

Neutral Citation Number: [2023] ECC Lei 2

IN THE CONSISTORY COURT OF THE DIOCESE OF LEICESTER

2 FEBRUARY 2023

ST NICHOLAS, LEICESTER

IN THE MATTER OF: Petition 2022-077800 - New Altar Frontal

1. On 28 January I gave directions in relation to this petition for a new altar frontal. I concluded that three of the nine persons who had submitted objections to the petition had a “sufficient interest” to be treated as objectors for the purposes of rule 10.2 of the Faculty Jurisdiction Rules 2015. One of the persons that I treated as an interested person was Mr Sam Margrave. This was on the basis of an e-mail which he sent to the Registry on 23 January which stated as follows:

“I am willing to become a party to proceedings but need to understand the issue of costs as I am disabled and currently have no ability to pay costs. As my interest is as a member of General Synod am I indemnified? Is there legal aid protection? I have already outlined my interest. But I have worked and studied in the city, I am a regular there, I was the one who disputed this matter in the first place and I am a member of General synod.”

2. I understood Mr Margrave’s reference to being a regular “there” as being a reference to being a regular attender at St Nicholas’. I decided that he had a sufficient interest in the petition, concluding (at paragraph 11 of my decision) that:

“as a regular attender at that church whether or not he is on the electoral roll) he has a direct interest in the use of the proposed altar frontal at services and more generally.”

3. Since that decision was communicated to the petitioners and to Mr Margrave, the Registry has received two further e-mails. The first dated 30 January 2023 is from Mr Margrave. In it he explains that I had misunderstood his earlier e-mail. He states:

“There is also some misunderstanding in that I am a regular to the city. I have engaged with the Church in question and Parish events/resources. But it is important to be clear I am not a regular worshipper there. Due to health I tend to engage with Churches online. For example I attended their rainbow eucharist Facebook and engaged with Courses at the Church on Youtube. I have also been to the Parish Church itself in person.”

4. An e-mail dated 1 February 2023 was also received from one of the petitioners the Rev Karen Rooms. In it she states as follows:

“I am informing you that Mr Margrave is not a ‘regular’ at St Nicholas and has never to our knowledge attended a service in person. The only service I am aware he has ‘attended’ was online, the occasion of our Leicester Pride Festival Weekend Eucharist on September 4th 2022 when we received the frontal, which was placed on the altar for that service. This was the only service we have ever live streamed.

I have been the Transition Priest at St Nicholas since September 2016 with responsibility and oversight of the congregation and weekly services. The average weekly attendance has grown from 18 to 40 and the community of the church has grown from 35 to c 80 and I keep appropriate name records to ensure the best possible pastoral care (and to fill out annual Statistics for Mission about the worshipping community).

In my experience Mr Margrave has never attended a service of worship at St Nicholas. He has not filled out a ‘welcome card’; he has never been known to me in a congregation that is small enough to notice anyone new.

The curate (July 2021), Revd Manuela Schmucki, who is also present at all services, and leads our welcome ministry, has never seen him.

The Warden and Asst Warden who are at the door to welcome people every week, have never seen him, neither have our wider leadership team.

During 2022, midweek Cathedral services have been taking place in St Nicholas with a Cathedral vergers always present. None of the three vergers has seen him in attendance.

There is no sense in which he can be described as a ‘regular’. Nor could he meet the eligibility criteria to go on the electoral roll of the church.”

5. Having regard to these two e-mails I clearly misunderstood the nature of Mr Margrave’s interest in this petition. Although he may be a “regular” to the city of Leicester, he is clearly not a regular attender to St Nicholas’. He very promptly brought this error to my attention of his own volition and I am satisfied that he did not deliberately seek to mislead either me or the Registrar.
6. Nonetheless, my understanding that he was a regular attender at St Nicholas’ was germane to my decision to treat him as being an interest person under rule 10.2. Now that this error has come to light it seems to me that I must consider afresh the question of whether Mr Margrave has “sufficient interest” in the

petition for the purposes of the rules.

7. I am entitled to set aside an order of my own volition under rule 20.3, if I consider that it is just and expedient to do so. Alternatively I can treat the e-mail from Rev Woods as a request under rule 18.3 for a variation of an order that was made without a hearing and without giving the parties an opportunity to make representations, and it is that latter approach that I propose to adopt.

8. I therefore propose to consider afresh the question of whether Mr Margrave has “sufficient interest” in this petition. Before doing so I propose to give him a short opportunity to provide me (via the Registry) with any further information that he would like me to take into account in reaching that decision. That information should be provided to the Registry by 4pm on Friday 10 February 2023 and I will reconsider my decision as soon as possible thereafter.

David Rees KC

Deputy Chancellor Diocese of Leicester

2 February 2023