

In the matter of St Richard, Aldwick

Judgment

1. By a petition dated 20 July 2014, the vicar and churchwardens of St Richard's, Aldwick seek a faculty to decommission and dismantle the existing pipe organ and store it within the church and to install a Makin Thirmere digital organ.
2. Public notice elicited two letters of objection, one from Dr WSG Thomas and one from his wife Mrs A Thomas, which I was content to accept even though they were technically out of time. Neither elected to become a formal party to the proceedings and each asked that I take their comments into consideration when determining the petition. The petitioners provided a letter in response dated 7 November 2014 which I have also taken into consideration.
3. The contentious issue concerns differing views held on the respective merits of pipe and electronic organs. This conflict is not unknown in this and other dioceses and has been the subject of judicial comment in recent cases such as *St Nicholas, Radford Semele* (6 February 2012, Coventry Consistory Court), *St Peter, Wolverhampton* (24 August 2013, Lichfield Consistory Court); and *St Andrew, Shepherdswell* (19 May 2014, Canterbury Commissary Court). These decisions illustrate that each case turns on its own facts and there is no presumption in favour of pipe or digital instruments.
4. St Richard's, Aldwick is an unlisted church constructed in 1933-1934. The parish has a population of 11,000 and lies on the edge of Bognor. According to a report on the organ dated July 2013 and prepared by Nicholas Plumley and Dr Alan Thurlow (who advise the DAC on these matters), the organ was built in 1940 by the firm of William Hill & Son and Norman and Beard Ltd, apparently the last one fabricated by the company before the factory was requisitioned for the war effort. In the 1970s and 1980s the parish considered improvements to the organ occasioned, not least, from its position within the church, but in the event these were not pursued. Works were undertaken in the 1990s, pursuant to a faculty, however it would appear that they were not done by the agreed contractor and were of an inferior quality hence the current problems with the instrument. Many notes do not operate properly, and a number of pipes are misplaced or collapsing.
5. In the professional judgment of the organ advisors: 'given the condition of the instrument as it stands today, it has no historic or artistic value that would demand its retention in the church'. The options which the parish then had to address were to commission a suitable scheme of work on the organ to be undertaken by a recognised builder, to acquire a suitable redundant pipe organ, or to acquire an electronic organ.
6. The parish commissioned a report on the condition of the organ from Mr John Norman who produced a detailed report and obtained quotations for its refurbishment. These suggested that

the cost of refurbishment would be in the order of £50,000. The cost of a digital alternative, supplied by Church Organ World, is £26,305 according to a quotation dated 3 July 2014. There is with the petition a report from Mr Richard Goodall, senior organ consultant with Church Organ World, dated February 2014.

7. The decision to pursue the current petition was made at a PCC meeting on 14 July 2014. Of those members present and voting, seven voted in favour, three voted against and three abstained. Dr Thomas was one of those voting against. In his letter of objection sent to the court, he complains that the nature and content of his observations to the PCC have been misstated in the minutes and, had he been present at a later meeting when those minutes were approved, he would have corrected them. However, I now have the benefit of very detailed observations from Dr Thomas and I therefore disregard the comments ascribed to him in the minutes.
8. The letters of objection from Dr and Mrs Thomas are in identical terms. They each state that a mass produced digital organ produced at a budget price gives a vastly inferior sound. They describe the instrument loaned by the manufacturers for demonstration purposes was 'dull, abrasive, with significant reverberations that failed to fill the church for congregational singing', and draw upon expert opinion from Dr Colin Pykett, Professor of Physics at King's College, London. They suggest that the cost/benefit analysis is far more evenly balanced than the petitioners suggest and that the parish has resources at its disposal to cover the full costs of restoring the pipe organ, thereby avoiding the false economy of acquiring the digital organ. They also make a number of procedural objections.
9. I am in no doubt as to the sincerity of Dr and Mrs Thomas and I note their admirable contributions over many years to the work of the parish, deanery and diocese. They have between them filled many voluntary positions within the church over the years and their sustained service to St Richard's is highly creditable. Their opinions are worthy of considerable respect and weight.
10. However, in matters of professional judgment, weight must also be given to the diocesan organ advisors, one of whom (Dr Thurlow) serves as chairman of the DAC. They have been involved in prolonged dialogue with the parish and I am impressed by the fair and balanced manner in which they have set out the arguments for and against the respective instruments. They have been highly professional in equipping the PCC to make an informed decision. The DAC has recommended the grant of a faculty (subject to five detailed provisos) in its Notification of Advice dated 8 September 2014. The collective opinion of this statutory body similarly commands respect.
11. The church is unlisted, and the existing organ is not identified as being of particular intrinsic merit. That being so, the Court is not required to follow the more restrictive formulaic approach commended by the Court of Arches in *St Alkmund, Duffield* (1 October 2012) for such cases. The key issue here is simply whether the petitioners have discharged the burden of proof that a faculty should issue. There is no presumption against change in this instance. The current situation cannot remain: the instrument is not fit for purpose. The question is whether the pipe organ is restored or 'moth-balled', with a digital alternative installed in its place.

12. PCCs are elected decision-making bodies charged with the stewardship of church buildings and their contents. They are custodians of parish finances. It would be a usurpation of their function were the consistory court to act as a supervisory or appellate body reviewing their decisions. Provided the PCC acts in good faith and within its statutory competence, this court will not interfere with the decisions it comes to on a local basis as to the prudent use of its funds. I am in no doubt that, assisted and empowered by the guidance of the organ advisors, the PCC came to a careful conclusion. I can see no cause for criticism that the PCC selected two of its number to act as the point of contact for representatives of the organ manufacturer. This is commonplace where major projects are being developed and is not suggestive of impropriety or collusion.
13. The matter was finely balanced and Dr Thomas had the misfortune to find himself in the minority. Notwithstanding the discussions and conclusions of the PCC of which Dr Thomas was and remains a member, he was perfectly entitled to voice objection to the grant of a faculty as he and his wife have done. There is no doctrine of collective responsibility whereby individual PCC members cannot oppose a faculty which the corporate body has determined by a majority to support.
14. Notwithstanding the carefully argued letters of Dr and Mrs Thomas, I am of the opinion that a faculty should issue in this instance. The cost/benefit analysis favours the digital organ; it has the support of the DAC; and is commended by a number of other experts. It is the solution of choice for the PCC and seems to garner support from amongst the wider congregation. However, the determinative factor, so it seems to me, is that the proposal is entirely reversible. The removed parts of the pipe organ will be carefully and safely retained, so that were a future generation to wish to reinstate the instrument, it could do so.
14. In these circumstances it is appropriate that a faculty pass the seal, subject to the conditions in terms of the detailed provisos to the DAC's Notification of Advice. The faculty is not to be implemented until the further court costs, to include a correspondence fee for the registrar, have been discharged by the petitioners.

The Worshipful Mark Hill QC
Chancellor of the Diocese of Chichester

3 December 2014