

CASTLEREAGH BOROUGH COUNCIL

Minutes of the proceedings of the special Technical & Environmental Services Committee meeting, held in committee, in the Council Chamber, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB, on Wednesday, 29 December 2010, at 3.00 pm

PRESENT: Councillor G Robinson
(in the chair)

ALDERMEN: J Beattie
M Henderson MBE
Mrs G Rice MBE
J White

COUNCILLORS: Mrs A Beattie
Mrs M Chambers (from 3.15 pm)
Mrs J Cochrane
M Copeland
D Drysdale
Mrs S Duncan
C Hall
B Harvey
T Jeffers
M Long
Mrs V McCoy
S Skillen (from 3.10 pm)
J Spratt MLA (from 4.33 pm)
D Vitty

IN ATTENDANCE: Acting Chief Executive (Director of Administration & Community Services), Client Manager, Operational Services Manager, Building Control Manager, Health & Safety Officer, Mr S Reid (Chief Executive Designate) and Members' Services Officer

APOLOGIES: Apologies were received on behalf of Alderman Norris and Councillors Hughes and Tosh

T&ESC/2010/517 : DECLARATIONS OF INTEREST

There were no declarations of interest.

Noted.

T&ESC/2010/518 : UPDATE RE WATER SUPPLY EMERGENCY

The Acting Chief Executive provided Members with an update regarding the current water supply situation in the Borough, which had taken precedence. She advised that the Council had activated its emergency plan for the first time ever. There had been a formal requirement to notify the Department for Regional Development of

this action in order to recover any costs to the Council resulting from the emergency. The Acting Chief Executive stated that, although the priority was to deal with the crisis, she felt it imperative to advise Members that the Council was incurring costs, which, it was hoped, would be met in full by the Department, given that councils had been encouraged to activate these plans where appropriate.

Two water tanks had been stationed at the front of the Civic Offices, which appeared to be sufficient at the moment. However, there was a possibility that this supply would run out if demand rose due to extended water shortages. A request had also been forwarded to Northern Ireland Water for further containers at Belvoir Activity Centre and Tullycarnet. Belvoir Activity Centre, Cregagh Community Centre and Hanwood Enterprises had also made shower facilities available for residents' use and other centres had agreed to permit residents to use their facilities if requested. However, the Robinson Centre had been forced to close due to lack of water supply.

The Acting Chief Executive had also requested that standpipes should be provided at a number of locations. The media had been informed of these plans and the Council's website had been updated accordingly and linked to other emergency sites, such as NIHE and the Health Trust, set up to assist residents. New information was continually being added and a database was being kept. Castlereagh Borough Council was also co-ordinating services with the other four councils within Eastern Environmental Health Group and a Gold Recovery Group had been established at Government level.

Councillor Skillen joined the meeting at 3.10 pm.

The Acting Chief Executive advised that the Council's position was to co-ordinate and supplement services being provided by other bodies and provide information to residents. Currently priority was given to residents who had been without water for long periods of time, as well as elderly and vulnerable persons.

There had been many requests for the supply of bottled water from residents. Staff had been able to source plastic containers, and were trying to obtain further supplies, which had been filled for delivery to residents who were unable to collect water from supply stations. A request had also been made to Ballygowan Water and ASDA for any possible assistance.

The Acting Chief Executive further raised concerns that, should the water supply at the Council's supply stations run out, there may be public health issues, although to date there was no such indication. Some of the Council's buildings had been closed during the Christmas period, therefore she had requested that they be checked for burst pipes etc and a burst pipe had been identified in Ballyoran Centre.

The Acting Chief Executive sought approval for purchases of water containers, bottled water or any additional costs incurred as a result of the current emergency, including staff time. A number of Council staff were currently on stand-by to assist if required.

Alderman Beattie congratulated the Acting Chief Executive and staff for their excellent work during these exceptional circumstances. He felt it was important that the Council provided help to residents, even if it might not be possible to recover all costs.

Councillor Copeland commented that Belfast City Council had activated their emergency plan prior to approval being given from the Department for Regional Development and he enquired whether Castlereagh had done the same. The Acting Chief Executive replied that the Council had activated the emergency plan once the water tanks had arrived from the Water Service and she had received an indication of the anticipated disruption in supply.

Councillor Hanvey also congratulated the Acting Chief Executive and staff for their management of the situation and for providing regular updates to Members by email. However, he felt that Northern Ireland Water and the Minister for Regional Development should take responsibility for any delays in providing the necessary assistance to the public.

Alderman Henderson added his thanks. He went on to say that the Council had been praised by the BBC for the quick response to the situation. He also felt that it would be helpful if regular updates were provided via radio and TV, as there appeared to be a lack of communication from Northern Ireland Water.

Councillor Chambers thanked the Acting Chief Executive for her regular updates in respect of the crisis. She agreed that Northern Ireland Water should be held responsible for their lack of communication as well as the long delays in answering telephone calls.

Councillor Cochrane commended the Acting Chief Executive for her management of the situation and provision of information to Councillors, which could then be passed on to residents. With regard to water containers, Councillor Cochrane expressed the view that they should be handed out free of charge, for example, one per household. However, the Council might wish to consider whether there should be a charge in order to recoup the cost of these items.

Alderman Rice noted her appreciation that the emergency plan had been put in place by the Council and she also offered her congratulations to the Acting Chief Executive and staff for their efficiency. She added that, in her view, Northern Ireland Water was to blame for the crisis and that they needed to review their handling of it and how to make improvements in the future.

Councillor McCoy also congratulated the Acting Chief Executive and staff. She went on to say that, to date, there was no information available as to when water supply would return to normal and many residents were finding it difficult to obtain containers for storing water.

Councillor Long left at this point, 3.31 pm.

Councillor Drysdale raised concerns that Northern Ireland Water did not appear to have a strategic plan in place for this kind of emergency and that it took up to four hours to obtain information from them by telephone. He recalled that companies such as Easyjet had been very efficient in their handling of the volcanic ash cloud crisis earlier in the year and he was appalled that Northern Ireland Water had been unable to do the same. However, he felt that, at present, the main concern should be to prevent any sickness outbreaks.

Councillor Hanvey recalled that the old reservoir in Carryduff was functional and he felt that the water in it could possibly be used for toilet facilities etc.

Councillor Long returned to the meeting at 3.32 pm.

Councillor Robinson realised that the Council was incurring costs in respect of the purchase of water containers, but he expressed the view that they should be provided free of charge to residents. However, he felt the Council could retain an emergency supply of containers for future use if required.

The Acting Chief Executive advised that some containers had been given out to the public but she agreed that some containers should be retained for delivery to vulnerable people.

Councillor Copeland left the meeting at this point, 3.38 pm.

Councillor Vitty praised the Acting Chief Executive and staff for the quick and efficient activation of the emergency plan. He reiterated the importance to keep the media and ratepayers informed of developments. The Acting Chief Executive replied that she had released two press statements and that the Council was committed to providing updates regarding bottled water and deliveries through the website.

RESOLVED:

- (a) That the Acting Chief Executive continue to provide regular updates regarding water supply in the Borough through the Council's website, radio, television and press releases.
- (b) That approval be granted for expenditure incurred as a result of the current water supply emergency.

T&ESC/2010/519 : CORRESPONDENCE FROM THE ROADS SERVICE, DATED 6 AND 13 DECEMBER 2010, RE: PROPOSALS FOR PARTNERING ARRANGEMENTS FOR THE REMOVAL OF SNOW AND ICE FROM TOWN CENTRE FOOTWAYS AND PEDESTRIAN AREAS - DRAFT AGREEMENT ATTACHED (copy previously circulated)

The Client Manager advised that proposed partnering arrangements had been considered by Council in 2004 (Minute TSC/2004/53 refers) and declined. They were raised again in August 2010 and noted (Minute 2010/644 refers).

Councillors Copeland and Long returned to the meeting at 3.45 pm.

The Client Manager stated that Article 9 of the Roads (NI) Order 1993 empowered the Department to take steps considered reasonable and practical to prevent snow or ice interfering with the safe passage of persons using a road, but the Department had no statutory obligation to clear roads and footpaths of snow and ice or spread salt and grit. Sections 104 and 105 of the Local Government Act (NI) 1972, however, empowered the Council to exercise functions on behalf of and to enter into arrangements with a Government Department for the supply of services, therefore these two pieces of legislation formed the statutory basis on which a partnership arrangement could be established between the Council and the Department for Regional Development.

The Client Manager then outlined services provided by the Council during the period of bad weather:

1.4.1 Refuse Collection

A statutory service that was expected to be provided. Each day an inspection of roads and footpaths in the Borough was made by supervisors and a decision was taken whether to suspend the service or to provide a partial or full service. These planned arrangements could change during the day, depending on changing circumstances. This had happened during the week before Christmas, when only a limited service could be provided on 20 and 21 December. On 22 December, all crews were attempting to provide a 'catch-up' service, but they were only partially successful.

1.4.2 Street Cleansing

The operatives in the Street Cleansing Section who were able to attend work were allocated duties clearing Council premises, particularly the area around the Council Offices in order to ensure visitors' safety. They also cleared other premises and parks which are used as thoroughfares.

1.4.3 Grounds Maintenance

The Grounds Maintenance Section was deployed initially to the cemetery to enable visits and burials to take place and then the Golf Club, clearing the road to the clubhouse and the Council Depot so that equipment could be accessed. On completion of these tasks, operatives were despatched to other Council sites.

The Client Manager stated that, while a general case for provision of services could be discussed, application to specific cases should be treated with caution. As an example, the Client Manager advised that, during the recent cold weather, staff turnout had varied from 20% to 50% to normal, as some staff members had been unable to make it in to work due to the unusually severe weather conditions. Therefore, a degree of flexibility would be advisable.

The Client Manager went on to outline arrangements in place at adjacent councils, ie Belfast City Council, Ards Borough Council and Lisburn City Council, where gritting of footpaths was generally restricted to city centres or shopping areas. He then listed the main details of the proposed Partnership Arrangement for the Removal of Snow and ice from Town Centre Footways and Pedestrian Areas, which provided the statutory basis for the partnership:

- Arrangement during extreme conditions following heavy snowfalls or prolonged freezing
- Council to assist Department with ice and snow removal from footways and pedestrian areas and treatment of such areas by the provision of labour, materials and vehicles
- The Department may delegate their responsibilities
- The Department shall be indemnified
- The Council shall carry out a risk assessment
- The Department will pay a service fee of £1,183.58 to the Council, refundable for periods when the service is not provided
- The areas for treatment will be listed in the Agreement, Appendix 1
- The Council will only carry out work following receipt of request from the Department in circumstances when it is practical for the Council to respond
- It shall be at the discretion of the Council to provide assistance with the works
- The Department shall provide salt free of charge
- The Council shall respond to requests for assistance from Monday – Saturday between 8.00 am – 4.00 pm
- The Council shall provide supervisory staff

At this point, Councillor Vitty enquired about the time period covered by the service fee and arrangements for pay-back if necessary. The Client Manager replied that the period covered was five months, November to March and if the Council did not respond to any service requests, the Department for Regional Development would ask for a refund of the service fee.

Alderman White enquired whether the Council would be required to purchase the equipment to spread salt and grit on footpaths. The Client Manager replied that, currently, the spreading would need to be done mostly by hand, which was very labour-intensive.

Members raised concerns that the service fee of £1,183.58 was insufficient to cover a five-month period, and the Council would incur considerable additional costs as operatives would be required to hand-salt the footpaths or the Council would need to purchase specialist equipment.

Councillor Chambers also urged caution that ratepayers might become dissatisfied if shopping areas etc were gritted but footpaths in residential areas were not, particularly if any additional costs would be passed on to ratepayers. In order to make an informed decision, Councillor Chambers felt it would be necessary to calculate the cost of gritting and clearing snow over a period of time, ie for the recent period of heavy snowfall and frost.

Councillor Skillen left the meeting at this point, 4.00 pm.

Councillor Harvey stated that councils were asked to carry out risk assessments, therefore he felt there was a heavy onus on councils to take responsibility. He enquired whether this would be discussed with all other councils or would councils enter into discussion with NILGA on an individual basis.

Alderman Rice recalled that, in the past, Council staff cleared footpaths etc and as particularly the elderly were finding icy conditions difficult, she suggested that shop owners could be supplied with salt and asked to clear footpaths in front of their premises etc.

Councillor Long commented that the majority of councils in Great Britain were gritting footpaths, therefore he felt that the Council might consider buying the necessary equipment.

Councillor Skillen returned to the meeting at 4.06 pm.

Alderman Henderson suggested that the Council should seek guidance from the Department for Regional Development. Councillor Robinson, however, felt that this would not be necessary as a directive had been issued.

Alderman White raised the point of litigation. He enquired whether the Council could be held liable. The Acting Chief Executive advised that she had forwarded the Draft Agreement to the Council's insurers. However, she added that there had been discussion with NILGA and legal information had been provided that the Council could be held liable. There was also a possibility that insurance premiums would be increased if claims experience increased.

For Members' consideration, the Client Manager then provided some possible options for action:

1. Retain current services only
2. Adopt a similar approach to other councils, ie only main shopping areas such as in Carryduff, Forestside and Dundonald

The Client Manager also provided the following area options for Members' consideration, although they were not included in the proposed partnering arrangements:

3. Zone 1 areas
4. Hospitals
5. Nursing and residential/sheltered homes
6. Doctors surgeries/Pharmacies
7. Schools and Colleges
8. Crèches

- 9. Steep hills
- 10. Bus stops

The Client Manager went on to state that, if the Council were to consider adopting the approach taken by other councils, which were believed to be based on planning documents, the following areas could be considered appropriate in Castlereagh:

- Town Centres – Carryduff in the vicinity of Church Road and the Ballynahinch Road
- District Centre - The only district centre within Castlereagh Borough Council is at Forestside
- Local Centre – The only local centre within Castlereagh Borough Council is in Dundonald Village

The Client Manager reminded Members that spreading of grit and salt as well as clearing footpaths of snow and ice was a very labour-intensive operation, particularly if there was no specialist plant available. He added that any commitment entered into needed to be considered in the light of the limited resources available and the unpredictability of resources likely to be available, given the Council's duty to carry out its statutory services and the possibility of a reduced number of staff available.

The Client Manager then referred to the estimated cost of carrying out gritting/salting and snow and ice clearance. He stated that this would depend on the nature, extent and duration of the work. As a guide, the cost of a crew, consisting of one supervisor/driver and two operatives, was approximately £31.71 per hour, which equated to £237.82 per standard 7.5-hour day. This figure did not include additional costs incurred for PPE, tools, equipment or vehicles. The Client Manager stated that the impact of one crew working to salt/grit and clear snow and ice during the recent cold spell would have been very modest. However, to have a significant impact across the Borough in those conditions, it would be necessary to deploy several crews if available, which would incur a corresponding significant increase in the cost.

During a meeting with the Department for Regional Development Section Engineer on 22 December 2010, he had stressed that the Roads Service were requesting help through the partnering arrangement and that it was understood that this could only be provided subject to the availability of council resources.

Councillor Copeland left the meeting at this point, 4.16 pm.

Councillor McCoy commented that there might be additional requests for gritting if the Council signed the Draft Agreement. She enquired whether the Council would have sufficient staff resources to carry out this additional work. The Client Manager replied that each situation would be unique. It would be very difficult to generalise and cover every circumstance, therefore there was no guarantee that staff could be made available.

Alderman Beattie raised concern that the Council could receive complaints from residents whose footpaths had not been gritted or cleared, therefore he felt that the

Council should clearly state which areas would be cleared in order to prevent any negligence claims being made.

Aldermen Henderson and White left the meeting at 4.23 pm.

Alderman Rice agreed that it would be important to establish good communication with residents and shopkeepers. She suggested that shopkeepers could also be supplied with salt so that they could apply this to the area in front of their premises.

Alderman Henderson returned to the meeting at 4.25 pm.

Councillor Jeffers advised that residents had informed him that some grit boxes appeared to have been removed. The Client Manager replied that the Roads Service had established criteria regarding the supply of grit boxes was in place and it took up to four days to be refilled. However, it appeared that some people used the grit for their own properties or even removed the boxes themselves.

Councillor Vitty stated that the media had focused on areas where snow and ice were causing difficulties, although these areas had all been near town centres. However, there was no designated town centre in Castlereagh, therefore the situation was different to that in other councils. Councillor Vitty felt that the media had created pressure on councils to provide additional gritting services but they had not focused on the problems faced by residents, ie clearing of footpaths in residential areas etc. Councillor Vitty felt that the Department for Regional Development should take on legal responsibility and the cost of any additional services provided.

Councillor Chambers agreed. In her view, it would not be beneficial to clear the area around shopping centres if people could not leave their houses. The Department for Regional Development wished to transfer functions such as de-icing footpaths, but funding provided for this was minimal.

Councillor Robinson asked that an update be provided in respect of funding for these additional functions and areas where these services would be provided. The Client Manager advised that areas to grit would fall outside of an agreement between the Council and the Roads Service. The Roads Service had suggested that planning designations used by other councils could also be used in Castlereagh.

Councillor Spratt arrived at this point, 4.33 pm.

Councillor Beattie felt that the Council should seek clarification in respect of which areas would be included in gritting programmes and insurance implications. Councillor Vitty agreed that the Draft Agreement contained many ambiguities. Furthermore, he suggested that the Council write to the Roads Service, requesting an increase of salt boxes being provided in identifiable areas.

Councillors Hanvey and McCoy left the meeting at 4.37.

Councillor Hall also agreed that the criteria and costs relating to gritting required clarification. Councillor Skillen commented that, if staff were asked to grit footpaths etc, they would not be able to carry out other duties such as emptying bins etc. This would result in the Council incurring considerable additional costs.

Councillor Spratt left the meeting at 4.40 pm.

Councillor Robinson felt that the Council should not sign the Agreement until an assessment of the cost involved in providing the outlined additional duties had been provided, and following some further discussion, it was proposed by Councillor Vitty, seconded by Alderman Henderson and

RESOLVED:

- (a) That the Council not sign the Proposals for Partnering Arrangements for the Removal of Snow and Ice from Town Centre Footways and Pedestrian Areas, Draft Agreement until an assessment has been carried out in respect of full cost and insurance implications
- (b) That Officers carry out an assessment in respect of full cost and insurance implications relating to proposals outlined in the Partnering Arrangements for the Removal of Snow and Ice from Town Centre Footways and Pedestrian Areas, Draft Agreement

Councillors McCoy and Spratt returned to the meeting at 4.43 pm.

ANY OTHER BUSINESS

T&ESC/2010/520 : EMERGENCY TELEPHONE LINE

The Acting Chief Executive advised that the Council's emergency helpline had received a large number of telephone calls from residents seeking advice regarding the current water situation. She sought approval to maintain this telephone service for as long as required according to demand.

RESOLVED: That approval be granted to maintain the emergency telephone helpline service for as long as required according to demand.

T&ESC/2010/521 : REFUSE COLLECTION

Alderman Henderson asked that Officers release a statement, informing residents of refuse collection dates following the Christmas period and during the current extreme weather conditions.

RESOLVED: That Officers release a statement, informing residents of refuse collection dates following the Christmas period and the current extreme weather conditions.

There being no further business, the meeting ended at 4.50 p.m.

CHAIRMAN

CHIEF EXECUTIVE

Adopted by the Council this _____ day of
_____ 2010 with the exception of
Minute Nos. _____

MAYOR