

### Member Highway Fund – Protocol

The purpose of the fund is to resolve local highway issues. This should be spending in addition to KHS's normal activities, and should not duplicate work already planned by Kent Highway Services (KHS). It can be used to enhance works already planned.

All proposed spending must comply with the law and existing KCC policies, and not prejudice road safety. It should contribute to the overall objectives of Kent County Council, and represent value for money. Members should be aware of the KHS Business Plan, and the targets and objectives applying to KHS.

As there is only provision for ongoing maintenance of works normally maintained by KHS, any proposal which does not meet this criterion is excluded.

In the 2009/10 financial year, each Member of the Council can recommend highway spending up to a total of £25,000. There is a simple but formal application procedure. Members must use this in every case. Members *recommend* which applications should receive funding; only the Cabinet Member for Environment, Highways & Waste can *decide* whether an application is funded

Members should bear in mind that KCC has formal processes to consider and approve spending, in line with the KCC Constitution. The process does not provide instantaneous decisions, as it is subject to the usual rules of Scrutiny. If the Cabinet Member's decision on the proposed spending of the fund is called in for scrutiny, this may inevitably involve some delay.

Special procedures apply to any spending recommended by the Cabinet Member. In such cases, the Leader of the Council must approve and sign the formal approval to the spending.

Under the Code of Member Conduct, every Member is personally responsible for declaring any prejudicial or personal interest that they may have in the matter they are putting forward. If a Member holds a position of general control or management or has some other close association with an organisation that is to directly benefit from the proposal, then the Member is likely to have a prejudicial interest. For example, membership of the governing body of a school which would directly benefit from a proposal should normally be regarded as creating a prejudicial interest. **Where there is any doubt on the matter of prejudicial or personal interest, Members should seek guidance from Democratic Services**

All spending must be approved by the Cabinet Member (or delegated representative) before any studies or works take place. The Cabinet Member will give reasons for any spending request that is not agreed. Studies and works can only be commissioned by KHS.

Members are asked to identify the problems, so that officers can then suggest a range of possible solutions. KHS will produce a guidebook to the commonest examples.

Spending will either be revenue or capital. Revenue funding can be used to buy additional routine work, for tasks such as grass cutting, the use of a gang, or road safety education. These are mostly at a fixed price. It can also be used to buy staff time, including from

partner organisations where these are willing to take part.

Capital works include infrastructure projects (including design costs) such as resurfacing, integrated transport schemes or streetlights. These generally need to be priced individually, because circumstances vary so much between different locations, in particular the cost of traffic management to ensure that the works can be undertaken in safety. An investigation fee will be charged for such work.

Members are recommended to select works as early as possible, as many require planning and time to obtain the extra resources needed; capital works cannot be guaranteed if identified after 31 October 2009. Please note priority will be given to completing works already planned by KHS.

Revenue works generally have shorter lead-in times, although there may be seasonal constraints. However, the majority of capital projects will be implemented during 2010-11, because of the time necessary to ensure proper design and consultation, including complying with the Traffic Management Act.

Members have the option to roll this year's money into next year (2010/11), or to pool funds in order to pay for schemes costing more than £25,000. This includes joining other Member funding subject to all the same processes and regulations. However, as this is a two-year pilot, there is no option to roll funds over into a third year. If costs overrun, this will be rolled forward to be the first call on the following year's allocation.

Details of spending will be reported annually to the Highways Advisory Board, and will appear in the appendices of reports presenting spending details to Joint Transportation Boards.

In the event of a dispute, the matter will be resolved by the Cabinet Member for Environment, Highways & Waste, and the Director of Environment, Highways & Waste, and the Director of Kent Highway Services (or their nominated representatives).

This protocol will be reviewed by the Cabinet Member for Environment, Highways and Waste once the Member Highway Fund is operational.

#### **Decision-making criteria:**

Priority will be given to projects that:

- Support KCC's "Towards 2010" strategy and/or
- Support Key Performance Indicators and/or
- Support Local Transport Plan Shared Objectives and/or
- Underpin the "Vision for Kent" and Public Service Agreement