

TEIGNBRIDGE DISTRICT COUNCIL

AUDIT SCRUTINY COMMITTEE

26TH AUGUST 2020

PART I

Report Title	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 Committee RESOLVES to 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 December 2019 monitoring report:

Proposing Officer	Proposal / Reason	Approval
Ruth Adams Programme Manager, South West Regional Coastal Monitoring Programme SWRCMP	Purchase of spares for hydrodynamic buoys Purchase direct from supplier to save 10% of the cost of spares and repairs. Value: £36,600 (fully funded by SWRCMP grant from Environment Agency) Reason: Limited Markets	Tony Watson Head of Commercial Services

Proposing Officer	Proposal / Reason	Approval
<p>Tony Mansour Housing Needs Lead</p>	<p>To prevent homelessness Young Devon provide bespoke support to young people housed at three properties, two of which are leased directly by Young Devon. Direct appointment of Young Devon required to prevent the risk of rendering the young people homeless and the Council's reputation.</p> <p>Value: £15,000 per year (£75,000 over a 5 year period)</p> <p>Reason: Increased cost / Loss of income</p>	<p>Amanda Pujol Head of Service Delivery & Improvement</p>
<p>Tonya Short Parking Services Manager</p>	<p>Upgrade of pinpads for card payments on pay on foot machines</p> <p>Existing machines are Flowbird equipment and it was therefore not possible to go out to procurement</p> <p>Value: £12,130 Reason: Limited Markets</p>	<p>Neil Blaney Head of Place and Commercial Services</p>
<p>Tom Winters Economy Projects Officer</p>	<p>Drafting of Strategic and Economic Case for Future High Street Fund Consultant required to undertake this work due to tight deadline for bid submission.</p> <p>Value: £31,258 Reason: Urgent Action Required</p>	<p>Neil Blaney Head of Place and Commercial Services</p>
<p>Daron Hand Group Building Surveyor</p>	<p>Replacement LED light fittings Newton Abbot Leisure Centre Opportunity to carry out works while closed due to Covid.</p> <p>Value: £10,378 Reason: Urgent Action Required</p>	<p>Tony Watson Head of Commercial Services</p>
<p>Ruth Adams Programme Manager, South West Regional Coastal Monitoring Programme SWRCMP</p>	<p>Cliff Line Mapping</p> <p>Coastal Monitoring Programme - additional analysis of data required due to unforeseen circumstances. Variation to original contract award. Existing contractor required for continuity of service.</p> <p>Value: £13,800 (fully funded by Environment Agency) Reason: Increased Cost / Limited Markets</p>	<p>Neil Blaney Head of Place and Commercial Services</p>

<p>Ruth Adams</p> <p>Programme Manager, South West Regional Coastal Monitoring Programme SWRCMP</p>	<p>Satellite Applications Catapult Group / UK Space Agency spend</p> <p>Coastal Monitoring Programme - contribution to pre-tender work including technical and market investigations to enable a tender for a pilot of satellite capability to enhance the Programme.</p> <p>Limited market - use of Satellite Applications Catapult enables access to £40k additional funding and no other provider can offer this opportunity.</p> <p>(fully funded by Environment Agency)</p>	<p>Neil Blaney</p> <p>Head of Place and Commercial Services</p>
<p>Ruth Adams</p> <p>Programme Manager, South West Regional Coastal Monitoring Programme SWRCMP</p>	<p>Habitat Mapping Data – Thomson Ecology</p> <p>Direct appointment to complete habitat mapping to required quality standard. Thomson had already completed 50% of the work required but to a higher spec than the remaining 50% . Their expertise was commissioned to ensure a consistent dataset for the programme.</p> <p>Value: £8,700 (fully funded by Environment Agency)</p> <p>Reason: Limited Markets</p>	<p>Tony Watson</p> <p>Head of Commercial Services</p>
<p>Ruth Adams</p> <p>Programme Manager, South West Regional Coastal Monitoring Programme SWRCMP</p>	<p>Strategic and Specialist Advice for Coastal Monitoring Programme</p> <p>To continue with Exe Act Services to provide specialist knowledge to support next phase funding bid.</p> <p>Value: £48,000 (fully funded by Environment Agency)</p> <p>Reason: Limited Markets</p>	<p>Tony Watson</p> <p>Head of Commercial Services</p>
<p>Ruth Adams</p> <p>Programme Manager, South West Regional Coastal Monitoring Programme SWRCMP</p>	<p>Trimble Survey Kit – KOREC</p> <p>Replacement kit needed to be matched to existing survey units / system and KOREC are the only known UK Trimble agent.</p> <p>Value: £30,429 (fully funded by Environment Agency)</p> <p>Reason: Limited Markets</p>	

<p>Sian Avon Senior Ranger</p>	<p>Handmade chestnut gates and map board sign mounts for Ridgetop Park SANG Exeter</p> <p>Direct appointment of same supplier used for Dawlish award winning SANG.</p> <p>Value: £9,045</p> <p>Reason: Limited Market</p>	<p>Lorraine Montgomery Head of Operational Services</p>
<p>Rebecca Hewitt Community Safety and Safeguarding Manager</p>	<p>Street Marshalls – Teignmouth</p> <p>Short term funding received from Police and Crime Commissioner to supply street marshalls. Bid submitted in partnership with Teignmouth Town Council. Funding allocated to the South Devon and Dartmoor Community Safety Partnership for which Teignbridge manage the finances. Due to short timescales the company used by neighbouring Exeter CC was direct appointed.</p> <p>Value: £26,000</p> <p>Reason: Urgent Action Required</p>	<p>Amanda Pujol Head of Community Services and Improvement</p>

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

Not applicable. As above, risks were assessed as part of the waiver process.

3.4 Environmental/Climate Change Impact

Not applicable.

4. CONCLUSION

That the report be noted. This is an advisory report only.