


Agenda Item No:	11	
Committee:	Overview and Scrutiny	
Date:	9th June 2025	
Report Title:	Monitoring Information	

COVER SHEET

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.

1.1 Key Issues

- 1.1 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

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

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

REPORT

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?RPId=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:
 - 1.4.1 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 complied 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.
- 1.5 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.
- 1.6 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.
- 1.7 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 2 occasions:
- 2.1.1 A waiver of the requirement to place an entry on the Forward Plan for the full period of 28 days was granted on 19th February 2025 in relation to a subsequent decision taken by Cabinet on 24th February 2025. The Report relating to that decision can be found via the following link and related to a recommendation to commence the procurement process to deliver services for the bulking and transfer of Fenland's collected municipal mixed dry recycling materials; <https://moderngov.fenland.gov.uk/documents/s16510/Cabinet%20Report%2024%20February%202025%20-%20Transfer%20Station%20Tender.pdf>. An entry was placed on the Forward Plan on 30th January 2025 to enable some notice to be given (see *[insert FP link]*) however the deadline of *[insert FP deadline date for particular meeting]* was missed due to an internal administrative (human) error. All other governance requirements were complied with.
- 2.1.2 A waiver of the requirement to place an entry on the Forward Plan for the full period of 28th days was granted on 22nd March 2025 in relation to a subsequent decision taken by Cabinet on 24th March 2025. The Report relating to that decision can be found via the following link and related to a recommendation to approve the commitment of £300,000 worth of funding for a pathway around the perimeter of Manor Field: <https://moderngov.fenland.gov.uk/documents/s16866/Report.pdf>. An entry was placed on the Forward Plan on 24th February 2025 to enable some notice to be given (see [Issue details - Whittlesey - Manor Field perimeter activity path - KEY/24FEB25/01 - Fenland District Council](#)) however the deadline of 21st February 2025 was missed due to the decision to include it for consideration by Cabinet not taking place until after that date. All other governance requirements were complied with.
- 2.1.3 A waiver of the requirement to place an entry on the Forward Plan for the full period of 28 days was granted on 28th April 2025 in relation to a decision which is due to be taken by Cabinet on 19th May 2025. The Report relating to that decision can be found via the following link and relates to a recommendation to accept transitional UK Shared Prosperity Funding from the Combined Authority: [Report and Schedule 1.pdf](#). An entry was placed on the Forward Plan on 24th April 2025 to enable some notice to be given (see [Issue details - Transitional UK Shared Prosperity Fund \(SPF\) - KEY/24APR25/01 - Fenland District Council](#)) however, the deadline of 21st April 2024 was not met due to an internal administrative (human) error. All other governance requirements were complied with and the Deputy Monitoring Officer has prepared some updated guidance for officers to ensure that the same issues are not repeated in future.

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.

5 Financial Implications

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