

<b>Job Title:</b> Solicitor	<b>Role Profile Number:</b> ENH179
<b>Grade: R</b>	<b>Date Prepared:</b> February 2022
<b>Directorate/Group:</b> Enabling Services - Legal	<b>Reporting to:</b> Head of Team in the Legal Department
<b>Structure Chart attached:</b>	No

### **Job Purpose**

To provide a comprehensive high quality legal service including specialist professional advice and assistance and documentation, including assessment of risk to the Council, in respect of matters within the remit of your area in a modern efficient and cost effective manner in accordance with professional rules.

You will draw on your knowledge, understanding and experience to provide advice and guidance to Council departments.

This will require the development and maintenance of good working relationships with a range of internal and external key stakeholders and personnel.

### **Key Accountabilities**

The role holder will

- Provide accurate, succinct and timely legal advice, representation and support to Officers and Members of the Council in relation to routine transactional and complex matters (depending upon experience) including providing solutions to problems taking into account a wide range of procedures and policies, legislation and practice which will include assessing sources of information that may be conflicting in nature and to deliver balanced legal advice and decisions for cases and situations to assist and identify risks for the council.
- Hold day to day personal accountability for a case load of files
- Research 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 and

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
- To act as advocate and represent the Council in legal proceedings under all legislation subject to the area of law
- To negotiate, draft and complete all types of legal documentation including where there is involvement with external organisations
- Use the case management system, templates and the processes and procedures put in place within the department.
- To engage in supervision and performance framework of legal services
- Have an understanding and knowledge of client functions, delegations, decision making processes.
- Keep up to date with , and to ensure implementation and adherence to, legislation, regulation, case law, codes of practice and policy relating to relevant areas of work and share that knowledge within the legal team
- Undertake the annual professional development required by the role holder's professional body
- Ensure compliance with Council policies and procedures, and client practices, as may be applicable.
- Take all reasonable steps to ensure appropriate confidentiality including the encryption and redaction of documentation and utilisation of electronic resources
- 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 by their manager y the and/or the Chief Legal Officer;
- Promote equality and diversity best practice in all areas of work;
- Protect the reputation of the Council
- To provide advice at internal and external meetings and at Committee
- 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
- To attend and give advice to Cabinet or other Committees, Sub-Committees or Working Parties or other groups of the Council at public meetings or in closed sessions as and when required and to establish good working relationships with other departments and outside agencies
- 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 advice support and Mentor trainee solicitor , legal assistants and Legal support officers
- Carry out other duties as required from time to time by their manager and/or the Chief Legal Officer as appropriate to the level of responsibility of the post;
- To undertake the functions and hold the knowledge set out in the personal specification table.

## Supplementary Accountabilities

- Be able to attend evening meetings and be able to 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) for the area highlighted below:

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	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

		agreements.		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 Hearings as required as an advocate or, where appropriate with Counsel.
Undertaking contested hearings on submissions and, subject to	Extensive knowledge of drafting a wide range of pleadings and associated documentation in respect of both civil and criminal	Effective management of a substantial caseload of contract and	Acquisitions and disposal of both commercial and residential property,	Experience of attending and addressing Committees.

experience, on live evidence	proceedings at all levels.	procurement matters with minimal supervision.	including the Right to Buy provisions, and Licenses to Assign and 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	An ability to advise upon the adoption process from ADM legal advice, placement applications and contested adoptions

			property matters.	
Desirable Knowledge, Skills or Experience				
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.	Knowledge of employment law and the procedures of Employment Tribunals and ACAS Codes of Practice.	Knowledge and understanding of the political nature of local government and democratic process.	Knowledge of other property work such as boundary disputes, forfeiture proceedings and property litigation.	Knowledge of other planning work, such as a 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	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.

Families Act 2014,				
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.

### **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 the knowledge and experience required to undertake the functions specified in the person specification table above.
- Strong communication skills and intellectual solving abilities and ability to offer clear and concise legal advice and weigh arguments verbally and in writing tailored to the audience and to meet the needs of the council
- Experience of working to tight deadlines and in a pressurised environment
- Ability to understand the working environment of the departments served and to work creatively to meet the business objectives of those departments
- Ability to work independently, manage own workload, plan ahead and take responsibility for own work and make important decisions without supervision
- A clear understanding of the political nature of local government and knowledge of internal governance processes
- 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 would be desirable.

### **Qualifications**

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

## **Decision Making**

- 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 to enable the matter to successfully conclude with an outcome or solution which is in line with the Council's objectives.
- Frequent decisions on routine and some complex transactions dependent upon experience

## **Creativity and Innovation**

- Strong intellectual problem-solving and diagnostic skills, including the ability to weigh arguments leading to sound judgement and decision making.
- Ability to adapt and understand the working environment of the instructing 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
- 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 departmental needs
- Ability to undertake research and make judgements on applicability or otherwise of legal principles on sometimes complex legal issues/problems in order to deliver the business objectives of the council.

<b><u>Job Scope</u></b>	<b>Budget Holder</b>	
<b>Number and types of jobs managed</b> <ul style="list-style-type: none"><li>• N/A</li></ul>	<b>Responsibility</b>	No
<b>Typical tasks supervised/allocated to others</b> <ul style="list-style-type: none"><li>• N/A</li></ul>	<b>Asset Responsibility:</b>	No

## **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



- 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.

<b>Employee Signature:</b>	<b>Print Name:</b>
<b>Date:</b>	
<b>Line Managers Signature:</b>	<b>Print Name:</b>
<b>Date:</b>	