

**Teignbridge District Council**  
**Audit Scrutiny**  
**22 March 2024**  
**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](mailto: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:

<b>1</b>	<b>LIFE OR DEATH</b> There is significant chance that the life or health of officers, members, or the public will be put at real risk.
<b>2</b>	<b>INCREASED COST / LOSS OF INCOME</b> The Council will incur significant avoidable costs or lose significant income.
<b>3</b>	<b>LIMITED MARKETS</b> The Council would be wasting its time tendering as supply of the product or service is demonstrably restricted to one or few businesses.
<b>4</b>	<b>URGENT ACTION REQUIRED</b> The Council would be criticised for failing to act promptly.

## 3 WAIVERS

- 3.1 The following waivers have been processed since the 13 December 2023 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Green Spaces Manager (Interim)	<p><b>Provision of tree consultancy and inspection 2024-2025</b></p> <p>To progress continuation of Devon Tree Services appointment for all tree consultancy work within the district.</p> <p>Value: <b>£62,000</b></p>	Food, Health, and Safety Manager

	<p><b>Reason:</b> Continuity and to avoid increased costs, continuation of the existing service provider due to their knowledge of the district and tree stock which has taken eighteen months to establish.</p>	
HR Adviser	<p><b>Financial professional qualification</b></p> <p>Two members of Finance to progress their professional qualifications through the Chartered Institute of Public Finance (CIPFA) <b>being paid for by the apprenticeship levy.</b></p> <p>Value: <b>£42,000</b></p> <p><b>Reason:</b> Limited Market. Other training bodies were considered however as these officers are progressing to ATT L7 which is awarded by CIPFA it makes sense that the apprenticeship is completed under CIPFA.</p>	HR and Organisational Development Manager
Housing Accommodation Lead	<p><b>Provision of accommodation for former rough sleepers (funded by DHLUC)</b></p> <p>To facilitate the provision of accommodation and support by a registered social landlord for 4 x former rough sleepers that are ready to move on, and in turn, free up off street accommodation.</p> <p>Value: <b>£20,000</b></p> <p><b>Reason:</b> Urgent action required due to deadline to use this one off DLUHC funding by 31 March 2024. For continuity and to avoid increased costs, to continue the established working relationship with Teign Housing for this provision.</p>	Housing Needs Lead
Service Lead for Revenue & Benefits & Customer Support	<p><b>Single Person Discount Review Service</b></p> <p>Devon County Council have arranged and had agreement from all Devon local authorities to engage the services of a</p>	Head of Communities & Service

	<p>company, Liberata UK Ltd, using their Capacitygrid Single Person Discount Review Service.</p> <p><b>Value: Not applicable</b> as Devon County Council fully funding the initiative.</p> <p><b>Reason:</b> Increased cost / Loss of Income. If TDC fail to participate it will miss an opportunity to increase income and detect fraud.</p>	
Interim Head of Development Management	<p><b>Planning Consultant for NA1 allocation</b></p> <p>Employment of Planning Contractor for six months to deliver the Planning Performance Agreement (PPA) for NA1 local plan allocation at Houghton Barton.</p> <p><b>Value: £62,492</b></p> <p><b>Reason:</b> Urgent action. Without this experienced planning contractor to manage and deliver the project in a timely manner we risk overruns and failure to deliver on the PPA and the allocation.</p>	Head of Place & Commercial Services

#### 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.