

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
Title	Local Electric Vehicle Infrastructure (LEVI) Grant
Report of	Deputy Chief Executive
Wards	All
Status	Public
Enclosures	Policy & Resources Committee, 9 December 2021, Annual Procurement Forward Plan Appendix A: Section 31 – LEVI Fund Grant Determination 2022
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Summary

Following a funding proposal in early 2022, Barnet have been awarded £1,650,000 to support the rollout of one hundred electric vehicle charge points across the borough. Since then, the council has confirmed its commitment to securing this funding and rolling out the charge points. Following this, officers are looking to secure the relevant authority to award the contract to Jolt under direct award.

Decisions

- To approve the award of a turnkey contract to Jolt, under direct award, for the provision of electric vehicle charge points within Barnet town centre locations.**

1. WHY THIS REPORT IS NEEDED

- 1.1 A funding proposal was made in early 2022 to install public electric vehicle infrastructure, which was subsequently presented to the Energy Saving Trust (EST) and Office for Zero Emissions Vehicles (OZEV).
- 1.2 LB Barnet was notified in September 2022 that this proposal was successful, and that funding will be provided as a non-ringfenced capital grant which must be used for capital expenditure. This will be used for the provision of one hundred charge points throughout the borough.
- 1.3 Acceptance of the award of this grant payment was made by signing the Grant Determination, following which officers began to look at the relevant procurement processes to secure a partner for the provision and rollout of electric vehicle charge points.
- 1.4 Following discussions with the council's procurement and legal teams, as well as Cenex, a support body offering independent advice to local authorities and the LEVI fund both pre and post application, the decision was taken that there was sufficient evidence to demonstrate the uniqueness of Jolt's technology to support a direct award under Regulation 32(2)(b).
- 1.5 The Jolt charge points were considered to be unique in the following ways:
 - The units offer a combined EV charge point with a built-in digital advertising screen. While this technology is common in Australia and New Zealand, it is not yet seen in the UK
 - The EV charge point offers a 25kWh DC fast charge. While there are some other operators which offer combined EV charge point with an advertising screen (although not yet in the UK), none of these operators provide the same speed of connection as the Jolt charge point. Due to the DC current, Jolt's charge points will charge the average vehicle approximately three times faster, which is key in a high traffic area, such as town centres, where visitors will be expecting to charge quickly whilst they use the high street amenities.
 - The commercial model ensures that income to the local authority is boosted by there being a dual income stream from a share of both the charge point and the advertising income. Furthermore, this dual income allows Barnet and the operator to lower the cost to users by offering an initial free charging period.
- 1.6 Officers are therefore seeking the authority to enter into a turnkey contract whereby Jolt invest in the technology and hardware, covering 40% of the install costs, with the remainder (60%) being covered by the aforementioned grant funding. This will maximise revenue, whilst minimising the risk, to the council, as Jolt will manufacture, install, manage, and maintain the charge point, including operating a back-office function to interact with users and collect payment, as well as managing and maintaining the advertising workstream.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The awarding of the contract would allow LB Barnet to rollout a further one hundred electric vehicle charge points across the borough, supporting the council's commitment of increasing the number of publicly accessible charge points to 1,219 by 2030. It would also support Barnet residents in shifting to more sustainable modes of transport and work towards the borough's net zero target of 2042.
- 2.2 It is recommended that the council seek to award the contract through direct award due to the terms under which the funding was granted, and the uniqueness of the both the technology and commercials on offer from Jolt.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 A decision could be made to not award the contract under direct award; however, this would likely result in delays to the project due to the time taken to undertake a competitive tender exercise as well as an impact on other projects due to the time constraints and the limited capacity of officers. Such delays would likely impact the council's ability to secure further funding in the future, as well as impact the council's relationship with Jolt. This is therefore not recommended.

4. POST DECISION IMPLEMENTATION

- 4.1 The council will enter a contract with Jolt for the provision of 100 electric vehicle charge points.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Investing in the rollout of electric vehicle charge points supports the council's commitment to supporting residents in the shift to more sustainable modes of transport, as well their climate emergency declaration and net zero target.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Finance & Value for Money: The total cost of the contract will include the capital expenditure of £2.75m, as well as an as yet to be determined income stream over the length of the contract. Costs related to the installation works will be fixed within the contract signed by the service provider and the council. This will detail the breakdown of the capital expenditure, with the council's contribution being covered by the sum of the grant, and the service provider covering all other costs; this will include those related to securing the necessary

permissions, such as highways and planning approvals, as well as holding the risk on any unexpected costs arising throughout the duration of the project.

5.2.2 Once installed and operational, the contract will require the service provider to manage and maintain all aspects of the charge points at nil cost to the council. The council will also receive a share of the income, which is envisaged to increase over time as usage increases – this will therefore have a positive impact on the future MTFS in regard to the charge point income.

5.2.3 Procurement: In order to enable PCR2015 regulation 32(2)(b), the Single Tender Action has been granted under 6.1 of the CPR and approved in advance by the Assistant Director Investment and Innovation and Assistant Director Commercial Services.

5.2.4 There are no staffing, IT or property implications at this time.

5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This report does not relate to procurement of services contracts.

5.4 **Legal and Constitutional References**

5.4.1 The allocation of the grant fund by the Department for Transport to the Council is being made pursuant to section 31 of the Local Government Act 2003.

5.4.2 Allocations of grants to the Council are outside of the Contract Procedural Rules (CPRs), however the subsequent payment of the grant to third parties by the Council are subject to the CPRs.

5.4.3 The Council must ensure that any subsequent agreements entered into with grant recipients protect the Council's position and reflect the Grant Conditions in Annex B of the LEVI Fund Grant Determination. Specifically, the agreement should include; the right to suspend, withhold or clawback the whole or part of any grant paid out if any of the grant conditions are contravened; and the requirement to provide regular reporting.

5.4.4 The Contract Procedure Rules state that: The Contract Procedure Rules apply to all Procurement activities, including expenditure of external funding on Procurement, such as grant allocation, received by the Council from external sources.

5.4.5 In accordance with the Councils Constitution, CPRs the Authorisation and Acceptance Thresholds Table, row E and given that the authorisation has been approved on the Annual Procurement Forward Plan and the allocation is within budget, the appropriate authorisation document is via an Officer Delegated Power Report.

5.4.6 In addition, the CPRs state in paragraph 6.1 that a Single Tender Action is permitted only in exceptional circumstances and should be approved in advance by the Assistant Director Investment and Innovation and Assistant Director Commercial Services. Procurement advice should be sought in all cases. Furthermore that 'exceptional circumstances' may include where the works, supplies or services *can be supplied only by a particular* supplier as is the case here.

5.4.7 The Council must comply with the Public Contract Regulations 2015 (PCR). Legal consideration was given to the uniqueness of the provider's technology and the requirements of Regulation 32(2)(b) PCR.

5.4.8 Due to the unique nature of the technology the Council is able to rely on Regulation 32(2)(b) PCR.

5.5 Risk Management

5.5.1 None

5.6 Equalities and Diversity

5.6.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010 and are as follows:

5.6.2 A public authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.3 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons

who do not share it;

- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.6.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

5.6.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Tackle prejudice, and
- b) Promote understanding.

5.6.6 Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are:

- a) Age
- b) Disability
- c) Gender reassignment
- d) Pregnancy and maternity
- e) Race
- f) Religion or belief
- g) Sex
- h) Sexual orientation
- i) Marriage and civil partnership

5.7 Corporate Parenting

5.7.1 No direct or indirect impacts on looked after children or care leavers identified beyond those applicable to the population as a whole

5.8 Consultation and Engagement

5.8.1 Engagement with the lead members for Environment and Climate Change Committee was undertaken prior to the submission of the funding application.

5.8.2 Residents will receive notice in advance informing them of any forthcoming works, as laid out under sections 17, 17 and 18 of the London Local Authorities and Transport for London Act 2013 (LLAT 2013).

5.9 Insight

5.9.1 Barnet has the second highest number of new electric vehicle registrations across London, with 2,227 new vehicles being registered in Q3 of 2022, up from 1,832 in Q3 of 2021. This shows the established level of demand across the

borough.

- 5.9.2 The council collects request data from residents who already have ownership of an electric vehicle, but do not have the capability to charge it offstreet, and are therefore reliant on public charge points. Barnet currently has 645 resident requests for charge points, indicating the demand for greater charging infrastructure

6. BACKGROUND PAPERS

- 6.1 Policy & Resources Committee, 9 December 2021, Annual Procurement Forward Plan (line 183):
<https://barnet.moderngov.co.uk/documents/s69058/Appendix%201%20Annual%20Procurement%20Forward%20Plan%202022-23.pdf>
- 6.2 Appendix A: Section 31 – LEVI Fund Grant Determination 2022

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Cath Shaw

Signed: 

Dated: 20/01/2023