

# EXECUTIVE DECISION

made by a Council Officer




## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD10 21/22

Decision	
1	<b>Title of decision:</b> EV Charging Operator Concession Agreement, Mobility Hubs
2	<b>Decision maker (Council Officer name and job title):</b> Paul Barnard, Service Director, SP&I
3	<b>Report author and contact details:</b> John Green, Low Carbon City Officer, SP&I <a href="mailto:john.green@plymouth.gov.uk">john.green@plymouth.gov.uk</a> T: 01752 306855
4a	<b>Decision to be taken:</b> Authorise the award of a 10-year Concession Agreement (extendable by a further 4 years) for an EV Charging Operator for the Mobility Hubs project. Details of the successful tenderer are set out in the Contract Award Report Part 2.
4b	<b>Reference number of original executive decision or date of original committee meeting where delegation was made:</b> L43 19/20 3 <sup>rd</sup> July 2020
5	<b>Reasons for decision:</b> Provides authorisation to spend funds allocated within Tranche 2 of the Transforming Cities Fund awarded to Plymouth City Council.
6	<b>Alternative options considered and rejected:</b> a) Do not award a contract to the tenderer that achieved the highest score in the procurement of an EV Charging Operator and instead restart the procurement process. This has been rejected as the winner tender from the procurement of an EV Charging Operator was of very high quality and will provide payment to Plymouth City Council of 5% of all revenue (excluding VAT) generated. The due diligence carried out on the winning tenderer has provided the assessment team with confidence regarding the capacity of the company to provide the services required of an EV Charging Operator for the Mobility Hubs project. b) Do not award a contract for an EV Charging Operator and instead recommend that the Mobility Hubs project should not include electric vehicle charge points. This has been rejected as this would affect the viability of the Mobility Hubs project, which is a key component within the portfolio of Tranche 2 Transforming Cities Fund projects being supported by the Department for Transport.
7	<b>Financial implications and risks:</b> No payment will be made by Plymouth City Council for this component of the Mobility Hubs project. Plymouth City Council will receive 5% of all revenue (excluding VAT) generated from the charge points by the successful tenderer throughout the contract. The Concession Agreement requires the successful tenderer to indemnify Plymouth City Council

	against any third party claims arising out of, or connected to, services provided under the contract. They are also required to maintain appropriate insurance policies. There are no significant financial liabilities resting with Plymouth City Council.			
8	Is the decision a Key Decision? (please contact <a href="#">Democratic Support</a> for further advice)	Yes	No	<b>Per the Constitution, a key decision is one which:</b>
			X	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
			X	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1million</b>
		X	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.	
8b	If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a>			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<p><b>Supporting policies within the Joint Local Plan (JLP)</b>, specifically Policy DEV29 (Specific provision relating to transport) as it will help provide sustainable transport choices supporting:</p> <p>5. Provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.</p> <p><b>Enabling action 2.38 of the Plymouth's Climate Emergency Action Plan (2021)</b> to "commence design work on the Mobility Hubs, that will offer a low carbon multi-modal network for travel throughout Plymouth and the surrounding area".</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	The provision of EV charge points through the Mobility Hubs project will provide people with opportunities to charge electric vehicles, offering lower carbon transport options compared to using private internal combustion engine cars, which if utilised will reduce the carbon emissions within Plymouth.		
<b>Urgent decisions</b>				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact <a href="#">Democratic Support</a> for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			

12b	Scrutiny Chair signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
<b>Consultation</b>				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	<input checked="" type="checkbox"/>	
		No		(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Jonathan Drean – Cabinet Member for Transport		
13c	Date Cabinet member consulted	3 <sup>rd</sup> December 2021		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	<input checked="" type="checkbox"/>	
15	Which Corporate Management Team member has been consulted?	Name	Anthony Payne	
		Job title	Strategic Director for Place	
		Date consulted	7 <sup>th</sup> December 2021	
<b>Sign-off</b>				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS79 21/22	
		Finance (mandatory)	pl.21.22.201	
		Legal (mandatory)	MS/2/37759	
		Human Resources (if applicable)		
		Corporate property (if applicable)		
		Procurement (if applicable)	PW/PS/609/ED/122 I	
<b>Appendices</b>				
17	Ref.	Title of appendix		
	A	Briefing report for publication (Contract Award Report Part I)		
	B	Equalities Impact Assessment		

Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	x	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.				
		No						
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:  Contract Award Report Part 2			x				
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below.  Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Business Case Transforming Cities Fund Tranche 2				X				
Council Officer Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature				Date of decision		07/12/21		
Print Name		Paul Barnard						