



Meeting: Full Council
Meeting date: 26 March 2026
Report of: Bryn Roberts, Director of Governance and Monitoring Officer
Portfolio of: Councillor Kate Ravilious, Executive Member for Transport

Decision Report: Delegation of Local Transport Functions from York and North Yorkshire Combined Authority

Subject of Report

1. To seek approval from Council to enter into a section 101 agreement with York and North Yorkshire Combined Authority (CA) to allow City of York Council (CYC) to continue providing the public transport functions within CYC's Bus Service Improvement Plans (BSIPs).

Background

2. Council will be aware that, upon its creation, the CA assumed the legal responsibility for Transport Functions across its area. However, given the ongoing process of establishing the CA, those functions have been continuously 'delegated' from the CA to North Yorkshire Council (NYC) and CYC as the pre-existing authorities.
3. Such 'delegations' have been facilitated by way of agreements under section 101 of the Local Government Act 1972, which allow a local authority '*to arrange for the discharge of any of their functions by any other local authority*'. The first of these was signed on 22 August 2024 for the financial year 2024-25, with a further agreement being signed on 31 March 2025 for the financial year 2025-26.
4. Under Article 19.2.5 of the Constitution, the decision as whether or not enter into such an agreement is reserved to a meeting of Full Council. In previous financial years, however, the CA has either approached the two Councils at inappropriate times (when no Council meeting is available within the necessary timescale), or

too late in the year for a decision by Council, leading to decisions being taken under Urgency Powers. This year, however, the CA has indicated its desire to continue the current arrangement in sufficient time for the decision to be brought to this meeting.

5. This report therefore recommends that Council agrees to enter into a suitable Section 101 Agreement with the CA, in order to allow CYC to continue to provide local transport to residents within York. Failure to enter into the agreement will result in a lack of BSIP-related investment into the York, as there is no capacity within the CA to deliver this programme; 'Do Nothing' is not, therefore, considered a viable option.
6. In addition, in order to facilitate the completion of such agreements in the future without any disruption in services, Council is recommended to delegate the decision to enter into section 101 agreements to the Head of Paid Service (Chief Executive), in consultation with the Leader of the Council.

Implications

Financial – There would be a small saving arising from the loss of one SRA for the Chair of Planning Committee B.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – None directly arising from this report.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

Recommendations and Reasons

7. It is recommended that Council:
 - a) Agrees to enter into a Section 101 Agreement with the CA to facilitate the continued delivery of BSIP-funded work and local passenger transport services;
 - b) Delegates authority to the Director of Governance to sign the proposed Section 101 Agreement with the CA; and

- c) Delegates authority to the Head of Paid Service (Chief Executive), in consultation with the Leader of the Council, to enter into any Section 101 agreements, or any subsequent modifications, in the future.

Reasons – To allow CYC to continue to deliver local passenger transport services to residents within the City of York and to continue to lawfully deliver its BSIPs; and to allow officers to address any further necessary agreements without impacting on the continuity of services.

Contact details

For further information please contact the authors of this Decision Report.

Author and Chief Officer responsible for the report: Bryn Roberts, Director of Governance and Monitoring Officer

Co-author: Dan Moynihan, Senior Lawyer, Contracts and Commercial

Report Approved **Date** 17 March 2026

Wards Affected: All

Background papers

None

Annexes

None