

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

Church of Moreton Morrell : Holy Cross
in the Mid-Fosse Parishes

**Petition for retrospective permission to
paint churchyard bench in ‘rainbow’ colours
2022-071566**

JUDGMENT

1. By an application dated 26th May 2022 the Revd Lynda Lilley makes petition on behalf of the Parochial Church Council for retrospective permission to allow a bench inside the churchyard to retain the ‘rainbow’ colouring to which it was re-painted from dark brown without permission in “the week commencing 28th June 2021.”
2. Two people have indicated opposition to the proposal to the diocesan registry, but neither has chosen to become a party opponent. There have been a number of messages in support - a good many from members of the Parochial Church Council - that include one from a 12-year old child. I have read all the messages with care, but clearly I must have regard to the situation in law, without being swayed by the volume of messages in support or in opposition. It is not a situation where he (or she) who shouts longest and loudest will win through. I

have to consider the circumstances as they pertain to all the users of the Churchyard. The issue here is not the ‘introduction’ *per se* of a rainbow coloured bench, but the fact it is situated within a consecrated churchyard, has a place of prominence within that Churchyard and that the decision to re-paint was taken by a small group of people without seeking consent from the Priest-in-charge or the Parochial Church Council, let alone from this Court.

3. The bench was donated to the Church of the Holy Cross by Moreton Morrell Parish Council (I assume the civil parish council not the Parochial Church Council) to honour the Golden Jubilee of HM Queen Elizabeth II in 2002. It bears a plaque clearly showing it was donated in honour of HM Queen. At a Parochial Church Council meeting on 17th June 2021 the Parochial Church Council discussed ways to honour the National Health Service (the NHS) and other key workers ready for a ‘Thank You’ service close to the approaching ‘Thank You Day’. One suggestion was that the bench should be painted in rainbow colours because of the association between the rainbow and the NHS that arose during lock down. I have no doubt that anyone with experience in these matters would have pointed out that a faculty would be required to allow such a significant change to a fixture in the churchyard. No Parochial Church Council decision or vote was held to support the suggestion at that time. However, on Saturday 26th June 2021 a churchyard working party was held and the proposal was again discussed by people present. The Priest-in-charge was not one of those in attendance. A Churchwarden then purported to give

permission for the bench to be painted in rainbow colours and that was done sometime over the next seven days.

4. There has clearly been a good deal of discussion concerning the bench since, as witnessed by the number of messages in support. However, the Revd Lilley also reports having received negative feedback, especially from those visiting the grave of a family member in the churchyard. The issue that the bench had been significantly changed without permission was raised and there was correspondence with the diocesan registry on the issue. On 29th March 2022 the Parochial Church Council held an extraordinary meeting to discuss the bench. Although the minutes contain a statement that all of the Parochial Church Council agreed to pursue a retrospective faculty, that is clearly not correct as the minutes also record that Revd Lilley, as the chair of the meeting, abstained from voting.

5. The Churchyard of Holy Cross in Morton Morell is consecrated and is still used for burials. The bench in question is visible from the Churchyard gate (or so the photographs with which I have been provided suggest) and presumably most people visiting the graves of the departed must walk past the multi-coloured bench. A notice has been displayed in what I presume to be the Church noticeboard stating that the bench honours key workers, is a sign of inclusivity and equality, and is a symbol of God's love by representing the rainbow after the great flood. The notice is 'signed' on behalf of Morton Morrell PCC.

6. There is no indication that the members of the Parochial Church Council have had regard to the Coventry Churchyard regulations or any counter-arguments that could apply to introducing a multi-coloured item into an area still used as a focus for grieving. It could be argued that the counter issues the Parochial Church Council should have debated are succinctly stated in one of the letters of objection:

1. It is inappropriate for mourners to be faced with an emotive symbol when respectful neutrality in such sacred surroundings is a reasonable sign of respect.

2. The church grounds are available for all the parish to facilitate whatever form of worship or leisure each person desires and the imposition of a 'mood tone' of a multicoloured rainbow denies individuals this right

3. The rainbow has become a [political symbol that may cause concern to some people who] should not be forced to condone the association of their parish with a particular viewpoint.

Those three points raise issues this Court would have to consider in permitting something so outside the norm for an open churchyard.

7. With the introduction of the notice showing that the bench was re-coloured to show support, effectively, for the NHS, and also to recognise inclusivity, there is acknowledged to be a political element to the re-painting. It is a moot point whether a political message is ever appropriate within an open churchyard because of the mixed opinions that will invariably arise. For instance, one would anticipate that some grieving relatives could have issue with some part of the NHS over the treatment or care given to (or not given to) a deceased relative. That is not, of course, to express any opinion as to whether their feelings would be justified or not, and it must be acknowledged that there would also be countless other people grateful for the care a relative received in his or her last days. However, the main point that needs considering is that the churchyard is used by many different people, not all of whom would agree with the sentiment that led to such a brightly-coloured item, with a political element, being given a place of prominence there.

8. There clearly is a considerable amount of support in the Parish for the dedicated staff of the NHS, and other key workers, for all that was done to assist the community during lock-down, and quite rightly so. That support has been shown, in particular, by the holding of the ‘Thank You Service’ and now is mentioned in a number of the supporting communications. However, the issue remains whether it is correct for that support to be focussed upon an object in a consecrated churchyard. It is correct to note that should permission by faculty now be given for the retention of this multi-coloured bench it would

need to be maintained in that multi-coloured state in the future until permission is given, by a further faculty, for its removal. Would the multi-coloured bench convey the same message in ten years time as it is intended to convey now?

9. Another issue that perhaps the Parochial Church Council should have considered is that the bench was donated specifically to honour the 2002 jubilee of HM Queen and bears a plaque clearly showing that connection. The reigning monarch is meant to remain apolitical, if at all possible, so it seems inappropriate that an item dedicated to our head of state should have been altered in a way that will to many be seen to have a political element.

10. The Coventry Churchyard Regulations state that they “*set out what is and what is not permitted in the churchyards of the Coventry Diocese.*” In law no item may be introduced or significant change be made to something inside the churchyard without the appropriate consent, whether that be the general consent for matters included in List A, the consent of the Archdeacon for items included in List B or in all other cases the permission of this Court. Of course, there is some relaxation of that rule in that the Incumbent or Priest-in-Charge has delegated authority of this court to permit certain memorials that comply with set rules. The regulations make it clear that the delegated authority cannot be performed by a Churchwarden or by the members of the Parochial Church Council.

11. It seems important here to repeat several passages from the Coventry Diocese Churchyard Regulations :

“First and foremost churchyards are consecrated to Almighty God, Father, Son, and Holy Spirit. Accordingly, they must be treated and cared for in a manner consistent with that consecrated status.”

“Churchyards are places of solace and relief for those who mourn. In addition many people find comfort in knowing that their mortal remains will be interred in a particular churchyard and in a particular setting. That comfort derives in part from a confidence that the character of that setting will be preserved.”

“[items] placed in our churchyards must be fitting and appropriate and they must be fitting and appropriate not just for today but also for the future”

“The purpose of these Regulations is to preserve and enhance the quality of our churchyards while minimising the scope for conflict and discord when decisions have to be made as to the form of memorials. The Regulations exist to create fairness, equality and consistency of treatment for all. They seek to promote peace, dignity and good order in churchyards where it is necessary to balance the concerns of the past, present and future and where there will, inevitably, be a spectrum of views about what is appropriate.”

“The general approach is that each churchyard should be harmonious in appearance and that it should remain as a worthy setting for the church. Harmony does not mean uniformity but the design and choice of materials for a memorial and the choice of words and images for an inscription should seek to ensure that the memorial integrates into the established character of the churchyard.”

12. As I stated earlier, I have to consider the legal situation regarding this bench and also the thoughts, feelings and emotions of all users of the churchyard, not just those who support the significant change that was carried out without permission. It seems to me that I must follow the situation that applied before this bench was repainted unless and until the petitioner(s) has (have) persuaded me there is good and sufficient reason to allow the change. I have to state that I have not been so persuaded. For that reason, and for the other reasons expressed above, this faculty is refused.

The bench must be re-painted or re-stained back to its original dark colour as soon as possible and in any event by 12th September 2022.

Glyn Samuel
Chancellor
10th August 2022