

<b>Report on</b>	Footpath Winter Maintenance Agreement
<b>Date of Meeting</b>	8th October 2024
<b>Reporting Officer</b>	Mark McAdoo, Assistant Director: Environmental Services
<b>Contact Officer</b>	Eunan Murray, Neighbourhood Operations Manager - North

<b>Is this report restricted for confidential business?</b>	Yes	<input type="checkbox"/>
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek approval to enter into a new winter maintenance agreement with Dfl in relation to the treatment of footpaths in the main town centres within Mid Ulster.
<b>2.0</b>	<b>Background</b>
2.1	By virtue of Article 9 of the Roads (N Ireland) Order 1993 the Department for Infrastructure (Dfl) 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.
2.2	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 of services.
2.3	For the 2023/24 winter season an agreement was in place between Council and Dfl to facilitate the treatment of footways within the core retail centres of the five largest towns within the Mid Ulster District. The agreement reflected the legal basis and the operational experience in operating such an arrangement over previous years.
2.4	The agreement was triggered only one occasion by Dfl during the 2023/24 winter season; on 17th January 2024.
2.5	Following recent discussions Dfl have requested that the agreement is renewed for a period of three years (rather than annually) to align with similar agreements they have in place with other local authorities.
<b>3.0</b>	<b>Main Report</b>
3.1	The main conditions contained within the agreement are summarised below:

3.2	<p>a) During extreme weather conditions following heavy snowfall or prolonged freezing Council will assist the Department with clearance works on the footways and pedestrian areas within the core retail areas of the five main town/settlements.</p> <p>b) Works will be carried out by Council only on receipt of a request from the Department and in circumstances when it is practicable for the Council to respond.</p> <p>c) The request will come from Department's Section Engineer to the Council's nominated representative.</p> <p>d) The Department shall provide any salt free of charge.</p> <p>e) The Council shall only provide a response to requests during normal operational hours of the street cleansing workforce, except in the case of an emergency or by mutual agreement.</p> <p>f) 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.</p> <p>g) The agreement will cover the three year period from 2024/25 to 2026/27 and will be active from 1st November to 31st March each year.</p> <p>Maps highlighting the core retail areas to be treated are included in the appendix.</p>
4.0	<b>Other Considerations</b>
4.1	<p><b>Financial, Human Resources &amp; Risk Implications</b></p> <p>Financial: Implementation of the agreement should incur little additional cost to the Council as it seeks to utilise street cleansing and grounds maintenance operatives, and other service resources which would otherwise have been engaged in their normal operations save for extreme conditions following heavy snowfalls or prolonged freezing. The amount payable to Council for 2024/25 will be £2,466.</p> <p>Human: Staff time in managing the agreement, liaising with Dfl and in carrying out and supervising any operational activity on the ground when the agreement is enacted</p> <p>Risk Management: It should be noted that the Council has no statutory duty in relation to the clearance of ice and snow from footways; that responsibility lies with Dfl. The clearance of footways at times of extreme ice and snow from the main town centre assists in the free movement of people and therefore supports the economic cores in our town centres. This helps reduce the impact of extreme winter weather and reduces the associated economic and social risks</p>

4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to approve the new winter maintenance agreement with DfI for town centre footpaths for a 3 year period commencing 1st November 2024.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Core retail maps for town centre snow/ice clearance operations