

TEIGNBRIDGE DISTRICT COUNCIL

AUDIT SCRUTINY COMMITTEE

24TH MARCH 2021

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 December 2021 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Principal Planning Officer	Low Carbon Study for Local Plan Direct appointment of the Centre for Energy and Environment (CEE) at Exeter University to update low carbon evidence. Value: £9,180 Reason: Urgent Action Required and supplier's previous involvement to build on work previously commissioned for GESP.	Neil Blaney Head of Place and Commercial Services

Senior Surveyor	<p>Future High Streets work</p> <p>Remodelling of bid for resubmission. Direct appointment of Hatch Regeneris.</p> <p>Value: £4.9k fully funded by Govt award.</p> <p>Reason: Urgent Action Required and Limited Market due to supplier's previous work on this project.</p>	<p>Neil Blaney</p> <p>Head of Place and Commercial Services</p>
Principal Delivery Officer	<p>District Heating Project SW Exeter</p> <p>Direct appointment of Currie and Brown to review cost and savings assumptions.</p> <p>Value: maximum £30k funded by BEIS.</p> <p>Reason: Urgent Action Required. Supplier endorsed by BEIS and Exeter University.</p>	<p>Neil Blaney</p> <p>Head of Place and Commercial Services</p>

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.