

FINANCIAL REGULATIONS WAIVERS 2022/23

Presented by the Head of Finance

SUMMARY

The purpose of this report is to provide Members with a list of waivers to Financial Regulations during the financial year 2022/23, in accordance with Financial Regulations (FR) 9.

RECOMMENDATION

Members Note: (1) the report.

BACKGROUND

- 1 Financial Regulations (FR) 9 requires the Section 151 Officer to make an annual report to Authority of any waivers to the Regulations which have been agreed during the financial year.
- 2 Financial Regulations (FR) 9 also states that the Section 151 Officer in consultation and agreement with the Chief Executive or Deputy Chief Executive can allow exceptions to the Financial Regulations if it is believed that the interests of the Authority would be best served if the Regulations were not applied. The Section 151 Officer must keep a written record of any exceptions and submit an annual report to full Authority summarising such decisions. The Authority has a Service Level Agreement in place with the London Borough of Enfield (LBE) to provide to the Authority the services of a Section 151 Officer. All waivers have been approved by the relevant LBE officer and the Head of Finance has retained the written record of the exceptions on behalf of the Authority.
- 3 Financial Regulations were waived 11 times between April 2022 and March 2023 under delegated authority within Financial Regulations.
- 4 Appendix A to this report lists the 2022/23 waivers and the reasons that they were agreed.
- 5 The waivers in 2022/23 were on the basis of:
 - procuring from a single supplier as the only/specialist/bespoke supplier;

- insufficient time to seek alternative estimates, or complete a full tendering exercise; and
- prepayment for goods and services.

Wherever possible, where a full procurement exercise could not be completed, officers undertook research to understand if the prices quoted offered value for money, before any agreement to waive Financial Regulations was requested.

ENVIRONMENTAL IMPLICATIONS

- 6 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 7 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 8 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 9 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 10 The standard terms and conditions for the Authority require payment for goods/services after they have been received. In some circumstances this may be waived but measures are taken to mitigate against the risk of potential loss.

These mitigation measures include, but are not limited to:

- value of the transaction is relatively low;
- due diligence checks on the company requesting payment in advance are carried out e.g. verifying their latest set of accounts; previous transaction/work history with the company; checking their website and other sources of recent customer feedback; and
- where negotiable, only a deposit should be paid and final payment on receipt of goods to secure against potential loss.

EQUALITY IMPLICATIONS

- 11 There are no equality implications arising directly from the recommendations in this report.

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BACKGROUND REPORTS

Financial Regulations

October 2020

PREVIOUS COMMITTEE REPORTS

Authority	Paper A/4318/22	Financial Regulations Waivers 2021/22	28 April 2022
Authority	Paper A/4298/21	Financial Regulations Waivers 2020/21	29 April 2021
Executive	Paper E/659/20	Venues Supply Contracts	27 February 2020
Authority	Paper A/4266/19	Financial Regulations Waivers 2018/19	25 April 2019

APPENDICES ATTACHED

Appendix A	List of Authority Financial Regulation Waivers 2022/23
Appendix B	Summary of relevant Financial Regulations

ABBREVIATIONS

FR	Financial Regulations
LBE	London Borough of Enfield

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Ref	Waiver Requested By	Waiver Agreed By	Approved	Fin Reg No	Reason for Waiver
1	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (JN)	07/04/2022	FR570	Estimated Value between £10,000 and £25,000 Three Mills Green - initial site groundwork investigation, testing and reports ahead of full works procurement
2	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (JN)	16/06/2022	FR571	Estimated Value between £25,000 and the E.U. Thresholds White Water Centre - replacement of 2 x Pumps, and refurbishment of 3 x pumps (Olympic Course) Refurbishment of 3 x pumps (legacy course) <i>Specialist equipment required from original supplier</i>
3	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (JN)	16/06/2022	FR571	Estimated Value between £25,000 and the E.U. Thresholds White Water Centre - replacement of Pumps Control system, Power Section upgrade, and updated software. Specialist equipment required from original supplier
4	Head of Asset Maintenance Corporate Director	Chief Executive Section 151 Officer (JN)	16/06/2022	FR451	Allows payment in advance of goods and services being supplied White Water Centre - Pumps Controls Payment plan with regards Control units - 33% in advance, 33% on commencement of works, 33% on completion of works
5	Corporate Director	Deputy Chief Executive Section 151 Officer (JN)	01/07/2022	FR569	Estimated Value between £1,000 and £10,000 Lee Valley Golf Course oak processional moth (OPM) Nest Survey and Removal Urgent works due to risk to public
6	Head of Parklands	Deputy Chief Executive Section 151 Officer (JN)	14/07/2022	FR571	Estimated Value between £25,000 and the E.U. Thresholds Open Spaces Meadow Cuts - August/September 2022 Procurement exercise did not produce any bids - Jun/July resulted in sufficient quotes for period, and FR waiver to use same contractor for remaining two months

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FINANCIAL REGULATIONS WAIVERS – 2022/23

Ref	Waiver Requested By	Waiver Agreed By	Approved	Fin Reg No	Reason for Waiver
7	Head of Asset Maintenance	Chief Executive Section 151 Officer (JN)	17/08/2022	FR570	Estimated Value between £10,000 and £25,000 White Wter Centre - Extreme Kayak Starter Ramp Groundwork Investigations - using original contractor involved with the construction of Centre
8	Head of Parklands	Chief Executive Section 151 Officer (JN)	17/10/2022	FR571	Estimated Value between £25,000 and the E.U. Thresholds Ranger Vehicle Fleet - purchase of specific vehicles, and non-availability of similar models from other makers
9	Corporate Director	Chief Executive Section 151 Officer (JN)	06/12/2022	FR569	Estimated Value between £1,000 and £10,000 Stansted Marlina - service and certification of crane. Specialist areas and no second quote available.
10	Head of Parklands	Chief Executive Section 151 Officer (JN)	12/02/2023	FR570	Estimated Value between £10,000 and £25,000 White Water Centre - Urgent Habitat Works Only managed to obtain 2 (or of 3 required) quotes, and works required to ensure meeting natural deadline due to wildlife breeding season
11	Corporate Director	Deputy Chief Executive Section 151 Officer (JN)	07/03/2023	FR570	Estimated Value between £10,000 and £25,000 Velopark - design works for spectator barrier Company are only firm working on these currently, and have used previously re Ice Centre

SUMMARY OF RELEVANT FINANCIAL REGULATIONS

- 9 The Section 151 Officer in consultation and agreement with the Chief Executive or Deputy Chief Executive can allow exceptions to these regulations if it is believed that the interests of the Authority would be best served if the regulations were not applied. They must keep a written record of any exceptions and submit an annual report to full Authority summarising such decisions.
- 451 Payments should not normally be made if goods or services have not been received by the Authority. However, if, in exceptional circumstances, it is deemed necessary to make a payment in advance of goods and services being supplied, to ensure that the agreement of the Head of Finance (in consultation with the Chief/Deputy Chief Executive) has been obtained before the order is placed.

Thresholds for the Relevant Competitive Process, Including EU Thresholds

Estimated Value up to £1,000

- 568 Goods and Services up to £1,000 can be commissioned on the basis of one formal quote, subject to that good/service being of a one-off nature and in the opinion of the officer concerned represents good value for money and delivery capability before the order is placed. Orders should be placed in accordance with the normal procedures outlined in these Financial Regulations including the aggregation rules outlined in FR 567.

Estimated Value between £1,000 and £10,000

- 569 Providing the procedures outlined throughout these rules have been followed then at least two competitive quotes must be obtained and documented by the Chief Executive, Deputy Chief Executive or a Corporate Director giving consideration to value for money and delivery capability before an order is placed. Orders should be placed in accordance with the normal procedures outlined in these Financial Regulations including the aggregation rules outlined in FR 567.

Estimated Value between £10,000 and £25,000

- 570 Providing the procedures outlined throughout these rules have been followed then at least three competitive quotes must be obtained and documented by the Chief Executive, Deputy Chief Executive or a Corporate Director given consideration to value for money and delivery capability before an order is placed. Orders should be placed in accordance with the normal procedures outlined in these Financial Regulations including the aggregation rules outlined in FR 567.

Estimated Value between £25,000 and the E.U. Thresholds

- 571 These contracts must be let by following the competitive procurement procedures as defined in the Public Contract Regulations 2015. Advertisements must comply with the Public Contract Regulations 2015 and as a minimum be published on the Authority website using the appropriate standard template and the Contract Finder portal as defined in Public Contract Regulations 2015. 69 572 Contract award notices must be placed on the Contract Finder portal as required by Public Contract Regulations 2015.

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