

**Teignbridge District Council
Audit Committee
2 September 2025
Part 1**

FINANCIAL INSTRUCTIONS WAIVERS and CONTRACT RULES EXEMPTIONS

Purpose of Report

To inform Members of the number of times the Financial Instructions and Contract Procedure Rules have been waived and / or exempted and the reasons for this.

Recommendation(s)

The Audit 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 Exemptions 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 exemption approval is sought. Exemptions 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 exempted 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 or exempt them. One of the following criteria must be met:

Financial Instructions waivers:

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.

Contract Procedure Rules exemptions:

1	SINGLE SUPPLIERS The public contract concerns the creation or acquisition of a unique work of art or artistic performance. A particular supplier is in possession of intellectual property or other exclusive rights and there are no reasonable alternatives. Absence of competition for technical reasons and provided there are no reasonable alternatives, only a particular supplier can supply the goods, services or works required.
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2	PROTOTYPES AND DEVELOPMENT When procuring a prototype or other novel good or service that is designed or developed at the request of the contracting authority.
3	ADDITIONAL OR REPEAT GOODS, SERVICES OR WORKS Where the contracting authority wishes to buy additional or to partly replace existing goods, services or works which are the same or compatible with existing provisions (both those already supplied or that are contracted to be supplied). A contract has previously been awarded under a competitive tendering procedure and the tender notice or tender documents set out that the intention was to carry out a subsequent procurement of similar goods, services or works by direct award (within 5 years of the contract).
4	COMMODITIES Where goods are purchased on a commodity market. In this case the price and availability are generally driven by demand in the market which means requiring suppliers to tender in the usual manner is unnecessary, not appropriate and may not drive the best outcome for the contracting authority.
5	URGENCY Where the public contract cannot be awarded on the basis of a competitive tendering procedure because the goods, services or works are strictly necessary for reasons of extreme and unavoidable urgency.
6	LEGISLATION Where any Procurement Legislation or other legislation prevents a procurement process being followed
7	INCREASED COSTS / LOSS OF INCOME The Council would incur significant avoidable costs or lose significant income.
8	ADVANTAGEOUS TERMS ON INSOLVENCY The award of the public contract to a particular supplier will ensure terms particularly advantageous to the contracting authority due to the fact that a supplier (whether or not the one to which the contract is to be awarded) is undergoing insolvency proceedings.

3 WAIVERS / EXEMPTIONS

3.1 The following waivers and / or exemptions have been processed since the 18 June 2025 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Housing Needs Lead	Extension of Temporary Accommodation Support contract until March 2026 The Temporary Accommodation Support contract provides support to households in our hostels and our rough sleeper provision, STAR. Due to the devolvement of Devon County Council 18+ contracts to local authorities, we are aiming to review all funding provision to inform our next tendering process. We anticipate allocation from DCC end of Summer 25. TDC are also in the process of procuring a further unit of temporary accommodation provision where additional support hours/service will be needed. We therefore would like a future tender to cover the full provision of temporary accommodation provision in one contract to ensure we are maximising the opportunities for economies of scale. Value: £45,000 Reason: Repeat services / increase costs due to the expiry of the existing contract in September 2025. An extension is required of the current contract until March 2026.	Head of Housing
Democratic Services Team Leader & Deputy Monitoring Officer	Purchase of consultancy work to assist the Constitution Review Working Group Appointment of the Centre for Governance and Scrutiny to support the work of the Constitution Review Working Group. This will be the second tranche of work from the same supplier, following the conclusion of the first tranche which ran from October 2024 to July 2025.	Director of Corporate Resources

	The second tranche of work is due to begin on 25th September 2025. Value: £40,000 Reason: Repeat service and continuity from Centre for Governance and Scrutiny as the only suppliers who could deliver this work for the Council.	
Community Safety and Safeguarding Manager	Space Youth Service and Young Devon homeless provision Continuation of projects under the UK Shared Prosperity Fund (UKSPF) requiring the specialism of these service providers. Value: £90,000 (Space £59,125 and Young Devon £30,875) Reason: Repeat service, limited market and urgency. These established relationships are needed to deliver the services within the timescales as the funding ceases on 31 March 2026.	Head of Strategy and Partnerships
Community Safety and Safeguarding Manager	ASB Hotspot Funding Use of ASB Hotspot Funding from Home Office and the Police and Crime Commissioner to deliver an ASB Hotspot Patrol in Newton Abbot. Value: £30,769.20 Reason: Limited market / urgent action: required to meet short deadline to use the funding by 31 March 2026. Limited suppliers able to patrol the areas identified and have accredited staff. Appointed supplier already has an established working relationship with the local police and have undertaken relevant police training.	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 exemptions were assessed at the time these procurements were carried out.

4.2 Legal

The reporting of waivers / exemptions to the Audit Committee is a requirement of the Financial Instructions and Contract Rules within the Constitution.

4.3 Risks

Risks are evaluated when individual waiver / exemption approval is sought. Waivers / exemptions would not be approved if they presented unacceptable risk.

5. CONCLUSION

That this advisory 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.