

CASE NOTES

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Deputy Chancellor of the Dioceses of Salisbury and St Albans

Re St James, Islington

London Consistory Court: Etherington Ch, 9 April 2021

[2021] ECC Lon 1

Organ rebuilding – competing proposals – roles of PCC and court

The court considered a petition for a faculty for extensive organ rebuilding works, including reconstituting a pipe organ as a hybrid, with electronic enhancements. The objectors included the Parochial Church Council (PCC) treasurer; the parties opponent included the assistant treasurer. The Diocesan Advisory Committee (DAC) recommended the grant of a faculty without reservation.

There was unanimity that the organ was in need of renovation. Objections were based on criticism of the tendering process, the need for the proposed scheme rather than a lesser scheme of renovation, and the cost of the proposals. The court found that, while there were shortcomings in the process, they were insufficient to cause it to refuse the petition on that ground. The need and cost objections overlapped and some of the issues raised were properly a matter for the PCC rather than the court. If the court considered the proposals of the petitioners lacked any merit or were irrational or were without justification, it would refuse the petition. However, if there were competing reasonable views about what should happen, the decision was one for the PCC as to which scheme they chose, subject to the ability to pay for it and provided there was nothing suspicious or improper in the estimate put forward by the chosen provider. If the DAC had not wished to recommend the proposal one way or the other or had positively cautioned against it, the court would clearly have wanted to give anxious consideration as to why this was; but in the present case the DAC positively recommended the grant of a faculty. There was no basis on which the court could substitute its own view for that of the PCC. The faculty was granted as sought, subject to conditions as to financial accountability. [DW]

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