

DATED 10th May 2021

KENT COUNTY COUNCIL

-and-

TONBRIDGE AND MALLING COUNCIL

**AGREEMENT ON
JOINT TRANSPORTATION BOARD**

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 10th day of May two thousand and twenty between THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ of the one part (hereinafter referred to as "KCC") and TONBRIDGE & MALLING BOROUGH COUNCIL of (Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ) (hereinafter referred to as the "TMBC") 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 TMBC are local authorities as defined by Section 270(1) of the 1972 Act.
2. By virtue of Section 1(2) of the 1972 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 TMBC have agreed to act together to continue with certain democratic arrangements previously established in relation to highway issues.
4. This Agreement reflects the intention of KCC and the TMBC to co-operate regarding highway and transportation issues in the interests of the residents of Kent and supersedes that of the current agreement.

DEFINITIONS AND INTERPRETATIONS

5. In this Agreement unless the context otherwise requires the following terms shall have the following meanings:

"1972 Act"	:	The Local Government Act 1972
"Agreement"	:	these terms and conditions together the First Schedule
"Authorities"	:	the Council and KCC
"Council – local Member"	:	An elected Member of the Council
"JTB Members"	:	KCC (local Members) and TMBC (local Members who have been appointed to membership of the JTB
"KCC Local Member"	:	the elected Member for KCC's electoral divisions within the Council's administrative area

FIRST SCHEDULE

Joint Transportation Boards

- 1.1 A Joint Transportation Board (JTB) shall be established by the Authorities.
- 1.2 Each Authority shall be responsible for its 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 shall comprise all KCC - local members with an equal number of TMBC - local members appointed by the Borough Council. JTB Members will have voting rights. TMBC may appoint substitutes for its JTB Members.
- 2.2 The JTB shall agree a number of Parish/Town council representatives, not less than one and no greater than three from within TMBC's administrative area. Parish/Town council representatives shall be nominated by the area committee of the Kent Association of Local Councils or other representative body for Parish/Town Councils within the Council's administrative area if this provides a more complete representation. Substitute members may also be nominated. Such representatives will be able to speak on any item on the agenda.
- 2.3 Any JTB Member may request of the Chairman an item to be considered for inclusion on the JTB agenda. Any TMBC - local member may attend and speak at a meeting of the JTB but may not vote nor propose a motion or an amendment.
- 2.4 The Chairman of any Parish/Town Council within the administrative area of the TMBC (or a Parish/Town councillor of that Parish/Town Council nominated by him/her) may attend any meeting to speak with the permission of the Chairman on any item on the agenda of particular reference to that Parish/Town council.

Chairman

- 3.1 The Chairman and Vice Chairman shall alternate on an annual basis between a KCC local member (who is a JTB Member) and a TMBC local member (who is a JTB Member).

Meetings

- 4.1 The JTB shall generally meet four times a year on dates and at times and venues to be specified by the Borough Council in accordance with its normal constitutional arrangements in consultation with KCC.
- 4.2 Six weeks prior to each JTB meeting the Chairman, Vice-Chairman and relevant officers from the Authorities will discuss and set the agenda for the forthcoming meeting. The final decision on agenda items shall be determined by the Chairman in consultation with the Vice Chairman. Agenda items will be split between Part A (recommendations for decision by KCC), Part B (recommendations for decisions by TMBC) and 'for information' reports.

COMMENCEMENT AND OPERATING TERM

6. This Agreement shall commence on the effective date on the face hereof and shall continue until terminated by either party in writing in accordance with the provisions of this Agreement.

TMBC OBLIGATIONS

7. TMBC shall 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

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

MISCELLANEOUS

9. The parties acknowledge that amendments to the constitutions of KCC and/or TMBC may result in the need for consequential changes to this Agreement.
10. This Agreement shall be known as the JTB Agreement.
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 shall be reviewed every four years or sooner at the instigation of both parties 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 TMBC's Chief Executive/KCC's Corporate Director responsible for Highways and Transportation.

- 4.3 The quorum for a JTB meeting shall be four comprising at least two voting KCC local-members and two TMBC – local members who are also JTB Members.
- 4.4 Subject to the procedural rules in paragraphs 2, 3, 4.2 and 4.3 above taking precedence, TMBC's procedural rules shall apply to JTB meetings as if they were TMBC committees.
- 4.5 The JTB will be clerked by an officer of TMBC. Officers of the Authorities shall be expected to attend JTB meetings to present reports.
- 4.6 The access to information principles shall be applied to the JTB as if it were a Council committee.
- 4.7 The clerk shall produce minutes of the meeting, a copy of which shall be sent to KCC.

Terms of reference

- 5.1 The role of the JTB is to advise the relevant Authority on highways and transportation works scheduled and completed. The JTB shall consider:
- i. capital and revenue funded works programmes;
 - ii. traffic regulation orders;
 - iii. street management proposals.
- 5.2 The JTB may 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 lighting schemes on highways;
 - iv. local transport strategy.
- 5.3 The JTB shall be a forum for consultation between the Authorities on policies, plans and strategies related to highways, road traffic and public transport.
- 5.4 The JTB shall review the progress and out turn of works and business performance indicators.
- 5.5 The JTB shall receive reports on highways and transportation needs within the administrative area of TMBC.

Petition Discussions

- 6.1 Where a petition is agreed as being appropriate for discussion at the JTB, it shall be received at a meeting of the JTB. No further discussion shall take place on the petition until the next meeting of the JTB.
- 6.2 The lead petitioner shall be invited to submit a written statement of up to 500 words which should be sent to the Borough Council to arrive by 5pm one week prior to the next JTB meeting. At that meeting, the lead petitioner shall be invited to speak for no more than three minutes.

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

Overview and Scrutiny

7.1 The Authorities' Overview and Scrutiny Committees or equivalent may invite the JTB Chairman or Vice Chairman to attend their meetings to make representations, answer questions or give evidence. This is without prejudice to any ability of the Overview and Scrutiny Committees or equivalent of the Authorities to compel attendance of executive members and officers under Section 21 of the Local Government Act 2000.

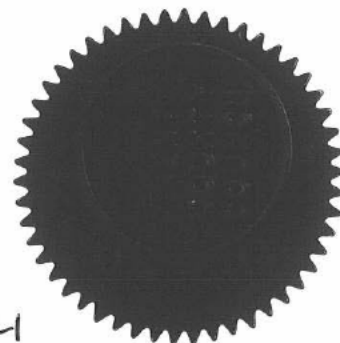
Executive Action

8.1 JTB advice/views shall be submitted to the Authorities' Cabinet in accordance with the Authorities' constitutional arrangements.

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

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

Authorised Signatory



404-2021

THE COMMON SEAL of TONBRIDGE & MALLING BOROUGH COUNCIL was hereunto)
affixed in the presence of:-

Authorised Signatory

