

**CERTIFIED COPY
OF THE WORDS AND FORMAT
FROM THE ORIGINAL DOCUMENT**

DATED 10 May 2005

THE KENT COUNTY COUNCIL

- and -

TUNBRIDGE WELLS BOROUGH COUNCIL

**AGREEMENT ON
JOINT TRANSPORTATION BOARDS**

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

File Ref: LS/A/87551/18
Fax No: 01622 694402
WP Ref: RUMMINS/Engrossments/87551 final issued
24.03.05 twbc
DX No: 123693 MAIDSTONE 6
Tel: 01622 694418 (Direct Dialing)

THIS DEED OF AGREEMENT is made the 10 day of May Two thousand and five between THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ of the one part (hereinafter referred to as "KCC") and TUNBRIDGE WELLS BOROUGH COUNCIL of Town Hall Tunbridge Wells Kent TN1 1RS (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 highways 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 April Two thousand and five 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 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 the 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 promise or representations 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.

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 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 representative 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 representative may speak but may neither vote nor propose a motion nor an amendment.
- 2.3 Any KCC Cabinet Member responsible for transportation functions, Council Member, the Chairman of the KCC Highways Advisory Board or LCC local member may place a relevant item on the agenda and/or attend and speak at any meeting of the JTB but may not vote nor proposes 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 for 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 Meeting 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 procedure 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.

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.

Overview and Scrutiny

6.1 An overview and/or scrutiny 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 overview and scrutiny committee of either council can request (but not compel) members of the other council who service on the JTB and officers employed by the other council who report to the JTB to attend and be asked questions.

6.3 Overview and scrutiny 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.

Executive Action

- 8.1 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 at the KCC Highways Advisory Board at which the Chairman and Vice-Chairman of the JTB may attend and speak.
- 8.2 The Council 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 members and the Chairman and Vice-Chairman of the JTB.

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 Committee 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 on 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 the 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 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 Overview and Scrutiny Committee for the purposes 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 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 of the operation of these procedures.

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 32B of the Act and the term highways network shall be construed accordingly
“KCC – local member”	:	the member of the County Council electoral divisions within the Council’s area
“Member”	:	the elected Members of KCC or the Council as the case may be
“Highways Advisory Board”	:	the KCC body to advice the KCC Cabinet on highway 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 here written

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



Authorised Signatory

308

THE COMMON SEAL of TUNBRIDGE)
WELLS BOROUGH COUNCIL was)
hereunto affixed in the presence of:-)



FINANCE DIRECTOR

BOROUGH SECRETARY AND SOLICITOR

SEAL BOOK REFERENCE
NUMBER:- 7760