

Re St George, Hanworth (No 2)

London Consistory Court: Turner Dep Ch, 21 April 2016

[2016] ECC Lon 3

Costs – unreasonable conduct

The deputy chancellor determined Hounslow London Borough Council's application for costs following a formal complaint to the bishop about the chancellor's conduct at the hearing at which he refused the Parochial Church Council (PCC)'s application for an injunction ([2016] ECC Lon 1; see p 383). The deputy chancellor held that, by any reasonable standard of interpretation, the PCC's application for an injunction was ill-judged, ill-conceived, ill-advised and ill-prepared. In short, it was properly characterised as unreasonable. The deputy chancellor held that arguments by analogy with more conventional faculty petitions – where, following examination of the issues, a petition fails and objectors succeed, with the court expecting both parties thereafter to meet their own legal expenses – did not assist in this case. It would quite simply be unjust to the Council not to order the PCC to pay the costs in this case. The PCC was ordered to pay the Council's reasonable costs assessed at £10,734 and the court costs. [David Lamming]

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Re St Luke, Charlton

Southwark Consistory Court: Petchey Ch, 29 April 2016

[2016] ECC Swk 10

Telecommunication equipment – PCC resolution – undertaking not to renew application

In 2002 the Parochial Church Council (PCC) had rejected a proposal to install telecommunications equipment in the tower of this church and the incumbent had given an undertaking at that time not to renew those proposals. There was a dispute about whether that undertaking had been open-ended or was limited to the tenure of that incumbent. In 2015 the new incumbent, supported by the PCC, petitioned for a faculty to install telecommunications equipment. A number of individuals objected to the grant of the faculty on the basis, inter alia, of the previous undertaking. The chancellor held that the undertaking was a relevant consideration for the court but that 15 years had now passed and the PCC had changed its mind. In those circumstances it would only be in an exceptional case that the court would seek to go behind a PCC decision on the basis that it was unrepresentative or for some other reason flawed. The faculty was granted. [RA]

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