

**Manchester City Council  
Role Profile**

**City Solicitor, SS5  
Legal Services, Corporate Core  
Reports to: Strategic Director of Corporate Services and City Treasurer  
(dotted line to Chief Executive)  
Band SS5 - Corporate Management Team**

**Role Portfolio**

**Overall Purpose of the Role**

The City Solicitor reports directly to the section 151 officer City Treasurer. The City Solicitor is responsible for the management of the City Solicitor's Division of the Corporate Services Directorate, which includes the Shared Legal Service for Manchester and Salford City Councils, and Manchester City Council's Democratic, Electoral, Strategic Communications and Registration & Coroner's Services.

The City Solicitor is also the statutory Monitoring Officer for Manchester City Council. The Monitoring Officer is a statutory appointment under the provisions of Section 5 of the Local Government and Housing Act 1989. The role is assigned to the City Solicitor under the provisions of the Council's Constitution (Article 12 and the Scheme of Delegation to Officers).

**Role Context**

As a member of the Corporate Management Team the City Solicitor is required to support the Council to develop and deliver its corporate priorities in accordance with the law and the Council's Constitution.

To provide comprehensive legal advice and support to Manchester and Salford City Councils through Shared Legal Service Arrangements, as well as to external clients (including the Greater Manchester Combined Authority).

To lead all the services in the Division, including the Legal Service for Manchester and Salford City Councils, and the Democratic, Electoral, Strategic Communications and Registration & Coroner's Services within Manchester.

**Key Responsibilities**

Direct support to the Chief Executive and complex caseload related to devolution, Health and Social Care Integration and large scale commercial projects to enable the City to achieve its ambitions around growth.

The Council's Senior Information Risk Officer (SIRO), a senior role responsible for Information Compliance, accountable to the Information Commissioner. Within this role the City Solicitor ensures relevant governance arrangements are in place to

effectively manage information and is responsible for leading and fostering a culture that values and protects information within the Council.

Provide leadership accountability for the full range of legal services for Manchester and Salford City Councils, including but not exclusive to Commercial, Children and Family, Employment, Litigation, Property and Regulatory Law.

Deliver strategic legal planning for the organisation, legal advice and information for service leads and councillors and maintain a sound legal management framework across all services.

Statutory role of Monitoring Officer for Manchester City Council and Ringway Parish Council.

Provide expert legal advice and leadership to ensure legislative changes at national and local level are incorporated into legal planning and delivery.

Represent the organisation at senior level and in external environments in order to drive effective partnership working to achieve outcomes for Manchester, with a high level of involvement and leadership at Greater Manchester level and beyond.

To advise on or oversee personally high-profile matters which have significant implications for the Council.

**Key Role Descriptors:**

This role is part of Manchester City Council's Corporate Management Team, which provides overall leadership to the organisation. This post will have responsibility and accountability for a directorate comprising a group of services which work to deliver Council and citywide priorities.

The role holder will direct and lead cross-boundary working to deliver the most effective and efficient world-class services and the best outcomes possible for Manchester's communities and partners, and ensure that the City plays a full part in national, regional and sub regional activities.

The role holder will drive coordinated working and strategic thinking with partner organisations and on a national level to ensure that Manchester delivers our key political, organisational and strategic priorities.

The role holder will provide leadership, vision and strategic direction in corporate policy development and delivering organisational change, and will be a key driving force in the implementation of Public Service Reform.

Shows passion for Manchester throughout their work and in their behaviour, championing Manchester in everything they do.

Act as lead accountable officer for the relevant statutory area ensuring statutory regulations are upheld to safeguard the organisation and the population of Manchester.

Foster commitment, talent and fresh thinking, challenging yourself and others and take responsibility for their own development and promoting continuous learning to enhance the professional development of employees.

Through personal example, open commitment and clear action, ensure diversity is positively valued, resulting in equal access and treatment in employment, service delivery and communications.

**Where the roleholder is disabled every effort will be made to supply all necessary aids, adaptations or equipment to allow them to carry out all the duties of the role. If, however, a certain task proves to be unachievable, job redesign will be given full consideration.**

## **Behaviours, Skills, and Technical requirements**

### **Our Manchester Behaviours**

- We work together and trust each other
- We're proud and passionate about Manchester
- We take time to listen and understand
- We 'own it' and aren't afraid to try new things.
- We show that we value our differences and treat people fairly

### **Generic Skills**

#### **Communication Skills**

- Speaks fluently and writes articulately, expresses opinions, information and key points of an argument clearly, makes presentations and undertakes public speaking with skill and confidence; responds quickly to the needs of an audience and to their reactions and feedback; projects credibility.
- Negotiates more complex agreements with Council wide impact. Is able to influence and persuade key Council decision makers. Utilises enhanced advocacy skills.
- Reacts positively in opposition and conflict, taking the opportunity to persuade others of own point of view and defends own position with logical and unemotional arguments.

#### **Analytical Skills**

- Application of strong analytical reasoning skills and intellectual focus, taking in the wider external and internal environments. proactively think through problems rather than reactively following a procedure-driven approach.

#### **Problem Solving and Decision Making**

- Ability to react to immediate problems of a highly complex nature with associated risk factors and deliver pragmatic solutions sometimes under extreme pressure.

#### **Strategic Thinking**

- Demonstrates a high level of political awareness and links strategies for continuous improvement with the drive to achieve national, corporate and departmental standards and goals.
- Evidence of thinking cross-functionally and cross-organisationally, beyond one's own professional areas of specialism is important as is the ability to conceptualise new, collaborative ways of achieving shared goals.

#### **Policy Skills**

- Ability to interpret the political context at a national, regional and sub-regional level to identify policy priorities.

**Financial Management**

- Strategic awareness of the financial structure of the Council and the implications of decisions on the delivery of value for money for tax payers.

**People Management**

- The ability to manage a complex range of service areas within a large and significant department and multiple priorities with confidence. Key to success includes being able to maintain focus and objectivity under various conditions and skill in managing and maintaining a multi-priority workload, progressing various strategies and plans over the long term concurrently with an ability to maintain sound judgement under competing priorities and pressure.
- Has ability to secure and direct resources for a wide area with diverse staff with clear risks attached to decisions. Ability to define and articulate a strong sense of purpose and engender commitment across individuals and groups to a set of shared objectives.

**Technical Requirements (Role Specific)**

A Solicitor with entitlement to a Practising Certificate or Barrister qualified to practise with detailed knowledge and application of public sector law.

Willingness to apply for an enhanced DBS check.

The City Solicitor is required to have a detailed knowledge and understanding of the law as it relates to local authorities.

The City Solicitor must be technically competent in all areas of law and the democratic process and protocol to be able to provide clear professional advice to political leaders and senior colleagues including the ability to challenge where legal and professional standards are not being upheld

This post is classified as politically restricted, in accordance with the Local Government and Housing Act 1989, by virtue of both its seniority and its designation as the Council's Monitoring Officer.

## Functions of the Monitoring Officer

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| <b>Maintaining the Constitution</b>                        | The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, staff and the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Ensuring lawfulness and fairness of decision-making</b> | After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function – if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Supporting the Standards Committee</b>                  | <p>The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. The Council has delegated to the Monitoring Officer the following powers to deal with matters of conduct and ethical standards:</p> <ul style="list-style-type: none"> <li>(i) To act as the Council's Proper Officer to receive complaints that Council Members have failed to comply with the Council's Code of Conduct for Members;</li> <li>(ii) To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements for dealing with Complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements") whether to reject, informally resolve or investigate a complaint;</li> </ul> |

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|  | <p>(iii) To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members wherever practicable;</p> <p>(iv) To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances;</p> <p>(v) To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation;</p> <p>(vi) To issue guidance to be followed by an Investigating Officer on the investigation of complaints;</p> <p>(vii) To confirm, after consultation with an Independent Person and in accordance with the Council's Arrangements, an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct for Members;</p> <p>(viii) Where an Investigating Officer's report finds that the Subject Member has failed to comply with the Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek an informal resolution or to send a matter for local hearing.</p> <p>(ix) To grant dispensations from section 31(4) of the Localism Act</p> |
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|                                                                 | <p>2011 if, having had regard to all relevant circumstances, the Monitoring Officer:-</p> <ul style="list-style-type: none"><li>• considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or</li><li>• considers that without the dispensation each Member of the Council's Executive would be prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business to be transacted by the Executive; or</li><li>• considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.</li></ul> |
| <b>Maintaining the Council's Register of Members' Interests</b> | The Monitoring Officer will establish and maintain the Council's Register of Interests of Members and Co-opted Members as required by section 29(1) of the Localism Act 2011 and ensure that it is available for inspection and published on the Council's website as required by the Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Proper officer for access to information</b>                 | The Monitoring Officer will ensure that:<br>(i) executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible, in accordance with                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|                                                                                        | the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; and (ii) non-executive decisions taken under delegated powers, together with the reasons for those decisions and background papers, are made publicly available as soon as possible in accordance with the requirements of the Openness of Local Government Bodies Regulations 2014. |
| <b>Advising whether executive decisions are within the budget and policy framework</b> | The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.                                                                                                                                                                                                                                                                                            |
| <b>Providing advice</b>                                                                | The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.                                                                                                                                                                                                          |
| <b>Freedom of Information Act</b>                                                      | The Monitoring Officer will determine exemptions under Section 36 of the Freedom of Information Act 2000 relating to information which is prejudicial to the effective conduct of public affairs.                                                                                                                                                                                                                        |
| <b>Restrictions on posts</b>                                                           | The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.                                                                                                                                                                                                                                                                                                                                  |

**In addition, the City Solicitor is responsible for the discharge of the functions delegated to the role under the Scheme of Delegation to Officers.**

**The City Solicitor is also:**

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| 1.  | Authorised to act as Solicitor to the Council.                                                                                                                          |
| 2.  | The Clerk to the Independent Education Appeals Panel and authorised to appoint lay members to serve on the Panel.                                                       |
| 3.  | The Monitoring Officer for Ringway Parish Council.                                                                                                                      |
| 4.  | The Senior Responsible Officer on behalf of the Council in relation to Part 1 of the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016. |
| 5.  | Responsible for approving and authorising officers to act as:-                                                                                                          |
| 5a. | An Authorising Officer in relation to Part 2 of the Regulation of Investigatory Powers Act 2000, and                                                                    |
| 5b. | An Approved Rank Verifying Officer in relation to the Investigatory Powers Act 2016.                                                                                    |
| 6.  | The Proper Officer:                                                                                                                                                     |
| 6a. | For the purposes of Sections 225 (Deposit of Documents) and 229 (Certification of Photocopies) of the Local Government Act 1972.                                        |
| 6b. | (Together with the Chief Executive) in respect of declarations of acceptance of office for the purpose of Section 83 of the Local Government Act 1972.                  |
| 6c. | For the Registration of Births, Deaths and Marriages or to nominate, in writing, another officer to be the Proper Officer.                                              |
| 6d. | For Access to Information.                                                                                                                                              |
| 7.  | The qualified person for the purposes of section 36 of the Freedom of Information Act 2000.                                                                             |