

DATED (DAY/MONTH/YEAR)

THE KENT COUNTY COUNCIL

-and-

DISTRICT/BOROUGH COUNCIL

**AGREEMENT ON
JOINT TRANSPORTATION BOARDS**

Legal & Secretariat
Kent County Council
County Hall
Maidstone
Kent ME14 1XQ

File ref:
Fax No: 01622 694402
WP Ref:
DX No:
Tel:

THIS DEED OF AGREEMENT is made the (day) of (month) Two thousand and nineteen between THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ of the one part (hereinafter referred to as "KCC") and (NAME OF DISTRICT/BOROUGH) of (address) (hereinafter referred to as the "Council") of the other part

In this Agreement the words and expressions contained or referred to hereunder shall have the meaning thereby ascribed to them in the Second Schedule. The clause headings do not form part of this Agreement and shall not be taken in its construction or interpretation.

WHEREAS:

1. KCC and the Council are local authorities as defined by Section 270(1) of the 1972 Act
2. By virtue of Section 1(2) of the Act KCC is the local highway authority for all the highways in the County of Kent whether or not maintainable at the public expense (and which are not highways for which the Secretary of State for Transport is the highway authority) and is by enactments also the Traffic Authority and Street Works Authority
3. KCC and the Council have agreed to act together to continue with certain political arrangements previously established in relation to highway issues
4. This Agreement reflects the intention of KCC and the Council to co-operate regarding highway and transportation issues in the interests of the residents of Kent.

COMMENCEMENT AND OPERATING TERM

5. This Agreement shall commence on the X day of (month / year) and will continue until terminated by either party in writing in accordance with the provisions of this Agreement

COUNCIL OBLIGATIONS

6. The Council will establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule

KCC OBLIGATIONS

7. KCC will establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule

MISCELLANEOUS

8. The parties acknowledge that the constitutions of KCC and/or the Council may change which may result in consequential changes to the Agreement
9. This Agreement shall be known as the JTB Agreement
10. Nothing in this Agreement shall create a legal partnership between the parties and

save as may be specifically provided in this Agreement neither party shall be or hold itself out as or permit itself to be held out as :-

- a) the agent of the other or
- b) entitled to pledge the credit of the other; or
- c) entitled to incur any other obligations or make any promise or representation on behalf of the other

REVIEW

11. This Agreement may be reviewed every four years or at the instigation of the Kent County Council Corporate Director responsible for Highways and Transportation and amended by agreement between the parties if necessary as a consequence of any review.
12. This Agreement may be terminated by either party on six months written notice addressed to the relevant Chief Executive/ Kent County Council Corporate Director responsible for Highways and Transportation.

THE FIRST SCHEDULE

Joint Transportation Boards

- 1.1 A Joint Transportation Board (JTB) will be established by KCC and the Council (name of council).
- 1.2 Each Party shall be responsible for their own costs incurred in the operation of the JTB.
- 1.3 The JTB shall be a non-statutory advisory forum

Membership

- 2.1 JTB membership will comprise all KCC local members for divisions in the Council's area with an equal number of members appointed by the Council. The Council may appoint substitutes for its Members.
- 2.2 The JTB shall agree a number of Parish/Town Council representative, not less than one and no greater than three from within its geographical area. The parish and town council representatives will be nominated by the Area Committee of the Kent Association of Parish Councils or other representative body for parish councils within the district if this provides a more complete representation a substitute member may also be nominated. The parish or town council representatives may speak but may neither vote nor propose a motion nor an amendment.
- 2.3 Any JTB Member may request an item to be included on the JTB agenda. Any Council Member or County Local Member may attend and speak at any meeting of the JTB but may not vote nor propose a motion nor an amendment (unless voting members of the JTB).
- 2.4 The Chairman of any parish or town council within the area of the council (or a parish councillor of that parish nominated by him/her) may attend any meeting to

speaking with the permission of the Chairman on any item on the agenda of a particular reference to that parish.

Chairman

- 3 In alternate years a Member of KCC (who is a member of the JTB) will chair the JTB and a Council Member (who is a member of the JTB) will be Vice-Chairman of the JTB and then a Member of the Council will chair the JTB and a KCC Member will be Vice-Chairman of the JTB and so on following on the arrangements which existed in the year before this agreement came into force. The Chairman and Vice-Chairman will be nominated by their respective councils. Once ratified by the Leader of KCC, the Chairman and Vice-Chairman of the JTB will take office at the first meeting of the JTB following the Annual Meetings of the Council each year.

Meetings

- 4.1 The JTB will generally meet four times a year on dates and at times and venues to be specified by the Council in accordance with its normal arrangements in consultation with KCC.
- 4.2 Six weeks prior to each JTB meeting the Chairman, Vice-Chairman and relevant officers from both authorities will meet to discuss and set the agenda for the forthcoming meeting. The final decision on agenda items will be determined by the JTB Chair. Agenda will be split between Part A, (KCC items), Part B (Local Council items) and for information reports
- 4.3 A Forward Work Programme will be maintained and reported at each JTB for information.
- 4.4 The quorum for a meeting shall be four comprising at least two voting members present from each of KCC and the Council.
- 4.5 Subject to the procedural rules in Clauses 2, 3 and 4.4 above taking precedence the Council's procedural rules shall apply to JTB meetings as if they were Council committees.
- 4.6 The JTB will be clerked by an officer of the Council. Copies of all papers shall be sent to the Monitoring Officers of both councils who may attend and speak at any meeting (or instead each Monitoring Officer may arrange for a substitute officer to speak on their behalf). Officer will be expected to attend JTB meetings to present substantive report items.
- 4.7 At the discretion of the Chairman, non-members of the JTB, including members of the public may speak for a maximum of three minutes. The number of speakers allowed will also be at the discretion of the Chairman. Parish Council representatives / Chairman shall be given preference as set out in paragraph 2.4
- 4.8 The access to information principles shall be applied to the JTB as if it were a Council committee.
- 4.9 Following each meeting, the clerk will produce a summary of the JTB's recommendations on any items under Part A and send to the Cabinet Member at

KCC. The summary should include the title of the agenda item, a copy of the report and a copy of the recommendations agreed by the JTB. A similar report should be prepared for recommendations under Part B depending on the preference of the individual Borough or District.

Terms of reference

5.1 The role of the JTB is advisory to discuss and advise on highways and transportation works scheduled and completed. The JTB will consider:

- (i) capital and revenue funded works programmes
- (ii) traffic regulation orders
- (iii) street management proposals

and will provide advice on these matters to the relevant Executive as appropriate.

5.2 The JTB to advise and recommend in relation to:

- i. Strategic parking and waiting restriction issues
- ii. Petitions received in relation to parking and waiting restrictions
- iii. Street nameplates
- iv. Street naming and numbering
- v. Street seats and furniture on the highway
- vi. Council street lighting schemes on highways
- vii. Public transport operations including bus shelters
- viii. Local Transport Strategy

and will provide advice on these matters to the relevant Executive as appropriate.

5.3 Be a forum for consultation between KCC and the Council on affordable policies, plans and strategies related to highways, road traffic and public transport

5.4 Review the progress and out-turn of works and business performance indicators

5.5 Recommend and advise on the prioritisation of bids for future programmes of work

5.6 Receive reports on highways and transportation needs within the district

Petition Discussions

6.1 Where a petition is agreed as being appropriate for discussion at the JTB, the lead petitioner, Local Council or KCC Member shall be invited to speak for three minutes. Officers will be asked to prepare a response to the petition to be discussed at the next JTB meeting. No further discussion will take place.

6.2 The lead petitioner will also be able to submit a written statement of up to 500 words which should be sent to the Council to arrive by 5pm one week prior to the next JTB meeting,

6.3 The JTB will not debate a petition on the same decision/issue as one debated in the previous twelve months.

Overview and Scrutiny

- 7.1 The Scrutiny Committees of KCC or the Council can require the Chair or Vice-Chair of JTB to attend and be asked questions subject to the provisions of the Constitution of KCC or the Council whichever is relevant
- 7.2 the Scrutiny Committees of KCC or the Council can request (but not compel) officers who report to the JTB to attend and be asked questions

Local Member and parish consultation

- 8 The local members of both the KCC and the Council and the parish or town council(s) will be consulted on any relevant scheme proposals (other than routine operational maintenance of the highway) within the scope of this agreement.

Executive Action

- 9.1 Recommendations under Part A agenda items shall be made to the Cabinet Member of KCC for decision.
- 9.2 Recommendations under Part 3 agenda items shall be made to the Local Council for decision.

Appendix 1

Protocol as agreed by the former KALA during November 2001

OVERVIEW AND SCRUTINY – INTER AUTHORITY CO-OPERATION

Aim of Protocol

- 1 To ensure the Overview and Scrutiny Committees of all Kent Local Authorities can review issues of community interest effectively and with efficient use of all local authority staff resources.

Principles

- 2 All authorities should be supported in considering issues of community well-being wider than the responsibilities of their Councils
- 3 Authorities should work together to maximise the exchange of information and views, minimise bureaucracy and make best use of the time of Members and officers of local and other Authorities

Procedures

- 4 Authorities should seek to exchange information or programmes and results of reviews.
- 5 If an Overview and Scrutiny Committee wishes to review an issue in which another Authority has a statutory role or in which evidence from the officers of another Authority would be helpful, it should consult with that Authority about:-

- (a) the purpose of the review
 - (b) the areas of interest to the other authority
 - (c) the input that can be given by Members or officers of the other Authority
- 6 Consideration should be given to whether the issue is more appropriately discussed in another forum, for example, a joint committee, or whether there is scope for joint action including co-opting of Members of the other Authority onto the Overview and Scrutiny Committee for the purpose of the review
 - 7 Where a proposal is subject to a public consultation process, scrutiny is most helpful if conducted as part of the process eg allowing any findings and recommendations to be available in time to influence the final decision
 - 8 Subject to such prior consideration, Authorities will seek to respond positively to requests for information or for a Member or officer to attend meetings of Overview and Scrutiny meetings or for information
 - 9 While it is ultimately for each Authority to decide who it considers that most appropriate person(s) to speak on its behalf to an Overview and Scrutiny Committee, consideration will be given to meeting special requests
 - 10 Dates and time of Member and officer attendance at Overview and Scrutiny meetings should be agreed with them
 - 11 Each Authority will nominate a contact officer for the operation of these procedure

THE SECOND SCHEDULE

Definitions and Interpretations

“1972 Act”	:	the Local Government Act 1972
“Act”	:	The Highways Act 1980
“Agreement”	:	these terms and conditions together with the Schedule
“Highways”	:	shall have the meaning prescribed by Section 328 of the Act and the term shall be construed accordingly
highways network		
“KCC – local member”	:	The member for the County Council electoral divisions within the Council's area
“Member”	:	the elected Members of KCC or the Council as the case may be
“Environment and Transport Cabinet Committee”	:	the KCC body to advise the Cabinet Member on highways matters
“Kent and Medway Chief Executives:	:	The group of Chief Executive Officers of the Kent County Council the twelve District Councils in Kent and Medway Council

EXECUTED as a DEED by KCC and the Council the day and year first before written

THE COMMON SEAL of the KENT)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-

Authorised Signatory

THE COMMON SEAL of DISTRICT)
BOROUGH COUNCIL was hereunto)
affixed In the presence of:-

Authorised Signatory