

Meeting: Cabinet **Date:** 18 March 2025

Wards affected: All

Report Title: Local Electric Vehicle Infrastructure (LEVI)

When does the decision need to be implemented? April 2025

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1. Purpose of Report

- 1.1. To seek delegated authority for the award of a contract/s for Torbay elements of the Devon and Torbay Local Electric Vehicle Infrastructure (LEVI) Project, funded by a specific grant funding award.

2. Reason for the Contract and its benefits

- 2.1 The proposals in this report help us to deliver our vision of a healthy, happy, and prosperous Torbay by improving travel choice and access to services (in this case electric charging facilities) for everyone.
- 2.2 The reasons for the proposal, and need for the decision, are that to progress the spending and meet our obligations and conditions of the grant funding, it is necessary to delivery on our ambitions and to achieve this there is a need to award concession contracts and in certain circumstances land agreements.
- 2.3 As set out within the Local Transport Plan Action Plan 2021-2026, there is a commitment to delivering Electric Vehicle Infrastructure to support the transition to electric vehicles.
- 2.4 Torbay Council are delivering a programme of rapid chargepoints within car parks against an existing concession contract and land agreements. However, electric vehicle infrastructure delivery is not keeping pace with the changing vehicle markets and those without home charging capacity risk being disadvantaged.
- 2.5 Central government recognises that the pace of chargepoint rollout is too slow. In 2023 the £450m LEVI Fund was announced by the Office for Zero Emission Vehicles (OZEV) to deliver a step-change in the scale and speed of chargepoint delivery. The LEVI Fund is primarily aimed at residents without access to off-street parking. Following an application

process in 2023 and 2024, Torbay Council and Devon County Council have now been awarded the following funding by OZEV:

- Torbay Council LEVI Capital Funding: £958,000. (Note: relevant approvals for this funding sit with Torbay Council)
- Devon County Council LEVI Capital Funding: £7,067,000. (Note: relevant approvals for this funding sit with Devon County Council)

- 2.6 Both local authorities have also been granted LEVI Revenue Funding by OZEV to cover staff and other costs associated with developing and delivering the LEVI project.
- 2.7 LEVI Capital Fund allocations for Torbay Council must be spent in Torbay and for Devon County Council must be spent in Devon.
- 2.8 The procurement work has been led by Devon County Council, with input from officers at Torbay Council. The heads of terms were necessarily agreed by OZEV prior to the tender issue.
- 2.9 There are four lots providing a range of chargepoints and each will be accompanied by a concession contract and those that require it will also include a lease agreement. Until the conclusion of the procurement process, it is not possible to confirm the value of the contract/s across the lots.
- 2.10 It is anticipated that site specific details in respect of chargepoint specifications will be an operational matter for officers with information shared with the Cabinet Member for Pride in Place and Parking.
- 2.11 To support delivery, an Electric Vehicle Infrastructure Working Group will be formed with officers and progress reporting will be through the proposed Transport Capital Programme Board once formed, as a supporting body for the Torbay Capital and Growth Board. Additional reporting to the Devon and Torbay CCA through the Transport Advisory Group may also be necessary as the funding was awarded to Local Transport Authorities and more detail on that will be known in due course as those arrangements are formed.

3. Recommendation(s) / Proposed Decision

1. That the Divisional Director for Planning, Housing and Climate Emergency, be given delegated authority to award the concession contract and associated land agreements, to be undertaken in accordance with advice and guidance provided by the Devon County Council procurement team and Torbay Council's Commercial and Legal Services for delivery of the programme up to the value of the capital grant funding awarded.

Appendices

None

Background Documents

Torbay EV Strategy (evidence base) 2022

4. Introduction

- 4.1 The decarbonisation of transport, including the transition to zero-emission vehicles, is a crucial part of the Council's response to addressing the Climate Emergency commitments as the sector represents 28% of Torbay's emissions.
- 4.2 The Greener Way for Our Bay includes an action on the Council to increase the delivery of Electric Charging Infrastructure to support the transition to Electric Vehicles.
- 4.3 Torbay Council have been awarded £958,000 of Capital Government funding to support accelerated delivery of Electric Charging Infrastructure, delivering against the evidence base strategy which shows a need for around 650-1000 publicly available chargers within the next 5-10 years across Torbay. This funding is through the Local Electric Vehicle Infrastructure (LEVI) Fund.
- 4.4 Currently, Torbay Council has provided 12 charge points, with another 4 due shortly and another 24 moving to the delivery phase.
- 4.5 Both Devon and Torbay have been successful with funding and, as with previous chargepoint installations, have agreed to work together given the shared Local Transport Plan policy, joint working with the Devon Climate Emergency, similar evidence base, and opportunity to improve the value for money and operational efficiencies through scale. Notably, it is also relevant to the devolved local transport authority arrangements as they emerge.
- 4.6 The Devon and Torbay LEVI project will deliver a large number of publicly accessible chargepoints across Devon and Torbay, contributing to delivery of:
 - Devon County Council Electric Vehicle Charging Strategy 2023, including an overall aim to deliver 2,000 publicly accessible chargepoints by 2030.
 - Torbay Council Electric Vehicle Strategy 2022, including an overall aim to deliver 800 publicly accessible chargepoints by 2030.
 - The Peninsula Technology and Zero Emission Vehicle Study and district authority EV strategies including Exeter and South Hams.
- 4.7 The exact number of chargepoints to be delivered will be confirmed via the procurement process.
- 4.8 The following types of EV charging equipment will be installed as part of the project:
 - Standard (<8kw) chargepoints on-street and in parish and community car parks
 - Fast (22kw) and Rapid (>50kw) chargepoints in districts, Torbay, and potentially a limited number of DCC owned car parks
 - Lamp column chargepoints trial and future rollout
 - EV cable channels trial and future rollout

Aims

4.9 OZEVs aims for the LEVI Fund are to:

- Deliver a step-change in the deployment of local, primarily low powered, on-street charging infrastructure across England
- Accelerate the commercialisation of, and investment in, the local charging infrastructure sector

4.10 Devon and Torbay's additional aims for the LEVI project are to:

- Accelerate chargepoint delivery to promote EVs
 - Focus LEVI capital contributions on:
 - Areas with grid constraints
 - Areas where higher uptake of EV are forecast
 - Areas without access to off-street parking
 - Areas where there is a gap in chargepoint demand and supply
- Ensure an equitable spread of chargepoints between and within Devon districts and across the three towns in Torbay, including:
 - 90% of residents in urban areas within a 10 minute walk of a publicly accessible chargepoint
 - 90% of residents in rural areas within a 20 minute walk of a publicly accessible chargepoint
- Deliver the right chargepoint solutions in the right locations

Timescales

4.11 Following lengthy discussions with OZEV, and adjustments to the documentation to secure the required approval from them as funder, the tender was published by Devon County Council on 3rd December 2024.

4.12 The deadline for responses is 11th February 2025 with mobilisation expected in mid-2025 and delivery of first chargepoints perhaps in late 2025, but predominantly from 2026 onwards.

5. Options under consideration

5.1 If approval is not given to delegate the award the contract, it will slow down progress and result in a complicated governance process with separate contracts for each lot utilised and land agreements for sites as necessary. Devon County Council would continue with their elements, though there would be some risk associated with that should Torbay Council at a later date, not award the contract.

5.2 If approval is not given award the contract at any time, Torbay Council will likely be required to return the funding to OZEV and some of the LEVI Revenue Funding awarded to support capacity alongside may also be clawed back.

5.3 The Council could choose to re-run a procurement process separate from Devon, but this would compromise the Devon led procurement to date, and likely result in less positive value for money outcome.

- 5.4 This would slow the adoption of electric vehicles and not provide the support to the community to help in the transition, providing choice about travel and making it harder to meet national and local climate commitments.

6. Contract term and budget

- 6.1 The total capital budget available is £958,000. This is the totality of the capital grant funding received. It is not expected that any of the Council's resources will be needed to supplement this. However, there is £100,000 identified within the Local Transport Capital Block funding, as set out within the Local Transport Action Plan 2021-2026, agreed by Cabinet in April 2021, which can be utilised if necessary, or invested elsewhere.
- Rapid DC (50kw+); 13 years + 1 to 3 year extension
 - Fast AC (22kw); 10 years + 1 year extension
 - Standard AC (7kw); 13 years + 1 to 3 year extension
 - Lamp-column chargepoints; 13 years + 1 to 3 year extension
- 6.2 Torbay Council are not expecting to utilise Lot 4 due to low availability of appropriate columns across Torbay.

7. Procurement routes to market

- 7.1 The approach has been developed through engagement with DCC officers, Districts and surrounding authorities, consultant support, chargepoint suppliers, and input from the LEVI Support Body comprising the Energy Saving Trust, Cenex, and PA Consulting. The Office for Zero Emission Vehicles (OZEV) has produced detailed technical guidance for the preparation of funding applications and tender documents, and reviewed and requested changes to projects throughout the application process.
- 7.2 The chargepoints will be procured via a single Open Tender led by DCC as outlined below. The EV Cable Channels will be procured separately, most likely using existing highways contracts with Milestone in Devon and SWISCO in Torbay.
- 7.3 This tender process will procure Private Sector Partner(s) (PSP) to design, build, operate and maintain chargepoints via a concession contract. PSP(s) will be given a contribution towards costs from LEVI Capital Funding and granted a concession contract and associated land agreements, comprising a site lease for car park sites or section 50 licence for on-street sites. PSP(s) will be responsible for all installation works and costs, including any fees payable.
- 7.4 There will be management fees from the supplier to cover ongoing management costs of the project. Landowners, including Torbay Council, will receive a share of the income generated by the chargepoints.
- 7.5 The concessions approach is OZEV's recommended delivery model and an approach Torbay and DCC have used previously for the "DELETTI" project, which delivered chargepoints in car parks across Devon, Torbay, and Somerset.

- 7.6 The concessions approach allows the public sector to leverage a significant amount of private sector investment to increase the number of chargepoints that can be delivered. It is anticipated that the total value of private sector investment in the project to be in the region of £10 million to £20 million, bringing the total investment value for the project to somewhere in the region of £18 million to £28 million.
- 7.7 Devon County Council is the lead contracting authority but Torbay Council will be required to sign the concession contract in relation to sites within Torbay.
- 7.8 As landowner, Torbay Council will grant leases for installation of charging infrastructure at car parks we own but provision can expand to other sites where we consider it is appropriate and where there will be a public benefit.

Lots

- 7.9 The chargepoint procurement is split into lots in order to give an opportunity for a wide range of suppliers to bid and to add resilience to chargepoint provision in Devon and Torbay. Only one bidder per lot will be appointed. A single bidder could theoretically win multiple/all Lots if they provide the most advantageous tender (MAT) for multiple/all Lots. If this is the result of the tender process, there are benefits to a single supplier in terms of consistency of provision for customers, scale of delivery, and ease of management. The risks in terms of a potential monopoly and inflated tariffs for customers are mitigated by the large number of chargepoint operators already present in Devon and the inclusion of a “margin cap” in the contract that prevents tariffs rising above a pre-determined level.
- 7.10 For each Lot the chargepoint type and number of chargepoint sockets at each site has been determined. An overview of the Lots is shown in Table 1 below.

Lot	Type	No. chargepoint sockets per site	Concessions term
1: Rapid DC 50kw+	Primarily Torbay and district owned car parks. On-street as exception	3 to 4	13 years + 1 to 3 year extension
2. Fast AC 22kw		2, with passive provision for future expansion	10 years + 1 year extension
3. Standard AC 7kw	Primarily on-street with town and arish and other car parks	2	13 years + 1 to 3 year extension
4. Lamp-column chargepoints	On-street	2	13 years + 1 to 3 year extension

- 7.11 The concession contract will be managed by a set of Key Performance Indicators (KPIs), with extensions awarded if KPIs are met, particularly for delivery on-time and geographical distribution of chargepoints. KPIs are also used to monitor and ensure compliance with requirements relating to reliability, customer service, safety, and other issues.
- 7.12 The concession contract and land agreements have been prepared by specialist legal support and reviewed by DCC, partner authorities, and OZEV.

- 7.13 A comprehensive set of technical specifications for the chargepoints was provided by OZEV and adapted for use in the Devon and Torbay LEVI project, to ensure the chargepoints delivered meet the latest technical requirements. This includes accessibility requirements and provisions for chargepoints in conservation areas.

Sites

- 7.14 A “minimum site list” will be provided in the tender pack.
- 7.15 A list of “recommended on-street sites” is also included. These sites do not necessarily need to be delivered by the successful supplier.
- 7.16 Suppliers are expected to work with Councils to identify additional sites through the design and build phase of the project to meet their KPIs. It is anticipated that the majority of sites will be identified this way. The contract documents set out the site approval process for adding new sites. The Council, the landowner (if different), and the chargepoint supplier all need to be in agreement for a site to be added.
- 7.17 For Torbay, the focus of minimum sites are on car parks and on street local shopping centre locations. There must be a majority on street under 22kw provision as part of the funding terms. Residential streets, particularly where off-street parking is difficult or not achievable, will be considered carefully to ensure that those who need it are supported, but that
- 7.18 For on-street sites, it is anticipated that most sites will need to be placed on a build-out in the carriageway to maintain footway widths. This will minimise potential negative impacts on people walking or wheeling on the footway, but may lead to a small reduction in car parking capacity in some locations. Initially, the default position will be that no Traffic Regulation Order (TRO), bay marking, or enforcement will be associated with the chargepoint. However these can be considered if the chargepoints are regularly blocked by petrol or diesel vehicles, or if there are complaints from residents about availability. The PSP is responsible for the costs of obtaining all relevant licences and consents including TROs if applicable. This approach has been used elsewhere in the country and we understand it has worked well, helping to reduce the cost and time of delivery and also helping to minimise complaints from residents about loss of parking capacity for petrol and diesel vehicles, supporting charging whilst balanced with providing flexibility of parking demand.
- 7.19 For off-street sites in car parks, the default position will be that bays are specifically marked for use by charging Electric Vehicles, with supporting Traffic Regulation Orders and enforcement where this is possible.
- 7.20 At the end of the concession contracts the grid connections revert to ownership of the landowner at nil cost. The chargepoints either revert to ownership of DCC/Torbay Council/the landowner at nil cost or are removed by the supplier at nil cost to DCC at DCC’s option.

8. Best value duty

- 8.1 The project is focused on supporting the transition to low emission vehicles. As set out above, the lack of public chargepoint infrastructure is a key barrier holding back the

adoption of Electric Vehicles. The decarbonisation of transport, including the transition to zero-emission vehicles, is a crucial part of the response to the climate emergency.

- 8.2 The project represents a significant investment in transport infrastructure spent within Devon and Torbay, particularly when combined with the additional private sector funding that will be leveraged.
- 8.3 It is anticipated that suppliers will need local teams to deliver, operate, and maintain the chargepoints, potentially providing local employment and developing skills. Bidders will be marked on their contribution to Social Value, including supporting apprenticeships and opportunities for care leavers.
- 8.4 EV owners are currently amongst the most affluent in society, this is likely to change in future as Electric Vehicles become more affordable and more second hand EVs become available. The LEVI project aims to deliver chargepoints equitably ahead of need, using public sector funding to install chargepoints that would otherwise not currently be attractive to commercial chargepoint operators.
- 8.5 The EV Cable Channels will allow access to cheaper home electricity tariffs for residents without off-street parking, reducing “fuel” costs for these residents compared to petrol or diesel or public EV chargepoints.

9. Engagement and consultation

- 9.1 Market engagement was carried out by Devon County Council in June 2024. Further engagement with the market has been carried out previously by OZEV in developing the fund and the detailed technical advice for concession agreements in this market and the heads of terms for tender documents.

10. Equality Impact Assessment

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>This contract will not have any adverse impacts on any age group. The provision of chargers in a wider variety of locations, including nearer homes, and of various speeds will appeal broadly.</p>	None	
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>This contract will not have any adverse impacts on carers. The provision of chargers in a wider variety of locations, including nearer homes, and of various speeds will make it easier for carers to offer their support.</p>	<p>Ensuring so far as possible, that chargepoints meet the appropriate and up to date accessibility guidance.</p>	Strategic Transport
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by</p>	<p>This contract will not have any adverse impacts on those with disabilities. The provision of chargers in a wider variety of locations, including nearer homes, and of</p>	<p>Ensuring so far as possible, that chargepoints meet the appropriate and up to</p>	Strategic Transport

	a physical or mental health condition or illness.	various speeds will make it easier for those with disabilities to access the charging facilities. Government standards will be met for accessibility requirements as far as possible (recognising it is not currently possible to achieve the standards with all charger types). This includes the design of spaces to ensure there is sufficient space to access the chargers.	date accessibility guidance.	
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There are no specific equality considerations for this group.	None	
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There are no specific equality considerations for this group.	None	
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000)	This contract will not have any adverse impacts on those with who are pregnant or with young families. The provision of chargers in a wider variety of locations, including nearer homes, and of various speeds will make it easier for this group	Ensuring so far as possible, that chargepoints meet the appropriate and up to date accessibility guidance.	Strategic Transport

	<p>than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.</p>	<p>to access the charging facilities whilst undertaking other activities. Government standards will be met for accessibility requirements as far as possible (recognising it is not currently possible to achieve the standards with all charger types) which includes the design of spaces to ensure there is sufficient space to access the chargers – this will also be of benefit for this group.</p>		
Race	<p>In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.</p>	<p>There are no specific equality considerations for this group.</p>	None	
Religion and belief	<p>64.8% of Torbay residents who stated that they have a religion in the 2021 census.</p>	<p>There are no specific equality considerations for this group.</p>	None	
Sex	<p>51.3% of Torbay's population are female and 48.7% are male</p>	<p>There are no specific equality considerations for this group.</p>	None	

Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There are no specific equality considerations for this group.	None	
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously served in the UK armed forces.	There are no specific equality considerations for this group.	None	
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		Access to charging facilities at an affordable rate will be critical in supporting the transition for those in deprived wards. A greater availability of chargepoints will be important as many of the most deprived areas also have limited or no off-street parking. The reduced running costs of an EV could be a good solution but the right infrastructure will be needed.	It will be important to ensure chargepoints are distributed across Torbay and that opportunities are available for all. Opportunities for variable pricing will also be considered with the successful contractor.	Strategic Transport and Highways to manage throughout the contract
Public Health impacts (Including impacts on the general health of		There are no specific equality considerations.	None	

the population of Torbay)				
Human Rights impacts		There are no specific equality considerations.	None	
Child Friendly	Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There are no specific equality considerations.	None	

11. Cumulative Council Impact

- 11.1. The delivery of this contract will necessarily involve colleagues across the Council in Strategic Transport, Legal, Commercial Services, Highways, Parking, Regeneration, and potentially Development Management.
- 11.2. A working group will be established to guide the delivery and ensure all teams are regularly updated and can in put where they need to.

12. Cumulative Community Impacts

- 12.1. A wider provision of electric charging facilities should contribute to making Torbay a more attractive place to visit, having a positive effect on tourism and the wider economy.
- 12.2. Other stakeholders may be able to utilise the contract where there is a public benefit in doing so and the objectives of the fund can be met.