outside the rich variety which is the Anglican tradition.

14. For the reasons given neither in the Petition nor in the supporting documents am I able to see any fundamental flaw in law in respect of this Petition. The Parties Opponent and Objectors do not suggest one. I emphasise that this is a modern replacement for an older AV system of mobile screens and trailing cables.

15. If there were no objections, I would grant a Faculty. But the objections need to be considered in some detail and I therefore turn to this now. I deal with them in the order mentioned in paragraph 5 above.

### The Objections

16 (1) Poor stewardship of finances; other financial needs.

If the money was not available I would order that 'no work is to start until all the money needed is received or irrevocably promised'. If the Faculty was for 12 months, and the money was still not raised, an extension could be sought.

17. The main church roof has been repaired to the standard approved by the Archdeacon. The assembly area roof was repaired earlier in 2014. The organ has been restored. The shower in the North Street Halls has funding available. The PCC have paid in full the 2013 Parish Share. It is the second highest in the Diocese of Chelmsford at around £200,000.

18. Other financial needs can always be identified and better causes than one's own church can be found close by or further away. Poverty locally and worldwide is widespread. But I am satisfied that the PCC has addressed the financial issues properly and with prudence.

19. I refer here to number (7) – "costing is confusing". I agree that there are several different columns of figures in ko-ach's document; and that understanding this is not straightforward. It would have been helpful if ko-ach had a summary and a total, inclusive of any VAT. This could conveniently be either at the beginning or at the end, and on a separate sheet.

20. (2) No benefit to the church and the fabric will be spoiled; and  
(4) Detraction from the beauty of the church, making it more like a business centre

I am satisfied that the church gains the following significant benefits. (1) A modern AV system instead of temporary screens, trailing cables and some failings. (2) About an hour each Sunday, (setting up, closing down), is available for other work. (3) That time is freed possibly to accommodate other services. (4) Wiring is concealed instead of trailing on floors, thus reducing any potential safety hazard. (Damages for a worshipper breaking a leg in falling over a loose wire could significantly exceed the whole cost of £28,000).

The fabric will be affected by the screens being secured to the pillars. The top of the pillars will be untouched. The screens do not protrude beyond the width of the pillars. Loudspeakers will be discretely placed. I do not regard the extent of the change as so significant that the Petition could not be allowed. I am reinforced in this by EH's refusal to object.

21. The church will not look like a business centre. It will continue to have its centuries-old structure and pillars. The atmosphere will be one of worship and of

joyful Christian faith. Traditional worship can be carried on as in previous generations if the screens are not switched on or there is a power-cut.

22 (3) Attempt to change the churchmanship of the church

The Chancellor has no power to order the style of worship or the services which are held in the church. But there is in fact no evidence before me that there is any such purpose. Making facilities more modern and using up-to-date equipment will permit different styles of singing, of prayer and of preaching. Illustrations can be used by preachers, whether pictures, diagrams or games. In one church which children regularly attend the priest often uses a "word search" game. This gains the attention and more importantly the involvement of the children: they enjoy coming to church.

23 (5) Loss of three rows of pews

This is caused by the need for a mixing desk from which to operate the AV system. In some churches this has been done from an upper level or; from a desk set above an entrance door; or from a box fitted within an existing pew. The objection is that on Remembrance Sunday, Battle of Britain Sunday and the service of Nine Lessons and Carols the loss of three pews, seating up to 27 people, will be significant. The Reverend Barry Hobson, the Incumbent, points out that chairs are already provided when the church is very full and that there is room to do this if these pews are removed. So this objection is not made out.

24. The mixing desk currently proposed is made in a modern style using laminate wood-style sheets sealing a compressed material such as wood chips. It will look out of place.

The wooden panels from the three pews which are to be removed can be used to make a desk which will contain the mixing equipment and will also continue the look of the current pews. I will Order that to be done, and I do not allow the proposed ko-ach unaltered modern desk.

25. If the new AV system regularly attracted so many new worshippers that extra seating was needed on many Sundays different consideration might apply. One of these would be that the AV system has helped to achieve the church's ministry.

26. (6.) ko-ach exaggerated the advantages and does not understand Anglican tradition

The ko-ach document reads like a sales pitch. It is full of guess work and exaggeration in the time-honoured style of the salesman. I do not place any weight on guesses and exaggerations.

I accept that ko-ach's document does not show an understanding of Anglican tradition and that it uses expressions which are inappropriate. Objectors are entitled to be disappointed that the company has not learned about the customs, practices and teachings of the Anglican church, or chosen to get advice from a knowledgeable Anglican about how to express such matters. But none of this has influenced me one way or the other.

27. (8) No other companies have been asked to quote.

This is a sound argument and one which is properly made as an objection. On analysis however it is not made out.

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28. The purchase of an AV system is not like the purchase of several TV sets and loudspeakers; and who sells a reliable make cheapest when bought in bulk. The church is purchasing not only the equipment but also the company's service, the installation of the equipment, its operation and such things as concealing the cables, ensuring no sound interference and so on. The research as to who to instruct was done earlier and ko-ach succeeded in demonstrating to the PCC that they could do the work well and within a budget.

29. By way of illustration, some purchase a kitchen by buying the component cabinets, fridge and flooring in separate packets from different suppliers. Others may select one company to do all the work. Each has chosen a reasonable way to spend their money. Here I find that the church has been reasonable in selecting ko-ach.

30. (9), (10) The AV system will alienate people; and wheelchair bound people cannot see the screens.

Alienating people. Other than one person making this objection, none has said this. If it had any weight I would have expected to see many letters of objection. There would be evidence from other churches that "we put this in and people stopped coming to our church". In the absence of any clear and widespread support for this objection, I am unable to accept it as having any weight.

31. It is important that a screen can be seen by those who have to remain seated whether in pews or wheelchairs. It will be sensible for a seated person to sit where a screen can be seen when he or she is seated, such as in a pew close to a screen. Similarly, arrangement can be made for wheelchair bound worshippers to be near a screen. The Reverend Barry Hobson, Incumbent, has made enquiries from those who need to sit or who are in wheelchairs. They have welcomed screens on each pillar as they will now be able to see the words on the screen. The current screens are too far away from those needing to sit to be able to see them.

But this could not be an objection to installing any screens at all.

32. (11) Security of the equipment has not been addressed

This is an important matter. Electrical equipment is regularly stolen because it can, quite easily, be sold on, pawned or sold (for example) on e-bay. It will be a condition (1) that each separate item of equipment is to be indelibly marked with the church's name and post code; and (2) that tracker devices be installed in each major item of equipment.

If the church does not yet have CCTV it should get it. An amendment to the Petition could be sought in respect of CCTV.

### Conclusion

33. As can be seen from the detail in this judgment I have been considerably assisted by what the Parties Opponent and the Objectors have had to say. I have sought to reflect this in what I have decided.

34. I am unable to accept that the petition must be dismissed because of the objections. The Petitioners' case has been presented cogently, in detail and with clarity. The way in which the Incumbent has responded to the objections is a model of its kind. The widespread support for the proposals is important.

I therefore direct that a faculty issue subject to the following conditions:

1. Each item of AV equipment installed is to be indelibly marked with the church's name and postcode.
2. Each major item of AV equipment, not screens or speakers, is to be fitted with tracker devices.
3. The mixing desk is to have front and sides made from panels taken from the three removed pews.

Signed: 

Dated: 25.10.14

The Worshipful George Pulman QC, Chancellor of the Diocese