

HORLEY TOWN COUNCIL
ORDINARY MEETING OF THE COUNCIL

Minutes of an Ordinary Meeting of Horley Town Council held at the Albert Rooms,
Albert Road, Horley on Tuesday 2 April 2019 at 7.30 pm.

Present Cllrs D Powell – Chairman
 G Buttironi
 M George
 J Hudson
 Samantha Marshall
 Simon Marshall
 V Marshall
 R Olliver
 H Randall
 F Stimpson

In Attendance J Walsh (Town Clerk)
 C Fenton (Head of Leisure & Deputy Clerk)
 A Jones (Consultant)
 One member of the public

C 4630 Apologies and Reasons for Absence

RESOLVED: that the apologies of Cllrs Baird, Banwait, Biggs, Etheridge, A Kitajewski, H Kitajewski and Mabbett be accepted, for reasons as specified in the Attendance Register.

C 4631 Disclosable Pecuniary Interests and Non-Pecuniary Interests

There were no Declarations of Interest in relation to any items included on this agenda.

RESOLVED: noted.

C 4632 Public Forum

One member of the public was present, however no points were raised.

RESOLVED: noted.

C 4633 Ordinary Meeting of the Council, 12 February 2019

The minutes of the above meeting of the Council were presented for confirmation by members and signature by the Chairman of the Council.

RESOLVED: that the minutes of the Ordinary Meeting of the Council held on 12 February 2019, including all confidential items, be approved.

C 4634 Leisure & Amenities Committee, 26 February 2019

RESOLVED: *that the unapproved minutes of the above meeting of the Leisure and Amenities Committee, including all confidential items, be received.*

C 4635 Finance & General Purposes Committee, 12 March 2019

RESOLVED: *that the unapproved minutes of the above meeting of the Finance and General Purposes Committee, including all confidential items, be received.*

C 4636 Planning & Development Committee, 5 February 2019

RESOLVED: *that the approved minutes of the above meeting of the Planning and Development Committee, including all confidential items, be received.*

C 4637 Planning & Development Committee, 5 March 2019

RESOLVED: *that the approved minutes of the above meeting of the Planning and Development Committee, including all confidential items, be received.*

C 4638 "Little Libraries"

The Head of Leisure advised that the Little Library was to arrive soon.

RESOLVED: *noted.*

C 4639 Chairman's Report

The Chairman advised that, due to ill health he had attended less events than usual. Events attended were:

Opening of Residents' Pub at Gracewell of Horley Park Horley Care Home (with Vice-Chairman).

Prizegiving for Horley Photographic Club Junior Competition.

RESOLVED: *noted.*

C 4640 Residents' Forum / Town Meeting

Members were reminded that the next meeting of the Residents Forum was planned to take place on 16 May, combined with the Town Meeting, and would include a presentation on Air Quality Monitoring in Horley, given by RBBC Officer Leon Hibbs.

RESOLVED: *noted.*

C 4641 Borough, County Councillor & Other Updates

Members were updated on the recent Review Meeting, which had been attended by Cllr George, County Cllrs Hammond & Knight and the Clerk. (Notes of the meeting are appended.)

RESOLVED: noted.

C 4642 HTC/RBBC Liaison Meeting, 14 March 2019

Members were updated on the recent meeting, where discussions had included the Pedestrian Precinct Refurbishment, the Westvale Park Allotments, the designation of the Horley Town Park, future options for the SCC Local Committee and Member Training. It was noted that the next meeting would be held in Horley in mid-June.

RESOLVED: noted.

C 4643 Local Government Elections, 2 May 2019

The Clerk updated members regarding information received from the RBBC Electoral Services Manager. It was noted that two Town Wards would be contested (Horley East and Horley Upper North) and that all seats in the remaining Wards had been filled. The Clerk reminded members that the Edmonds Hall was to be used as a Polling Station on this occasion.

RESOLVED: noted.

C 4644 Police Matters

The Clerk advised that it was hoped that Neighbourhood Police Sergeant Liz Scholey would be attending the future quarterly meetings. Members were updated regarding a series of public engagement events by Surrey Police, entitled "Policing Your Community."

C 4645 Town Council Policies

RESOLVED: that the following be approved:

- i) Health & Safety Policy (a copy is appended)**
- ii) First Aid Policy (a copy is appended)**
- iii) Lone Working Policy**
- iv) Employee Privacy Policy (to accompany Staff Handbook)**
- v) Pensions Discretion Policy**

C 4646 Café at Horley Recreation Ground

The Clerk advised that Borrowing Approval had been received from the Ministry of Housing, Communities and Local Government and a meeting was shortly to take place with the chosen Contractor, Newlyn Contractors Ltd to agree the start date for the works. (Subsequently agreed as 24 June 2019, full details are appended.

RESOLVED: noted.

C 4647 Café Operator – Expression of Interest

The Clerk advised that the response to the Expressions of Interest Invitation had been disappointingly low. There were currently two interested parties.

RESOLVED: noted.

C 4648 Michael Crescent Scout Hut – Use by Outside Organisations

Members were made aware of recent activity by organisations using the Scout Hut for storage purposes. This included changing the locks on the door without permission and failing to provide new keys until requested to do so, also storing equipment outside the Scout Hut without permission.

RESOLVED: that the situation be closely monitored and be reviewed at a future meeting.

C 4649 Land at Emlyn Meadows

Members considered information received from the Sussex and Surrey Associations of Local Councils Solicitor, following a request from a local resident to purchase a parcel of land forming part of Emlyn Meadows. After further discussion the following was resolved:

RESOLVED: that the sale of the parcel of land be declined and the local resident be informed accordingly.

C 4650 Future Ownership of Bolters Wood

Cllr George explained that the owner of Cheswick Farm had always been minded to bequeath Bolters Wood (an area of ancient woodland adjacent to Emlyn Meadows) to the Town Council. The farm was to be sold as part of the Westvale Park development. After further discussion the following was resolved:

C 4650) ***RESOLVED: that the ownership of Bolters Wood by the Town Council be explored and an approach be made to the Westvale Park Consortium, the matter to be further considered at a future meeting.***

C 4651 **Diary Dates**

RESOLVED: that future events be noted, in particular the Town Meeting on 16 May and Annual Council Meeting on 21 May.

C 4652 **Items for Future Consideration**

RESOLVED: that the ongoing matter of an updated sound system for the Edmonds Hall be further discussed at the next meeting of the Finance & General Purposes Committee.

C 4653 **Confidential Business**

RESOLVED: that, "in view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded and that they be instructed to withdraw."

C 4654 –
C 4659 **Staffing Matters**

CONFIDENTIAL

Members received an update on recent actions taken regarding Grievance Allegations made by a member of staff. They also approved the recommendations of the Staff Committee.

Prior to the close of the meeting the Vice-Chairman thanked Cllr Powell for his year of Chairmanship and members standing down were thanked for their years of service.

Meeting closed at 9.00 pm

Date of next meeting: 21 May 2019 (Annual Meeting of the Council)

Notes of Joint Meeting: SCC / RBBC / HTC

22 March 2019, at 3.00 pm, in the Town Council offices, 92 Albert Road, Horley

Present: Cllr Kay Hammond (KH)
Cllr Graham Knight (GK)
Cllr Mike George (MG)
Joan Walsh (JW)

1. Review of Previous Meeting (1 February 2019)

1.1 Albert Road / Victoria Road – Resurfacing Works

There was no update.

1.2 Dialogue with Network Rail - Condition of Footbridge and Underpass

GK agreed to arrange a meeting with Network Rail representatives with HTC to consider flooding prevention in the underpass and the condition of the Footbridge along with proposals to make the bridge useable when the underpass became flooded.

Action: GK

1.3 Electrical Charging Points – Horley

GK agreed to follow up on other locations for electrical charging points since it was known that these were being part-funded by GAL and more could potentially be acquired at other car parks in Horley (such as, by Il Sorriso restaurant, Consort Way; the central car park; and at Sainsburys Local, Bonehurst Road).

Action: GK

1.4 Horley Regeneration Forum

GK agreed to liaise with the RBBC Head of Place Delivery on a proposal to potentially merge Horley Town Management Group (HTMG) meetings with Horley Regeneration Forum meetings and to incorporate important updates on healthcare provision, education etc as well as town centre matters.

Action: GK

1.5 Proposals for formation of new Rail Users' Forum in Horley

GK advised that plans to conduct a preliminary survey to explore the possibility of setting up an independent non-political Horley Rail Users' Forum by interested commuters would not take place until after the local elections in May.

Action: GK

1.7 Request to extend double yellow lines on Court Lodge Road, Horley & Parking obstructions on A23, Brighton Road

KH confirmed that improvement works at both the above locations were approved by the Reigate & Banstead Local Committee at their Parking Review on 4 March even though the latter location had been overlooked from the listing contained in the R&B summary report.

1.8 Residents' Forum Meeting

KH/GK were advised that in the view the Town & Borough elections on 2 May and the implications of purdah, HTC had decided to convert the next Residents Forum meeting on 16 May, to its annual Town Meeting. However, matters arising and actions from the previous Residents' Forum Meeting, (the notes from which were previously circulated) would be followed up at the Town Meeting and that good attendance by residents on the evening was anticipated.

- 1.9 LAC change to Joint Committee with Town and Parish Council participation**
GK advised that discussions were underway on proposals to restructure the Reigate & Banstead Local Committee with participation by Town and Parish Councils by establishing new Partnership Boards to address community matters. A public consultation was likely to be launched with the aim of introducing the new structure by April 2020 and further details would be provided once available.

2 Highways Matters

- 2.1 Albert Road / Lumley Road Footpaths:**
MG commented that the condition of footpaths on Albert Road and Lumley Road had become a serious accessibility issue. The design of crossovers and uneven footpaths often forced pedestrians with pushchairs and mobility users out on to the road and this was not helped by random vehicles parking on kerbs. GK said enforcement officers would normally try and intervene where possible but routine monitoring was not available throughout the Borough. However, he would follow up with SCC/RBBC on alternative improvement measures for safe access. **Action: GK**
(The above information was subsequently passed on to the Insight Group.)
- 2.2 Traffic Light Phasing – Victoria Road:**
MG said that the current phasing of the Horley Precinct traffic lights at Victoria Road was giving insufficient time for pedestrians to cross safely, especially those with limited mobility. KH will escalate to the SCC Traffic Management Team. **Action: KH**
- 2.3 The Crescent, Horley – Public Footpath:**
It was noted that a funding request for finger signs on the lamp post opposite 'The Crescent' with directions to Gatwick Airport would need to be sought from County Councillors in the financial year 2019/20. GK was reminded to contact Borough Cllr, Alex Horwood about the removal of the bin at the same location. **Action: GK**
- 2.4 Parking at Costa Coffee, Victoria Road:**
Following concerns raised about parking at the front of Costa Coffee and that rear access for unloading supplies was difficult, GK said he would make enquiries about other possible solutions to avoid a safety risk. **Action: GK**
- 2.5 Request for replacement bollards at shops, Court Lodge Road:**
It was noted that funding might become available from the SCC Member's Highways Fund 2019/20 for replacement bollards at the above location and this had been followed up.

3 Request by Community Radio Broadcaster - Susy Radio

GK/KH were updated on a request by Susy Radio to potentially secure new premises to operate their radio station since they were keen to relocate to Horley. The Town Council had considered the possibility of the former Scout Hut building at Michael Crescent Centenary Park being granted through a tenancy. However, following extensive structural and building control surveys to the derelict building (which were covered by HTC), the considerable expenditure likely to make the building viable was not possible for the Town Council to sanction at the present time. The Susy Radio Director had, however, been put in touch with the Head of Property at RBBC to make further enquiries. GK said he would also follow up with Cabinet Members on other options if possible. **Action: GK**

4 Café Pavilion Project, Horley Recreation Ground

JW gave an update on progress, advising that HTC had secured borrowing approval through MHCLG and that a meeting had been arranged to issue a formal instruction to the appointed contractor. It was anticipated that construction of the Café Pavilion and associated external works would commence in the summer. Expressions of Interest from interested parties on the Café Concession Lease had also been received and were in the process of being evaluated.

5 Any other business

5.1 Staywell, Regent Hall, Albert Road, Horley:

DP advised he had been contacted by many pensioners who were very aggrieved by being charged a new annual membership fee of £20 (effective 1 April 2019) by Staywell to be able to continue using the facilities and services at Regent Hall, Albert Road. He questioned why a community centre seemed to have suddenly changed to a private club. It was thought that the evidence would indicate a breach of contract. *(It was subsequently learnt that RBBC were aware of the situation and were carrying out an investigation. However, further information had yet to be established).*

5.2 Community Recycling:

Consideration was given on measures to improve commercial and domestic recycling, noting that local community initiatives had been very useful in the past to create more awareness. DP added that more information being made available on the impact of poor waste management on local landfill sites and the associated tax penalties would be greatly beneficial. It was agreed that this could be championed by RBBC through its Communications Department and GK agreed to follow this up. **Action: GK**

6 Date of next meeting

It was agreed that the next meeting would be on Friday, 10 May, 3.00 pm, at the Town Council offices.



Horley Town Council

Health & Safety Policy

1. Introduction and duties

- 1.1 The Health and Safety at Work Act 1974 sets out the general duty of employers and states the main principle as *'it shall be the duty of every employer to ensure, as far as is reasonably practical, the health, safety and welfare at work of all its employees.'*
- 1.2 The Council recognises and accepts this responsibility, and for the health and safety of any other person who may be affected by its activities as far as is reasonably practical.
- 1.3 The Council also recognises that every accident, however slight, is a matter for concern and will actively promote health and safety at all times.
- 1.4 The Health and Safety at Work Act 1974 also sets out the duties of members/employees while at the workplace.
- 1.5 Members/employees have a duty *'to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.'*

2. Sensible risk management

- 2.1 The Council will implement a Health and Safety policy to fulfil its responsibilities and adopt a sensible approach to risk management designed to:
 - Ensure staff and the public are properly protected
 - Ensure that risks that are created are managed responsibly
 - Ensure that precautions taken are appropriate to the perceived level of risk
 - Establish an audit trail of risk assessment records
- 2.2 The sensible risk management approach will ensure the Council **does not**:
 - Use 'Health and Safety' as a reason for preventing an activity
 - Scare people by exaggerating risks or publicising trivial risks
 - Create unrealistic demands prior to agreeing an activity

3. Risk assessments

- 3.1 The Management of Health and Safety at Work Regulations 1999 require employers to carry out risk assessments.
- 3.2 A risk assessment should be a practical exercise examining what, in your work, could cause harm to people, and putting in place controls to minimise the identified risks.
- 3.3 The Health and Safety executive (HSE) promote a risk assessment process which follows the five following steps:
 - Identify the hazards
 - Decide who might be harmed and how
 - Evaluate the risks and decide on precautions
 - Record the findings and implement them
 - Review the risk assessment and update if necessary
- 3.4 The Council will conduct an annual office risk assessment and report the findings to the Finance Committee.
- 3.5 The Council will conduct risk assessments for any event it holds and report the findings to the Finance Committee.
- 3.6 The Council will conduct regular, at least quarterly, risk assessments of its playground equipment and report the findings to the Finance Committee.
- 3.7 A full record of all risk assessments will be kept in the council office, including details of any remedial action taken.
- 3.8 A written record of any accidents, injuries or incidents will be retained in the Council office and referred to when completing any risk assessment.

4. Council Responsibilities

- 4.1 The Council will ensure all employees are trained in the use of any work items provided to them to fulfil their duties.
- 4.2 The Council will actively involve staff members in completion of risk assessments connected to their respective roles and encourage staff members to raise any health and safety concerns they have with their line managers.
- 4.3 The Council recognise its obligations to consult with its employees as detailed in the Health and Safety (Consultation with Employees) Regulations 1996 and the Safety Representatives and Safety Committee Regulations 1977.

- 4.4 The Council will ensure that adequate resources are made available for the implementation of health and safety.
- 4.5 Suitable and sufficient funds, people, materials and equipment are provided to meet all health and safety requirements.

5. Responsibilities by Members/Employees

All members/employees are to:

- 5.1 Take reasonable care of their own safety.
- 5.2 Take reasonable care of the safety of others affected by their actions (this includes other employers and members of the public).
- 5.3 Observe the safety rules for specific plant, equipment and materials.
- 5.4 Comply with the Health and Safety policies of the Council.
- 5.5 Conform to all written or verbal instructions given to them to ensure their personal safety and the safety of others.
- 5.6 Dress sensibly and safely for their particular working environment or occupation. In particular to wear all items of issued personal protective equipment (PPE).
- 5.7 Conduct themselves in an orderly manner in the work place and refrain from any antics or pranks.
- 5.8 Use all safety equipment and/or protective clothing as directed.
- 5.9 Avoid any improvisations of any form which could create an unnecessary risk to their own personal safety and to the safety of others.
- 5.10 Maintain all equipment in good condition and report defects to the Town Clerk.
- 5.11 Report any safety hazard or malfunction of any item of plant or equipment to the Town Clerk.
- 5.12 Report all accidents and dangerous occurrences to the Town Clerk whether an injury is sustained or not.
- 5.13 Observe all laid down procedures for processes, materials and substances used.
- 5.14 Observe the fire evacuation procedure and the position of all fire equipment and fire exit routes.

6. Other legislation

- 6.1 The Council will be mindful of other legislation which may affect its responsibilities for Health and Safety and take these into account when assessing risks, in particular:
- The Workplace (Health, Safety and Welfare) Regulations 1992
 - The Personal Protective Equipment at Work Regulations 1992
 - The Manual Handling Operations Regulations 1992
 - The Health and Safety (Display Screen Equipment) Regulations 1992
- 6.2 The Council is also aware of other legislation which could affect its future responsibilities for health and safety, in particular:
- The Health and Safety (First Aid) Regulations 1981
 - The Electricity at Work Regulations 1989
 - The Confined Spaces Regulations 1997
 - The Provision and Use of Work Equipment Regulations 1998
 - The Lifting Operations and Lifting Equipment Regulations 1998
 - The Control of Substances Hazardous to Health Regulations 2002 (COSHH)
 - The Work at Height Regulations 2005
 - The Regulatory Reform (Fire Safety) Order 2005
 - The Control of Asbestos Regulations 2012
 - The Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013 (RIDDOR)

7. Insurance

- 7.1 The Council will meet its legal obligations to insure against liability or disease to their employees arising out of their employment under the provisions of the Employers' Liability (Compulsory Insurance) Act 1969.

8. Contractors

- 8.1 All contractors working on the Council's premises are required to comply with appropriate rules and regulations governing their work activities.
- 8.2 The Council will ensure that, prior to engaging any contractor, they are competent and that the work is carried out safely.
- 8.3 The Council recognise that it has a duty to ensure, as is reasonably practicable, that any contractors employed by the Council operate their activities in a safe manner with regard to their employees, Council employees and the general public.

Horley Town Council

It is The Council's policy to provide, so far as is reasonably practicable:

- ✚ A safe working environment.
- ✚ A workplace and work activities that will be safe for the Council's members, employees, visitors and others who may be affected by the Council's activities and responsibilities.
- ✚ A safe environment for the public in the areas and locations falling within the responsibility of the Council.
- ✚ Safe plant, equipment and systems of work utilities in pursuance of the Council's duties.
- ✚ Safe use, handling and storage of articles and substances.
- ✚ Instruction and training for and consultation with the Council's members/employees.
- ✚ Adequate facilities and welfare arrangements for the Council's members/employees.
- ✚ Sufficient resources to implement the Council's policies and the assignment of responsibilities.

Members/Employees are reminded that they have a duty to take reasonable steps for their own health and safety and for other people who may be affected and to co-operate with arrangements in all matters relating to health and safety.

This policy will be kept up-to-date and reviewed annually.

***Approved by Full Council: 2.4.19
Next review date: April 2022***



Horley Town Council

First Aid Policy

Introduction

The Health and Safety (First Aid) Regulations 1981 impose a duty on employers to provide first aid support and facilities for their employees.

1. Definition

First Aid is defined in the Health and safety (First Aid) Regulations 1981 as a case where a person will need help from a medical practitioner or nurse in the event of serious injury or illness; where such help is not available, a First Aider will provide treatment for the purpose of preserving life and minimising the consequences of injury or illness until such help is obtained. It also covers treatment of minor injuries and minor illness, which would otherwise receive no treatment or which do not need treatment by a medical practitioner or nurse.

These regulations apply only to employees. However, First Aiders may use their discretion to render First Aid to visitors to the Council premises and land. Horley Town Council will arrange indemnity insurance for all Horley Town Council First Aiders.

The Health and safety (First Aid) regulations 1981 place a general responsibility on employers to provide appropriate first aid facilities. In the case of lone workers – if they sustain a minor injury, they might be able to use a first aid box or telephone. All Horley Town Council lone workers have access to a first aid box and a mobile telephone.

2. Procedure for obtaining first aid assistance

First aid should be available between 9am and 4pm, however this cover could be curtailed due to holidays etc.

When first aid is required call the office on 01293 784765 and the person telephoning should state where the casualty is and the nature of the injury/problem.

Any treatment given should be recorded in the Accident Book and reported to the Clerk.

Should the casualty need hospital treatment, call an ambulance and ensure that responsibility for personal possessions is taken.

An ambulance must be summoned in all cases where the casualty loses consciousness for any period.

Should an employee need hospital treatment a next of kin will be contacted.

3. Responsibility

Overall responsibility for fulfilling the First Aid Policy of the Council lies with the Clerk, through delegation of duties to two First Aiders.

The Clerk will:

- Ensure that the first aid boxes are fully equipped and maintained for first aid requirements.
- Ensure suitable employees are recruited, trained and retained as First Aiders.

First Aiders will attend an approved First Aid course. They are responsible for:

- Administering First Aid and for recording any treatment given in the Accident Book.
- Ensuring an ambulance attends in all cases of unconsciousness, and in other circumstances where the situation requires it.
- Informing the relevant people if the casualty is taken into hospital or sent home.
- Using personal protective clothing (surgical gloves, protective aprons and resuscitate mouthpiece) wherever reasonable to do so when administering first aid.

4. Duty of Care

Horley Town Council has a duty of care to protect others from harm; this includes a range of processes including risk assessments and health and safety practices.

We require regular hirers of our premises to be responsible for managing risks, so far as reasonably practicable, arising from their own activities when they have control of premises or control of equipment on the premises as directed by the [Health and Safety Executive](#).

We require hall hirers to take all reasonable precautions to safeguard the health and safety of those on the premises during the period of hire and will allow no activities which affect the rights or comfort of the occupants of the neighbouring properties or cause damage to Council Property (as stipulated in Clause 24 of the [Council's the Terms and Conditions for hall hire](#)).

Approved by Full Council: 2 April 2019

Next review date: April 2022

HORLEY TOWN COUNCIL

Joan Walsh

Town Clerk

Council Offices, 92 Albert Road

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Newlyn Contractors Limited
27 Kencot Way
Erith
DA18 4AB

11 April 2019

Our Ref: DC/190.002/M/L01

For the attention of Mr Mark Malin

Dear Sirs

Authorisation to Proceed Subject to Contract – Horley Recreation Ground Café RH6 8DA

We confirm that it is our intention to enter into a contract with you, on the basis of your tender for the above project for the 'fixed price' sum of £476,350.00 exclusive of VAT. The documents upon which the offer is based are:

- Contract conditions
- Employer's Requirements including all drawings (190.002 dated September 2018)
- All post tender correspondence

As discussed at our meeting on 11 April 2019, the contract period will commence once you are in possession of the site which will be Monday, 24th June 2019, (Date of Possession) unless we confirm or agree otherwise in writing.

It is hereby agreed between us that the conditions of this agreement will be 'The Contract' and this is to be agreed and executed under seal.

Pending the completion of the Contract Document, please accept this letter as authority to proceed in accordance with the Employer's Agent's instructions.

The contract is subject to your agreement to the following: -

- a) The Form of Contract to be entered into will be the JCT Design and Build Contract (DB) 2016.
- b) The contract period shall be 20 calendar weeks which shall commence from Date of Possession.
- c) In accepting this letter of intent you will commence with the design, pre-order any items which have an extensive 'lead-in' period and undertake any liaison with Statutory Authorities and the like.
- d) You will ensure and provide satisfactory evidence that all insurances required in accordance with the contract are in place prior to the commencement of works.

The Contract documents will be forwarded to you in due course, but the Employer's commitment to the terms of the Contract is subject to this agreement until the contract is duly executed and exchanged.

Should instruction be given to terminate the works prior to signing and exchange of the contract, Newlyn Contractors Limited will be reimbursed for all reasonable and justifiable costs and expenses properly incurred by and in compliance with the foregoing, which for the avoidance of doubt, will exclude loss of profit or damages for breach of contract. The amount to be paid to you will be the actual costs to the determination date as measured and agreed with Copeland Yussuf LLP. If agreement cannot be reached both parties have the right to refer the matter to adjudication as governed by Clause 9.2 of the Contract to be entered into.

Our liability shall be subject to the production by you of substantiation of your costs that have been reasonably incurred.

Your liability and indemnity to Horley Town Council for any works provided by you under this letter shall be as set out in the Contract.

In the event of any termination of this agreement, you will unconditionally deliver to us all documents and information relating to the project which is available to you.

You are not entitled to terminate this agreement.

Upon agreement and execution of the Contract, it is agreed by both parties that: -

1. Credit shall be given for any sums paid under this letter;
2. Any work carried out pursuant to this letter shall be governed by the provisions of The Contract duly executed;
3. This letter shall be subsumed by The Contract agreed between us.

In the meantime, and for the avoidance of doubt until the Contract has been sealed and attested by both parties and exchanged any contractual relationship between us is limited to the terms contained in this letter.

This letter is prepared in duplicate. Please confirm your agreement to the above by signing the duplicate copy in the space below and returning it to us at the above address.

Yours faithfully

Signed:  Date: 11/4/19

For and on behalf of
Horley Town Council

Signed:  Date: 11.4.19

For and on behalf of
Newlyn Contractors Limited