

Teignbridge District Council
Audit Scrutiny
13 December 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
Chief Finance Officer & Head of Corporate Services	Recruitment of Interim Head of Development Management Interim arrangements required for the management of the service until a permanent appointment can be arranged which will take 5-6 months minimum.	Head of Place and Commercial Services

	<p>Value: £99,375</p> <p>Reason: Urgent action required to avoid impact on staff and productivity.</p>	
Housing Needs Lead	<p>Procurement of management service for social sector leased homes for homeless temporary accommodation.</p> <p>Urgent need to procure management service for social sector leased homes for temporary accommodation for homeless households.</p> <p>Value: £44,000</p> <p>Reason: Need to retain the twenty-two leased properties. The Registered Social Landlord that the properties are leased from will not allow any 3rd party organisation management.</p>	Head of Communities & Service
Housing Needs Lead	<p>Procurement of management service for properties procured for refugees and private sector homes for homeless temporary accommodation.</p> <p>Urgent need to procure management service for properties procured for refugees and private sector leased homes for temporary accommodation for homeless households.</p> <p>Value: £57,000</p> <p>Reason: Urgent action required due to deadline for delivery of these homes of November 2023. Unable to rent out these properties until a contract is implemented to meet the repairs and maintenance of these homes.</p>	Head of Communities & Service
Service Lead for Revenue & Benefits & Customer Support	<p>Assets Process Mapping Work</p> <p>To create 'as is' and 'to be' process maps for key Asset processes and assist in the review of team function and operations to support the Modern25 programme.</p>	Head of Communities & Service

	<p>Value: £21,190 (Total commitment of £30,000 includes earlier work carried out at a cost of £8,810)</p> <p>Reason: Urgent action required, and for continuity and to avoid increased costs, continuation of the existing service provider was necessary due to their knowledge of Teignbridge systems and previous Asset process mapping.</p>	
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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.