



**London Borough of Enfield**

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<b>Report Title</b>	<b>Procurement of slow, fast and rapid electric vehicle charging points.</b>
<b>Report to</b>	<b>Doug Wilkinson, Director of Environment &amp; Street Scene</b>
<b>Date of Report</b>	<b>15/12/2023</b>
<b>Cabinet Member</b>	<b>Cllr Jewell, Cabinet Member for Environment</b>
<b>Executive Director</b>	<b>Simon Pollock, Executive Director for Environment and Communities</b>
<b>Report Author</b>	<b>Mohammed Chibou (Group Leader – Transport Planning and Policy)</b>
<b>Ward(s) affected</b>	<b>All Wards</b>
<b>Key Decision Number</b>	<b>KD 5530</b>
<b>Classification</b>	<b>Part 1 Public</b>

**Purpose of Report**

1. The Council has committed to increase the provision of electric vehicle charging points across the borough. This report seeks approval to procure a supplier for additional charge points, which is the first step of delivering on the Council's Climate Action Plan to install more electric vehicle charging points.

## Recommendations

- I. To approve the procurement of the following contracts for the installation and maintenance of electric vehicle charging points in the borough as detailed in this report for the delivery of:
  - a) Project 1: 35 Rapid chargers, on the basis that all set-up and ongoing costs will be met by the appointed supplier. The rapid chargers would be procured in two tranches, tranche 1 on public highway and tranche 2 in council car parks.
  - b) Project 2: 900 slow electric vehicle charge points, on the basis that all set-up and ongoing costs will be met by the appointed supplier.
  - c) Project 3: 260 fast on-street electric vehicle charge points, on the basis that they are part funded by the appointed supplier and part funded by a Local Electric Vehicle Infrastructure (LEVI) grant provided by the Office of Zero Emission Vehicles (OZEV). This project would be part of a joint procurement exercise with three other London boroughs (Camden, Barnet and Islington) as required by the conditions of funding.
- II. To approve the commencement of the procurement of the contracts for the projects above via a mini competition using available framework agreements.
- III. To note that separate decisions will be required for the award of each contract relating to the projects.

## Background and Options

2. In early 2022, Arup consultants developed an electric vehicle infrastructure plan for Enfield which projected demand for 2700 EV charging points by 2030. There is a particular requirement for an adequate network of on-street chargers to cater for the estimated 45% of households in Enfield that don't have access to off-street parking. The report recommends focussing delivery in these areas which are concentrated in the south and east of the borough where population densities are higher.
3. It is proposed that the procurement will be carried out in stages with the first stage being the procurement of two contracts for the first tranche of the rapid chargers (comprising of 17 chargers on-street) and 900 slow electric charging points. The second stage will be the procurement of the remaining 18 rapid chargers, in car parks. Subject to a successful bid, a further procurement process will take place for 260 fast charging points to be part grant funded.
4. Appendix 1 shows four options open to councils for delivering charging infrastructure. It sets out the following four models:

- A. Costs including capital costs, maintenance and operation fully covered by Council
  - B. Costs covered by LEVI grant funding and council funding on a 50/50 percent basis
  - C. Costs covered by LEVI grant funding and supplier on a 50/50 percent basis
  - D. All costs covered by the supplier
5. Model A requires the council to be fully responsible for the maintenance and operation costs as owners of the infrastructure but allows for the council taking 100% of the revenue generated.
6. Models B and C have the operator as responsible for maintenance and operation of the network. The level of council and/or grant funding will usually determine the minimum contract length and percentage of revenue share.
7. Model D does not require any council or grant funding but can be restrictive in terms of contract length and revenue share.
8. The recommended approach to be taken for each project are as follows:

**Project 1: Rapid chargers – Delivery Option D**

9. This project would deliver 35 rapid (50kwh) chargers across the borough in two tranches. Tranche 1 is for 17 sites on the public highway which have been identified through collaboration between different council teams to determine feasibility. These provisional sites are still subject to some technical feasibility and local consultation and are attached as Appendix C to the report. Tranche 2 would be for 18 rapid chargers in council owned public car parks. These council car park locations are yet to be identified.

**Project 2: Slow chargers – Delivery Option D**

10. This project would deliver 900 slow (5kwh) chargers that would be attached to street lighting columns. This is subject to a deed of variation to be signed with the Council's PFI contractor.

**Project 3: Fast charges - Delivery Option C (50% LEVI funded)**

11. This project would deliver 260 fast chargers (7-22kwh) in Enfield, part-funded using the Local Electric Vehicle Infrastructure (LEVI) Capital fund. The funding is intended to support local authorities in England to work with the charge point industry, to procure electric vehicle (EV) charge point infrastructure at great pace and scale.

12. Charge points procured through the LEVI Capital Fund are required to meet the criteria of the LEVI Capital Fund, which includes that charge points be publicly available and procured jointly through borough partnerships.
13. £4.7m grant funding which has been allocated in principle to a partnership of four North London boroughs (Enfield, Camden, Islington and Barnet) with all boroughs receiving an equal share. This is subject to the outcome of the bid submitted on 30<sup>th</sup> November 2023. As the lead borough, Enfield has responsibilities relating to leading on the development of the procurement exercise and final procurement.

### **Preferred Option and Reasons For Preferred Option**

14. In order to secure the best price for customers to encourage EV adoption, officers have considered various commercial models. These require varying levels of funding from the Council and range between no council funding at all to fully funded by the Council. The preferred approach for Projects 1 and 2 is for the charging points to be fully funded by operators. This is based on analysis taking into account revenue from existing charging points and the capital and running costs of new charging points. The availability and requirements of LEVI funding favoured an approach to delivering Project 3 where the project costs could be met by a combination of the supplier and the allocated grant funding. This will reduce costs for the end user.

### **Relevance to Council Plans and Strategies**

15. The delivery of new electric vehicle charging points aligns with 'safe, healthy and confident communities' objective in the Council Plan

### **Financial Implications**

16. Report seeks to approve the procurement of contracts for the installation and maintenance of electric vehicle charging points in the borough as detailed in this report for the delivery of: -
  - Project 1: 35 rapid chargers and project 2: 900 slow electric vehicle charge points on the basis that all set-up and ongoing costs will be met by the appointed supplier. And project 3: 260 fast on-street electric vehicle charge points on the basis that they are part funded by the appointed supplier part funded by a local electric vehicle infrastructure (LEVI) grant provided by the Office of Zero Emission Vehicles (OZEV) – indicative grant award is circa £1.2m.
17. All projects will be based on no cost to the council, however, in the medium to long term, the Council is likely to secure a revenue share model that offsets any loss in parking revenue. Revenue share is typically 5-10% in a supplier funded model and this usually start to be payable a given number of years into the contract.
18. £4.7m grant funding which has been allocated in principle to a partnership of four North London boroughs (Camden, Islington, Barnet and Enfield) with all boroughs receiving an equal share. This is subject to a more detail bid to be

submitted by 30th November. As the lead borough, Enfield has responsibilities relating to leading on the development of the procurement exercise and final procurement.

19. For the deployment of fast chargers, consideration must be given to the possible loss of P&D or CPZ parking bays to accommodate dedicated charging bays. The bays required to accommodate fast chargers is not known at the time of writing this report.
20. An exit strategy will be in place within the contract between the appointed contractor and the Council to ensure no financial impact is incurred by the Council.

### **Legal Implications**

21. The Council has the power under Section 16 of the London Local Authorities and Transport for London Act 2013 (LLA Act 2013) to provide and operate charging apparatus for electrically powered motor vehicles and to grant permission to a third party to provide or operate the electric charging apparatus including on conditions requiring the payment to the London authority of such reasonable charges as the London authority may determine. Section 111 of the Local Government Act 1972 further gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The recommendations in this report are in accordance with these powers of the Council.
22. Section 17 of the LLA Act 2013 requires the prior publication of the notices at the relevant sites (and to affected owners and occupiers) allowing for a period of not less than 28 days after publication of the applicable notice for the affected persons to make representations to the London authority. Section 18 of the LLA Act 2013 further requires London authorities to consult with relevant local planning authorities and statutory undertakers as defined in the section prior to the exercise of the power to install the electric charging apparatus. The Council must comply with the process and duty of consultation under the LLA Act 2013 prior to the installation of the electric charging points at the sites.
23. Use of a legally compliant framework agreement is permitted under Reg 33 of the PCR 2015. Additionally, the CPRs state that Frameworks, where they exist, should be used provided Best Value can be demonstrated and managers are required to retain sufficient evidence to demonstrate compliance. A due diligence exercise must be carried out by Procurement Services prior to calling off from a Framework and the Council must be clearly identified as a contracting authority able to use the Framework when the Framework was set up.
24. Installations of electric charging apparatus constituting 'development' under the Town and Country Planning Act 1990 will require planning consent from the Local Planning Authority and it is recommended that early engagement is

commenced in this regard to ascertain whether planning applications will be required.

25. Any contract awarded under a framework must be in accordance with the process set out in the Framework agreement and the terms of the call off contract must be consistent with the Framework terms.
26. The Council must ensure that the contracts and any legal agreements arising from the matters described in this report are in a form approved by Legal Services on behalf of the Director of Law and Governance. Any contract with a value above the Key Decision threshold must be sealed.
27. The Council will need to undertake title checks and due diligence on each of the sites to ascertain any impediments and must comply with all requirements of its Constitution including, in relation to any property transactions its own Property Procedure Rules which set out mandatory procedures regarding (amongst other things) the acquisition, management and disposal of property assets.
28. The Council must comply with its obligations relating to obtaining best value under the Local Government (Best Value Principles) Act 1999. The Council is also required to act in accordance with the Public Sector Equality Duty under section 149 of the Equality Act 2010 and have due regard to this when carrying out its functions. In this regard, it is noted that an Equality impact Assessment has been carried out and its recommendations should be followed.

### **Equalities Implications**

29. An Equality Impact Assessment has been carried out to support the project. The following table summarises the key impacts on the various protected groups.

Age	Slight negative impact – it is possible that older drivers will not be able to use the electric vehicle charging points due to the need for web access and electronic payment. To mitigate this, suppliers will be required to ensure contactless payment is an option for fast and rapid chargers. This is a challenge for slow chargers.  We will also monitor correspondence to identify any issues whilst in use. These can then be resolved in consultation with the supplier.
Disability	Slight negative impact – it is possible that disabled drivers will not be able to use the electric vehicle charging points due to their design or location. To mitigate this the latest design of charger

	is being installed and we will monitor correspondence to identify any issues whilst in use.
Gender reassignment	No specific impacts identified.
Marriage or civil partnership	No specific impacts identified.
Pregnancy and maternity	No specific impacts identified.
Race	No specific impacts identified.
Religion or belief	No specific impacts identified.
Sex	No specific impacts identified.
Social economic	<p>In general, the cost of charging an electric vehicle is much higher for public charging than charging through a private home charger. This presents disproportionate impact on those with no access to private parking and reliance on public charging. This can have an impact on those on low incomes particularly those who rely on their car for income such as taxi, private hire and delivery drivers.</p> <p>The council has commissioned spatial analysis of areas with higher levels of deprivation and areas with higher proportions of homes with no access to private parking.</p> <p>To address the disparity in income the procurement will add more weight to bids with the lowest charging fees to users. The winning bid price will be secured for the duration of the contract length and increases will only be approved in line with changes in the Consumer Price Index.</p> <p>In addition, the Council is exploring other options so that residents without off-street parking can access cheaper domestic energy rates.</p> <p>Whilst the cost of purchasing an electric vehicle is currently more expensive than petrol/diesel equivalents, the energy costs associated with running a vehicle are generally lower for EVs. In the long term, providing the infrastructure to facilitate EVs is expected to assist those on lower incomes too.</p>

## **Environmental and Climate Change Implications**

30. The procurement of these charging points is important for delivering on the Council's Climate Action Plan and the Council's commitment to deliver 1,000 EV charging points across the borough.
31. In 2020 the Council published its Enfield Climate Action Plan setting out how it will become a carbon neutral organisation by 2030 and create a carbon neutral borough by 2040. One of the key elements of the vision of the document is that there will be enough electric vehicle charging provision to enable people to choose electric vehicles if they have their own vehicle. This will not only contribute to the reduction of the Borough's emissions but also significantly improve air quality.

## **Property Implications**

32. In the event that car parks within which these EV charging points are deployed are considered either underperforming, identified as surplus or suitable for re-development with a high opportunity cost, terms should be inserted within supplier agreements such that it can be terminated within 12 months with removal, relocation or re-provision costs at the suppliers' own risk and cost.

## **Procurement Implications**

33. Any procurement to implement this project must be undertaken in accordance with the Council's Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015), along with the Council's Sustainable and Ethical Procurement Policy.
34. At the end of the sourcing process, authority to award the contract will be sought in line with the CPR's and Council's Governance. The Service Area shall ensure this procurement activity takes place via the Council's e-Tendering portal and will be promoted to the Council's Contract Register, with the executed contracts/agreements uploaded on the e-Tendering Portal.
35. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements.
36. Although this contract is a Concession Contract over £500,000, the CPR's state that the contract must have a nominated Contract Manager in the Council's e-Tendering portal and there must be evidence of contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessments uploaded into the Council's e-Tendering portal.
37. The Service Area has completed the Contract Management Tiering tool and the proposed contract has been classified as "Gold". The lead officer will



meet with the Contract and Supplier Relationship Manager within Procurement Services, who will go through the contract management requirements for the management of the Contract prior to its commencement.

### **Risks that may arise if the proposed decision and related work is not taken**

38. The following risks have been identified:

- Risk of not meeting on Climate Action Plan commitments
- Risk of reputational damage for not meeting the growing demand for on-street EVCPs

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

39. The table below sets out the risks that may occur if the recommended decision is made, together with potential mitigation measures.

<b>Risk Category</b>	<b>Comments/Mitigation</b>
<b>Strategic</b>	<p><b>Risk:</b> Delivery of charging points is delayed, and targets are not met.</p> <p><b>Mitigation:</b> The project is being actively managed, and issues are being identified and rectified as they occur.</p>
<b>Operational</b>	<p><b>Risk:</b> New charging technology makes chosen approach redundant</p> <p><b>Mitigation:</b> The charge points will be owned, installed and operated by the supplier. The risks of obsolescence are therefore with the supplier. This risk is extremely unlikely to occur in the short to medium term. Officer will continually assess the market and work with suppliers to ensure the public charging in Enfield keeps pace to any changes in the technology</p>
<b>Financial</b>	<p><b>Risk:</b> Appointed supplier fails</p> <p><b>Mitigation:</b> An exit strategy will be in place within the contract between the appointed contractor and the Council to ensure no financial impact is incurred by the Council.</p>
<b>Reputational</b>	<p><b>Risk:</b> Poor service being provided by the supplier</p> <p><b>Mitigation:</b> The contract will include a robust set of KPIs which will be routinely monitored for compliance throughout the life of the contract.</p>
<b>Regulatory</b>	<p><b>Risk:</b> Need For TMOs to ensure access to EVCPs</p>

	<b>Mitigation:</b> Local engagement and public notices will be undertaken well ahead of installation to ensure residents are informed and have a chance to have their say
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Date of report: 15<sup>th</sup> December 2023

### **Appendices**

**Appendix A: EV Charging delivery models**

**Appendix B - EQIA EV charging projects Nov 2023**

**Appendix C – Provisional Rapid Charger Tranche 1 Site List**