



Role Profile

Job Title: Principal Solicitor	Role Profile Number: ENH132
Grade: T Salary: £52,164 to £55,411 (depending on experience)	Date Prepared: February 2022
Directorate/Group: Legal	Reporting to: Head of Team in the Legal Department
Structure Chart attached:	No

Job Purpose

As Principal Solicitor you will be the Council's legal lead in your area of expertise. You will provide an expert and technical level of legal advice and representation to the Council, its members, officers and partner organisations where appropriate. You will draw on significant professional and technical understanding to provide advice and guidance to Council departments on a range of complex issues. This will require the development and maintenance of good working relationships with a range of key stakeholders and personnel within the Council.

As Principal Solicitor, you will also be responsible for the day-to-day supervision of other members of the team including supporting the team's motivation and professional development and ensuring that legal services are delivered by the team in accordance with legal services' standards.

You will play an active role to assist in delivering our departmental and organisational objectives and the continued improvement and innovation of the Council. The role includes supporting the Legal Management Team and Chief Legal Officer to review Council department's policy, process, and governance to enable continuous improvement and drive Swindon to be a modern, efficient and effective Council. This will include assisting in monitoring performance indicators and undertaking high level analysis to interpret trends and develop recommendations for improvements to ways of working and inform decision-making.

Key Accountabilities

The role holder will

- Provide accurate, succinct and timely legal advice representation and support to Officers and Members of the Council with a commercial/strategic insight on matters requiring expert and technical knowledge which are unique or highly complex in nature and may require specific interpretation or application of statutory provisions or case law where the subject is uncertain or in dispute which may have an impact upon the Council's delivery of services/pledges and policies in the medium to long term.
- Autonomously hold a case load including complex, technical, high profile and high cost cases, delivering complete solutions in respect of your professional area.
- Research highly complex legal questions and find solutions to problems through analytical ability and thorough research arising from the work of the Council or its components or associated public bodies, converting that into legal advice for the client as necessary.
- Analytically consider documents and other evidence provided by the client department and other parties, where appropriate
- Act as an advocate and represent the Council in legal proceedings under all legislation
- Draft, negotiate and amend highly complex legal documents and correspondence.
- Allocate cases dependent upon the capacity, annual leave and expertise of the team.
- Provide one to one supervision and management of a team of solicitors, legal assistants and other staff and hold responsibility for the quality of their work and their compliance with internal processes including engaging in plans to improve quality of performance delivery where necessary
- To follow the Council's processes and policies in respect of HR where applicable in regard to the monitoring staff, sickness, disciplinary and recruitment procedures.
- Undertake periodic reviews of those under your supervision and assist in the setting of their personal development goals
- Provide training and mentoring and guidance to less senior members of staff as necessary
- Use the case management system, templates, processes and procedures put in place within the department, and to assist in the development and maintenance of those systems
- Demonstrate an understanding and knowledge of client functions, delegations, decision making processes.
- To keep up-to-date with, and ensure implementation and adherence to, legislation, regulation, case law, codes of practice and policy relating to relevant areas of work, offering training and/or updates to the client departments as appropriate
- Undertake the minimum annual number of hours of continuing professional development required by the role holder's professional body
- Ensure compliance with Council policies and procedures, and client practices, as may be applicable.
- Proactively recommend and assist in the drafting, consultation and development of policy

documentation on behalf of, and in partnership with, client departments and other external agencies and developing understanding of the impacts of policy implementation on the wider council and community.

- Responsible for review and monitoring of performance of others in the delivery of legal services in your specialist area
- Take all reasonable steps to ensure appropriate confidentiality including the encryption and redaction of documentation and utilisation of electronic resources where appropriate
- Actively participate in team meetings, information briefings and staff events
- Annually complete the Council's Data Protection Act and Freedom of Information Act and in equality and diversity training and other mandatory training as directed by their manager or the Chief Legal Officer;
- Promote equality and diversity best practice in all areas of work;
- Protect the reputation of the Council
- To attend and give advice to Cabinet or other Committees, Sub-committees or Working parties or other groups of the Council or public meetings or in closed sessions as and when required and to establish good working relationships with other departments and outside agencies
- To ensure continuous improvement of legal advice, processes and policies to ensure the service is modern, effective and efficient and operates within the ethos of the 21st century public servant
- Promote the development and maintenance of the highest professional standards throughout the work and service of the Council and to contribute towards the development of the team
- Provide governance advice and assist the monitoring officer in ensuring the council acts within its powers.
- Deputise for members of the Legal Management Team
- Carry out other duties as required from time to time by the Legal Management Team and /or the Chief Legal Officer;
- To undertake the functions and hold the knowledge set out in the personal specification table to an technical and expert level with strategic insight

Supplementary Accountabilities

- Be required to attend evening meetings and work outside the Council's normal hours in order to contribute to meetings, attend committee, prepare for hearings and respond to any need for urgent legal work including participating in the Council's emergency response arrangements (out of hours service)

Adults & Childrens Team	Litigation Team	Contracts & Procurement Team	Property	Planning Team
A working knowledge of Children legislation such as Children Act 1989, the Family Procedure Rules, Adoption and Children Act 2002 and the Care Planning Placement Case Review Regulations.	Knowledge of a wide variety of civil and criminal litigation covering all aspects of the Council' s area of responsibility including Regulator enforcement, trading standards, food safety, etc. Antisocial behaviour, housing disrepair, debt recovery, landlord and tenant , planning, employment, education, data protection and governance.	knowledge and experience of law and practice relating to public procurement and local authority contracting, as well as knowledge of public and administrative law as relates to local authority duties and responsibilities.	In regeneration , commercial property and in particular have knowledge of state subsidy in relation to land transactions, and knowledge of other corporate or constitutional and administrative matters to ensure compliance with statutory duties and obligation to protect the best interests of the Council	A working knowledge of managing a wide range of complex planning and development control work to include Planning Committee procedures and probity.
Knowledge of the pre-proceedings and care proceedings including the process, drafting and an understanding of the social work within that process and ability to conduct cases from LPM to conclusion	A thorough knowledge of the legalisation on property and planning litigation, disrepair, homelessness, anti-social behaviour, unauthorised encampment/occupation, employment and miscellaneous litigation	Substantial experience of advising on, drafting and review of a wide range of local authority contracts and procurement documents, including framework and funding agreements.	Knowledge of the requirement of S123 Local Government Act 1972 and the need for getting best value and the Councils duties in relation to this	To advise planning and enforcement officers at all levels of seniority on a wide range of development management and planning related matters including planning, planning law and the correct use of

				procedures
An ability to advise upon law relating to separation, contact assessments and threshold and assist social workers to take appropriate safeguarding steps.	Advocacy in all manner of courts, tribunal hearings and be a capable and confident advocate and a "safe pair of hands" for the Council	Substantial experience of advising on all aspects of procurement law, including subsidies, in connection with the procurement of goods, services and works.	Advising and negotiation on projects involving multi agencies and the councils land ownership	To advise on investigations into, and enforcement against, breaches of planning and related regulations; to approve draft notices.
Experience of advocacy to include drafting Court documentation within the County Court, Magistrates and / or Court of Protection to include CMH through to Final hearing	Experience in understanding complex legal work in litigation and a sound understanding of the applicator of the legal framework	Substantial experience of providing legal, procurement and governance advice to Council and external clients such as schools.	General property advice for development projects, including land assembly	To be responsible for preparing cases for Public Inquiry and appeal hearing and instructing Counsel; and personally attend Public Inquiries and Hearing as required as an advocate or, where appropriate with Counsel.
Undertaking contested hearings on submissions and, subject to experience, on live evidence	Extensive knowledge of drafting a wide range of pleadings and associated documentation in respect of both civil and criminal proceedings at all levels.	Effective management of a substantial caseload of contract and procurement matters with minimal supervision.	Acquisitions and disposal of both commercial and residential property, including the Right to Buy provisions, and Licenses to Assign and	Experience of attending and addressing Committees.

			Underlet, Restrictive Covenants, Deeds of Postponement, Charges and Mortgages.	
Knowledge of private law proceedings and orders including s.7 and s.37 and there interaction with Local Authority functions and public law proceedings	Knowledge of the Licensing Act and associated Regulations, including attendance and advising at Licensing Committee hearings	High standards of written and oral communication skills with demonstrable ability to communicate with senior managers and staff at all levels.	Rent reviews, Dilapidations issues, Tenancy and License Agreements, Conditional Contracts	Drafting and negotiating S106 obligations and advice on CIL Regulations.
Discharging a care order and revoking a placement order	Advice confidentially on high profile sensitive contentious matters, including employment matters		Property related joint venture agreements, auction acquisition and disposal	Experience of the Local Plan process, policy formulation and Examination Procedures.
An ability to advise upon the adoption process from ADM legal advice, placement applications and contested adoptions.			Commercial property work including landlord and tenant, overage, conditional contracts, easements and provide legal input in all Reports to Cabinet, Council and other Committees relation to property matters.	An ability to advise upon the adoption process from ADM legal advice, placement applications and contested adoptions
Desirable Knowledge, Skills or Experience				
Knowledge of	Knowledge of	Knowledge and	Knowledge of	Knowledge of

Adults including experience of providing advice under legislation such as the Care Act 2014, Mental Capacity Act 2005, Mental Health Act 1983, charging processes, or conducting proceedings in the Court of Protection involving S.21A's or Deputyship.	employment law and the procedures of Employment Tribunals and ACAS Codes of Practice.	understanding of the political nature of local government and democratic process.	other property work such as boundary disputes, forfeiture proceedings and property litigation.	other planning work, such as listed building, trees preservation orders, highways advice.
Experience of assuring the Merton compliance of age assessments and experience of Judicial Review	Knowledge and /or experience of higher court procedures, such as appeal against the Council and Judicial Review Proceedings.	Understanding of the role of Legal Services and how they can contribute to the achievement of corporate priorities	Knowledge and /or experience of court procedures, such as appeal and Judicial Review.	Knowledge and /or experience of court procedures, such as appeal and Judicial Review
Have knowledge or experience of Education such as advising upon EHCP process, tribunals and the application of legislation and regulation such as the Care Act 2014, The Special Educational Needs Tribunal Regulations 2001, Health and Social Care Act 2012; part 3 of the Children and Families Act 2014,	Proven track record of professionalism, excellent communications and drafting skills, working to tight deadlines whilst following quality and service standards.	Experience of best practice, innovation and continuous improvement in the delivery of legal services.	Ability to represent the Council in negotiations and discussion with third parties in matters relating to property matters.	Ability to scrutinise new legislation, statutory instruments, planning policy documents circulars and case law, and evaluate their effect and give timely and proactive advice on them to officers and Members.

An understanding of deprivation of liberty for children and / or adults including use of inherent jurisdiction and COP	Experience of attending and advising committees		Experience of attending and advising committees.	Experience of working to tight deadlines in a pressurized and dynamic environment and the ability to priorities competing task.
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Knowledge & Experience

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

- To demonstrate knowledge and experience required to undertake the functions specified in the person specification table to an technical and expert level with strategic insight
- It is expected that the role holder will have extensive high level of post qualification experience,
- Experience of providing specialist advice on novel or complex areas of law
- A technical aptitude and be able to work autonomously;
- Experience of providing supervision, guidance and mentoring to members of the team
- Strong communication skills and ability to offer clear and concise legal advice and weigh argument verbally and in writing tailored to the audience.
- Ability to challenge and influence across all levels of the Council
- Ability to deliver specified results, service targets and desired outcomes, and to ensure process is efficient and effective
- Experience of working to tight deadlines and in a pressurised environment
- Experience of delivering and developing training

- An understanding of the framework of local government and a commercial acumen and understanding of the commercial and community impact of the nature of work undertaken
- A broad understanding of the local authority, the issues it faces, the political and governance framework of the council

Qualifications

- Qualified Solicitor, Barrister or a Fellow of Institute of Legal Executive's (FILEX) with current Practising Certificate
- Admission on to the relevant authorising body and current practicing certificate

Decision Making

- The post holder will have independent and sole responsibility for dealing with and making decisions on complex and high profile, politically sensitive legal matters. This will require frequent decisions and advice on complex policies and legal problems to provide legal solutions to enable the delivery of the council plan. These decisions are likely to impact both the short and long term, the council's reputation and finances and the welfare of individuals affected
- To take instructions from client departments to enable the role holder to make day to day decisions on case management and the conduct of matters held by the role holder or by any member of the team they supervise to enable the matter to successfully conclude with an outcome or solution which is in line with the Councils objectives.
- To work autonomously upon high profile and high cost cases and projects with an understanding of the short and long term implications for the Council's budgets, reputation and objectives and to assist clients to make appropriate decisions and offer guidance on the risks arising as cases develop.
- To make decisions relevant to the supervision, training and development of those team members the role holder supervises

Creativity and Innovation

- Strong intellectual problem-solving and diagnostic skills, including the ability to weigh arguments leading to sound judgement and decision making in relation to specialist area of law and cases.
- Ability to adapt and understand the working environment of departments and to work creatively to meet the corporate objectives of those departments to meet the council's priorities and pledges.
- Ability to function independently, take responsibility for own work and make important decisions without supervision
- Ability to use own initiative to create, amend documentation and/ or process to fit the needs to the team, which, subject to experience, and with limited supervision, may involve creative drafting of bespoke documentation to meet client needs..

- Provision of legal advice on new council policy and procedures to ensure they comply with current legislation and withstand legal scrutiny and challenge

<p><u>Job Scope</u></p> <p>Number and types of jobs managed</p> <ul style="list-style-type: none"> • N/A <p>Typical tasks supervised/allocated to others</p> <ul style="list-style-type: none"> • To supervise and mentor and monitor performance of other members of the Legal Team. 	<p>Budget Holder</p> <p>Responsibility</p> <p>Asset Responsibility:</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)

Build and maintain effective relationships with key clients and be accountable for the quality and level of services provided to them to include frequent contact with

- Internal Client departments, including officers at all levels, including Director level
- Elected Members
- External parties, as and when required in the course of your duties.

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