

TEIGNBRIDGE DISTRICT COUNCIL

AUDIT SCRUTINY COMMITTEE

17TH DECEMBER 2020

PART I

Report Title	Financial Instructions and Contract Rules Waivers
Purpose of Report	To inform Members of the number of times the Financial Instructions and Contract Procedure Rules have been waived and the reasons for this.
Recommendation(s)	The Committee RESOLVES to note the report.
Financial Implications	None – see section 3.1.
Legal Implications	None – see section 3.2.
Risk Assessment	Not applicable – see section 3.3.
Environmental/ Climate Change Implications	None – see section 3.4.
Report Author	Sue Heath, Audit & Information Governance Manager Email: sue.heath@teignbridge.gov.uk
Executive Member	Councillor Keeling, Corporate Resources
Appendices / Background Papers	None.

1. INTRODUCTION / BACKGROUND

The Financial Instructions and Contract Procedure Rules provide the framework for managing the Council's financial affairs. They apply to every member and officer of the Council and anyone acting on its behalf.

Sometimes there are instances where the rules cannot be followed and requests are made to waive them. One of the following criteria must be met:

1	LIFE OR DEATH There is significant chance that the life or health of officers, members, or the public will be put at real risk.
2	INCREASED COST / LOSS OF INCOME The Council will incur significant avoidable costs or lose significant income.
3	LIMITED MARKETS The Council would be wasting its time tendering as supply of the product or service is demonstrably restricted to one or few businesses.
4	URGENT ACTION REQUIRED The Council would be criticised for failing to act promptly.

2. WAIVERS

The following waivers have been processed since the August 2020 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Green Infrastructure Officer	Garden Communities Project Direct appointment of DCC transport contractor WSP to undertake active / sustainable travel audit and strategy for Newton Abbot. Ensures alignment with DCC through use of same provider. Value: £35,634 (funding provided by Homes England) Reason: Urgent Action Required.	Neil Blaney Head of Place and Commercial Services

Senior Estates Surveyor	<p>External Legal Services Brunswick Development</p> <p>Direct appointment of WT Hills to serve Party Wall Notices for 14 properties affected by the Brunswick Street development.</p> <p>Value: £29,600 (worst case scenario)</p> <p>Reason: Urgent Action Required, and Limited Market due to supplier's previous work on this site.</p>	Neil Blaney Head of Place and Commercial Services
Senior Estates and Development Surveyor	<p>Construction of Walls</p> <p>Direct appointment of Cirrus Construction to subdivide Sherborne House building to enable NHS occupation.</p> <p>Value: £35,000</p> <p>Reason: Urgent Action Required.</p>	Neil Blaney Head of Place and Commercial Services
Green Infrastructure Officer	<p>External Legal Services SANGS</p> <p>Direct appointment of Foot Anstey for land and maintenance agreements.</p> <p>Value: under £50,000 all various elements.</p> <p>Reason: Urgent Action Required and Limited Market due to supplier's previous work on this project.</p>	Neil Blaney Head of Place and Commercial Services
Economy Projects Officer	<p>Gap Grant Scheme Administration</p> <p>Direct appointment of Diverse Regeneration Company to assess grant applications.</p> <p>Value: minimum £ 2,440 maximum £16,815 dependant on no. of applications.</p> <p>Reason: Urgent Action Required.</p>	Neil Blaney Head of Place and Commercial Services

3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

There are no direct financial implications as this is an advisory report only. The financial impacts of the spending covered by the waivers were assessed at the time these procurements were carried out.

3.2 Legal

The reporting of Waivers to the Audit Scrutiny Committee is a requirement of the Financial Instructions and Contract Procedure Rules within the Constitution.

3.3 Risks

Risks are evaluated when individual waiver approval is sought. Waivers would not be approved if they presented unacceptable risk.

3.4 Environmental/Climate Change Impact

Not applicable. This is an advisory report only.

4. CONCLUSION

That the report be noted.