

## THE THIRD SCHEDULE

### Member Arrangements

#### **PART A**

#### **Joint Transportation Boards**

1. A Joint Transportation Board (JTB) will be established by the Leader of the County Council and either the Council of the District or the executive of the District Council

#### **Membership**

- 2.1 JTB Membership will comprise all KCC members for divisions in the District Council's area , an equal number of members appointed by the District Council and a representative of the Parish and Town Councils within the District.
- 2.2 The Parish and Town Council representative will be nominated by the Area Committee of the Kent Association of Parish Councils; a substitute member may also be nominated. The Parish or Town representative may speak but may not vote nor propose a motion nor an amendment.
- 2.3 Any KCC Cabinet Member or Council Member responsible for highways and traffic functions and the Chairman of the KCC Highways Advisory Board (if not voting members of the Joint Board) may place an item on the agenda of and/or attend and speak at any meeting of the JTB but may not vote nor propose a motion nor an amendment.
- 2.4 The Chairman of any Parish or Town Council (or a Member nominated by him/her) may attend any meeting to speak on any item of particular relevance to that parish

#### **Chairman**

- 3.1 In alternate years a Member of KCC will chair the JTB and a District Council Member will be Vice-Chairman of the JTB and then a Member of the District Council will chair the JTB and a KCC Member will be Vice Chairman of the JTB and so on.

The Chairman and Vice-Chairman will be appointed by the respective councils as they may determine within their constitutional arrangements

### **Meetings**

- 4.1 The JTB will generally meet four times yearly the dates times and venues to be agreed by the JTB
- 4.2 The quorum for a meeting shall be four comprising at least two voting members present from each of KCC and the District Council
- 4.3 If a formal motion is proposed and seconded the rules of debate applying to the District Council Committees shall apply
- 4.4 If a matter has to be put to the vote, voting shall be by show of hands with the Chairman having a second or casting vote
- 4.5 Any member may require that his/her dissent from the JTB's advice or the way he/she cast his/her vote be recorded in the minutes of the meeting
- 4.6 To ensure a fair and proper debate the Chairman may but not unreasonably or vexatiously
  - (1) prevent any Member from speaking more than once on any item, motion or amendment (except to raise a point of order, make a personal explanation or exercise a right of reply)
  - (2) require a Member to cease speaking if he/she has spoken for more than five minutes
- 4.7 The rules and procedures of the District Council relating to the access to information as set out in sections 100A-K of the Local Government Act 1972 shall apply
- 4.8 The JTB will be clerked by an officer of the District 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)

## Terms of Reference

- 5.1 The JTB will advise the KCC executive on
- (a) capital and revenue funded works programmes within limits set by the KCC executive
  - (b) the Highway Unit's Annual Business Plan
  - (c) proposals by the District Council to fund works on the highway
- 5.2. The JTB will advise the District Council executive on
- (a) Any decisions to be taken by the executive in relation to functions delegated to the District Council under this agreement
  - (b) Parking orders, taxi rank locations and street management schemes
  - (c) Proposals by the District Council to fund works on the highway
- 5.3 The JTB will
- (a) review the progress and out-turn of works programmes
  - (b) review the performance of the HMU and the operation of the Partnership in the District
  - (c) be a forum for consultation between the two Councils on policies, plans and strategies related to highways, road traffic and public transport

## 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 the Joint Board to attend and be asked questions subject to the provisions of that Council's constitution
- 6.2 The Overview and Scrutiny Committee of either Council 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 Panel to attend and be asked questions
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- 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 Kent Association of Local Authorities and appended to this schedule

#### Local Member and Parish Consultation

- 7.1 The local members of both the KCC and the District Council and the Parish or Town Council(s) will be consulted by the Highways Manager or other responsible officer of either Council on any significant scheme proposals (other than routine operational maintenance of the highway) within the scope and protocols of this agreement

#### Strategic Issues

- 8.1 If the KCC executive directs that a decision otherwise delegated to the District Council is to be made by KCC, the proposal shall be referred to the JTB for advice.
- 8.2 If the KCC Strategic Director raises an objection to a proposal by the District Council which cannot be resolved, the matter shall be referred to the JTB.
- 8.3 The District Council executive will normally act in accordance with the advice or views of the JTB
- 8.4 The KCC Cabinet Member responsible for highways and traffic issues may direct that any such matter be referred to her/him for decision (after discussion in the KCC Highways Advisory Board) if either:
- it is contrary to KCC policy
  - the relevant KCC Local Member so requests and there are policy grounds for the matter to be reconsidered
- 8.5 If the District Council executive directs that a decision otherwise delegated to JTB is to be made by the District Council the proposal shall be referred to the JTB for advice
- 8.6 If the District Council raises an objection to a proposal by KCC which cannot be resolved the matter shall be referred to the JTB.
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8.7 KCC Cabinet Member will normally act in accordance with the advice or views of the JTB but the District Council Executive may direct that any such matter be referred to it for if either:

- it is contrary to District Council policy
- the relevant District Council Ward Member so requests and there are policy grounds for the matter to be reconsidered

## Disputes

9.1 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 Board may attend and speak.

9.2 The District 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 member and the Chairman and Vice-Chairman of the JTB.

## B. Annual Meeting

10.1 There will be an annual Partnership Review meeting of all Councils in the Partnership to review and discuss the operation and performance of the Kent Highways Partnership during the year

10.2 The meeting will normally be held in June or July of each year.

10.3 The meeting will be chaired by the KCC Cabinet Member responsible for highway and traffic issues or her/his nominee.

10.4 The Chairman of the KCC Highway Advisory Board may also attend.

10.5. The District Council will be represented at the meeting by one member.

10.6 The Kent Association of Parish Councils will be represented by one member.

10.7 The secretariat for the meeting will be provided by KCC

~~10.8 Both KCC and the District Councils may be assisted by appropriate officers.~~

10.9 The objectives of the Annual Partnership Review Meeting will be:

- (a) to review the operational performance of Kent Highways Partnership during the past year prior to a report to KCC Highways Advisory Board
- (b) to review the operation of these Member Arrangements during the past year

## OVERVIEW AND SCRUTINY : 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 on 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 before commencing the review 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.
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 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 the 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.