



James Davidson-Brett
Pastoral Case Advisor

27/10/2020

**Mission and Pastoral Measure 2011
Draft Pastoral Church Buildings Scheme**

The benefices of Escomb; Etherley; and Witton Park

The Bishop has asked us to prepare a draft Pastoral Scheme in respect of pastoral proposals affecting these benefices.

I attach a copy of the draft Scheme. I am sending a copy to all the statutory interested parties, as the Mission and Pastoral Measure requires, and any others with an interest in the proposals.

Anyone may make representations **for** or **against** all or any part or parts of the draft Scheme (please include the reasons for your views) preferably by email or by post to reach me no later than midnight on **14 December 2020**. If we have not acknowledged receipt of your representation before this date, please ring or e-mail me to ensure it has been received. For administrative purposes, a petition will be classed as a single representation and we will only correspond with the sender of the petition, if known, or otherwise the first signatory for whom we can identify an address – “the primary petitioner”.

If we do not receive representations against the draft Scheme, we will make the Scheme and it will come into effect as it provides. A copy of the completed Scheme will be sent to you together with a note of its effective date.

If we receive any representations against the draft Scheme, we will send them, and any representations supporting the draft Scheme, to the Bishop whose views will be sought. Individual representors and the primary petitioner will then receive copies of our correspondence with the Bishop (including copies of all the representations). They and individual petitioners may comment further. Copies of all of the representations received and associated correspondence will normally be published on the Commissioners’ website if the matter needs to be considered by us.

Those making representations should indicate whether they would like an opportunity to speak to the Commissioners regarding their representations in the event the Commissioners decide a hearing should be held. Meetings are normally held at Church House, Westminster, but during the current circumstances they may need to be held virtually via ‘Zoom’. If a hearing is held, we will let you know the arrangements for attending (in person or virtually) and details will also appear on our website.

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The Church Commissioners are a registered charity (number 1140097)

Otherwise, if a hearing is not to be held, the case will be considered in private and you will be informed accordingly.

When we acknowledge representations we will let individual representors (and the primary petitioner) know the next few dates of our Committee's meetings. We will confirm the actual date of any hearing nearer the time. The Commissioners will decide if the draft Scheme should proceed when they consider all the representations on the basis of a paper prepared by their staff and any points raised at the meeting. If the Commissioners do so decide, any representor or petitioner against the draft Scheme may seek leave from the Privy Council to appeal against the decision.

You will be informed of the Commissioners' decision and the reasons for it.

Please see www.churchofengland.org/consultation for further information about the procedure.

PCC Secretaries, incumbents/priests-in-charge/rural deans, persons taking services during the Notice Period and local planning authorities should refer to the relevant notes below for important additional information concerning them.

James Davidson-Brett
Case Officer

Notes

1. PCC Secretaries

The draft Scheme is sent to you to ensure that the PCC as a body is able to make a representation on the draft if it wishes.

PCC Secretaries are required to:

- i) print and display the Notice(s) (***to avoid spread of Covid-19, please display single-sided***) at or near the main door of both parish churches.
- ii) make arrangements for the Announcement (see 2. below) to be made at as many services as possible at every parish church, chapel of ease or licensed place of worship in your parish where a service is held during the notice period (including any that are 'streamed').

Please e-mail or telephone me confirmation as soon as you have displayed the Notice(s) and made arrangements for the announcements to be made. Do not wait until the end of the notice period before confirming this.

Although the following are not legal requirements, to ensure that as many of those who habitually attend public worship, as is practicable, are aware of the contents of the Notice, you are also encouraged to take (or make arrangements for), where possible, such of the following steps as is appropriate in your parish:

- i) arrange for copies of the Notice to be posted to members of the worshipping community who are shielding or self-isolating (in accordance with the general advice to parishes this should be by the postal service and not hand delivered);

- ii) insert the Notice in the parish magazine or newsletter;
- iii) use Facebook/social media posts;
- iv) send emails; and
- v) spread by word of mouth, including pastoral telephone calls.

Please make a note of what you have been able to do regarding steps i) to v) above in case the consultation process is queried.

If you are no longer the PCC Secretary, please pass this communication to the current Secretary and let me have a note of his or her name and email/postal address.

If you are no longer the PCC Secretary, please pass this communication to the current Secretary who should let me have a note of his or her name and address.

2. The Announcement

Anybody taking services (including those that are 'streamed') during the Notice Period should ensure that the following announcement is made.

PCC

“A Notice giving the objects of proposed pastoral reorganisation affecting this parish has or will be displayed near the main door and on the Church of England website. The Notice includes the last date by which representations regarding the proposed reorganisation may be made to the Church Commissioners.”

Secretaries – please note that it is essential that:

- i) Notices are displayed; and
- ii) arrangements are made for Announcements.

3. Incumbents/priests-in-charge/rural deans

Please ensure that the required Notices are displayed and Announcements made.

If a PCC Secretary is not able to carry out these requirements, please could you arrange for these matters to be dealt with as soon as possible and let me know.

Notice
Mission and Pastoral Measure 2011
Draft Pastoral Church Buildings Scheme
The benefices of Escomb; Etherley; and Witton Park

27/10/2020

The Church Commissioners have prepared a draft Scheme in respect of proposals sent to them by the Bishop for:

- (i) the termination of the plurality established for the benefices of Escomb; Etherley; and Witton Park;**
- (ii) the union of the benefice of Escomb and the benefice of Witton Park and their constituent parishes to create the new benefice and parish of Escomb and Witton Park, for the parish church of the parish of Escomb to be the parish church of the new parish and for the future patronage arrangements for the new benefice;**
- (iii) the new benefice of Escomb and Witton Park and the benefice of Etherley to be held in plurality and for the future patronage arrangements for the plurality;**
- (iv) for the parish church of the parish of Escomb to be the parish church of the new parish and for the parish church of the parish of Witton Park to be declared closed for regular public worship.**

A copy of the draft Scheme may be inspected at each parishes' church.

The draft Scheme is on our website www.churchofengland.org/consultation or you may obtain a copy from me. **Large print and/or audio copies are available on request.** Anyone may make representations **for or against** all or any part of the draft Scheme (please include the reasons for your views) preferably by email or by post to reach me no later than midnight on **14 December 2020**. If I have not acknowledged its receipt, please ring or e-mail me. For administrative purposes, a petition will be classed as a single representation and we will only correspond with the sender of the petition, if known, or otherwise the first signatory for whom we can identify an address – “the primary petitioner”. When making a representation, please indicate the nature of your interest in the proposals (e.g. parishioner, member of parochial church council, etc) and whether you would like an opportunity to speak to the Commissioners regarding your representation if they decide a hearing should be held regarding the case. If we receive representations against the draft Scheme, we will send them, and any representations supporting the draft Scheme, to the Bishop whose views will be sought. Individual representors and the primary petitioner will then receive copies of the correspondence with the Bishop (including copies of all the representations) and will be told whether a virtual Zoom hearing is to be held. They and individual petitioners may comment further to the Commissioners. Copies of all of the representations received and associated correspondence will be published on the Commissioners' website if the matter needs to be considered by the Commissioners. If a hearing is held, anyone may attend the virtual Zoom meeting of the Commissioners' Committee that considers the case and representors may have an opportunity to speak to it. Otherwise, if a hearing is not to be held, the case will be considered in private and you will be informed accordingly. When we acknowledge representations we will let individual representors (and the primary petitioner) know the next few dates of our Committee's meetings. We will confirm the actual date if a hearing is to be held nearer the time. The Committee will decide if the draft Scheme should proceed when it considers all the representations on the basis of a paper prepared by the Commissioners' staff and any points raised at the meeting. The Commissioners will notify all representors of their decision and give a statement of the reasons for it.

If they so decide, any representor or petitioner against the draft Scheme may seek leave from the Privy Council to appeal against the decision. Please see www.churchofengland.org/consultation for further information about the procedure.

James Davidson-Brett (Case Officer)
Tel: 01403 581025 Email address: james.davidson-brett@churchofengland.org

Church Commissioners, Church House, Great Smith Street, London SW1P 3AZ

SUMMARY OF MAIN PROVISIONS OF DRAFT SCHEME (NOT PART OF THE DRAFT SCHEME)

This draft Scheme provides for:

(i) the termination of the plurality established for the benefices of Escomb; Etherley; and Witton Park;

(ii) the union of the benefice of Escomb and the benefice of Witton Park and their constituent parishes to create the new benefice and parish of Escomb and Witton Park, for the parish church of the parish of Escomb to be the parish church of the new parish and for the future patronage arrangements for the new benefice;

(iii) the new benefice of Escomb and Witton Park and the benefice of Etherley to be held in plurality and for the future patronage arrangements for the plurality;

(iv) for the parish church of the parish of Escomb to be the parish church of the new parish and for the parish church of the parish of Witton Park to be declared closed for regular public worship,

all in the diocese of Durham

**DRAFT
PASTORAL CHURCH BUILDINGS SCHEME**

This Scheme is made by the Church Commissioners this day of 20 in pursuance of the Mission and Pastoral Measure 2011, the Right Reverend Paul, Bishop of Durham, having consented thereto.

Termination of plurality

1. The plurality which was established for the benefices of Escomb; Etherley; and Witton Park in the said diocese by an Order made by the then Bishop of Durham in pursuance of the Pastoral Measure 1983 on the 9th day of March 1998 shall be terminated.

Creation of new benefice and parish of Escomb and Witton Park

2. (1) The benefice of Escomb and the benefice of Witton Park in the said diocese shall be united to create a new benefice which shall be named "The Benefice of Escomb and Witton Park".

(2) The parish of Escomb and the parish of Witton Park shall also be united to create a new parish which shall be named "The Parish of Escomb and Witton Park" and shall comprise the area of the new benefice.

(3) The Saxon Church, Escomb, being the parish church of the parish of Escomb, shall be the parish church of the new parish.

(4) The new benefice and its constituent parish shall belong to the archdeaconry of Auckland and the deanery of Auckland.

(5) The patronage of the new benefice shall be vested in the Bishop of Durham in his corporate capacity.

Assistant curates: consequential provision

3. (1) If immediately before this Scheme comes into operation any person holds an office of assistant curate (however described) in either of the benefices and/or parishes referred to in clause 2 hereof he, she or they shall as a consequence of the union of the benefices and parishes effected by the Scheme hold such office or offices subject to the same terms of service in the new benefice and/or parish of Escomb and Witton Park created pursuant to clause 2 hereof as the Bishop shall direct.

Holding of the new benefice of Escomb and Witton Park and the benefice of Etherley in plurality

4. (1) The new benefice of Escomb and Witton Park created pursuant to

clause 2(1) hereof and the benefice of Etherley in the said diocese shall be held in plurality by one incumbent.
(2) The right of presentation to the benefices so held in plurality (and for the duration only of the plurality) shall be exercised by the Bishop of Durham in his corporate capacity.

Declaration of closure for regular public worship

5. (1) The church of Saint Paul, being the parish church of the parish of Witton Park, shall be declared closed for regular public worship by this Scheme.

(2) The marriage register book appertaining to the said church shall be dealt with in accordance with Section 62 of the Marriage Act 1949 and, subject to any provisions of the Parochial Register and Records Measure 1978 that apply thereto and any directions thereunder, any other register books and records of that church which remain in parochial custody shall be transferred to the Durham County and Diocesan Record Office.

Coming into operation of this Scheme

6. This Scheme shall come into operation upon the first day of the month following the date of it being made by the Church Commissioners.

In witness of which this Scheme has been duly executed as a deed by the Church Commissioners.

SIGNED by the)
)
Right Reverend Paul,)
)
Bishop of Durham.)

Executed as a Deed by the Church Commissioners for England acting by two authorised signatories:

Signature of Authorised Signatory

Signature of Authorised Signatory

Notes by the Church Commissioners' office (not forming part of the draft Scheme)

The Commissioners have been told by the Bishop on the advice of his Diocesan Mission and Pastoral Committee that the rationale behind the diocesan proposals is as follows:

The Wardens and PCC of Witton Park are themselves seeking the closure of this church. The reality is that there is no longer a regular congregation, and maintaining the church building is now beyond the energy and resources of

the few faithful people who have been doing this in recent years. Worship is available and ministry is offered in other local Anglican churches which have now been cooperating together in this area for some years. It is agreed by all parties that the parish of Witton Park will return to the parish of Escomb (out of which it was created). While the church building has, of course, been significant in many people's lives, it has no particular archaeological or historical significance. In summary, St Paul's church is no longer sustainable in terms of human and financial resources, and local provision for ministry and pastoral care has been made, so we believe that the argument for seeking closure is very strong.

Publication of this draft Scheme by the Commissioners does not mean that we have taken a view on the merits of the diocesan case. We have a duty to publish draft Schemes based on diocesan proposals.

If we receive representations against the draft Scheme, we will send all representations, both for and against, to the Bishop whose views will be sought. Individual representors will then receive copies of our correspondence with the Bishop (including copies of all the representations) and they may comment further in writing to us in light of the diocesan response if they so wish.

If there are no representations against the draft Scheme, we will make the Scheme and arrange for it to be brought into effect.

Clause 5(1)

7. This Scheme, if implemented, would have the effect of closing the church of Saint Paul, Witton Park for public worship and vesting it in the Durham Diocesan Board of Finance for care and maintenance pending a decision on its future. Any such decision would be the subject of a second Scheme, called a Pastoral (Church Buildings Disposal) Scheme, which would be prepared and published by the Church Commissioners, and with regard to which an opportunity would be given for representations to be made. In terms of implementing this Pastoral Church Buildings Scheme subject to the consideration of any representations, the Commissioners will need to be satisfied that all aspects of title relating to the church, including access and any rights of way, are in order before they make the Scheme. Banns of marriage may not be called nor marriages solemnized in the church from the date of closure.

Housing arrangements for the proposed new benefice

The proceeds from the sale of the former parsonage house of the benefice of Witton Park will automatically transfer to the new benefice of Escomb and Witton Park to be available for the purchase of a parsonage house for that benefice. That will need to be dealt with under a separate process in due course under the Church Property Measure 2018 for which the interested parties concerned under that legislation will need to be consulted by the diocese.

A fuller version is available in the Code of Recommended Practice to the Mission and Pastoral Measure 2011 <https://www.churchofengland.org/more/parish-reorganisation-and-closed-church-buildings/mission-and-pastoral-measure-2011-and-code#na>

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| Archbishop | Senior bishop with authority over a Province - of Canterbury and of York. |
| Archdeacon | An office held by a senior clergyman appointed by the bishop with an administrative responsibility over an archdeaconry. Some of his duties are laid down by law but in other respects his duties vary according to diocesan practice: they include care for church property. |
| Archdeaconry | Sub-division of the diocese over which an archdeacon has administrative responsibility. |
| Benefice | An ecclesiastical office carrying certain duties. An incumbent's benefice is therefore not a geographical area (see parish) but the office to which (s)he is appointed and may comprise one or more parishes. A benefice may be a rectory or vicarage from which the incumbent is called rector or vicar. |
| Bishop | In the Church of England the bishop is the central focus of organisation and ministry within his diocese. He is the chief pastor and authority and shares the cure of souls with all the incumbents of that diocese. He is also, in his own person, the chief representative of the diocese in the work of the wider church. He may be assisted by suffragan or assistant bishops. |
| Common Tenure | The basis on which all Church of England offices will eventually be held under the Ecclesiastical Offices (Terms of Service) Measure 2009. Existing holders of freehold offices may decide not to opt-in to Common Tenure but new office holders will be on Common Tenure. |
| Chapel of Ease | A consecrated church that it is not a parish church but is within a parish that does have a parish church. Originally for the ease of parishioners who could not attend the parish church. |
| Church Representation Rules | Schedule 3 to the Synodical Government Measure 1969 but updated as a separate booklet. They contain the mechanism for the setting up of representative bodies in the Church of England from parochial church councils to the House of Laity of the General Synod. |
| Cure of Souls | 'Cure' means 'care'. The bishop has the universal cure of souls in a diocese but, subject to this, the incumbent of a benefice (or team rector and team vicar(s) in a team ministry) has the exclusive cure of souls within his or her parish or parishes. The expression should not be confused with the more general phrase 'pastoral care'. |
| Deanery | A sub-division of an archdeaconry usually comprising between 10 and 20 parishes. |
| Declaration of closure for regular public worship | The act of closing a church for public worship under the Mission and Pastoral Measure 2011. |
| Diocesan Board of Finance | A company constituted by the diocesan synod and regulated by the Companies Acts. A board of finance holds property for Church of England purposes, transacts business in that connection and acts as a committee of the diocesan synod. It normally also acts as the diocesan trust. |
| Diocesan Mission and Pastoral Committee | Statutory Committee established by the Mission and Pastoral Measure 2011. Its duty is to review the arrangement for pastoral supervision in the diocese and, as appropriate, to make recommendations to the bishop. |
| Diocese | One of 41 main territorial units of the Church of England over which a bishop has responsibility. Divided into archdeaconries, deaneries and parishes. |
| District Church Council | If a parish comprises two or more places of worship or churches then individual councils can be set up for the districts in which each place of worship or church is situated to exercise such functions as may be delegated by the parochial church council. |
| Glebe | Land or buildings vested in the Diocesan Board of Finance that either provides a rental income to augment the Diocesan Stipends Fund or provides housing for those involved in the cure of souls. |
| Group Council | Where a group ministry is established the parochial church councils of the individual parishes can form a group council to act in the area as a whole in such matters as the individual PCCs together decide. |
| Group Ministry | An arrangement, authorised by the Mission and Pastoral Measure 2011 whereby the clergy of two or more separate benefices can assist each other to make the best possible provision for the cure of souls in the area as a whole. |

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| Incumbent | Holder of a benefice (which can be either a freehold or a Common Tenure office) – and can be either a rector or a vicar - with responsibility for the cure of souls. May be assisted by curate, deacon, licensed lay worker, retired priest etc. |
| Interested Party | One of the statutory persons or bodies that the Diocesan Pastoral Committee is required to consult in accordance with s.6 / 21 of the Mission and Pastoral Measure 2011. |
| Joint Parochial Church Council | Where a benefice comprises two or more parishes the parochial church councils of the individual parishes can form a joint parochial church council to act in the benefice as a whole in such matters as the individual PCCs together decide. |
| Leave to Appeal | Any person who makes a representation to the Commissioners against a pastoral scheme has a right to apply for leave to appeal to the Judicial Committee of the Privy Council against a decision of the Commissioners to proceed notwithstanding that representation. |
| Members ('Other') of a Team Ministry | May be clerical or lay (see s.34 of Mission and Pastoral Measure 2011). They share the pastoral care of the area with the team rector and team vicars, but NOT the cure of souls. |
| Mission and Pastoral Measure 2011 | The Measure of the General Synod which authorises changes in pastoral reorganisation. Designed to "make better provision for the cure of souls". Part of the law of the land and equivalent to an Act of Parliament. |
| Mission, Pastoral and Church Property Committee | A Committee of the Commissioners' Board of Governors which makes decisions on representations on pastoral, church buildings, houses and glebe matters. It is chaired by the Third Church Estates Commissioner. |
| Parish Centre of Worship | An unconsecrated Place of Worship designated by the bishop under s.43 of the Mission and Pastoral Measure 2011 whereupon for most purposes (other than marriage) it is regarded as a parish church. |
| Parish Church | A consecrated building in a parish in which, subject to canon law, the statutory services must be held. Parishioners have a right to be married, baptised etc. in the parish church. S.41(2) of the Mission and Pastoral Measure 2011 requires that any new church or existing building which is to become a parish church must be approved by the bishop, subject to the bishop having consulted both the Diocesan Pastoral Committee and the Diocesan Advisory Committee. |
| Parochial Church Council | Representative body of parishioners elected from those on the electoral roll in accordance with the Church Representation Rules. Usually chaired by incumbent. |
| Parsonage House | The official place of residence of an incumbent of a benefice. The house belongs to the incumbent in right of his or her office. |
| Pastoral Order | A document which effects changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011. Differs from a pastoral scheme mainly in that it deals with lesser matters. |
| Pastoral Scheme | A document which effects more complex changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011. |
| Patron | The person or body owning an advowson (i.e. right to present a priest to a benefice) who may be a private individual or a corporation (ecclesiastical or lay). |
| Plurality | The holding of two or more separate benefices by one incumbent who then has the freehold of all the benefices. This can only be authorised by a scheme or order under the Mission and Pastoral Measure 2011. |
| Priest in Charge | A priest given charge of a benefice by licence of the bishop. (S)he has not been presented and is not the incumbent but holds office under common tenure. |
| Representations | The Mission and Pastoral Measure 2011 requires that any draft scheme or order be published and made available to the public. Any person can make written representations to the Commissioners either for or against what is proposed. |
| Team Council | Where a team ministry is established a team council can be established, either under the authority of a scheme or under the Church Representation Rules. Such a council is similar to a joint parochial church council and provides a formal structure for all the parishes in the team to discuss matters of mutual concern. |
| Team Ministry | A special form of ministry whereby a team of clergy and possibly lay people share the pastoral care of the area of a benefice. Can only be established by a pastoral scheme. |

Team Rector

The priest in a team ministry who heads the team and owns the property of the benefice. (S)he shares the cure of souls with the team vicars.

Team Vicar

A priest of incumbent status in a team ministry, other than the team rector. (S)he shares the cure of souls with the team rector and other team vicars.