

**Teignbridge District Council
Audit Committee
17 December 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 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. The reporting of Exemptions to the Audit 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 2 September 2025 monitoring report:

Proposing Officer	Proposal / Reason	Approval
HR Adviser	<p>Financial professional qualification</p> <p>Two members of Finance to progress their professional qualifications through the Chartered Institute of Public Finance (CIPFA) being paid for by the apprenticeship levy.</p> <p>Value: £42,000</p> <p>Reason: 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>	Head of HR and Organisational Development
Senior Planning Officer	<p>Purchase of consultant's time and software to provide 3D and virtual reality urban modelling</p> <p>TDC was previously awarded funding from the Department for Levelling Up, Housing and Communities to support projects that demonstrate how digital tools can improve citizen engagement. This funding was used to employ Digital Urban to create a series of immersive public consultation events focussing on the redevelopment of the Market Hall and Market Square area.</p> <p>Now wish to build on the success of this event and to extend the consultation to the wider town centre, focussing on TDC asset regeneration/re-use, as the first stage public consultation on a Newton Abbot Town centre Masterplan.</p> <p>Value: £20,360</p> <p>Reason: Limited market / urgent action: repeat service and continuity from Digital Urban to meet project delivery deadline of 31 March 2026 to prevent loss of grant funding.</p>	Head of Strategy and Partnerships

Technical Officer	<p>Purchase of telehandlers</p> <p>Purchase of 2 x used telehandlers for Recycling operations (over 2 financial years 2025-26 & 2026-27).</p> <p>The intention is to purchase one vehicle now; to replace a machine that is currently out of action and not repairable and the other will be purchased at the beginning of the next financial year (2026-27) to replace the other machine coming to the end of its economical lifespan.</p> <p>Value: £90,000 (over 2 financial years £45,000.00 each year)</p> <p>Reason: Increased costs and loss of income if having to purchase through the e-tendering system. Quotes have been sought from 4 local suppliers for good quality second hand telehandlers. All the suppliers provided the quotes requested but there were only 2 suppliers that were each able to supply 1 unit each that were suitable at an affordable cost.</p>	Head of Environmental Services
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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 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.