

# Decision Report: Extension of the Cooperation Agreement between Leeds City Council and the West Yorkshire Combined Authority (WYCA)

Date: 7<sup>th</sup> August 2024

Report of: Assets and Access Lead, Children & Families

Report to: Director of Children and Families

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

In line with statutory duties, Leeds City Council and the West Yorkshire Combined Authority have cooperated for many years in order to secure best value and efficiency in the provision of school transport services for children in mainstream education. Each authority has separate statutory duties regarding school bus services to mainstream settings and associated education transport provision, along with statutory duty to cooperate with each other in fulfilling those duties.

A Key Decision was taken on 10/10/2019 by the Director of Children & Families (ref: D50151) to enter in a 5-year Cooperation Agreement with West Yorkshire Combined Authority (WYCA) for the continued provision of school buses and associated education transport services. That Key Decision included the possibility of two 1-year extensions to the agreement.

As a direct consequence of that Key Decision, this report seeks the Director of Children and Families' approval to exercise the first of the 1-year extensions to the Cooperation Agreement, at a cost to be finalised with a net figure approximate to £900k for mainstream home to school buses, plus additional costs for travel cards and swimming transport (the cost of swimming transport is charged back to schools). Total spend with WYCA for these services is anticipated to be within the Children and Families 2024/25 budget of £1.88m

## Recommendations

- a) The Director of Children and Families agrees to exercise the first 1-year extension of the cooperation agreement with WYCA, at a cost to be finalised with a net figure approximate to £900k for mainstream home to school buses, plus costs for travel cards and swimming transport which are expected to be within the approved £1.88m budget for this provision.
- b) The Director of Children and Families notes the Head of Commissioning, Market Management and Customer Service is responsible for the implementation of the decision.
- c) The Director of Children and Families notes this is a direct consequence of Key Decision D50151 and therefore is a publishable administrative decision.

## **What is this report about?**

- 1 The purpose of this report is to seek approval from the Director of Children and Families to extend for one year the cooperation agreement with West Yorkshire Combined Authority for the continued provision of school buses and associated education transport services.
- 2 A Cooperation Agreement between Leeds City Council and WYCA ensures that the parties co-operate in the broadest sense and establish a framework under which they agree responsibilities to achieve the provision of high-quality transport services for school children, whilst at the same time securing best value for expenditure on public passenger transport in the Leeds City Council local authority area. This purpose is supported by legislation through the following:
  - By virtue of the Education Acts 1996 and 2006, as amended, Leeds City Council has a duty to make suitable arrangements for the transport of eligible school children in its local authority area.
  - By virtue of Section 202(1) of the Local Government Act 1972 and the West Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973 WYCA is the Passenger Transport Executive for the County of West Yorkshire and has a duty to make suitable arrangements for socially necessary journeys including home to school journeys.
  - By virtue of Section 88(2) of the Transport Act 1985 it is the duty, inter alia, of Leeds City Council and WYCA to co-operate with one another so as to secure in the interests of the council taxpayers in their area the best value for money from their expenditure on public passenger transport taken as a whole.
  - Being an agreement concluded exclusively between two public authorities, the parties agree that by virtue of Regulation 12(7) of the Public Contracts Regulation 2015 this arrangement falls outside the scope of Part 2 of those Regulations because the following conditions are fulfilled:
    - the agreement implements a co-operation between the parties with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;
    - the implementation of that co-operation is governed solely by considerations relating to the public interest; and
    - the parties perform on the open market less than 20% of the activities concerned by this co-operation.
- 3 The duty to cooperate is fulfilled through a Cooperation Agreement between Leeds City and WYCA. Through this agreement children are broadly provided with the following assistance:
  - Free passes for eligible children to use on dedicated school buses
  - The opportunity for non-eligible children to buy tickets to travel on dedicated school buses where available.
  - Free passes for school journeys made by eligible children on the public transport network.
  - The provision of taxis for eligible children in rural areas where the public network is unavailable.
  - The provision of primary school transport to swimming lessons

## **What impact will this proposal have?**

- 4 A continuation of the Cooperation Agreement between Leeds City Council and WYCA ensures that both parties continue to co-operate within an established framework under which there are agreed responsibilities to achieve the provision of high quality transport services for school children whilst at the same time securing best value for expenditure on public passenger transport as a whole in the Leeds City Council local authority area.

### How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 5 The efficient provision of a fair and consistently applied transport policy, which would continue to be achieved for children in mainstream education through the cooperation agreement, supports our aspiration to ensure children have the best start in life and to continually raise educational achievement. The proposed arrangements support our intentions to spend money wisely and to be an efficient and enterprising organisation.
- 6 The provision of school buses, whilst not ideal due to the polluting nature of all kinds of transport, helps to reduce the number of car journeys.

### What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?       Yes       No

- 7 As the extension of the agreement effect no change to the public and essentially represent a 'business as usual' position, no consultation has been carried out.

### What are the resource implications?

- 8 The council's net contribution to the mainstream home to school buses provided through the cooperation agreement will be approximately £900k, which is within the approved budget for this provision. In addition there will be costs for travel cards and swimming transport (the cost of swimming transport is charged back to schools). Total spend with WYCA for these services is anticipated to be within the Children and Families 2024/25 budget of £1.88m.

### What are the key risks and how are they being managed?

- 9 A failure to extend the cooperation agreement would leave a reliance on both parties to operate without a framework from September 2024 and therefore at risk of not meeting statutory duties. Any resulting expenditure throughout the year would require individual/separate approval following the relevant governance procedures, which could result in a delay to transport support for children attending mainstream school provision.

### What are the legal implications?

- 10 Legal advice has been secured from colleagues in Procurement and Commercial Services. The report sets out above the legislation that supports the continuation of the cooperation agreement.

### Options, timescales and measuring success

#### What other options were considered?

11 Leeds City Council has a legal duty to work closely with the West Yorkshire Combined Authority (WYCA) in respect of the provision of school transport services. This broadly relates to the provision of home-to-school transport assistance and school swimming transport and the assessment and issue of the relevant bus passes to eligible children. There is no competition from other market operators as the duty specifically applies to LCC and WYCA.

#### **How will success be measured?**

- 12 Review meetings take place monthly between the two parties. Continued focus on service improvements will inform a review of any potential cost savings.
- 13 A new cooperation agreement will be developed between both parties, with support from Leeds City Council's Commissioning and Procurement Services, to be implemented from September 2025.

#### **What is the timetable and who will be responsible for implementation?**

- 14 If approval is secured, the one-year extension will be effective from 1<sup>st</sup> September 2024.
- 15 The Head of Commissioning, Market Management and Customer Service will be responsible for the implementation of the decision.

#### **Appendices**

- Equality, Diversity and Cohesion Impact (EDCI) Assessment

#### **Background papers**

- None