

**Re St Mary, Cable Street and others**

London Consistory Court: Seed Ch, April 2012

*Telecommunications – valuation – expert advice*

Following a hearing in chambers, the chancellor gave judgment on six petitions seeking faculties for the installation of telecommunications equipment in different churches in the diocese. In doing so he expressed serious concerns. Negotiations concerning individual parishes had been conducted between the Diocesan Board of Finance (DBF) and the telecommunications company (NET). In several cases, the parishes themselves were either not involved in, or not aware of, the negotiations being conducted in relation to their buildings. It seemed that licence fees had been effectively agreed between the DBF and NET without the involvement of the parishes, such that some of the proposed licences were to be granted at a significant undervaluation on the basis that others would be at an overvaluation. So far as the DBF was concerned, that represented a good deal overall. The chancellor made the points that each PCC was an individual charity; that church buildings were not the property of the DBF, who had no locus in these cases; and that it was the responsibility of each PCC to comply with the requirements of ecclesiastical and charity law. Some PCCs had not discharged those responsibilities, apparently having been induced to regard the negotiations with NET as a diocesan project in which they did not need – or were not entitled – to participate. Some of the PCCs had been told to pass resolutions confirming that certain steps – such as the obtaining of an independent valuation or legal advice – had been taken when that was not the case. Despite the serious concern about the way in which valuation advice had been approached, the chancellor was persuaded, after hearing argument from the solicitor for the petitioners, that it would not be in the interests of the parishes for the petitions simply to be refused given the loss of income and other costs that would result. However, the chancellor said that in future cases he would require to be satisfied that the matter of valuation advice had been approached in a more professional way. The court would adopt that approach so that each parish secured the best financial arrangement for that parish and to protect the position of the PCC members as charity trustees. As to the present petitions, faculties were granted in five of them. In those cases, the PCCs had recognised their legal responsibilities and, having done so, had proceeded accordingly. However, in the remaining case the PCC had passed a resolution confirming that legal and valuation advice had been obtained by it when that was not the case and, despite having had the irregularities pointed out to them by their solicitor, declined to pass any further resolutions in respect of the matter. The chancellor was reluctantly persuaded not to refuse the petition outright but directed the

submission of further information before the petition would be considered further. [Alexander McGregor]

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### **Re All Saints, Alrewas**

Lichfield Consistory Court: Eyre Ch, April 2012

*Font – relocation*

The petitioners sought a faculty for a modern extension to a mediaeval church with internal re-ordering of the nave, creating a glass-walled meeting room. The changes were to accommodate the Sunday school, which was meeting in the Methodist church, to create more flexible space for meetings, hospitality and youth activities and to improve toilet and kitchen facilities. Relocation of the font was necessitated by the works but would also make the font more visible. In considering the relocation of the font, the chancellor addressed both the *Bishopsgate* questions and the principles applicable to the positioning of fonts. It was not adequate for there to be a positive outcome from the *Bishopsgate* questions alone. The faculty was granted in full on the basis that, although the works would have an adverse impact on the church architecture, this was outweighed by the pressing need for the changes to facilitate mission and to provide space for children's activities. Relocation of the font was granted as part of the wider works, but the need for greater visibility generally within the church and to enhance visibility during baptisms would have justified the change as a stand-alone application. [Catherine Shelley]

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### **Re All Saints, Herstmonceux**

Chichester Consistory Court: Hill Ch, April 2012

*Churchyard – headstone – regulations – Celtic cross*

The petitioner sought a faculty for the erection of a headstone over the grave of her mother. The headstone fell outside the Churchyard Regulations in that it was surmounted by a carved Celtic cross. The PCC objected to the headstone on the basis that it was out of keeping with nearby headstones and it risked the floodgates opening in relation to other applications. In granting the faculty, the chancellor observed that the stone was not of a design or material that was wholly inappropriate. The Celtic cross spoke of the deceased's Welsh heritage and the Christian faith. The purpose of the Regulations was not to promote uniformity and homogeneity. The chancellor confirmed that this judgment was made on the particular facts of this case and should not be seen as opening the floodgates for such headstones. [RA]

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