

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

ST JAMES THE APOSTLE, NEWCHAPEL

ON THE PETITION OF MARION AND JODIE BROOKES

JUDGMENT

- 1) On 12th December 2021 Mrs Marion Brookes and Ms Jodie Brookes applied for a faculty for a memorial to Mr Kevin Frederick Brookes, the late husband of Marion and father of Jodie, to be erected in the churchyard of St James the Apostle, Newchapel. Mr Brookes was buried there on 19th May 2021. Whereas the family are united, the proposed memorial has become somewhat contentious.
- 2) The incumbent parish priest, Rev. Sister Janet Arnold, has refused permission on a number of grounds: the use of the word “Dad”, when “Father” is preferred, the irregular shape of the memorial and the use of blue pearl granite (with gold lettering).
- 3) The Parochial Church Council (“PCC”) discussed the memorial and minuted that the members did not agree to variations in headstone shape, order of wording, use of informal language like ‘Dad’, or any variations from the Chancellor’s guidelines, or for the Chancellor’s guidelines to be compromised. This was a unanimous decision. This, I note, is consistent with a standard letter produced by the parish explaining in sympathetic terms why there are Churchyard Regulations. The reference to “order of wording” was, however, a misunderstanding and is immaterial to this decision.
- 4) The family have responded by producing photographs of identical style and colour of gravestones, some inscribed with the word “Dad”, in the graveyard. There are other headstones, also not in the regulation shapes, for example, a heart. Significantly, the family also point out that the chosen shape of headstone has been used as a memorial for other members of Mr Brookes family in the churchyard. It was his wish also. The shape is not one proscribed by the Regulations, being an irregular shape, but not in the form of an identifiable object, like a heart or teddy bear. The word ”Dad” is

common in the graveyard and reflects what Mr Brookes was called by his daughter. In a further set of submissions, Ms Brookes was concerned at a lack of transparency or apparent difference of reasoning in the objections of the incumbent and the PCC.

- 5) The Diocesan Advisory Committee (“DAC”) having considered the objections from the incumbent and PCC approve the proposals of the family. They have reasoned as follows: “the petitioners had provided evidence of precedents for such a memorial in the context of this particular churchyard, by way of a case for exceptionality in relation to the Regulations. Further to which, the Committee determined, after detailed discussion, that the memorial would not adversely affect the specific churchyard setting. On the matter of the wording of the memorial, the DAC noted that the Regulations allow for ‘individuality and diversity’, and inscriptions which are even ‘quirky or eccentric’ (page 5 of the Churchyard Regulations). The Committee did not find that there was anything specifically ‘which can be seen as inconsistent with the Church’s message’ or that ‘flippancy and irreverence’ (*ibid.*) were apparent ... It was determined that as the proposal did not affect a building of special architectural or historic interest, external formal consultation under the Faculty Jurisdiction (Amendment) Rules 2019 is not applicable, and that the application should advance to the giving of DAC formal advice accordingly.”
- 6) The decision in this matter is, of course, my own and I have considered carefully the documents and photographs placed before me. I also take heed of the opinions of the incumbent, the PCC and DAC. I would observe that graveyards memorials are always matters of great sensitivity, and it is possible for the incumbent and PCC to come to distinct views of their own, which can change over time. My role is to assess the situation in the round.
- 7) The Churchyard Regulations are there as a guidance and not a straitjacket. They identify what may be permitted without the need for an application of this sort. It is an entirely respectable point of view that the Regulations should be adhered to as a matter of fairness to all those families visiting the graveyard; departures from the Regulations perhaps disrupting the broad consistency of memorials and the equality of all those memorialised. In this case, however, it is clear that there have been a number of departures from the Regulations and the memorial proposed is in keeping with those departures, rather than extending them. In this case, the irregular shape of

the memorial appears elsewhere and nearby, and it could be harsh to deny the erection of a similar stone. Like considerations apply to its colour, lettering and the reference to “Dad”. It seems to me and I find that the proposed memorial would not jar visually or in sentiment in this graveyard and I accordingly will grant the faculty.

- 8) I record, however, that I am also grateful the incumbent and PCC for their contribution to this debate and my departure from their opinions is respectful. I also acknowledge that they are clearly committed to the good order of the graveyard for all its visitors.

Dr Anthony Verduyn

DEPUTY CHANCELLOR

25th July 2022