

Teignbridge District Council
Audit Scrutiny
29 August 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

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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 18 January 2023 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Green Spaces Manager (Interim)	Ashburton Road recreation area Supply and installation of new specialist sport surface to the existing Multi Use Games Area at Ashburton Road recreation area.	Environmental Health - Food, Health and Safety Manager

	<p>Value: £49,900</p> <p>Reason: Increased Cost / Urgent Action Required to avoid delay in completing works and for health and safety purposes.</p>	
Senior Ranger Dawlish Warren National Nature Reserve	<p>Replacement All-Terrain Vehicle</p> <p>Purchase of replacement All-Terrain Vehicle (ATV) for Dawlish Warren National Nature Reserve. Only one dealer within Devon.</p> <p>Value: £20,000</p> <p>Reason: Increased Cost / Limited Market. Local supplier needed as specialist servicing and repairs need to take place on site.</p>	Head of Place and Commercial Services
Economic Development Officer – Town Centres	<p>UK Shared Prosperity Fund Monitoring and Evaluation</p> <p>Contractor services to deliver the Monitoring and Evaluation element of the UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF).</p> <p>Value: £45,000</p> <p>Reason: Urgent Action Required as the first Monitoring and Evaluation return for 2022-2023 is due by 2 May 2023 / Limited Market due to specialist area.</p>	Head of Place and Commercial Services
Housing Enabling and Development Manager	<p>Project Management Skills for Teignbridge 100 Project</p> <p>To appoint Exeter City Living for the continued Teignbridge 100 project to reduce costs and speed up the process.</p> <p>Value: £25,000</p> <p>Reason: Increased Cost / Limited Market / Urgent Action Required. This appointment will provide the project management skills</p>	Head of Communities & Service

	needed for the bespoke design of the scheme being built to specialist standards.	
Economic Development Officer – Town Centres	<p>Green Business Grant</p> <p>Contractor services to deliver the Green Business Grant as part of the UK Shared Prosperity Fund (UKSPF).</p> <p>Value: £20,000</p> <p>Reason: Urgent Action Required as the first year UKSPF allocation requires to be spent by 31 March 2023. Limited Market due to specialist area.</p>	Head of Place and Commercial Services
Planning Policy Manager	<p>Landscape Sensitivity Analysis</p> <p>Retrospective waiver request for Landscape Sensitivity Analysis of a range of potential development sites as part of the Teignbridge Local Plan evidence base.</p> <p>Value: £25,000</p> <p>Reason: Increased Cost / Limited Market / Urgent Action Required due to specialist area to deliver the required works in the time frame to meet the Local Plan timetable. Continuation of current contractor work.</p>	Head of Place and Commercial Services
Community Safety and Safeguarding Officer	<p>Space Youth Service and Young Devon homeless provision</p> <p>Delivery of projects under the UK Shared Prosperity Fund (UKSPF).</p> <p>Value: £244,000 over three years. In year one, Space £116,250 (first year £8,250) and Young Devon £123,000 (first year £15,300).</p> <p>Reason: Increased Cost / Limited Market / Urgent Action Required. These established relationships are needed to deliver the services within the timescales.</p>	<p>Head of Communities & Service</p> <p>Managing Director</p> <p>Leader of the Council</p>

<p>Programme Manager, Southwest Regional Coastal Monitoring Programme</p>	<p>University of Plymouth Accommodation and IT costs</p> <p>Accommodation and IT costs for the Southwest Regional Coastal Monitoring team at the University of Plymouth.</p> <p>Value: £202,041 over six years (2021-2022 to 2026-2027).</p> <p>Reason: Limited Market. To continue to rent rooms and use the IT provision of the University of Plymouth for this phase.</p>	<p>Head of Place and Commercial Services</p> <p>Managing Director</p> <p>Leader of the Council</p>
<p>Planning Policy Manager</p>	<p>Heritage Impact Assessment</p> <p>Procurement of heritage impact assessment evidence relating to wind turbine allocations included in the Local Plan.</p> <p>Value: £20,000</p> <p>Reason: Increased Cost / Limited Market / Urgent Action Required. Continuation to use specialist company who prepared Landscape Impact evidence in relation to Local Plan wind turbine proposed allocations.</p>	<p>Head of Place and Commercial Services</p>
<p>Resorts Manager</p>	<p>RNLI Lifeguard Contract</p> <p>Provision of RNLI Lifeguard service.</p> <p>Value: £50,046</p> <p>Reason: Life or Death / Limited Market / Urgent Action Required. The RNLI provide lifeguard cover on 90 beaches in the Southwest. No other source of alternative service provider known.</p>	<p>Head of Place and Commercial Services</p> <p>Managing Director</p> <p>Leader of the Council</p>
<p>Community Safety and Safeguarding Officer</p>	<p>Let's Talk Teenagers Programme</p> <p>Delivery of toolkits to parents and carers of young people to support safeguarding</p>	<p>Head of Communities & Service</p>

	<p>children already established by consultancy.</p> <p>Value: £20,000</p> <p>Reason: Increased Cost / Limited Market. These suppliers have experience in the fields covered by the programme and developed successful delivery sessions.</p>	
<p>Economic Development Officer – Town Centres</p>	<p>Market Hall Future High Street Fund Project</p> <p>To progress continuation of Market Curators appointment to the Market Hall Future High Street Fund Project</p> <p>Value: £49,000</p> <p>Reason: Urgent Action Required to use same consultants since project inception for continuity as now at critical design development stage. Increased Cost / Limited Market due to specialist area.</p>	<p>Head of Place and Commercial 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 2023-24 audit plan.</p> <p>Value: £32,800</p> <p>Reason: Continuity and Compatibility. Continuation of current service provider due to ongoing knowledge of Teignbridge systems and the possible requirement for them to revisit known areas.</p>	<p>Chief Finance Officer & Head of Corporate Resources</p>
<p>Human Resources and Organisational Development Business Partner</p>	<p>Extension of Occupational Health service</p> <p>One year extension to current contract.</p> <p>Value: £16,800</p>	<p>Human Resources and Organisational Development Manager</p>

	<p>Reason: Urgent Action Required, Increased Cost / Loss of Income. Continuation to use this provider so sufficient time to carry out a soft market test and potentially a full tender process to ensure value for money moving forward.</p>	
Private Sector Housing Manager	<p>Allocation of Household Support Funds to Exeter Community Energy</p> <p>To support Exeter Community Energy to provide energy advice service to residents in Teignbridge through drop in advice and support clinics/community talks, telephone assessments, home visits, energy case work support, benefit and debt support and training sessions for front line workers as well as providing supporting measures.</p> <p>Value: £30,000</p> <p>Reason: Urgent Action Required / Limited Market. This community energy group already supports residents in Teignbridge, Exeter, Mid Devon, East Devon and Torbay.</p>	Head of Communities & Service
Service Lead for Revenues & Benefits and Customer Services	<p>Assets Process Mapping Work</p> <p>Contractor services to create 'As Is' and 'To Be' process maps for key Asset processes to support the Modern25 programme.</p> <p>Value: £30,000</p> <p>Reason: Limited Market / Continuity and Compatibility. Process mapping is carried out using Engage software with limited market provision. Two suppliers have the skills and experience to provide this service and are licensed to use the Engage process mapping product.</p>	Head of Communities & Service

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.