

DRAFT

DATED

2012

THE KENT COUNTY COUNCIL (1)

- and -

[] BOROUGH/DISTRICT COUNCIL (2)

**AGREEMENT FOR JOINT TRANSPORTATION BOARD
DISTRICT/BOROUGH**

Director of Governance & Law
Kent County Council
County Hall
Maidstone
Kent. ME14 1XQ

Ref: Rummins/26109/JTB 10.08.2012
Fax No. 01622 694402
DX No: 123693 MAIDSTONE 6
Tel: 01622 694484 (Direct Dialling)
Engrossment date:

This **DEED OF AGREEMENT** is made the day of 20
BETWEEN THE KENT COUNTY COUNCIL of County Hall Maidstone Kent
ME14 1XQ of the one part (hereinafter referred to as the “KCC” and the
District Council of (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 into account 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 the 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
and this agreement is made pursuant to Section 1 of the Localism Act
2011
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
cooperate regarding highway and transportation issues in the interests
of the residents of Kent

COMMENCEMENT AND OPERATING TERM

5. This Agreement shall commence on [] and will
continue until terminated by either party in writing in accordance with
the provisions of this Agreement

COUNCIL OBLIGATIONS

6. The Council has established and will maintain during the currency of
this Agreement the arrangements for the Joint Transportation Board
(hereinafter referred to as the JTB) as set out in the First Schedule

KCC OBLIGATIONS

7. KCC has established and will maintain during the currency of this Agreement the arrangements for the JTB as set out in the First Schedule

JOINT TRANSPORTATION BOARD FUNCTIONS

8. The JTB will advise the Council's and the KCC's executives as set out in the First Schedule

MISCELLANEOUS

9. The parties acknowledge that the committee structure of KCC and/or the Council may change which may result in consequential changes to this Agreement
10. This Agreement shall be known as the JTB Agreement [2012]
11. 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

12. This Agreement may be reviewed at the instigation of Kent & Medway Joint Chief Executive Group and amended by agreement between the parties if necessary as a consequence of any review
13. This Agreement may be terminated by either party on six months written notice addressed to the relevant Chief Executive or head of paid service of the relevant Council

THE FIRST SCHEDULE
JOINT TRANSPORTATION BOARD

- 1.1 A JTB will be established by the KCC and the 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 forum

MEMBERSHIP

- 2.1 JTB Membership will comprise all the KCC local Members for divisions in the Council's area an equal number of Members appointed by the Council and a representative of the Parish and Town Councils within the District. The Council may appoint substitutes for its Members
- 2.2 The Parish and Town Council representatives will be nominated by the Area Committee of The Kent Association of Local Councils (KALC) or other representative body of Parish Councils within the District if this provides a more complete representation a substitute Member may also be nominated. The Parish or Town Council representative may speak but may neither vote nor propose a motion nor an amendment
- 2.3 Subject to the agreement of the Chairman, additional representatives from Parish/Town Councils may attend but may neither vote nor propose a motion nor an amendment.
- 2.4 Any KCC cabinet Member responsible for transportation functions, or KCC local Member, the Chairman of the KCC or Council Member who is a relevant portfolio holder may place a relevant item as defined by paragraph 5 of the First Schedule on the agenda and/or attend and speak to any meeting of the JTB but may not vote nor propose a motion nor an amendment (unless voting Members of the JTB)
- 2.5 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 speak with the permission of the Chairman on any item on the agenda of particular relevant 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 existing in the year before this agreement came into force. The Chairman and Vice-Chairman will be appointed by the respective Councils as they may determine within their constitutional arrangements. The Chairman and Vice-Chairman of the JTB will take office at the first meeting of the JTB following the Annual Meetings of both Councils 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 the KCC
- 4.2 The quorum for a meeting shall be four comprising at least two voting Members present from each of KCC and the Council
- 4.3 Subject to the procedural rules in Clauses 2,3 and 4.2 above taking precedence the Council's procedural rules shall apply to JTB meetings as if they were Council committees
- 4.4 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 her/his behalf)
- 4.5 The Access to Information principles shall be applied to the JTB as if it were a Council committee

TERMS OF REFERENCE

- 5.1 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
 - (iv) Public Transport Operations
- 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 restriction issues
 - (iii) street nameplates

- (iv) street naming and numbering
 - (v) street seats and furniture on the highway including bus shelters and will provide advice on these matters to the relevant Executive as appropriate
 - (vi) Council street lighting schemes on highways
- 5.3 Be a forum for consultation between the KCC and the Council on policies plans and strategies related to highways road traffic and public transport
- 5.4 Review the progress and out-turn of works
- 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
- 5.7 The JTB will advise on such transportation matters that it considers relevant that are not within the above Terms of Reference or the Terms of Reference of any other committee of the Council, subject to the approval of the Chairman

CABINET COMMITTEE

- 6.1 A Cabinet Committee of either Council can require the Member of that Council holding the office of Chairman or Vice-Chairman of JTB to attend and be asked questions subject to the provisions of the constitution of KCC or the Council whichever is relevant
- 6.2 The Cabinet Committee of either Council can request (but not compel) Members of the other Council who serve on the JTB and officers employed by the other Council who report to the JTB to attend and be asked questions
- 6.3 The Cabinet Committees of both Councils will abide by the protocol on inter-authority co-operation on overview and scrutiny agreed by the former Kent Association of Local Authorities and appended as Appendix 1 to this Schedule

LOCAL MEMBER AND PARISH CONSULTATION

7. 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

REFERRAL

- 8.1 Subject to the agreement of the JTB Chairman, if any JTB Member wishes and item to be further considered he/she may ask for it to be referred to KCC's Cabinet Member for Environment, Highways and Waste where the matter will be further discussed prior to a decision by the Cabinet Member
- 8.2 The KCC Executive will normally act in accordance with the advice or views of the JTB. If the Executive is minded to act otherwise, no decision will be taken until after a discussion with KCC's Cabinet Member for Environment, Highways and Waste at which the Chairman and Vice-Chairman of the JTB may attend and speak

THE SECOND SCHEDULE
DEFINITIONS

“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 terms highway network shall be construed accordingly
“KCC – local Member”	the Member for the County Council electoral divisions within the Council’s area
“Member”	the elected Member’s of KCC or the Council as the case may be
“Cabinet Committee”	the KCC body which advises the KCC Cabinet or Cabinet Portfolio Holder on highway matters or in the case of the District Council the []
“Kent & Medway Joint Chief Executives Group”	the group of Chief Executive Officers of the Kent County Council the twelve District Councils in Kent and Medway Council

APPENDIX 1

SCRUTINY – INTER AUTHORITY CO-OPERATION

AIM OF PROTOCOL

1. To ensure relevant Cabinet 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 wellbeing 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 a relevant Cabinet 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 of 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 the co-opting of Members of the other Authority onto the relevant Cabinet 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 that process eg: allowing any findings and recommendations to be available in time to influence the final decision

8. Subject to such prior consultation, Authorities will seek to respond positively to requests for information or for a Member or officer to attend meetings of the relevant Cabinet Committees or for information
9. While it is ultimately for each Authority to decide whom it considers that most appropriate person(s) to speak on its behalf to a relevant Cabinet Committee, consideration will be given to meeting specific requests
10. Dates and times of Member and officer attendance at a relevant Cabinet Committee meeting should be agreed with them
11. Each Authority will nominate a contact officer for the operation of these procedures

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 to this Deed in the presence of:-

Authorised signatory

THE COMMON SEAL of COUNCIL was hereunto affixed to this Deed in the presence of:-

Authorised Signatory