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To: Scrutiny Committee, 13 September 2023

Subject: Joint Transport Boards

Status: Unrestricted

Summary: Joint Transportation Boards (JTBs) between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. It is a forum for consultation between the County and the District / Borough on plans, policies and strategies.

There are agreements in place which clearly set out the terms of reference for the JTBs for their method of operation. Six districts have signed the newer agreements (2019) and six others still follow the principles in the older agreements.

This paper sets out some suggestions for improving the structures and governance around the existing arrangements, but also highlights that anecdotal evidence implies that JTBs are not an efficient function and have to be considered further in the round.

Recommendation

The Scrutiny Committee is asked to:

- Review the contents of the paper and provide a steer on next steps
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1. Introduction

- 1.1 Joint Transportation Boards (JTBs) between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. It is a forum for consultation between the County and the District/ Borough on plans, policies and strategies. They are held quarterly by each district and provide recommendations to the Cabinet Member for Highways and Transportation who is the ultimate decision maker for KCC issues.
- 1.2 Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough which can be reviewed every four years. The last review/consideration of the agreements took place in 2019.
- 1.3 JTBs operate in each district. As of May 2021, KCC had signed and sealed the newer agreements with six out of the 12 districts. The districts who have signed the agreements are listed below:
 - Tonbridge and Malling
 - Ashford Borough Council

- Sevenoaks District Council
- Gravesham Borough Council
- Dartford Borough Council
- Dover District Council

1.4 The most significant differences between the 2019 draft agreement and preceding agreements are:

- Inclusion of a formal review period set at four years to ensure agreements retain currency and consistency.
- More clarity over the membership and role of parish council representatives at JTB
- New arrangements to implement agenda setting meetings, role of the chair to determine final agenda items, format of the agenda.
- Setting out in greater detail on the areas/themes which are within the remit of the JTB for discussion.
- A new section for petition discussions, however it should be noted that this section does not replace current governance arrangements regarding petitions at KCC and Districts/Boroughs.

1.5 In developing the latest draft, legal and governance guidance was provided by KCC and District/Borough councils legal and democratic services staff. Since the JTBs were established, no agreement has been terminated. Any changes to the JTB Agreement or their operation will require formal approval by the County with each of the Districts and Boroughs.

1.6 There are two substantive versions of the JTB in operation. The intent of the revised agreement was to ensure greater consistency in approach and representation which reflected the views of the JTB Chairmen at the time. Despite this, not all Districts/Boroughs have formally adopted the new agreement.

1.7 Moreover when KCC Members of ETCC discussed the decision to accept the new draft agreement they agreed that the JTB should be varied to enable those JTB's that currently have Kent Association of Local Council, Parish, and Town representation to continue to operate within the existing framework and choose to maintain existing numbers and voting rights as currently enjoyed; and for JTB's to continue to localise and vary their makeup to suit their local requirement.

1.8 Where Districts/Boroughs have requested specific variations, these have been accommodated in the drafted agreements. None of the requests have involved significant changes to the 2019 proposed agreement.

1.9 This is an area that could be reviewed again if Members feel that there is a need for more convergence in how JTBs operate.

2. Membership

2.1 The JTB membership comprises all KCC local members, with an equal number of Council local members appointed by the Council. JTB Members have voting rights. The Council may appoint substitutes for its JTB Members. The JTB agrees a number of parish/town council representatives, not less than one and

no greater than three from within the Council's administrative area. Parish/town council representatives are nominated by the area committee of the Kent Association of Parish Councils or other representative body for parish/town councils within the Council's administrative area if this provides a more complete representation. Substitute members may also be nominated.

- 2.2 Any JTB Member can request of the Chairman an item to be considered for inclusion on the JTB agenda. Any local KCC/District elected member may attend and speak at a meeting of the JTB but may not vote nor propose a motion or an amendment.
- 2.3 The Chairman of any parish/town council within the administrative area of the Council (or a parish/town councillor of that parish/town council nominated by him/her) may attend any meeting to speak with the permission of the Chairman on any item on the agenda of particular reference to that parish/town council.

3. Meetings

- 3.1 The JTBs generally meet four times a year on dates, times, and venues to be specified by the Council in accordance with its normal constitutional arrangements in consultation with KCC. Ideally six weeks prior to each JTB meeting the Chairman, Vice-Chairman and relevant officers from the Authorities will discuss and set the agenda for the forthcoming meeting. The final decision on agenda items is determined by the Chairman in consultation with the Vice Chairman. Agenda items will be split between Part A (**recommendations** for decision by KCC), Part B (**recommendations** for decisions by the Council) and 'for information' reports.
- 3.2 The quorum for a JTB meeting is four, comprising at least two voting KCC local-members and two Council – local members who are also JTB Members. The JTB is clerked by an officer of the District Council.
- 3.3 At the discretion of the Chairman, members of the public may speak for a maximum of three minutes. The number of speakers is at the discretion of the Chairman. The access to information principles should be applied to the JTB as if it were a Council committee. The clerk produces minutes of the meeting, a copy of which should be sent to KCC's Cabinet Member for Highways and Transportation.
- 3.4 The **Terms of Reference** for the JTB is to advise the relevant Authority on highways and transportation works scheduled and completed. It is a forum for consultation between the Authorities on policies, plans and strategies related to highways, road traffic and public transport; as well as reviewing the progress and out turn of works and business performance indicators. The JTB also considers petitions and has a set procedure for debate.
- 3.5 The JTB **consider** the following:
 - i. capital and revenue funded works programmes;
 - ii. traffic regulation orders;

iii. street management proposals.

3.6 The JTB may **advise and recommend** in relation to:

- i. strategic parking and waiting restriction issues;
- ii. petitions received in relation to parking and waiting restrictions;
- iii. Council street lighting schemes on highways;
- iv. local transport strategy.

3.7 Public Transport should continue to remain out of scope for JTBs. JTBs have not traditionally been the forum to cover Bus and Schools Transport matters and for this reason, Public Transport officers do not attend JTB meetings. The National Bus Strategy and the demands of this for Local Transport Authorities to establish Bus Enhanced Partnership schemes, has also demanded that KCC establish and resource a new meeting hierarchy informing the Enhanced Partnership Board. District Councils are engaged as part of this meeting structure through three Schemes Monitoring Groups and KCC and local operators have also committed to supporting Bus District Focus Groups which have been established by some District Councils. These are the appropriate forums for discussions on Public Transport matters and the additional demands that have been placed on the Public Transport Team through the National Bus Strategy and the associated meetings mean that whilst the team can provide update papers as required.

4. Overview and Scrutiny

4.1 The Authorities' Overview and Scrutiny Committees or equivalent may invite the JTB Chairman or Vice Chairman to attend their meetings to make representations, answer questions or give evidence. This is without prejudice to any ability of the Overview and Scrutiny Committees or equivalent of the Authorities to compel attendance of executive members and officers under Section 21 of the Local Government Act 2000.

4.2 JTB advice/views shall be submitted to the Authorities' Cabinet in accordance with the Authorities' constitutional arrangements.

5. Petitions

5.1 As JTBs are not a legal body it is not appropriate for them to have their own petition scheme. This does not prevent JTBs from holding petition debates when required by the arrangements of either KCC or the District/Borough as an 'appropriate local meeting'. The intention for including a section on petitions in the 2019 Agreement was to set out how petition debates should be handled. It does not provide a mechanism for processing petitions. Petitions presented to JTBs should be referred to the appropriate authority for processing under the relevant petition scheme. However, the wording in the Agreement does not make this clear and this initially led to some confusion in processing of petitions. It is recommended that subsequent revisions to the Agreement include this clarification.

5.2 It should be noted that any Member of the JTB can request the Chair that consideration is given at a future meeting to the issue raised by a petition. This

would not be managed as petition debate and would instead be an agenda management issue for progressing in the normal way between the interested Members, the JTB Chair and the clerking District/Borough Council.

6. Suggested Improvements to the current structure

6.1 Not all JTBs are operated in the same manner, as Districts/Boroughs use their discretion. It is recommended that a more transparent and formal governance for timely review and approval of JTB recommendations is established as a priority but without this being overly bureaucratic. Options for further consideration are outlined below.

1. JTB committee clerks provide a summary of recommendations relating to KCC activity following each meeting which is shared with Highways & Transport Senior Management Team.
2. JTB recommendations is added as a standing item to monthly Highways & Transport Divisional Management Meetings.
3. Where applicable, Highways and Transport Director / Head of Service formally sign-off recommendations or reject under officer scheme of delegations.
4. Where a recommendation requires consideration and sign-off by the Cabinet Member, KCC's formal decision-making process will apply.

7. Challenges/Concerns

7.1 Anecdotal evidence suggested that JTBs are received with mixed views by Members for a variety of reasons. Further consideration needs to be given to the validity of JTBs and the benefit they serve to both Members and the County Council. An options appraisal should be undertaken to consider the following:

1. Do nothing – status quo remains
2. Retain JTBs and review current working process and procedures to bring a uniformed approach
3. Abolish the JTB and set up a task and finish group to establish a mechanism for Districts and Boroughs to consult with the County Council on H&T matters

7.2 It is worth noting at this time, that if JTBs were removed, it is very likely new formal or informal arrangements would need to be established to oversee the current business of the JTBs. Options could include:

1. Business being subsumed into alternative governance meeting structures at County and Local Level.
2. New governance meeting established either jointly or separately at County and Local level.
3. Member Briefings on specific issues.

7.3 All options will require officer support so there will be no resource saving and for option 3, Member Briefings could increase the need for officer support.

7.4 Options 1 and 2 offer more transparency around governance arrangements but do not remove the current challenge identified concerning review and approval of recommendations made by the JTB.

7.5 Option 1 would increase the duration of current governance meetings and this will need to be timetabled into Committee schedules.

8. Conclusion

8.1 The JTB is a forum for consultation between the County and the District / Borough on plans, policies and strategies. There are agreements in place which clearly set out the terms of reference for the JTBs for their method of operation. Six districts have signed the newer agreements (2019) and six others still follow the principles in the older agreements.

8.2 This paper sets out some suggestions for improving the structures and governance around the existing arrangements, but also highlights that anecdotal evidence implies that JTBs are not an efficient function and have to be considered further in the round.

9. Recommendation

9.1 The Scrutiny Committee is asked to: Review the contents of the paper and provide a steer on next steps.

10. Contact Details

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