

DATED

.....2017

THE KENT COUNTY COUNCIL

-and-

MAIDSTONE BOROUGH COUNCIL

AGREEMENT ON
JOINT TRANSPORTATION BOARDS

Kent Legal Services
Kent County Council
County Hall
Maidstone
Kent ME14 1XQ

Contact Tel: 03000 416824

Appendix 2: Amended JTB Agreement

THIS DEED OF AGREEMENT is made the [date] day of [Month] Two thousand and seventeen between THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ of the one part (hereinafter referred to as "KCC") and MAIDSTONE BOROUGH COUNCIL of Maidstone House, King Street, Maidstone, Kent ME15 6JQ (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 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 highways 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 first day of {Date to be confirmed after adoption date} Two thousand and Seventeen and will continue until terminated by either party in writing in accordance with the provisions of this Agreement

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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 committee structure 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 at the instigation of the Kent and Medway Chief Executives 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.

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THE FIRST SCHEDULE

Joint Transportation Boards

- 1.1 A Joint Transportation Board {JTB) will be established by 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 KCC local members for divisions in the Council's area an equal number of members appointed by the Council and two representatives of the Parish Councils within the district. The Council may appoint substitutes for its Members.
- 2.2 The Parish 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.
- 2.2(a) All Board members, including Parish Council Members shall have the right to propose motions and amendments and to vote on the same

Representations to the JTB

- 2.3 Any JTB Member, KCC elected Member and any Maidstone Borough Council elected Member, may place a relevant item on the agenda and attend and speak at any meeting of the JTB but may not vote nor propose a motion nor an amendment (unless already a voting member of the JTB)

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- 2.4 The Chairman of any Parish 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 relevance 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 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 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 his/her behalf).
- 4.5 The Access to information principles shall be applied to the JTB as if it were a Council committee.

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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
- 5.2 Be a forum for consultation between KCC and the Council on policies, plans and strategies related to highways road traffic and public transport
- 5.3 Review the progress and out-turn of works and business performance indicators
- 5.4 Recommend and advise on the prioritisation of bids for future programmes of work
- 5.5 Receive reports on highways and transportation needs within the district
- 6.1 The overview and/or scrutiny committee of KCC 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
- 6.2 The overview and scrutiny committee of KCC 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 overview and scrutiny committee of KCC 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 Council(s) will be consulted on any relevant scheme proposals (other than routine operational maintenance of the highway) within the scope of this Agreement.

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Committee Action

- 8.1 The Council Clerk to the JTB shall ensure that the Council's Strategic Planning, Sustainability and Transport Committee is made aware of any recommendations made by the Board that relate to its responsibilities and will record that notification and any comments received.
- 8.2 The Council Clerk to the JTB shall ensure that the relevant KCC Democratic Services Officer is made aware of any recommendations made by the Board that relate to the responsibilities of the KCC Executive. The KCC officer will in turn report them to the relevant Cabinet Member and record that notification and any comments received.
- 8.3 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 between the relevant Executive Member and the Chairman and Vice-Chairman of the JTB has taken place.
- 8.4 The Council's Strategic Planning, Sustainability and Transport Committee will normally act in accordance with the advice or views of the JTB. If the Strategic Planning, Sustainability and Transport Committee is minded to act otherwise, no decision will be taken and the decision will be deferred until the next meeting to enable further information to be obtained. A final decision will then be made at the next meeting following full consideration of the additional information.

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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.

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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 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 that process e.g. 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 Overview and Scrutiny Committees 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 specific requests.
10. Dates and times 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 procedures.

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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 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 Members of KCC or the Council as the case may be
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

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EXECUTED as a DEED by Kent County Council and Maidstone Borough 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 MAIDSTONE)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)

Authorised Signatory