



**CONTRACT BETWEEN BEAUDESERT & HENLEY IN ARDEN JPC
[THE COUNCIL]
&
WS GARDENS - MR WAYNE BYLES
[CONTRACTOR]**

Contractor's Liabilities

The contractor shall hold Public Liability Insurance in respect of all of their activities, in the sum of at least £5,000.000.00 and employers liability insurance if appropriate.

All works carried out by the contractor shall be carried out in a safe and legal manner. It is a condition of this contract that contractors comply with all applicable Health & Safety legislation including the safety rules of the Council given in the 'Contractors' Safety Information', which is part of the Health and Safety Policy and/or any other relevant Health & Safety and Risk Assessment documents held by the Council.

This shall include the use by the contractor of appropriate PPE and clothing for all tasks (including safety glasses, ear defenders, gloves etc where necessary) and adherence to all relevant regulations and guidelines (including for working at height, Care of Substances Hazardous to Health etc).

The contractor shall carry out Risk Assessments on all areas of work prior to undertaking tasks and shall provide confirmation of this to the Council on request.

The contractor shall then work in a safe manner, minimising risks to self and the public, with reference to those Risk Assessments.

The contractor shall undertake any training on specific tasks which the Council deems necessary and shall hold relevant qualifications for specialist tasks as necessary (e.g. chemical spraying) and provide confirmation of this to the Council on request.

It is the responsibility of the Contractor to ensure their own personal safety, and that of the public, whilst he is engaged on work for the Council in any location.

It is also essential that the Council is able to make contact quickly with the contractor in the case of works requiring urgent attention.

For these reasons, the Contractor shall ensure that he is equipped with a reliable and active mobile phone at all times.

Please refer to appended documents which evidence these requirements.

Contractor's Duties

Required maintenance of Henley in Arden's THREE major green spaces, namely:

1. Riverlands & Riverside Gardens
2. Jubilee Park
3. Littleworth & Skate Park Lawn

The three sites to be maintained throughout the growing season, approximating to a total of **EIGHTEEN CUTS** per site, per season.

The contractor will cut the grass to an appropriate level, strim around park furniture and trees, shrubs, borders and pathways. Cutting by machines which incorporate flail mowing abilities reducing cuttings to an acceptable fine residue which does not require collection and pick-up.

Further, the contractor will, on his work journey, report to the Clerk about any overhanging or broken tree and shrubbery growth likely to be a danger to the public.

Contractor's Works Direction

The contractor shall take instructions from the Parish Clerk, in terms of frequency of visits which will account for adverse weather conditions or acceptable reasons given by the contractor resulting from arrears due to weather.

The Contractor may request to subcontract individual works or employ additional assistance when required but will remain liable to the Council for the work involved and will also be liable for any payment or contractual issues with the sub-contractor or employee involved and will also be responsible for ensuring that all employment and health & safety requirements are met, and that the person(s) are/is covered by insurance.

This Contract may be terminated by one month's Notice on either side, or by the Council at any time should any of the conditions contained therein not be carried out to the satisfaction of the Council, provided that written notice of this has been given, and the Contractor given due opportunity to make good the omission.

At the end of the Contract period, this Contract will be put to competitive tender, with the outgoing contractor being invited to tender on identical terms to other applicants.

Invoice Settlement

On completion of the mowing at each site, the contractor will render an invoice with the Clerk, indicating site identification, date works carried out and the agreed contractual price for the plot in question. The agreed contractual price for the three sites are as follows:

1. Riverlands & Riverside Gardens - £135.00 plus VAT per visit [See map appended]
2. Jubilee Park - £135.00 plus VAT per visit [See map appended]
3. Littleworth Park & Skate Park - £75.00 plus VAT per visit [See map appended]

Payment of invoices will be no later than 30 days, provided full agreement has been reached at the Following Ordinary Meeting.

Agreement

Both parties agree that the Contractual Period should commence as soon as possible and that the matter of a new contract be reviewed on the 1st of March 2022. Until such time as the contract is cancelled within the terms listed or the review date, that the contractor be paid the hourly rate of pay specified above and that the contractor be responsible for their HMRC obligations.

Signed..... Ray Evans

Parish Clerk – Beaudesert & Henley in Arden Joint Parish Council

Signed [Name]

Contractor

Date.....

APPENDED DOCUMENTS

Please find appended documents relating to WS Gardens:

1. Certificate of Employer's Liability Insurance
2. Certificate of Public and Product Liability Insurance.
3. Parish Lengthsman Attendance Certificate.

References from other Parish Councils are available from the Clerk.



Certificate of Employers' Liability Insurance (a)

(Where required by regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (the Regulations), one or more copies of this certificate must be displayed at each place of business at which the policyholder employs persons covered by the policy)

This policy covers the holding company and only the named subsidiaries

Policy number 080X4023738/N71

1. Name of policyholder W S Gardens Ltd

2. Date of commencement of insurance 15 December 2020

3. Date of expiry of insurance Noon 15 December 2021

We hereby certify that subject to paragraph 2:-

1. The policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey or the Island of Alderney (b)
2. (a) The minimum amount of cover provided by this policy is no less than £5million (c)

Signed on behalf of

The National Farmers Union Mutual Insurance Society Limited (Authorised Insurer)

Head Office: Stratford upon Avon

Steve Bower
Customer Services Director

Notes

- (a) Where the employer is a company to which regulation 3 (2) of the Regulations applies, the certificate shall state in a prominent place, either that the policy covers the holding company and all its subsidiaries, or that the policy covers the holding company and all its subsidiaries except any specifically excluded by name, or that the policy covers the holding company and only the named subsidiaries.
- (b) Specify applicable law as provided for in regulation 4(6) of the Regulations.
- (c) See regulation 3 (1) of the Regulations and delete whichever of paragraphs 2(a) or 2(b) does not apply. Where 2(b) is applicable, specify the amount of cover provided by the relevant policy.

000003 000046 AT19L097M ECERTS 7004055

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www.nfumutual.co.uk



NFU Mutual
INSURANCE | PENSIONS | INVESTMENTS



Mutual Bonus
Our way of saying thank you

Certificate of Public and Product Liability Insurance

Policy number	080X4023738/N71
1. Name of policyholder	W S Gardens Ltd
2. Date of commencement of insurance	15 December 2020
3. Date of expiry of insurance	Noon 15 December 2021
4. Business(es)	Landscape Gardener, Gritting Contractor
5. Limit of indemnity	
Public Liability	£5,000,000 any one incident
Product Liability	£5,000,000 in total for any one period of insurance

This is to certify that the policyholder is insured under the above numbered policy, subject to the terms and conditions agreed with the Insurer.

Signed on behalf of

The National Farmers Union Mutual Insurance Society Limited (Authorised Insurer)

Head Office: Stratford upon Avon

Steve Bower
Customer Services Director

This certificate does not form part of the policy / contract with NFU Mutual. It is a summary of the cover in force and full details are found in the policy.

000010 000046 A TBL067M PCERTS 7004086

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www.nfumutual.co.uk

Certificate of Attendance

This is to certify that

Wayne Byles

Has attended:-

A Parish Lengthsman Course.

The course covered; the Health and Safety responsibilities of Employers & Employees, explanation of the duties of a Parish Lengthsman together with the Generic Risk Assessment and agreed Control Measures.

on:- Monday 24th November 2014

***at:- Warwickshire County Council,
Highways Depot, Budbrooke.***

Signed:  (Trainer)

**N Philp CMIOSH
Chartered Safety and Health Practitioner**



Riverlands & Riverside Gardens



Jubilee Park



Littleworth & Skate Park

