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# **Appointment of the Honorary Recorder of Leicester**

Decision to be taken by: Full Council

Decision to be taken on 20<sup>th</sup> March 2025

Lead director/officer: Kamal Adatia

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## **Useful information**

- Ward(s) affected: None
- Report author: Kamal Adatia
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- Report version number: 1

### **1. Summary**

1.1 The City of Leicester does not currently designate the Resident Senior Circuit Judge (Crime) as Honorary Recorder. This paper explains the provenance of the role and invites Council to establish the role in our City.

### **2. Recommended actions/decision**

2.1 To agree that pursuant to Section 54 of the Courts Act 1971, His Honour Judge Timothy Spencer KC be appointed to the office of Honorary Recorder of Leicester during his tenure as Resident Circuit Judge.

### **3. Scrutiny / stakeholder engagement**

3.1 The office of the High Sheriff of Leicestershire has been instrumental in encouraging the Council to consider making this appointment.

### **4. Background and options with supporting evidence**

4.1 In English law, a recorder was originally a judge or magistrate who recorded court proceedings and customs. Over time, they became the chief legal officer and sole judge in quarter sessions. He was a person with legal knowledge appointed by the mayor and aldermen of the corporation to 'record' the proceedings of their courts and the customs of the borough or city. It carried a great deal of prestige and power of patronage. Eventually the recorder became the judge who sat alone, without lay magistrates, in the quarter sessions held for each county borough.

4.2 Changes in legislation in the Administration of Justice, including the abolition of the Courts of Quarter Sessions, meant that the post of recorder ceased in 1971. The Court Assize and Quarter Sessions were abolished under the Courts Act 1971 and replaced by the present system of Crown Courts and Recorders

4.3 The Act provided that all part-time Judges could be known as Recorders, but these would have no affiliation to any particular geographical area by virtue of their appointment. As a result of concerns expressed over the loss of this historic role, the Government changed the proposed legislation so as to allow for the appointment of Honorary Recorders.

4.4 The Court Act 1971 empowers the City to appoint a Court Recorder or Circuit Judge to be the Honorary Recorder of the City:

**54.— Boroughs: honorary offices**

• *(1) The council of a borough shall have power to appoint a person to be honorary recorder of the borough.*

• *(3) A person shall not be qualified to hold office as an honorary recorder of a borough [...]2 unless he is a Circuit judge or Recorder (that is to say a Recorder appointed under this Act)*

4.5 Guidance issued by the Lord Chief Justice (LCJ) indicates that the continuing relationship between the City and the Crown Court, and the involvement of the City's Senior Judge in civic affairs and events, is of mutual value. The LCJ is keen to encourage those City and Borough councils which have not made such appointments to consider doing so.

4.6 Leicester does not have, nor has ever had, an Honorary Recorder and it would be the current Resident Judge HHJ Timothy Spencer KC who would be appointed. The role of Honorary Recorder fulfils the same duties as the Resident Judge but equates the incumbent, for a number of purposes, with a High Court Judge.

4.7 The appointment would give Leicester an elevated status both in the legal world and in raising the city council's profile, allowing the city to attract higher calibre candidates for the future. Our current Resident Judge has only two years remaining of his 8-year term in office and a replacement will be required in the near future. 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, which would complement our existing civic office of High Bailiff.

4.8 It is submitted that creation of the role has significance for the postholder as well as for the local Crown Court. Aside from the recruitment benefits highlighted above the existence of the appointment will play a role in recognising Leicester Crown Court as being a Court that conducts trials in some of the most serious and high-profile areas of the criminal law.

4.9 His Honour Judge Spencer KC was made a 'silk' in 2001 and was appointed as a Circuit Judge in 2015. From 1983-2015 he was a practising barrister at 2 Crown Office Row, London; Chambers of Igor Judge QC (later Lord Chief Justice). He has been the Resident Judge at the Leicester Crown Court since 2020. He is authorised to conduct complex criminal cases including murder trials and terrorism trials. He is also authorised to sit in Court of Appeal as appellate judge.

## **5. Financial, legal, equalities, climate emergency and other implications**

### 5.1 Financial implications

There are no direct financial implications arising from the recommendations in this report.

Signed: Stuart McAvoy – Head of Finance

Dated: 4<sup>th</sup> March 2025

### 5.2 Legal implications

The legal history, and powers, are dealt with in the body of the report.

Signed: Kamal Adatia – City Barrister

Dated: 4<sup>th</sup> March 2025

### 5.3 Equalities implications

There are no direct equality implications arising from the report.

Signed: Equalities Officer, Surinder Singh, ext 37 4148

Dated: 5<sup>th</sup> March 2025

### 5.4 Climate Emergency implications

There are no climate emergency implications arising from this report

Signed: Duncan Bell, Change Manager (Climate Emergency). Ext. 37 2249

Dated: 07.03.25

### 5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

## **6. Background information and other papers:**

## **7. Summary of appendices:**

## **8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

## **9. Is this a “key decision”? If so, why?**