

Committee recommendations were followed to ensure that the equipment was fitted on appropriate roof timbers. The commissary general set out guidance for future faculty applications for CCTV equipment. She also reviewed the secular legislation. The Protection of Freedoms Act 2012 and its subsidiary guidance in the Surveillance Camera Code of Practice set out the duties of controllers of such equipment. While parochial church councils (PCCs) are not included in the statutory framework, it is nonetheless good practice to adopt voluntarily the principles in that guidance. An open church would meet the definition of 'public place', following the definition used in section 16(6) of the Public Order Act 1986. Accordingly, the PCC, churchwardens, incumbent and petitioners would be classed as systems operators, and those in control of reviewing the video material would be data controllers bound by the definitions and duties of the data protection legislation. Conditions were imposed on the faculty requiring the scope of the lens to exclude areas set aside for private prayer, requiring the cameras to be turned off during services, ensuring that the data was only stored for a limited period and requiring the identification of an individual who would be responsible for the equipment and data stored. [Catherine Shelley]

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Re St Mary the Virgin, Wotton-under-Edge with Ozleworth

Gloucester Consistory Court: Collinson Dep Ch, 28 November 2017

[2017] ECC Glo 3

Re-ordering

Some 12 parishioners and the Victorian Society objected to proposals for re-ordering this Grade I listed church. The proposals included the removal of pews and alterations to widen the openings in, and remove parts of, a stone dwarf wall with railings separating the chancel and other parts of the east end of the church from the nave. The Victorian Society objected to the proposal to remove parts of the wall, which they said would cause significant harm to the building and seriously erode the character of the east end. Historic England was opposed to aspects of the proposals relating to the wall, accepting only the widening of the central opening into the chancel. The Church Buildings Council accepted the modifications to the opening of the wall into the chancel but was opposed to the removal of other parts. Most of the letters of objection from parishioners raised objections to the proposals relating to the wall.

The deputy chancellor accepted that the proposals relating to the wall and railings would result in harm to the significance of the church but she did not consider it to be serious harm, given the relatively recent introduction of this feature

into the church in 1885, the fact that it did not consist of a single continuous design, the fact that the proposals involved the alteration and removal of only parts of the wall and the fact that it was not a rare example of its kind. The public benefit that would result from creating a greater opening between the nave and chancel, enabling the introduction of arrangements for a nave altar, and the opening up of the view of an important tomb where part of the wall was to be removed, outweighed the harm. Other aspects of the proposals were held not to be harmful, or to involve only very modest harm, to the character of the church and were permitted. [Alexander McGregor]

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Re St Wilfrid, Davenham

Chester Consistory Court: Turner Ch, 11 December 2017

[2017] ECC Chr 2

Reservation of grave space – limited space – exceptionality

The petitioner sought a faculty reserving one of only two grave spaces remaining in the churchyard for the remains of himself and his wife. He had been heavily involved in church life for 16 years, including becoming a licensed reader in 2010. In 2010 the then incumbent had promised, and confirmed in writing, the reservation of a grave space for the petitioner and his wife, but no application for a faculty had been made. The Parochial Church Council (PCC) opposed the petition on the basis that another request for a reservation has been declined by the PCC (and a subsequent faculty application refused) in 2015 on the grounds that the churchyard was almost full. The chancellor accepted that the PCC had reached its view with some difficulty, recognising the unfortunate history, but concluding that it would be unfair to ignore the precedent which had been set in 2015.

The chancellor referred to the decision in *Re St Nicholas, Pevensey* (2003) 7 Ecc LJ 236 and confirmed that he would, but for the unusual circumstances of the case, have dismissed the petition on the basis that its grant would prejudice the right to burial in the future. Nevertheless, in the exercise of his discretion, the chancellor granted the faculty. The petitioner's particular contribution to parochial life was not the basis for the decision, although his and his wife's affection for the church and long-held aspiration to be buried there was the pastoral context in which a fair conclusion must be sought. The chancellor's principal concern was to mitigate the effect of unfortunate errors made in 2010 for which others were primarily responsible and for which the petitioner and his wife ought not now to be penalised. [RA]

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