
Subject:	REVISED AGREEMENT FOR DOVER JOINT TRANSPORTATION BOARD
Meeting and Date:	Cabinet – 7 September 2020 Dover Joint Transportation Board – 10 September 2020
Report of:	Joint Report of Harvey Rudd, Solicitor to the Council and Kent County Council
Portfolio Holder:	Councillor Nigel Collor, Portfolio Holder for Transport, Licensing and Community
Decision Type:	Executive Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To approve the Council entering into a revised Agreement with Kent County Council for the Dover Joint Transportation Board.

Recommendation: **Cabinet:**

- (1) That the Council enters into a revised Agreement with Kent County Council relating to the establishment and operation of the Dover Joint Transportation Advisory Board.
- (2) That the Solicitor to the Council, in consultation with the Portfolio Holder for Transport, Licensing and Community, be authorised to make any necessary minor changes to the draft agreement to enable it to be agreed with Kent County Council.

Dover Joint Transportation Board:

That the Dover Joint Transportation Advisory Board notes the revised Agreement with Kent County Council relating to the establishment and operation of the Dover Joint Transportation Advisory Board.

1. Summary

This report sets out for agreement, by Cabinet, a revised Joint Transportation Board Agreement. The revised agreement is attached at Appendix 1.

2. Introduction and Background

- 2.1 Joint Transportation Boards ('JTBs') between Kent County Council ('KCC') and the district/borough councils in Kent were established in their present form 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.
- 2.2 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 district and borough legal clerks.

3. Proposed Changes

- 3.1 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.

- 3.2 The slight changes to membership at paragraphs 2.1 and 2.2 of the First Schedule to the agreement are intended to clarify the membership and role of parish council representatives.
- 3.3 Also included at paragraph 4.2 of the First Schedule are updated arrangements to implement agenda setting meetings.
- 3.4 A new section for petition discussion has been added (paragraph 6 of the First Schedule), however it should be noted that this section does not replace the current governance arrangements regarding petitions at KCC and districts/boroughs.
- 3.5 The revised agreement no longer includes the 2001 Protocol for Overview and Scrutiny – Inter-Authority Co-operation as it was the view of the districts and boroughs that it was no longer necessary.
- 3.6 Other changes, such as to paragraphs 3.1 of the First Schedule (Chairman) and paragraph 8 of the First Schedule (Executive Action), are intended to simplify language used.

4. Legal Implications

- 4.1 The revised agreement will need to be signed and ratified between KCC and the individual district/borough and therefore it is necessary that each council endorses the amendments in accordance with its own governance procedures.
- 4.2 In developing the proposed revised agreement the KCC Portfolio Holder met with all district/borough council leaders individually when he demonstrated a willingness to tailor the ‘standard’ agreement to suit the local circumstances of individual districts and boroughs. In the case of Dover, the most notable variation was the increase in maximum town/parish representation on the JTB from the standard 3 representatives to 5. This accords with the current situation at Dover.

5. Identification of Options

- 5.1 Option One - To approve the revised agreement.
- 5.2 Option Two – Not to approve the revised agreement.

6. Evaluation of Options

- 6.1 The existing JTB Agreement is now 15 years old. Although essentially sound it would nevertheless benefit from updating to reflect current practices and clarify understanding. Option one is therefore the preferred option.
- 6.2 Option two is not favoured. The revised agreement is sound and would seem to suit the requirements of Dover District. Although KCC has demonstrated flexibility in accepting variations to their ‘standard’ model agreement to suit the requirements of individual districts and boroughs, they are insisting that the revised arrangements are put in place across the county at the same time. Refusal to accept the revised agreement negotiated with the district council would cause the introduction of the revised agreements to be delayed across the county.

7. Resource Implications

- 7.1 The revised agreement does not give rise to any resource requirements over and above those required under the existing arrangements.

8. **Climate Change and Environmental Implications**

8.1 None.

9. **Corporate Implications**

9.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comment. (JS)

9.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted in the preparation of this report and has no further comment to make.

9.3 Comment from the Equalities Officer: Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010
<http://www.legislation.gov.uk/ukpga/2010/15/section/149>

9.4 Other Officers (as appropriate):

10. **Appendices**

Appendix 1 – Revised JTB Agreement

11. **Background Papers**

Correspondence and draft agreements on Legal File MISC00410

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