



Agenda

Extraordinary Full Council meeting of
Tuesday, 20 June 2023 at 5pm

Portsmouth City Council

AN EXTRAORDINARY MEETING OF THE COUNCIL will be held at the Council Chamber - The Guildhall, Portsmouth on **Tuesday, 20 June 2023 at 5.00 pm** and all members of the council are hereby summoned to attend to consider and resolve upon the following business detailed from agenda item 1 onwards:-

Agenda

- 1 Declaration of Members' Interests**
- 2 To receive such communications as the Lord Mayor may desire to lay before the Council, including apologies for absence.**
- 3 Deputations from the Public under Standing Order No 24.**

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (james.harris@portsmouthcc.gov.uk) by 12 noon of the working day before the meeting (so Monday 19 June 2023 for this meeting), and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.
- 4 Commencing Salary for the post of Chief Executive Officer (Head of Paid Service) (Pages 5 - 8)**
- 5 To receive and consider the recommendation of the Appointments Sub Committee regarding the appointment of the Chief Executive Officer (incorporating the roles of Returning Officer and Electoral Registration Officer)**
- 6 Appointment of New Honorary Recorder (Pages 9 - 16)**

David Williams
Chief Executive

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

This meeting is webcast (videoed), viewable via the Council's livestream account at <https://livestream.com/accounts/14063785>

If any member of the public wishing to attend the meeting has access requirements, please notify the Senior Local Democracy Officer at James.Harris@portsmouthcc.gov.uk.

Civic Offices
Guildhall Square
PORTSMOUTH
12 June 2023

Agenda Item 4



Title of meeting:	Extraordinary Full Council
Date of meeting:	20 June 2023
Subject:	Commencing Salary for the post of Chief Executive Officer (Head of Paid Service)
Report by:	Director of Corporate Services
Wards affected:	N/A
Key decision:	No
Full Council decision:	Yes

1. Purpose of report

The purpose of this report is to seek Council's approval to make an appointment to the post Chief Executive Officer (Head of Paid Service) at a salary in excess of £100,000 p.a.

2. Recommendations

Council is recommended to:

- (i) Approve the commencing salary for the post Chief Executive Officer (Head of Paid Service)
- (ii) Record thanks to Mr David Williams for his long service to the council and wish him the very best for the future.

3. Background

3.1 On 15 February 2023 the Employment Committee agreed to establish an Appointments Sub-Committee to seek to recruit to the post of Chief Executive (Head of Paid Service). It was fully appreciated by the Appointments Sub-Committee that the grade for the post would exceed the £100,000 threshold in the Council's Pay Policy Statement, over which appointments have to be approved by Full Council.

3.2 The Appointments Sub-Committee further recognised that current market conditions would make this post challenging to fill with a candidate with the requisite experience and skills within the Council's normal pay bands. It was therefore agreed to go to market based on comparable market data in the first instance and, if successful in identifying a suitable candidate, then go to Full Council to confirm the appointment.

3.3 The market pay data selected to determine the salary rate advertised was based on pay benchmarking data from other local authorities that are comparable based on the type of local authority (unitary council) and/or geographical location (South East of England).

3.4 Following a comprehensive candidate search undertaken by Starfish (our selected recruitment partner) and an extensive advertising campaign, technical interview and extensive stakeholder engagement the Appointments Sub-Committee met on 8 June 2023 and conducted panel interviews to select a successful candidate for recommendation to Full Council.

3.4 Subject to Council's approval, terms have been agreed with the candidate and Council is now asked to approve the salary of £180,000 to complete the appointment to the post of Chief Executive Officer (Head of Paid Service).

4. Integrated impact assessment

An Equalities Impact Assessment is not required for this report as the recommendations do not have a disproportionate negative impact on any of the specific protected characteristics as described in the Equality Act 2010 for the following reasons:

Organisational change and recruitment is covered by existing council policies which are subject to ongoing review and IIA.

5. Legal implications

Council's constitutional position is that it must agree the appointment to new posts where the proposed salary is in excess of £100,000 threshold in the Council's Pay Policy Statement as in this case. The selection and recommendation of the individual to undertake that role is delegated to the Employment Committee or its appointments sub-committee.

6. Director of Finance's comments

The cost of the appointment to this post is contained within the approved budget.

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Signed by:

Appendices: None.

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
None	

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The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by:

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Title of meeting:	Extraordinary Full Council
Date of meeting:	20 June 2023
Subject:	Appointment of New Honorary Recorder
Report by:	City Solicitor
Wards affected:	
Key decision:	No
Full Council decision:	Yes

1. Purpose of report

This report proposes that following notification of the resident judge for Portsmouth and the Isle of Wight term expired on 31 May 2023, His Honour Judge Timothy Mousley KC as the current Honorary Recorder, that the Council retains this honorary position and appoints his successor, His Honour Judge Michael Bowes KC.

2. Recommendations

- 1) **That His Honour Judge Michael Bowes KC be appointed Honorary Recorder during his tenure as Resident Judge at Portsmouth Crown Court.**
- 2) **That the Lord Mayor be asked to attend a ceremony to confer the appointment on behalf the Council.**
- 3) **That His Honour Judge Timothy Mousley KC be thanked for his 4 years as Honorary Recorder to the City of Portsmouth.**

3. Background

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.

Lord Chief Justice's Guidelines states that the role of Honorary Recorder is normally reserved to Senior Circuit Judges or Resident Judges and does not confer any additional rights or privileges.

The appointment of an Honorary Recorder is made by the council concerned and does not require the approval of the Lord Chancellor or the Lord Chief Justice. It is however suggested in the Lord Chief Justice's guidance that the council is to first consult the Senior Presiding Judge for England and Wales.

4. Reasons for recommendations

To continue to maintain strong links between the City and judiciary.

5. Equality impact assessment

An EIA is not deemed required for the appointment of this position.

6. Legal implications

The appointment of an Honorary Recorder under Section 54 of the Courts Act 1971 and is solely within the discretion of the Council.

7. Director of Finance's comments

No financial impact.

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Signed by: Peter Baulf

Appendices:

Appendix 1 - Lord Chief Justice's Guidelines for the appointment of Honorary Recorders

Appendix 2 - Biography His Honour Judge Michael Bowes KC

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

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Signed by:

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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

His Honour Judge Michael Bowes KC
Resident Judge for Hampshire and the Isle of Wight

Biography

Called to the Bar 1980

Appointed as a Recorder (part time judge) 1999

Appointed as a Queen's Counsel 2001

Appointed as a Deputy High Court Judge 2010

Appointed as a Circuit Judge August 2022

Appointed as Resident Judge for Hampshire and the Isle of Wight June 2023

Joint Head, Outer Temple Chambers 2012-2020

Elected as a Bencher of the Honourable Society of the Middle Temple 2007

Elected as a Law Fellow of Goodenough College, London 2017

Trustee, Transparency International UK 2015 – 2022

Chair, UK Chapter, New York State Bar Association

International Section 2018 - 2022

As a barrister I was a practising member of the Western Circuit and as a Queen's Counsel was instructed to prosecute high profile cases in Hampshire.

My practice in London was predominantly in international white-collar fraud and regulatory work, both for the prosecution and defence.

I have been involved in Bar education over many years as an advocacy trainer and I take an active part in programmes to encourage diversity of entry to the Bar. I have written and regularly presented an ethics discussion programme for schools and colleges called 'The Devil and the Law'.

As a Recorder (part time judge) I sat regularly at Portsmouth Crown Court and so already knew the Court and City before my appointment as a Circuit Judge in 2022.

As the Resident Judge, I will enthusiastically maintain and develop the Court's relationship with Portsmouth City Council and with the City more generally, including its schools and colleges.

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