

Post title	Higher Enforcement Officer (Licensing)
Division / Section	Housing and Regulatory Services / Regulatory Services
Department	Place
Responsible To	Team Leader or appropriate line manager
Number of post holders	1
Acting up/ Secondment	This job description does not relate to an acting up or seconded post

Purpose of Job

Required to assist in the delivery of a high quality, customer-focussed enforcement and advisory service in support of the Council's statutory duties and responsibilities relating to Environmental Health, Trading Standards and Licensing.

Investigate and take appropriate enforcement action concerning service requests received from a wide range of customers, including the public, businesses and other internal and external agencies.

Provide advice, assistance, education or guidance to businesses, contractors, and consumers as appropriate. Undertake programmed inspections, sampling, reactive response to service requests and proactive project work.

Undertake duties in compliance with all relevant legislation and in accordance with Council strategies, policies and procedures.

Major Tasks

Required to investigate, assess and enforce legislation. Dealing with service requests, programmed inspections of various types of premises, investigations, test purchases and sampling. This includes devising, planning and execution of projects with specific regard to particular issues within their service area.

Provide advice, guidance and education to businesses/public in the City of Edinburgh regarding compliance with legislation. Assist in the provision of consumer advice or education, where appropriate.

Job Activities

Undertake enforcement work as directed, in line with the requirements of Environmental Health, Trading Standards and Licensing legislation. Including inspections, sampling, test purchasing, surveys, surveillance, investigations, technical testing.

Will be required to gather evidence during investigations of breaches of legislation, in accordance with Scottish Criminal procedures. Interview persons or companies under caution, and where required, take witness statements. This includes corroborating other officers' evidence and actions, etc. Will deal with investigations that are of a more complex nature. Powers include seizing goods or suspending from supply if deemed unsafe.

Prepare and issue warning letters, statutory notices and fixed penalty notices, as appropriate. Provide Civil Enforcement guidance and take action, as appropriate. Attend court to give evidence.

Prepare and submit formal reports to the Procurator Fiscal service, detailing relevant criminal offences and legal arguments. Attend court to provide evidence. In relation to less serious infringements, take appropriate corrective enforcement action in keeping with the Enforcement Concordat and the Council's Enforcement Policies.

Prepare written project reports, including recommendations for future working. Contribute to the operational development of the team, including continuity planning, business or service planning.

Prepare appropriate response to applications received for comment from either the Licensing Board, Licensing Sub-Committee or Planning Committee.

Supervision and Management of People (Numbers and type of staff)

No direct managerial/ supervisory responsibility but will regularly be required to take responsibility for the organisation and deployment of 6 – 8 staff and resources on specific projects, as directed by their Team Leader.

Expected to train and support less experienced staff during their development and will mentor these officers when they undertake their own workloads.

May be required to train underage sales volunteers, supervise them during test purchasing and at all times oversee their safety and welfare.

Creativity and Innovation

Will be required to interpret legislation, codes of practice, statutory guidance and where necessary assist the Team Leader to prepare and introduce revised working procedures to ensure enforcement activities are fully compliant with policies, strategies and statutory requirements, deploying problem solving skills where necessary.

Required to investigate, assess and administer legislation, which necessitates a high level of legal understanding and interpretation. Gathering such evidence may involve appropriate questioning to elicit information required. Required to vary tactics and approach to enforcement, often while dealing with situations on site, to ensure appropriate evidence is collected.

Contacts and Relationships

Will be expected to develop and maintain effective relationships with a diverse range of people and organisations including, officers from other CEC departments and local authorities and public bodies, partner agencies, the public and representatives of the business community.

At certain times have contact with customers who can be challenging and the post holder will be required to resolve conflict, negotiate and suggest alternatives in order to deliver the Council's objectives.

Examples of these contacts:

- Members of the public and business community who regularly require advice, assistance and support in all aspects of Environmental Health, Trading Standards or Licensing activity as appropriate to their service area.
- Liaison with the Procurator Fiscal Service regarding the submission of reports for criminal prosecutions, which will include discussions and provision of related technical reports. Some of which may be complex.
- Liaison with the Public Analyst on technical, analytical and scientific issues related to enforcement activities.

Contacts and communications may be at a high level, dealing with some complex issues, which will often require the use of diplomatic and persuasive skills.

Decisions (Discretion)

Routinely required to interpret legislation, investigate and make decisions regarding legal compliance and instigate appropriate action whilst in the field, assessing both the consequences and the potential remedies available.

Will be required to assess whether enforcement action may be avoidable by providing business advice and recommendations on best practice and compliance obligations and/or issuing a statutory notice, as applicable. When giving advice and guidance to a business, to ensure that the business is aware of the difference between legal obligations and best practice.

Will normally work on their own initiative with limited supervision. Problems are generally required to be solved within agreed procedures and if complex or of an unusual nature, or involving significant value of product would normally be referred to the Team Leader for instruction.

Decisions (Consequences)

Decisions, advice and recommendations made in the execution of duty may have a financial and/or operational impact on business operators, traders and the public.

Decisions may have significant reputational and/or financial impact on the Council, although these will normally be discussed with the Team Leader prior to the taking of any action.

Actions may involve the seizure of documents, unsafe equipment, noise-making equipment, unfit food, and may require prohibition of work activity the immediate closure of food businesses where the officer deems there is an imminent risk to health and safety.



Resources

Responsible for

- Proper use and security of any vehicle assigned to them.
- Proper use and security of higher cost items, e.g. noise and other sampling and monitoring equipment, computers, mobile phones, cameras and PPE

Responsibility for items seized, detained or condemned in the execution of duties, which can be of significant value both financial and evidential.

Environment – Work Demands

Expected to manage their own workload, including special projects, within appropriate deadlines and set objectives.

Re-prioritise work on a frequent basis due to changing deadlines and service requirements.

Will be required to work outwith normal working hours and when necessary will be required to participate in formal standby arrangements.

Environment – Physical

A mixture of office based and field activity. The field work requires certain physical fitness, occasional working in awkward positions, confined and awkward spaces (20 – 25%) and at heights, periodic moving of heavy objects and a certain amount of manual handling (15%).

Environment – Working Conditions

The post incorporates office work and will include long periods of outdoor work. The post holder will be required to make visits to a variety of locations where they may encounter difficult, unpleasant and potentially hazardous working conditions. This could include outside for a substantial period, in freezers or other chillers, poorly ventilated, noxious working environment and in some cases farm yards etc. (60%)

Will in certain circumstances be required to wear specified PPE, including a stab proof vest for personal safety in designated working situations.

Environment – Work Context

Whilst undertaking all duties, will be required for their own health and safety to take cognisance of their environment and to assess the risks associated with their potential working situation.

Will be required to demonstrate resilience when encountering vulnerable individuals or situations.

Qualification

Will hold a qualification equivalent to SVQ4/HND level in a relevant subject e.g. Food Premises Inspection, Food Standards Inspections, Antisocial Behaviour, Consumer Affairs, or Trading Standards for Licensing will hold paralegal qualification.



Health and Safety

The Council must abide by relevant health & safety and employment law, as well as the common law duty of care. All members of staff are required to care for their personal health and safety and that of others who may be affected by their actions or inactions. You are therefore required to carry out your duties in a safe manner in accordance with instructions and in compliance with safety rules/procedures, regulations and codes of practice. You are required to advise your line manager if you become aware of any unsafe practice or condition or if you have any other safety concerns and should comply with accident and near-miss reporting procedures.

If you supervise, manage or lead other staff, you are also responsible for ensuring that the Council's operations are carried out in such a way that ensures, so far as is reasonably practicable, the health, safety and welfare of those staff and that of any others who may be affected. You will therefore conduct relevant risk assessments and assign duties with appropriate instructions, in compliance with safety rules/procedures, regulations and codes of practice. You will address and/or escalate any issues of any unsafe practice, condition or any other safety concerns you identify or that are brought to your attention, taking appropriate advice as necessary and will ensure that accident and near-miss reporting procedures are understood and complied with.

Organisation Structure

(attach structure - specific to area of operation).