

SALISBURY CITY COUNCIL

Report

Subject : Appointment of a new Honorary Recorder for the City
Committee : Full Council
Date : 4 Sep 2023
Author : Annie Child, City Clerk

1. Report Summary:

1.1. This report considers the appointment of a new Honorary Recorder for the City.

2. Background:

2.1. In October 2010 His Honour Judge Andrew Barnett KC was appointed as the Honorary Recorder for the City of Salisbury by the City Council.

2.2. Judge Barnett has recently indicated that, due to his retirement, he wishes to step down as Honorary Recorder for the City of Salisbury.

3. The Appointment of Honorary Recorder:

3.1. The Lord Chief Justice issues guidelines for the appointment of Honorary Recorders which are attached to this report for information.

3.2. Judge Barnett has kindly made a recommendation for his successor if the Council determines to continue with the appointment of an Honorary Recorder for the City.

3.3. He recommends His Honour Judge Timothy Mousley KC to the Council. Judge Mousley sits in Salisbury and live locally. He would be delighted to join Salisbury's Civic Party and represent the judiciary in the city.

3.4. If the appointment of Judge Mousley is agreed, it is suggested that a formal reception be given by the Mayor to mark the occasion and welcome Judge Mousley to the role.

3.5. The previous Honorary Recorders have been presented with a black girdle with the City crest embroidered upon it, and the Council may wish to commission a similar girdle for the new Honorary Recorder.

4. Recommendation:

It is recommended that the Council:

4.1. Thank His Honour Judge Andrew Barnett KC for his service and commitment as Honorary Recorder to the city since 2010.

4.2. Approve the appointment of His Honour Judge Tim Mousley KC as the new Honorary Recorder for the City of Salisbury

4.3. Request officers to arrange a Mayoral Reception to mark the appointment of the new Recorder and to commission an embroidered girdle for the new Honorary Recorder.

5. Wards Affected: All

6. Background papers: As shown below.



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE LORD CHIEF JUSTICE'S GUIDELINES FOR THE APPOINTMENT OF HONORARY RECORDERS

1. Since the implementation of the Courts Act 1971 and the establishment of the Crown Court for England and Wales, the councils of boroughs have had the power to appoint a Circuit Judge or a Recorder of the Crown Court as Honorary Recorder of the borough concerned¹. It has been the practice of most large City Councils to appoint the Resident Judge to be Honorary Recorder of the city during his tenure of the office, thereby continuing the link between the city and its criminal court which had existed throughout the history of the courts of Quarter Sessions which were abolished by that Act.
2. This continuing relationship, and the involvement of the city's senior resident judge in civic affairs and events, have been found to be valuable and are generally enjoyed and appreciated on both sides.
3. As head of the judiciary following the Constitutional Reform Act 2005, the Lord Chief Justice is keen to encourage those city and borough councils which have not made such appointments to consider doing so. He considers that it might be helpful to publish these guidelines for such appointments, in the interest of maintaining a consistent approach to this question throughout England and Wales.
4. The appointment of an Honorary Recorder is made by the borough council concerned, and does not require the approval of the Lord Chancellor or the Lord Chief Justice, but the Lord Chief Justice would be pleased if boroughs considering making such an appointment would first consult the Senior Presiding Judge for England and Wales.
5. The Crown Court is a single court sitting at numerous locations throughout England & Wales. At each Crown Court centre, a particular judge is appointed "Resident Judge", leads the team of judges who sit there and provides the essential link between the judiciary and the administration.
6. In the larger city court centres, the Resident Judge is usually a Senior Circuit Judge who is recruited and appointed specifically to that post. It is hoped that those cities will continue to elect the Resident Judge as Honorary Recorder. Such a judge holds office as Resident Judge and (if so elected) as Honorary Recorder until his retirement from the post.
7. In the many smaller towns and cities where the Resident Judge is not a Senior Circuit Judge, the position is different. The Resident Judge is deployed specifically to that post by the Lord Chief Justice (with the concurrence of the

¹ Boroughs which had a power by Charter to appoint a Recorder before 1971, but which had no Quarter Sessions, have a preserved right to appoint anyone, including non-lawyers, as Honorary Recorder, but an Honorary Recorder who is not a judge cannot sit as a judge in court or exercise any judicial functions.

Lord Chancellor) from the ranks of the circuit bench, and holds office as Resident Judge for a set period, normally four years (renewable). It is hoped that when such a city or borough council resolves to elect its Resident Judge as Honorary Recorder, it will expressly make that appointment for no longer than the duration of the judge's tenure of the post of Resident Judge. Embarrassment can be caused if the judge retains the Honorary Recordership on ceasing to hold the post of Resident Judge.

8. There are number of other cities and towns in England and Wales at which sittings of the Crown Court take place but which have no Resident Judge. These are towns where the Crown Court sits as a satellite court, sometimes with no resident staff. In such places the judicial leadership, including the allocation of judicial sittings, is carried out by the Resident Judge in charge of the main court centre nearby.
9. The councils of some of these smaller cities and towns have nevertheless adopted the practice of choosing a serving circuit judge for election as Honorary Recorder, particularly if that judge has strong local links and can be expected to involve himself or herself in civic affairs and events.
10. The Lord Chief Justice is keen to encourage this also, but such councils should understand that such an appointment of a judge chosen by them cannot be expected to confer upon that judge any special entitlement to sit in any particular court. In some satellite courts, a number of judges sit in rotation, as a refreshing change from their judicial lives in one large court centre, and these arrangements have been found to work well. It will also be expected that the appointment of such a judge as Honorary Recorder should be expressly for no longer than the duration of his tenure of office as a full-time circuit judge.
11. It is customary for an Honorary Recorder, when sitting in the Crown Court in the city or town where he holds that office, to be described as such in the published court lists. This should not be done, however, when the judge is sitting in the Crown Court in another city or town, whether or not that city or town has an Honorary Recorder of its own.
12. Those Honorary Recorders who are also Senior Circuit Judges are authorised by the Lord Chief Justice to wear red robes when sitting in court. These robes are based on the design of the robes worn by judges of the County Courts, but in red and black. They were designed for the Recorders of Manchester and Liverpool when Crown Courts were established in those cities in 1956, many years before the establishment of the Crown Court for England and Wales by the Act of 1971. The right to wear them in court was extended in the 1980s to the other Senior Circuit Judges appointed as Honorary Recorders, but has not been extended to those who are not Senior Circuit Judges. Accordingly, when sitting in court, Honorary Recorders who are not Senior Circuit Judges continue to wear the normal robes of a Circuit Judge sitting in the Crown Court.



Phillips,
CJ