

Dated this 27th day of October 2016

DEPARTMENT FOR INFRASTRUCTURE

With

MID ULSTER DISTRICT COUNCIL

AGREEMENT

THIS AGREEMENT made on the 27th day of October 2016 between
THE DEPARTMENT FOR INFRASTRUCTURE herein called 'the Department' and
MID ULSTER DISTRICT COUNCIL herein called 'the Council'

SCOPE OF THE AGREEMENT

WHEREAS:

1. By virtue of Article 9 of the Roads (NI) Order 1993 the Department is empowered to take such steps as it considers reasonable and practicable to prevent snow or ice interfering with the safe passage of persons using a road and for that purpose may enter into agency arrangements with any persons for the treatment of roads affected by snow and ice.
2. The Council is empowered by Sections 104 and 105 of the Local Government Act (NI) 1972 to exercise functions on behalf of and to enter into arrangements with a government department for the supply services.
3. The Department is desirous of entering into an agreement with the Council whereby during extreme conditions following heavy snow falls or prolonged freezing the Council will assist the Department with ice and snow removal from footways and pedestrian areas and the treatment of such areas affected by snow or ice by the provision of labour, material, and vehicles which in the opinion of Council is necessary to effect such works (hereinafter called 'the Works'). The Works shall be undertaken and provided by the Council during the period commencing on the 1 November 2016 to 31 March 2017 (hereinafter called "the Works Term"). The parties to this agreement shall review the agreement at the expiration of the Works Term. If the parties agree, the agreement may be extended on an annual basis, with a review at the end of each year.
4. The Department shall require as a prerequisite of the Council entering into such agreement a risk assessment carried out by them to assess and diminish such risks to which their employees would be exposed.

NOW IT IS HEREBY AGREED as follows:-

1. In consideration of the Council undertaking the Works in accordance with this agreement during the Works Term the Department shall on the signing of this agreement pay to the council an initial annual Service Fee of £2,132.37
2. Subject to clause 5 the Council shall during extreme conditions following heavy snowfalls or prolonged freezing assist the Department with the works for the footways and pedestrian areas set out in the schedule within Appendix 1.
3. The works shall be carried out by the Council only on receipt of a request from the Department and in circumstances when it is practicable for the Council to respond. The Council shall on such receipt inform the Department immediately whether it is practicable in the opinion of the Council. For the avoidance of doubt the Council shall be under no obligation to carry out any works where, in the reasonable opinion of the Council, it would be dangerous for its employees to do so.
4. A request by the Department for assistance with the Works would be made by phone and confirmed by e-mail by the Department's Section Engineer to the Council's nominated representative, Mr Terry Scullion, 07976 032924, terry.scullion@midulstercouncil.org
5. It shall be the discretion of the Council to provide assistance with the works and to inform the Department accordingly.
6. The Department shall provide any salt free of charge.
7. The Council shall only respond to requests for assistance with the Works during the normal operational hours of its street cleansing workforce i.e. Monday to Friday 08:00 to 16:00 hours and 06:00 to 08:00 on Saturday, Sunday, Bank and Public Holidays except in the case of an emergency and by mutual agreement.
8. The Department shall indemnify and keep indemnified the Council against all claims, demands, proceedings, damages, costs, charges and expenses whatsoever in respect of any claims which may arise out of or in consequence of any works carried out by the Council acting reasonably.

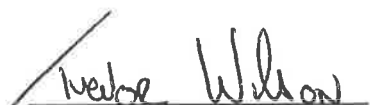
9. The Department shall indemnify and keep indemnified the Council to the extent that the Department enjoys indemnity under Article 9 (3) of the Roads (NI) Order 1993.

IN WITNESS WHEREOF the Council has hereunto affixed its corporate seal the day and year herein written

PRESENT when the Corporate Seal

Of **Mid Ulster District COUNCIL**

was affixed hereto:-


Chairperson


Chief Executive



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PRESENT when the Official Seal of

the **Department** for Infrastructure

was affixed hereto:-

Senior Officer.

)
SECTION ENGINEER MID ULSTER NORTH)
 SECTION ENGINEER MID ULSTER SOUTH
2 November 2016

Date:

APPENDIX 1

Maps of the retail core of each town centre were footways are to be treated:

MAGHERAFELT TOWN CENTRE

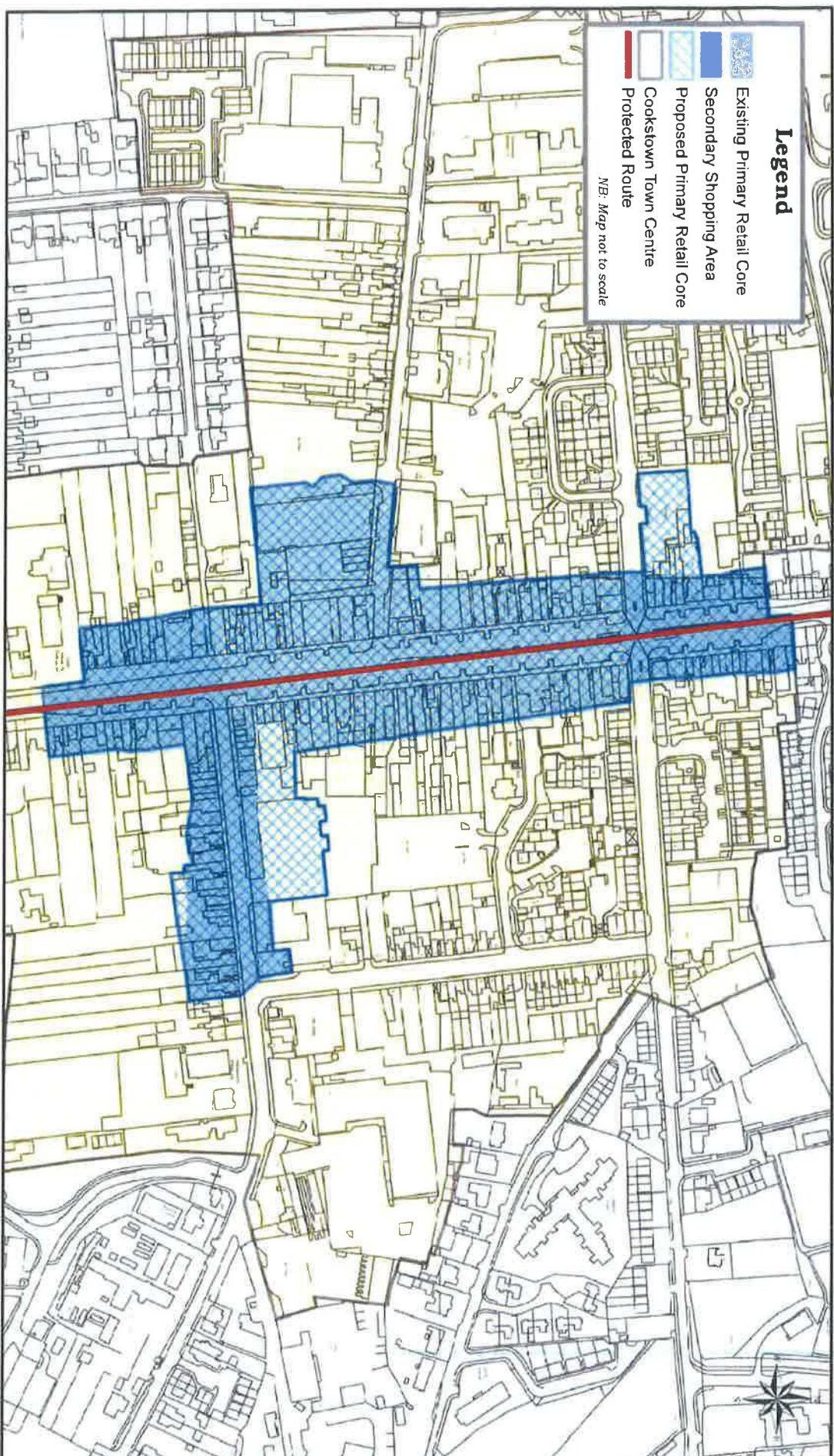
MAGHERA TOWN CENTRE

DUNGANNON TOWN CENTRE

COOKSTOWN TOWN CENTRE

COALISLAND TOWN CENTRE

Cookstown Primary Retail Core



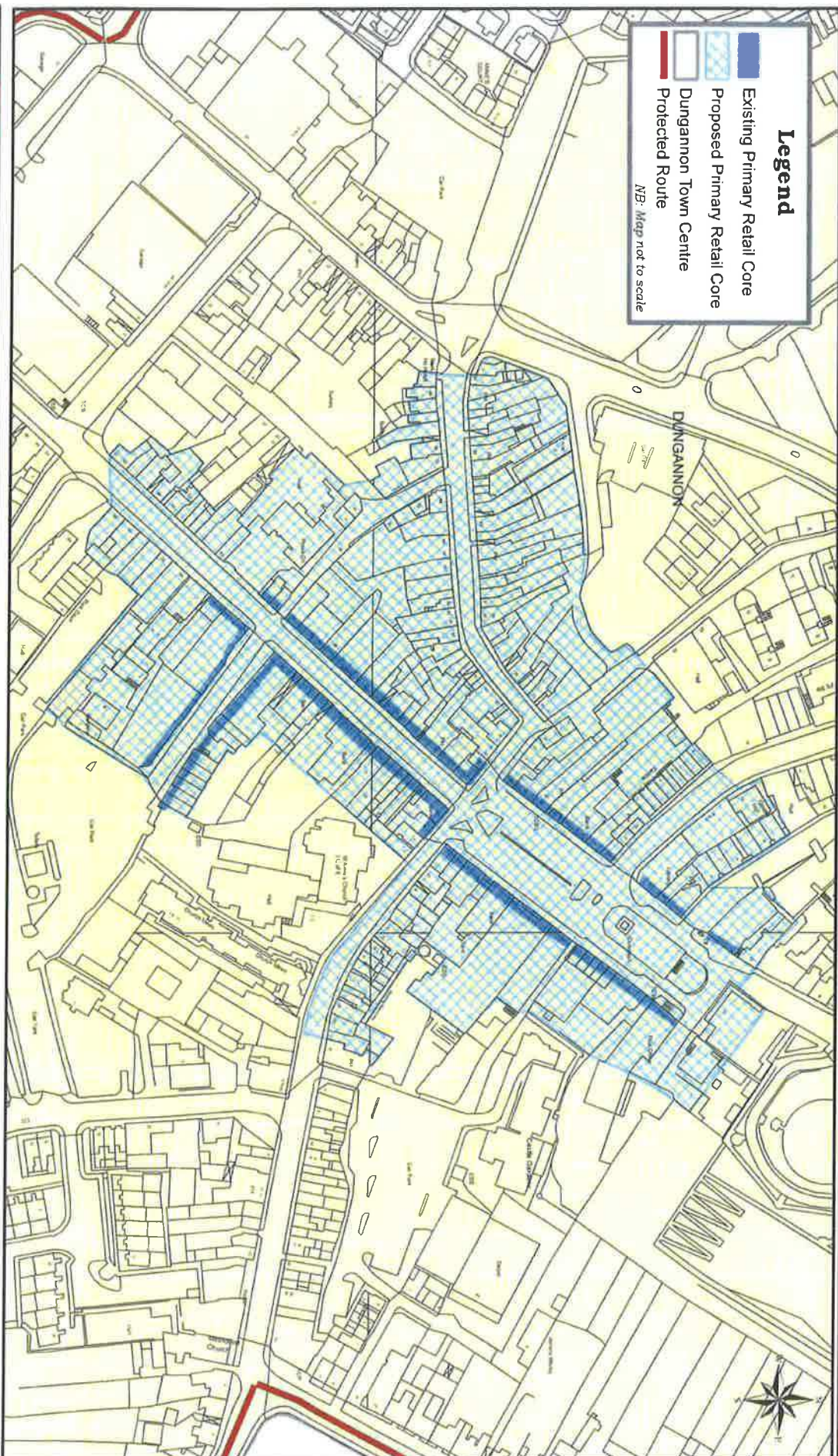
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District Council

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Dungannon Primary Retail Core



Legend

- Existing Primary Retail Core
- Proposed Primary Retail Core
- Dungannon Town Centre
- Protected Route

NB: Map not to scale



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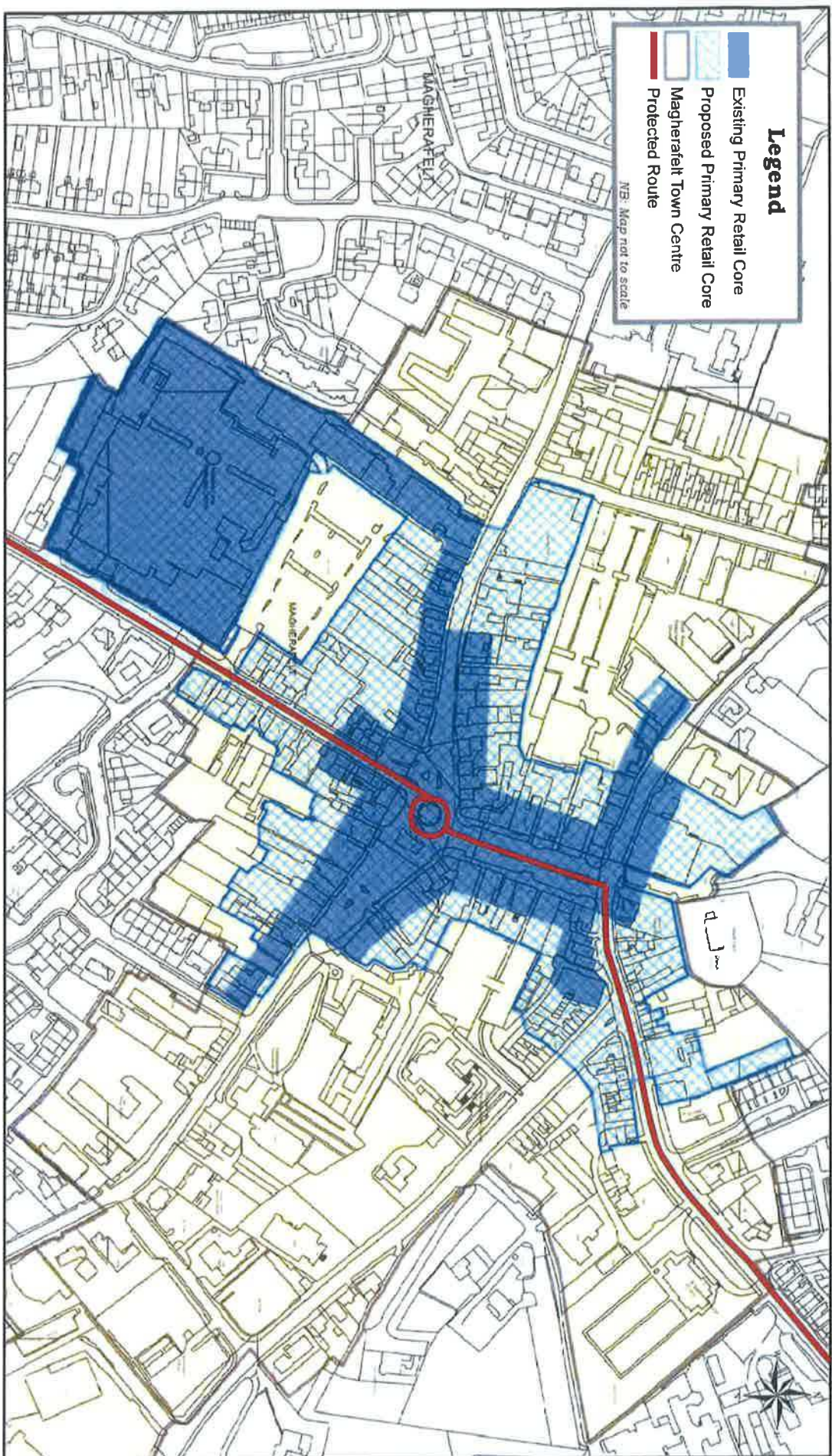
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Magherafelt Primary Retail Core



Legend

- Existing Primary Retail Core
- Proposed Primary Retail Core
- Magherafelt Town Centre
- Protected Route

NB: Map not to scale



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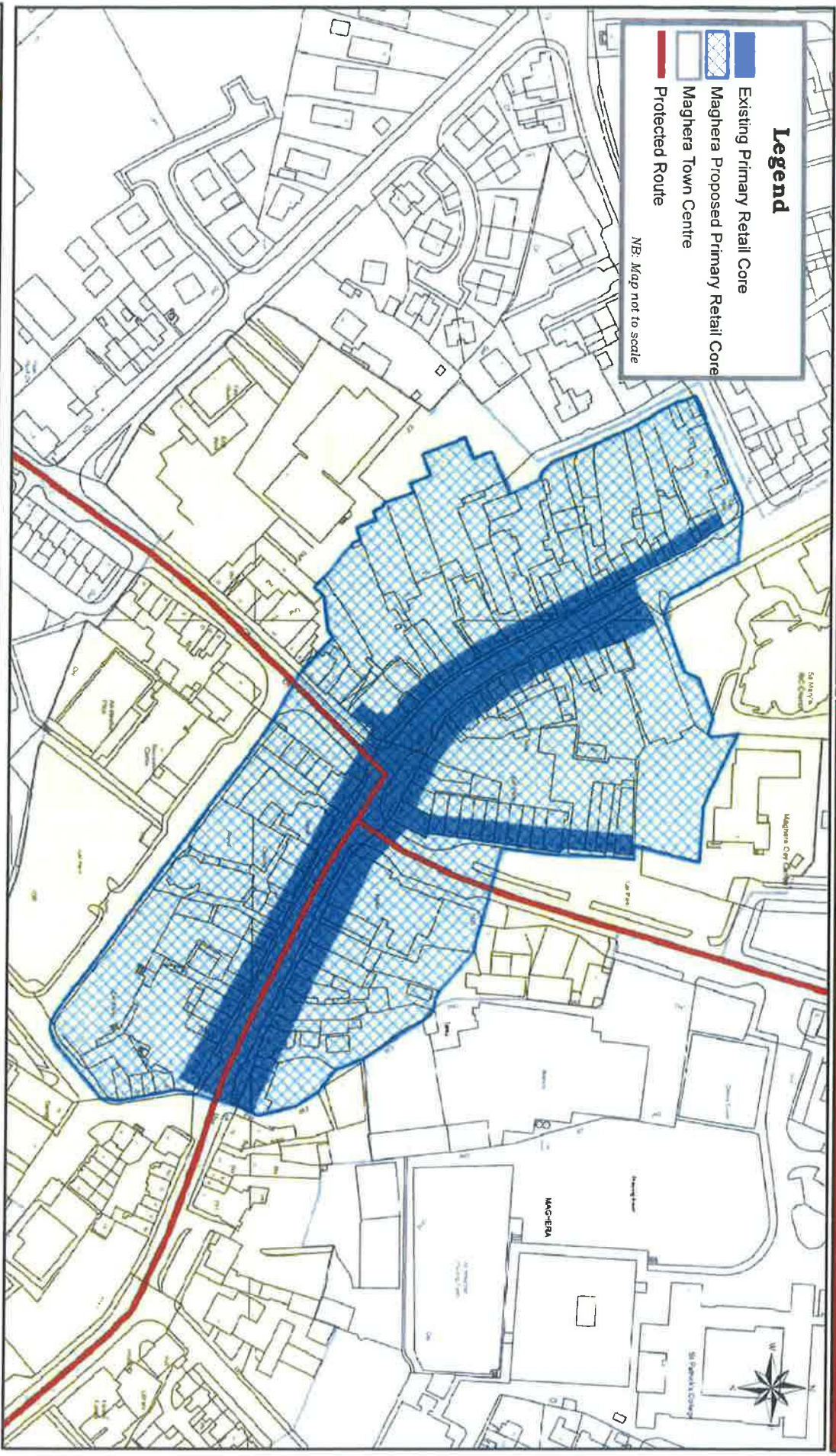
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Maghera Primary Retail Core

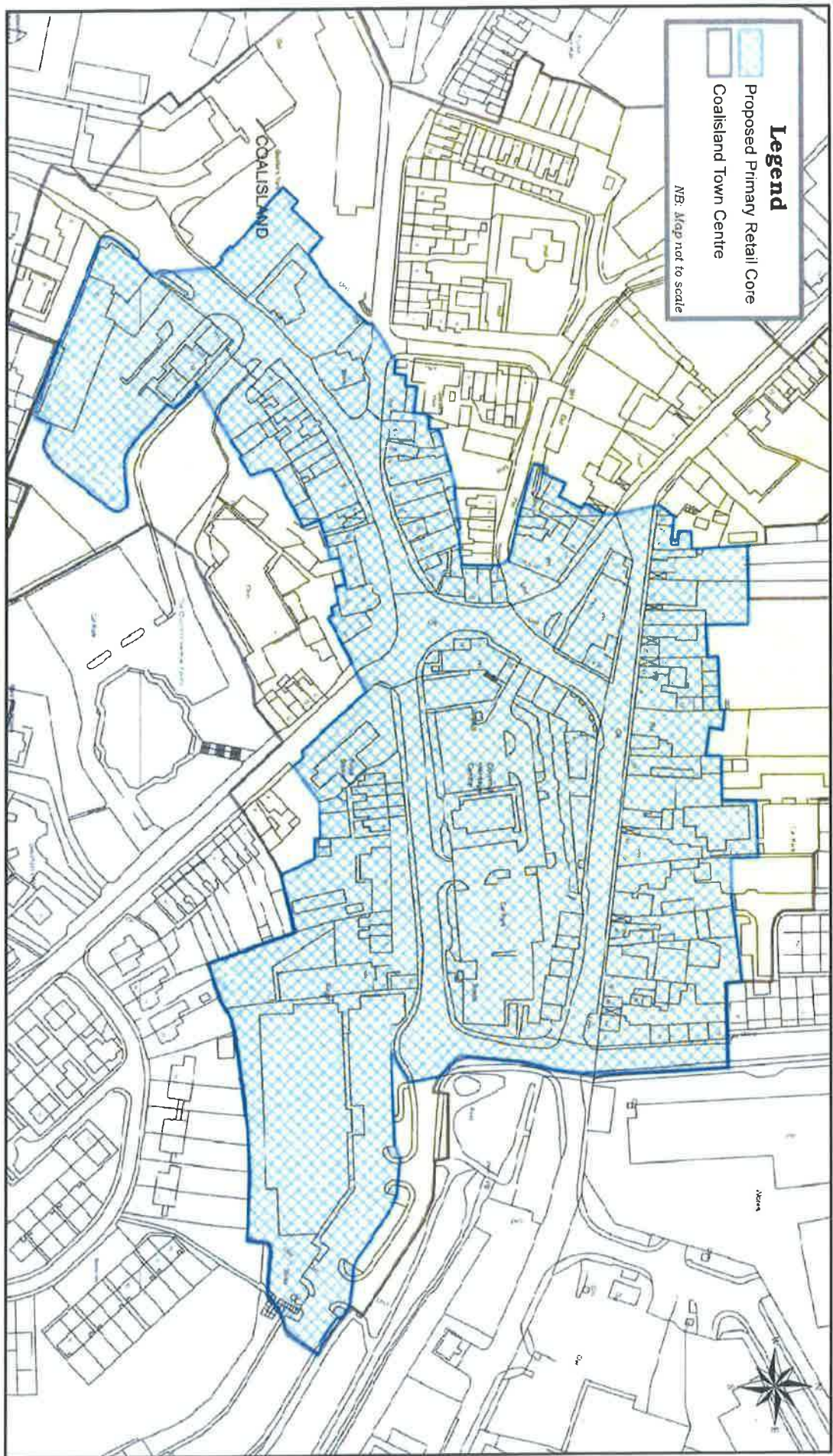


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Coalisland Primary Retail Core



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