**JOB DESCRIPTION**

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| **Post Title**: Senior Lawyer (Housing and General Litigation) | | | |
| **Department**: Corporate Core | | **Post No**: | |
| **Division/Section**: Legal & Democratic Services | | **Post Grade**: 13 | |
| **Location**: Town Hall, Knowsley Street, Bury/Agile | | **Post Hours**: 37 hours per week Monday to Friday (Flexitime scheme in operation) | |
| **Special Conditions of Service**: Attend at meetings as required, including occasional evening meetings. | | | |
| **Purpose and Objectives of Post**: Ensuring the effective execution of legal work and the provision of legal advice to Elected Members, the Departments of the Council, its related service providers or its Committees with particular emphasis on housing and general litigation. | | | |
| **Accountable to**: Director of Law and Democratic Services/Council Solicitor. | | | |
| **Immediately Responsible to**: Head of Legal Services | | | |
| **Immediately Responsible for**: n/a | | | |
| **Relationships: (Internal and External)**  **Internal**  Elected Members, Chief Officers/Senior Management, Officers within all Departments of the Council and other related Council service providers e.g. ALMO’s, LATCO’s, schools, etc  **External**  Solicitors in private practice, Counsel, Government Departments, Other Local Authorities Court Officials, Members of Parliament, Members of the public and Outside Agencies and Professional Bodies | | | |  | |
| **Control of Resources**:  The payment of Court fees, Counsel’s fees and witness expenses; and the recovery of costs and fees where appropriate.  Responsible for ensuring the security of all files, equipment, computer data and software. | | | |
| **Duties/Responsibilities**:   1. Provide oral and written legal advice to instructing departments and related Council service providers, in relation to procedural issues, policy matters, statutory duties/powers and in individual cases, on matters relating to housing and other areas of general litigation encompassing:- 2. Consideration of relevant law 3. Consideration of available evidence and obtaining expert opinion where appropriate 4. Consideration of the range of possible courses of action 5. Where appropriate the briefing of Counsel.   To undertake the conduct of litigation in the civil and criminal courts/tribunals including the County Court and Magistrates’ Court, connected with housing and other areas of general litigation on behalf of the Council and other related Council service providers, encompassing:- (i) the receipt and consideration of case evidence; (ii) consideration of the relevant law; (iii) consideration of possible courses of action; (iv) drafting and issuing of pleadings, documents and notices as required by  statute, case law and civil/criminal procedure rules; (v) interviewing witnesses, taking instructions and preparation of witness  statements; (vi) filing evidence in accordance with civil/criminal procedure rules; (vii) securing the services of a process server and arranging for the service of  pleadings, documents and notices as required; (viii) liaison with the relevant court/tribunal in relation to fixing hearing dates; (ix) preparation of cases for hearing including preparation of statement of costs  and bundles; (x) securing the services of Counsel where appropriate and briefing Counsel  accordingly; (xi) appearing in the relevant court/tribunal as advocate where appropriate; (xii) ensuring instructing departments are kept advised as to progress and  understand the effects of any Court/Tribunal Orders made;  (xiii) conducting negotiations to obtain the best possible terms where appropriate; (xiv) dealing with cases on appeal or by way of case stated; (xv) maintaining relevant file notes/records; (xvi) repaying awards of costs and damages/penalties; (xvii) conduct related correspondence with other party or their representatives.  Advise on changes in legislation, Government guidelines and significant case law decisions which may affect procedures, policies, service provision and/or individual cases;  Advise on the drafting, creation, development and revision of policy and procedure documents/guidelines in respect of practice and statutory duties.  Ensure accurate and adequate legal advice is given in relation to enquiries/queries from Elected Members. | | | |
| Notify the Council Solicitor and Head of Legal Services of any actions which may place the Council and/or related Council service providers at risk of litigation/judicial review or of a charge of maladministration.  Consider draft Committee reports prepared by instructing departments and/or related Council service providers and advise on any legal issues arising there from.  Attend, prepare and present reports and act as legal adviser to any of the Council’s committees/panels as required.  Undertake all necessary liaison with Court/Tribunal officials, Counsel, Solicitors in private practice, Agents, and any other external organisation/agencies as required in order to execute instructions from instructing departments.  To act as a point of reference and give professional advice and training to other staff within Legal Services and their specialist area.  Deliver training courses as to the law and practice as required.  Comply with quality systems adopted by the Legal Services Team.  Conduct cases within Case Management Software System operated by the Legal Services Team.  Undertake continuing professional development as required.  Assist the Council Solicitor and Head of Legal Services with the recruitment and selection of staff.  **Safeguarding:**  As an employee of Bury Council you have a responsibility for, and must be committed to, safeguarding and promoting the welfare of children, young people and vulnerable adults and for ensuring that they are protected from harm.  **Equality Diversity and Inclusion:**  Bury Council is committed to equality, diversity and inclusion, and expects all staff to comply with its equality related policies/procedures, and to treat others with fairness and respect.  **Health and Safety:**  The post holder is responsible for Employees Duties as specified with the Corporate and Departmental Health and Safety Policies.  Where an employee is asked to undertake duties other than those specified directly in his/her job description, such duties shall be discussed with the employee concerned who may have his/her Trade Union Representative present if so desired. (See paragraph 203 of supplemental Conditions of Service) | | | |
| **Job Description prepared by:**  **Janet Witkowski** | **Sign:** | | **Date:** | |
| **Agreed correct by Postholder:** | **Sign:** | | **Date:** | |
| **Agreed correct by Supervisor/Manager:** | **Sign:** | | **Date:** | |

**CORPORATE CORE**

**SENIOR LAWYER (HOUSING & GENERAL LITIGATION)**

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| **SHORT-LISTING CRITERIA** | **ESSENTIAL** | **DESIRABLE** |
| Qualified Solicitor, Barrister or Chartered legal Executive | ✓ |  |
| Substantial knowledge and experience of civil litigation | ✓ |  |
| Substantial knowledge and experience of housing law | ✓ |  |
| Knowledge and experience of criminal litigation |  | ✓ |
| Knowledge and experience of commercial property litigation |  | ✓ |
| Experience of advocacy | ✓ |  |
| Experience of advising/reporting to a Committee/Panel |  | ✓ |
| Experience of providing instruction/training |  | ✓ |
| Ability to work as a member of a team | ✓ |  |
| Experience of advising verbally and in writing including on new and/or complex matters | ✓ |  |
| Ability to work with minimum supervision, display initiative and to take responsibility for decision making | ✓ |  |
| IT literate with an ability to use Outlook and case management systems | ✓ |  |

**CRITERIA FOR INTERVIEW AND OTHER ASSESSMENT METHODS**

**The short-listing criteria listed plus the following:**

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| **ASSESSMENT**  **METHOD** | **CRITERIA** |
| **Interview** | Ability to demonstrate types of civil litigation cases undertaken, processes followed, advice given and outcome, together with evidence of advocacy in contested hearings. |
| **Interview** | Knowledge of homelessness obligations on housing authorities. |
| **Interview** | Experience of possession proceedings.  Ability to consider and orally present advice on Housing anti-social behaviour issues.  Excellent communications skills. |
| **Interview** | Knowledge of tools available to deal with anti-social behaviour in general. |
| **Interview** | Experience in magistrates court, demonstrating knowledge of criminal procedure rules, evidence, and advocacy in contested hearings. |
| **Interview** | Knowledge of issues/litigation arising in relation to commercial property e.g. rent arrears, breach of terms, forfeiture, dilapidations etc. |
| **Interview** | Ability to work as part of a team and demonstrate previous experience of this. |
| **Interview** | Ability to demonstrate working under your own initiative, providing advice at a senior level. |
| **Interview** | IT literate with an ability to demonstrate previous experience of using Outlook and case management systems |