

24 October 2013

Brighton & Hove City Council

Subject:	Appointment of Honorary Recorder of Brighton & Hove		
Date of Meeting:	24 October 2013		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Oliver Dixon	Tel: 01273 291512
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 This report proposes that the role of Honorary Recorder of Brighton & Hove be continued following the retirement of His Honour Judge Richard Brown, and offered to the current Resident Judge in Lewes, Her Honour Shani Barnes.

2. RECOMMENDATIONS:

That Council –

- 2.1 Agree the continuation of the role of Honorary Recorder of Brighton & Hove;
- 2.2 Approve the appointment of Her Honour Judge Shani Barnes as Honorary Recorder of Brighton & Hove during her tenure as Resident Judge at Lewes Crown Court;
- 2.3 Request that the Monitoring Officer, in consultation with the Mayor and Chief Executive, makes appropriate arrangements to mark the appointment.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 An Honorary Recorder is an unpaid, ceremonial office created to maintain and develop close links between councils and the judiciary, and to encourage an understanding of the judicial system among the community. The functions of Honorary Recorder include attending ceremonial and civic functions, and inviting Members of the council to attend judicial events.
- 3.2 The role of *Honorary* Recorder should be distinguished from that of Recorder. The latter is a fee-paid (salaried) post open to solicitors or barristers of at least 7-10 years' standing, and is a part-time judicial post in which the Recorder sits as judge in the crown or county court, with jurisdiction broadly similar to that of a circuit judge. The appointment of Honorary Recorders is in the sole gift of local authorities, whereas Recorders are appointed by the Queen on the recommendation of the Lord Chancellor, after a competition administered by the Judicial Appointments Commission.

- 3.3 The role of Honorary Recorder is normally reserved to Senior Circuit Judges or Resident Judges. The usual approach is for the position to be attached to a specific judge, continuing for as long as they remain the Senior Circuit or Resident Judge for the area.
- 3.4 The council has a community leadership role and therefore a responsibility to seek to develop an understanding of the justice system among all sections of the community and develop links with the judiciary to promote the wellbeing of the area. The role of Honorary Recorder can assist by supporting a close relationship between the Council and the courts. This is particularly important as the Council is required to pursue enforcement through the courts, for example, in relation to community safety, environmental protection, animal welfare, trading standards, benefit fraud, community care and child protection.
- 3.5 In 2008 the council appointed His Honour Judge Richard Brown as Honorary Recorder following his appointment as Senior Circuit Judge in Sussex. He retired from that judicial role in June 2013, also bringing to an end his time as Honorary Recorder.
- 3.6 Following Judge Brown's retirement, Her Honour Judge Shani Barnes was appointed as Resident Judge at Lewes, which covers the area of Brighton & Hove.
- 3.7 At each Crown Court Centre, a particular judge is appointed 'Resident Judge' who carries out additional leadership and management duties, and running court centres. He/she oversees the disposal of cases and listings at their centre, offering support and guidance to the judiciary in the centre and provides a link between them, the Presiding Judges and the administration. In this capacity, Judge Shani Barnes is the most senior circuit judge in Sussex and best placed to continue and develop the role of Honorary Recorder.
- 3.8 To meet the community objectives mentioned in paragraph 3.4, the council wishes to create a more active role for the Honorary Recorder in developing civic links with the judiciary. For example, the council would encourage the Recorder to attend meetings and events that help to raise his/her awareness of the political, financial and constitutional framework in which it operates as a local authority. Additionally, the council could help the Recorder develop links with other public bodies in Brighton & Hove with whom we have well established connections, such as health trusts and the police.
- 3.9 If appointed, the Honorary Recorder must maintain his/her judicial independence and neutrality. In view of this, any involvement in the activities referred to above would be on a strictly non-political basis and respecting the independence of the judiciary.
- 3.10 On behalf of the Chief Executive, the Council approached Judge Shani Barnes to seek an indication of her interest in the role including the new aspects described above. She has indicated that she would accept the appointment and regards the relationship between the criminal courts and the community they serve as important. In particular, she would welcome the opportunity help ensure that the local community understands and feels connected to, and part of, the criminal

justice system. She believes tradition is important and would endeavour to continue all links between these two bodies.

- 3.11 Judge Barnes was a criminal barrister, being called to the Bar in 1986. She practised in London, becoming a Recorder in 1998 sitting in Lewes, with His Honour Judge Brown (later appointed as Honorary Recorder of Brighton & Hove) as her mentor. From 1998 she always sat in Lewes/Hove until becoming a full time Circuit Judge in 2004 when she was appointed to Kingston Crown Court. After 7 years she moved to Croydon but sat in Lewes every year for a month or two at a time until finally in July 2013 came home as the New Resident Judge.
- 3.12 Judge Barnes is married to a Queen's Counsel at the criminal bar. They moved to Brighton four years ago from West Sussex, love living here and intend to remain.
- 3.13 If Council approves the proposal, a one-off event would be organised to mark the appointment and to welcome Judge Barnes.

4. ANALYSIS AND CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The council is not obliged to appoint an Honorary Recorder or fill the role when the post becomes vacant. However, good liaison between the judiciary and the local community is considered important for reasons given above. It is therefore recommended that the post be continued and offered to the most senior circuit judge in Sussex as the person best qualified to fulfil that role.

5. CONSULTATION

- 5.1 The council's Group Leaders have been consulted on the proposal in this report, and support the recommendation at paragraph 2 above.
- 5.2 In line with the Lord Chief Justice's Guidelines for the Appointment of Honorary Recorders, the council has consulted the Senior Presiding Judge for England and Wales over the proposed appointment.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 The role of Honorary Recorder is an unpaid position. The cost of an event to mark the appointment of a new Recorder would be funded from existing resources. There are no other financial implications.

Finance Officer Consulted: James Hengeveld Date: 17/09/13

Legal Implications:

- 6.2 Section 54 of the Courts Act 1971 gives the council power to appoint an Honorary Recorder for Brighton & Hove. The appointment does not require the approval of the Lord Chancellor or Lord Chief Justice.

Lawyer Consulted: Oliver Dixon Date: 17/09/13

Equalities Implications:

- 6.3 The continued appointment of an Honorary Recorder would facilitate an understanding of the justice system among all sections of the community.

Sustainability Implications:

- 6.4 None.

Any Other Significant Implications

- 6.5 Improved liaison between the judiciary and the community, facilitated by the council, should support crime reduction and community safety initiatives across Brighton & Hove.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents in Members' Rooms

None.

Background Documents

1. The Lord Chief Justice's Guidelines for Appointment of Honorary Recorders (2007)