

From: Joint Report of Kent County Council's Director of Growth, Environment & Transport and the Corporate Director (Law and Governance) – Ashford Borough Council

To: Ashford Joint Transportation Board - 10th December 2019

Subject: Proposed Revisions to Joint Transportation Board Agreement

Summary:

Joint Transportation Boards (JTBs) between Kent County Council (KCC) and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough. The current agreement has recently been reviewed and a revised copy is attached.

Recommendation:

The Joint Transportation Board is asked to recommend to the Cabinet that the revised Agreement be supported, noting that this has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste. If approved by the Cabinet on 30th January 2020, the Terms of Reference of the JTB in the Constitution will need to be amended to reflect the changes outlined in this report.

1. Background

- 1.1 This report sets out for agreement by the Joint Transportation Board a revised JTB Agreement, a copy of which is attached at Appendix A.
- 1.2 Joint Transportation Boards (JTB's) between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by the KCC and each District/Borough.
- 1.3 The revised agreement has been shaped by feedback from the JTB Chair (2018), District/Borough Leaders, Members of KCC's Environment and Transport Committee and Kent Secretaries and the Corporate Director (Law and Governance).

2. Proposed changes

- 2.1 Arrangements set out in the 2005 Agreement allow for the agreement to be revised at the instigation of the Kent and Medway Chief Executives, however there is nothing in the agreement (or revised agreement) that precludes amendments to individual agreements. In the revised agreement, the review period is set for every four years or sooner at the instigation of both parties, and amended by both parties, if necessary, as a consequence of any review.
- 2.2 The slight changes to Membership clauses at 2.1 and 2.2 of the agreement are intended to clarify the membership and role of parish council

representatives. The agreement now specifies that the JTB membership shall comprise all KCC local Members with an equal number of ABC Members. The ABC Members are able to appoint substitutes. In terms of the Parish Representative, the current terms of reference provides for the Ashford Area Committee to appoint a representative. However, under the revised agreement the JTB can agree to appoint up to 3 parish/town council representatives.

- 2.3 Also included at paragraph 4.2 are updated arrangements to implement agenda setting meetings and to split the agenda between KCC and ABC decision items. Currently the agenda front sheet just lists the items without any explanation of whether they from either KCC or ABC. If approved, these formal changes will need to be incorporated into the Terms of Reference of the Board. Paragraph 4.7 also requires formal minutes of the meeting to be sent to the KCC Cabinet Member for Planning, Transport, Highways and Waste.
- 2.4 A new section for petition discussion has been added (Section 6), however it should be noted that this section does not replace the current governance arrangements regarding petitions at KCC and Districts/Boroughs. For Ashford it is suggested that a cross reference be included in the section of the Constitution which deals with Petitions, explaining that the arrangements for the submission and considerations of Petitions about JTB matters will be as set out in the Terms of Reference of the Board.
- 2.5 Other changes such as to paragraphs 3 (Chairman) and section 8 (Executive Action) are intended to simplify language used.

3. Financial Implications

- 3.1 There are no financial implications of the proposed amendments.

4. Legal implications

- 4.1 The revised Agreement will need to be signed and ratified between KCC and the Borough Council and therefore it is necessary that each council endorses the amendments in accordance with its own governance procedures.
- 4.2 There are no additional direct legal implications from the revised Agreement.

5. Equalities and data protection implications

- 5.1 There are no equalities or data protection implications resulting from the revised Agreement.

6. Recommendation

- 6.1 The JTB is asked to recommend to the Cabinet that the revised Agreement be supported, noting that this has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste. If approved by the Cabinet on

30th January 2020 the Terms of Reference of the JTB in the Constitution will need to be amended to reflect the changes outlined in this report.

7. Appendices

- **Appendix A: Revised JTB Agreement**