

## **IN THE CONSISTORY COURT OF THE DIOCESE OF YORK**

### **IN THE MATTER OF THE PARISH OF CRAMBE**

#### **THE CHURCH OF ST MICHAEL**

#### **JUDGEMENT**

##### **The Petition**

1. By a petition lodged in the Registry on the 8<sup>th</sup> June 2015, the Reverend Chris Wingfield, the Rector, and Dorothy Patricia Martin and Heather Anne Dale, Churchwardens, petition for a faculty:

to introduce Kivoschmidt heated pew-runners to all pews as per the quotation by Messrs Kivoschmidt Ltd dated the 1<sup>st</sup> June 2015.

##### **Proceedings**

2. The matter was considered by the DAC, which on the 23<sup>rd</sup> June 2015 granted its Certificate recommending the works.
3. On 25<sup>th</sup> July 2015 I issued Directions stating that I was satisfied that the Petitioners had made out the case for their proposal and I therefore directed that subject to the relevant display of Public Notice and no objection being received, a Faculty shall pass the seal until further order.
4. Public Notice was duly given.
5. Letters of objection were received from

Stewart Walker  
Linda Walker  
Fiona Le Masurier  
Mike le Masurier

The letters however are expressed in identical terms in so far as they set out objections to the proposal. In short the objections are that the cost of £8,555 is disproportionate to the gains; that the heating provided will not deal with issues of dampness in the building with the potential of that damp affecting the fabric and furnishings; that the wider parish and others were not consulted by the PCC when they took the decision and that the proposal limits other options by committing the parish to retaining the pews when the future of the building might be better served by their removal. Mrs Le Masurier also raises a question about the legitimacy of the PCC membership when the vote was taken.

6. As a consequence of those objections, on the 17<sup>th</sup> August 2015, the Registrar informed each of them of their options under the Rules either to complete Form No 5 and become a party to contested proceedings or to allow their letters to stand as their objection which would be considered by me when reaching a decision after the Petitioners had had chance to comment on it.
7. Neither Stewart Walker nor Linda Walker replied. Each of the La Masuriers replied stating that they did not wish to become parties opponent, but were content for me to take their letters into account in coming to a final decision. I shall of course do that and also take account of the letters from the Walkers.
8. In response to those letters the Petitioners, through Mrs Martin have explained something of the recent history of the church including “The Way Ahead” proposal which was led by Mrs Le Masurier and would have resulted if adopted in the removal of the pews so that the church could be used as a community centre. She also describes the history of the particular proposal, which began as a proposal in October 2014, when various options for heating were considered. She says that the PCC voted unanimously in favour of the proposal in May 2015, after the four objectors had resigned in February. In relation to the issue of dampness she says that it is not an issue, that the roof was renewed in 2011 and that the fabric is in good condition.

### **Consideration of the issues**

9. I note that when the DAC considered this matter in June 2015 it is recorded in the draft minute of the meeting that “The Heating Adviser suggested that these may not be especially effective, but they would certainly be harmless and should have no adverse effect on the fabric”.
10. It is not for me to settle any contentious issues in relation to the history of other debates and proposals. I have to consider the particular proposal that is put before me. The test I have to apply is whether the Petitioners have satisfied me that there is a good case for doing what they propose. I also have to take account of the factors raised in the letters of objection. It seems to me that of those objections the ones I need to consider first are any issues raised about harm that may be done. The most significant of which would be the issue of damp. Mrs Martin says it is not an issue. The DAC which advises me and which has a great deal of knowledge of all the churches in the Diocese and a great deal of experience of many issues to do with heating raised no such issue with me; on the contrary it said that there would be no harm resultant from installation. Questions of cost and use of limited financial resources are ones that PCCs must take into account. I have seen the spreadsheet that they considered in October 2014 comparing the

installation and running costs of different forms of heating, and I find no reason to criticise their decision in the circumstances of this parish, its pattern of services and its numbers of attendees, in coming to the decision they did in choosing this way of solving their heating issue. Finally I have to take PCC minutes at face value. For all these reasons, although I note the question raised by the DAC as to whether the runners are particularly effective, I am satisfied that the PCC have properly considered the matters, and following a demonstration have made a responsible decision. I therefore remain satisfied that the petitioners have made out their case for this proposal.

11. I therefore find that there is no substance in the objections raised by any of the objectors in their letters.

#### **An aside**

12. It is a shame that the raising of the objection produces the inevitable outcome that the petitioners will have to pay the costs of the petition as it is now classed as an opposed petition and the costs of such have to be paid for by the parish rather than the DBF.
13. I have observed on other occasions previously but would underline again that it may be appropriate that Incumbents and PCCs when explaining re-ordering plans to their congregations should explain the process including the fact that any objections raised in response to the Public Notice will inevitably cause significant delay, may add to the building costs of the project and will almost certainly mean that the parish will have to pay additional registry costs.

#### **Directions**

14. I therefore direct that a faculty shall pass the seal until further order.
15. The Petitioners shall pay the costs of the additional work created by the petition becoming opposed, which sum I shall certify upon being provided with details by the Registrar.
16. I will allow 6 months for the completion of the works.