

Teignbridge District Council
Audit Scrutiny
18 January 2023
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 30 August 2022 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Stephen Forsey, Assets Manager	Beachcomber Temporary toilets To expediate enabling works for temporary toilets at the Den, Teignmouth. Proposed drainage, paths, water and electrical connections to rented portable toilets.	Neil Blaney Head of Place and Commercial Services

	<p>Value: £41,600</p> <p>Reason: Urgent Action Required to avoid delay in leasing the vacant Beachcomber pending completion of new toilet block.</p>	
<p>Tony Mansour, Housing Needs Lead</p>	<p>Homes for Ukraine Scheme support</p> <p>Commissioning of wrap around support under the Homes for Ukraine Scheme.</p> <p>Value: £117,772.56</p> <p>Reason: Urgent Action Required and Limited Market, vital to mitigating against potential placement breakdowns and assisting in the long-term resettlement of Ukrainian families. Commissioned from Teignbridge CVS using external gov. funding.</p>	<p>Amanda Pujol, Head of Communities & Service</p> <p>Phil Shears Managing Director</p> <p>Cllr Alan Connett Leader of the Council</p>
<p>Amanda Pujol, Head of Communities & Service</p>	<p>Additional Ignite work</p> <p>Continuation of using the same specialist company to assist with people workstream of operating model work as follow up from the original tendered contract to develop proposals for a new operating model for Teignbridge.</p> <p>Value: £26,400</p> <p>Reason: Limited Market due to specialist area. Having decided to progress the proposals additional capacity and expertise required to assist delivery of the people workstream.</p>	<p>Phil Shears Managing Director</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.