

Teignbridge District Council
Audit Scrutiny
27 October 2021
Part 1

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 Audit Scrutiny Committee resolves to note the report.

Financial Implications

None - advisory report only.

Legal Implications

There are no specific legal implications arising out of this report. The reporting of Waivers to the Audit Scrutiny Committee is a requirement of the Financial Instructions and Contract Procedure Rules within the Constitution.

Risk Assessment

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

Environmental/ Climate Change Implications

None.

Report Author

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Executive Member

Councillor Richard Keeling – Executive Member for Resources

Appendices/Background Papers

None

1. PURPOSE

- 1.1 To inform Members of the number of times the Financial Instructions and Contract Procedure Rules have been waived and the reasons for this.

2 BACKGROUND

- 2.1 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.

3 WAIVERS

- 3.1 The following waivers have been processed since the March 2021 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Programme Manager, South West Coastal Regional Monitoring Programme	<p>Purchase of ESRI software for the Plymouth Coastal Observatory team</p> <p>Continuation of using ESRI ArcGIS scientific software to provide geospatial data to fulfil coastal monitoring duties.</p> <p>Value: £12,483 per annum for the 6 year phase of the monitoring programme.</p>	<p>Neil Blaney</p> <p>Head of Place and Commercial Services</p>

	<p>Reason: Urgent Action Required and Limited Market due to continuing use of existing software supplier.</p>	
<p>Play Area Project Officer – Environment & Leisure</p>	<p>Decoy Water Play</p> <p>Supply and installation of new specialist water play features, along with a major overhaul of mechanical and electrical items.</p> <p>Value: Up to £44,800</p> <p>Reason: Urgent Action Required and Limited Market due to specialist area and wanting to install over the summer due to ground conditions and curing of the wet pour safety surfacing.</p>	<p>Lorraine Montgomery</p> <p>Head of Operational Services</p>
<p>Audit & Information Governance Manager</p>	<p>Provision of Internal Audit services</p> <p>Direct appointment of the Devon Audit Partnership (DAP) to assist with audits within the 2021-22 audit plan.</p> <p>Value: maximum £38k.</p> <p>Reason: Limited Market, Continuity and Compatibility. Two of the required audits include following up on the work DAP have previously undertaken.</p>	<p>Martin Flitcroft</p> <p>Chief Finance Officer & Head of Corporate Resources</p>

4. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

4.1 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.

4.2 Legal

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

4.3 Risks

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

5. CONCLUSION

That the report be noted.

6. GROUPS CONSULTED

Not applicable.

7. ENVIRONMENTAL/CLIMATE CHANGE IMPACT

Not applicable.

8. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

Not applicable.