

<b>Agenda Item No:</b>	10	
<b>Committee:</b>	Overview and Scrutiny	
<b>Date:</b>	19 January 2026	
<b>Report Title:</b>	Reporting – Use of Waiver Provisions	

## 1 Purpose / Summary

To provide notice to members of the Overview and Scrutiny Committee of decisions taken without the need for notice to be given on the Forward Plan and/or for the call-in procedures to be applied.

## 2 Key Issues

To comply with the notice requirements set out in the Council's Constitution at paragraphs 16.3 of Procedure Rule 2 and paragraph and 20.4 of Procedure Rule 4.

## 3 Recommendations

For the Overview and Scrutiny Panel to note the waivers permitted by the Chairman since the date of the last meeting.

<b>Wards Affected</b>	All
<b>Report Originator(s)</b>	Maureen Davis, Chairman of Overview and Scrutiny Panel.  Amy Brown, Assistant Director for Legal and Governance <a href="mailto:amybrown@fenland.gov.uk">amybrown@fenland.gov.uk</a>
<b>Contact Officer(s)</b>	As above
<b>Back-ground Papers</b>	Fenland District Council's Constitution: <a href="https://www.fenland.gov.uk/localgov/ieListDocuments.aspx?CId=315&amp;MId=2451&amp;info=1&amp;bcr=1">https://www.fenland.gov.uk/localgov/ieListDocuments.aspx?CId=315&amp;MId=2451&amp;info=1&amp;bcr=1</a>

## 1. BACKGROUND

- 1.1 The Access to Information Procedure Rules which constitute Rule 2 of the Council's Constitution specify at paragraph 13.1 that a key decision may not be taken unless notice of that decision has been published in the Forward Plan for a minimum period of 28 days. The Council's Forward Plan is accessible via the following link: <https://moderngov.fenland.gov.uk/mgListPlans.aspx?RPlId=136&RD=0&bcr=1>
- 1.2 Article 13 of the Council's Constitution defines a key decision as any decision which results in saving or expenditure in excess of £100,000 or, in respect of any land or property acquisition in excess of £250,000 and/or which is significant in terms of its effects on communities living or working in an area of the District comprising two or more wards.
- 1.3 The Overview and Scrutiny Procedures Rules which constitute Rule 5 of the Council's Constitution specify at paragraph 18 that when a decision is made by Cabinet, an individual member of the Cabinet, a committee of the Cabinet or a key decision is made by an officer with delegate authority from the Cabinet or under joint arrangements, that decision must be published within 3 working days of being made. There then follows a period of 5 working days following publication and prior to implementation, during which that decision can be called-in. Information about the procedure for call-in can also be found at Rule 5 of the Council's Constitution.
- 1.4 In exceptional circumstances, if it is not possible to meet the forward plan publication requirements, there are 2 procedures that can be followed to enable the decision to still be taken:
  - 1.5 Procedure Rule 2, paragraph 16 of the Council's Constitution specifies that if a matter which is likely to be a key decision has not been included in the Forward Plan and the procedure at paragraph 15 cannot be compiled with then, in cases of special urgency, the decision may still be taken if the Chairman of O&S or, in their absence, the Chairman of the Council agrees that the taking of the decision cannot be reasonably deferred.
  - 1.6 Rule 4 of the Council's Constitution which comprises the Cabinet Procedure Rules specify at paragraph 20 that the call-in procedure shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The Chairman of O&S or, in their absence, the Chairman of the Council agrees that the decision proposed is reasonable in all the circumstances to be treated as a matter of urgency.
- 1.7 Paragraph 16 of Procedure Rule 2 and Paragraph 20.4 of Procedure Rule 4 both specify that decisions taken as a matter of urgency must be reported to the next available meeting of the Overview and Scrutiny Panel together with the reasons for the urgency.
- 1.8 Decisions taken after the application of the urgency provisions are also routinely published in the Overview and Scrutiny Panel's annual report which is also submitted to Full Council for approval.

## **2 NOTIFICATION OF DECISIONS**

2.1 Since the date of the last meeting the Chairman of O&S has permitted the use of the waiver provisions on one occasion:

2.1.1 A waiver of the requirement to place an entry on the Forward Plan for the full period of 28 days was requested due to the need for an urgent report to be tabled at the Cabinet meeting held on 5 December 2025 regarding the Whittlesey Southern Relief Road (WSRR).

2.1.2 The urgent cabinet report resulted from the CPCA Mayor expressing his support for ongoing Whittlesey Capital Transport schemes at a [CPCA Board meeting](#) held on 26.11.26. At the same meeting, the CPCA initiated a public consultation on their 2026/2027 budget, with a closing date of 12 January 2026.

2.1.3 The Mayor's support for the WSRR had not been made evident prior to the CPCA meeting. Therefore, in order for one of the recommendations from the report to progress (namely to write to the CPCA under the budget consultation to request inclusion of the cost of the next Whittlesey Relief Road report in the CPCA 2026/2027 budget or, failing that, in the MTFS for 2027/2028) it was vital that the report was considered by Cabinet at their December meeting as the scheduled January Cabinet meeting would have taken place after the CPCA budget consultation period had concluded.

2.1.4 An entry was placed on the forward plan on 3 December 2025 ([Whittlesey Southern Relief Road Outline Business Case - KEY/03DEC25/01](#)) and the WSRR Cabinet report was tabled on 15 December 2025 ([Agenda for Cabinet on Monday, 15th December, 2025, 2.00 pm - Fenland District Council](#)). The timing of the notification of the CPCA budget consultation period (following the Mayor's support of the Whittlesey Capital Transport schemes being made evident) did not allow for the full period of 28 days notification of the decisions that needed to be made.

## **3 ALTERNATIVE OPTIONS CONSIDERED**

3.1 The Chairman of Overview and Scrutiny has to date provided a verbal update as to the use of the waivers provided for in the Constitution. In future, unless it is not possible to prepare a Report in time for Agenda dispatch in relation to the next available meeting of O&S, a Report will be prepared.

## **4 IMPLICATIONS**

### **4.1 Legal Implications**

4.1.1 The legal implications are as set out in the main body of this Report.

### **4.2 Financial Implications**

4.2.1 There are no direct financial implications associated with this Report.