

OFFICER DECISION RECORD (ODR2)

This form records an officer decision and is published in accordance with the Openness of Local Government Bodies Regulations 2014

Date of Decision	3 December 2025
Decision Taker (including Job Title)	Thomas Moody Director of Transport & Infrastructure
Specific Delegation	<p>Delegation from Highways and Transport Committee, "On-Street Electric Vehicle Charging", 21st July 2022</p> <ol style="list-style-type: none">1. That the delivery of the next phase of charge point locations noted in this report to support residents who did not have off street parking be approved, subject to formal approval of the application by Government. <p>Delegation from Highways and Transport Committee, "Electric Vehicle Charging Strategy", 20th July 2023</p> <ol style="list-style-type: none">3. Delegate authority to the Director of Transport and Infrastructure to spend the money when received and make all necessary arrangements to:<ol style="list-style-type: none">a. Launch procurement activities for a strategic EV infrastructure investment and delivery partner/s for programmes such as the On-street Residential Charge points Scheme (ORCS) and the Local Electric Vehicle Infrastructure Fund (LEVI).b. Award contract/s to invest in, deliver, operate, and maintain publicly available charge points.c. Call off the contract/s for future phases of charge point delivery.d. Implement the measures contained within the strategy through joint working with a range of partners. <p><u>Meeting Minutes</u></p>
Brief Description of Decision	To provide programme level approval for consultation of Traffic Regulation Orders and making of Traffic Regulation Orders for the On-street Residential Chargepoint Scheme and Local Electric Vehicle

	<p>Infrastructure projects. This is if they are within project budget and meet the criteria set out in the reasons. Both projects are to install electric vehicle chargepoints throughout the borough.</p>
<p>Reasons for the Decision and alternatives considered</p>	<p><u>Decision Making</u></p> <p>To date the ORCS project has relied on individual ODRs for TRO consultation and order making where representations are made.</p> <p>This is cumbersome and adds delay to the process of site installation. Delays have been experienced for the 3 sites to be installed on-street for this project.</p> <p>The LEVI programme will include a minimum of 180 sites, the majority of which will be on-street.</p> <p>The administrative burden on both the Strategic Transport and Parking Services Team, Cheshire East Highways, and legal and finance services will be excessive. It will also incur cost for each TRO that could be avoided.</p> <p>These benefits are in addition to the significant time savings that could be achieved compared to requiring a single ODR for each site for both consultation and order making.</p> <p>Both the ORCS and LEVI projects have committee approval and delegation to implement the programmes and are fully funded. Therefore, this single ODR provides programme level approval for any further TROs on the ORCS project and for all on-street sites under the LEVI project. A separate objection ODR will only be needed where a material representation is received.</p> <p>The project team for ORCS and LEVI will have the freedom to consult on TROs once they are agreed with the projects supplier, Qwello, and included in the project plan. Initial criteria for site selection will include:</p> <ul style="list-style-type: none"> • is it safe when considering typical highways installation • is it not going to disrupt traffic • is a Point of Connection to the electricity network is available • are there any potential objections likely to come forwards

	<p>A check list will be created to review sites following consultation to determine whether it is acceptable to pursue the order making including consideration of whether representations are material. This shall consider:</p> <ul style="list-style-type: none"> • Design is to the relevant technical standard(s), or variations from standard have been approved. • Safety implications throughout the construction and lifecycle of the project have been assessed and it is considered safe to proceed with the decision. • Implementation of the scheme will not cause an adverse impact on traffic. • Proposed construction of the scheme does not have an unacceptable impact on traffic. • There are no changes in capital or revenue costs arising from the decision. Full details are set out under the Financial Considerations section below. <p><u>Legal Considerations</u> This ODR will result in the power to make TROs and therefore to enforce them at locations where chargepoints are installed under the ORCS and LEVI projects.</p> <p><u>Financial Considerations</u> Installation of the TRO (signs and lines) will be undertaken by Qwello and its subcontractors. There will be no costs falling to CEC for this.</p> <p>The Council is responsible for the administration of consulting on and subsequently making the TROs. The process for this is:</p> <ul style="list-style-type: none"> • A site is identified for chargepoints and site design completed, and feasibility confirmed • The signs and lines are drawn up for consultation and are made available digitally, with notices published in local newspapers, on parkmap, and on the Council website • If representations are received these are responded to. <ul style="list-style-type: none"> ○ If no material representations are received the TRO can proceed ○ If representations are material (see criteria above) a further ODR would be needed if it is decided to proceed with the TRO. Each representation must also be responded to.
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	<ul style="list-style-type: none"> Public notices are issued confirming the intent to proceed with the TRO. The TRO is then made and sealed by the Council <p>This is completed by Cheshire East Highways with the orders sealed by legal. The total cost of this is £3,00000 per site (including CEH time and consultation costs).</p> <p>The costs are paid for out of the Local Transport Plan (LTP) grant allocation for EV projects. In this financial year this is £135,000. TROs for ORCS are mostly complete, with one outstanding. For LEVI a minimum of 180 locations will be delivered, mostly at on-street locations. Some locations will need to be car parks, estimated to be 20 sites. The legal costs for all LEVI car parks are paid for from the LEVI Capability fund and are not the subject of this ODR.</p> <p>The estimated 160 on-street sites that would require TROs would cost £480,000. It is estimated that 10 will be paid for through this year's LTP allocation (spending that is already committed) leaving a remaining cost of £450,000. Over three years this will result in a requirement of £150,000 in each year.</p> <p>It should be noted that all ORCS and LEVI grants are awarded to committed contracts and revenue grants are reserved for the costs of delivering the projects in line with the terms of the grant award.</p> <p><i>Capital Costs</i></p> <p>The ORCS project is part funded by a grant from DfT to the value of £151,500. 75% of this has been received by CEC with the remainder due upon project completion.</p> <p>Qwello will provide the remainder of the capital funding for the project to deliver 15 locations, which will total approximately £150,000 of private investment.</p> <p>Over 15 locations the total combined capital of approximately £301,000 means an average install cost of approximately £20,066 per location.</p> <p>Because it is a concession contract Qwello is solely responsible for all cost overruns. The grant funding will not be paid to Qwello until the chargepoints are commissioned.</p>
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	<p>The LEVI project will be funded by a capital grant from DfT with £2.132m of a £2.172m grant being used to fund chargepoints. The remainder will be used for a cable channel trial. Qwello will provide the remainder of the capital funding for the project to deliver a minimum of 180 locations, which will total approximately £2.132m of private investment.</p> <p>Qwello is match funding the £2.132m capital grant giving a total of £4.264m. This means an average cost of installing each site of £23,688. This is different from the ORCS costs because of the inflation in costs in the years that each project was procured.</p> <p>For both the ORCS and LEVI contracts the contract mechanism ensures that the grant is paid to its maximum based on the total contracted chargepoint locations. Both contracts also stipulate that there is no liability or capital costs that can be claimed above the grant amount that the Council has received.</p> <p>Cheshire East Council is responsible for the costs of making TROs that are incurred by the Council. Where support from Cheshire East Highways is required this is paid for from a Local Transport Plan Allocation.</p> <p>In each of the last three financial years this allocation has exceeded £100,000. The cost of support from Cheshire East Highways in this financial year is approximately £70,000 which is within budget when considering other commitments against the EV LTP allocation.</p> <p>Both ORCS and LEVI are line items in the capital MTFS.</p> <p><i>Revenue Costs</i></p> <p>Maintenance costs are provided for under each project through contractual payments from Qwello. Under the ORCS project a fee of £270 per location per annum is due, to be reviewed annually based on the changing cost of maintenance.</p> <p>Under the LEVI contract the annual fee is £80 per annum index linked. The fee is lower in this contract because it was realised that the £270 charge was too high (exceeded additional costs that would be caused to CEC by the contract).</p> <p>In each case the costs are amortised assuming renewals every 5 years but it is likely that renewals will</p>
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	<p>be less frequent than this. The fee will be paid into a budget held by the Strategic Transport and Parking Team, to be accessed as and when needed to fund the cost of additional maintenance associated with the chargepoints. For example where resurfacing or lining of the bays used by vehicles charging at the chargepoints is needed.</p> <p>Each contract also contributes towards the cost of an officer post from year 3 of the contract. ORCS contributes £120 per chargepoint socket with the LEVI project contributing a minimum of £62,965.</p> <p>These are both to be paid annually and are index linked. £62,965 was the cost of the officer post at the time the contract was tendered and therefore a full time officer post will be paid for by the contract for the whole of the contract term.</p> <p>Prior to the concession fee being due the Council will use the LEVI Capability Fund which is a DfT grant to support the rollout of EV infrastructure projects that use capital grant funding from DfT. To date £548,490 has been awarded to CEC. £436,000 of this is committed to officer time and £112,434 is committed to external support. Spend to date and existing commitments is within the available budget.</p> <p><i>Income</i></p> <p>Both capital projects have a revenue share arrangement that will generate modest income for the Council. These payments will be paid into a budget held by the Strategic Transport and Parking to be used in accordance with its strategies.</p>
Member consultation and interests declared	Ongoing informal consultation and updates with members by the Head of Strategic Transport & Parking Services
Significant Decision	<p>YES</p> <p>Capital value of LEVI project will use a grant from DfT exceeding £1m.</p>
Legal Implications	<p><i>You should obtain legal implications prior to making the decision. The legal officer must complete this box and add their name/title and date.</i></p> <p>The decision is made under authority delegated by the Highways and Transport Committee in July 2022 and</p>

	<p>reaffirmed in July 2023. The delegation delegates to the Director of Transport and Infrastructure authority to make all arrangements to implement the measures, this necessarily includes the consultation and making of Traffic Regulation Orders. The delegation is sufficient to approve programme-level Traffic Regulation Orders (TROs) without requiring individual Officer Decision Records, provided no material representations are received during consultation. Where material representations are made then an objection ODR will be produced which will deal with these representations and decide whether to proceed, amend or abandon a proposed scheme site.</p> <p>The making of Traffic Regulation Orders (TROs) in connection with the On-Street Residential Chargepoint Scheme (ORCS) and Local Electric Vehicle Infrastructure (LEVI) projects is governed by the Road Traffic Regulation Act 1984 (RTRA 1984) and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The Council must ensure that it follows the procedures laid out within the legislation in full or risk legal challenge.</p> <p>These powers extend to the designation of parking bays for the exclusive use of electric vehicles when charging at designated chargepoints, subject to the making of a valid TRO.</p> <p>Enforcement of restrictions contained within the TROs will be carried out under the Traffic Management Act 2004, using the Council's existing civil parking enforcement powers.</p> <p>In implementing these powers, the Council must have due regard to its statutory duties under Section 122 of the RTRA 1984, to secure the expeditious, convenient, and safe movement of traffic, while having regard to (among other matters) the effect on the amenities of the locality and the importance of facilitating the passage of public service vehicles.</p>
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	Andrew Poynton, Senior Planning and Highways Lawyer, 2/12/2025
Financial Implications	<p><i>This is an evolving process the mechanics of which are being determined in real time. The decision taker needs to be satisfied that the checklists in place are robust enough to provide confidence and assurance that the process works. The checklists should be shared with legal and finance to that they can confirm that they meet expectations.</i></p> <p><i>The decision taker needs to be aware of the ongoing need for budget to support the TRO process and the source of this funding (£150K per annum for three years sourced from the Authority's Local Transport Plan (LTP) allocations plus the amounts spent to date). This LTP budget should be identified, recognised and moved for the purposes of transparency and to reduce the risk of over committing grant in future years. A virement would be required to move this funding to the relevant capital project. At the moment only the capital grants are recognised in the ORCs and LEVI capital projects, and whilst other costs may be charged to the capital projects it comes across as unfunded and unbudgeted expenditure. This can be actioned via a further ODR and be reflected in our in-year financial reporting.</i></p> <p><i>The cost of £3,000 per TRO should be validated to ensure best value. Similarly, consideration should be given to the need to provide a budget for any extraordinary TRO's which are challenged and incur costs in reaching a considered decision.</i></p> <p><i>Although this decision negates the need for individual ODRs for every TRO, it is strongly recommended that the service provide, at least, an annual retrospective decision document to confirm the decisions taken and provide an audit trail for the decision making process.</i></p> <p><i>Aaron LeCroy, Principal Accountant, 02/12/2025</i></p>
Confidential/Exempt Information	Not applicable
Background Papers	Not applicable

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Signed *Thomas Moody*

Thomas Moody

Director of Transport & Infrastructure

Dated 3 December 2025