

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor David Rouane - Leader of the Council
Key decision?	No
Date of decision (same as date form signed)	30 November 2023
Name and job title of officer requesting the decision	Justin Andrewes, External Funding Lead
Officer contact details	Tel: 07759 841949 Email: justin.andrewes@southandvale.gov.uk
Decision	<p>To:</p> <ol style="list-style-type: none"> To support Oxfordshire County Council's (OCC) submission of a Stage 2 Application to the Office for Zero Emissions Vehicles (OZEV) by 30 November 2023 for Oxfordshire's allocation of c£3.6million Local Electric Vehicle Infrastructure (LEVI) funding, to help to deliver the aims and objectives of the Oxfordshire Electric Vehicle Infrastructure Strategy (See Appendix 1). To agree the decision to receive LEVI grant funding from OCC to cover capital and revenue costs, resources and legal fees required to carry out the relevant property due diligence and negotiation of leases, licences and easements/wayleaves on the land, associated with the installation of chargepoints. If the OCC funding submission is successful, to delegate to the Head of Development and Corporate Landlord, in consultation with the Head of Finance and the Head of Legal and Democratic, and the Leader of the Council: <ul style="list-style-type: none"> negotiation and completion of the final funding agreement with OCC for all LEVI funding. acceptance of any grant funding allocation for the council. To authorise the Head of Service for Development and Corporate Landlord to finalise locations of the chargepoints in consultation with the Lead members for Technical Services and Strategic Property. <p><i>The Oxfordshire Electric Vehicle Infrastructure Strategy is provided as supporting evidence:</i> Appendix 1 - OEVIS – OxfordshireElectricVehicleInfrastructureStrategy.pdf</p>

<p>Reasons for decision</p>	<p>The council has declared a climate emergency and committed to tackling and taking action on the Climate Emergency in the Corporate Plan and Climate Action Plan. The council’s climate emergency targets are as follows:</p> <ul style="list-style-type: none"> • To become carbon neutral in our own operations by 2025 and for South Oxfordshire to be a carbon neutral district by 2030. <p>Transition to electric vehicles (EVs) is an important element of reaching Net Zero. This project:</p> <ul style="list-style-type: none"> • Aligns with the council’s commitments in the Corporate Plans 2020-24: <ul style="list-style-type: none"> ○ “Action on the Climate Emergency” (South) • Supports delivery of actions in the Climate Action Plans (CAP) 2022-24: • L5 ‘Develop a business case for installing public EV charging points on additional council premises, including funding sources available’. • OP3 ‘Work with Oxfordshire County Council to support active and sustainable travel infrastructure initiatives.’ <p>The proposed programme will focus installing EV chargepoints within four key workstreams*:</p> <ul style="list-style-type: none"> • Residential EV Hubs in council-controlled car parks (including OCC Highway Car Parks) and third-party land in market towns, larger villages, and Oxford. A model will be used based on the “Park and Charge” project. Project managed by OCC in collaboration with the relevant districts. Councils will receive a share of revenue to be determined through competitive procurement. • Community Micro-Hubs at community buildings, primarily in rural areas of Oxfordshire, such as village halls and community centres. OCC to manage grants to be made available for installation of EV charge points and three years’ maintenance. Community organisations and/or local town and parish councils will receive a share of revenue to enable ongoing maintenance costs to be covered after initial three-year period. Officers representing each district council will have input into site selection for these sites. • Roadside EV Chargers on residential streets where no Residential EV Hub or EV Micro-Hub can be deployed within a five-minute walk. To be managed by OCC, who will receive a share of revenue. • Park & Ride EV Hubs at OCC Park & Ride sites, following the “Park and Charge” model. To be managed by OCC, who will receive a share of revenue. <p>*see Appendix 2 - OXLEVI Detailed Project Workstream Descriptions.docx</p> <p>Working collaboratively across Oxfordshire will save resource. While the funding has been allocated to Oxfordshire, if OZEV are not happy with the proposed approach, OCC will have to review and revise the application; this would mean the deadline for securing funds in Tranche 1, (financial year 2023/24) would be missed, delaying receipt of funding until 2024/25. Oxfordshire County Council has final say on allocation, so collaboration gives the opportunity to lobby on South Oxfordshire District Council’s behalf.</p>
<p>Alternative options rejected</p>	<p>The alternative is that the council does not support the application. To reach OEVIS targets the council will have to either:</p> <ul style="list-style-type: none"> • Source a Chargepoint Operator willing to part or fully fund

	<p>installation of the required EV chargepoints.</p> <p>OR</p> <ul style="list-style-type: none"> Fully fund the installation of EV chargepoints
Legal implications	<p>The proposed programme will require several types of contractual agreements, which are currently in draft and being reviewed by the districts' legal teams:</p> <p>Concession contract - Residential EV Hubs, Roadside EV Chargers & P&R EV Hubs</p> <ul style="list-style-type: none"> Councils will procure jointly, seeking a CPO to act as a Concessionaire. Each partner council will enter into a bilateral contract with the CPO to deliver and operate EVCPs on land under their control. Key contract terms will be identical for each council and are based on the council's previous EV project terms, although site specific clauses or supplementary agreements (land leases, licences to alter) will differ. A version of the contract is being developed for sites that it is already seen development may occur, with appropriate flexibility built in. Expected concession contract length is 15 years. Roles and responsibilities under the contract will follow an established pattern for EV charging concessions. <p>Further internal legal and property team input will be required to:</p> <ul style="list-style-type: none"> carry out property due diligence on each of the parts of the car parks/land where charge points are to be sited prior to entering into the CPO contract. This due diligence will include property surveys of each site, and legal title reports.
Financial implications	<p>OCC has been allocated £3.655M funding from OZEV's LEVI Capital grant fund for capital delivery as well as £529k funding from the LEVI Capability grant fund for resourcing.</p> <p>The tier two councils will receive LEVI grant funding from Oxfordshire County Council to cover capital and revenue costs, resources and legal fees required to carry out the relevant property due diligence and negotiation of leases, licences and easements/wayleaves on the land, associated with the installation of chargepoints.</p> <p>OCC anticipates the four District Councils needing to contribute £37,000 between them*, to cover the Project Manager post for the last 6 months of the project in 2026, as LEVI Capability Fund cannot be used past 2025. Officers anticipate that any potential required spend can be met from existing resources.</p> <p>*see Appendix 3 - OXLEVI resourcing options_sharing copy_22 August 20231.pdf</p>
Climate implications	<p><i>An OCC Climate Impact Assessment is provided as supporting evidence (this has been created using OCC's internal tool, not the recently developed South and Vale tool, as this is an OCC application):</i></p> <p><i>Appendix 4 - OXLEVI Climate Impact Assessment.xlsx</i></p>
Equalities	<p>Overall, the OXLEVI project seeks fundamentally to increase access to</p>

<p>implications</p>	<p>EVs across all groups and to avoid/redress any inequalities created by an otherwise market-led approach to EV charging infrastructure provision.</p> <p>An Equalities Impact Assessment has been completed by OCC for the OXLEVI programme which concludes that:</p> <ul style="list-style-type: none"> • No groups are disadvantaged or discriminated against by the OXLEVI programme. • Several groups are positively advantaged by the programme, which are as follows: <ul style="list-style-type: none"> ○ People with disabilities – as at least one DDA compliant accessible EV charging bay will be installed at every EV charging hub (where possible), and all suppliers will be asked in the tender to explain how they intend to meet the new PAS 1899:2022 guidelines for accessible EV charging. Roadside charging will be the lowest priority (and may be installed on buildouts where needed), thereby leaving pavements freely accessible for walking and wheeling. ○ Rural communities – who are more isolated and car dependent will be given greater opportunity to benefit from the transition to zero carbon EVs through the community microhubs scheme, which will be able to offer affordable EV charging at a community level in more remote geographical areas. ○ Deprived communities – EV uptake might currently be slower in such areas but is set to increasing as more working drivers switch to EV and the secondhand EV market expands. The strategic approach and site selection will mean a fair spread of EV chargers across these as well as the more affluent areas, ensuring more deprived areas are not left behind or disadvantaged. ○ Carers - will arguably be advantaged by the programme since they are likely to be regularly driving cars around Oxfordshire to fulfil caring responsibilities and will be more enabled to switch to driving EV when there is a comprehensive network of reliable and affordable chargers right across Oxfordshire. <p><i>An OCC Equalities Impact Assessment is provided as supporting evidence:</i></p> <p>Appendix 5 - OXLEVI Equalities Impact Assessment.docx</p>
<p>Risks</p>	<p>A full OCC Risk Assessment for this programme has been completed and key risks will be monitored and reviewed regularly during programme delivery via the newly arranged governance processes for the OXLEVI programme; a monthly Delivery and Operational Group, escalating to a quarterly Strategic Oversight Programme Board.</p> <p><i>The key risks to be aware of at this point in time are set out in:</i></p> <p>Appendix 6 - OXLEVI Key Risks.docx</p>
<p>Background papers considered</p>	<p>SMT-report-OXLEVI project-Nov23 FINAL.docx Appendix 1 - OEVIS – OxfordshireElectricVehicleInfrastructureStrategy.pdf Appendix 2 - OXLEVI Detailed Project Workstream Descriptions Appendix 3 - OXLEVI resourcing options sharing copy_22 August</p>

	20231.pdf Appendix 4 - OXLEVI Climate Impact Assessment.xlsx Appendix 5 - OXLEVI Equalities Impact Assessment.docx Appendix 6 - OXLEVI Key Risks.docx		
Declarations/ conflict of interest? Declaration of other councillor/ officer consulted by the Cabinet member?			
List consultees	Name	Outcome	Date
Ward councillors			
Legal legal@southandvale.gov.uk	Pat Connell	Legal implications agreed on MS Teams meeting	14/11/23
Finance Finance@southandvale.gov.uk	Damon Cotterill	Agreed in finance.	16/11/23
Climate and biodiversity climateaction@southandvale.gov.uk	Chloe Bunting	Agreed from a climate and biodiversity perspective – transition to electric vehicles is an important part of the journey to net zero. Also to note, it is positive to see a Climate Impact Assessment referred to and completed for the project, demonstrating strong climate outcomes. However, I recommend it is emphasised that this is the OCC tool/version – as we (South and Vale) are imminently launching our own version, which is different to the attached version.	20/11/23
Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchell	Good to see that an EIA has been completed by OCC. I have no further comments to add.	15/11/23
Procurement Procurement@southandvale.gov.uk	Angela Cox	I just wanted to confirm for the record, that although I was involved in initial meetings/discussions it soon became apparent that I was not authorised to make any decisions on	14/11/23

			behalf of either council on the procurement for this. So although I agree with the approach it's not my decision to sign it off.	
	Human resources hadminandpayroll@southandvale.gov.uk			
	Property property@southandvale.gov.uk			
	Health and safety healthandsafety@southandvale.gov.uk			
	Risk and insurance risk@southandvale.gov.uk			
	Communications communications@southandvale.gov.uk			
Confidential decision? If so, under which exempt category?				
Call-in waived by Scrutiny Committee chairman?				
Has this been discussed by Cabinet members?				
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature: David Rouane – digital verification via email Date: 30 November 2023			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 14 December 2023	Time: 08:42
Date published to all councillors	Date: 14 December 2023	
Call-in deadline		

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Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income (except government grant) of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.