

**IN THE CONSISTORY COURT
OF THE DIOCESE OF CARLISLE**

RE THE PARISH OF ST PAUL SEATON

**JUDGMENT
delivered on 11 November 2018**

1. On 25 May 2018, on the application of Revd Ian Grainger, the Vicar, together with Stephen Shepherd, David William Wilson and Jean Dalton, the Churchwardens [‘the Petitioners’], I granted a faculty for various works [‘the other works’] at St Paul Seaton which were summarised in the Schedule to such faculty thus:

- 1.1. alteration to existing gate entrances to the church to allow vehicular access for funerals, weddings, etc;
- 1.2. alterations to internal doors at entrance to the church by the installation of glass panels;
- 1.3. removal of four pews at back of church to create welcome/display/meeting area;
- 1.4. re-carpeting of church, including area where pews removed with new like for like red carpet.

2. Such works had been the subject of an affirmative resolution by the Parochial Church Council [‘PCC’], had been recommended by the Diocesan Advisory Committee [‘DAC’] and there had been no objections thereto within the specified time limit in response to the Public Notice [‘the first Public Notice’] displayed in relation thereto.

3. Although such application had originally included an application for the removal of a stone font from the front of the church and its replacement by a portable font retaining the existing stainless steel bowl and the wooden font cover, this part of the application was delayed because there were discussions with the DAC about the design of the replacement portable font.

4. It was in such circumstances that the Petitioners made a second application solely in relation to the font. Their application was dated 3 September 2018 and there was a Public Notice [‘the second Public Notice’] which was displayed between 3 August 2018 and 2 September 2018. It is not suggested that such Public Notice was not displayed appropriately or for the requisite period.

5. This second application was supported by an affirmative resolution of the PCC on 10 January 2018. In such resolution the justification for the removal of the existing font was expressed thus:

‘Remove the stone font from the church. Not only is the stonework damaged but the current position of the font is not easily viewable and also restricts floor space that could be better used during large services, concerts and events. A new, purpose made, portable wooden font will be acquired - locally made to a specification to fit the purpose and the surroundings - which when used will enhance the visibility for all attending for baptism. The current stainless-steel bowl used in the font will be utilised within the new one as will the font lid’.

6. At its meeting on 19 July 2018 the DAC recommended the works relating to the font for the approval of the court.

7. The second Public Notice gave rise to various letters of objection.

8. In her letter dated 24 August 2018 Mrs M Young made a general objection but such objection was directed to the removal of the four pews at the back of the church. Thereafter Mrs Young realised that I had already granted a faculty for such proposal in the absence of any objections and very properly, by her letter dated 21 September 2018, withdrew her letter of objection.

9. In her letter dated 27 August 2018 Mrs D Hornsby objected to the removal of the four pews, the alteration to the internal doors and to the replacement of the font. She considered that each of them constituted unnecessary alterations. By the date of her letter I had of course already granted a faculty in relation to the first two matters. As to the font Mrs Hornsby simply rhetorically asked why the font should be removed. She gave no further reasoned objection.

10. In her letter dated 29 August 2018 Mrs J Fenwick objected to all the proposed alterations, including those in respect of which I had already granted a faculty. She did so on the grounds that:

- 9.1. apart from the alteration of the existing gate entrances there had been no prior consultation with church members;
- 9.2. there was confusion in relation to the Public Notices and she had assumed that all the proposals, except that in relation to the font, were not pursued; and
- 9.3. an attempt to object by letter addressed to Revd Grainger, delivered out of time, had been returned unopened.

Mrs Fenwick did not say why she objected to the proposals in relation to the font.

11. By an undated letter received at the Diocesan Registry on 21 August 2018 Mrs M E Graham objected to the alteration to the internal doors, the removal of the pews at the back of the church and the replacement of the font. I again repeat that by the date of her letter I had already granted a faculty in relation to the first two matters. As to the font, she stated:

‘Surely baptism is a very important service in the church. A visible font in the church shows how important baptism is to the church. It is part of the fabric of the building.

Our font has been moved from the back of the church, where it stood for many years, to the font below the pulpit. That was not necessarily a good move but to remove it completely from the church and replace it with a modern portable font would be sacrilege.’

12. Each of the correspondents was asked whether they wished to become parties to the application or whether they wished me to take their views into account in reaching my decision without them becoming parties. Since none of them elected to become parties I will take their views into account in reaching my decision.

13. In such circumstances the Petitioners were invited to respond to the views expressed by Mrs Hornsby, Mrs Fenwick and Mrs Graham and did so in their letter dated 9 October 2018.

14. It is unnecessary to consider the Petitioners’ comments in relation to matters in respect of which I have already granted a faculty in the absence of any response to the first Public Notice.

15. As to the font, the Petitioners make the point that they are not just removing the existing [damaged] stone font: they are replacing it with

something which they believe is currently more suitable. It is to be made of wood from the removed pews from the back of the church and the new font will retain the current font bowl and lid. By making it portable it can usually be placed in exactly the same position as the existing font but can be moved when space is needed for other purposes.

16. There can be no legitimate objection on the ground of cost given that the cost of removing the existing stone font and providing the replacement portable font is being met by the contractor undertaking the works, a company whose owner resides in the parish and is supportive of the works of the church in the community.

17. Notwithstanding any views expressed to the contrary, I am in no doubt that what the Petitioners propose is both sensible and appropriate. It has the support of the PCC and the DAC and I suspect the majority of church members.

18. Accordingly, I grant a faculty for the removal of the existing stone font and its replacement by a portable font, as depicted in the drawing supplied, on condition that such replacement portable font is to be usually positioned in the location of the existing stone font but may be moved as directed by the incumbent when space at the front of the church is needed for other purposes.

19. Finally, for the sake of completeness, I address concerns expressed by the proposed objectors about the alleged lack of consultation with church members and alleged confusion as to the Public Notices.

20. In respect of the former, I am satisfied that there was consultation with church members about the proposals. I have seen part of Revd Grainger's report to the Annual Church Meeting of the parish dated March 2018 in which he makes it clear that the PCC had submitted plans for the works within the church, including the creation of an open area at the back of the church [inevitably by the removal of pews], the insertion of glass panels into the internal doors at the entrance to the church and the replacement of the existing font.

21. In respect of the latter, I am satisfied that there was no real confusion. The first Public Notice related to the other works. The second Public Notice related to the font. The fact is that no one objected in response to the first Public Notice within the specified time and the wording of each Public Notice made it clear that any objections in response thereto should be made to the Diocesan Registrar and not the incumbent, as indeed happened in response to the second Public Notice. Whilst it is doubtless correct that there was a

purported objection by Mrs Fenwick and others to the first Public Notice, it is conceded by Mrs Fenwick that such objection was made out of time and it is self-evident that Revd Grainger was not the correct recipient in that any objection by Mrs Fenwick should have been directed to the Diocesan Registrar.

22. It necessarily follows that these matters offer no justification for my not granting the faculty as set out above and the faculty sought is granted on the condition set out above.

23. In accordance with the practice of the court the Petitioners must pay the costs of this application.



GEOFFREY TATTERSALL QC

Chancellor of the Diocese of Carlisle