

Teignbridge District Council
Audit Scrutiny
30 August 2022
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

Sue Heath – Audit & Information Governance Manager

Tel: 01626 215258

Email: sue.heath@teignbridge.gov.uk

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 October 2021 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Programme Manager, Business Transformational Team	<p>Purchase of New Chairs</p> <p>Purchase of new chairs for flexible working. Current chairs are not fit for purpose.</p> <p>Value: £28,400</p> <p>Reason: Urgent Action Required and Increased Costs if ordering through a framework would incur additional costs and delay the procurement.</p>	Neil Blaney Head of Place and Commercial Services

<p>Amanda Pujol, Head of Communities & Service</p>	<p>IT Requirements to Support New Models of Working</p> <p>Continuation of using the same specialist company to look at our IT requirements to support new models of working.</p> <p>Value: £12,000</p> <p>Reason: Increased Costs and Limited Market as specialist area. The existing company has already undertaken an analysis of the current IT operating system so makes sense for them to build on this knowledge.</p>	<p>Phil Shears Managing Director</p>
<p>Amanda Pujol, Head of Communities & Service</p>	<p>Alpha Project</p> <p>Continuation of using the same specialist company to deliver an alpha project in 12 weeks to test feasibility of a Revenue and Benefits open-source system. as their background knowledge of the project will aid delivery of this next phase.</p> <p>Value: £150,000</p> <p>Reason: Urgent Action Required and Limited Market due to specialist area. The specialist company's background knowledge will aid delivery of this next phase. Limited timescales as insufficient time to procure a partner and deliver the project.</p>	<p>Phil Shears Managing Director</p> <p>Cllr Alan Connett Leader of the Council</p>
<p>Projects Manager</p>	<p>Forde House Decarbonisation Project</p> <p>Direct appointment of contractor to purchase mechanical and electrical equipment for the project.</p> <p>Value: £170,000</p> <p>Reason: Urgent Action Required and Increased Costs as relates to materials and equipment pre ordered in November 2021. If delayed may hinder programme and completion date.</p>	<p>Phil Shears Managing Director</p> <p>Cllr Alan Connett Leader of the Council</p>

<p>Programme Manager, South West Regional Coastal Monitoring Programme</p>	<p>Wavebuoy Spares</p> <p>Purchase of spares for the Directional Wavebuoys moored around the coast of the South West.</p> <p>Value: £16,370 for 2021-22, then £40,000 per annum for 5 years</p> <p>Reason: Limited Market due to specialist area, can only be sourced through one supplier in the UK as manufactured in the Netherlands.</p>	<p>Neil Blaney Head of Place and Commercial Services</p> <p>Phil Shears Managing Director</p> <p>Cllr Alan Connett Leader of the Council</p>
<p>Play Area Project Officer – Environment & Leisure</p>	<p>Ashburton Road, Recreation Ground</p> <p>Supply and installation of new specialist pump track.</p> <p>Value: Up to £35,000</p> <p>Reason: Urgent Action Required and Limited Market as specialist area to deliver the required works for the design, budget and time frame required.</p>	<p>Lorraine Montgomery, Head of Operational Services</p>
<p>Play Area Project Officer – Environment & Leisure</p>	<p>The Den 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 £45,000</p> <p>Reason: Urgent Action Required and Limited Market as specialist area. Continuation to use specialist company who installed original water play features which is unique because of multi pump plant system.</p>	<p>Lorraine Montgomery, Head of Operational Services</p>
<p>Principal Delivery Officer</p>	<p>Bid for Delivery of Cycleway</p> <p>Procurement of support with preparation of the Newton Abbot to Torbay cycleway funding bid.</p> <p>Value: Up to £30,000</p> <p>Reason: Urgent Action Required and Limited Market due to specialist area for bid preparation.</p>	<p>Neil Blaney Head of Place and Commercial Services</p>

Principal Delivery Officer	<p>Newton Abbot Garden Community</p> <p>External place visioning, master planning and urban design support for Newton Abbot Garden Community.</p> <p>Value: Up to £30,000</p> <p>Reason: Urgent Action Required and Limited Market due to specialist area. Continuation of current contractor work. The use of this contractor was a requirement of Homes England who funded this commission.</p>	Neil Blaney Head of Place and Commercial Services
Systems and Business Support Lead Officer	<p>Post Office Pay out Now</p> <p>Procurement of Post Office 'Pay out Now' service</p> <p>Value: £8,437.50 initially (could be extended for the Household Support Fund)</p> <p>Reason: Urgent Action Required and Limited Market due to specialist area to facilitate payments to Energy Rebate cases and Ukrainian refugees.</p>	Tracey Hooper, Service Lead for Revenue, Benefits and Customer Support
Programme Manager, South West Regional Coastal Monitoring Programme	<p>Coastal Evolutionary Scoping Study</p> <p>Funding of a scoping study to understand how the sediment climate affects our coastal defences around Devon, Cornwall and Isles of Scilly.</p> <p>Value: £25,000</p> <p>Reason: Increased Costs and Limited Market due to specialist area. Scoping study to inform future coastal risk management decisions.</p>	Neil Blaney Head of Place and Commercial Services
Principal Planning Officer	<p>Landscape evidence for Local Plan</p> <p>Procurement of landscape evidence on wind turbines.</p> <p>Value: £24,000</p> <p>Reason: Urgent Action Required and Limited Market due to specialist area. Approached previously used contractor as no tenders submitted under procurement exercise.</p>	Neil Blaney Head of Place and Commercial Services

<p>Programme Manager, South West Coastal Regional Monitoring Programme</p>	<p>Coastal Monitoring Web Design</p> <p>Continuation of using the existing design/hosting partner for the bespoke coastal monitoring website development.</p> <p>Value: £18,260</p> <p>Reason: Increased costs if needing procurement exercise. The existing design/hosting partner, who designed the original bespoke website, has been a trusted supplier for six years.</p>	<p>Neil Blaney Head of Place and Commercial Services</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.