

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

C2016/4481

KENILWORTH: ST NICHOLAS

JUDGMENT

- 1) St Nicholas, Kenilworth is a Grade I listed church. The church dates from the Thirteenth Century but there was a major Victorian restoration and the interior in its current state derives from that restoration.
- 2) The two churchwardens petition for a faculty permitting the installation of a retractable screen above the arch at the chancel end of the nave. I have already directed that the faculty should issue and this judgment sets out my reasons for doing so.

The Petitioners' Contentions in Favour of the Proposal.

- 3) The Petitioners explain that there is a variety of different styles of service and of worship at the services in St. Nicholas. The services include a "Family Praise" service and an "Awakenings" service. The former involves an informal style of worship focusing on children and young families. The latter is described as a service at which the style of worship is contemporary of the "Fresh Expressions" model. At both those services the words of hymns, worship songs, prayers, and the like are projected on to a screen positioned at the chancel end of the nave. The screen currently used is a temporary one which is erected and removed on each occasion. The wardens describe the arrangements for positioning the screen by standing it on boxes and similar arrangements. Their shorthand description of this as rather "Heath Robinson" is clearly apt. The screen is also used on other occasions such as meetings of various kinds. The current screen being mounted on the floor is not readily visible to those towards the rear of the church.
- 4) The Petitioners say that there is a need to replace the current arrangements with a screen which can be extended and retracted electronically. They seek to have

a screen positioned above the chancel arch. This will be retracted when not in use and will not be readily visible when retracted. The Petitioners say that such a screen will be an improvement on the current arrangements because it will not have to be erected on each occasion and because it will be more readily visible to those in the church. The primary intention is to use the proposed screen on those occasions when the portable screen is currently used. The Petitioners do, however, add that the presence of a screen which can be seen adequately and which can be brought into position by the flick of a switch will give the opportunity for it to be used on other occasions.

Consultations.

- 5) The Diocesan Advisory Committee have recommended approval of the Petition and have certified that the proposed works will not affect the special character of this church. I agree with that certification: when not in use the screen will be visible but it will not be readily visible and the impact on the appearance of the church is likely to be minimal.
- 6) Historic England has commented on the proposals. That body has no objections provided that the casing for the screen is painted in a colour such as to make it as unobtrusive as possible. I am satisfied that this is the intention of the Petitioners.
- 7) The Victorian Society has been consulted on the proposal but has chosen not to make any comment.
- 8) There has been no response to the public notice save for a letter of objection from Mrs. Margaret Bull. Mrs. Bull has declined to become a party to the proceedings but has asked that account be taken of her objections. I will do so and I will set them out below.
- 9) Mrs. Bull is a member of the Parochial Church Council and that body has considered the proposed works. It is noteworthy that Mrs. Bull was the only member of the council who opposed the proposal. The other fifteen members voted in support when the issue was discussed. The Parochial Church Council has carried out a consultation exercise amongst the congregation. The consultation involved the collection of written votes on five successive Sundays;

the receipt of letters and e-mails expressing views; and a process of oral consultation. I am satisfied that real care was taken to provide opportunities for the expression of views by members of the worshipping congregation. That process resulted in seventy-eight expressions of support for the proposals and eighteen expressions of opposition (in each instance including the members of the Parochial Church Council and Mrs. Bull). It follows that Mrs. Bull is by no means alone in her reservations about what is proposed. However, it is also clear that there is a very substantial majority in favour of the proposals.

- 10) Revd Stella Bailey was installed as the vicar of St. Nicholas after that consultation process and after the Petition was lodged. Helpfully she has commented on the proposal. She says that it has her full support and that she regards the provision of a quality screen as vital for modern worship.

Mrs. Bull's Objections.

- 11) It is immediately apparent that Mrs. Bull plays a full and active part in the life of St. Nicholas. Not only is she a member of the Parochial Church Council but she is also the District Churchwarden with responsibility for the daughter church, St. Barnabas. It is also apparent from Mrs. Bull's letter that her objections come not from some form of unthinking reaction or opposition to all change. Rather they are based on a genuine concern as to what is best for the mission of the Church.
- 12) Mrs. Bull's objection is that when extended the screen would cut off the chancel and would block the view of the East window portraying the Crucifixion. She believes that this would detract from the worship and mission of St. Nicholas. In essence Mrs. Bull says that the aim of worship should be to draw the attention of the worshippers to the message of the Crucifixion and not to obscure that by a screen bearing the words of hymns. In addition Mrs. Bull is concerned that once installed the screen will be used at services other than Family Praise and the Awakenings service. She is concerned that there will be an alteration of the more traditional style of worship which takes place at other services.

The Applicable Test.

- 13) The proposed works do not affect the special character of this church building. It follows that the test as to whether approval should be given is whether the Petitioners have shown a good reason for making the proposed change. The

burden is on the Petitioners to show that there is a need for the change and that the benefits likely to follow are sufficient to overcome the starting point which is that change should not be permitted. In considering whether a good reason has been shown I must take account not just of the Petitioners' contentions but also of the matters raised by way of objection.

Assessment.

14) There is legitimate scope for disagreement as to the desirability of the proposed works. That is demonstrated by the fact that Mrs. Bull and others who are genuinely committed to furthering the work of St. Nicholas object to what is proposed. However, it is of great significance that, although Mrs. Bull is not the only person opposing it, the proposal is supported by a substantial majority of those involved in this church. I have already said that proper and careful consultation has been carried out from which it can be seen that the introduction of the screen is welcomed by that substantial majority.

15) In addition the view of the majority is a view which is legitimate and rational. The use of a screen to display the words of hymns during services is a common practice. Views can and do differ as to the benefits or otherwise of that approach and as to the attractiveness of worship in which such a screen is used. However, that is in very part a matter of personal taste and the use of a screen is clearly a legitimate (indeed commonplace) style of worship. If a screen is to be used it is obviously right that the screen should readily visible to all those in the church and it is also desirable that the screen be installed in a seemly manner. The choice in respect of the worship in particular services at St. Nicholas is not between screen or no screen but between the current arrangements and the proposed course. The current arrangements involve a screen which is not visible to all in the church and which is erected in an ad hoc and unseemly way. The proposed course involves a screen which will be seen by very many of those in the church and which can be brought into operation by the flick of a switch. The latter is, in my assessment, clearly preferable to the former. Indeed it would appear to be more consistent with the need for seemliness in worship than the current arrangements. It follows that a good reason has been shown for the proposed works and those works are likely to bring benefits outweighed the presumption that change should not be permitted.

- 16) Mrs. Bull is concerned that the installation of the screen will lead to a change in the style of worship at other services. I am confident that the churchwardens are sincere when they say that the purpose of the proposal is to have a better screen for the occasions when a screen is currently used. They do also say that it will make it possible for a screen to be used more readily (because it will be easier to bring the screen into operation). I am satisfied that the Petition is not a cover for an underhand plan to change the style of worship without proper consultation. In any event I must make it clear that decisions about the appropriate style of worship are for the vicar of St. Nicholas in consultation with those worshipping there. They are not matters for this court and to the extent that Mrs. Bull's objections relate to the style of worship they cannot stand against the arguments in favour of the proposed works.
- 17) It is for those reasons that I concluded that the works should be authorised and that a faculty should issue.

STEPHEN EYRE
HIS HONOUR JUDGE EYRE QC
CHANCELLOR
4th December 2016