

## **Call-in of Cabinet Minute number 397: M20 Junction 10A**

### **Introduction**

Following the Cabinet's decision in relation to M20 Junction 10A on 10<sup>th</sup> April 2104 (Minute number 397), ten Overview and Scrutiny Members requested that the decision should be called in for scrutiny (in line with Article 6 of the Constitution of Ashford Borough Council).

The Cabinet resolved that:-

- (i) support be given in principle to the delivery of the SELEP funded scheme for Junction 10A by 2019.
- (ii) support in principle be given to the subsequent delivery of an enhanced SELEP scheme to create a new, all movements Junction 10A in the same location when funding permits.

Members have submitted questions in support of their reasons for requesting a Call-in. The attached report from the Head of Planning and Development sets out the relevant background and provides responses to these questions. This is not intended to prevent Members asking questions at the Call-in meeting but to assist in the debate.

### **Details of Call-in procedure rules from ABC Constitution: Part 4, Rules of Procedure, O&S Procedure Rules – Call-in**

Following consideration of the Cabinet's decision, the Committee can decide to proceed with the original decision, in which case the resolutions would come into effect immediately, or, if the Committee still has concerns, it may:-

- refer the decision back to the original decision making body (Cabinet) for reconsideration, setting out the nature of its concerns and suggesting amended recommendations. The Cabinet shall reconsider its original decision, within a further five working days, amending the decision, or not, before adopting a final decision (which shall not be subject to call-in). (In practice this would mean the O&S committee submitting its report to the Cabinet meeting in July).
- refer the matter to Full Council. If Council does not object to the decision that has been made then no further action is necessary and the decision will be effective as in the provision below. If the Council does object, however, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making body (Cabinet) together with the

Council's views on the decision. The Cabinet shall then choose whether to amend the decision or not, before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting of the Cabinet or the Cabinet Committee as the case may be, will be convened to reconsider the original decision within five working days of the Council request.

- If the Council does not meet, or if it does but does not refer the decision back to the decision making body, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.