

# Nottingham City Council Delegated Decision



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| Reference Number:                                      | 5106   |
| Author:  | Anne-Marie Barclay   |
| Department:  | Growth and City Development  |
| Contact:   | Anne-Marie Barclay<br>(Job Title: Project Manager, Email: annemarie.barclay@nottinghamcity.gov.uk, Phone: 01158764095)   |
| Subject:   | Acceptance of grant funding from the Department for Transport  |
| Key Decision (decision valued at more than £1million): | Yes  |
| Key Decision (decision affects 2 or more wards):       | Yes  |
| Total Value:   | £1,785,000 (Type: Capital and Revenue)   |
| Decision Being Taken:                                  | <p>1. To approve the acceptance of the capital funding allocation from the Department for Transport's (DfT) Local Electric Vehicle Infrastructure (LEVI) Fund as set out in the Grant Determination Letter to be signed by the Chief Executive and Chief Internal Auditor ahead of the deadline of 15 March 2024. 2. To delegate authority to the Corporate Director for Growth and City Development to sign the Memorandum of Understanding and Post-Approval Action Plan with the DfT. 3. To delegate authority to the Corporate Director for Growth and City Development to sign a Memorandum of Understanding to work in partnership with Midlands Connect to deliver the LEVI fund requirements. 4. To approve the preparation and input into procurement documentation led by Midlands Connect and Nottinghamshire County Council in order to secure a charge point operator(s) for Nottingham. 5. To prepare and publish an Interim Electric Vehicle Infrastructure Strategy. 6. To approve the acceptance of up to £81,000 LEVI additional capability funding to support delivery of the project</p> |

**Reasons for the Decision(s)**

The Government's Local Electric Vehicle Infrastructure (LEVI) Fund was launched in 2022 to support local authorities in England to work with the charge point operator industry to improve the roll out of local charging infrastructure, with a focus on supporting residents who do not have access to private off-street parking. The Council is already a leading authority for charge point infrastructure, having utilised grant funding since 2018 to establish the D2N2 publicly accessible network. This has introduced almost 170 charge points into strategic off-street locations such as park and ride sites and council-owned car parks across the City. In May 2023 the Government advised that Nottingham City Council's LEVI capital allocation had been confirmed at £1,704,000, alongside separate capability revenue funding to fund resources to support the delivery of the LEVI programme. Following submission of the business case in November 2023 confirmation has now been received that our application has been assessed, and the DfT propose to issue 90% of our allocation (£1,533,600) on or before 31 March 2024. The remaining 10% allocation is planned to be released by 31 March 2025 once a series of conditions have been met. Our funding application has been confirmed as developing toward the required standard, and we are now also required to return a signed Memorandum of Understanding and Post-Approval Action Plan (PAAP) alongside the Grant Determination Letter to the DfT no later than 15 March 2024. In line with the grant conditions, the Chief Executive and Chief Internal Auditor must sign the Grant Determination Letter. Delegation to the Corporate Director for Growth and City Development is proposed to sign the Memorandum of Understanding and PAAP with the DfT. In order to prepare the business case, procurement and delivery of the LEVI programme the Council has been working with strategic transport body, Midlands Connect, alongside a number of other Midlands based local authorities, including Nottinghamshire County Council (the lead authority), Derby City Council and Derbyshire County Council. Approval is sought to enter into a Memorandum of Understanding with Midlands Connect to formally join the Midlands consortium. Benefits of the consortium approach include fulfilling the DfT's business case requirements, sharing best practice and achieving better economies of scale by leveraging private sector investment from charge point operator(s) to increase the number of charge points across the area. Key tasks to be delivered by the Council over the coming months include participating in a joint soft market test and procurement of a charge point operator(s) to install charge points in the city. Another requirement of the LEVI programme is to prepare an Electric Vehicle (EV) Infrastructure Strategy. Work has commenced on this and an residents EV Infrastructure Survey is to be published shortly seeking views on charging needs from existing and potential new EV drivers. Given the emerging role of the East Midlands County Combined Authority with respect to the preparation of the statutory Local Transport Plan, it is proposed that the Council produce an interim EV Strategy to fulfil the requirements of the grant and work with the Combined Authority to further refine the strategy contents in due course. Further to this Key Leaders Decision, the Council plan to progress an Executive Board report to approve the programme and delivery approach in 2024/25.

**Briefing notes documents:**

LEVI Capital Fund - Grant Determination Letter - Nottingham City Council.pdf

**Other Options Considered:**

Refuse funding: In the absence of this funding the Council would be unable to deliver the proposed infrastructure, which would not be in the best interest of our citizens. Utilising the grant funding means the infrastructure can be delivered at no additional cost to the Council. Delivery of this project supports the Council's strategic goals of improving air quality and contributing to the Carbon Neutral 2028 Plan. this option was therefore rejected.

**Background Papers:**

**Published Works:**

**Affected Wards:**

Citywide

**Colleague / Councillor Interests:**

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

None. This decision relates to the acceptance of funding only. Full implications will be considered as part of the subsequent approval to initiate project delivery and procurement activities.

**Equality:**

EIA not required. Reasons: This decision relates to the acceptance of funding only. An EIA will be undertaken as part subsequent approvals to commence project delivery.

**Decision Type:**

Leader's Key Decision

**Subject to Call In:**

No

The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

**Person Consulted: Councillor Leslie Ayoola**

**Consultation Date: 13/03/2024**

**The acceptance letter must be returned by 15th March for the grant funding. If the decision has a call-in period then this will not be possible and the Government have confirmed that the funding would not be available if the deadline is missed**

**Advice Sought:**

Legal, Finance, Procurement, Other: Geetha Blood([geetha.blood@nottinghamcity.gov.uk](mailto:geetha.blood@nottinghamcity.gov.uk))

**Legal Advice:**

This LKD seeks approval to accept LEVI funding on terms prescribed in various documents, approval to enter into an MoU with Midlands Connect, approval to undertake a procurement exercise and approval to publish an Interim Electric Vehicle Infrastructure Strategy (interim for the reasons stated in the report).

The Council must meet the requirements of the Grant Determination Letter, including the conditions attached to the LEVI Capital Fund No 31/6965 and any other applicable conditions and restrictions. In addition, the Council must meet the conditions required to ensure the release of the 10% of funds by 31st March 2025.

The Council needs to meet the obligations set out in the proposed MoU and PAAP. It is noteworthy that for those authorities receiving PAAP's, the additional scrutiny by the DfT will mean a focus is required to ensure the procurement timetable can be met. Also note in particular the requirements around subsidy control compliance as an obligation that will fall to the Council and not Midlands Connect.

In respect of the proposed MoU with Midlands Connect, it is assumed that this has not been prepared yet as a copy, or draft, has not been seen prior to legal comments - advise that Legal Services is engaged to support the development of the MoU with Midlands Connect.

Whilst it is understood that the Council intends to work with Midlands Connect in respect of the proposed procurement, accountability and responsibility for the procurement on behalf of the Council will still rest with the Council and any claim or potential liability will also rest with the Council - therefore whilst the process can be guided by 3rd parties, still incumbent on the Council to make its own decision on such documents. In particular, the Council still needs to assure itself that the proposed process is a compliant route to market and complies with the Council's constitution.

The report notes that the creation of an Electric Vehicle Infrastructure Strategy is a requirement of the LEVI programme; Legal Services have not had sight of this requirement. It is unclear when the Strategy is required to be published and what the consequences are of not meeting that publication date, or any other aspect of this requirement. In the circumstances, Legal Services can't offer a view on whether the proposal does fulfil the requirements of the grant, but in light of the imminent Combined Authority, would hope DfT would accept this approach - however, if in any doubt, the Council should seek DfT's explicit agreement.

Tony Heath, Senior Solicitor, Contracts and Commercial, 4th March 2024.

**Finance Advice:**

This decision is for the approval to sign the grant Memorandum of Understanding (MoU) and does not authorise the Council to commit capital resources or amend its Capital Programme. This scheme has been presented to and endorsed by the Capital Board. As detailed within the reasons for the decision following this decision a report will be presented to Executive Board to approve the programme and delivery approach. The Executive Board decision is what will trigger an amendment to the Transport Capital Programme.

Prior to formalising the Electric Vehicle Infrastructure Strategy (which is a requirement of the LEVI programme), a draft version is to be shared with finance colleagues to assess any financial implications.

The project manager and sponsor is required to ensure Nottingham City Council meets the grant conditions and obligations as set out in MoU, with the expenditure meeting the required revenue and capital requirements according to the grant split.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 06/03/2024.

**Procurement Advice:**

Procurement have no concerns in relation to the acceptance of the grant however, they will need to work closely with the client to ensure that the procurement strategy is fully compliant with the grant conditions, Public Contract Regulations and NCC's Constitution. Advice provided by Sue Oliver (Category Manager - Procurement) on 08/03/2024.

**Other Advice:**

This decision seeks to approve the proposed revenue funding allocation above for the provision of Local Electric Vehicle Infrastructure within Nottingham City. The total allocation is £80,730 revenue expenditure in 24/25.

The revenue costs incurred and any drawdown from the grant will be recorded and monitored in line with current legislation and monthly budget monitoring, with no financial burden on the MTFP.

The requirement to engage staff as detailed above will be included in the Budget and monitored by the service for any variance and reflected in the monthly forecast for the service.

Advice provided by Geetha Blood (Strategic Finance Business Partner) on 12/03/2024. Advice provided by Geetha Blood (Strategic Finance Business Partner) on 12/03/2024.

**Signatures:**

David Mellen (Leader/ PH Strategic Regeneration & Communications)

SIGNED and Dated: 14/03/2024

Sajeeda Rose (Corporate Director of Growth & City Development)

SIGNED and Dated: 14/03/2024