

Meeting: Audit Committee

Date: 27 May 2026

Wards affected: All

Report Title: Annual Report - Requests to Waive Contract Procedures

When does the decision need to be implemented? Not applicable

Cabinet Member Contact Details: [Alan Tyerman, Finance Portfolio Holder,](#)
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1. Purpose of Report

- 1.1. The Council's external auditors, in their Annual Report for year ending March 2025, recommended that the Council reports, at least annually, details relating to procurement waivers to those charged with governance.
- 1.2. The purpose of this report is to provide Audit Committee with details of the procurement waivers for the 2024/2025 and 2025/2026 financial years.

2. Reason for Proposal and its benefits

- 2.1. Not applicable - this report is for information purposes only.

3. Recommendation(s) / Proposed Decision

- 3.1. That the Audit Committee review this report and, where necessary, seek further information from Commercial Services.

4. Appendices

Appendix 1: Breakdown of Waiver Requests by Directorate

5. Background Documents

- 5.1. None

Supporting Information

6. Introduction

- 6.1. Contract Procedures were revised in April 2024 to increase the number of procurement procedure options available for below threshold contracts. The procurement procedure used is identified based on the risk, value, complexity, market and urgency of the requirement, with direct awards being permitted where it can be clearly demonstrated that only one supplier can meet the need and there is no scope for competition.
- 6.2. Officers are able to seek exemption from the following requirements of Contract Procedures:
- 6.2.1. using the procedure identified by Commercial Services for below threshold contracts, including the direct award of grants and use of off contract agency staff suppliers;
 - 6.2.2. using the procedure identified by Commercial Services for above threshold contracts, where the alternative procedure is permitted under the Procurement Act 2023;
 - 6.2.3. using the Council's standard tender templates;
 - 6.2.4. following the prescribed route for issuing and submission of tenders;
 - 6.2.5. using the Council's standard terms and conditions of contract or recognised national construction contracts.
- 6.3. Waiver requests are reviewed and signed off as follows:

Waiver type	Review and comments	Decision
Request to run an alternative procedure	Commercial Services Section 151 Officer Where applicable: - Finance / Information Governance / IT Services	Budget holder
Request to use an alternative tender pack / route for issuing tender	Commercial Services	Commercial Services
Request to use off contract agency supplier	Commercial Services Section 151 Officer HR Where applicable: - Finance	Budget holder
Request to use alternative terms and conditions	Commercial Services Where applicable: - Legal Services / Insurance Manager / Information Governance / IT Services / Finance / Health and Safety	Commercial Services
Request to direct award a grant	Commercial Services Section 151 Officer Finance (VAT Manager)	Budget holder
Request to amend an existing waiver	As set out above subject to waiver type	As set out above subject to waiver type

- 6.4. As a direct result of these changes there has been a year-on-year reduction in the number of waiver requests submitted, decreasing from 101 in 2023/2024 to 76 in 2024/2025 and 41 in 2025/2026.
- 6.5. There has been a marked reduction in the number of requests to run an alternative procurement procedure. In 2024/2025 financial year 36.8% of the total waivers submitted were to run an alternative tender process compared with 14.6% in 2025/2026, with the number submitted being 78% lower in 2025/2026 than 2024/2025.
- 6.6. The number of requests to use alternative terms and conditions has remained steady over the 2 financial years, indicating that seeking approval to use of supplier terms is embedded in working practice. In 2024/2025 requests to use alternative terms and conditions comprised 35.5% of the total waivers received and in 2025/2026 this increased to 68.3% of all waivers received, although the number of waivers submitted for this purpose has remained broadly similar at 27 and 28 respectively.
- 6.7. Details of the waiver requests received, approved and declined are set out in the tables and graphs below:

Table 1 shows the total value and number of waivers by type for FY 2024/25, including their approval status: approved, cancelled, or declined.

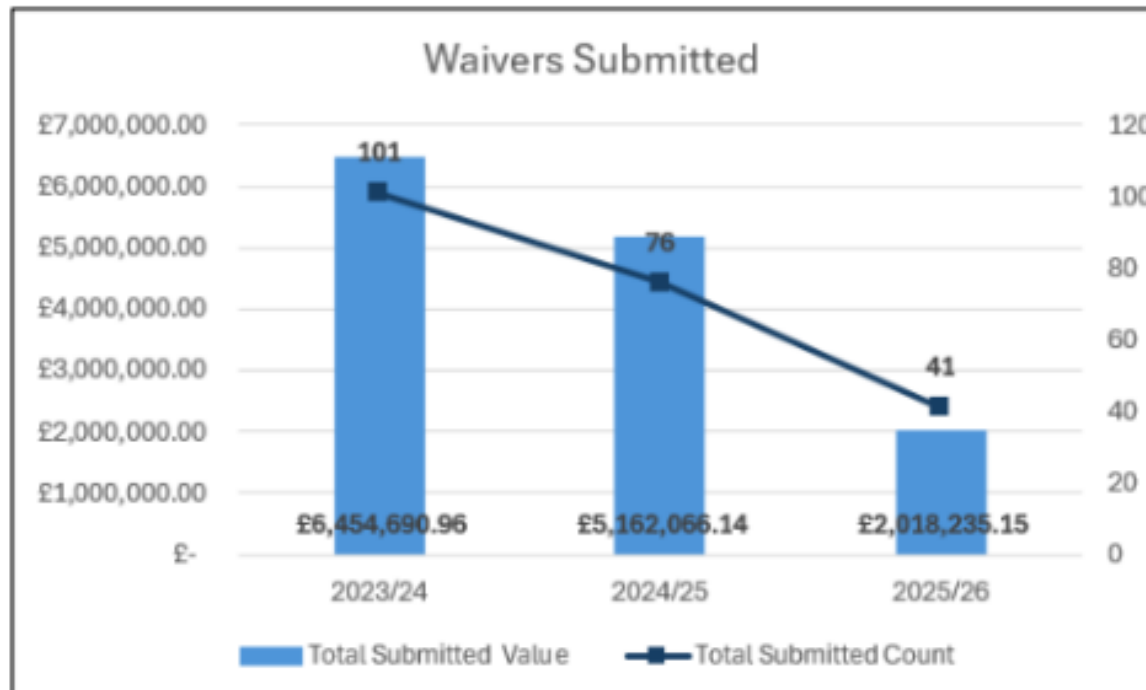
2024/25 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	£950,555.77	15	-	-	-	-	£950,555.77	15
Request to Direct Award a Grant	£338,992.00	1	-	-	-	-	£338,992.00	1
Request to Run Alternative Procurement Procedure	£2,480,970.25	23	£802,764.00	5	-	-	£3,283,734.25	28
Request to Use Alternative Terms and Conditions	£382,004.12	26	£22,395.00	1	-	-	£404,399.12	27
Request to Use Off Contract Agency Supplier	£184,385.00	5	-	-	-	-	£184,385.00	5
2024/25 Grand Total	£4,336,907.14	70	£825,159.00	6	£0.00	0	£5,162,066.14	76

Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

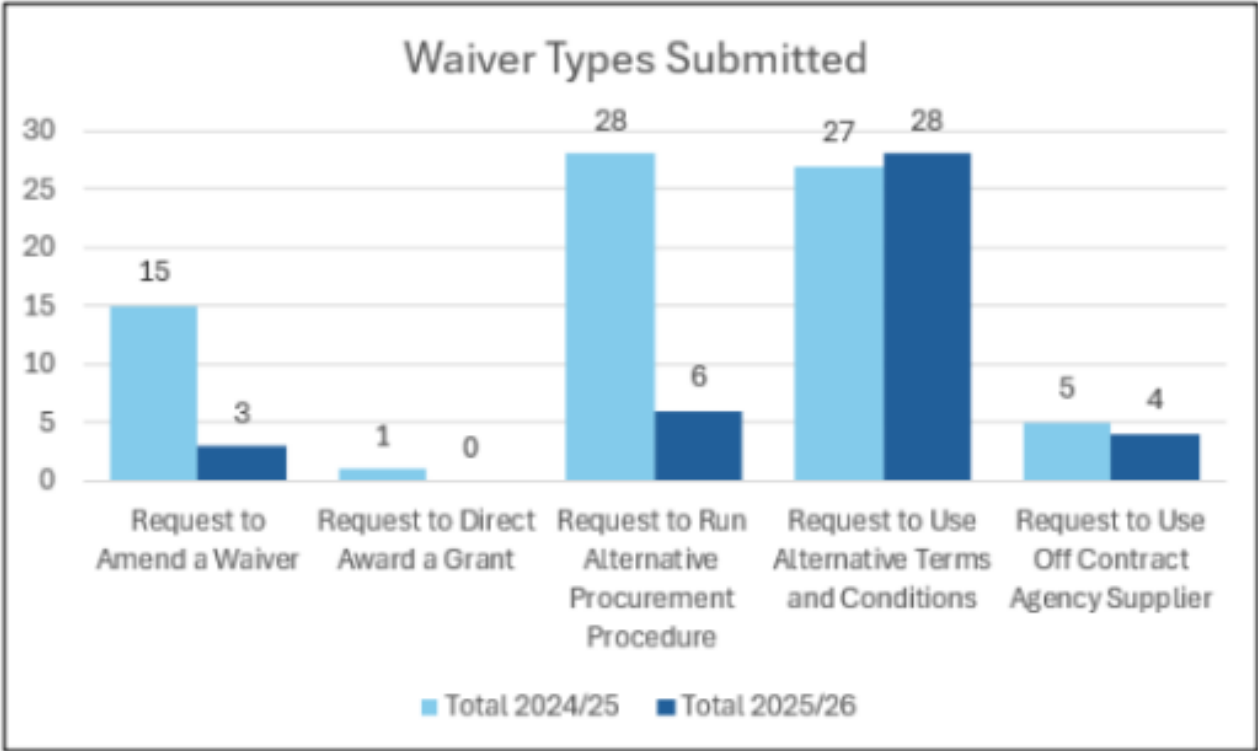
2025/26 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	£222,678.00	2	£75,000.00	1	-	-	£297,678.00	3
Request to Run Alternative Procurement Procedure	£281,561.00	5	-	-	£166,500.00	1	£448,061.00	6
Request to Use Alternative Terms and Conditions	£890,072.15	25	£253,212.00	2	£33,300.00	1	£1,176,584.15	28
Request to Use Off Contract Agency Supplier	£95,912.00	4	-	-	-	-	£95,912.00	4
2025/26 Grand Total	£1,490,223.15	36	£328,212.00	3	£199,800.00	2	£2,018,235.15	41

The two declined waivers are ones which have not been approved or finalised with the financial year.

Graph 1 displays the total value and number of waivers submitted over the past three financial years.



Graph 2 displays total count by waiver type for the last two financial years.



7. Options under consideration

7.1. Not applicable.

8. Financial Opportunities and Implications

- 8.1. The main financial implication of waiving requirements to follow Contract Procedures is ensuring the Council achieves best value where a direct award of a grant or contract is approved through the waiver process. The requesting officer is required to explain what they have done to ensure the contract will deliver best value and also, where applicable, identify any social value the supplier will deliver under the contract.
- 8.2. The average value of requests to run an alternative procedure in 2024/2025 was £117,276 compared to an average value of £74,676 in 2025/2026. More data is needed to establish whether we are seeing the downward trend in the value of contracts being waived that would be expected due to broader range of procurement procedure options available for below threshold spend.

9. Legal Implications

- 9.1. Requests to direct award above threshold contracts may only be approved where one or more of the specific circumstances permitting a direct award under the Procurement Act 2023 are met.
- 9.2. For direct awards, where applicable to the contract, the requesting officer is required to confirm within their request that they have addressed supplier compliance with Data Protection Regulations.
- 9.3. Approval to use alternative terms and conditions may be subject to the supplier making amendments to the proposed terms.

10. Engagement and Consultation

- 10.1. The requirement to undertake consultation applies, where relevant, to contracts put in place through the waiver process.

11. Procurement Implications

- 11.1. The requesting officer is required to ensure that all relevant aspects of Contract Procedures, other than that for which the exemption is being sought, are complied with.

12. Protecting our naturally inspiring Bay and tackling Climate Change

- 12.1. The requirement to include climate change considerations applies to contracts put in place through the waiver process.

13. Associated Risks

- 13.1. The requesting officer is required to set out any risks associated with both the approval and non-approval of the request.

14. Equality Impact Assessment

- 14.1. The requirement to undertake Equality Impact Assessments applies to contracts put in place through the waiver process.

15. Cumulative Council Impact

- 15.1. None

16. Cumulative Community Impacts

- 16.1. None

Appendix 1 – Breakdown of Waiver Requests by Directorate

Adult, Community and Customer Services

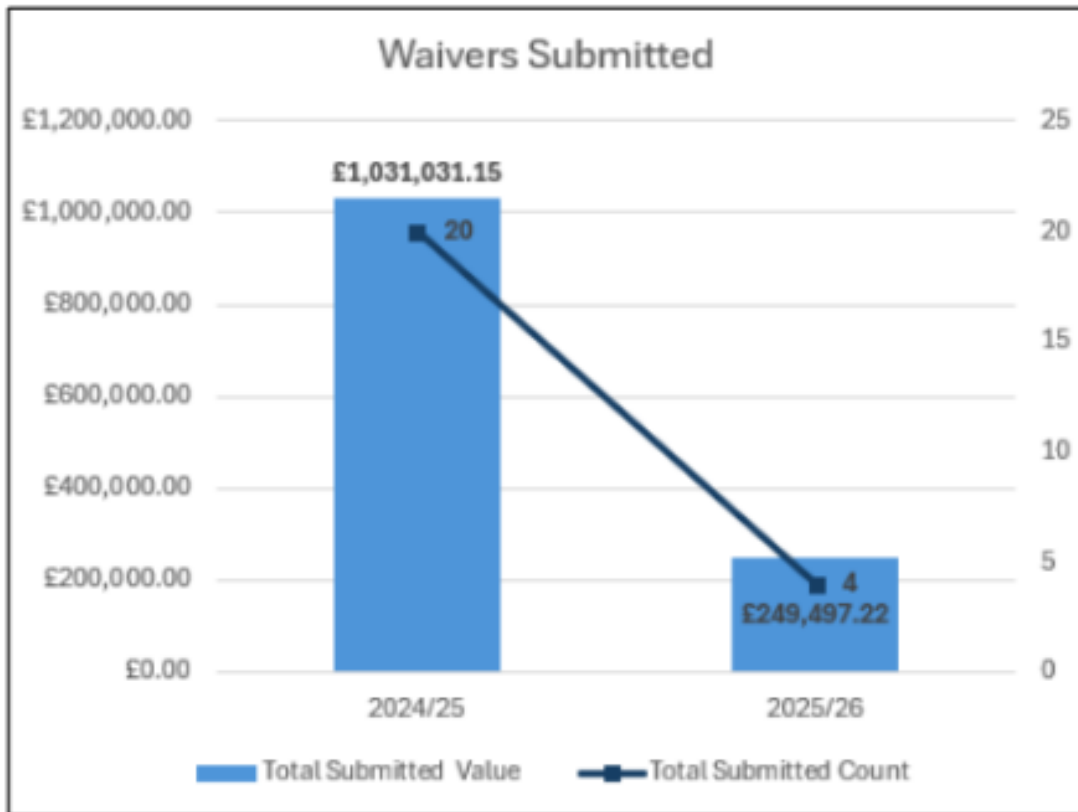
Table 1 shows the total value and number of waivers by type for FY 2024/25, including their approval status: approved, cancelled, or declined.

2024/25 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	£88,575.15	4	-	-	-	-	£88,575.15	4
Request to Run Alternative Procurement Procedure	£828,271.00	11	£10,000.00	1	-	-	£838,271.00	12
Request to Use Alternative Terms and Conditions	£104,185.00	4	-	-	-	-	£104,185.00	4
Request to Use Off Contract Agency Supplier	-	-	-	-	-	-	-	-
2024/25 Grand Total	£1,021,031.15	19	£10,000.00	1	£0.00	0	£1,031,031.15	20

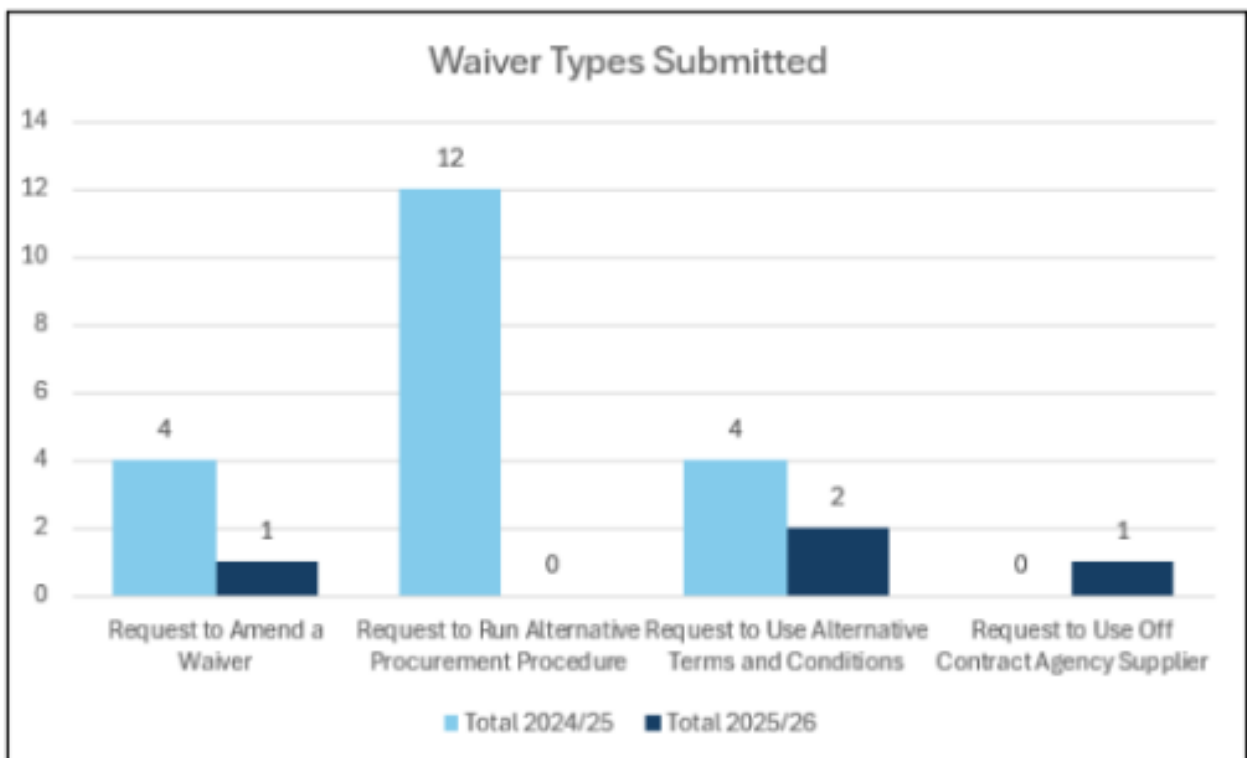
Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

2025/26 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	£152,256.00	1	-	-	-	-	£152,256.00	1
Request to Run Alternative Procurement Procedure	-	-	-	-	-	-	£0.00	0
Request to Use Alternative Terms and Conditions	£95,621.22	2	-	-	-	-	£95,621.22	2
Request to Use Off Contract Agency Supplier	£1,620.00	1	-	-	-	-	£1,620.00	1
2025/26 Grand Total	£249,497.22	4	-	-	-	-	£249,497.22	4

Graph 1 displays the total value and number of waivers submitted over the past two financial years.



Graph 2 displays total count by waiver type for the last two financial years.



Children's Services

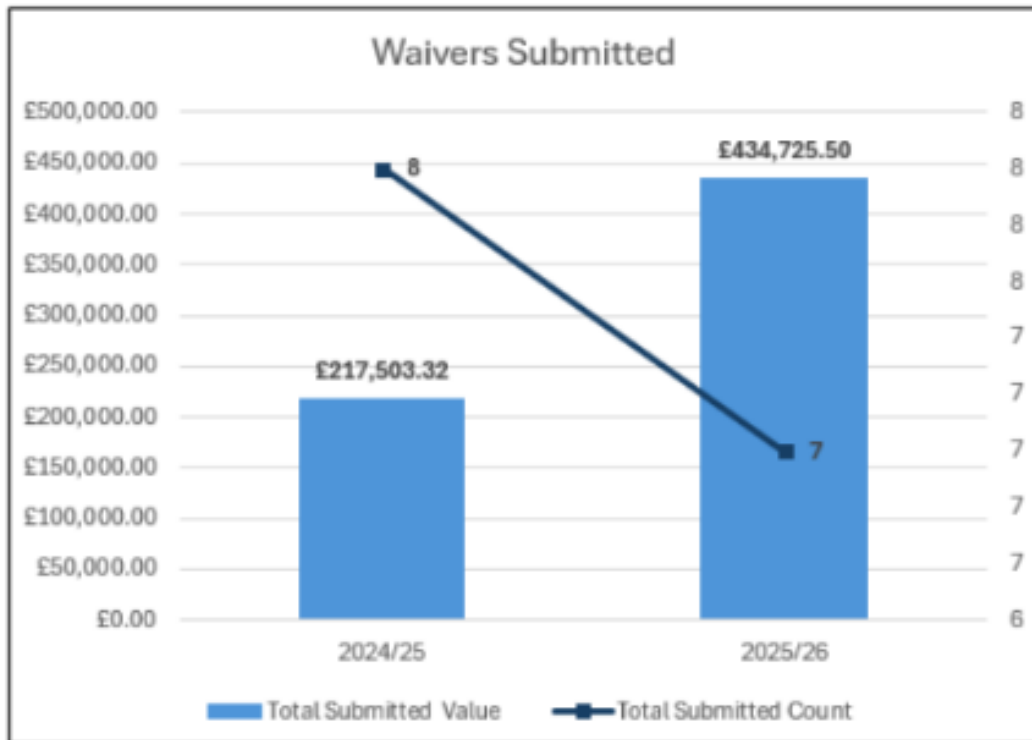
Table 1 shows the total value and number of waivers by type for FY 2024/25, including their approval status: approved, cancelled, or declined.

2024/25 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	£83,928.32	1	-	-	-	-	£83,928.32	1
Request to Direct Award a Grant	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	-	-	-	-	-	-	£0.00	0
Request to Use Alternative Terms and Conditions	£29,805.00	4	£22,395.00	1	-	-	£52,200.00	5
Request to Use Off Contract Agency Supplier	£81,375.00	2	-	-	-	-	£81,375.00	2
2024/25 Grand Total	£195,108.32	7	£22,395.00	1	£0.00	-	£217,503.32	8

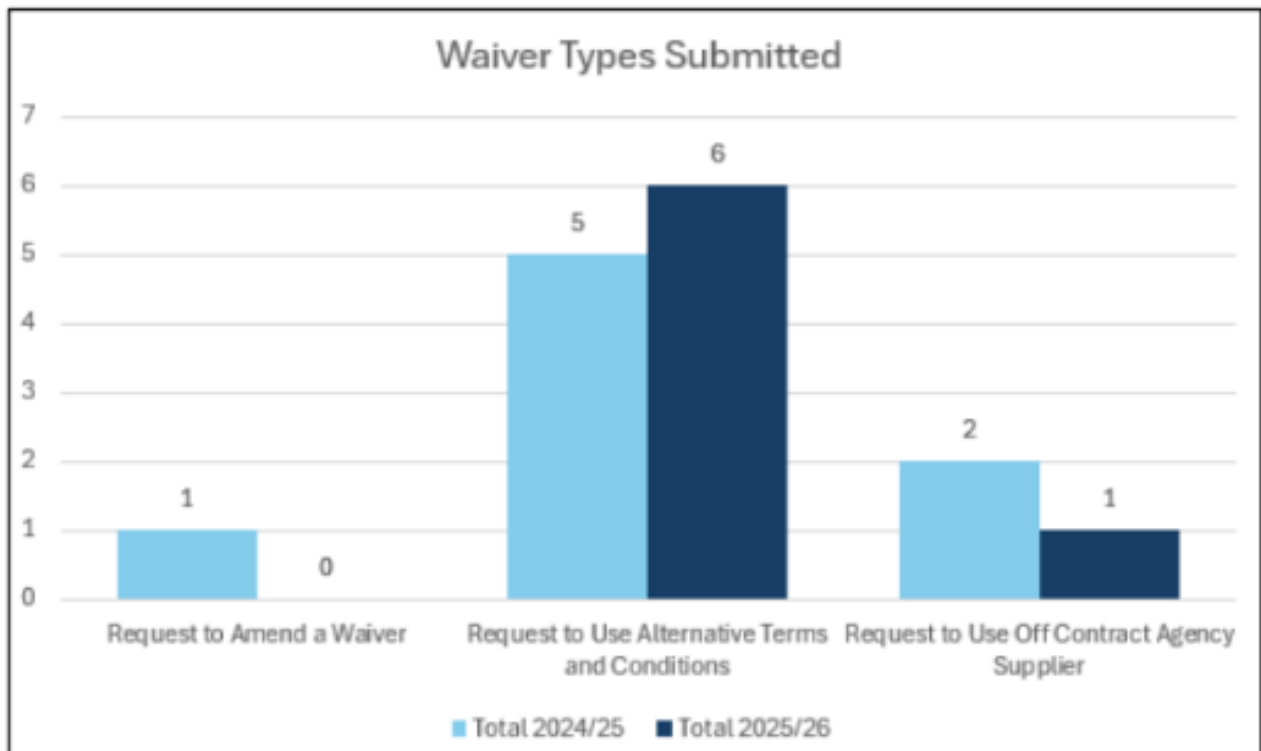
Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

2025/26 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	-	-	-	-	-	-	£0.00	0
Request to Use Alternative Terms and Conditions	£389,485.50	6	-	-	-	-	£389,485.50	6
Request to Use Off Contract Agency Supplier	£45,240.00	1	-	-	-	-	£45,240.00	1
2025/26 Grand Total	£434,725.50	7	£0.00	-	£0.00	-	£434,725.50	7

Graph 1 displays the total value and number of waivers submitted over the past two financial years.



Graph 2 displays total count by waiver type for the last two financial years.



Corporate Services

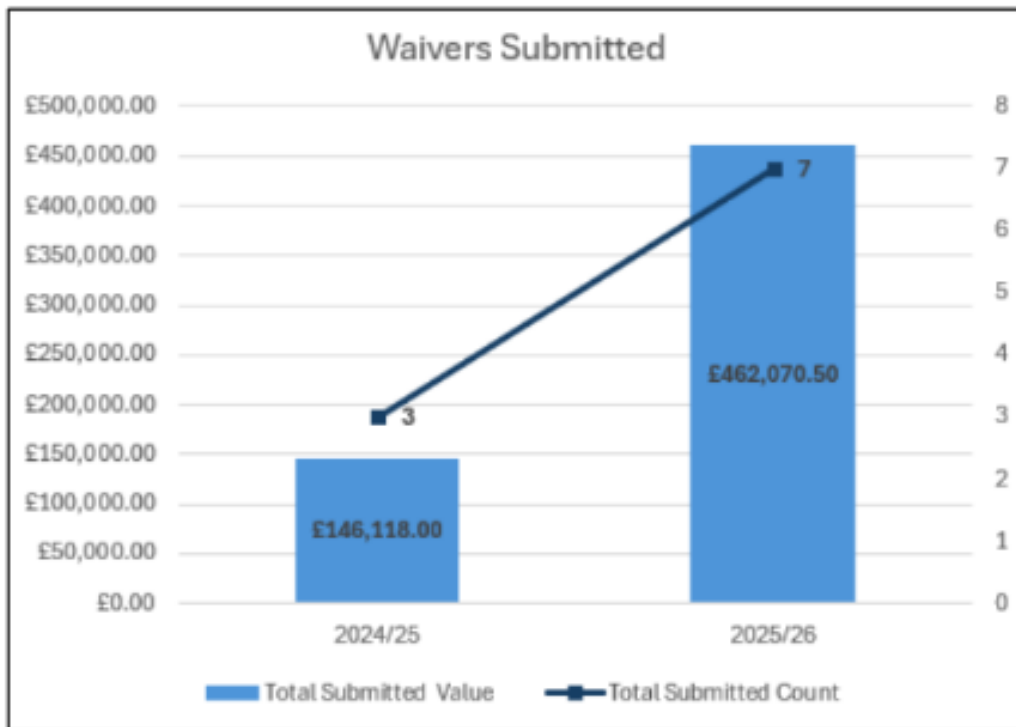
Table 1 shows the total value and number of waivers by type for FY 2024/25, including their approval status: approved, cancelled, or declined.

2024/25 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	£48,000.00	1	-	-	-	-	£48,000.00	1
Request to Direct Award a Grant	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	-	-	£84,764.00	1	-	-	£84,764.00	1
Request to Use Alternative Terms and Conditions	£13,354.00	1	-	-	-	-	£13,354.00	1
Request to Use Off Contract Agency Supplier	-	-	-	-	-	-	£0.00	0
2024/25 Grand Total	£61,354.00	2	£84,764.00	1	£0.00	-	£146,118.00	3

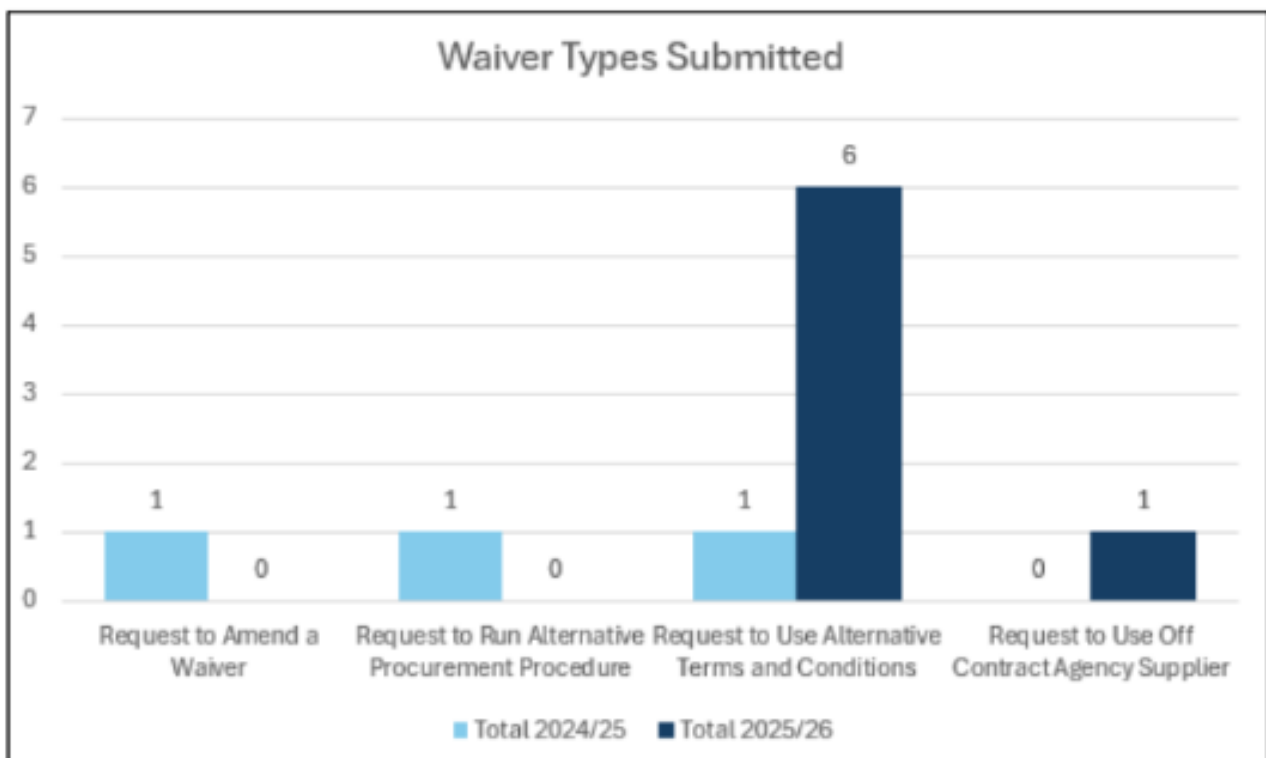
Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

2025/26 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	-	-	£0.00	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	-	-	-	-	-	-	£0.00	0
Request to Use Alternative Terms and Conditions	£168,306.50	4	£253,212.00	2	-	-	£421,518.50	6
Request to Use Off Contract Agency Supplier	£40,552.00	1	-	-	-	-	£40,552.00	1
2025/26 Grand Total	£208,858.50	5	£253,212.00	2	£0.00	-	£462,070.50	7

Graph 1 displays the total value and number of waivers submitted over the past two financial years.



Graph 2 displays total count by waiver type for the last two financial years.



The increase in waivers submitted is a positive upward trend as it relates to requests to use alternative terms and conditions, demonstrating improved compliance with Contract Procedures in this area.

Finance

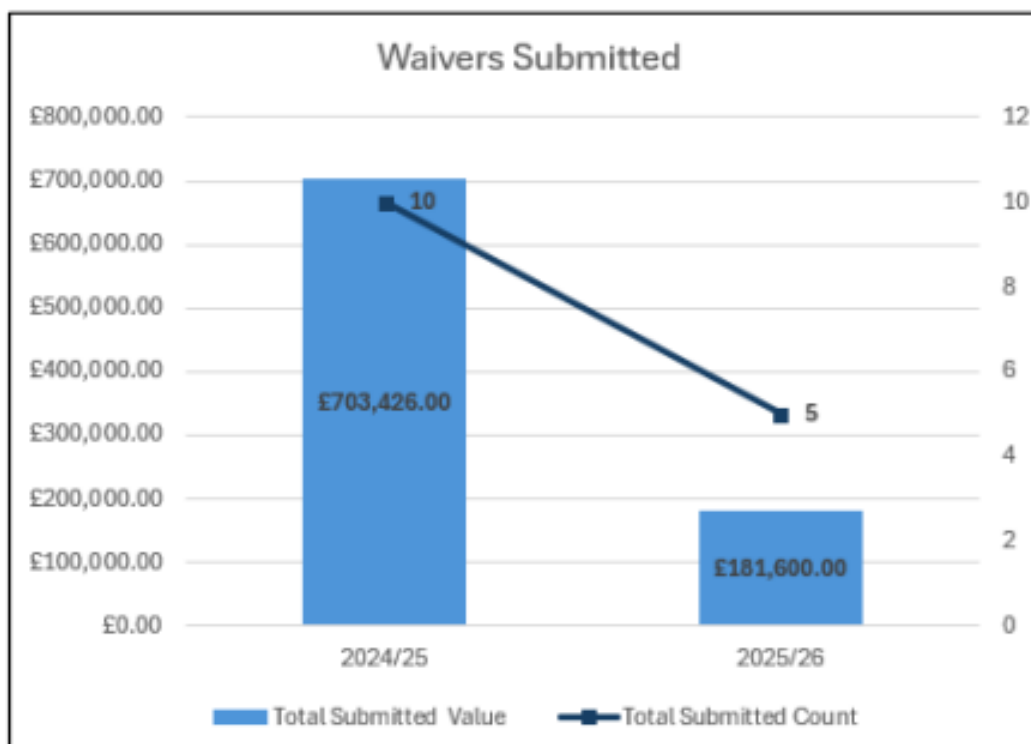
Table 1 shows the total value and number of waivers by type for FY 2024/25, including their approval status: approved, cancelled, or declined.

2024/25	Approved		Cancelled		Declined		Total Submitted	
Waiver Types	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	£244,645.00	4	-	-	-	-	£244,645.00	4
Request to Direct Award a Grant	£338,992.00	1	-	-	-	-	£338,992.00	1
Request to Run Alternative Procurement Procedure	£24,438.00	1	-	-	-	-	£24,438.00	1
Request to Use Alternative Terms and Conditions	£57,341.00	2	-	-	-	-	£57,341.00	2
Request to Use Off Contract Agency Supplier	£38,010.00	2	-	-	-	-	£38,010.00	2
2024/25 Grand Total	£703,426.00	10	£0.00	-	£0.00	-	£703,426.00	10

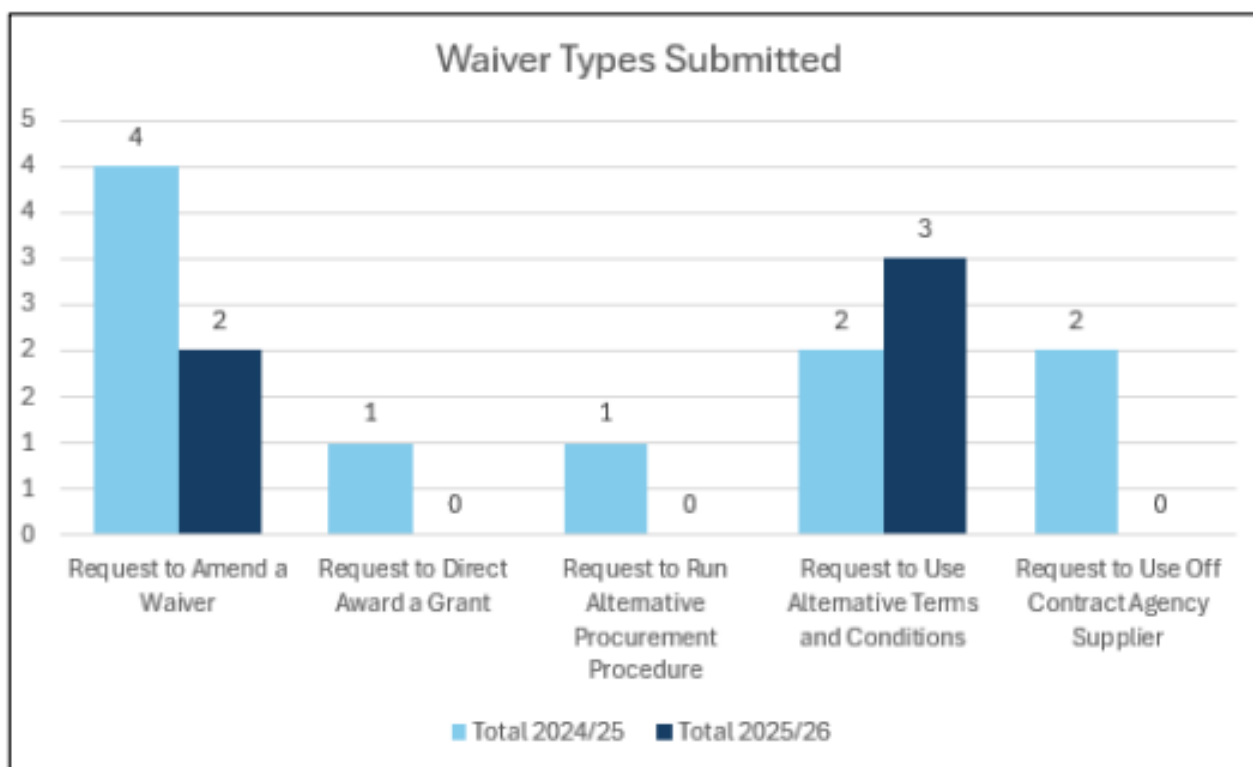
Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

2025/26	Approved		Cancelled		Declined		Total Submitted	
Waiver Types	Value	Count	Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	£70,422.00	1	£75,000.00	1	£0.00	-	£145,422.00	2
Request to Run Alternative Procurement Procedure	£0.00	-	£0.00	-	£0.00	-	£0.00	-
Request to Use Alternative Terms and Conditions	£36,178.00	3	£0.00	-	£0.00	-	£36,178.00	3
Request to Use Off Contract Agency Supplier	£0.00	-	£0.00	-	£0.00	-	£0.00	-
2025/26 Grand Total	£106,600.00	4	£75,000.00	1	£0.00	-	£181,600.00	5

Graph 1 displays the total value and number of waivers submitted over the past two financial years.



Graph 2 displays total count by waiver type for the last two financial years.



Pride in Place (including Place Delivery)

Table 1 shows the total value and number of waivers by type for FY 2024/25, including their approval status: approved, cancelled, or declined.

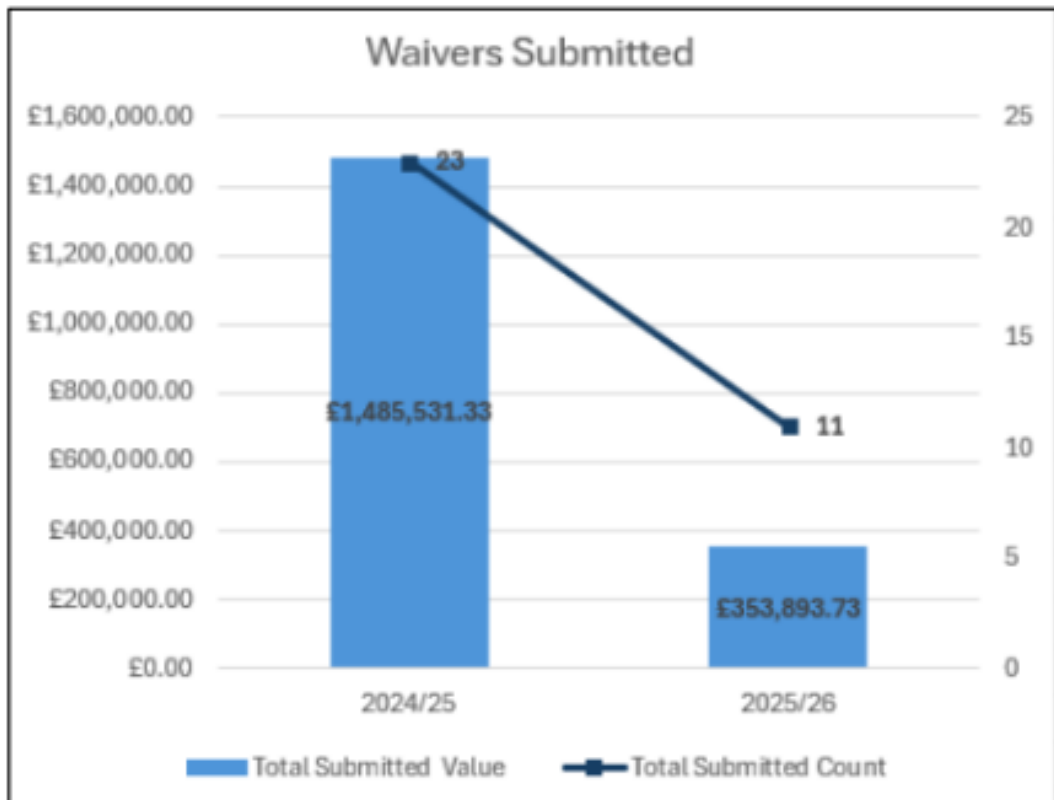
2024/25 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	£485,407.30	4	-	-	-	-	£485,407.30	4
Request to Direct Award a Grant	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	£177,610.00	3	£603,000.00	2	-	-	£780,610.00	5
Request to Use Alternative Terms and Conditions	£154,514.03	13	-	-	-	-	£154,514.03	13
Request to Use Off Contract Agency Supplier	£65,000.00	1	-	-	-	-	£65,000.00	1
2024/25 Grand Total	£882,531.33	21	£603,000.00	2	£0.00	-	£1,485,531.33	23

Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

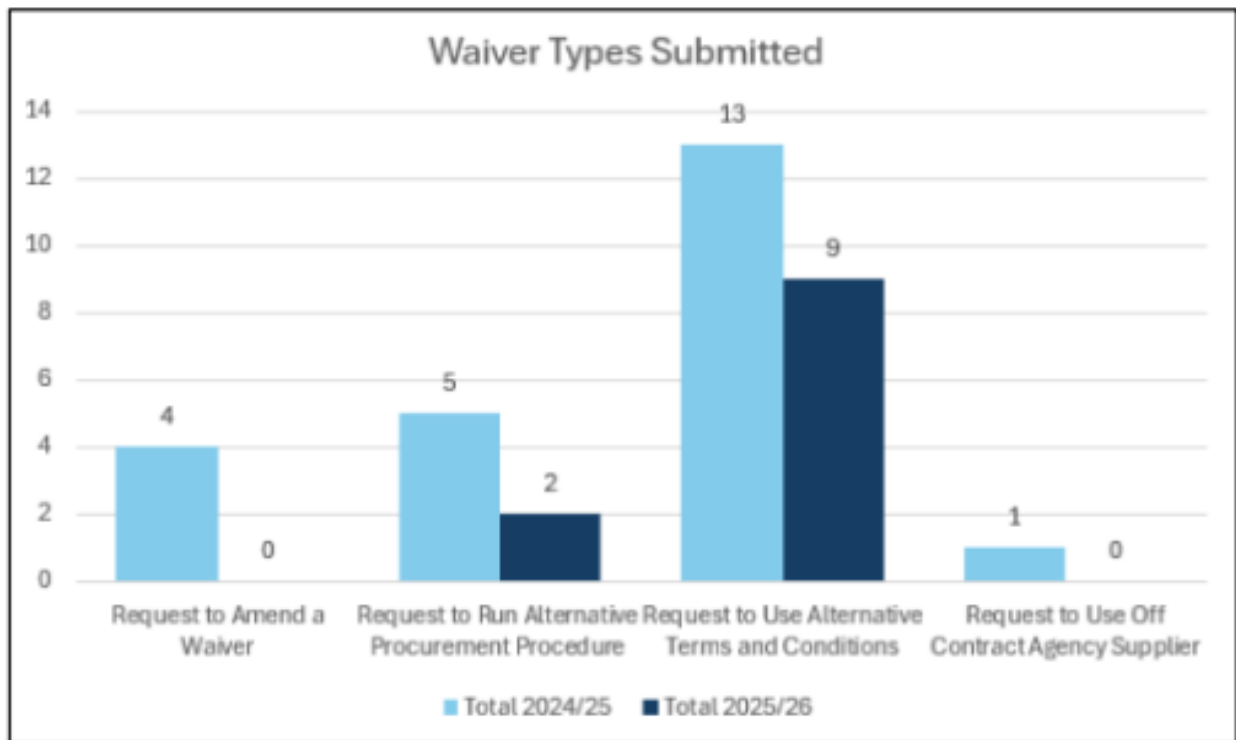
2025/26 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	£75,000.00	1	-	-	£166,500.00	1	£241,500.00	2
Request to Use Alternative Terms and Conditions	£79,093.73	8	-	-	£33,300.00	1	£112,393.73	9
Request to Use Off Contract Agency Supplier	-	-	-	-	-	-	£0.00	0
2025/26 Grand Total	£154,093.73	9	£0.00	-	£199,800.00	2	£353,893.73	11

The two declined waivers are ones which have not been approved or finalised with the financial year.

Graph 1 displays the total value and number of waivers submitted over the past two financial years.



Graph 2 displays total count by waiver type for the last two financial years.



Public Health

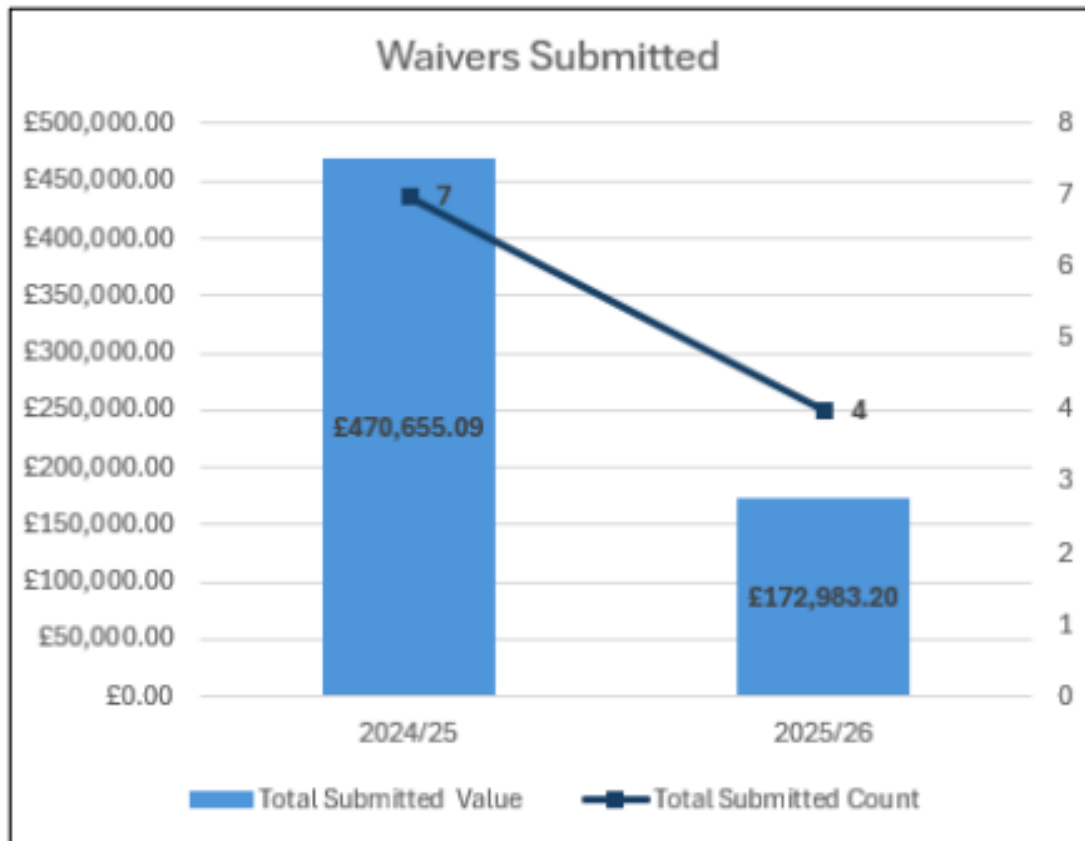
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2024/25 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	-	-	-	-	-	-	£0.00	0
Request to Direct Award a Grant	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	£342,850.00	4	£105,000.00	1	-	-	£447,850.00	5
Request to Use Alternative Terms and Conditions	£22,805.09	2	-	-	-	-	£22,805.09	2
Request to Use Off Contract Agency Supplier	-	-	-	-	-	-	£0.00	0
2024/25 Grand Total	£365,655.09	6	£105,000.00	1	£0.00	-	£470,655.09	7

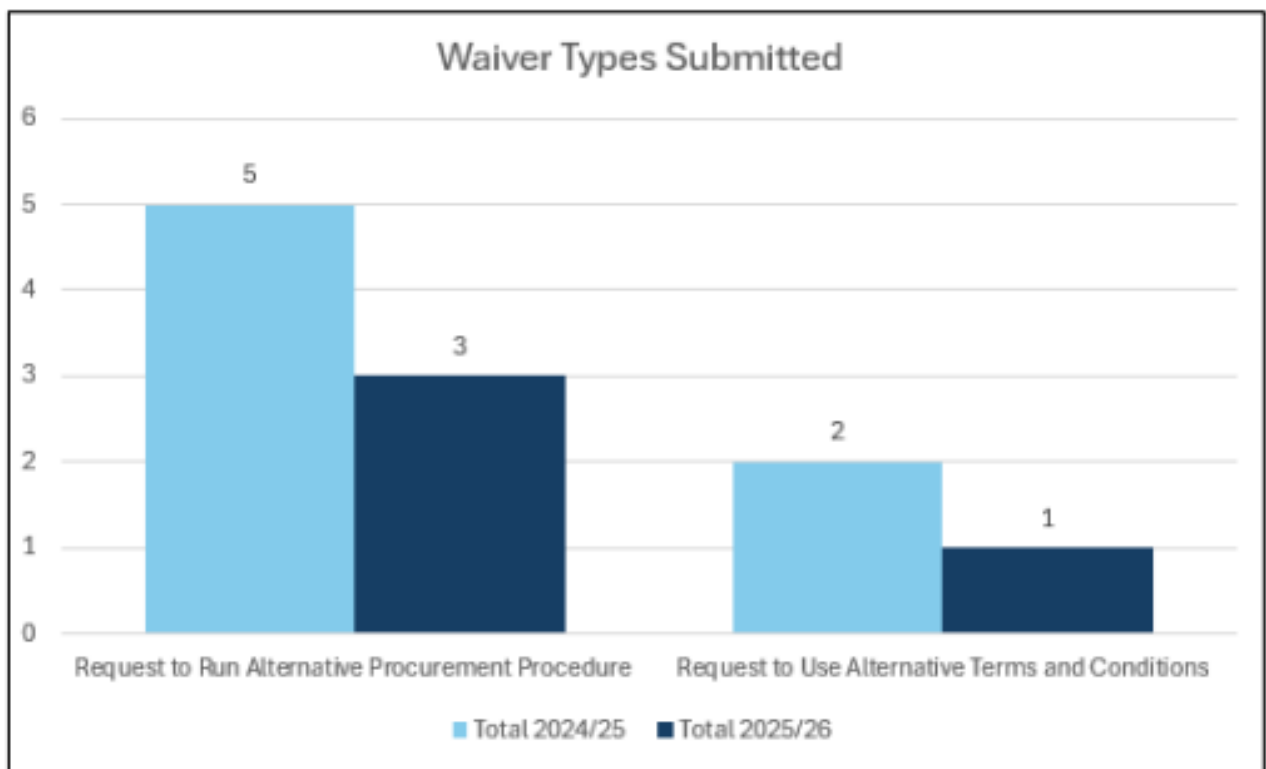
Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

2025/26 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	£161,596.00	3	-	-	-	-	£161,596.00	3
Request to Use Alternative Terms and Conditions	£11,387.20	1	-	-	-	-	£11,387.20	1
Request to Use Off Contract Agency Supplier	-	-	-	-	-	-	£0.00	0
2025/26 Grand Total	£172,983.20	4	£0.00	-	£0.00	-	£172,983.20	4

Graph 1 displays the total value and number of waivers submitted over the past two financial years.



Graph 2 displays total count by waiver type for the last two financial years.



SWISCo

Table 1 shows the total value and number of waivers by type for FY 2024/25, including their approval status: approved, cancelled, or declined.

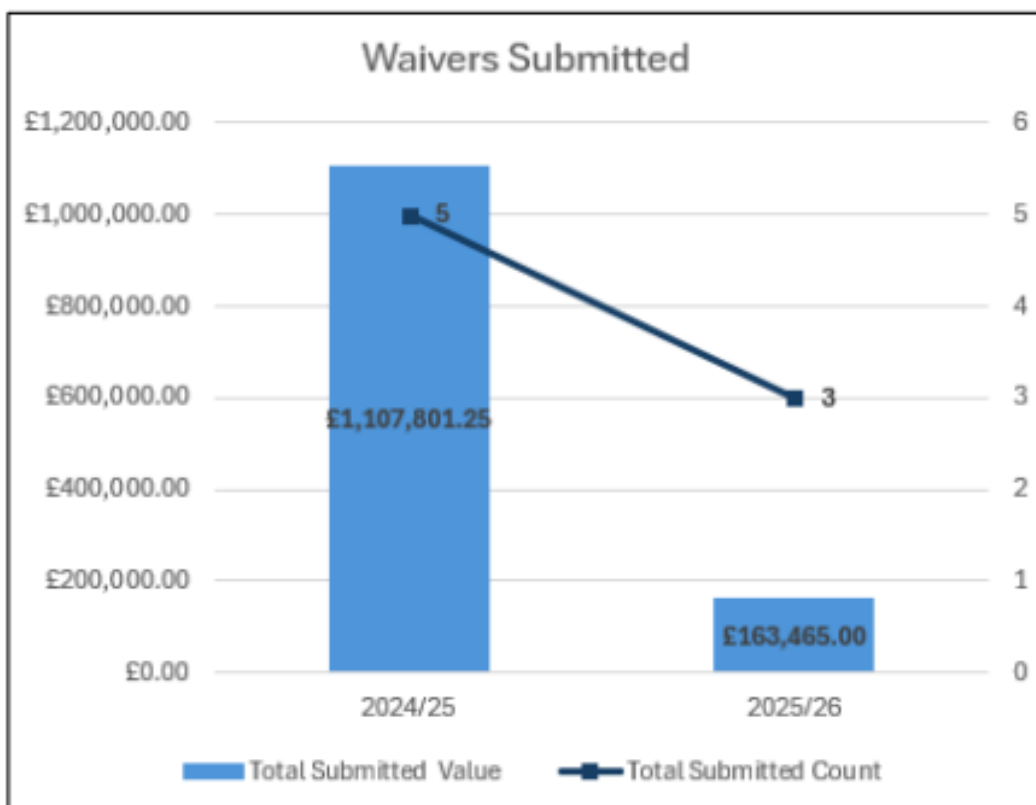
2024/25 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Total Value	Count	Value	Count	Total Value	Total Count
Request to Amend a Waiver	-	1	-	-	-	-	£0.00	1
Request to Direct Award a Grant	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	£1,107,801.25	4	-	-	-	-	£1,107,801.25	4
Request to Use Alternative Terms and Conditions	-	-	-	-	-	-	£0.00	0
Request to Use Off Contract Agency Supplier	-	-	-	-	-	-	£0.00	-
2024/25 Grand Total	£1,107,801.25	5	£0.00	-	£0.00	-	£1,107,801.25	5

Table 2 shows the total value and number of waivers by type for FY 2025/26, including their approval status: approved, cancelled, or declined.

2025/26 Waiver Types	Approved		Cancelled		Declined		Total Submitted	
	Value	Count	Value	Count	Total Value	Count	Total Value	Total Count
Request to Amend a Waiver	-	-	-	-	-	-	£0.00	0
Request to Run Alternative Procurement Procedure	£44,965.00	1	-	-	-	-	£44,965.00	1
Request to Use Alternative Terms and Conditions	£110,000.00	1	-	-	-	-	£110,000.00	1
Request to Use Off Contract Agency Supplier	£8,500.00	1	-	-	-	-	£8,500.00	1
2025/26 Grand Total	£163,465.00	3	£0.00	-	£0.00	-	£163,465.00	3

SWISCo

Graph 1 displays the total value and number of waivers submitted over the past two financial years.



Graph 2 displays total count by waiver type for the last two financial years.

