**JOB DESCRIPTION**

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| **POST TITLE:** | Homeownership Litigation Officer |
| **GRADE:** | 10 |
| **DIVISION / UNIT:** | Customer and Exchequer Services/ Homeownership Services |
| **DEPARTMENT:** | Finance |
| **REPORTS TO:** | Homeownership Litigation Manager |

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| **PURPOSE OF THE JOB** |

Responsible for initiating legal action against leaseholders and freeholders for the recovery of both capital and revenue service charge debt, mortgage debt, non-residential debt and other council debt, and also be responsible for preparing the Council’s case for presentation to the First-Tier Tribunal (FTT) and Upper Tribunal (Lands Chamber). Representing the Council in both FTT’s and the County Court as both applicant and defendant.

To take the lead on Upper Tribunal matters, briefing Counsel as required.

To act as the deputy to the Litigation Manager and supervise the work of the Homeownership Litigation Assistants.

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| **PRINCIPAL ACCOUNTABILITIES** |

1. To have a thorough knowledge of primary, secondary and tertiary legislation relevant to service charges and homeownership management particularly in the public sector, including in-depth knowledge and understanding of the Landlord and Tenant Acts 1985 and 1987, the Housing Acts 1985, 2004 and 2008, the Housing and Planning Act 1986, the Leasehold Reform, Housing and Urban Development Act 1993, the Law of Property Act 1925, the Commonhold and Leasehold Reform Act 2002 and the Local Government and Housing Act 1989. Remain up to date with professional standards, current best practise and technical knowledge in service delivery.
2. To have a thorough knowledge and understanding of the pertinent case-law relating to homeownership management, in particular those cases that impact on lease/transfer construction, service charge construction, statutory consultation, and service charge demands. To have experience of attending court, First Tier and Upper Tribunal cases.
3. Responsible for initiating legal action against leaseholders and freeholders for the recovery of both capital and revenue service charge debt and also be responsible for preparing the Council’s case for presentation to the First-Tier Tribunal (FTT). To be responsible for litigation on mortgage arrears, non-residential rents and other council debts as required.
4. To negotiate and conclude contractual arrangements and agreements with leaseholders, freeholders, solicitors, barristers and external agencies with regard to the payment of service charges and other council debt.
5. To represent the Council in both FTT’s and the County Court. To prepare all necessary documentation and other evidence for presentation to the Court or FTT, and to ensure that appropriate witnesses are fully prepared, and to represent the Council during the proceedings. To ensure that all timetables for the production of documents, etc. set by the Court or FTT are adhered to and that the evidence produced to support the Council’s case is both accurate and pertinent. To maintain a close liaison with witnesses and ensuring that witnesses called by the Council are fully briefed on the issue being examined.
6. Undertaking research into legal questions arising from the work of the Division, and, if appropriate briefing Counsel and/or Consultants and Expert Witnesses and instructing as and when necessary.
7. To supervise the work of the Homeownership Litigation Assistants. To provide training and development opportunities for the Assistants including shadowing at County Court, FTT and UT.
8. To act at all times within the framework of legislation appropriate to homeownership management and debt collection, and the Council’s policies and procedures relating to service charge, mortgage, non-residential rents and other debt collection.
9. To provide sound and researched advice to strategic and senior officers to facilitate making of informed decisions, and also to the Homeownership Litigation Manager, other Homeownership Litigation Officers and Homeownership Litigation Assistants.
10. Providing advice to Tenant Management Organisations to ensure efficient debt recovery.
11. Providing advice and assistance to Resident Services Officers in regard to taking action for breach of the lease for non-service charge matters. To take the appropriate litigation action for breach of the lease as required.

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| **JOB CONTEXT / REPORTING to:** |

This post reports to the Homeownership Litigation Manager

This post is required to deputise for the Homeownership Litigation Manager where appropriate at the request of the Operations Manager.

Post holder is required to work collaboratively with internal and external stakeholder’s e.g. officers within Homeownership Services, Customer and Exchequer Services and other directorates of Finance, officers from other departments and suppliers, Environmental Services, Legal, Procurement, Audit (internal and external), contractors, external lawyers, courts and tribunals and managing agents, local MPs, Ward Councillors, and resident representatives regarding the provision of services.

**Grade/Conditions of Service**

Contractual hours: 36 hours, Monday to Friday

The employment is subject to a probationary period of twenty six weeks from your start date of employment with Southwark Council, during which time you will be required to demonstrate to the council’s satisfaction your suitability for the position in which you are employed.

**PERSON SPECIFICATION**

The person specification is a picture of skills, knowledge and experience required to carry out the job.

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| **Knowledge, including educational qualifications** | **Essential (E)** | **How assessed (S/ I/ T)** |
| Detailed knowledge and understanding of the pertinent Landlord and tenants Acts, Housing Acts, local Government, Finance and Data Protection acts and how they relate to the public sector leasehold / freehold management and service charges. | E | S/I |
| Exceptional knowledge and understanding of leases, assignments, freehold transfers and relevant legislation. | E | I |
| Knowledge and understanding of the processes of First-Tier-Tribunal, Land Tribunals and Courts. | E | S |
| Experience | | |
| Substantial experience of working in a mixed tenure environment on a large residential portfolio and implementing legislation relevant to leasehold management. | E | S/I |
| Experience of litigation processes including experience of representing an organisation at First tier Tribunal and County Court. | E | S/I |
| Experience of and ability to prepare all relevant paperwork for First-Tier Tribunals and County Court. | E | T |
| Experience of and ability to research topics, obtain information, and co-ordinate and write procedures, reports etc. | E | S/T |
| Experience of and ability to work on own initiative and be self-motivated and committed to providing a service to customers. | E | I |
| Experience of using a wide range of computer packages. | E | T |
| Aptitudes, Skills & Competencies | | |
| Ability to communicate effectively to a very high standard, verbally and in writing. | E | T |
| Ability to effectively prioritise and meet deadlines particularly when faced with changing priorities. | E | S/I |
| A high degree of interpersonal skills, the ability to communicate at several levels. | E | I/T |
| Effective time and project management skills. | E | I/T |
| Ability to construct, analyse and interpret complex and statistical information and exercise judgement. | E | T |
| **Special Conditions of Recruitment** | | |
| Comply with and promote the Council’s Equal opportunities policy | | |
| The post holder on occasions will be required to work outside normal office hours and at weekends | | |

**Key: E** Essential **S** Shortlisting criteria

**I** Evaluated at interview

**T** Subject to test