

**Teignbridge District Council**  
**Audit Scrutiny**  
**13 February 2025**  
**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 John Parrott – Executive Member for Corporate 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 27 August 2024 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Climate Change Officer	<b>Leisure Sites Energy Efficiency Project</b>  Mechanical and electrical technical consultancy services required to develop a tender specification against which to procure a main contractor to deliver the works through a compliant framework.	Environmental Protection Manager

	<p>Full breakdown of cost have been subject to value for money testing by the Climate Change Officer covering design, delivery, and project hand-over responsibilities.</p> <p>Value:  <b>Newton Abbot Leisure Centre: £34,150</b>  <b>Dawlish Leisure Centre: £23,300</b></p> <p><b>Reason:</b> Limited market and needed urgently to meet short deadline to use the secured Swimming Pool Support Fund grant of circa £168,000 by the end of March 2025.</p>	
Private Sector Housing Manager	<p><b>Recruitment of temporary Senior Housing Officer</b></p> <p>Unable to recruit an experienced Housing Enforcement Officer through Comensura. Another agency has a suitable contractor able to start in January 2025. Temporary resource to be recruited for twelve weeks to assist with the workload and 'hands on' training of the new permanent member of staff. There is sufficient budget to cover this cost.</p> <p>Value: <b>£23,088.00</b></p> <p><b>Reason:</b> Limited market and urgent action required to recruit temporary resources at the busiest time of year to assist with workload and training requirements.</p>	Director of Corporate
Estates Manager	<p><b>Asset Valuations</b></p> <p>The Valuation Office Agency (VOA), as a public sector valuer, was introduced for the 2023-2024 asset valuations as a cost saving measure. For continuity of service to instruct the VOA to undertake the 2024-2025 asset valuations.</p> <p>Value: <b>£21,600.00</b></p>	Director of Corporate

	<b>Reason:</b> Limited market due to the need for continuity of service by the VOA to undertake the 2024-2025 annual asset valuations.	
Drainage and Coastal Manager	<p><b>Infill of collapsed tunnel at Great Cliff, Marine parade Dawlish</b></p> <p>Engineering works to infill collapsed tunnel at Great Cliff, Marine parade Dawlish following rockfall in 2024. Works to construct infill plug to maintain stability of the cliff and road above to enable development of further rock netting works and prevent further cliff falls in a residential area.</p> <p>Value: <b>£70,376.39</b></p> <p><b>Reason:</b> Risk of life / limited market / urgent action. Specialist geotechnical consultants have recommended urgent work to stabilise the tunnel section and then wider works to net the cliff to stabilise and prevent further collapses as there is an extremely high risk to members of the public and residents of the building without works being undertaken.</p>	Head of Strategy and Partnerships

#### 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.