

IN THE CONSISTORY COURT OF THE DIOCESE OF LONDON

IN RE

ST JAMES THE APOSTLE, ISLINGTON

1. By a petition dated 31 March 2014, the Incumbent and Churchwardens sought:
 - (1) The removal of the existing altar dais and raised flooring in the sanctuary, mounting the altar on castors, laying a new level floor with a parquet surface throughout the chancel
 - (2) Conversion of the lobby area by the entrance to the vestry into a second toilet cubicle by securing the door and fitting out the space and all associated works
 - (3) Installation of new speakers as part of the enhanced sound system.

The proposed works have been designed by Sarah Frith of Habit Architecture. The cost of the proposed works has been estimated by “suppliers” at £25,000. [This is as stated in the petition and this was not explained or expanded upon at the hearing]. The parish has more than enough available in its current balance of funds to pay for this. In the Statement of Need, the petitioners emphasise making the church available to the community - particularly via music - and the use of the church by musical groups, in particular the Islington Proms. It is also stated that modern liturgical reforms require flexible settings and the proposals, including new audio and visual worship, address these. It is further said that both liturgy and teaching are hampered by the current arrangements. New ideas were taken up by a Mission Action Group and a poll of the congregation carried out which was, according to the Statement of Need, overwhelmingly in support of these proposals.

2. At a PCC meeting on 11 December attended by 11 of the 14 members, the works to the chancel were approved by eight votes to three, the proposed toilet and the audio works by 11 to nil and 11 to one (sic) respectively. The works were considered and recommended without proviso by the Diocesan Advisory Committee in a Notification of Advice dated 18 February 2014. The church dates from 1875 and is not a listed building, nor is it in a conservation area. General citation took place between 11

February and 12 March 2014. In response to general citation, seven letters of objection were received and one of the objectors chose to become a party opponent.

3. The principal objection to these proposals was that the changes would alter the character of St James, which provides traditional Anglican worship in area where most other Anglican churches provide worship in alternative forms. Objectors also considered that the fabric was in good condition and the financial cost of replacing it could not be justified. There was a complaint that the definitive plans for the sanctuary kept changing and there had not been adequate time for display or certainty about exactly what was being proposed. The opinion was also expressed that the proposals would not enhance the aesthetics and general atmosphere of the church and, although they might make it easier to use as a concert or general event venue, they would diminish its value as a place of worship. Curtains behind the altar were aesthetically pleasing and provided a link to the Worshipful Company of Clothworkers who had been responsible for the building of the church.
4. It seemed to be a view held by more than one objector that the drive behind these proposals was to make the sanctuary more suitable for performers in concerts than for liturgical reasons. The point was also made that the concert facility was not benefitting the local community as audiences and performers alike do not come from the immediate vicinity and the local populace were not of a socio-economic group which could or would pay to go to concerts in the church.
5. The idea of having the altar on castors was considered to be un-aesthetical as the altar frontal would no longer fit identically and the castors would be visible and unsightly.
6. Procedural objection was also made by more than one person that the plans had not been on display in the church for the statutory period. Also it was said that the PCC had never considered or properly debated the proposals; plans had just been presented and voted upon. I was made aware of a particularly inappropriate passage in a report to the congregation (presumably prepared for the 2014 APCM) which spoke of those who objected to the proposals in negative and derogatory terms and criticised them for exercising their statutory right to lodge an objection in the Registry in response to general citation. It was said that decisions in the parish, including these proposals, were made in various groups which the Incumbent had set up without reference to the PCC and that the PCC acted merely as a rubber stamp.
7. Financial concerns were also expressed, i.e. about spending money on proposals which the objectors perceived as unnecessary whilst the parish income was in decline

and the PCC had voted to reduce its pledged common fund contribution. One of those making this objection was a PCC member who until comparatively recently had been the PCC Treasurer. The current PCC Treasurer also wrote a letter of objection.

8. The petitioners responded to these various objections. It was pointed out that the proposed re-ordering of the chancel would largely restore the pre-1988 appearance of the church. These changes had been fully discussed and were commended by the PCC because they would increase the flexibility of worship and allow for community use. Changes in liturgy and tradition were in response to congregational demands. The proposals were also practical. The curtain arrangement, whether or not it had anything to do with the Clothworkers Company, was not original or longstanding.
9. The petitioners questioned that there had been any procedural irregularities and it was asserted that the subgroups, about which objectors had complained, did not take decisions and that everything was discussed at PCC meetings.
10. On financial matters, it was said that the parish had more than sufficient funds to cover these proposals and the reason for reducing the pledged common fund payment was because the parish was “asset rich and income poor” and available resources were being used to finance outstanding quinquennial works, plus these proposals.
11. As there was no significant objection to the lavatory proposal, I indicated that a Faculty could issue for this work and I indicated the same in respect of the sound reinforcement system. The re-ordering of the chancel had clearly given rise to a significant level of resentment within the parish and I directed that there should be a Consistory Court hearing to resolve these issues.
12. The Hearing took place on Saturday 17 January. Two of the three petitioners were present but only the Incumbent spoke. Miss Victoria Simmons spoke for herself as party opponent. I was informed that the parties had agreed not to have legal representation at the Hearing. Miss Simmons had a table provided for her, at which she sat alone without further assistance or support. She queried who a gentleman was sitting with the Incumbent at his table. I was told that he was called James and, as I had not seen him doing anything in particular, I overruled her objection without further enquiry. That was a mistake on my part, as I was subsequently informed that the gentleman was James Freeman. “It just so happens that James is a senior partner at Allen & Overy, handling corporate reconciliation cases”, the Incumbent subsequently informed the Court. I consider this disingenuous, especially as the Incumbent went on to say that Mr Freeman “had kindly hosted a dinner party of eight the previous

Sunday evening (my wife, one of the Churchwardens, the PCC Secretary and two young professional couples) who helped me to shape the Opening Statement. Three of us had a further meeting with the Chancellor of the Diocese of Worcester, Dr Charles Mynors, the day before the hearing.” The Incumbent also said he had informed me of this last fact on the morning of the hearing; if he did I had forgotten it and I did not allow it to impress or influence me in any way. I consider this display a lack of “parity of arms” between the petitioners and the party opponent and that it was not in the spirit of the no legal representation agreement; I am afraid Miss Simmons will harbour resentment about this which I am not able to overcome.

13. The parties made opening statements at the Hearing and did not call additional evidence other than accompanying documentation, although a further plan was produced by the petitioners. No significant new points emerged at the Hearing, although I was subsequently sent various figures and statistics which I have examined but concluded that, whilst they are of considerable interest in what they reveal, they do not really bear on the decision I have to make. I was left with the impression that the proposed changes were driven more by alternative uses of the building than by liturgical use; but in my judgement appropriate alternative use of church buildings, providing it is not in conflict with, or detrimental to, the primary purpose of a church as a place of worship, is to be encouraged.
14. Amongst the material handed to me as part of the party opponent’s opening statement were PCC minutes raising concerns about the varying rates, charges and terms on which the church was hired out to alternative users; there was even the suggestion of a conflict of interest on the part of the Incumbent in respect of the Islington Proms. It is recorded that the Incumbent rejected this suggestion.
15. The most important matter to emerge from the Hearing was my seeing the building and spending time in it. Of course people are rightly attached to buildings and their layout, even if those charged with evaluating buildings for listing purposes do not see any such merit and do not cause the building to be listed, which is the case with St James’. However, whilst I can entirely understand that there are people who are attached to St James’ as it is and as they have known it, I also have to bear in mind that this is not a listed building and those whose statutory duty is to advise me when I make these decisions (the Diocesan Advisory Committee) have recommended these proposals and none of the Amenity Societies has objected to them. Furthermore, this would not be the first time that the sanctuary of this church has been reordered.

16. Bearing all this in mind - but most importantly what I saw and how I felt sitting in the sanctuary - I came to the conclusion, as I said at the time, that the case for re-ordering the sanctuary was made out but I did not think that these proposals went far enough and the radiators and sanctuary rails screening them should also be removed. The Inspecting Architect for the church had not been consulted or involved in these proposals, which I thought unfortunate. However, since the Hearing, the Incumbent has sought the views of the Inspecting Architect (Patrick Crawford of Caroe and Partners) and his views were forwarded to me as I was finalising this Judgment.
17. Mr Crawford describes the proposal to remove the existing three steps within the chancel so as to form a larger platform which is two steps higher than the nave floor as, in principle, eminently sensible given the projected uses of the church. He feels that it is essential that some exploratory trial holes are excavated before removing the existing three steps where the altar is currently located. He went on to say that, once the existing steps have been removed, there will be an exposed area of wall to the east of the chancel. It will be necessary for consideration to be given as to what treatment to the wall will be used beneath the existing rather fine Victorian tiling. This will be quite visible and any solution should complement the existing tiling. He queried just plastering the wall in the first instance and then deciding on a finish later on and thought that an agreed finish should be part of the programme at this stage. The use of carpeting in the new platform area seemed sensible. However he suggested that a suitable hardwood nosing and upstand are used, rather than the present arrangement where the carpeting is wrapped over the step. He also considered that it was essential a suitably qualified Architect is engaged for the project. Such a person would prepare drawings and a specification so that suitable, competitive tenders can be sought. Mr Crawford said that these documents would also need to be sent to the DAC. He thought that the Architect also should administer the contract on site, making periodic visits and chairing site meetings. He should also settle the final account.
18. I directed that these observations be sent to the party opponent so that she may comment on them if she so chooses. The Incumbent has commented on Mr Crawford's observations.
19. The Incumbent informed me that arrangements were already in hand to carry out three test holes with a 30" stabilised core drill. It was expected that rubble would be found beneath the three stone steps but the test will determine whether that is so or not. After the steps had been removed the Incumbent said that in the first instance it is

proposed to plaster the exposed wall and this may be painted black. The petitioners did not think it reasonable to delay the whole project until they were able to source an appropriate supply of matching tiles to complete the area newly revealed but they did think it would be fair to ask the PCC to undertake this work as soon as possible after the steps have been levelled. As for the proposed covering of the new area the Incumbent said that while it would be more expensive, nosings have in fact been incorporated into the new specification. I was also informed by the Incumbent that all the work described is being supervised by Mr Keith Stone, whose drawings were submitted to the Consistory Court. I was not informed whether he is a qualified architect who conforms to Mr Crawford's recommendations.

20. The party opponent has also now commented on Mr Crawford's observations. She regards the "flattening" of the chancel as unnecessary; she does not say, however, whether she thinks, as Mr Crawford does, that it is sensible. She accepts the need for exploratory work before a final decision is made on the layout and materials and she agrees entirely about the need for an experienced and suitably qualified architect to carry out the works.
21. At the conclusion of the Consistory Court hearing the Archdeacon made a very helpful statement. She pointed out that the church building was a place of worship and good news for the whole parish. She said that there had been concern about the PCC's decision to reduce the Common Fund in 2015 from the figure which had previously been agreed. However this had now been addressed and there was an ongoing discussion about an appropriate increase in the future. The church must find ways to acknowledge the past and what is important to people about its history. Equally, it is important that those who resist change understand exactly what is being proposed and why. She went on to say that understanding something is not the same as agreeing with it. The DAC visit to the parish had confirmed that the proposals currently before me do not dishonour the past and the changes will bring new opportunities. Picking up on what is clearly a sensitive matter, she said that this was not just about concerts in church and there was a need all round for greater communication. Too many assumptions were being made about the motives of others. She also thought that the Quinquennial Inspector should at least be consulted but not necessarily instructed to carry out the works. As I have just indicated, that has now been done.
22. In the light of all this, I am satisfied that the parish has the necessary funds to carry out the proposed works in a professional way to a proper standard and to do so would

not be a waste of funds. I confirm my interim decision to allow the removal of the three steps within the sanctuary and the removal of the carpet covering, the radiators and altar rails. When this has been done and what lies underneath and behind has been discovered, further works can be carried out under the authority of the Archdeacon to whom I specifically delegate authority for any works she considers necessary and appropriate in consultation with the DAC and the Inspecting Architect, with a view to the petitioners producing within 12 months a final, overall scheme that provides a fitting arrangement for future worship and not just a platform for concerts. Also lettings of the church building for secular usage must be agreed in transactions that are conducted at arm's length with all interests properly declared. If there are any disputes about this, they too should be referred, in the first instance, to the Archdeacon.

Seed, Chancellor

24 March 2015

