

Are your contracts in order? | edingham|chalmers LLP



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each time a new order is placed. However, the terms of any standard form need to be kept under review. Are all the terms appropriate for this particular job? Is there anything unusual about the job (or the client) which means extra conditions are required?

Are your conditions up to date and working to your best advantage?

There are some ingredients which need to be included every time but others which need to reflect the particular job. The scope of the work is an example. A contractor needs to clearly spell out what he is doing for a client; whether by reference to

Ideally you should get the client to respond in writing to say that these terms are agreed.

specified drawings or a schedule of work. Taking time at the outset to set out clearly what you are going to do (and the price you have agreed) is invaluable when it comes to resolving problems further down the line. The same goes for any timescale or milestones agreed for the work.

Certain conditions may be implied by law unless you agree to the contrary. For instance, if you are supplying and fitting materials for a known use, you may be deemed to have given a guarantee that they are fit for that use. You may be subject to the provisions of legislation which implies a whole raft of conditions into any contract that falls within the definition of a construction contract – are you aware of what that says?

Price is another area which should be covered clearly every time but where the amount will vary from job to job according to the scope of work. Cash flow is key. With that in mind, think

about how and when you want to be paid. Is an advance payment required? What about stage payments? If so, when do those become due? What incentives can you give to encourage prompt payment? What rights do you have if a payment is missed or withheld? Well drafted contract terms not only give certainty on these matters but also improve the prospects of you being paid more quickly.

Another area to consider is when a client (as often happens) changes their mind about the work to be carried out. If no price is agreed for additional work, then what is due to be paid will be very much up in the air. To limit the chance of disagreement, it is wise not only to spell out the scope of work originally priced for but also the standard labour and material charges which will apply in the event of changes being instructed.

Entering into any contract carries risk. Key to giving you the best advantage in a tough current financial climate is assessment of that risk - ensure you do not unwittingly miss the obvious and are fully aware of the obligations and responsibilities you are accepting.

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Scotland sees a **1.8%** rise in house prices
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2 Granite Cobbles re-used as part of Scottish Housing Expo

Granite cobbles that once paved the streets of Inverness city centre have been given a new lease of life as part of Scotland's Housing Expo.

In keeping with the Expo's aim to promote eco-friendly living and the use of sustainable materials, the cobbles and setts, which date back to the late 1800s, will now be incorporated in to the landscaping of the development at Milton of Leys.

Once part of Union Street and Church Street in Inverness, the cobbles formed the street surfaces until they were overlaid between the First and Second World Wars. They were excavated over a period of time over the past 10 years as part of the city's Streetscape Scheme and have remained in storage under the protection of The Highland Council.



The incorporation of cobbles and setts support the Expo's environmentally - friendly commitment which enabled a new use for the formerly surplus, yet historic, materials.

Inverness Provost, Councillor Jimmy Gray visited Scotland's Housing Expo to mark the incorporation of the cobbles and setts into Scotland's Housing Expo.

He said: "It's very fitting that a part of the city's history will play a role in Scotland's efforts to shape the future of living in Scotland and the rest of the UK."

The Association's President, Calum MacLean said: "There are a lot of new ideas being showcased at the Housing Expo, not just the buildings, but also the streetscape and the ways in which development and its pavements and

roads have been designed and laid out.

"The blend of old and new materials creates a look that is fresh and exciting. It works on many levels. In environmental terms we are reclaiming materials instead of using new. Socially we are reclaiming the public realm for pedestrians and residents and using these materials to reduce the impact of cars, rebuilding a sense of community. In terms of character and identity we are reclaiming part of the town's history."

Chair of Scotland's Housing Expo Board, Councillor Jean Urquhart said: "Visitors will be able to see the cobbles and setts as part of many decorative and construction

features that form the Expo development landscape. It's fantastic to be able to recycle Old Inverness to create a new, vibrant and exciting community".



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Nationwide Sub Regions Scotland Average House Prices Quarter 2

Scotland saw a 1.8% rise in prices in the second quarter of 2010. The annual rate of change picked up from 5.6% to 7.2%, but remains below the UK average.

Edinburgh, the country's most expensive area, saw the strongest price rises with average prices up 11% year-on-year. The surrounding Lothian & Falkirk area, however, saw the weakest growth with prices up around 2% year-on-year.

1.8%

Aberdeen City	£215,306
Aberdeenshire & Moray	£165,491
Dundee & Angus	£153,314
Edinburgh	£243,760
Glasgow	£159,111
Highland & Islands	£150,337
Perthshire & Stirling	£163,191
Southern Scotland	£135,894



3 GO TO THE EXPO URGES CIH SCOTLAND

Scotland's Housing Expo in August will showcase not just innovative housing design but also the creation of a mixed community from scratch, according to CIH Scotland, which was among a small number of national organisations to get a sneak preview of the Expo site at the end of May.

It will feature 52 homes built for rent, outright sale and shared equity. Showcasing seven developers, two housing associations and 27 different designs, the Expo will run from 1-31 August and is supported by a consortium of agencies, including Highland Council, Scottish Government and Homes for Scotland.

See more details at...
www.scotlandshousingexpo.com

CIH Scotland Chair, Jim Strang said: "This is a truly unique opportunity for housing professionals and the public alike to look at exemplar house building designs."

4 Historic Housing Boost for North East

The biggest development of low cost homes ever built in the North East will form part of a new urban village on the site of a former paper mill beside the River Don in the Tillydrone area of Aberdeen.

The Scottish Government is committing £21m, with local housing associations providing another £12m, to build 209 homes for rent or shared equity, made up of flats, and two, three and four-bedroom properties.

The new urban village, scheduled for completion in 2014, will also include office space and business start up units, a children's nursery, neighbourhood shops, and a further 77 privately.

The remainder of the funding package - £22m - is investment from Tenants First Housing Co-operative, Langstane Housing Associations and private finance, bringing the total to £55m.

Minister for Housing and Communities, Alex Neil said: "This development marks a historic milestone for social housing in the North East. It is the biggest project of its kind ever undertaken in the region,

which will not only offer quality affordable homes for local families, but will also provide a tremendous economic boost for Aberdeen.

"It is excellent news for the hard-pressed local construction industry and related businesses."

"It is excellent news for the hard-pressed local construction industry and related businesses. In 2010-11, despite entering a period of tight budgetary constraint, this Government is doing all it can to help increase the supply of affordable homes for first time buyers on modest incomes.

"This development is a shining example of partnership working between Devanha, Aberdeen City Council and the Scottish Government."

Sandy Murray, Chief Executive of Tenants First said: "The Donside Urban Village is the key to our ambitions to develop new affordable homes in Aberdeen. It is an excellent example of social housing providers

working together with government at both national and local levels.

"We believe the Donside Urban Village is a flagship development that would prove a fitting launch pad for the regeneration of the Tillydrone area of the city. It will not only bring new life to a derelict brownfield site, we see it acting as a catalyst for further regeneration within the community."

Langstane Chief Executive, Alan Grant said: "We are delighted to be part of this exciting project. The homes we will provide and manage will help to meet the ever increasing levels of housing need, within the context of a new balanced and sustainable community."

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Construction Can Play Essential Role In Recovery

Addressing an audience of 100 parliamentarians and 150 senior industry leaders, civil servants and journalists, **Bill Bolsover, Chairman of the Construction Products Association**, said that the construction industry had a vital role to play in helping achieve economic recovery.

He said: "Despite the current economic pressures and the difficult decisions that will be taken by government over the coming weeks, spending cuts and tax increases alone will not revive the economy. These must be coupled with private sector growth to generate economic activity, create employment and nurture the fragile economic recovery and more than any other industry, construction is an essential

"Every £ that is invested in our industry generates £2.84 of economic activity across the economy, the kind of return that most private sector companies would die for. Yet none of this is possible without the products and materials that are supplied by the companies we represent. We need to make this country a place where these



companies want to do business and where they are seen for what they are - high tech manufacturing.

"If the UK is to compete in the global market our companies must not be hampered by wholly unacceptable delays in obtaining planning permission for minerals and factory development; by regulation and tax regimes that are more onerous and more bureaucratic than other European countries where these companies operate, or by lack of confidence about whether there will be a long term supply or energy at competitive prices.

Finally, the Chairman of CPA on the Chancellor to extend the range of energy efficient products such as double glazing and high efficiency boilers that are eligible for a reduced 5% VAT rate.

He said: "No-one has ever been able to explain to me why, at a time when climate change is seen as such an important issue, we are charging VAT at 5% on the energy we use, but the full 17.5% on many of the products that actually help us save it. By doing this, it will be seen as evidence that the government wants to be true to the Coalition Agreement to be 'the greenest government ever'."

Record Number of Affordable Homes Completed

The number of new Scottish Government funded affordable homes completed in Scotland rose to 5,846 in 2009/10 figures have confirmed. The figure represents the highest recorded since the financial year 1981/82. 2,609 more new affordable homes were built in 2009/10 than in 2006/07. However, 35% fewer private sector new homes were completed in 2009 than in 2008. Between 2006 and 2009 there was a slump in the number of private new build houses dropping from 21,324 to 11,447.

Housing and Communities Minister, Alex Neil said: "It is encouraging that last year there was a record number of new affordable homes built in Scotland. Indeed, not since the early eighties have we witnessed such a surge in new affordable homes across the country. Unfortunately, the level of private new build completions has continued to fall sharply in comparison with previous years.

"However, to help Scotland's hard-pressed house builders we acted decisively and stepped in when the private housing sector was experiencing an unprecedented fall in building activity. We moved quickly to bring forward some of next year's affordable housing budget as accelerated expenditure.

"Scotland's housing system faces

major challenges. Not least, confronting the fall out from £500 million of cuts, imposed by the Treasury and set out in the draft Scottish budget presented to Parliament. "This week I joined the Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon, to launch a discussion document about future housing policy in Scotland. "It signals a need for Scotland's housing system to employ 'radical thinking and bold new ideas' to counter the financial realities presented by reductions in public spending."

Jonathan Fair, Chief Executive of home building industry body Homes for Scotland, said: "The figures are further proof, if it was needed, of the extent of the housing crisis Scotland currently faces. We believe total housing output will struggle to exceed 12,000 units this year - less than half pre-credit crunch levels and less than half of what is required to simply stand still in response to the 18,000 new households that are formed and the 11,000 homes that are demolished in Scotland each year. "With a report from CML today also showing a drop of 33% in house purchase lending in Scotland in the first quarter of the year, the new UK Government must address the mortgage issue once and for all and maintain investment in housing otherwise."

Telehandler warning

Following a recent fatal accident in Scotland HSE is warning all users of telescopic variable reach trucks, commonly known as telehandlers, of the danger of not replacing broken windows on these machines.

The side window on telehandlers is designed as a guard to prevent operator access to the boom. If the glass screen is broken or missing, operators may lean out of the window aperture and can inadvertently lower the boom onto themselves. They may not realise the danger they face, and if the boom does lower onto them, that they may not be able to stop it.

Action required:

If this side glass screen is broken or missing the machine should be removed from use until it has been replaced. Machine owners, users and operators should be warned of the dangers of operating their machines with the side screen broken or missing, and the importance of reporting such damage as soon as it occurs.

Users are also reminded of the importance of carrying out daily checks of the condition of their trucks, and that the condition of the cab windows is part of these inspections.




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news

Construction Sites

Nearly one in four of the construction sites visited by the Health and Safety Executive (HSE) during March failed safety checks.

Inspectors from HSE carried out checks at 2014 construction sites across Great Britain as part of an intensive inspection campaign aimed at reducing death and injury in one of Britain's most dangerous industries.

During unannounced visits, inspectors focused on refurbishment and roofing work to ensure that any work at height was being done safely and that the sites were in good order. 2414 contractors were inspected during the campaign.

A total of 691 enforcement notices were issued at 470 sites, with inspectors giving orders for work to be stopped immediately in 359 instances for either unsafe work being carried out at height or where sites lacked 'good order'. The majority of all notices issued related to unsafe work being carried out at height.

