

JOB DESCRIPTION & PERSON SPECIFICATION

Director Area: Place

Job Ref Number: 03897

Service Area: Communities

Grade: G11

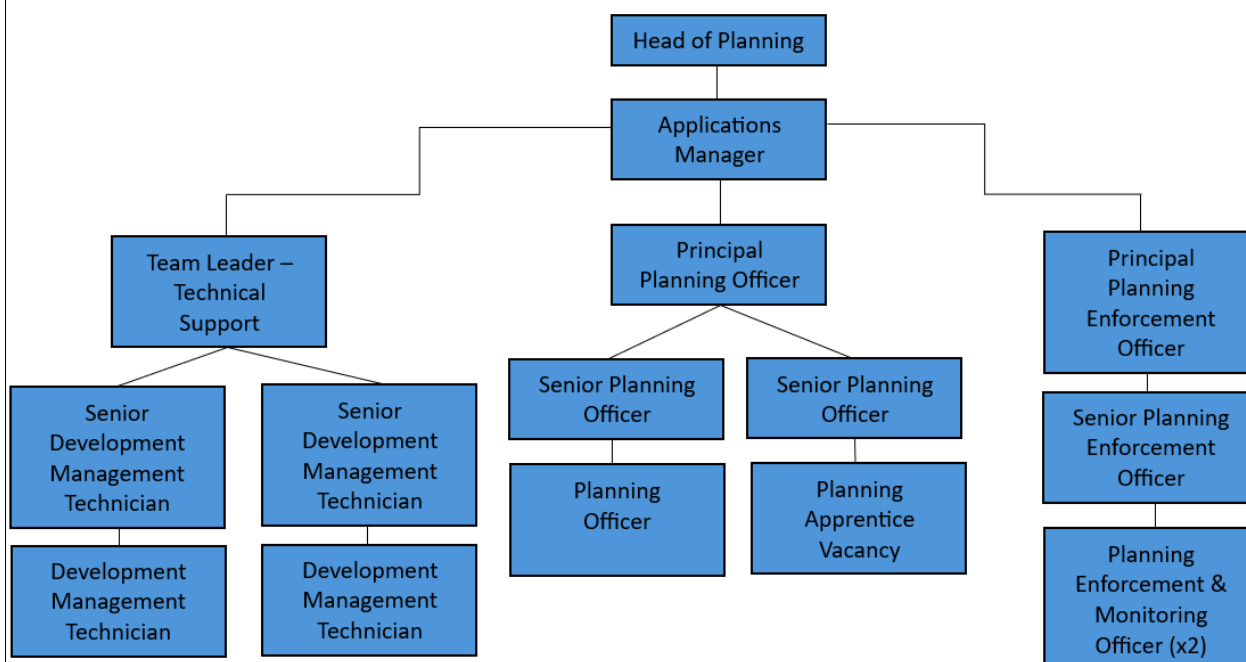
Job Title: Principal Enforcement Officer

PURPOSE OF JOB:

To lead the statutory planning enforcement function of the County Council in relation to mineral/waste development, including:

- the preparation and maintenance of planning enforcement policy and best practice;
- the monitoring of planning requirements at waste management sites;
- the investigation of alleged breaches of planning control;
- the resolution of breaches where appropriate through negotiation;
- when expedient, the taking of enforcement action through the service of statutory notices or through seeking injunctions in the County Court/High Court;
- the processing of enforcement appeals made to the Secretary of State;
- the monitoring of any enforcement requirements that have taken effect; and
- where enforcement requirements are not met, securing compliance through prosecution in the criminal courts or through commissioning direct corrective action.

TEAM STRUCTURE:



MAIN DUTIES:	
1	To lead on the preparation, review and updating of the Lincolnshire Local Enforcement Plan and Planning Enforcement Manual in order to ensure that the Council remains compliant with the National Planning Policy Framework and National Planning Practice Guidance
2	To lead the Planning Enforcement Team and undertake managerial responsibilities for three members of staff, as detailed in the above structure.
3	To lead on the monitoring of waste management sites (which are not covered by the Planning Monitoring Officer) to assess compliance with the planning requirements
4	To lead on the investigation of alleged breaches of planning control at mineral/waste sites, including out-of-hours surveillance and the preparation and service of Planning Contravention Notices (ensuring that the investigations are carried out in accordance with the adopted Lincolnshire Local Enforcement Plan, the Police and Criminal Evidence Act, the Regulation of Investigatory Powers Act and other relevant legislation). Each investigation to be followed by a report making recommendations on whether: - the matter should be resolved without enforcement action (for example by the making of an application for a Certificate of Lawfulness or for retrospective planning permission); or - that the investigations do not meet the expediency test and the case should be closed; or - that enforcement action should be taken. Where a report recommends the issuing of a Stop Notice as part of the enforcement action, this will be backed up by a cost/benefit analysis.
5	Where authorised, to prepare and serve Enforcement Notices, Breach of Condition Notices and Stop Notices setting out the steps to be taken and the time periods for compliance.
6	To process applications for Certificates of Lawfulness (or Proposed Lawfulness), including the assessment of the evidence and the preparation of delegated reports making recommendations for the determination.
7	To deal with appeals to the Secretary of State against the issuing of Enforcement Notices or decisions to refuse Certificates of Lawfulness, including the preparation of statements and the giving of evidence at Public Inquiries.
8	To prepare witness statements for the County Court/High Court in relation to any proceedings in those Courts for applications by the Council for Injunctive Relief or to defend the Council against any challenges to its enforcement decisions.
9	To lead in the monitoring of sites subject to enforcement action to check for compliance with the enforcement requirements, including the preparation of reports setting out the findings and, where breaches are detected, recommendations on further action.
10	Where appropriate, to lead in the commissioning of direct action to secure compliance with the steps of an enforcement notice.
11	To issue and serve Code B notices in relation to criminal searches of land or premises in respect of suspected criminal planning offences, and to prepare background papers for obtaining a court warrant to enter land and premises.
12	To interview suspects under caution where criminal planning offences are suspected, including use of specialist equipment for the audio recording.
13	To be the Council's "Evidence Manager" in respect of criminal evidence relating to planning matters, maintaining the integrity and confidentiality of evidence gathered in respect of criminal investigations. This includes the preparation of prosecution files setting out the Council's case and charges in criminal proceedings and appearance at Court as witness in the criminal planning prosecutions.
14	To prepare letters, memoranda, and reports for members of the public, Council Officers and Elected Members in respect of enforcement investigations, and to provide guidance and advice on planning and enforcement legislation, criminal investigation procedures and the planning enforcement function.

15	To work effectively and in partnership with other enforcement bodies, co-ordinating any monitoring and enforcement activities.		
PERSON SPECIFICATION			
Requirements	Where identified*	Essential	Desirable
Degree in Town and Country Planning, Certificate in Planning Enforcement, or equivalent qualification.	A	✓	
Chartered or Technical Membership of the Royal Town Planning Institute.	A	✓	
Negotiating skills – setting informal requirements for compliance and deadlines.	A/I	✓	
Judgement – being able to evaluate a vast amount of complex information and come to a sound judgement in the presence of multiple variables and possibilities and to express that judgement as soundly and robustly as possible to withstand the possibility of challenge.	A/I	✓	
Literacy – able to express and explain requirements and Policy both verbally and in written form.	A/I	✓	
Numerate – above average levels of numeracy required.	A/I	✓	
Oral presentation – Appeal Inquiry, evidence in Court.	A/I	✓	
Legal – a detailed knowledge and understanding of the Legal System, interpreting legislation, planning case law, criminal law and investigations.	A/I	✓	
Knowledge and ability to assemble a prosecution file with associated witness statements and evidence to secure prosecution.	A/I	✓	
IT – Word processing, document and file management, data input.	A/I	✓	
Management – Enforcement staff and Enforcement Team workload.	A/I	✓	
Detailed knowledge of the Town and Country Planning Act 1990 Part VII (Planning Enforcement), Development Control generally and Planning Enforcement case law.	A/I	✓	
Knowledge of overlapping legislation e.g. Environmental Health legislation, Environmental Protection Act 1990 and associated legislation.	A/I	✓	
Technical knowledge for use of specialist investigative equipment	A/I	✓	

including audio recording of suspects.			
Enforcement and investigation procedures and skills e.g. – Police and Criminal Evidence Act 1984 and Codes of Practice, Criminal Procedure and Investigations Act, Regulation of Investigatory Powers Act 2000. (Gathering evidence, taking formal statements, interviewing suspects, undertaking surveillance etc).	A/I	✓	
Identifying training and skill needs of enforcement staff and recommending such training as part of those persons CPD.	A/I	✓	
Awareness and understanding of the role of other Authorities and Agencies such as District Councils, and in particular, the Environment Agency.	A/I	✓	
Knowledge of the Waste Management and Quarrying Industries and associated technology	A/I	✓	
Interpretation skills of maps and plans	A/I	✓	
A full clean driving licence.	A/I	✓	

*A = Application form T = Test/Assessment I = Interview P = Presentation

GENERAL

The postholder is required to take personal responsibility for contributing to organisational transformation and changes in ways of working, maximising the benefits and efficiencies for both internal and external customers, including the promotion and use of self-service to achieve maximum cost effectiveness.

The postholder is expected to work to the Lincolnshire County Council core values and behaviors and carry out the duties in accordance with Lincolnshire County Council policies.

Other Duties - The duties and responsibilities in this job description are not exhaustive. The post holder may be required to undertake other duties within the general scope of the post. Any such duties should not substantially change the general character of the post. Duties and responsibilities outside of the general scope of this grade of post will be with the consent of the post holder.

Safeguarding - All employees need to be aware of the possible abuse of children and vulnerable adults and if you are concerned you need to follow the Lincolnshire County Council Safeguarding Policy. In addition employees working with children and vulnerable adults have a responsibility to safeguard and promote the welfare of children and vulnerable adults during the course of their work.

