

Neutral Citation Number: [2021] ECC Der 4

IN THE CONSISTORY COURT OF THE DIOCESE OF DERBY

Re All Saints Church, Bakewell

1. By a petition dated 1st August 2018, the Vicar and Churchwardens of the Church of All Saints, Bakewell seek a faculty for essential repairs to and overhaul of the church organ. They rely on the expert report of William McVicker BA, PhD, LRAM, ARCO, HonFIMIT, HonARAM dated 8 February 2017 and Schedule of Works prepared by Skrabl UK. The works will cost in the region of £135,000 plus VAT. The Parochial Church Council voted 9 – 0 with no abstentions (out of a membership of 12) in support of resolution to carry out the works.
2. The organ dates from 1883 and was built by Brindley and Foster of Sheffield. It was re-located and enlarged in 1954 and then re-built in 1989 by George Sixsmith of Manchester. Its National Pipe Organ Register Listing is N00212. It is described by Dr McVicker as a solid piece of Victorian organ-building, wholesome and impressive in tone, with Germanic “classical” choruses, complete to “mixtures”. He considers that, by modern standards, the organ has a good tonal scheme and most organists would be happy to perform on such a well-equipped instrument.
3. In its Statement of Need, the parish states that the organ is in need of essential repair and overhaul, the last overhaul having taken place in 1989. It is recognized that the organ is an impressive instrument of historical significance, used not only in worship but also in community activity. It is believed that there is a duty to maintain this fine instrument for future generations. It is said that the proposals will not harm the significance of the instrument, but rather will ensure that the organ will be able to continue providing its valuable contribution for years to come.
4. The Church Buildings Council has been consulted and is content with the proposals. The Diocesan Advisory Committee recommends the works for approval by the Court with a proviso that the matters recorded in the notes of the meeting between Skrabl and Dr McVicker should be agreed in writing with the organ builder and signed.
5. The Public Notice is dated 15 April 2020 and provided that objections should be sent to the Registrar to arrive no later than 15 May 2020. However, an e-mail to parishioners of 16 April 2020, sent due to the Covid-19 restrictions, stated that letters of objection should be sent to the Registrar to arrive no later than 20 May 2020.
6. In the event, two letters of objection, both dated 16 May 2020, were received by the Registrar. One was from Philip Proctor and the other from Carol Wicksteed. Both were invited to become parties opponent, but both have filed a Form 5A indicating that they

wish me to take their letters of objection into account when reaching my decision without them becoming a party to the proceedings.

7. Mr Proctor's concern relates to the apparent imbalance of priorities, as he sees it, between investment in the church building and its infrastructure, compared with investment in growing the church community through mission, outreach and aid to a needy world. He observes that the sum to be spent on the organ hugely outweighs what the church spends on mission, outreach, church growth and aid. He concludes, "If alongside the plans for the church organ I could also see a challenging strategy and investment in mission and church growth I would have no problem. My concern, therefore, is that we are prioritizing the church building and its infrastructure in a way that is not also reflected in mission, growing the church community and supporting those in need. It is this imbalance that is the basis of my objection to this application."
8. Ms Wicksteed does not believe that the expenditure on the organ is justifiable due to the Covid-19 pandemic. She considers that it is impractical and unrealistic to expect the church community to maintain a cathedral status organ with significant merit internationally and a replacement value of £2M+, when it is little used. She says she would have a different attitude if the church received ongoing requests for organ recitals and concerts which would give rise to an income which could contribute to its upkeep.
9. Both concerns therefore relate to the cost of the works and the justification for spending a significant amount of money on repairs to the organ.
10. Section 4(1)(ii) of the Parochial Church Councils (Powers) Measure 1956 provides that the PCC has "The like powers duties and liabilities as, immediately before the relevant date, the churchwardens of such parish had with respect to – (a) The financial affairs of the church including the collection and administration of all monies raised for church purposes and the keeping of accounts in relation to such affairs and moneys; (b) The care maintenance preservation and insurance of the fabric of the church and the goods and ornaments thereof; ..."
11. Section 7(1) of the same Measure provides that "The council of every parish shall have the following powers in addition to any powers conferred by the Constitution or otherwise by this Measure:- (i) Power to frame an annual budget of moneys required for the maintenance of the work of the Church in the parish and otherwise and to take such steps as they think necessary for the raising collecting and allocating of such moneys; ... (iv) Power jointly with the minister to determine the objects to which all moneys to be given or collected in church shall be allocated; ..."
12. I do also have in mind section 35 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 which provides that "A person carrying out functions of care and conservation under this Measure, or under any other enactment or any rule of law relating to churches, must have due regard to the role of a church as a local centre of worship and mission."

13. In my judgment, issues relating to the cost of the works and the justification for spending money on the organ are primarily matters for the PCC, not for the Consistory Court. If Mr Proctor and Ms Wicksteed wished to influence the way in which All Saints' Church, Bakewell spends its money, then they should have sought election to the PCC where such matters would have been discussed.
14. In *Re St Mary the Virgin, Ashford* (2010) 13 Ecc LJ 244, Court of Arches, George, Dean, observed, albeit in the context of whether funding for a project was achievable, that within the faculty jurisdiction, the question of funding was "largely irrelevant, save that it is best practice not to grant faculties for schemes with no chance of implementation within a reasonably defined timescale".
15. I am satisfied, based on the fact that no member of the PCC voted against the resolution to seek a faculty for this work, that the concerns of Mr Proctor and Ms Wicksteed are not widely shared. I am also satisfied that the PCC of All Saints' Bakewell have had regard to their duties under section 35 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018. I will therefore grant a faculty as sought.
16. It is clear from the petition that the full sum required for the works has not yet been raised and will impose a condition that the works should not be started until at least 90% of the necessary funds have been raised or pledged. I will also include the proviso contained in the Notification of Advice that the matters recorded in the notes of the meeting between Skrabl and Dr McVicker should be agreed in writing with the organ builder and signed. I will also allow a period of 24 months for the completion of the works, which period may be extended on application.

31st August 2021

Timothy Clarke.
Chancellor.