

Appendix 1

APPENDIX A - WAIVERS OF FINANCIAL AND CONTRACT PROCEDURE RULES - 2021/22

A précis of the details of each waiver request received are listed below together with dates of approval.

No.	FPR or CPR?	Applicant	Reason	Which Rule?	Committee	Date approved or note if rejected			
						Report to Senior Manager	Property Manager	Governance Team	HOPS or Section 151 Officer
146	<p>Bedding Plants</p> <p>Bedding plants have not been ordered. This should have taken place in November but due to staff leaving this was not captured and actioned.</p> <p>Due to limited suppliers in the area and timescales involved we have not been able to go out to tender so approached the company who provided stock last year who have confirmed they can deliver mid-May. This is late but essential given the Platinum Jubilee Celebrations this year.</p> <p>The value of the order is £8737.56 + VAT = £10,485.07</p> <p>The risk for not proceeding is empty flower bed across the Torridge district</p> <p>A verbal order has been given following instruction from Sean Kearney 26/01/2022 and a process is now in place for future orders</p>								
	F	Rachel Gulwell	Limited Markets/Embarrassment	5.1.7	N/A	SK 09/02/22	n/a	SD 10/02/22	DH 10/02/22

No.	FPR or CPr?	Applicant	Reason	Which Rule?	Committee	Date approved or note if rejected			
						Senior Manager	Property Manager	Governance Team	HOPS or Section 151 Officer
147			<p>Rough Sleeper Initiative Funded Services 2022/23</p> <p>DHLUC invites LA's to bid for Rough Sleeper Initiative (RSI) funding, usually on a year on year basis. In a change to the norm, in February we had to submit a bid for 3 years funding for 2022-25. Our bid was co-produced with current delivery partners and our Rough Sleeper Advisor and in Year 1 (22/23) we mainly sought funding for the continuation of existing rough sleeper services.</p> <p>DHLUC's announcement on funding allocations was delayed, and we were only notified of our allocation on 20 May by which time, to ensure the continued delivery of existing services from 1 April, we had already had to give some degree of assurance to our current delivery partners.</p> <p>Given that we are now well into Year 1, a waiver is being sought to continue working with our current delivery partners without interruption through 2022/23, as current arrangements are effective and within budget. The services, delivery partners and costs are:</p> <ul style="list-style-type: none"> • £60,895 – 56 hours per week in-reach/outreach support to rough sleepers, former rough sleepers, and those at risk of rough sleeping, including 14 hours per week money/debt advice. Generic support hours provided by Encompass Southwest and specialist money advice provided by Navigate. • £19,742 -- Housing First -- 21 hours per week support to 3 individuals with complex needs. Provided by Encompass Southwest. • £17,122 -- Gender informed support -- 14 hours per week support to survivors of domestic abuse and women at risk of domestic where there is also a risk of or history of rough sleeping. Provided by North Devon Against Domestic Abuse (NDADA). <p>We intend to test the market and consider going out to tender for Year 2 and Year 3, although we expect there to be limited markets.</p> <p>Cllr Clarke has been consulted and is supportive of this request.</p>						

F	Helen Page	Limited Markets/Embarrassment	5.1.7	N/A	SD 8/6/22	n/a	SD 8/6/22	DH 8/6/22	
148	<p><i>Young Person Homelessness Prevention service</i></p> <p>The Young Persons Homelessness Prevention Service (Streetwise) currently costs £32,050 per annum to run. The service is funded jointly by Devon County Council and Torridge District Council, with DCC meeting two thirds of the cost and TDC meeting a third. Grant funding from DCC is agreed on a year by year basis but has been longstanding and there is no reason to believe that funding will be withdrawn. TDC acts as the commissioning body.</p> <p>The Council last went out to tender jointly with North Devon Council in 2016 for a Streetwise Project covering northern Devon. The successful tender was received from Encompass Southwest, although a tender from Young Devon was also considered. North Devon Council brought their service in house in April 2018 whilst Torridge continued to commission Encompass Southwest.</p> <p>The Council sought to go out to tender for the service again at the end of 2019, but it was demonstrably proven that there was a limited market and so a waiver was approved in January 2020. Encompass Southwest were awarded a 12 month contract with a 12 month run on period which ends March 2022.</p> <p>A waiver is being sought for a further 2 year period because there remains a limited market</p> <p>Cllr Clarke has been consulted and is supportive of this request.</p> <p>Encompass Southwest have advised that running costs for 2022/23 will rise to £35,521 per annum. We consider this increase to be reasonable and are waiting to hear whether DCC will part fund the increase.</p>								
F	Helen Page	Limited market	5.1.7	N/A	SD 17/1/22	n/a	SD 17/1/22	DH 18/1/22	

No.	FPR or CPR?	Applicant	Reason	Which Rule?	Committee	Date approved or note if rejected			
						Head of Service	Property Manager	Internal Audit	Section 151 Officer HOPS
149		Environment Centre – Carbon Consultant	<p>Following agreement from Full Council to move away from a BREEAM rating for the project in favour of a more appropriate carbon reduction approach to the design and delivery, we have sought to identify a suitable local specialist with the ability to be an integral part of the team through our existing procurement frameworks. The consultancies available through our normal frameworks were not identified as carbon specialists, most were either environmental or mechanical consultants that offered carbon consultancy as an additional service.</p> <p>Our sustainability officer is currently involved in other projects where the level of service being provided by other consultants locally was of limited benefit to the project and has also been unable to recommend an alternative based on enquiries with others in the sector. Our own research proved to be of limited success, we were therefore guided by a recommendation from the architects on the project to consider Eight Associates who they have worked with successfully on other projects. Eight Associates are not an any frameworks and we are therefore unable to direct award or utilise any pre-determined rates for the specialist input required.</p> <p>There appears to be a shortage of competent consultancies offering the specialist services required in a busy market. The consultancies that are in the market appear to be very busy with the increasing workload involved on the back of many local authorities committing to carbon plans and the journey to net zero.</p> <p>To achieve carbon reduction opportunities on this project we need to utilise a specialist in the early stages of the design process to ensure that maximum benefit of any input at the front end of the project. The time taken to source a suitable consultancy means that we are now at the point where an appointment is becoming increasingly time critical if the benefits are to be realised.</p> <p>A full proposal has been obtained from Eight Associates, which has been assessed by our sustainability officer who has managed to omit one of the services offered in favour of a more cost-effective approach through established links with the ND Biosphere Team. Additional efficiencies have been achieved through subsequent discussions with Eight Associates to further reduce the fees involved. A full copy of the fee proposal is available for review if required. We are only seeking to appoint Eight Associates for the RIBA Stages 1-3 at this stage.</p>						

<p>The fees involved amount to £22,410 for RIBA Stages 1-3 (a copy of the fee proposals is attached below).</p> <p>Further fees will be calculated on completion of the initial stages to determine the merits of any subsequent involvement through the delivery phase of the project. If further involvement is required, the intention would be for this will be novated through the main construction contract.</p> <p>It is worth noting that the fees involved are not additional costs for the project. The original BREEAM requirement would have involved fees that would be directly comparable in terms of the assessment and involvement required at this stage. This waiver is only required due to the specialist nature of the work involved rather than the actual value of the fees. <i>(By way of comparison, the BREEAM fees for The Burrows Centre amounted to just over £15k for a lower value project).</i></p>								
F	Adrian Redwood	Embarrassment	5.1.7	N/A	SK 27/02/22	Yes	SD 01/3/22	DH 01/03/22

No.	FPR or CPR?	Applicant	Reason	Which Rule?	Committee	Report to	Date approved or note if rejected				
							Head of Service	Property Manager	Internal Audit	HOPS Section 151 Officer	
150											<p>Taxi Demand Survey</p> <p>Background.</p> <p>There is a requirement to undertake a demand study to allow the Council to maintain its taxi plate restriction. Failure to do so may result in legal action against the Council. There is only one company with the necessary knowledge and expertise to undertake a demand study which can be</p>

defended in court if challenged. The cost of the survey is £8,970 these costs are recovered from the hackney carriage fees paid by the trade.									
F	Chris Parkhouse	Limited Markets	5.1.7	N/A	JW 06/4/22	Yes	SD 07/4/22	DH 07/04/22	