



SWINDON
BOROUGH COUNCIL

Role Profile

Job Title: Commercial Solicitor - Contracts and Procurement Lead	Role Profile Number: ENH134
Grade: R Salary:	Date Prepared: Updated January 2021
Directorate/Group: Performance	Reporting to: Principal Solicitor
Structure Chart attached:	No

Job Purpose

- To provide expert and comprehensive legal services and advice to members and officers of the council in respect of complex and high profile matters covered by the team working autonomously to solve problems and to contribute to the delivery of council plans and wider organizational benefits in the following areas:-
 - Corporate Contracts & Procurement including general contract matters
 - Property & Commercial Law including general contract matters
 - Town Country Planning and Highways including general contract matters
- To act as advocate and represent the Borough Council in legal proceedings under all legislation.

Key Accountabilities

- To provide professional high quality legal advice and services in highly complex matters to officers and Members of the Council including advice on politically sensitive and confidential matters in the specialist areas covered by the team and to ensure that the Council operates within the law to ensure the delivery of the council plans and wider organizational benefits.
- To provide legal advice and support to members of the Council and officers on all legal matters including advice on politically sensitive and confidential matters. In particular to advise on policies and work of the Council in order to ensure that it operates within the law particularly in relation to the following matters: Corporate Contract & Procurement and or Property & Commercial and or Planning, charities, trusts and general corporate matters.
- To negotiate, draft and complete all types of contractual documentation including complex projects where there is involvement with external stakeholders' e.g. Primary Care Trust. To provide advice on tendering procedures and EU procurement legislation
- To lead and advise on one or more areas of Law, Corporate Contract & Procurement and or Property & Commercial and or Planning and draft documentation accordingly.

- To assist the Principal Solicitor in drafting Contract Standing Orders and to advise on the Standing Orders.
- To advise on all matters where the Council requires advice on charity and trust law and to draft any documentation required pursuant to such matters.
- To provide professional advisory support and counsel to colleagues by being the focal point of contact within the team within your areas of expertise, adapting advice as required to the specific context, to ensure there is alignment between policy practice and the law.
- To provide advice guidance and support, and to motivate and coach lower level colleagues, identifying development needs and supporting their progress in all areas of responsibility within the specialist areas.
- To act as advocate and represent the Council at the Magistrates Court, County Court and Employment Tribunal and all proceedings.
- To deliver complete solutions and expert advice in respect of specialist areas of the team.
- To review advise and provide expert legal services in all cases, including the most complex, as to whether cases should be brought or defended, in the conduct of cases and their settlement.
- To keep up to date with new legislation, case law, codes of practice and policy relating to relevant areas of law and inform internal officers of significant developments by providing guidance and training departments and junior members of the team.
- To promote the development and maintenance of the highest professional standards throughout the work and service of the Council.
- To work, autonomously prioritizing caseload ensuring dealings and agreed periods are met to avoid unnecessary delay and increased council cost.
- To attend and give advice to Cabinet or other committee, subcommittee, working parties or other groups to the council at public meetings or in closed sessions as and when required and to establish good working relations with other departments and outside agencies/bodies.
- To deputise for the principal solicitor as required.
- To ensure continuous improvement and to apply new techniques and approaches in your professional area, digitizing processes where possible, to drive Swindon to be a modern, efficient and effective Council
- Contribute to policy development within the service areas in respect of specialist areas of law covered by the team, to contribute towards wider decision making processes and to contribute to keeping the organization within legislation, regulations and effective practice within your area of law.

Supplementary Accountabilities

- To carry out other duties appropriate to the level of responsibility of the post, as required from time to time by the Principal Solicitor and/or the Chief Legal Officer; including providing cover for areas of work within the team.
- To produce innovative solutions to new procedural requirements imposed by legislation, case law and the court.
- To contribute to the development of new staff and supervised staff.
- To undertake other tasks and provide advice and services as required by the Chief Legal Officer.

Knowledge & Experience

Candidates must have substantial knowledge and experience in the following areas of business and will be required to provide evidence of this:

- Extensive proven post qualification experience of at least three years of local authority legal work as a practicing solicitor /barrister or Fellow of the institute of legal executives.
- Significant experience and authoritative knowledge of litigation work and practices within: Corporate Contract & Procurement and or Property & Commercial and or Planning, charities, trusts and general corporate matters.
- Strong intellectual problem-solving abilities including the ability to weigh arguments and substantiate judgments with ability to solve multifaceted and complex problems Ability to liaise for the purposes of complex cases with external persons and agencies. E.g. Doctors, Police, Counsel.
- Ability to communicate, challenge and influence at all levels across the council.
- Ability to mentor, coach and develop team members.
- Ability to rapidly understand the working of other Departments and to work creatively to meet the business objectives of those departments.
- Ability to function independently and take responsibility for own work and make important decisions without supervision.
- Proven advocacy experience in both the County and Magistrates Court and employment tribunals.
- Able to handle a heavy and pressurised workload in tight time scales.
- Able to conduct negotiations with Solicitors representing other parties on complex legal issues.
- Ability to deliver specified results, service targets and desired outcomes, to ensure process is efficient and effective and in accord with policy
- Broad understanding of the local authority and the issues that it faces including formal political structures and decision making processes within the council.

Qualifications

- Qualified solicitor with three years post qualification experience and experience working on the higher level and more complicated cases.
- Law degree or equivalent, legal practice course Fellow of the Institute of Legal Executives.

Decision Making

- The post holder will have independent and sole responsibility for dealing with and making decisions on complex high profile and politically sensitive legal matters.
- To give advice on any matters including legal and policy - related issues including frequent decisions on complex cases including whether to take or defend legal proceedings, to appear at the court or other tribunal's, and make important decisions as to the conduct of the matters dealt with by the post-holder and whether Alternative Dispute Resolution might be appropriate.
- Frequent decisions and advice on complex policies and legal problems raised by other Departments.

- Responding to requests from senior officers/managers and members seeking advice on complex problems requiring a legal solution.
- Act on own initiative, researching and establishing a solution in respect of new areas of law and novel complex legal problems and in making decisions about work and action taken.
- The decisions made have an important impact, both in the short and long-term, on the Council’s reputation and finances and on the welfare of the individuals affected.

Creativity and Innovation

The role involves: -

- Regularly dealing with complex specialist area of law and cases, which involve legal work and advice outside of any set procedure;
- Provision of legal advice on complex legal issues sometimes requiring extensive legal research and making a judgment on applicability of legal principles to matters being dealt with;
- Provision of legal advice on new Council policy and procedures to ensure that they comply with current legislation and will withstand legal scrutiny and challenge;
- Resolving and mediating differences in approach by different departments to common legal problems.

<p><u>Job Scope</u></p> <p>Number and types of jobs managed</p> <ul style="list-style-type: none"> • Deputise for Principal Solicitor <p>Typical tasks supervised/allocated to others</p> <ul style="list-style-type: none"> • Deputise for Principal Solicitor 	<p>Budget Holder</p> <p>Responsibility</p> <p>Asset Responsibility:</p>	<p>Yes/No</p> <p>No</p> <p>No</p>
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Contacts and Relationships

(how the role relates to the work of others i.e. officers, groups, committees, general public, members, partner organisations, internal and external contacts of the council)

Contacts: -

- Frequent contact at all levels with Officers and Members of the Council;
- Frequent contact with legal professionals (Counsel, solicitors etc.), consultants and other professionals representing outside persons or bodies; including the police
- Frequent contact with officers and staff of court, tribunal and ombudsman;
- Frequent contact with Magistrates, Judges and Tribunal Chairmen;
To work with the court, external solicitors, the police and other external stakeholders to deliver complex and broad ranging services to various stakeholders and departments across the council

Values and Behaviours

We strive to underpin our culture of being ‘At our Best’ through strong management and authentic leadership. This means getting the management basics right. We own and demonstrate accountability, both

individually and collectively, and aim to get things right first time. Building on this we also expect everyone at SBC to demonstrate and live our organisational values and behaviours, by displaying:

- Accountability at all levels
- Customer care and pride in what we do
- Continuous learning and evaluation
- Valuing one another and the contribution each of us makes

Other Key Features of the role

(working environment / emotional / conditions i.e. regular outside work, unpleasant or hazardous conditions, practical demands such as standing, carrying or working in constrained positions, potential verbal abuse and aggression from people, or risk of injury).

This job involves working with the public and professionals across the full range of emotional involvement in highly stressful conflict situations and under strict deadlines required by the court. On occasion, the post holder will have to withstand or deal with aggressive and hostile behaviour from members of the public aggrieved by Council action or inaction. The post holder will be required to deal with constant pressures dictated by tight timescales, likely impact on Council’s budget, compliance with legal requirements to avoid legal challenges and possible adverse publicity.

Employee Signature:	Print Name:
Date:	
Line Managers Signature:	Print Name::
Date:	

Please note that this role profile may be subject to alteration.