

TEIGNBRIDGE DISTRICT COUNCIL

AUDIT SCRUTINY COMMITTEE

19TH DECEMBER 2019

PART I

Report Title	Financial Instructions and Contract Procedure 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 Committee RESOLVES to: (1) Note the report.
Financial Implications	None – see section 3.1.
Legal Implications	None – see section 3.2.
Risk Assessment	Not applicable – see section 3.3.
Environmental/ Climate Change Implications	Not applicable – see section 3.4.
Report Author	Sue Heath, Audit & Information Governance Manager Email: sue.heath@teignbridge.gov.uk
Portfolio Holder	Councillor Connett, Corporate Resources
Appendices / Background Papers	None.

1. INTRODUCTION / BACKGROUND

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.

2. WAIVERS

The following waivers have been processed since the September 2019 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Donna Best Estates & Development Surveyor	Football ground at Coach Road, Newton Abbot Purchase of specialist legal services who can respond immediately to a request to formally document estates related matter. Value: £11,250 + VAT (an undertaking has been received from the tenant's lawyer to cover these costs) Reason: Urgent Action Required.	Tony Watson Head of Commercial Services

<p>Alison Dolley Private Sector Housing Manager</p>	<p>Simplification Project To engage South West Landlords Association to provide training, accreditation and potential membership for landlords and agents as part of this project.</p> <p>Value: £9,995</p> <p>Reason: Limited Markets, Urgent Action Required.</p>	<p>Amanda Pujol Head of Service Delivery & Improvement</p>
<p>Chris Braines Waste & Cleansing Manager</p>	<p>Sorting and Baling Equipment Direct appointment of CWS Ltd who designed and built the equipment to undertake urgent repair / replacement of the two riser conveyors (identified during a health and safety inspection).</p> <p>Value: £42,200</p> <p>Reason: Limited Markets, Urgent Action Required.</p>	<p>Lorraine Montgomery Head of Operations</p>
<p>Estelle Skinner Green Infrastructure Officer</p>	<p>Sustainable transport improvements in Newton Abbot Direct appointment of Jacobs (DCC's transport planning provider) to review sustainable transport improvement options, design and costings for Newton Abbot Future High Streets Fund business case.</p> <p>Value: under £50,000</p> <p>Reason: Increased cost / Loss of Income, Urgent Action Required.</p>	<p>Simon Thornley Business Manager</p>
<p>Tracy Pike Technician</p>	<p>Pumping Station, Horse Lane, Shaldon Direct appointment of Integrated Water Services (IWS) to carry out works to replace faulty access covers. (IWS hold the maintenance contract for the Councils pumping stations and other mechanical installations 2018–2021).</p> <p>Value: £12,576.47</p> <p>Reason: Limited Markets.</p>	<p>Tony Watson Head of Commercial Services</p>
<p>Tom Butcher Senior Estates Surveyor</p>	<p>Brunswick Street, Teignmouth Direct appointment of Foot Anstey to act on the Council's behalf and carry out legal representation for this project.</p> <p>Value: £12,250</p> <p>Reason: Increased cost / Loss of income, Urgent Action Required.</p>	<p>Tony Watson Head of Commercial Services</p>

<p>Donna Best</p> <p>Estates & Development Surveyor</p>	<p>Estates Management Services Purchase of estates management services for an initial three month period to provide required resource to the Estates Team following previously unsuccessful post advertisements.</p> <p>Value: £21,000</p> <p>Reason: Increased cost / Loss of Income, Limited Markets, Urgent Action Required.</p>	<p>Phil Shears</p> <p>Managing Director</p>
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3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 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.

3.2 Legal

The reporting of Waivers to the Audit Scrutiny Committee is a requirement of the Financial Instructions and Contract Procedure Rules within the Constitution.

3.3 Risks

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

3.4 Environmental/Climate Change Impact

Not applicable. This is an advisory report only.

4. CONCLUSION

That the report be noted.