

## Slough Borough Council

<b>Report To:</b>	Cabinet
<b>Date:</b>	18 March 2024
<b>Subject:</b>	Electric Vehicle Charging Infrastructure Strategy 2024 - 2029
<b>Chief Officer:</b>	Pat Hayes
<b>Contact Officer:</b>	Savio DeCruz / Jason Newman
<b>Ward(s):</b>	All
<b>Portfolio:</b>	Councillor Manku – Lead Member for Environment, Environmental Services, and Open Spaces
<b>Key Decision:</b>	YES
<b>Exempt:</b>	NO
<b>Decision Subject To Call In:</b>	YES
<b>Appendices:</b>	<b>Appendix A</b> – Draft Electric Vehicle Charging Infrastructure Strategy 2024 – 2029 <b>Appendix B</b> – Equality Impact Assessment (EIA) <b>Appendix C</b> – LEVI Application Process

### 1. Summary and Recommendations

1.1 This report requests approval of the Electric Vehicle Charging Infrastructure (EVCI) Strategy 2024 – 2029. The Strategy is a step requirement of the Government's Local Electric Vehicle Infrastructure (LEVI) grant funding scheme. Officers will be preparing an application for April 2024 to claim the allocated £2.233m capital grant funding for installation of EVCI to primarily serve residents without the ability to charge at home.

#### Recommendations:

Cabinet is recommended to:

- a) Approve the EVCI Strategy 2024 – 2029 set out in Appendix A.
- b) Adopt the British Vehicle Renting & Leasing Association (BVRLA) Fleet Pledge at Figure 2.
- c) Delegate authority to the Executive Director of Regeneration, Housing & Environment, in consultation with the S.151 Officer and the Lead Member for the Environment, Environmental Services and Open Spaces, to approve submission of the Stage 2 & 3 funding applications under the LEVI scheme.
- d) Approve the addition of new capital programmes of up to £5 million in connection with the LEVI scheme on the basis that all expenditure is covered by external grant and third-party funding.
- e) Delegate authority to the Executive Director of Regeneration, Housing & Environment, in consultation with the Lead Member for the Environment,

Environmental Services and Open Spaces, to commence the process for commissioning suppliers for EVCI using a compliant procurement route.

- f) Delegate the decision to award and enter into the contract(s) to the Executive Director – Regeneration, Housing & Environment, in consultation with the S.151 Officer and the Lead Member for Environment, Environmental Services & Open Spaces, subject to the funding being available from the LEVI grant and match funding from the private sectors.

Cabinet is asked to note that:

- g) A report will be brought to Cabinet by 31<sup>st</sup> December 2024 to update on the application under the LEVI Scheme and the procurement of EVCI.

**Reason:**

- 1.2 Agreement to these recommendations will enable the Council to proceed without delay with its application for capital grant funding for provision of EVCI under the Office for Zero Emission vehicles (OZEV) LEVI Scheme, to meet the future charging needs of residents and fleet vehicles; and where possible develop an EVCI network to generate an income.

**Commissioner Review**

Commissioners have reviewed this report and have no specific comments to add.

**2. Report**

**Introductory paragraph**

- 2.1 The Council's Corporate Plan 2023 – 2027 includes priorities which are supported by the decisions described in this report:

- **A cleaner, healthier and more prosperous Slough** – facilitating transition to electric vehicles reduces exhaust emissions of air pollutants and represents key actions in the Council's adopted Climate Change Strategy and Action Plan, Air Quality Action Plan and Low Emission Strategy. Within this third priority the Corporate Plan focuses on improving air quality, promoting active travel and sustainable forms of transport, and taking action to prevent or minimise the impact of climate change.

**Options considered: -**

<b>Option</b>	<b>Description</b>
<b>1 – Approve and implement the EVCI Strategy 2024 - 2029</b>  <i><b>This option is recommended.</b></i>	Preparation of an EVCI Strategy is a requirement of the LEVI scheme. The Council needs to be able to demonstrate a strategic approach to planning EVCI installation across the relevant parts of the Council in order to meet the conditions of the funding. If the Strategy is not approved, the Council will not fulfil the Stage 2 application criteria and may not be successful in its funding claim. The funding allocated is £2.233m, with an expectation of at least 50% match funding from the private sector. The strategy is therefore an opportunity to help unlock

	<p>upwards of £5m of investment into electric vehicle charging in the Borough.</p> <p>The Stage 2 application also requires the Council to submit a procurement approach and draft Heads of Terms. The Strategy sets out a procurement approach using a specialist framework to select a charge point operator supplier on a concession contract. Using a framework is the most efficient approach to procurement and will enable preparation of documentation in a timely manner ahead of the Stage 2 application deadline. It will also ensure that the Council prepares a robust, attractive tender with competitive bids to achieve best value for money. A concession approach removes the financial and operational risks of installation and operation of the network from the Council, while providing most favourable commercial terms to secure an income from the infrastructure. The contract will require the charge point operator to own and operate the above ground hardware, taking responsibility for maintenance, payments and customer service.</p>
<p><b>2 – Reject the EVCI Strategy</b></p> <p><i><b>This option is not recommended.</b></i></p>	<p>Uptake of electric vehicles is continuing to grow rapidly. Usage of existing EV charge points has risen year on year. This will continue in the coming years as we move toward the ban on sale of cars and vans solely powered by petrol and diesel in 2035. While the Borough currently has comparable numbers of rapid charge points to neighbouring Boroughs (in absolute terms and by population levels), it lags other Boroughs in provision of lower powered and on-street charge points. This area of the charge point market requires public sector assistance to mature the market and bring forward suitable sites. Government has introduced the LEVI scheme to give highways authorities grant funding to resource and inject capital into boosting this provision. Without an EVCI Strategy the Council cannot take advantage of the Government funding and may in future be forced, as a statutory requirement, to provide on-street EV charging without funding.</p>
<p><b>3 – Agree specific aspects of the EVCI Strategy</b></p> <p><i><b>This option is not recommended.</b></i></p>	<p>The government funding under the LEVI scheme focuses on providing charging for residents without access to home charging. This type of charging can also help EV uptake by car clubs, and professional drivers (e.g. taxi drivers, trades and delivery drivers). Unlike London boroughs, streetlight lampposts are not universally located at the front of pavement in Slough, which would enable a uniform approach of dual use of this existing infrastructure. In addition, the differing styles of housing and parking arrangements in the suburbs of the Borough mean that a combination of approaches is required. No one approach or technology is likely to work for all parts of the Borough. The Strategy therefore is based on providing charging points within 5 minutes walk of homes of residents without access to home charging through both on-street and off-street placement using highways land and wider Council owned land as appropriate. A combination of approaches will be essential to maximise the number of households reached by the charging infrastructure provided for the funding available, and to provide value for money through flexibility of approach – i.e. not having to install one specific technology or in set locations.</p>

## Background

- 2.2 Although recently postponed, the Government's ban on the sale of all new petrol and diesel cars and vans is still due to come into force in 2035 (previously 2030). By 2023 the market share of sales of new Battery Electric Vehicles (BEVs) and Plug-in Hybrid Electric Vehicles (PHEVs) accounted for nearly a quarter (>24%) of new car registrations. The total number of plug-in vehicles in the UK climbed past 1 million in September 2022, accounting for 2.5%, or 1 in 40, of all registered vehicles on the road.
- 2.3 The Department for Transport publish quarterly statistics on vehicles of different fuel types registered to each local authority area. Over recent years this has consistently placed Slough within in the top three local authorities in England for total numbers of plug-in vehicles registered. However, statistics are now disaggregated for company and private vehicles confirming that the overwhelming majority of these ultra-low emission vehicles are company vehicles, mostly likely to be associated with major vehicle leasing companies head quartered in the Borough. While 18.5% of the company fleet registered to Slough is comprised of ultra-low emission vehicles, only 1.9% of the private fleet registered to Slough were battery or plug-in hybrid electric vehicles as at the end of June 2023.
- 2.4 Access to sufficient, reliable and reasonably priced public charge points remains to be one of the main barriers, both real and perceived, to EV uptake. This is particularly relevant as the price of new EV cars and vans (relative to petrol and diesel models) begins to fall and the supply of second hand EVs increases, thereby alleviating the barrier of high initial purchase costs. The above figures on the number of private vehicles registered to Slough highlight that EV uptake lags the national and regional average and that more needs to be done to ensure that residents are supported to make the transition from combustion fuelled vehicles to electric or alternative fuels.
- 2.5 Slough has not previously had any detailed operational strategy or policy for the deployment and management of EV charging infrastructure. Programmes for installation of public and taxi charging infrastructure networks were included in the Council's Low Emission Strategy 2018 – 2025 (updated in December 2020).
- 2.6 The Council owns an existing network of 20 public EV charge points installed over the past 5 to 10 years, operated by BP Pulse, and 11 public EV charge points operated by PodPoint. Several charge points have had to be removed from the network due to being no longer viable to repair and maintain. Refreshing the existing network, and where appropriate adding extra charge points at these locations, will also form part of the Council's EVCI Strategy.
- 2.7 Cabinet approval was given in May 2023 to stop offering free vend charging at any of the Council's public EV charge points, and a user tariff has now been implemented at the last five free\*<sup>1</sup> charge points. In addition, following the Cabinet approval, the Council has opened up 11 PodPoint charge points, originally installed as Council fleet workplace chargers in Herschel car park basement, to the public.

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<sup>1</sup> Parking fees applied at four of the five free vend charge points in Herschel and Hatfield car parks, and restricted opening hours applied at Cippenham Library.

- 2.8 Plug-in electric vehicles now account for nearly 25% of new car sales in the UK and have a small but rapidly growing overall market share. Nationally there has also been a sharp growth in the number of charge points, especially rapid charge points, where the commercial market is strongest. The majority of current EV drivers charge their vehicles at home, being more convenient and much cheaper than reliance on the public charging network. However, only about 60% of Slough households have access to off-street charging, and currently only 20%<sup>2</sup> of households that would be reliant on public charging are within 5 minutes walking distance of an existing public charge point. This is geographically skewed towards residents in the town centre or near the A4 Bath Road, leaving many residential suburbs poorly served by existing public charging infrastructure (see Figure 1).
- 2.9 The Council has a role in taking a strategic view to ensure a balanced public charging network that does not just serve the most commercially viable locations but provides an equitable network for our residents and businesses. As highway authority and a major landowner, the Council is ideally placed to work with the private sector charge point providers to boost the availability of charging closer to residential areas that need it. By the Council ‘leading’ in this area of charging (see Table 1), and ‘enabling’ the private sector to develop EV charge point solutions for commercial sites and new buildings, the Council can focus its efforts and resources where it would best serve residents without access to home charging.

*Table 1: The Council’s role in EV charge point provision*

<b>EV charging policy area</b>	<b>Strategic priority (lead/ enable)</b>
Residential (on-street)	Lead
Residential (hub charging)	Lead
Residential (council owned housing)	Lead
Across the council estate	Lead
E-car clubs	Lead
Fleet	Enable*
Planning of new development	Enable
Destination charging	Enable
On-route charging	Enable
Workplace charging	Enable
Bus/ taxi electrification	Enable

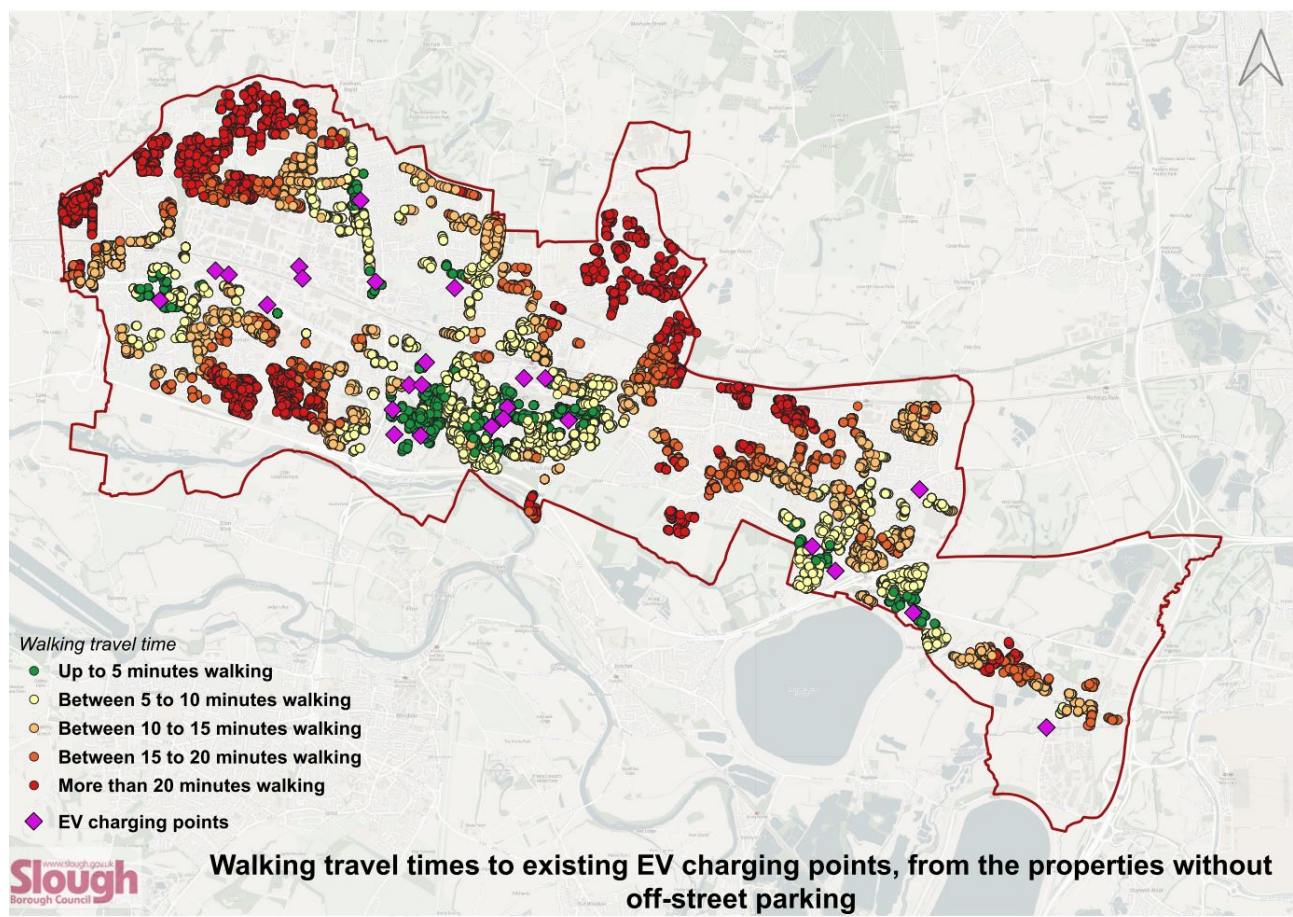
*\* Note: Fleet – Enabling includes ensuring residential and wider Council estate charging provision can accommodate small fleet vehicles wherever possible – i.e. in terms of height restrictions and lengths of bays*

- 2.10 These areas where the Council will be ‘leading’ form the primary focus of the EVCI Strategy. The headline aim is “to develop a comprehensive plan for EV charging infrastructure in Slough that ensures both residents and visitors have sufficient access to affordable, reliable and accessible charging, thus enabling the switch to EV and delivering against our sustainability goals”.

<sup>2</sup> <https://onstreetcharging.acceleratedinsightplatform.com/>

2.11 Over 170,000 national lease fleet vehicles are registered in Slough. It is therefore difficult to obtain forecast information on future projected growth of electric vehicle numbers in the local vehicle park, and from this an estimated number of charge points required to service those vehicles, that is not skewed by those vehicles registered to Slough but whose keepers are spread around the UK. All current published projections for Slough are impacted in this way. Working with the private sector, we have access to a bespoke projection that indicates that by 2030 there could be in the region of 11,000 electric vehicles in Slough without access to home charging. The number of electric vehicles that can be served by a charge point depends on a number of factors such as power (i.e. duration of charge), number of sockets and any dwell time restrictions. A ratio of 10 EVs to each public charge point is a commonly used gauge. This means that by 2030 Slough could require approximately 550 charge points (assuming dual sockets) to serve the projected number of vehicles reliant on public charging infrastructure. Using the National EV Insights and Support service (NEVIS) projection methodology, which includes a ratio of four EVs to each charge point, geared towards low powered on-street charging, around 1,000 – 1,100 charge points are projected to be required by 2030. Government statistics for end of Q2 2023 report a current total of 96 charge points in the Borough.

**Figure 1 Walking times to existing public EV charge points for properties without off-street parking**



2.12 Currently only about a fifth of households reliant on public charging in Slough are within a 5-minute walk of a public charge point. This is geographically skewed towards residents in the town centre or near the A4 Bath Road, leaving many residential suburbs poorly served by existing public charging infrastructure (see Figure 1). Our aim within the Strategy is to provide and enable public charging such

that 80% of such households are within a 5-minute walk of a charge point(s). This is an aspirational target. Research published in 2022 indicates that in Great Britain the only local authority areas to currently surpass a 60% coverage are London Boroughs and Brighton and Hove Council. The small, compact and urban geographical area of Slough makes this aspiration more achievable than in other neighbouring or Berkshire authorities for example.

2.13 The Strategy considers several challenges associated with providing EV charging infrastructure, particularly in respect of on-street charging, as outlined in Table 1:

**Table 1 Electric Vehicle Charging Infrastructure Installation Challenges in Slough**

<b>Issue</b>	<b>Challenge</b>
<b><i>Car ownership</i></b>	There are high levels of car ownership in Slough. Nearly two-fifths of households have 2 or more cars or vans, while 10% of households in Slough have 3 or more cars or vans. Combined with a lack of off-street parking, this creates parking pressure.
<b><i>Parking</i></b>	High parking pressure and the nature of street layouts means that in many areas of the Borough the demarked, accepted or customary parking practice is either wholly on the pavement or half on-half off the pavement to make space for parking without blocking running lanes of traffic. This is often at the detriment of footway space, where traditional on-street charging would be sited.
<b><i>Street furniture clutter</i></b>	Lampposts in the Borough were refreshed in 2017/18 for LED streetlights, with many being moved to the back of the pavement. The successes in London Boroughs achieving good coverage of EV charge points have been driven in a large part by charge points integrated into street lighting columns situated kerbside, creating a cheap and practical charging solution that can be rolled out quickly on mass to reduce the need for Traffic Regulations Orders to restrict bays just for EV charging. There are some estates and areas within Slough where lamppost charging may be suitable, but this is unlikely to be the sole solution for the Borough.
<b><i>Tenure of household</i></b>	Officers have been working to map residential areas likely to be dependent on public charging by housing types without off-street parking (typically period terraced housing), and those with communal parking or allocated parking remote from the main property, including flats. However, tenure can also mean that those in rental properties, even with off-street parking, are not able to install home charging due to their tenure type. Over half of households in Slough are rental tenancies – 19.6% socially rented and 30.9% privately rented. While grants are available to freeholders and landlords towards costs of installation of charge points for their tenants, this can be practically very difficult to achieve as a rental tenant.



<b>Grid capacity constraints</b>	On-street residential charging solutions can often be low powered due to longer dwell times for charging, and individually are less likely to create electricity grid capacity issues, but a roll out programme of tens or hundreds of charge points could in combination be constrained by grid capacity.
<b>Commercial opportunity sites</b>	it can reasonably be expected that public EV charge points will be brought forward at sites such as petrol stations, supermarkets, retail parks, out of town stores, pubs, and drive-thrus, as an ancillary income stream for the business owner. Such sites would offer an option for household's dependent on public charging, but these charge points are often offered at premium tariffs and have dwell time restrictions. In addition, in Slough the location of these types of sites do not align with areas most poorly served currently by charge points, so the Council cannot rely on commercial sector provision to meet the needs of our residents.

- 2.14 The approach proposed within the Strategy is that the Council will work with the private sector to secure concession contracts to provide on-street charging to residential areas in need where possible. In neighbourhoods where on-street charging cannot be provided due to a lack of suitable sites, the Council will look to provide charge points on Council owned land, including housing land, car parks and the wider Council estate. This could include small charging hubs – siting multiple charge points in one location to serve a wider community.
- 2.15 The UK Government has recognised the need for local authorities in England to work with the charge point industry to improve the roll out and commercialisation of local charging infrastructure. To this end they have established the Local Electric Vehicle Infrastructure (LEVI) fund including: capital funding to contribute to the costs of delivering charge points; and capability funding for Councils to employ and train new staff specifically to plan and deliver charge points. As a highways authority the Council has been allocated funding to provide EV charging for the primary benefit of residents without off-street parking. The LEVI funding and other funding sources that will be used to deliver the strategy are discussed further in Section 3.1.
- 2.16 LEVI funded projects can also benefit other groups of EV drivers such as visitors, commuters, car clubs, taxis and commercial vehicles. As such it is important that charge points provided by the Council for the public must work for all types of road users where possible and are accessible adhering to published accessibility standards such as PAS1899 where feasible. This can also help increase the viability of charge points, achieving better value for money.
- 2.17 As such, the Strategy proposes that the adopts the British Vehicle Rental & Leasing Association's (BVRLA) Fleet Friendly Charging Infrastructure Pledge (see Figure 2). By supporting fleet charging it will encourage fleet investment into EVs, driving the second-hand market to be more affordable, and support professional drivers and local businesses based in the Borough. Without fleet consideration, drivers can be blocked from using EV bays due to short bay lengths or height barriers, for example.



**Figure 2**      **BVRLA Fleet Friendly Charging Pledge**

## **Fleet Friendly Charging Infrastructure Pledge**

**We will endeavour to:**

- **Consider fleet operators and drivers in our charging infrastructure plans and strategies.**
- **Engage with the fleet sector to understand their EV charging requirements.**
- **Provide fleet focused EV charging information and guidance.**

Visit [www.bvrla.co.uk/LApledge](http://www.bvrla.co.uk/LApledge)

2.18 In order to be eligible for the Government's LEVI funding, the Council will need to complete the next stage of the application process (see flow chart in Appendix 3) from April 2024. Following that the Council can commence procurement of private sector supplier(s). The LEVI Capital Fund timetable will dictate the delivery timeframes of the EVCI Strategy. Preparation of the LEVI applications and internal approvals will be supported by funding from the LEVI Capability Fund (see Sections 2.15, 3.1.1 and 3.7.5) and will be led by the Environment Lead and an interim EV Project Officer within the Carbon & Sustainability team – with recruitment pending of a fixed term post for the EV Project Officer in 2024 for the duration of the Capability Fund grant. The funding will also support input of officers from procurement and other technical teams such as highways/ parking.

2.19 While officers have undertaken a lot of mapping and research into areas of need and potential sites, the Strategy and the procurement exercise to follow have not, and do not, commit the borough to individual locations for charge points. Following procurement, the borough will work with the chosen charge point operator(s) to identify specific sites suitable for charge point installation, based upon localised demand and available power supply. These sites would then be subject to local public consideration, recognising that it will be important that the resulting installations meet the needs of all street users whilst enabling more people to have the confidence to switch to an EV. The Council has an existing e-form inviting residents to suggest charge point locations ([Electric cars – Slough Borough Council](#)). We will take account of these requests in planning for EV charging infrastructure.

### **3. Implications of the Recommendation**

#### *3.1 Financial implications*

3.1.1 In March 2023, the Council was awarded £72,180 from the Local Electric Vehicle Infrastructure (LEVI) Capability Fund for additional officer resource to develop an EV Infrastructure Strategy for Slough, to contribute towards a Berkshire-wide Strategy, and project manage EV infrastructure projects. At the end of March 2023, the Council was allocated a further £328,820 from the Capability Fund across

financial years 2023/24 and 2024/25, and up to £2.233m from the LEVI Capital Fund.

- 3.1.2 The LEVI Capital Fund is for deployment of electric vehicle charging infrastructure for the primary benefit of residents without off-street parking. The funding will be available to the Council in a second tranche of authorities, in financial year 2024/25. While the funding has been allocated to the Council the Council is still required to comply with an application process (see Appendix C) whereby it will be required to demonstrate how the funding will be utilised in compliance with the aims, objectives, terms and conditions of the funding<sup>3</sup>.
- 3.1.3 The first stage of the application process was to complete an Expression of Interest outlining the Council's proposal for this funding by 26 May 2023. The Stage 2 application, which will open for Tranche 2 authorities from 1 April 2024, will involve preparation of a full business case and detailed deployment plans (based on the Electric Vehicle Charging Infrastructure Strategy). Following approval of the Stage 2 application, 90% of the Capital Fund allocation would be released to the Council and the Council could open procurement. Therefore, subject to approval of the Council's Stage 2 application, capital receipts of up to £2.010m would be obtained in mid 2024/25. A flow chart summarising the LEVI scheme application scheme is provided in Appendix C.
- 3.1.4 The requirements of the LEVI scheme are for the Council to leverage the grant funding to achieve match funding from the private sector. The expectation is to achieve investment for at least 50% of the contract value. If the Council also includes existing grant funding and S.106 development contributions for electric vehicle charging, the total contract value for installation of EVCI is likely to be in the order of £5-6m.
- 3.1.5 The Council is in receipt of £157,500 capital grant funding for taxi priority rapid charging infrastructure awarded in 2017/18 and 2018/19 under the Ultra Low Emission Vehicle Taxi Scheme. The funding was for 50% of capital costs of seven rapid chargers to be match funded by the Council from the Capital Programme for the remaining purchase and installation costs. Following the Section 114 notice and withdrawal of the capital budget associated with the EV programme, the project has been deferred. The Council has also lacked the officer resource to-date to implement the scheme. The LEVI scheme offers the opportunity to utilise this grant and deliver the project.
- 3.1.6 Under the Low Emission Strategy programme the Council has been requiring implementation of EV charging at new developments and S.106 developer contributions towards off-site public EV charging and EV car clubs. As of December 2023, the Council is in receipt of £78.5k for public EV charging and £149k for car club schemes, with a further £1.681m in future S.106 Obligations. Legal agreements associated with S.106 contributions often have limitations on how and where (i.e. proximity to funding development) the contributions can be used, so those conditional requirements will still need to be met.

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<sup>3</sup> Energy Savings Trust, Local electric vehicle infrastructure fund. [Local electric vehicle infrastructure fund - Energy Saving Trust](#)

### 3.2 *Legal implications*

3.2.1 The Council's legal advisors, HB Public Law, have reviewed the recommendations made to Cabinet and provided the following supporting information:

- Recommendations 1.1 a) and b):

In relation to Recommendation 1.1 a) and b) these are permissible in accordance Part 3.5 of Responsibility for Executive Functions and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- Recommendations 1.1 c) and f)

In relation to Recommendations 1.1 c) and f) relating to the delegations of the submission of the funding applications under the LEVI scheme; and the awarding and entering into the concession contracts to the Executive Director of Regeneration, Housing and Environment (in consultation with the Executive Director of Finance and Commercial (the S151 officer) and the Lead Member for the Environment, Environmental Services and Open Spaces), these are permissible under section 9E of the Local Government Act 2000.

- Recommendation 1.1 d)

Cabinet is able to approve the capital virement referred to in the recommendation in accordance with paragraph 2.4.6 of the Council's Financial Procedure Rules which states "*Cabinet can approve spend on new capital projects up to £5m where expenditure is covered by external grant, is in accordance with the Council's treasury management strategy, has no full year revenue implications and does not exceed £20m in total in any one year*".

Council officers must maintain an appropriate audit trail to ensure that the aforementioned financial procedure rules are adhered to.

- Recommendation 1.1 e):

The Public Contracts Regulations 2015 (PCRs 2015), The Concession Contracts Regulations 2016 (CCRs 2016) and the Council's Contract Procedure Rules, specifically Slough Borough Council Procurement Application and Authorisation Table (Services), are applicable to this procurement. As the value exceeds £500,000 then authorisation must be via a Cabinet Report; a mini business case to be approved by Strategic Procurement Review Board; and a full business case to the relevant Procurement Review Board.

Due to the value of the services/concession being procured the procurement strategy must comply with the PCRs 2015, CCRs 2016 and the Council's Contract Procedure Rules. Council Officers must consult with HB Public Law and the Procurement Service to agree a compliant procurement method prior to any procurement commencing.

Council Officers may use an established framework, as per the main body of this report, however Council Officers must ensure any framework passes the following tests:

- The framework agreement was procured in accordance with Public Contracts Regulations 2015 and that any call-off contract complies with the CCRs 2016.
- The framework agreement has not expired.
- The Council was named as a contracting authority that may call-off the services from the framework agreement.
- The services to be called off fall within the scope of the framework agreement.
- The estimated value of the framework agreement as advertised has not been exceeded.

Once the contract has been entered into this will need to be recorded on the Council's contract register.

As it is a concession type arrangement that is being called-off, then the Council must take cognisance of The Concession Contracts Regulations 2016 specifically Regulation 18(3) which states "*For concession contracts lasting more than 5 years, the maximum duration of the concession contract shall not exceed the time that a concessionaire could reasonably be expected to take to recoup the investments made in operating the works or services together with a return on invested capital taking into account the investments required to achieve the specific contractual objectives. more particularly the duration of such concession type arrangements*".

- General property law legal implications:

The Council will assess and appropriately deal with any title or other restrictions affecting the locations and properties which are identified for the installation of EV charge points.

3.2.2 There is currently no statutory duty on the Council to provide public electric vehicle charging, although the Council has other overarching duties in relation to air quality, planning, transport and environmental standards. However, the UK electric vehicle infrastructure strategy (DfT, 25 March 2022, [Taking charge: the electric vehicle infrastructure strategy](#)) outlines that the Government will transform local on-street charging by putting an obligation on local authorities (subject to consultation) to develop and implement local charging strategies to plan for the transition to a zero-emission vehicle fleet.

3.2.3 Ahead of any legal obligations, to support local authorities the Government has introduced the Local Electric Vehicle Infrastructure (LEVI) Fund comprising a Capability Fund for additional resources and a £400m Capital Fund for deployment. All highways authorities in England have been allocated a maximum funding amount from each pot, rather than being required to competitively bid<sup>4</sup>. To receive the funding, the Council will be required to demonstrate how the funding will be used to meet the scheme objectives. Utilising this capital grant funding now while it

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<sup>4</sup> Local Electric Vehicle Infrastructure (LEVI) funding amounts: Capital Fund <https://www.gov.uk/government/publications/local-ev-infrastructure-levi-funding-amounts/local-electric-vehicle-infrastructure-levi-funding-amounts-capital>  
Capability Fund: <https://www.gov.uk/government/publications/local-ev-infrastructure-levi-funding-amounts/local-ev-infrastructure-levi-capability-funding-amounts>

is available, will reduce the risk of the Council having to respond to a future statutory duty to install public charging infrastructure. These grant payments will be made under Section 31 of the Local Government Act 2003.

3.2.4 In order to access the available Capital grant funding under the LEVI scheme, the Council is required in its Stage 2 and 3 applications (see Appendix C) to comply with the LEVI Capital Fund conditions: [LEVI capital fund infopack \(energysavingtrust.org.uk\)](http://energysavingtrust.org.uk). The conditions include requirements and considerations that the Council must make in respect of contract length, revenue and profit share, control over tariffs charged to consumers, time of use tariffs, CPO exclusivity and competition, ownership of local connection assets, ownership of charging assets, operation and maintenance costs, reporting on installed charge points to Government and project delivery tracking using required KPIs.

3.2.5 The Government has made the capital funding available to stimulate the commercial market to improve viability of on-street charging infrastructure. Due to the lag between installation and profitability of charge points, and the scale of the upfront investment and the numbers of charge points to be installed, longer contract durations are expected for on-street charging infrastructure. LEVI scheme support body advises that contract lengths of 8-20 years are to be anticipated.

### 3.3 Risk management implications

3.3.1 The following key risks have been assessed: -

No.	Potential Risk	Mitigation
1	Not accessing Capital Funding due to unsuccessful Stage 2 application	Officers are drawing upon the learning of other Berkshire authorities in tranche 1 whom have already submitted their Stage 2 applications; and will continue to utilise the available free resources and help provided by the LEVI scheme's support body to ensure that the Council's Stage 2 application includes the expected information and detail to meet the terms and conditions of the LEVI scheme.
2	Inability to procure	<p>Officers will be using reference contract materials from the LEVI scheme support body. The Stage 2 application will include a procurement strategy and evaluation approach and draft Heads of Terms to be reviewed by OZEV and its support body.</p> <p>Continued market engagement ahead of formal procurement and use of a specialist framework offering a range of providers will also ensure that procurement documentation does not deter bidders.</p> <p>Soft market testing has demonstrated that providers are keen to install EVCI in Slough due to its geographical location adjacent to Greater London where EVCI demand is strong and the infrastructure is already more developed, and suppliers having existing local networks and technical teams. The level of Capital Funding available to the Council, the</p>

		compact nature of Slough and the density of future demand also makes Slough attractive to potential suppliers.
3	Commercial failure of the procured supplier	<p>Robust review at procurement will consider the financial sustainability of the bidders. Contracts will include break clauses to provide the Council with an exit from the contract if the supplier consistently fails to perform.</p> <p>The Council will own the below ground infrastructure. Securing electricity supply is the highest proportion of installation costs. By procuring installation using interoperable systems, it would be relatively cheap and easy for a new supplier to retrofit to existing charge points in comparison to the initial installation costs and timeframes.</p>
4	Lack of use by public of installed infrastructure	<p>Good quality existing charge point infrastructure is already well utilised. By ensuring good design standards and appropriate locations for charge points the risk can be minimised.</p> <p>Usage will vary across the charge point network. The aim of the EVCI Strategy is to make charge points available to as many residents in need as possible and not just deploy in the most profitable locations. The Council has a role in equitable provision.</p>
5	Slow roll out of infrastructure installation	Using a concession agreement approach the operator will be incentivised to install charge points ahead of the demand curve to maximise their revenue.
6	Poor quality performance of installed infrastructure	Using a concession agreement approach KPIs and contract renewal terms mean operators can be held to account on performance. Suppliers are incentivised to maintain and upgrade hardware during the life of the contract as they retain most of the network's revenue.
7	Cost escalation and pressure on Council revenue budgets	<p>Using the LEVI Capital Funding and other existing grant deposits and S.106 contributions no capital outlay is required by the Council.</p> <p>Using a concession agreement approach, the operator takes most of the operational and financial risk away from the Council. The operator will be required to fund all maintenance and operating costs during the contract. An appropriate level of contingency will be incorporated into the contract and should it be necessary the programme will be condensed within the available funding envelope.</p> <p>The terms of the contracts will give a revenue income to the Council to reinvest into management and development of the EVCI network.</p>

8	Insufficient electricity supply to meet demand	<p>Through the Berkshire EV officer and the chosen charge point operator the Council will engage early with the DNO about its EVCI Strategy and proposed delivery plans. Early awareness of available capacity and upgrade plans will greatly assist in planning.</p> <p>The primary focus of the EVCI Strategy is to deliver lowered powered charge points in residential areas. Therefore, individually charge points are less likely to be constrained by capacity issues on the electricity grid, but collectively in high numbers may present an issue.</p>
9	Increased parking pressure and resident dissatisfaction with charge point locations	<p>With the amount of capital funding available to the Council, combined with private investment, the Council intends to be able to roll out sufficient charge point infrastructure (i.e. multiple charge points at each location) so as not to require enforcement of electric charging spaces through Traffic Regulations Orders where possible.</p> <p>The Council will retain an e-form to allow residents to suggest charge point locations and will take account of resident requests in planning charge point sites.</p>
10	Lack of Officer resource to manage the network and develop the EV Infrastructure Strategy	<p>The Council has been allocated ring-fenced funding under the LEVI Capability Fund for officer resource for 3 years to drive forward EV projects. This funding is anticipated to cover some officer time through to 2025/26.</p> <p>A contractual requirement for ground rent and or profit/revenue share by the charge point operator will provide the Council with an income that can be reinvested into contract management officer resource during the lifetime of the contract.</p>

### 3.4 *Environmental implications*

- 3.4.1 The proposals align with the Council's Climate Change Strategy and Action Plan and Low Emission Strategy.
- 3.4.2 The Council's Climate Change Strategy and Action Plan, adopted December 2021, evidences that emissions from transport represent 30.8% of Slough's emissions profile, with 23.2% of emissions from on-road transport. The Climate Change Strategy outlines that one of the most important steps to reducing transport emissions in Slough is the transition to electric vehicles.
- 3.4.3 A key aim of the Council's Low Emission Strategy is to improve air quality and health outcomes across Slough by reducing vehicle emissions through the accelerated uptake of cleaner fuels and technologies. The Strategy supports home and workplace charging as the primary charging locations utilising the local planning process, corporate social responsibility and private sector investment, but recognises the need for a strategic Slough public charge point network and ensuring charging opportunities are available for residents with and without private driveways.



3.4.4 The Council's electricity supply contract is from 100% renewable energy sources to minimise the Council's carbon footprint. This is proposed to also be a contractual requirement where operators are purchasing energy themselves for new charge points.

3.4.5 Under the terms of the LEVI Capital Fund the Council will be required to request suppliers to evidence the consideration of carbon reduction within the installed charge point lifecycle, including, but not limited to, charge point design, manufacture, transport, installation, operation and decommissioning.

### 3.5 *Equality implications*

3.5.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty and under s.149 it requires Public Bodies as decision makers to have 'due regard' to achieving several equality goals, which includes the need to:

a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.

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.

3.5.2 Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

3.5.3 The broad purpose of this duty is to integrate considerations of equality into day-to-day business and keep them under review in decision making, the design policies and the delivery of services.

3.5.4 Accessibility to EV charging infrastructure is an issue potentially impacting upon age and disability, particularly for EV drivers and prospective users of charge points, with regard to the need to connect cables to vehicles, trailing cables, weight of cables, lack of space around bays to circulate, height of user interfaces with the charge point and any kerbs or anti-vandalism barriers around charge point units.

3.5.5 Motability, the charity, have worked with the UK Government Office for Zero Emission Vehicles (OZEV) to sponsor a new accessibility standard for public EV charge points (PAS 1899:2022, Electric vehicles – Accessible charging – Specification), developed by the British Standards Institute (BSI). Research from the charity Motability predicts that by 2035, 1.35 million disabled people will rely on public electric vehicle (EV) charging points either some or all the time. The Publicly Available Specification (PAS) sets out the minimum accessibility requirements for EV charge points and includes settings where more enhanced accessibility measures can be used. A requirement to consider accessibility and implement the PAS standards wherever possible will be included within the Council's procurement documentation for EVCI installation.

3.5.6 The Council will also need to consider whether a scheme can be introduced to bring on-street charging to disabled parking bays on the public highway. Where rolling out EV charging in Council car parks the Council will also need to consider providing charging to existing yellow disabled bays in addition to the accessibility of all charge points. The Council will also seek to promote to residents where they can access information about the safety and accessibility of charge points and encourage our

local EV community to review and rate charge points using Apps and websites such as Charge Safe ([EV ChargeSafe](#)), ZapMap, and Electroverse.

3.5.7 An Equality Impact Assessment has been prepared highlighting these issues, with an action plan of how the PAS standards will be taken forward into procurement and delivery of new EV charging infrastructure to maximise accessibility to charging for all users. This is presented in Appendix B.

### 3.6 *Procurement implications*

3.6.1 The existing charge points on the Council's public charging network are currently predominantly operated by BP Pulse, a subsidiary of British Petroleum (BP). A 12-month data management or maintenance contract currently in place with BP Pulse is due to expire in Summer 2024. It will be appropriate for the Council to consider refreshing and where appropriate extending the number of charge points available at existing sites within the procurement of charging infrastructure under the LEVI scheme.

3.6.2 To access the LEVI scheme Capital Funding the Council is required to prepare a Stage 2 application (see Appendix C) which must include a procurement strategy and evaluation approach together with a proposed contract Heads of Terms. The procurement approach is required to demonstrate that, with a very high level of confidence, the Council can deliver high-quality, financially sustainable charge point provision which maximised the charging provision for the available Capital Funding allocated.

3.6.3 The Council cannot proceed to procurement using the LEVI Capital Fund allocation until the Stage 2 application has been approved by the Office for Zero Emission Vehicles and its support body. The application will be required to demonstrate value for money and additionality. The Council is expected to leverage the Capital Funding allocated to derive private investment equivalent to at least 50% match funding. If the Council inputs additional funding on receipt (capital grant funding from OZEV from the Ultra Low Emission Taxi Scheme and S.106 developer contributions), the total contract value of EVCI procurement is therefore expected to be in the order of £5-6m.

3.6.4 At the Stage 3 application the Council will be required to submit its draft contract(s) with a preferred supplier(s) for Contract Review before it can begin installation of funded charge points.

3.6.5 In line with the Council's Contract Procedure Rules, if the expected value of the contract for works is greater than £1,000,000 Cabinet approval will be required for contract award. Specific delegated authority is requested from Cabinet to permit awards of contract to be made. The procurement will also be subject to mini business case approval by the Strategic Procurement Review Board and following this, full business case and quotation paperwork submission to the Review Board (Procurement, Legal and Finance), as well as Capital Monitoring Board Approval.

3.6.6 Within its Stage 2 Capital Fund application the Council is required to demonstrate the expected commercial arrangement and to have undertaken broad market engagement to test the commercial arrangements and the procurement approach to mitigate key risks. Soft market testing has therefore been on-going through 2023, and while the Stage 2 application documentation is still under development, procurement options have been considered. The experience of other local authorities has shown that drafting a bespoke tender is highly complex and could not be completed in time

for the bid. There are a handful of established and well-used public procurement frameworks and dynamic purchasing systems that are available for the council to use instead. For example, the Oxford Dynamic Purchasing System (DPS), run by Oxfordshire County Council, has been found to closely match the technical contract specifications that we are seeking, whilst also having a large number of prospective suppliers registered – supporting a competitive bidding environment.

- 3.6.7 It is proposed that an Invitation to Tender and tender evaluation documents are prepared, for submission as part of the LEVI capital funding bid, and ultimately in readiness to use a specialist framework to identify a supplier (or suppliers) that the council will award concession contracts to for EV charge point delivery, operation and maintenance.
- 3.6.8 Concession contracts, in the long-term, offer the council the opportunity to generate new income streams from ground rent and/or profit share. An average on-street charge point is not expected to be profitable, however, until 2030 at the earliest, based upon projected consumer demand – income generation opportunities are limited before this date. (This lag before there is sufficient consumer demand to make a typical charge point profitable is also the reason that the Government are offering a capital grant to encourage charge point suppliers to bid.) Part of the tender through a framework will allow the council to identify the most appropriate terms on which to partner with charge point suppliers though it must be noted that there is a trade-off between capital investment, maintenance and revenue sharing.
- 3.6.9 If the Stage 2 bid is successful and the council invites tenders as a result, these would be for public-private commercial partnership concession contracts for the delivery, operation and maintenance of charge points on public highways and on other council-owned land.
- 3.6.10 The council is receiving procurement advice from a DfT-funded support consortium on best practice contract terms. Indicative, principal terms with charge point providers are:
- 15-year contract term (national standard, based upon charge points being unlikely to be profitable before 2030 in light of projected demand)
  - Non-exclusivity, to create a multi-operator environment over time for consumer choice and price competition
  - Council to receive fixed indexed annual charge (rent) plus proportion of gross profit in longer term
  - Portfolio approach to site selection, with charge point operator proposing the majority of sites and the council a minority. All sites would continue to need to be found to be safe and suitable by the council as Local Highway Authority.
  - The council to own the power connection to the site, at the end of contract term (for re-letting). The charge point operator to maintain during the term of contract
  - The charge point operator to own and maintain the charge point itself and remove at end of contract.
- 3.6.11 The requested approval relates to the intention to prepare procurement documentation for submission as part of the LEVI funding bid that align with the use of specialist framework as a means to run a competition with suppliers and does not commit the council to any length of contract, just access to the procurement framework through which to issue tenders.

### 3.7 *Workforce implications*

- 3.7.1 The Government's Local Electric Vehicle Infrastructure (LEVI) scheme is aimed at supporting local authorities in England to work with the charging infrastructure industry to enable deployment of local charging infrastructure, particularly low power on-street charging infrastructure. The LEVI scheme currently includes ring-fenced funding for additional dedicated EV officer resource (under the Capability Fund) for 3 years.
- 3.7.2 As outlined above, the Council was initially allocated £72,180 from the Capability Fund. To claim the funding officers were required to demonstrate how the funding will be used to improve capacity and capability for the planning and delivery of EV infrastructure, including the preparation of an EV infrastructure strategy and how the additional resource will help deliver EV infrastructure projects.
- 3.7.3 At the end of March 2023, a further allocation of £328,820 capability funding for the Council for financial years 2023/24 and 2024/25 was announced by the Department for Transport. Again, officers were required to complete a further proforma (by 26 May 2023) to demonstrate how the funding will be used to meet the scheme objectives. Ring-fenced funding of £164,410 was received in October 2023.
- 3.7.4 The capability funding allocation is based upon a methodology where higher levels of funding have been awarded to Local Authority areas with a greater proportion of properties without access to off-street parking, where current dedicated officer resource for electric vehicle infrastructure is low, and where indices of multiple deprivation and or rurality are high. Consequently, Slough Borough Council has received the highest capability fund allocation<sup>1</sup> in Berkshire and on a comparable level to Buckinghamshire Council.
- 3.7.5 Recruitment for a fixed-term officer resource, for up to 3 years, is now underway. Interim EV Project Officer resource has been in place since November 2023 to help develop the EVCI Strategy and prepare for the Stage 2 Capital Fund application. Additional dedicated officer resource will be pursued in 2024/25. Further revenue receipts from the Capability Fund allocation are expected in Spring 2024. The resources will be within the Carbon and Sustainability service, which will continue to lead on EV strategy and infrastructure projects. A part of the funding, ~£10,000 per year, will be set aside to fund development of a Berkshire EV Infrastructure Strategy in partnership with the other Berkshire authorities.

### 3.8 *Property implications*

- 3.8.1 The LEVI Capital Fund aims to accelerate the deployment of local, primarily low power, on-street charging infrastructure across England. LEVI funded projects must therefore primarily benefit residents without off-street parking, though it can also benefit other groups like commuters, taxis and commercial vehicles (excluding at the businesses' addresses) and can include establishment of local authority supported car clubs. Charge point powers greater than 22kW (i.e. rapid or ultra-rapid) are acceptable in the minority.
- 3.8.2 Given the objectives of the funding, deployment of charge points under Capital Fund projects will be required on Council owned highway land to facilitate on-street charging infrastructure and is also likely to include deployment (or further deployment) in Council owned car parks, Council owned community-based assets

(such as leisure centres, libraries, community centres and hubs), and at Council owned housing land.

- 3.8.3 Layout of streets, street lighting, housing types and parking issues mean that not all roads in the Borough with households unable to home charge will be suitable for installation of electric vehicle charging infrastructure. Therefore, for some streets provision of charge points will be 'displaced' to other suitable on-street sites in adjacent roads or areas, or to nearby off-street sites. The private commercial charge point operating sector is expected to lead the way in providing opportunity charging at destination locations (e.g. supermarkets, retail parks, pubs & restaurants, drive-thru's, petrol stations etc). In some cases, this may also provide suitable and sufficient charging to also meet the needs of local residents reliant on public charging. However, from existing planning, it is already anticipated that such commercial opportunities are not evenly spread across the Borough and are absent in some residential areas. Consequently, the Council's EVCI Strategy is also to look to provide charging for residents reliant on public charging using Council owned housing land (with existing parking areas and new dedicated charging hubs where feasible) and the wider Council property estate.
- 3.8.4 Officers will therefore need to take forward the principles from the EVCI Strategy into implementation planning to consider Council owned highways and non-highways land, working closely with the transport planning, parking and property teams, especially with reference to the development of the Council's Phase 2 Estate Strategy.
- 3.8.5 Compulsory conditions of the LEVI Capital Fund require that the Council must finish any contractual term with a charge point installer or operator with ownership of the Local Connection Assets. This will ensure that the funding invested into deployment of charge points will yield income generation assets for the Council beyond the initial contract term.

#### **4. Background Papers**

None.