

OFFICER DECISION RECORD (ODR2)

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| Date of Decision | 24/11/23 |
| Decision Taker (including Job Title) | Tom Moody (Director of Infrastructure and Highways) |
| Specific Delegation | <p>Delegation from Highways and Transport Committee, "Electric Vehicle Infrastructure Programme – Update", 21st September 2023:</p> <p>"Agree that the Director of Infrastructure and Highways, in consultation with the Chair of Highways and Transport Committee, finalise and submit a business case to Government to secure the Council's LEVI Fund grant".</p> |
| Brief Description of Decision | <p>Approval of CEC's Local Electric Vehicle Infrastructure (LEVI) Fund Stage 2 application and associated documentation for submission to the Office of Zero Emission Vehicles.</p> <p>The application details CEC's approach to procuring a Charge Point Operator (CPO) to install and operate a range of electric vehicle chargepoints across the Borough. Should the application be successful grant funding of 2.172m and investment from the CPO will wholly cover the costs of the planning, supply, installation, operation and decommissioning (if required) of the chargepoints.</p> <p>The LEVI project is anticipated to install predominately 7kW chargepoints in car parks and consolidated hub locations on-street to support residents who do not have off-street parking to charge their vehicle. The approach proposed for the installation of LEVI project chargepoints is in line with the framework identified in CEC's Electric Vehicle Charging Strategy.</p> |
| Reasons for the Decision and | CEC Highways and Transport Committee approved the Council's Electric Vehicle Charging Strategy in July |

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| <p>alternatives considered</p> | <p>2023. This strategy noted the challenges residents who do not have off-street parking (and therefore the possibility of installing a home EV charger) face in conveniently charging an EV. The strategy also included the following action: ‘providing charging points to support residents with no access to residential off-street parking, in line with the framework set out in this strategy’ to be delivered over the short term 0 – 2 years.</p> <p>Grant funding is being provided by the Office of Zero Emissions and these funds are to be used to leverage investment from a CPO. The LEVI project will provide equitable access to chargepoints across the Borough for residents without off-street parking. Through the procurement specification and contract management, chargepoints will be installed in appropriate locations and using products that do not cause obstructions for people using the footway.</p> <p>The option of declining grant funding to leave the provision of electric vehicle charging infrastructure wholly to the private sector has been considered but is not recommended. This is expected to result in an unbalanced charging network with substantial gaps in provision, most notably in some deprived communities.</p> <p>The option of the Council taking full ownership and responsibility for investment, installation, maintenance and operation of chargepoints has been considered but is not recommended. This approach would expose the Council to financial risks and liabilities.</p> |
| <p>Member consultation and interests declared</p> | <p>An update report was provided to the Highways and Transport Committee on the 21st September 2023 setting out plans for the LEVI application. Specific consultation with members will be conducted should the application for grant funding be successful to inform local delivery of chargepoints, alongside any statutory consultations on Traffic Regulation Orders.</p> |
| <p>Significant Decision</p> | <p>YES</p> |

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| <p>Legal Implications</p> | <p>I approve and endorse this ODR on the following basis:</p> <ul style="list-style-type: none"> • It complies with the Council’s constitution; • Is entered into further to the appropriate resolutions, authorities and delegations; • Under the Financial Procedure Rules chapter 3 part 4 section 4 of the Constitution dated July 2023 at paragraph 6.23 Directors may make applications for grants, where the application does not create a commitment, financial or otherwise, in consultation with the Chief Finance Officer, and, if grant funding is in excess of £1m then the Corporate Leadership Team must be consulted in advance.. • When utilising any grant funding the Council must ensure that it complies with any grant funding terms and conditions. <p>Adrian Leslie - Lawyer Contracts & Procurement Team adrian.Leslie@cheshireeast.gov.uk</p> |
| <p>Financial Implications</p> | <p>Delivery of EV charging infrastructure within the LEVI project is expected to be funded from a range of sources including:</p> <ul style="list-style-type: none"> • private sector investment; • external Government grant funding; and • potential for a small allocation from LTP (Local Transport Plan) Integrated Transport Block funding. <p>If the Council is successful in its bid for the £2,172,000 of Local Electric Vehicle Infrastructure (LEVI) funding, a supplementary capital estimate will be required to approve the new scheme/funding within the Council’s capital programme.</p> <p>The operation and maintenance of chargepoints will be funded by the private sector under a concession contract.</p> <p>Recruitment of new staff is provided for through the LEVI Capability Fund. It is intended that the contract for LEVI will incorporate a concession fee that covers the cost to the Council of EVI, such as gritting and officer</p> |

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| | <p>time. These costs will be apportioned on a pro rata basis across chargepoints across the borough. As such the revenue accrued through this process will increase over time and is unlikely to cover all officer costs in the first years of the contracts. The LEVI Capability Fund will cover these costs for three years and will therefore not impact on current budgets or the MTFS.</p> <p>Within the contract and lease agreements to be used in the procurement of a CPO, a clause has been included that enables the Council to end the lease agreement for a particular site after 5 years. Compensation would be payable to the CPO should this occurrence arise to cover the costs of relocating chargepoints to another suitable site. Due diligence will be conducted on proposed LEVI sites prior to procurement going live to avoid and mitigate the risk of car parks being required for other purposes.</p> <p>Whilst this break clause is not the preferred option of OZEV for the LEVI funding, it is felt that it offers the best balance of risk to the Council. The payment of compensation is however expected to mitigate concerns of CPOs, and OZEV are understood to be agreeable to varying approaches if justified. The amount of compensation required would have to weighed against the benefits of the Council's needs to take back the carpark and would require a full costing analysis before a decision is made.</p> <p>Sam Oakden – Finance Manager - Strategic Finance & Accounting</p> <p>23/11/2023</p> |
| Confidential/Exempt Information | Not applicable |
| Background Papers | <p>Highways and Transport Committee paper on 'EV Charging Strategy available here.</p> <p>Highways and Transport Committee paper on 'Electric Vehicle Infrastructure Programme – Update' available here.</p> |

Signed *Thomas Moody*

Dated