



## JOB DESCRIPTION

**Form  
JD1**

<b>JOB TITLE:</b> Senior Solicitor – Planning & Environment		<b>POST NUMBER:</b> 1305FRV (XLEPP055)	
<b>REPORTS TO (Job Title):</b>		Legal Services Manager – Corporate Governance	
<b>DEPARTMENT:</b> Legal Services		<b>GRADE:</b> 11	
<b>JE REF:</b>	0217	<b>PANEL DATE:</b>	19/05/2010
<b>1.</b>	<b>MAIN PURPOSE OF JOB</b>		
	<p>To provide legal advice and assistance and representation to the Council on all aspects of Planning law, Highways law, Licensing law, Leisure law, Public Rights of Way law, Road Traffic law, Criminal law and other areas of law as required, including Information law.</p>		
<b>2.</b>	<b>CORE RESPONSIBILITIES, TASKS &amp; DUTIES:</b>		
	<ul style="list-style-type: none"> <li>• Advising Chief Officers, other colleagues and elected Members on all aspects of the following separate and diverse areas of law:               <ul style="list-style-type: none"> <li>(a) Planning law</li> <li>(b) Highways law</li> <li>(c) Public rights of way law</li> <li>(d) Licensing law</li> <li>(e) Leisure law</li> <li>(f) Criminal Law</li> <li>(g) Information law</li> <li>(h) Local government law</li> </ul> </li> </ul> <p>To provide professional legal advice as circumstances require on all other areas of law outside the post-holder’s designated areas, such as defamation and copyright law.</p>		
	<ul style="list-style-type: none"> <li>• Attending and advising planning committees, licensing committees, environmental appeals panels and licensing hearings on all matters of law, practice and procedure that arise, including subsequent approval of minutes and decision letters.</li> </ul>		
	<ul style="list-style-type: none"> <li>• To manage and progress a substantial personal caseload of complex work for client departments. At any one time, they may hold a number of cases in their portfolio.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Management of all legal aspects of cases before courts, tribunals, and inquiries within the designated areas of work, including advice as to tactics, procedure and possible terms of settlement.</li> </ul>		

	<ul style="list-style-type: none"> <li>• Drafting and preparation of documentation including court papers, applications and proceedings for courts, tribunals and inquiries within all designated areas of law.</li> </ul>
	<ul style="list-style-type: none"> <li>• Preparing contentious cases for effective presentation to court, tribunal or inquiry</li> </ul>
	<ul style="list-style-type: none"> <li>• Being responsible for the coalition of evidence to put before the Court.</li> </ul>
	<ul style="list-style-type: none"> <li>• Meeting with, advising on and drafting proofs of evidence/witness statements from Members, officers and members of the public</li> </ul>
	<ul style="list-style-type: none"> <li>• Representing the Authority in hearings in the Magistrates' Court and at public inquiries</li> </ul>
	<ul style="list-style-type: none"> <li>• Conduct of preliminary, strike out and case management hearings at court, tribunals or inquiries on all contentious matters within the designated areas of work.</li> </ul>
	<ul style="list-style-type: none"> <li>• Advocacy at substantive and contested hearings at court, tribunals and inquiries.</li> </ul>
	<ul style="list-style-type: none"> <li>• Making proper choice of Counsel where necessary in a particular case and thereafter briefing Counsel fully to ensure that all relevant issues are addressed and that there is proper representation of the authority's interests.</li> </ul>
	<ul style="list-style-type: none"> <li>• Drafting, negotiating, interpreting and advising on commercial contracts and a comprehensive range of legal documentation, including highly complex and high-value section 106 development agreements, together with statutory notices and orders.</li> </ul>
	<ul style="list-style-type: none"> <li>• Conducting negotiations with external parties and their legal advisers.</li> </ul>
	<ul style="list-style-type: none"> <li>• Conduct or participate in multi-professional teams at a senior level.</li> </ul>
	<ul style="list-style-type: none"> <li>• Identifying new statute, case law and procedural developments relevant to this post and advising clients accordingly. Undertaking all legal research duly sought by client departments and management as and when required, often urgently.</li> </ul>
	<ul style="list-style-type: none"> <li>• To anticipate the implications of legislative changes on working practices within the various client departments.</li> </ul>
	<ul style="list-style-type: none"> <li>• Ensuring full compliance with the requirements of the Council's current legal framework agreement whereby external solicitors carry out professional work on behalf of the authority and the monitoring of that work.</li> </ul>
	<ul style="list-style-type: none"> <li>• To design, prepare and deliver training to officers and Members of the Authority to enhance their knowledge relating to their functions and work within the post-holder's designated areas of law and practice.</li> </ul>
	<ul style="list-style-type: none"> <li>• Supervise and train trainee solicitors, law students, legal assistants and legal support staff, allocating case work appropriately.</li> </ul>
	<ul style="list-style-type: none"> <li>• Advising elected Members as to declarations of interest and conduct to ensure that they comply with the Standards Board Code of Conduct.</li> </ul>
	<ul style="list-style-type: none"> <li>• Ensuring enhanced level of professional skills and knowledge by keeping abreast of developments in practice, procedure, statute and case law.</li> </ul>



The post-holder is frequently required to give immediate advice under pressure and in public at committee in response to unique and unpredictable situations arising, in consequence of matters raised by Members at committee.

In the conduct of advocacy on behalf of the Authority, the post-holder is required to use initiative and be highly creative and innovative in the presentation of the case to the court, tribunal or inquiry and to think quickly in difficult and unexpected situations that arise during hearings, to ensure successful advancement of the case.

The post-holder will regularly interpret complex commercial contracts and legal documentation and advise the client as to its impact and potential responses.

The post-holder is regularly required to draft or adapt and improve highly complex and challenging high-value commercial contracts and section 106 development agreements relating to major development schemes, in addition to other non-routine legal proceedings, orders and statutory notices.

The post-holder is required to be imaginative in negotiating commercial agreements with external Solicitors and the resolution of contentious matters on behalf of client departments to enhance and protect the Authority's business interests.

The post-holder is required to comprehend complex new legislation and to develop and synthesise its application to the benefit of the Council.

The post-holder is frequently required to undertake creative and effective legal research on a variety of matters within the wide range of designated areas of law and to apply the results achieved to the legal issues to be resolved.

The post-holder is required to make a proactive contribution towards the development of new and innovative processes or work methods and protocols for the discharge of the Authority's statutory functions, duties and responsibilities in the various areas of work.

The post-holder is required to be creative and innovative when considering and advising on the development of procedures and policies of the Authority within his/her various work areas.

A high level of creativity and innovation is required from the post-holder in the design and presentation of Member and staff training in the appropriate form.

**5. CONTACTS & RELATIONSHIPS**

**Internal**

The following contacts in the course of providing professional legal advice on all aspects of the post-holder's areas of work: occasional contact with the Chief Executive. Daily contact with Directors, Heads of Service, senior managers and other officers in the Authority; regular contact with committees and Members. The contact involves the provision of legal advice and support, usually in meetings, on a frequent and urgent basis on strategic and policy issues relating to planning, highways and licensing matters and the post-holder's other designated areas of law. Such contact requires a high level of support and expertise to deal with a range of complex legal issues, to ensure that the Authority acts appropriately in line with its statutory responsibilities. Failure to do so could result in serious financial repercussions for the Authority.

The frequent provision of professional legal advice and support on such matters direct to Members, for example at Chair's briefings prior to Planning Committee.

The frequent provision of formal legal advice in a public forum, for example to the Authority's committees.

The provision of training seminars for Members and officers as required on the law, practice and procedure relating to planning, highways, licensing law and the post-holder's other designated areas of law.

**External**

Regular contact with external Solicitors, Counsel, litigants in person, District Judges, Magistrates, clerks and listing officers of the Magistrates' Court, developers, planning agents, planning inspectors and members of the public, exchanging information and negotiating matters in connection with case work. Regular attendance at Law Society professional special interest groups for Solicitors.

Frequent contact and sensitive discussions with members of the public at public meetings such as committees, public inquiries and licensing hearings, at site visits, ward meetings and at taxi licensing appeals hearings.

Being responsible for the obtaining of witness statements from members of the public.

Regular contact with Counsel, expert witnesses, Police, Court staff, the Planning Inspectorate, Magistrates and Judges in relation to a range of contentious legal matters requiring support, advocacy and sensitivity. Such contacts take place in a variety of locations, such as at Court and public inquiries.

	<p>Regular contact with members of the public involved in contentious matters (such as claimants, litigants in person and respondents in court proceedings, objectors at public inquiries) who may be angry or upset, informing them of the Authority’s position. On occasion members of the public are not represented by a Solicitor and, therefore, the post-holder will have to engage formally with them. The member of the public is often angry and/or stressed which the post-holder will have to deal with.</p> <p>The post-holder is required to develop effective professional working relationships of trust and cooperation with all such internal and external contacts. Contacts involve advising, fact-finding, interviewing, influencing and providing information. In particular, contact with Members and Committees requires the post-holder to handle politically sensitive situations that involve Members directly.</p>
6.	<p><b>DECISIONS – discretion &amp; consequences</b></p> <p><b>Discretion</b></p> <p>The post-holder has wide discretion in providing legal advice and assistance on all aspects of the legal matters within the post-holder’s expertise.</p> <p>The post-holder often needs to respond to urgent requests for legal advice and assistance without reference to others.</p> <p>The post-holder will have complete discretion to manage and prioritise their own work to ensure a responsive legal service that meets the constant demands of client departments.</p> <p>The post-holder has wide discretion in the structuring of commercial agreements.</p> <p>The post-holder has wide-ranging discretion concerning the interpretation of the law and the examination of various options and solutions. As a regular feature of the work, the post-holder is required to exercise judgement and recommend appropriate courses of action across a wide range of subject areas, subject to statutory requirements, the Authority’s policy and the professional code of conduct for Solicitors.</p> <p>The post-holder is responsible for determining whether prosecutions by the Authority are in the public interest in accordance with the Attorney General’s advice.</p> <p>The post-holder is required to give immediate advice to Members at committee in relation to their declaration of interests pursuant to the Code of Conduct, in order that Members avoid censure by the Standards Board.</p> <p>The post-holder has some discretion in the negotiation and resolution of disputes and legal proceedings, subject to clients’ instructions.</p>

The post-holder is required to anticipate proactively all legislative and case law developments that might impact on the work of clients and to advise clients as appropriate.

The post-holder will recognise the implications of policy changes and recommend appropriate responses.

The post-holder has discretion in the instruction/selection of Counsel and in the negotiation of their fees.

### **Consequences**

The post-holder has direct influence and input into day-to-day impartial decision-making and the smooth running of the Authority by the submission of specific advice in the designated work areas.

Managers and Members depend upon the legal advice they receive from the post-holder and act upon it in reliance of the interpretation of the legal powers and duties which frame the delivery of the Authority's services to its citizens and customers. Senior officers need to have the confidence to act upon the professional, expert legal advice provided to them by the post-holder on difficult matters.

The post-holder gives direction as to how the Authority's employees and Members should comply with the law and fulfil their statutory obligations and powers appropriately. The post-holder accepts responsibility for the implications of giving such advice.

The quality and success of the post-holder's professional advice, decisions and support have a positive and significant impact on the reputation and success of the Authority by ensuring that the Authority observes the highest standards of integrity, acts in a lawful manner and is not vulnerable to legal challenge.

The consequences of inappropriate courses of action are considerable in terms of their consequential legal risk and potential financial impact on the Authority and on its reputation and which the post-holder is instrumental in seeking to avoid. For example, the post-holder is required to provide strategic legal advice on major and politically sensitive planning applications such as the redevelopment of Terry's site, major affordable housing schemes at Derwenthorpe and Germany Beck and the University expansion. A failure to accept the post-holder's legal advice or the giving of inappropriate legal advice would potentially have serious consequences for the Authority both financially in terms of lost planning gain contributions, costs and awards of damages and significant adverse publicity.

High-value commercial contracts and agreements entered into by the Authority, legal orders, statutory notices and other documentation relating to statutory procedures must be properly drafted, prepared and executed in order to achieve their intended business purpose and to protect the Authority from legal challenge or judicial review.

	<p>Expert legal advice on major policies and procedures of the Authority in the designated areas of work contributes to more robust policies which are less likely to be challenged.</p> <p>When giving advice and making recommendations, the post-holder is required to be aware of the Authority's wider policies and programmes in the context of which that advice could be implemented.</p> <p>Submission of timely advice and subsequent early settlement of cases saves legal costs for the Authority, which in some cases could be significant.</p>				
7.	<p><b>RESOURCES – financial &amp; equipment</b>  <i>(Not budget, and not including desktop equipment.)</i></p> <table border="0"> <tr> <td style="text-align: left;"><u>Description</u></td> <td style="text-align: left;"><u>Value</u></td> </tr> <tr> <td>None</td> <td>None</td> </tr> </table> <p>To ensure that the resources made available for the Legal Services function are managed and organised imaginatively and cost effectively to provide a professional, quality service to the benefit of the Authority and its citizens and customers.</p>	<u>Description</u>	<u>Value</u>	None	None
<u>Description</u>	<u>Value</u>				
None	None				
8.	<p><b>WORK ENVIRONMENT – work demands, physical demands, working conditions &amp; work context</b></p> <p><b>Work demands</b></p> <ul style="list-style-type: none"> <li>• The post-holder will be required to prioritise frequently changing and conflicting demands from various client departments in a flexible, adaptable and responsive approach, including responding to statutory or court deadlines relating to proceedings as well as dealing with regular interruptions which may require urgent action, e.g. urgent attendance at Committee.</li> <li>• High level of responsiveness is required to reprioritise workload and adapt to constant interruptions and requests for legal advice and assistance.</li> <li>• Must work under constant pressure to meet deadlines and timescales, many of which are fixed and statutory, especially relating to planning inquiries and court proceedings. The post-holder is aware that the Authority will face financial penalties if court cases are struck for failure to meet deadlines. In the case of failure to meet deadlines, the post-holder could also be struck off the register by its professional body (the Solicitors Regulation Authority or the Bar Council), in addition to facing disciplinary proceedings from the Authority.</li> <li>• The post-holder deals with members of the public dealing with sensitive issues and circumstances that they find stressful, such as litigants in person in contentious matters.</li> </ul>				

	<ul style="list-style-type: none"> <li>• The post-holder will be fully aware and committed to the development and delivery of professional legal advice to meet the Authority's needs.</li> <li>• Regular work outside normal office hours is essential to support the proper functioning of the Authority's committees, such as attendance at evening committees.</li> </ul> <p><b>Physical demands</b></p> <ul style="list-style-type: none"> <li>• The post-holder will be required to lift and carry heavy cases of Court and public inquiry files and bundles of documents to meetings, Court and public inquiries. The post-holder must also wear clothing that is appropriate to appear in Committees, public inquiries and Court.</li> </ul> <p><b>Working conditions</b></p> <ul style="list-style-type: none"> <li>• Normal office environment, site visits and attendance at committees, courts and public meetings.</li> </ul> <p><b>Work context</b></p> <ul style="list-style-type: none"> <li>• No significant risks to personal safety or wellbeing arising from the working environment are envisaged although there are occasional direct dealings with difficult and aggressive members of the public.</li> </ul>
9.	<p><b>KNOWLEDGE &amp; SKILLS</b></p> <p><u>Qualification</u> – The post-holder will be educated to university degree level and/or post-graduate professional qualification. The post-holder will be admitted as a qualified solicitor registered as practising with the Law Society with a current practising certificate or qualified barrister and will be expected to maintain an Practising Certificate through continuing professional development.</p> <p>Significant and thorough post-qualification knowledge of and practical experience in the distinct designated areas of law.</p> <p><u>Knowledge</u>  Thorough professional mastery of a wide range of areas of law and areas, including:  Planning law  Highways law  High value, complex contracts  Public rights of way law  Criminal Law  Licensing law  Leisure law  Information law  Local Government Law.</p>

This knowledge needs to be regularly updated by continuous professional development as required by the Law Society.

Sound knowledge of the law and practice relating to local government and of the general legal framework.

Detailed and thorough knowledge of the practice and procedure of the Magistrates' court, tribunals and public inquiries.

Detailed and thorough knowledge of the Court civil procedure rules for contentious matters.

### Skills

The post-holder will have the following skills: -

A high level of problem solving skills, deploying these on behalf of the client service where necessary and including the ability to plan long-term solutions.

Undertaking the responsibilities of the post with a high degree of initiative and responsibility.

Good, recent and thorough practical experience of planning, highways, licensing, leisure, public rights of way, road traffic, information and local government legal work at the highest level.

A proven track record of delivering high quality, influential legal advice and assistance and providing client satisfaction.

Working in multi-professional teams at a senior level, contributing legal advice and problem solving.

Thorough and assiduous approach towards the analysis and resolution of a wide range of legal problems in a local government context. Ability to analyse highly complex legal issues and present sound, practical solutions.

Ability to grasp and assimilate new information quickly.

Good advocacy skills.

Proven high level of negotiating, reasoning and presentation skills.

Excellent written and verbal communication and presentation skills demonstrating an understanding of the relevant law. The ability to deliver accurate and dependable legal advice in an easily understandable way, often under pressure of deadlines.

Conducting meetings and making presentations, including to committees.

<p>Ability to give specific, clear and persuasive legal advice at committee in an authoritative manner and under pressure in difficult situations.</p> <p>Ability to negotiate and interpret complex commercial and other documentation.</p> <p>Excellent skills in drafting complex commercial development agreements and other legal documentation in a clear and unambiguous way, which meet the client's requirements and is secure and enforceable.</p> <p>Good research and analytical skills and ability to comprehend complex new legislation and synthesise its practical application.</p> <p>An ability to interact positively with clients and Members and to establish productive working relationships with people and organisations at different levels inside and outside the Authority.</p> <p>The ability to work as part of a team and a willingness to seek improved ways of working.</p> <p>Ability to work flexibly, fast and under pressure, using initiative and adapting a proactive approach.</p> <p>Ability to organise, prioritise and manage heavy workloads effectively to prioritise conflicting demands of the work and ensure all required deadlines are met.</p> <p>Able to undertake the work required with minimum supervision and direction. General skills relating to self-management at work and workload management</p> <p>Applying learning from complex training to carry out the responsibilities of the job.</p> <p>Detailed understanding of the practical needs of client departments and the context within which they work. Excellent knowledge and understanding of senior management requirements.</p> <p>Anticipating and interpreting new legal developments regularly.</p> <p>Good I.T. skills, including internet research tools and time costing/case management systems.</p> <p>Ability to supervise staff within the Legal Department.</p> <p>Ability to train staff within the Legal Department.</p>
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**10. Position of Job in Organisation Structure**

