

**IN THE CONSISTORY COURT AT LINCOLN**

In the matter of All Saints, Branston and a reredos designed by George Pace and fabricated by Frank Roper

**Judgment**

1. By a Petition for a Faculty dated 5 August 2015 the Petitioners seek the relocation from St James's, Grimsby (Grimsby Minster) to All Saints, Branston of a reredos designed by George Pace and fabricated by Frank Roper in 1972. The PCC at Grimsby Minster are in agreement with this Petition.

2. However, once this proposal became known I received letters (some sent even before the Petition was served) from concerned former members of the congregation at Grimsby Minster, including former churchwardens, and the former architect for the Minster Mr Gordon Smith, and Mr Markham the son and grandson of 2 former Vicars. These letters raised a number of concerns about an internal reordering of the Minster in the 1990's which included but were not limited to the relocation of the Pace reredos. Such was the concern about the way in which a range of church furnishings were dealt with during that process that I took the unusual step of:

(i) permitting Mr Smith to be declared as an interested party under FJR: he objected to the Petition but did not wish to become a party opponent.

(ii) requiring the Registry to produce the papers in the 1995 Faculty which formed the basis of the concerns that were being raised in the letters I received and serve them on the parties (including Mr Smith) for their comment.

3. This has led to the course of this faculty taking much longer time to process than is normal. I apologise for the delay that has occurred, but much of it has been necessary to obtain old papers, obtain a conservator's report on the reredos, and give parties an opportunity to comment, as well as time for me to consider the historic material.

4. I am now in a position to deliver a judgement. I would preface my remarks by thanking the Petitioners for the patience with the process whilst waiting for the outcome; and to Mr Smith who over many years has with equal patience and courtesy been raising his concerns about the reordering that took place in the 1990's at Grimsby Minster. I have also been assisted by the letters from Mr Markham who has also

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provided me with helpful background to the reordering of the Minster during the incumbency of his father and grandfather and in particular the reordering of the War Memorial Chapel. He is particularly concerned about what happened to that chapel given that it was endowed in memory of his 2 great uncles, who were killed in the Great War when his grandfather was the Vicar. He is an objector to the Petition.

5. It was immediately clear to me when this proposal to relocate the Pace reredos was first raised, that there was a lot of unresolved anxiety and concern about what had happened in the reordering in the 1990's. The Pace reredos relocation application caused many other issues to be raised which do not appear to have been addressed in the open before now. There is a limit to what a Chancellor can do in these situations save to bring as much as possible into the light today so that all can see what happened, in so far as this is possible some 20 years later. I must remind myself that this is not a general enquiry but a determination of a particular issue namely whether the Pace reredos can be relocated to All Saints, Branston. However, it is important that the history of the 1995 faculty is considered because it is relevant. If there are church furnishings that have been removed (including the Pace reredos) and the church has been reordered without due process being observed then this is a matter which I must investigate and resolve.

6. I hope that this will assist all those who have been concerned not just with the destination of the Pace reredos but the wider concerns about the earlier faculty application. I hope that this will also assist those with responsibility for the Minster today who will better understand what has led to these objections to the relocation of the reredos, which might otherwise be inexplicable to them.

### **The history**

7. Around 1970 a faculty was granted for the placing of a reredos on the east wall of the chancel of the Minster above the altar. The memorandum dated 5th May 1971 written by the then Vicar Reverend Hawker records that Mr Ben White had given £2000 in 1968 for the erection of a suitable reredos in memory of his late wife. A competition was held for which George Pace submitted designs, also opening up the view of the altar from the nave with provision for a moveable nave altar. He produced designs for the reredos with Frank Roper, a sculptor, and this was the design which was chosen. The reredos was erected on 9 January 1972 just before Mr White died. The brass plate was placed on the north wall of the chancel where it still remains:

"TO THE GLORY OF GOD the reredos was given by Ben White Churchwarden 1923-5 and 1938 in loving memory of his Wife Ethel who died on 20th March 1965'

8. The reredos was taken down at some stage in or around 1995 and for some years remained on the floor of the lady chapel. It was then placed in a parish office on the floor

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where it has remained for some years. After some confusion about its location the current Vicar Canon Dodd confirms that it is safely stored in the church offices.

9. On 16 May 1994 the District Church Council passed the resolution:

*" It was proposed by [MB], seconded Margaret Adams and agreed unanimously that the DCC should apply for a faculty relating to proposals submitted for the redevelopment of the Church and Square" (Faculty papers p 6): [ I note that Mrs Adams is one of the objectors to the current Petition under consideration].*

10. On 15 September 1994 the PCC unanimously agreed:

*" The PCC approves the application for a faculty relating to proposals submitted for the development and refurbishment of St James' Church and Square as submitted by Mr Peter Hill of the Stowe Rowe Partnership, Ripon'*

and on 5 December 1994 the DCC agreed the following:

*"Proposals relating to underfloor heating, repositioning the font, the altar and the toilets, reordering of the Remembrance Chapel, the establishment of a new Church Centre to include the Song School rehearsal facility, restaurant and sundry rooms, and additional works associated with vehicular access and improvements to the paved areas, drainage and floodlighting were discussed in detail and agreed"*

and it was agreed that these proposals from Mr Hill would form the basis of a faculty application.

11. From these entries it is clear that a major reordering project both for the interior and exterior of the church was being planned which would include reordering of the 'Remembrance Chapel', installing underfloor heating and undertaking change to the font, altar and toilets inside the church as well as major works outside.

12. On 19 April 1995 the DAC agreed in principle to the reordering proposals and sought the detailed proposals. The note (Faculty papers page 1) records that the Rector, Canon Hunter, presented the proposals to the DAC to include renewals of light and power, installation of gas fired central heating to the underfloor with radiator/convactor heating to the choir, Lady Chapel, west door and at triforium level, laying a new floor, redecoration of the interior, removal of the lavatories, building of a St. James Church Centre and Song School on 2 floors to include church hall, coffee shop, meeting room and approach to St James Square. It also included:

*" -installation of a new altar within the Crossing, together with altar candlesticks, processional cross, Presidents chair and benches. Removal of the pulpit and end panels to the clergy stalls*

*-retention of the high altar, removal of remaining Sanctuary furniture. Repositioning of the sculptured reredos, moved the lady chapel [my underlining]*

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- *formation of a new Chapel of Resurrection with enclosing screens utilising existing memorial gates and carved panels from the clergy stalls.*
- *opening the old chapel area as an ante room to the proposed church centre, with repositioning of the doorway to the present choir vestry"*

13. Thus this large reordering project planned for the repositioning of the reredos from the east wall above the altar (photographs in faculty papers page 2 show the Pace reredos on the east end of the chancel above the high altar). A detailed plan (faculty papers p3) sets out the scope of this ambitious project and makes this clear. The diagram states:

*'reposition the existing reredos sculpture into the Lady Chapel. Take out the pulpit and lectern and provide a new oak reading desk. Take out the choir rails beneath the chancel arch'*

Additionally, there are plans to reconfigure the War Memorial Chapel which is referred to on the plans as the Chapel of Resurrection. The reconfiguration would provide for the establishment of a link in the south east corner from the south chancel into the new Parish Centre and a reduction in the size of the Chapel. There is no reference to any removal of a reredos from that chapel. The plan does not refer to any existing reredos in the Lady Chapel (to be replaced by the Pace reredos). It also shows how a new stone altar will be placed at a crossing sanctuary in the nave with cross and candlesticks.

14. On 6.11.1995 the DAC recommended (faculty papers page 4) the proposals to the Chancellor. The proposals were described as follows:

*"To reorder the Parish Church of St Mary and James, Great Grimsby, viz to repair roof coverings and associated masonry, to install underfloor heating and replace flooring, to install an altar at the crossing and remove chancel furniture, to form a Chapel of Resurrection in south east and open old chapel area as an ante room, removal of lavatories from the south transept, and extend the building on the south east to provide a hall, coffee shop and meeting rooms as per details provided"*

15. The DAC considered that it would result in material alteration of the appearance of the church, would affect the setting of the church, would affect archaeological interest or importance of the church and was likely to affect the character of the Church's building of special architectural or historic interest. Such endorsements would have meant that English Heritage would have to have been consulted about this re-ordering proposal should it have gone ahead.

16. The Petition for a Faculty is dated 20.11 1995 and signed by Canon Hunter. The other 2 petitioners are the 2 churchwardens at the time. The estimated cost of the works is put at £951,000. The funding was to be achieved by a contribution of £5,000 by the PCC and funds paid by the Heritage Lottery Fund, the European Regional

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Development Fund, the St James Development Trust and an appeal. The Schedule of Works describes the works as set out in the DAC recommendation set out at para 12 above.

17. In replying to various questions on the Petition Canon Hunter states:

(i) consultation with English Heritage has taken place at every stage of the project development.

(ii) it was a partnership project with the Borough Council and planning permission matters were in hand

(iii) tendering for the project was underway

(iv) the project would start in January and be completed in April 1996

(v) to the question 'if works inside a church are proposed will any graves monuments or inscriptions be affected' the answer has 'No'. It is also stated that in answer to the question whether divine service will be interrupted 'not applicable'

(vi) In answer to the question 'is the disposal of any item of church property contemplated?' the answer given is '*to be decided but involves nothing of any historical value*'

(vii) in answer to the question whether there will be any interference with a memorial commemorating a death between 1914-1974, it is stated that it is not applicable.

18. On 28.11.95 Canon Hunter wrote to the Registrar answering some questions of his and also explaining that the works to the underfloor heating of the church with re-paving is 'most urgent' and due to start on 8 January, which he expected the HLF to support. The inclusion of all the other aspects of the faculty application

*" was deemed necessary at the present time to eliminate any possibility of a delay by the Trustees of the Heritage Lottery Fund in the consideration of our application relating to the whole project. We expect an initial indication from HLF on 6th December"*

19. On 29.11.95 Canon Hunter is recorded as informing the Registrar that part of the land for the new church centre would be land owned by Grimsby Borough Council (therefore not consecrated land) and the Registrar notes that it was thought best for the land to be transferred to the Church to be built upon and that the DBF would have to be involved in that process. However

*"with regard to the faculty application, the project has run into difficulties because there is some doubt whether the HLF will make a grant after all and English*

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*Heritage have expressed concerns/opposition about the scheme. This is all being gone into but it will delay matters. The important thing from the parish's point of view is to get the new underfloor heating dealt with - this is of course part of the faculty application and I said that, if necessary, the Chancellor could probably deal with this aspect of the matter fairly quickly by means of an interim order'*

I note that these difficulties arose just 9 days after the Petition for a faculty was dated.

20. The Chancellor considered the Faculty application and the Registrar wrote on 3.1.96 (faculty papers p. 10) to Canon Hunter with a number of queries that the Chancellor had raised. It appears from this letter that at the same time there was another faculty under consideration for proposed works to the churchyard and the Registrar had written another letter of the same date to Canon Hunter with the Chancellor's queries about that faculty application. In respect of the internal reordering Faculty application the Chancellor wanted to know or directed (i) has planning permission been obtained (no doubt in respect of the proposed Church centre)? (ii) on the basis that EH had no concerns about the underfloor heating and repair of the floor space, those works could proceed forthwith: the Registrar asked Canon Hunter for a letter from the architect confirming that EH had no such concerns. (iii) he wanted more detail about the Parish Centre and the additional land (iv) he wanted to know how the funding was to be raised (v) he directed that the details of this faculty and the faculty for the external works were to be placed into the Parish magazine for objections and comments (vi) the drawings were to be displayed in church.

21. Only 2 days later on 5.1.96 (faculty papers p11) Canon Hunter telephoned the Registrar to say that *'things had changed very considerably of late because of problems with English Heritage and difficulties over funding'*. The external works were to go on hold *'but they would be proceeding with the internal works to the church'*. He hoped to have confirmation of funding for the underfloor heating by next week. The Registrar asked for confirmation to be sent him from EH and the architect and an interim order could be granted for this work. It was agreed that because of the change it was inappropriate for a notice to be placed in the parish magazine about the proposed works. Canon Hunter said that the Church would close for 3 months: the major items of internal work were the underfloor heating and that *'any re-ordering was of a fairly minor nature'*. Apart from the underfloor heating works, the other works were scheduled to begin in about 6 or 7 weeks time.

22. On 12.1.96 (faculty papers p 11a) there is a telephone attendance note by the Registrar of his conversation with Canon Hunter. The Registrar acknowledges receipt of Canon Hunter's letter of 11 January (not on the file). He records that he is satisfied that EH had no objection to the underfloor heating and it was clear they had given their *'blessing to various other things as well'* (these things are not specified): an interim order would be issued for the underfloor heating to be installed with the new flooring. The note continues:

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*"So far as the remainder of the internal works is concerned, Canon Hunter will let me have a letter from English Heritage confirming their approval of it all".*

23. The interim Order was made by Chancellor Goodman on 12 January 1996 to proceed with the underfloor heating and new flooring. On 15.1.96 (faculty papers p12) the Registrar repeated that he awaited a letter from EH to confirm that they are in agreement with what is proposed for the remainder of the internal reordering. The proposed external works were on hold.

24. In reviewing the situation by the end of January 1996 from this correspondence, it is clear that the Chancellor had now issued an interim Faculty permitting the underfloor heating and for floor repair work to be undertaken, and the Registry was awaiting confirmation from EH that they had no comment to make about the rest of the internal reordering of the Church (which would have included the removal of the Pace reredos, the establishment of a nave altar in the crossing, the reconfiguration of the Resurrection Chapel and other proposed works). The external works including the new parish centre were 'on hold'.

25. I must assume that the underfloor heating work and new paved floor work was undertaken and that the church was for a period closed for this work to be done.

26. At this point in the narrative I work from the correspondence preserved by Mr Gordon Smith, the former parish church architect and former member of the congregation, who by October 1996 began writing to the Archdeacon of Stow and Lindsey with his concerns about what had happened to a number of items at the Minster which had been gifted by members of the congregation and which had now disappeared from the church. His first letter is dated 22.10.96 to the DAC secretary with concerns about the removal of the Pace reredos at the east end of the chancel: he states that *'it is rather strange that it has disappeared from the church totally and no one appears to know its future. It does not appear to be in the church'*. He is also concerned about the removal of the pulpit and lectern placed in storage, and the furniture and fittings gifted to the church since 1972 (a gift book case, a remembrance book of those whose ashes are buried in the churchyard, and the War Memorial Books which were in special cabinets in the War Memorial Chapel). He notes that this Chapel has now been redesigned but there are no cases left. He also identifies some other missing items:

- (i) an oak chest containing the Ainslie Library and School works of Handel
  - (ii) desks given in memory of particular members of the congregation in memory of deceased loved ones in the 1970's. One widow he recounts is particularly upset that she cannot find the desk that was in memory of her husband.
  - (iii) the regimental banners
  - (iv) some watercolours
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27. Mr Smith asserts his confidence that proper processes have been followed although when questions are asked about these matters the response received, he writes, '*does not give confidence to the listener*'. He also writes to the Archdeacon dated 24.10.96 about these matters who replies on 29.10.96 that he will make further enquiries about the reredos, the pulpit and the lectern and the other furnishings Mr Smith raises.

28. In the Faculty file on 13.12.96 (p 14) the Registrar writes to Canon Hunter asking about outstanding matters and stating '*it may be that you will not be proceeding further with the above petitions but will be filing some fresh ones in due course. It would be helpful if you could please let me know the position and if appropriate I will close the current files*'. On 23.12.96 Canon Hunter rang the Registrar (faculty file p 15) stating that they were now ready to go ahead with the churchyard faculty (which had previously been put on hold) which he said was a £360,000 scheme, half of which will be paid for by HLF and the other half by Grimsby Borough Council: work was hoped to start on 1.2.97. New drawings would be submitted. It was also recorded:

*"Everything that needed to be done inside the church has been done - this was basically the underfloor heating. An interim permission was given for this and it might be appropriate now to issue a faculty. Again this is something which I can consider further when I hear from Canon Hunter"*

29. The next event was the issuing of the completed Faculty by Chancellor Goodman on 18 March 1997 in these terms:

*"Faculty issued in respect of underfloor heating and associated repairs to floor already carried out pursuant to interim order dated 15.1.96"*

From this it is quite clear the final issued Faculty was in respect of the works that had been authorised by the interim Order. Thus the proposed works in reordering the interior of the Minster (including the removal of the Pace reredos, the reconfiguration of the Chapel of Resurrection/War Memorial Chapel and the removal of other church furnishings) do not appear to have been authorised by this Faculty. For a Faculty to have been issued for the internal reordering I would expect to see a report from EH on the file because the DAC had certified that this was work that was likely to affect the character of the Church. There is no such report. In any event Chancellor Goodman's endorsement is quite clear (once deciphered) that it relates only to the works previously authorised under the interim order. These works related to the floor only.

30. The Registrar writes to Canon Hunter on 20 March (responding to a letter that is not on the file dated 11 March 1997) dealing with 'Faculties for Works in Church and Churchyard'. He confirms that the Faculty for the works to the churchyard has been granted. He then refers to 2 '*earlier Petitions which had not been finally disposed of and which remain outstanding*'. In respect of the Faculty in respect of which the underfloor heating and floor repairs has been carried out (ie the faculty for the internal works) the

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completed Faculty is now issued finalising the disposal of that Faculty (limited to the underfloor heating and floor repair works). He concludes

*'So everything is now disposed of and all is neat and tidy!'*

31. However, Mr Smith was continuing to write to the Archdeacon to understand what had happened to the church furnishings at the Minster. On 18.7.97 he wrote to the DAC Secretary raising again his concerns about the reredos that had been on the wall of the Chancel (ie the Pace reredos). He refers also to other items of furniture *'which do not seem accounted for and I know of one or two families who are still living and more than uncomfortable with the lack of approach to them, and more particularly, the future of the gifts given in the names of loved ones'*. The DAC Secretary responds 28.7.97 to say that it was her understanding that the reredos was moved from the chancel east wall to the east wall of the chapel on the north side of the Minster ( ie the Lady Chapel). She adds *'It would be a great pity if this item were lost, in view of its designer and sculptor'*. The DAC Secretary is there referring to her recollection of the terms of the original design proposal for the reordering of the church which the DAC had recommended to the Chancellor, but infact no Faculty appears ever to have been granted for that reordering - save for the underfloor heating works and repairs to the floor.

32. On 29.7.97 the Archdeacon reports a discussion that he had had with Canon Hunter about these furnishings and understood that consultations were being carried out in a *'steady manner'*. He promised to investigate how things were going in that regard.

33. On 28.8.97 the Archdeacon wrote to Mr Smith to confirm his conversation with Canon Hunter: he confirms that replacing of various items of furniture was being undertaken *'very carefully in accordance with the Faculty that was issued to ensure that all the good work of re-ordering is not spoilt by inappropriate replacement of furniture'*. He reports that the flags/standards will be returned to the Church and that a special memorial case is being considered: *'it is a significant piece of craftsmanship and I know that Canon Hunter is keen to see that it is kept in church'*. He concludes his letter by stating that matters are being considered with great care and *'there is no rush to replace everything straightaway'*.

34. On 2.9.97 Mr Smith replied that he understood that the pulpit and lectern were being stored in a garage/workshop, and there has been no consultation with those who gifted church furniture who are still alive. He states that if they are going to be replaced then *'I think it is only courtesy that the donors are informed of the replacement'*. Mr Smith also explains that the sanctuary furniture was based on designs by George Pace who had designed the reredos as well as other furniture that stood at the west end of the church. He records that there is a great deal of unease and *'no one is prepared to tackle the matter head on'*. On 9.9.97 the Archdeacon replies that he knows that Canon Hunter is aware of the sensitivity regarding gifts given by particular people and whatever reordering takes place he would want to ensure that a record is kept of the generosity of those donors.

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35. There is then a gap in the narrative until 4.2.99 when Mr Smith again writes to the Archdeacon to say that having visited the Minster many of the issues he has raised in the past have not been resolved. He records that:

(i) the Pace reredos lies in the Lady Chapel.

(ii) the hatchment over the south west porch cannot be seen

(iii) gifts by living members of the church have not been replaced in church. he understands that the pulpit and lectern are still in storage

He states that he does not know about the state of the faculty applications but he would not have thought that after 3 years matters should have been left as they are. He records that toilets have been removed but not replaced (this was part of the original interior faculty application). He concludes:

*'I know that this is a pain but I have always understood that when granting faculties the consideration of those who had given gifts still within living memory, were if not consulted at least recognised sympathetically.'*

36. The Archdeacon replies that he will raise these matters with Canon Hunter (letter 25.2.99). However, there the correspondence provided to me ends until Mr Smith's letters to the DAC Secretary in August 2005 in offering to transfer the Pace reredos into a scheme in another church in which he was working. The reredos continues to be left at the Minster and Mr Smith writes again to the new Vicar of the Minster, Canon Dodds, setting out the history of the reredos and offering to transfer it to a new church on which he was then working, if the Minster was not going to restore it. However in a letter on 7.10.13 Mr Smith withdraws the offer to move the reredos and suggests that it should remain at The Minster.

#### Petition for this Faculty

37. Before the current Faculty petition was dated on 6.8.15 I received a letter from Mr Smith dated 17.2.15 raising with me the concerns he had been corresponding about with Archdeacon Wells in the 1990's: he sought an understanding about the whereabouts of church furnishings including the banners hung in the War Memorial Chapel. He understands that the reredos is still in store and that another church refurbished by George Pace might want it - this is clearly a reference to All Saints, Branston. I declined to review the papers until there was a faculty petition before me.

38. On 6.8.15 the Petition for a faculty was dated seeking permission to remove the reredos from the Minster and install it at All Saints Branston. The application is to locate it in the north aisle. It would be transported by professional contactors.

39. Time for objections was extended. In the light of Mr Smith's involvement with this issue over many years I declared that he was an 'interested person FJR 9.1 (a) (v) and 9.1 (2).

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40. The following letters of objection were received:

(i) Gordon Smith: he enclosed letters of the east wall of the chancel before the reredos was erected in 1972

(ii) Alison Guinary: a member of the PCC in 1972

(iii) Douglas Guinary- a churchwarden at the same time

(iv) Freddy Markham, the son and grandson of 2 previous Vicars of Grimsby Minster. His father had been rector from 1952-1965 and his grandfather had been Vicar 1908-1928. He objected to the removal of the Pace reredos but he also had a wider concern about the fate of the reredos in the War Memorial Chapel which had been given by his grandparents to commemorate his grandmother's 2 brothers who were killed in the Great War. He asks a number of questions about the legality of the 1995 faculty which appears to have authorised this work.

(v) Margaret Adams: a member of the congregation of the Minster from 1973-2006 and from 2000 a churchwarden. She raises concerns about the legality of past actions in respect of the church furnishings. I believe that she was the seconder of the original DCC resolution 16.5.94 - see paragraph 9 of this judgement.

41. None of these objectors wished to become party opponents. After the papers in the 1995 Faculty were obtained and served on Mr Smith and the Petitioner, Mr Markham applied to become an interested party. I refused his request on 11.9.17 with reasons which I will not repeat in this judgement. I have undertaken to consider all the objections raised by the objectors.

42. I will summarise the objections although I wish to emphasise that I have taken all their points into account set out in their letters:

(i) Mr Smith: he sets out his objections in his letter 14.6.17. He questions the legality of what occurred in 1995. The matters have been set out in my recording of the narrative above. He also objects to the proposed relocation of the Pace reredos at All Saints because it is to be sited too low in the wall. His view is that if there is to be no altar then this also makes the positioning inappropriate. The whole background will not enhance the design which is more suitable for a stone background. He also notes the curvature of the feature and is concerned that if it is fixed to the wall it will be difficult to paint the wall now or in the future.

(ii) Mr Markham has set out his objection fully in his letter 13.6.17 but I also take into account all the letters he has written about this topic. He states that the 1995 Faculty required the repositioning of the Pace reredos into the Lady Chapel which has not been done. It is not clear consent was ever given to remove the

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Pace reredos from above the High Altar. In his letter he also complains that the War Memorial Chapel is being referred to as the 'old chapel' in the plans which he finds offensive. He is very concerned about the reconfiguration of the War Memorial Chapel particularly given that his grandparents endowed the Chapel in memory of his wife's 2 deceased brothers. His father, a former Vicar of Grimsby, was known to still be alive at the time and was never consulted. He states that the chapel removal, as he describes it, was deeply resented by servicemen's associations. He notes the lack of record that the chapel was designed by Sir Charles Nicholson, a distinguished Grimsby architect. He seeks the restoration of the War Memorial Chapel in accordance with Sir Charles Nicholson's original designs and offers £1000 towards this.

(iii) Mr and Mrs Guinary: they raise concerns that the removal of the Pace reredos in the 1990's. Mr Guinary is concerned that Mr Ben White who commissioned the reredos was known to many people when the reredos was removed: they raise questions about whether the correct faculty procedures were followed. The reredos should not be moved to another church where they do not know Ben White and with which he had no dealings.

(iv) Mrs Adam questions the legality of the reordering that took place in the 1990's. She recounts her understanding that the pulpit and other items of furniture were stored at the docks and were destroyed in a fire. She understands that the brass eagle lectern was given to a member of Mr Markham's family. She questions the legality of the removal of the War Memorial Chapel and 'flags': when she left in 2006 the 'flags' (I assume the regimental banners) were being stored in the south porch.

43. A conservator's report has been commissioned by Crick Smith dated July 2016. Mr Croft saw the Pace reredos stored on a floor propped against a wall in a store room. Photograph shows this. I have also seen photographs of the Pace reredos in situ over the High Altar before being taken down around 1995. It is an effective piece with the striking appearance of floating above the altar. Notwithstanding the metalwork, it has a lightness to it. I repeat what I have said in my earlier directions ruling on 30.12.15

1. This is a Petition for a faculty to remove a reredos from storage in the church office at St James's Grimsby (Grimsby Minster) to All Saints, Branston. The reredos is fabricated in metal and depicts St James (holding the scallop shell with which he is traditionally associated) and the Blessed Virgin Mary, with 10 scenes from the life of Christ. The reredos was designed by George Pace, the well known church architect, and it was made by Frank Roper, a distinguished sculptor of ecclesiastical themes. Roper was based in South Wales and was invited by George Pace to participate with John Piper and Jacob Epstein in the rebuilding of Llandaff Cathedral after the War. Pace and Roper worked together for 20 years in a number of church projects around the country.

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2. I have seen photographs of the reredos which is a wonderful piece. According to Mr Gordon Smith, who was the church architect at the time, both George Pace and Sir Ninian Comper were asked to submit designs and Pace's was chosen. It was commissioned in the early 1970's by Mr Ben White in memory of his late wife. Mr White was a former churchwarden, and a local councillor for many years. He was the elected member of the Church Assembly for the area. His ashes are buried in the lady chapel at St James's.

44. The Crick Smith report explains the work of Frank Roper who invented a process of lost polystyrene casting which provided 'deft transformations'. He was commissioned to design the Crucifix at Peterborough Cathedral, the Crucifixion with Mary and John at St Germans Church, Cardiff and a set of Nativity and Epiphany figures at Wells Cathedral. According to the Crick Smith report his most exciting period in the 1960's was his collaboration with George Pace. The link between All Saints, Branston and George Pace is that he redesigned the chancel after a fire in 1962. The Crick Smith report states that it is appropriate that this reredos should be relocated to a place which the professional association between Pace and Roper could be honoured.

45. The report states that the reredos is currently stored inappropriately and there is much accumulated dirt and dust on the surface. Resting on its own weight may lead to damage (which may have already occurred).

46. The report states that it is not possible to locate the reredos above the altar at All Saints Branston or inside the chancel because of lack of space. It would be inappropriate to locate it in front of the east window. The proposed location is as close as possible to the chancel and directly in front of a communion rail. The vents will be removed from the wall. It is proposed to fix a supporting timber framework to the wall and painted so that the frame will blend in with the surroundings. It will be fixed to the framework with a number of steel mounting points.

47. The Petitioners express excitement about the relocation of the reredos to All Saints, which I hope remains the case notwithstanding the long wait they have had for a resolution to this application.

48. The current Team Rector of the Minster by his letter received 1.2.18 makes it clear that the PCC of St James's has no desire to have the reredos retained or reinstated in its original position *'nor any part of the church and would object to any instruction to reinstate it'*. The Rector explains that his understanding was that there was a re-ordering of the Minster *'under a faculty'* 20 years ago and there is little collective memory amongst the current worshipping congregation about what happened then. The Eucharistic focus is now on a nave altar and a reredos on the east chancel wall would distract from this. (In passing, I note that Pace designed the reredos above the High Altar with a nave altar in mind). Canon Dodd considers that All Saints, Branston is the place for the reredos as the most complete example of George Pace work in the county and the PCC is delighted it would be going there. He confirms in his letter 14.2.18 that the reredos is in safekeeping in the Minster and is in good condition

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(notwithstanding his earlier error in stating that it had already left Grimsby for Branston).

49. The DAC recommendation to me on 2.3.15 was to permit the location with provisos that it be located in the north aisle, the method of fixing to be confirmed (this has now been done) and the reredos should be professionally transported.

#### Determination.

50. Having closely examined the faculty file for the internal reordering in 1995 it does not appear that a faculty was ever issued to reorder the interior of the Minster save to install underfloor heating and repair the flooring. The interim order for this work was granted on 15.1.96 and the final Faculty issued (for the works authorised by the interim order) was made 18.3.97. From the papers before me there appears to be no Faculty for the removal of the Pace reredos nor any of the other changes to the furnishings. There were other faculties under consideration around this time and I have not examined those files but there is no suggestion from the papers that those faculties were relevant to the Pace reredos nor the rest of the proposed reordering or the removal of internal furnishings. It may be that with a number of faculties under consideration an error has been made in good faith in believing that a Faculty had authorised the removal when in fact it had not. If that is what has happened it would, even so, have been a very serious failure in due process. However, if this internal reordering was to be considered by the Chancellor, then English Heritage would have been notified and reported, and I can find no record of any such report from EH being placed before the Chancellor, nor commissioned. There are some telephone attendance notes referring to '*problems with EH and difficulties in funding*' but that is as far as it goes. Chancellor Goodman's endorsement of his final determination of the faculty is quite clear that it is limited to that which was authorised under the interim order.

51. These are events of over 20 years ago and as Canon Dodd makes clear the worshipping congregation at the Minster has moved on and there is no continuing collective memory of these events (or the furnishings). It is clear that those that worship at the Minster welcome the current ordering of the church and would not welcome an reinstatement of what was there 20+ years ago, even if that was possible. From photographs of the Minster taken in June 2017 and July 2018 these are clear uncluttered spaces of worship. The Lady Chapel now has a central altar within it and a wooden cross with hands in the place to which it had been proposed, under the original internal reordering proposal, that the Pace reredos would be moved.

52. In the circumstances it would be quite wrong to insist that the Pace reredos be replaced above the altar in the Chancel, or put up in the Lady Chapel when those that worship there now do not want it. The reredos has not been on a wall in the Minster since 1995. Equally there is another congregation that is eager to have it and would

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value the aesthetic qualities it brings in the context of the work of Pace at All Saints, Branston. This decision is made notwithstanding that Mr White was a worshipping member of the Minster congregation and his ashes are interred in the Minster. However, having weighed this very carefully, I am satisfied that this is where the reredos should now go.

53. I have considered Mr Smith's practical concerns about the location and the white wall behind the reredos, but from the Crick Smith report is clear that it could be fixed appropriately to that wall with the removal of the 2 vents blocked up and replastered, with a timber framework on the wall and the reredos attached to it. It is not possible to place the reredos on the east wall above the altar and I accept that the proposed location is suitable. Even though the church is not dedicated to St James or The Blessed Virgin Mary, it is dedicated to all the Saints which includes, pre-eminently perhaps, these saints amongst others. No doubt on those saints' feast days special prayers could be said incorporating reference to the saints depicted so beautifully in the reredos, but that would be a matter for the Vicar of All Saints, not me.

54. It may be that there is a significant aesthetic difference of view about the qualities of the reredos. In my judgement it has a high aesthetic value that should be celebrated within a worshipping community that finds it helpful. Plainly All Saints, Branston are that community and I am grateful to them for their enthusiasm for the piece.

55. Mr White and his late wife to whose memory it was dedicated must be recorded at the place where the reredos is to be located so that when it is seen their names can be remembered too. I have heard no proposals about this, but there is little point in the brass plaque remaining in the Minster on the north chancel wall. It can be taken down and placed alongside the reredos in All Saints, Branston so that Mr White's memorial of his wife and his gift will still be commemorated. If there are insuperable problems in placing it at All Saints, then a suitably worded plaque should be provided for fixing adjacent to the reredos using the words of the original plaque that I have set out at the start of this judgement. The detail of the new plaque should be agreed with the Archdeacon. (Although this is not a condition of the faculty, if All Saints, Branston have a tradition of praying for those who have died on the anniversaries of their death, the inclusion of Mr and Mrs White in those prayers on the relevant days may be thought appropriate).

56. This leaves the question of what to do with the rest of the furnishings that may or may not still be in storage somewhere. I am very troubled that a reordering took place, it would appear, without a faculty authorising it 20 years ago. The essence of the faculty system is that we are an ordered church which has systems of consultation and notice that enables everyone's voice to be heard and in which no one with something relevant to submit in respect of an application has their opinion overlooked or brushed aside. I am deeply troubled by the suggestion, in one of Mr Smith's letters, of a widow looking for a piece of furniture she had given in memory of her husband and not being able to

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find it, and not being consulted about what had happened to it or what was to happen to it. No doubt Mr Markham's father, a former Vicar of Grimsby with strong unbroken family ties going back to the Great War, would have been greatly troubled too to hear that the War Memorial Chapel had been reordered without any opportunity to express his concerns about it. I note however that in the plans for the 1995 reordering there is no mention of removing the War Memorial Chapel reredos. The reconfigured chapel is smaller than the chapel before the proposed change, but I note from the July 2015 photographs it is still configured as a War Memorial Chapel with a Roll of Honour on the south wall.

57. In any event whatever the position is today, it would seem that no one was consulted about the proposed changes because the faculty process was not extended to include any of those works after the DAC made its recommendation.

58. The consequence of failing to follow due process in the faculty procedures is that people feel pushed aside and unheard, and these feelings can be immensely damaging for those people but also for the life of the church over time. Even before the Petition for this Faculty was signed I received Mr Smith's letter, and then subsequently other objectors' letters which set out their continuing anxiety about what had happened over 20 years before. When views diverge about what should happen in church that is when the Faculty process is needed more than ever because it provides a framework to hear people's different, often conflicting, voices in a way that is not destructive but can be constructive.

59. The Faculty for the relocation of the Pace reredos can be issued with the conditions I set out in the attached order. However, I also require a full listing of the furnishings that were in place in the mid 90's that are now missing, and a record of where they are now, in so far as this is possible a quarter of century later. If any still exist (the regimental banners were in the south porch at least until 2006 according to Mrs Adam and plainly not reintroduced to the church as was hoped by the Archdeacon in his letter 28.8.97), I can consider what should be done with them. I note that it was suggested through the intervention of the Archdeacon in 1997 that the Vicar wanted a record kept of those that had given gifts to the church, even if those gifts were removed. Has that been done? There was also some suggestion of a special memorial case for historic documents to be shown: was that done? Is there any record of the commemoration of Mr Markham's great uncles, being brothers in law of the then Vicar of the Minster, in the Chapel of Resurrection? Has any of the furniture been kept in store by the church over these years? The Pace reredos has been stored and so perhaps other items have been stored as well.

60. I would want to make clear to all concerned that I am not minded to 'turn the clock back' to reinstate everything as it was prior to 1995: that would be completely unrealistic after these years. Additionally, I note that the PCC sought these changes and the DAC had recommended them to the Chancellor, even though due process appears to

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have been stopped shortly after this point when the interim faculty had been granted. But I am not prepared to leave my consideration of this Petition for a Faculty in respect of the Pace reredos, without establishing what has happened to the furnishings under the 1995 reordering in so far as this can be possible after this length of time. I require a record of what was given, where those items are now (if anyone knows) and what proposals there are in respect of those that still exist, as well as for recording in a public way those who made those gifts to the church.

61. To achieve this enquiry in the most efficient way and with least disruption to the life of the Minster, I invite the Archdeacon to intervene in these proceedings pursuant to FJR 18.1 (2) (o) to assist the Court in the following respects:

- (i) draw up a list of the furnishings that were removed in 1995 in so far as is still possible
- (ii) draw up a list of the donors of those items, if applicable and still possible
- (iii) compile an inventory of where these items are now or what it is believed has happened to them

62. The items that have been mentioned (I do not know if they have been correctly remembered) include the following:

- (i) the regimental banners: in particular the colours of the 5th (Territorial) Battalion of the Lincolnshire Regiment, and the 19th (Chums) Battalion.
  - (ii) the sanctuary furniture designed by Pace.
  - (iii) another reredos in the War Memorial Chapel/Chapel of Resurrection. There is no mention of it in the plan drawings for the internal reordering proposed in 1995 and it may be that it was not in the Chapel in 1995. There are recent photographs of the area that was the War Memorial Chapel that is now the link from the south chancel area: this may indicate where a reredos had once been located.
  - (iv) furniture and gift book cases that were at the west end of the church
  - (v) a brass lectern
  - (vi) the pulpit
  - (vii) an oak chest with the Ainslie library - and some school works by Handel.
  - (viii) the hatchment over the south west porch
  - (ix) a remembrance book of those whose ashes are interred in the churchyard
  - (x) war memorial books that were in special wooden cabinets
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63. The Archdeacon can submit findings to me to be served on the parties including Mr Smith for any submissions to be made by them about these items and what should now be done. Having heard these written submissions, I will then make an order in respect of these items. I will direct that this work is completed and served by 1 September: if this is not possible the Archdeacon should apply for an extension of time - but for obvious reasons I would want this work done as soon as possible. The parties may have until 15 September 2018 to respond in writing.

64. It may be that the Archdeacon will be assisted by consulting with both Canon Dodd and Mr Smith who has a full correspondence file and Mr Markham. I pay tribute, particularly, to Mr Smith's patience and tenacity and courtesy as demonstrated by his correspondence as he sought to understand what had happened in the 1995 Faculty.

65. In the circumstances of this case I waive my fee.

Mark Bishop

The Reverend and Worshipful Chancellor His Honour Judge Mark Bishop

3 July 2018.

## **Order**

Let Faculty be issued etc

On condition that

- (i) The Pace reredos be located in the north aisle as set out in the Conservator's report of Crick Smith dated July 2016.
  - (ii) The contractors responsible for dismantling and transporting the reredos must have the necessary insurance to cover works of art in transit equivalent to the University of Lincoln Fine Art insurance cover.
  - (iii) The brass plaque recording the gift of the reredos currently in Grimsby Minster on the north wall of the Chancel may be removed and refixed at All Saints Branston (or a suitable alternative with words and materials approved by the Archdeacon may be installed)
  - (iv) Upon the Archdeacon intervening as requested in paragraph 61 of the judgement, his report to be supplied to the Court and the parties by 1 September 2018
  - (v) Any further submissions by the parties to be received by 15 September 2018.
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