

FOI Reference Number: FOI/194/1819

Date: 17 August 2018

Request:

May I have a copy of the Provision of Water Quality Services, Service Level Agreement between MEA Council and NIEA

Response:

Thank you for your information request which Mid and East Antrim Borough Council received on 24 July 2018.

Please find below Mid and East Antrim Borough Council's response to the information you requested in relation to the Service Level Agreement between MEA Council and NIEA for the provision of Water Quality Services.

**SERVICE LEVEL AGREEMENT BETWEEN MID AND EAST
ANTRIM BOROUGH COUNCIL AND NIEA**

for the provision of Water Quality services by
the Mid and East Antrim Borough Council

SERVICE LEVEL AGREEMENT

BETWEEN **Mid and East Antrim Borough Council and the
Northern Ireland Environment Agency (NIEA)**

1. PERIOD

1.1 The Agreement shall take effect from _ _ _ _ _ _ (insert date) and
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shall remain in force unless terminated earlier in accordance with 1.2.

1.2 The Agreement may be terminated by either party on 12 months' written notice. Any revisions to the Agreement must have the consent of both the Mid and East Antrim Borough Council and NIEA, confirmed in writing. The Agreement may be reviewed at any time by the Parties to the Agreement.

2. SHARED OBJECTIVES

2.1 The objectives of the Agreement are: to establish administrative provision under which Mid and East Antrim Borough Council may employ and provide those staff and resources specifically requested by DOE NIEA Water Management Unit for the purposes of delivery of that organisation's objectives in water quality management; and to define and give effect to each party's role, responsibilities and obligations.

3. OPERATING PROCEDURES MID AND EAST ANTRIM BOROUGH COUNCIL

3.1 The Mid and East Antrim Borough Council shall ensure that, subject to the exigencies of the service, staff resources (in such numbers and to criteria as agreed with NIEA) are available.

3.2 The Mid and East Antrim Borough Council shall provide for the personnel

management of the agreed staff, ensuring best practice in accordance with local government employment standards and policies, providing payroll and

claims administration, all HR and employment welfare services and the immediate administrative support to enable such personnel and finance issues to be completed. In these matters employed staff will be subject to local government terms and conditions of employment and be limited and entitled, as the case may be, by relevant local government policies.

- 3.3 The Mid and East Antrim Borough Council shall (at the specific request of NIEA) consider the purchase or provision of such goods and services necessary to enable delivery by employed staff of those services required and directed by NIEA.
- 3.4 Mid and East Antrim Borough Council shall maintain records of all costs incurred in provision of requested services and all costs associated with the employment of staff (from recruitment to post-termination of employment) and costs arising from the delivery of services shall be recouped from NIEA.

4. SHARED PROCEDURES

- 4.1 NIEA WMU shall assign duties and monitor delivery of any services by staff. Where failures of delivery are seen as matters that should be addressed under relevant employment policies, reports from NIEA to Mid and East Antrim Borough Council shall result in considered application of such policies in accordance with local government custom and practice. NIEA will support the council in any review/investigation and provide access to appropriate documentation where that is necessary to facilitate the investigation/review.
- 4.2 Health and Safety of staff employed by Mid and East Antrim Borough Council is the responsibility of Mid and East Antrim Borough Council insofar as Mid and East Antrim Borough Council incurs employers' obligations and by virtue of their provision of office accommodation. Elsewhere than in local government office accommodation, Mid and East Antrim Borough Council acknowledges the continuing legal obligation to ensure the health and safety of staff. However NIEA undertakes to ensure the health, safety and

welfare of staff whilst undertaking Water Quality activities and further to provide this

oversight role on behalf of the Council. In order to facilitate this arrangement NIEA will have reasonable access to all appropriate Council health and safety protocols, policies and procedures.

- 4.3 Consultation between NIEA, Mid and East Antrim Borough Council and Water Quality staff on the application of Health and Safety policies and procedures shall take place via a joint regional Health and Safety Committee. This Committee will comprise management representation from Mid and East Antrim Borough Council and NIEA together with Water Quality staff representation as well as Health and Safety advisors for both NIEA and Mid and East Antrim Borough Council. (Terms of Reference and composition of this regional committee are detailed in Appendix 1).
- 4.4 NIEA will appoint a Health and Safety co-ordinator who will liaise with Water Quality staff and with Mid and East Antrim Borough Council representatives on all matters pertaining to Health and Safety
- 4.5 Water Quality staff, as local government employees, will abide by all agreed working practices, policies and procedures that address their health and safety and that of others. At the local level, a Senior Water Quality Inspector(s) will be nominated to co-operate with, and facilitate action by, Water Management Unit in its management of the health and safety of staff. Failures will be brought to attention of Mid and East Antrim Borough Council to be dealt with under appropriate local government policies.

5. OPERATING PROCEDURES NIEA

- 5.1 NIEA is responsible for specifying the employment and resource demands sought from Mid and East Antrim Borough Council; and ensuring payment of all agreed costs within 30 days from receipt of invoice.
- 5.2 NIEA shall ensure the operational direction of staff to meet NIEA objectives. In particular, with regard to operational work, NIEA shall:

- allocate sufficient resources to effectively manage the health and safety of staff. This will extend to, but not be limited to, the preparation and revision of risk assessments, implementation of safe systems of work, monitoring compliance, and delivering any identified staff training needs:
- ensure the appropriate provision and maintenance of personal protective equipment
- ensure that any vehicles that are provided are suitable for purpose and maintained appropriately (and where vehicles are not provided, ensure the provision of suitable alternative arrangements for travel);
- carry out any RIDDOR reporting to the enforcing authority, and forward copies of all accidents and near-miss reports to Mid and East Antrim Borough Council at the earliest opportunity:
- monitor the provision of services, ensure the capacity of existing teams and arrangements to meet objectives, and shall negotiate changes in staff and resource requirements with Mid and East Antrim Borough Council.

6. BILLING ARRANGEMENTS

- 6.1 Mid and East Antrim Borough Council will submit estimated annual bills at the start of each financial year. Invoices will be issued to NIEA on a quarterly basis to include a detailed breakdown of how the costs have been incurred.
- 6.2 Mid and East Antrim Borough Council will price all recoverable costs of other services or projects it is requested to undertake and submit costs for prior approval by NIEA.

7. ARBITRATION

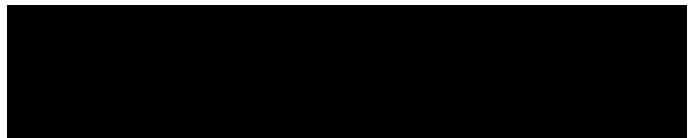
- 7.1 Any day-to-day matters which give cause for dispute and which cannot be resolved by the officers directly involved will be referred to line management.

7.2 If a situation arises which line managers are unable to resolve, it will be referred to the Agreement Co-Ordinators. In the event that the Co-ordinators are unable to reach an agreement, the matter will be passed to independent adjudicator(s). (Both parties will discuss and agree the composition of this adjudication panel).

8. CONFIDENTIALITY

8.1 Neither the NIEA nor Mid and East Antrim Borough Council may disclose information of a confidential nature contained in or related to the Agreement or in or arising from any other matter raised under the Agreement, without the express consent of the other party.

SIGNED ON BEHALF OF THE NORTHERN IRELAND ENVIRONMENT AGENCY



Date: _____

SIGNED ON BEHALF OF MID AND EAST ANTRIM BOROUGH COUNCIL


Anne Donaghy
Clerk & Chief Executive

Date: _____

24 August 2015

If you are dissatisfied with the handling of part of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Chief Executive at the Braid Ballymena Town Hall, 1-29 Bridge Street, Ballymena, BT43 5EJ.

Please remember to quote the reference number FOI/194/1819 in any future communications.

If you are not content with the outcome of an internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Please be advised that Mid and East Antrim Borough Council may release the response to this information request into the public domain via our website at <https://www.midandeastantrim.gov.uk/>.

If we publish our response to your request, your personal data will be removed to protect your privacy.