



SWINDON
BOROUGH COUNCIL

Role Profile

Job Title: S106 and CIL Monitoring Officer	Role Profile Number: RTN29
Grade: N	Date Prepared: - 02 July 2021
Directorate: Economy & Development	Manager: S106 Planning Obligations & CIL Manager
Structure Chart attached:	Yes
Team	S106 Planning Obligations & Community Infrastructure Levy (CIL) Team

Job Purpose

To undertake the regular update, and keep maintained the Council's s106 agreements and Community Infrastructure Levy 'CIL' monitoring systems to ensure that financial contributions and non-financial contributions towards infrastructure delivery secured are centrally and comprehensively monitored and reviewed for the timely delivery of the infrastructure by developers and/or the Council.

To prepare and issue all relevant legal paperwork and invoices (as appropriate) requesting payment of financial s106 obligations and track their receipt and track compliance of non- financial s106 obligations, and calculate CIL chargeable amounts, issue all relevant CIL paperwork and track payment and assess formally submitted requests for CIL exemptions/relief and consider the validity of evidence submitted in relation to the CIL in lawful use test.

To support the introduction of improvements to the monitoring systems in pursuit of the delivery of infrastructure improvements to benefit the borough.

To provide responses to any general enquires by internal officers of all levels, Members, developers, the general public, solicitors and developers related to specific s106 Deed compliance matters and

Key Accountabilities

1. Monitoring of s106 obligations to include: –
 - i. Extraction and recording of all relevant development contributions from signed planning legal agreements in the Council's planning obligations monitoring system
 - ii. Proactively monitor and review relevant development sites for commencement and track progress of construction to completion; generating and managing payment requests including indexation calculations, pursuing non-payment, receipt of financial payments, and all other obligation compliance through to discharge of obligations

- iii. Generation of invoices alongside formal S106 obligation payment requests.
 - iv. Investigating, generating and issuing responses to any general enquiry relating to s106 planning obligation and deed matters from any source
 - v. Seek advice from planning officers / legal officers on the interpretation and intent of planning obligations secured to ensure they are applied correctly.
2. Monitoring of CIL to include on a daily basis autonomously (subject to advice on more complex matters from the s106 & CIL Manager) or all relevant development; –
 - i. Issue of all legal CIL Notices, determination of CIL relief and exemption applications, assessment of evidence submitted associated with CIL lawful use compliance, monitoring receipt of CIL payments, chasing of non-payment and supporting the S106 & CIL Manager in preparing for annual CIL Reporting and any relevant CIL Enforcement.
 3. Manipulation of the s106 & CIL monitoring systems to produce data outputs, reports or to respond to enquiries for information on s106 and CIL related matters, and Freedom of Information requests.
 4. To provide informal advice surrounding restrictions on s106 obligations, allocation, and support finance officers and service lead officers to ensure its timely allocation and use.
 5. Shared responsibility for modifying and maintaining the data contained within the Corporate S106 Finance Spreadsheet, and other relevant software or data management systems for S106 & CIL
 6. Under the supervision of the CIL Manager
 - i. To support planning officers with the interpretation and application of adopted local and national infrastructure related policy and guidance in respect of infrastructure matters and the drafting of legal agreements where appropriate
 - ii. Calculate the amount of S106 financial contribution owing including the impact of indexation using the relevant indices to ensure the correct financial sum is requested for payment;
 - iii. Support the S106 & CIL Manager, and Planning Policy Manager in the drafting, review and implementation of Local Development Plan Documents, planning policy formulation and guidance and future CIL review (or implementation of any framework that amends, or superseded this)
 - iv. To support improvements to the monitoring systems, to ensure that they are updated to reflect the impact of regulative and legislative changes.
 - v. To draft and present reports to Planning Committee or under delegated authority in the case of non-performance of legal agreements to ensure decisions made are fully informed
 - vi. To work closely with the Borough Council's legal representatives including to prepare instructions for legal advice for interpretation of s106 agreements, enforcement of obligation breaches and for CIL organisation of repayment plans and the preparation of evidence and appearance in Court, as appropriate, or on CIL Enforcement matters.
 - vii. Instruct and liaise with Corporate Finance in respect of all financial matters associated with CIL and S106 and support production of financial reports/information using corporate data, for anyone requesting it.

- viii. To draft and present reports to Planning Committee in the case of non-performance of legal agreements in circumstances where the course of action requires a committee decision, based on fully informed recommendations
7. Deputise for the S106 & CIL Manager in their absence on day-to-day matters arising and make decisions as appropriate, with the agreement of the Planning Manager as appropriate.
8. Supervise and/or oversee the daily work of any officer drafted in to support the work of the team alongside the s106 & CIL Manager.
9. Comply with the provisions of the Health and Safety at Work etc. Act 1974 and the Management of Health & Safety at Work Regulations 1999 to take reasonable care so as not to endanger yourself or other persons whilst at work.

Supplementary Accountabilities

1. To assist the S106 & CIL Manager in the preparation of training documents and participate in the training of Members, officers and 3rd parties e.g. Parish Councillors relating to S106 and CIL and matters.
2. To develop and maintain appropriate contact with officers within other Departments of the Council, other planning authorities and external bodies in furtherance of duties and responsibilities.
To undertake any other duties appropriate to this post, as directed by line management at all levels including delegated by the S106 & CIL Manager
3. To participate in mandatory Training required by the Council and attend Corporate and Directorate briefing sessions and events keep up-to-date with the Council's overarching priorities.
4. To promote equality and diversity best practice in all areas of work.
5. To undertake good records management to ensure it is created, maintained, stored and retrieved in accordance with the Council's procedures, policies and legislative requirements.
6. Attending evening meetings and Council Committees outside normal working hours as required to undertake the key accountabilities identified above
7. To identify and discuss personal training needs with the immediate line management in accordance with the Council's development and appraisal scheme and undertake continuous development opportunities.

Knowledge & Experience

Candidates must have substantial knowledge and experience in the following areas of business and will be required to provide evidence of this:

- A basic understanding of the Development Plan system, including developer contributions and S106 policy context use of and a understanding of Indices to calculate inflationary changes to monetary values stated in legal agreements, and CIL regulations, and guidance,
- A basic understanding of Planning Development Control practices and procedures
- Experience of report writing, presentations / communication skills
- Experience of participation in stakeholder engagement directly involving the community in the planning process and in the presentation of information to Members of the Council and the public
- Experience in the use and manipulation of complex datasets, analysing data and producing reports
- Computer literacy in word processing, database, spreadsheet, and presentation packages, and the use of the Internet with some experience in the design and use of databases or spreadsheets
- Experience in identifying work priorities from significant and complex issues.
- Experience with working with multi-disciplinary professionals at all levels.
- Preferably experience in the use of GIS Mapping packages (in particular MapInfo)
- Preferably some knowledge of development viability and financial valuations in order to interrogate and interpret financial appraisals submitted by developers to provide advice and support to officers in the preparation of recommendations.
- A basic understanding of the variety of legal specialisms including conveyancing, property law and litigation
- Evidence of Negotiations Skills
- Strong literacy and numeracy skills with experience in the use and manipulation of complex and large datasets and analysing data and information and producing reports

Qualifications

- A Planning degree or a related discipline, or suitable equivalent qualification or substantial demonstrable working knowledge as compensatory experience in data management with a strong bias in favour of data analysis and/or the understanding of the planning system in relation to developer contributions including s106 planning obligation and the Community Infrastructure Levy (required to ensure an appropriate degree of technical knowledge).

Decision Making

- Issue CIL Liability notices measure approved floorplans apply indexation and relevant deductions, generate and issue the CIL Liability notices
- Review any evidence submitted to request deductions in the CIL Chargeable amount (demolished/existing retained floorspace) and apply such where agreed with the S106 & CIL Manager
- Assess applications for CIL exemptions against the relevant CIL regulations and apply if agreed with the S106 & CIL Manager and manage paperwork accordingly
- Issue acknowledge of receipt of relevant valid CIL documents in accordance with the CIL Regulations
- Apply the adopted CIL Payment by Instalment Policy as relevant and generate and issue a CIL Demand Notice for payment identifying due dates for payment of instalments along with invoices for payment,
- Where relevant provide advice on the scope and type of infrastructure contributions that would be applicable to development under adopted local plan policy and guidance informed by Central Government Policy and Guidance.

- Instigate action on non-performances of legal agreements having first compiled evidence and detail
- Instigate action in respect of non-payment of CIL seeking either the CIL Managers approval, or preparing an assessment for consideration by senior managers
- Calculate the value of S106 obligations when due, including indexation to be applied, and Late Payment Interest and issue requests for payment, with accompanying invoices
- Support IT colleagues and the S106 & CIL Manager in respect of monitoring systems development
- Oversee the daily management of incoming email correspondence in the s106 and CIL inboxes and manage / respond accordingly or escalate to manager.
- As required assist in the response to more complex s106 & CIL enquiries, and / or FOI requests
- Judgement on information required to respond to enquiries, detail, analysis presentation and content
- Judgement of when to advise that remedial action should be undertaken on S106 & CIL matters
- Research – methodology, analysis and presentation attention to detail
- Initiative – ability to work under own initiative and as part of a team.
- Reviewing and assessment of specific circumstances and making a decision on recommended outcome
- Judgemental advice to any person(s) with respect to informal interpretation.

Creativity and Innovation

- Positive and Enthusiastic to be able to react quickly to legislative change and how this impacts the daily workload of the post.
- Ability to work and present such work in a logical and coherent manner
- Ability to think strategically and laterally
- Commitment to best practice and explore new ways of working to deliver a cost effective service
- Offer proactive thoughts and commitment to continuous improvement to deliver speed and efficiency for the Team and Planning Service as a whole
- Flexibility to meet the varying demands of the role and implement new working practices imposed by legislative and regulatory change
- Advising on methods to help improve the public perception of the Planning Department
- Flexibility to meet the varying demands of the role

<p><u>Job Scope</u></p> <p>Number and types of jobs managed</p> <ul style="list-style-type: none"> • None <p>Typical tasks supervised/allocated to others</p> <ul style="list-style-type: none"> • Requests for information from other departments across the Council to respond to enquiries received by the S106 & CIL Team (e.g. Legal, land charges, Building Control, finance). • Supervisory support for any officer that is seconded to undertake work to support the team when the volume of workload requires additional support. 	<p>Budget Holder Responsibility</p> <p>Asset Responsibility:</p>	<p>No</p> <p>To offer informal advice on s106 and CIL related financial matters as appropriate.</p> <p>Support to maintain the S106 & CIL Monitoring software database and monitoring sheets, paper & electronic data; Laptop, Mobile Phone, PPE (for site visits) –</p>
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Contacts and Relationships

- Across the organisation at all levels to work collaboratively including intermittent contact with Directors and Heads of Service, and regular contact with other professional officers, providing advice on S106 and CIL matters both written and verbal and associated with relevant legislative compliance
- Members of the Council - Formal written and verbal contact
- Representatives of the development industry, planning agents, solicitors and developers, written and verbal on all s106 and CIL matters as appropriate
- Neighbouring Local Authorities - Best practice in on s106 & CIL and Duty to co-operate and consult
- Government bodies and regional organisations – e.g. surveys, sharing best practice
- Private Body's (solicitors / developers / agents) - Regular contact responding to telephone, e-mailed or written enquiries on s106 and CIL matters
- Members of the public, key stakeholders and community organisations – e.g. engagement with Parish liaison groups, Parish Councils, public and/or community representatives
- Government Bodies – Associated with advice and ratification of local policy documents.

Values & Behaviours

We strive to underpin our culture of being At our Best through strong management and authentic leadership. This means getting the management basics right. We own and demonstrate accountability, both individually and collectively, and aim to get things right first time. Building on this we also expect everyone at SBC to demonstrate and live our organisational values and behaviours, by displaying:

- Accountability at all levels
- Customer care and pride in what we do
- Continuous learning and evaluation
- Valuing one another and the contribution each of us makes

Other Key Features of the role

- A willingness \ ability to work from home at times
- Potential work outside of normal office hours
- Potential for lone-working at times both in the office and off-site
- Potential for some manual handling e.g. Box files, IT equipment
- Potential need to respond to liaise with person(s) whom may be unhappy/angry/upset by your contact/requests
- Ability to undertake site visits and to travel for meetings across the Borough

Employee Signature:	Print Name:
Date:	
Line Managers Signature:	Print Name::
Date:	