

**ROLE DESCRIPTION**

|  |  |
| --- | --- |
| **JOB TITLE** | **POST NUMBER** |
| **Senior Solicitor / Lawyer (Commercial)** | **U2014** |
| **DIRECTORATE** | **LOCATION** |
| Director of Governance and Corporate Projects | Hybrid Working (mix of home working and office working at offices based in Hailsham and Bexhill, East Sussex – precise mix to be agreed with line manager and based on service needs) |
| **GRADE** | **OTHER ALLOWANCES** |
| WDC10 | * Casual Car User |
| **KEY WORKING RELATIONSHIPS** | **INTERNAL/EXTERNAL** |
| **Who will I be working with?**  **How will I be interacting with others?**  **This covers JE Criteria G (Relationships)** | **Internal**   * Chief Executive * Corporate Directors and Statutory Officers (section 151 Officer, Monitoring Officer and Data Protection Officer). * Chief Legal and Governance Officer, Legal Services Manager, Team Leader: Commercial and team members within Legal Services. * Other Heads of Service and principal officers and staff across Wealden and Rother District Councils. * Members of Wealden and Rother District Councils   **External**   * Officers of other local authorities * Legal Sections of Government Departments and Local Authority Associations * Lawyers in private firms, Counsel, other bodies, organisations and agencies * Statutory and regulatory bodies * Members of the public   Regular contact in person (including virtual calls) and in writing (emails, letters and reports) across all levels of Wealden and Rother District Councils.  Responsibility for flowing information up to the Team Leader (Commercial) and Legal Services Manager and cascading information down to other lawyers within and across the Legal Services Team.  Strong influencing and negotiating skills required in dealing with external stakeholders in representing the Councils’ interests.  Will be interacting with persons at all levels of seniority and includes handling confidential and sensitive information. |
| **STATUTORY RESPONSIBILITIES/LEVEL OF ACCOUNTABILITY** | |
| **What am I accountable for?**  **What are the consequences for me or the council?**  **This covers JE Criteria D (Accountability)** | * Supporting the Team Leader (Commercial) in ensuring the efficient and timely delivery of legal advice across Commercial sub-team to client departments and instructing officers (all levels). * To provide professional and accurate legal advice to all levels of the Council on Commercial related matters. This may include responsibility for high profile and complex legal work. * Supervising and providing guidance to other lawyers / officers within the Commercial sub-team. * Assisting and deputising for the Team Leader (Commercial) in their absence. * Ensuring compliance with relevant requirements of professional bodies and accreditations, corporate policies and best practices for client care (as applicable). * Supporting the Team Leader (Commercial) and Legal Services Manager with risk management within the Legal Services department, in particular within the context of the Commercial sub-team. * To provide professional and accurate legal advice to all levels of the Council on Commercial related matters with minimal supervision.   Accountable for ensuring the Council’s compliance with its statutory duties, regulatory responsibilities and protecting its commercial interests to avoid legal proceedings, reputational and financial damage and/or fines / compensation being levied against the Council.    The Consequence for failing to meet the role responsibilities and duties could pose significant financial, reputational risk to the Councils and loss of public confidence. |
| **DECISION MAKING AUTHORITY** (INDEPENDENCE) | |
| **What actions can I take independently?**   * To support the Team Leader (Commercial) with managing the delivery of Legal advice and support from the Commercial sub-team within the Shared Legal Service; * Contribute towards and support the Legal Services’ risk management strategies and procedures; * Instruct and co-ordinate with external legal counsel and solicitors as approved by client departments, Team Leader (Commercial) and/or Legal Services Manager (as appropriate); * Provide commercial related legal advice to all levels of each Council;   **When do I need to involve others?**  **Limits of Authority**   * As set out the Council's Constitution, Financial Procedures Rules, Conditions of Service and Corporate Policies as defined from time to time by the Council, its Senior Leadership Team, the Legal Services Manager and/or Team Leader (Commercial). * Interpretation of the law or constitution outside their expertise * No direct budgetary responsibility – no authority for raising PO or settling invoices. | |
| **JOB PURPOSE** (COMPLEXITY) | |
| **Why does this job exist?**  To provide professional legal services to each Council under the Shared Legal Services arrangements; to supervise more junior team members within the Commercial sub-team and ensuring an efficient and effective service is provided; to assist and deputise for the Team Leader (Commercial) as may be required from time to time.  **How does it contribute to the Council overall?**  The Legal Services team plays a crucial role in providing client focused and professional legal services to help support the Councils to deliver on their corporate objectives, strategies and ambitions.  The legal team is also responsible for ensuring the Councils’ commercial and reputational interests are protected and that governance processes and procedures are followed and adhered to. | |

|  |
| --- |
| **ROLE RESPONSIBILITIES** |
| **What are the most important things I will be doing?**   1. To provide sound and timely legal advice on the Councils commercial arrangements, including but not limited to the following areas: standard terms and conditions, services agreements, consultancy agreements, framework agreements, grants agreements, IT software agreements, outsourcing, shared services and partnership arrangements. 2. To prepare and negotiate contractual terms in all procurement related activities and to act as a senior legal advisor to the East Sussex Procurement Hub on the Councils’ procurement activities. 3. To advise on all matters relating to the Council’s obligations under applicable data protection legislation, including liaising with the Information Commissioner’s Office as required and compliance requirements under subsidy control legislation. 4. To supervise the work of other lawyers within the Commercial Team and to assist in the allocation of legal work from Client departments or as otherwise directed by the Team Leader (Commercial) and/or Legal Services Manager. 5. To undertake legal research and prepare written and verbal advice accordingly to officers and senior management. 6. To instruct Counsel and external lawyers as required to obtain specialist legal services and advice in consultation with the Team Leader (Commercial) and Legal Services Manager. 7. To provide and support training provision to officers and members in relation to relevant areas of practice. 8. To assist and deputise for the Team Leader (Commercial) as may be required from time to time. |
| **What other activities will I be responsible for?**   1. To support the Team Leader (Commercial) and/or Legal Services Manager with the management and implementation of the Council's policies and procedures in connection with the Service Area and the Council Strategy. 2. To support the Legal Services Manager with obtaining and retaining (on an annual basis) the Team’s Lexcel Accreditation (or similar accreditation). 3. To prepare and/or advise reports for Cabinet and other Committees of the Council and attend and present to such committees as required. 4. To support the effective use of the Legal Case Management system across the Team and to record time as instructed and ensure that income is recorded and charged in compliance with all departmental and corporate policies. 5. To meet performance targets and to develop, maintain, monitor and report the performance of the sub-team to the Legal Services Manager as appropriate. 6. To promote and maintain harmonious and productive relationships between Officers, Members, Partners, Stakeholders and staff based upon the principles of good customer care and social diversity. 7. To support the Team Leader Commercial in ensuring that the staff within the Legal Commercial sub-team and across the wider Legal Services Team are kept informed of the Council’s corporate objectives through regular team briefings and other communication channels. 8. To support the Team Leader Commercial (through other levels of staff as necessary) with the management, training and development, wellbeing and health and safety of all the staff within Legal Commercial sub-team as far as is reasonably practicable. 9. To contribute positively to, and actively promote, the Council’s reputation and image as a top performing local authority and good employer. 10. To actively promote and participate in the Council Strategy, Climate Change Action Plan and delivery of the Commercial Strategy. 11. To advise on and assist with information requests relating to the Councils’ obligations under the Freedom of Information Act and Environmental Information Regulations. 12. To utilise any technology implemented in the Team for maximum efficiency and effectiveness and to identify and help implement continual improvements in the team systems and processes. To support change projects where necessary. 13. To notify the Team Leader: Commercial, Legal Services Manager and Head of Legal and Governance Services and of any instructions or events that would result in a breach of any legislation, common law, the Constitution or would amount to maladministration. 14. To perform such other duties appropriate to the role as may reasonably be determined by the Legal Services Manager and/or Team Leader: Commercial commensurate with the level of the post. 15. To respect the confidentiality of material which is provided in the course of performing your duties. To keep this material confidential during and after your employment with the Council has ceased. 16. This post is designated a Politically Restricted Post under the Local Government and Housing Act 1989.   The holder is therefore disqualified from becoming or remaining a member of a local authority (excluding town, parish or community councils), the House of Commons or the European Parliament. |
| **Will I be managing others?** No direct line management responsibilities. Postholder will be required to supervise the work of other lawyers within the Commercial sub-team. |
| **Who do I report into?** Team Leader: Commercial |

|  |
| --- |
| **PROGRESSION & DEVELOPMENT** |
| **What are the development opportunities for me?**   * Developing skills and gaining experience in management and leadership * To develop a greater in-depth legal knowledge of the areas relevant to the role * Coaching opportunities * Networking – inside and outside the organisation * Professional qualifications relevant to the role * Gaining a greater insight in Local Government. |
| **How will I know I am being successful in this role?**   * Supporting the Council in achieving its Council Strategy aims and objectives. * Accomplishing the objectives as set out in Service Delivery Plan for Legal Services. * Contributing towards the Team achieving and/or maintaining a Lexcel accreditation (or similar). * Establishing and maintaining positive relationships across the Councils. * Meeting any required performance management indicators under the Shared Legal Service arrangements. * Delivering an effective and cost-efficient Legal Service. * Relevant deadlines are met and adhered to * Positive feedback from client departments and/or instructing officers * Through regular feedback and the Council’s appraisal system. |
| **What is the required learning for me in this role?**   * Mandatory all staff training. * Required learning to meet relevant CPD requirements to maintain legal professional status and practising certificate. * To be familiar with the Legal Team’s standard processes and practices; * Training on the use of the Legal Team’s Legal Case Management System(s). * A good understanding of each Councils’ Constitution and governance processes. |

This is an outline job description designed to summarise the key responsibilities of the role and is not intended to cover every task that may be required. It may be subject to change to meet the evolving needs of the organisation.

|  |  |
| --- | --- |
| **Additional Role Requirements (all roles)** | |
| Standards of Conduct | You will be required to comply with the Council’s Standing Orders and Standing Financial Instructions, and at all times deal honestly with the Council, Members, Colleagues and all those who have dealings with the Council, including customers and suppliers.  You must behave with integrity, act lawfully and demonstrate a strong commitment to ethical values.  To positively demonstrate the Wealden values yourself and to continue to build the culture of the Wealden values through the appointment, management, appraisal and development of staff (as well as third party providers). |
| Health & Safety/Risk Management | Wealden District Council’s Health & Safety Policy and other safety procedures and guidelines are deemed part of this job description. Employees must look after their own health, safety and welfare and be mindful of other persons who may be affected by their acts. Employees must co‑operate and comply with management instructions regarding H&S issues and report all accidents, incidents and problems to their supervisor, manager or other senior members of staff, in line with the H&S policies.  You will need to be compliant with the Council’s risk management policies and procedures. These describe the Council’s commitment to risk management, the recognition that our aim is to protect colleagues and visitors from harm, and stress that all colleagues have a responsibility to minimise risk. |
| Governance Standards | Comply with the relevant governance standards applicable to the Council as communicated to the post-holder from time to time. |
| Data Protection | To comply with Council Policies and the Data Protection Act in all respects, with particular relevance to the protection and use of staff and customer information. |
| Confidentiality | Council colleagues are required to ensure that information about customers and staff is safeguarded to maintain confidentiality and is kept securely in accordance with General Data Protection Regulations (GDPR), Data Protection Act 2018 (DPA18). The Council’s Data Security and Protection policy ICT policies provide guidance on how this can be achieved. |
| Communication | To encourage innovation and positive challenge through effective involvement, motivation and communication with Officers, Members, Partners and other Stakeholders, actively promoting the Council’s reputation and image as an employer of choice. |
| Digital/  Records Management | To direct the identification, development and implementation of digital and other systems and procedures which are aligned to the Council’s Drive to Digital Strategy and are shaped to reflect our customers’ and stakeholders’ needs.  To maintain Council customer and staff records (both paper and electronic) in accordance with Council policies. |
| Freedom of  Information | To provide advice and assistance to all persons who propose to make, or have made requests for information, and to ensure all requests for information are managed appropriately in accordance with Council Freedom of Information procedures. |
| Security | To comply with Council policies to ensure there is a safe and secure environment that protects Members, staff and visitors and their property, and the physical assets and the information of the organisation. |
| Other duties | Participate in such non-routine duties as elections and Emergency Planning as directed by the Chief Executive to include, where appropriate, the setup of a Rest Centre. |
| Freedom to Speak Up  (Whistleblowing) | You have responsibility for customer and staff welfare and should raise any concerns relating to a breach of Council policies and procedures with your manager or refer to HR for alternative options. |
| Environmental Impact | You will ensure compliance with the Council’s environmental management policies and procedures. These describe the Council’s commitment to climate change and carbon management, the recognition that our aim is to protect the environment and the use of natural resources that all staff have a responsibility towards. |
| Performance review | This Job Description will be used as a basis for individual performance review between you and your line manager.  The Job Description covers only the key result areas and, as such, does not intend to provide a comprehensive list of objectives. Specific objectives will be reviewed each April and may develop to meet the changing needs of the service. You will need to take due account, in the way they achieve the key result areas, of Council policies and procedures. |
| Equality and Diversity | To take responsibility and comply with the Council’s Equal Opportunities policy (which makes a commitment to promote equal opportunities and equality of all protected characteristics in Wealden), Officers’ Code of Conduct, Data Protection and other relevant policies, procedures and legislation, to ensure these are embedded and applied throughout the service in both service provision and employment issues. |

|  |
| --- |
| **PERSON SPECIFICATION** |

| **CRITERIA** | **ATTRIBUTES** | **ESSENTIAL** | **DESIRABLE** | **ASSESSED BY**  **Application Form / Interview / Practical Assessment** |
| --- | --- | --- | --- | --- |
| **Knowledge & Experience** | Experience of working within a Local Government environment |  | X | Application Form and Interview |
| Significant commercial and contract law experience within a legal practice or in-house legal team or equivalent advising on commercial contract arrangements. | X |  | Application Form and Interview |
|  | Relevant experience of advising on matters relating to data protection. | X |  | Application Form and Interview |
|  | Relevant experience on advising on matters relating to public procurement | X |  | Application Form and Interview |
| Relevant experience advising on matters relating to subsidy control |  | X | Application Form and Interview |
| Extensive experience of giving written and oral legal advice | X |  | Application Form and Interview |
| Experience of working within a Local Government environment |  | X | Application Form and Interview |
|  | Extensive knowledge of law relating to commercial contracts. | X |  | Application Form and Interview |
|  | Knowledge and understanding of data protection legislation. | X |  | Application Form and Interview |
|  | Knowledge of public procurement law. | X |  | Application Form and Interview |
|  | Knowledge of subsidy control. |  | X | Application Form and Interview |
|  | Occupational Requirement to have a command of spoken English sufficient for effective performance. Applies to public facing roles where regular face-to-face or telephone contact is intrinsic to the role | X |  | Application Form and Interview |
|  | Knowledge of local government and administrative law |  | X | Application Form and Interview |
| **Skills** | Proactive and self-motivated, able to work with minimal supervision. | X |  | Application Form and Interview |
| Good interpersonal skills to enable effective communication with the public, staff, client departments and Members. | X |  | Application Form and Interview |
| Good influencing skills in order to motivate staff and advise client departments and members on appropriate courses of action. | X |  | Application Form and Interview |
| A high level of literacy, numeracy and IT skills. | X |  | Application Form and Interview |
| Evidence of proven written and verbal communication skills from previous work experience or recognised qualification. | X |  | Application Form and Interview |
| Ability to work well in a Team. | X |  | Application Form and Interview |
| Ability to work with minimal supervision and able to organise and manage own workload. | X |  | Application Form and Interview |
| **Qualifications/**  **Education** | Qualified solicitor or barrister, or Fellow of the Chartered Institute of Legal Executives, with a current practising certificate. | X |  | Application Form |
| Law Degree or equivalent | X |  | Application Form |
| Full UK Driving Licence | X |  | Application Form |
| **Personal Qualities** | Flexible and approachable | X |  | Application Form and Interview |
|  | High personal integrity and standards. | X |  | Application Form and Interview |
|  | Demonstrate exemplary levels of ethical conduct and behaviour. | X |  | Application Form and Interview |
|  | Proven ability to work under pressure and to strict deadlines | X |  | Application Form and Interview |

**This post is designated a Politically Restricted Post under the Local Government and Housing Act 1989.**

**The holder is therefore disqualified from becoming or remaining a member of a local authority (excluding town, parish or community councils), the House of Commons or the European Parliament.**

