COUNCIL CABINET 12 June 2024



Report sponsors: Councillor Baggy Shanker Leader of the Council and Cabinet Member for Strategy, Governance and Finance



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Compliance with Contract and Financial Procedure Rules

Purpose

- Addition of budget of £0.231m to an existing scheme in the 2024/25 capital programme (Replacement of Refuse Collection Vehicles) and the associated borrowing approvals making the total scheme budget £0.924m.
 - To procure a new contract for the supply of water, wastewater and ancillary services which consists of the supply of water and sewerage services to the Council's corporate estate at a value of £2.8m
 - Addition of a new scheme to the 2024/25 Property capital programme of £0.354m for Welfare Upgrades and Enhancements at the Stores Road Depot
 - Amendment to the split of Council Tax between the Adult Social Care and core Council Tax elements of the charge for 2024/25
 - Addition of a new scheme to the 2024/25 Property capital programme of £0.120m for the purchase of equipment at Libraries in the City
 - Delegated approval to tender and award a contract for ChargePoint's using LEVI (local electrical vehicle infrastructure) funding at a value of £1.758m

Recommendation

- 2.1 To approve the addition to an existing scheme of £0.231m in the 2024/25 Capital Programme for the Replacement of Refuse Collection Vehicles outlined in section 4.1.
- 2.2 To recommend approval at Full Council for the updated borrowing requirement of £0.231m for the Replacement of Refuse Collection Vehicles outlined in section 4.1.2.
- 2.3 To approve the start of a procurement exercise to select a provider for the supply of water, wastewater, and ancillary services and to contract with the provider to secure those services for £2.8m, equating to £0.7m per year for a maximum of 4 years as outlined in section 4.2.
- 2.4 To approve the addition of a new scheme to the 2024/25 Property capital programme of £0.354m for Welfare Upgrades and Enhancements at the Stores Road Depot outlined in section 4.3.

- 2.5 To approve the use of the Futures Investment Pot of £0.354m in 2024/25 for the Welfare Upgrades and Enhancements at the Stores Road Depot outlined in section 4.3.
- 2.6 To recommend approval at Full Council to correct the split of Council Tax between the Adult Social Care and core Council Tax elements of the charge for 2024/25 outlined in section 4.4.
- 2.7 To approve the addition of a new scheme to the 2024/25 Property capital programme of £0.120m for equipment at Libraries in the City outlined in section 4.5.
- 2.8 To delegate approval to tender and award a contract following a successful invitation to tender for the contract value of £1.758m (LEVI Fund provision) to the Strategic Director for Communities and Place, in consultation with the Section 151 Officer and the Cabinet Member for Climate Change, Transport and Sustainability as outlined in section 4.6.

Reason

3.1 To comply with the Council's Financial and Contract Procedure Rules

Supporting information

4.1 Addition to an existing scheme in the Capital Programme of £0.231m for Refuse Collection Vehicles

As part of the 2024/25 Capital Programme approved in the Budget Setting process at February 2024 Full Council, funding was agreed for the replacement of 3×26 tonne refuse collection vehicles within the Highways and Transport Strategy Area.

- 4.1.1 Nottingham City Council (NCC), carry out the collections of trade waste in Derby as part of the trade waste partnership. Following further discussions after the budget of £0.693m was approved, NCC require a further replacement vehicle at the cost of £0.231m as part of the 2024/25 capital programme, making the total scheme budget £0.924m. This vehicle will be a direct replacement for one of the existing vehicles that is due to go out of service in 2024/25.
- 4.1.2 The additional purchase of a vehicle will be funded through Service Finance borrowing at an annual revenue cost of £0.041m for 7 years, the full cost of this would be recharged to NCC on an annual basis. Any additional borrowing that is not included and approved in the Budget setting process requires approval at Full Council in line with the Treasury Management strategy.
- 4.1.3 The lease charge to NCC fully covers the annual cost of borrowing £0.041m. The cost will be recharged via a lease agreement with NCC as part of the trade waste partnership each year.
- 4.1.4 It is recommended to approve the addition to an existing scheme of £0.231m in the 2024/25 Capital Programme for the Replacement of Refuse Collection Vehicles.
- 4.1.5 It is recommended to gain approval at Full Council the updated borrowing requirement of £0.231m for the Replacement of Refuse Collection Vehicles.

4.2 Water and Wastewater Procurement

Following deregulation of the water industry in 2017, the Council was unable to change water utility retailer due to the unknown location (and readings from) 93 water meters across the city. The incumbent water retailer (Water Plus Ltd) refused to provide this data (after numerous requests), with the water regulator (OFWAT) having no powers to require them to do so. As a result, the incumbent water retailer was unable to be changed until the meters could be located and accurate readings ascertained.

- 4.2.1 In addition to the unknown location of the water meters, the billing for these meters was being estimated by Water Plus, and as a result the Council's actual consumption was not known at that point in time.
- 4.2.2 The Council appointed a water bill forensic specialist (Cadantis Associates) in February 2021 to fulfil two functions:
 - a) To ascertain the meter locations and gather the water consumption data required to go out to the market to retender for this contract.
 - b) Once meters were located, to identify where, estimated meter readings had resulted in over-charging and to pursue Water Plus Ltd through all available legal appeal channels to recoup the overcharges.
- 4.2.3 The refund aspect of the work has been charged at 35% of the refunds secured, resulting in the estimated recoupment of over £0.300m. This would otherwise have been paid to Water Plus Ltd. Once finalised the refund will be credited against a future bill and credited back to the services that have been overcharged. This will be incorporated into financial monitoring as appropriate.
- 4.2.4 The programme for the water meter location data is now closed. The programme for the overcharging appeals will continue until the end of Cadantis' contract in February 2025.
- 4.2.5 As a result of the above, two waivers were put in place (November 2022 to November 2023, and November 2023 to November 2024) to continue the contract with Water Plus Ltd until the water meter data gathering exercise could be completed and accurate water consumption data ascertained.
- 4.2.6 The proposed new award will be to a provider via a public procurement framework, which means that they will have successfully completed satisfactory financial checks as well as competency in delivery of similar contracts at the pre-qualification stage. This contract will be funded from existing revenue budgets. Multiple approved frameworks are available offering both direct award and mini competition. An analysis will be carried out with Procurement to ascertain the framework offering the best value for money.
- 4.2.7 The contract term will be 4 years, which is the maximum allowable under a framework. It should be noted that the water retailer's tariff accounts for only 15% of the cost of supply of water and sewerage services. The remaining 85% is determined by the water Wholesaler for the area (for Derbyshire this is Severn Trent). Wholesalers review their charges annually, subject to approval by OFWAT.

- 4.2.8 In early 2023 Water bills rose by an average of 7.5% and are forecasting to rise by a further 6.2% in 2024. In light of this it is difficult to accurately estimate the cost of this contract over the next 4 years. Carrying out this procurement process will ensure value for money for the Council, but cost savings on last year's budget appear highly unlikely, and fixing the total contract costs over the contract term is not possible. In the longer term, any cost reduction is most likely to be achieved through environmental sustainability measures.
- 4.2.9 The main benefit of this procurement will come with terms and conditions which fix the water retailer's tariff over the 4-year agreement. Which will provide more cost certainty and value for money over the term of the contract.
- 4.2.10 An additional benefit of this procurement will come in the form of better-quality processes, customer services that can reduce the number of complaints and resource time required to resolve.
- 4.2.11 It is recommended to approve the start a procurement exercise to select a provider for the supply of water, wastewater, and ancillary services and to contract with a provider to secure those services for £2.8m, equating to £0.7m per year for a maximum of 4 years.

4.3 Addition to the Capital programme for Welfare Upgrades and Enhancements Stores Road Depot - £0.354m

Stores Road Depot has inadequate welfare facilities that need improvements to ensure that we have adequate provision for colleagues.

- 4.3.1 The works will include the creation of:
 - Accessible female toilets and showers
 - Upgrading the current male facilities
 - The creation of a multiuse space to utilise for the larger training requirements as well as break out area for frontline staff
 - Creation of a locker area for frontline staff to store personal belongings and personal protective equipment.
- 4.3.2 There is sufficient budget within the current capital programme within the Futures Investment Pot to fund these welfare works to ensure there is the correct provision for colleagues at the Stores Road Depot.
- 4.3.3 It is recommended to approve the additional of £0.354m for the Welfare Upgrades and Enhancements at the Stores Road Depot to the 2024/25 Property Capital Programme.
- 4.3.4 It is recommended to approve the use of the Futures Investment Pot of £0.354m in 2024/25 to fund the Welfare Upgrades and Enhancements at the Stores Road Depot.

4.4 Amendment - Council Tax split between the Adult Social Care and core Council Tax elements of the charge for 2024/25.

Council Tax levels for 2024/25 were approved by Full Council on the 28 February 2024. Within the Council Tax setting report to Council, it has been established that there is a minor error in the split shown in appendix two to that report, between Adult Social Care and Core Council Tax elements of the 2024/25 charge. For clarity, the total overall charge that was shown and approved is correct. The amendment relates solely to the split.

4.4.1 Below is the table from appendix two of the Council Tax setting report dated 28 February 2024:

Council Tax Band	Derby City Council Charge (excluding Social Care precept)	Derby City Council Social Care Precept Charge	Total Council Tax Charge
A	991.00	168.56	1,159.56
В	1,156.17	196.65	1,352.82
С	1,321.33	224.75	1,546.08
D	1,486.50	252.84	1,739.34
E	1,816.83	309.03	2,125.86
F	2,147.16	365.22	2,512.38
G	2,477.50	421.40	2,898.90
Н	2,972.99	505.69	3,478.68

For illustration note the split of the band D charge is incorrect and should have been £1,486.81 and £252.53, respectively. The overall charge remains correct.

4.4.2 This is the correct table:

Band D	Derby City Council Charge (excluding Social Care precept)	Derby City Council Social Care Precept Charge	Total Council Tax Charge
A	991.21	168.35	1159.56
В	1156.41	196.41	1352.82
С	1321.60	224.48	1546.08
D	1486.81	252.53	1739.34
E	1817.21	308.65	2125.86
F	2147.61	364.77	2512.38
G	2478.01	420.89	2898.90
Н	2973.61	505.07	3478.68

4.4.3 It is recommended to gain approval at Full Council of the revised split of Council Tax between the Adult Social Care and core Council Tax elements of the charge for 2024/25.

4.5 Addition to the capital programme £0.120m - Library Equipment

Libraries are a key community resource to providing digital access to those residents who are not IT proficient or have limited or no access to smart technology. Within the city, there is a recognition that there is a lack of digital skills within the older population which severely limits their ability to access information and the digital world. Improving the library space will provide a place where people can not only get access to the IT but also receive the support, they need to use it.

4.5.1 *The scheme will include:*

- Replacing IT at Blagreaves, Mackworth, Mickleover and Normanton including replacing 67 desk top computers and 30 laptops. The library IT equipment is old, some over 10 years old, and need replacement. The laptops have already been withdrawn due to their age, and new machines will allow us to sustain our offer including coding for children. In total this will cost approximately £0.082m funded from S106
- Replacing library furniture to help make the library a flexible community space. This will cost £0.034m funded from S106
- 4.5.2 Some of the sites have fixed shelving which restricts how the space can be used. The intention is to purchase mobile shelving units that can pushed out of the way, enabling the library to host a range of activities including events and performances. The bulk of the money will be spent on the purchase seating that allow the library space to be used for talks, activities, and events.
- 4.5.3 The Friends of Mickleover Library group have identified a section of wall in the library where a small wall gallery could be mounted. The intention is to offer this space to organisations like schools and local artists to display their work. The gallery is likely to be fixed wall mounted and cost around £0.004m funded from S106.

It is recommended to approve the addition of a new scheme to the 2024/25 Property capital programme of £0.120m for Equipment at Libraries in the City.

- **4.6 LEVI Delegate approval for Tender and Contract Award £1.758m** Climate change is the single biggest challenge we face today, both as a region, nation, and part of the global community. By taking decisive action now, in the form of reduced carbon emissions we can slow down this process, protect our communities and secure a legacy of responsible renewal. The scale of this problem is echoed in the Governments policy, which emphasises a commitment to net zero emissions by 2050.
- 4.6.1 To achieve net neutrality, we need to reduce the amount of greenhouse gases we emit, and the Government wants to accelerate its carbon reduction targets by 78% by 2035. While significant progress has been made in areas such as the energy sector in reducing carbon emissions, the same cannot be said for the transport sector, where slow progress is an ongoing concern.

- 4.6.2 Transport emissions must decrease significantly and rapidly if we're to meet climate targets. Government has taken action to accelerate the uptake of electric vehicles (EVs), providing subsidies to those purchasing a new electric car and banning the sale of new petrol and diesel vehicles from 2030.
- 4.6.3 The public charging infrastructure has an important part to play in providing one of the key solutions to tackle greenhouse gas emissions and poor air quality caused from cars and vans. Increasing the number of public ChargePoint's will present a positive visual presence that will encourage the take up of EVs and this in turn will help to reduce carbon emissions.
- 4.6.4 LEVI (local electrical vehicle infrastructure) funding will be used to install public ChargePoint's that will help residents who don't have off-street parking and need to charge their electric vehicles (EVs). The visual impact of ChargePoint's in such areas is intended by Government to encourage the uptake of EVs.
- 4.6.5 As per the previous cabinet decision made on the 2^{nd of} August 2023 (report and minutes reference 44/23) Derby City Council has been awarded £1.758m capital and £0.357m capability funding under the Government's LEVI Fund. These grant payments will be made under Section 31 of the Local Government Act 2003.
- 4.6.6 Supported by Midlands Connect, the LEVI Tranche 2 consortium of local authorities (made up of Derby City, Nottingham City, Derbyshire, Nottinghamshire and Staffordshire) worked collectively and collaboratively to develop a joint business case that has unlocked the designated capital funding allocated to each authority. Nottinghamshire County Council have a legacy involvement with LEVI Funding and are the lead Council for delivering the collective business case for Tranche 2.
- 4.6.7 The combined business case and tender documents provide partners the scale for a more competitive tender in the Electric Vehicle ChargePoint Operator (EVCO) market when submitted. The Tranche 2 consortium business case was submitted in November 2023.
- 4.6.8 The LEVI Support Body will help with resourcing and recruitment. It should be noted that the scheme is aimed at securing and developing resource rather than specifically experienced technical experts, and the LEVI Support Body will provide tools to help with upskilling staff as well as complete and share an EV tool, which will help local authorities to identify the best places to install new EV charging infrastructure.
- 4.6.9 It is recommended to delegate approval to tender and award a contract following a successful ITT (invitation to tender) for the contract value of £1.758m (LEVI Fund provision) to the Strategic Director for Communities and Place, in consultation with the Section 151 Officer and the Cabinet Member for Climate Change, Transport and Sustainability.

Public/stakeholder engagement

5.1 **Refuse Collection Vehicles -** Conversations have taken place with NCC around the purchase of the additional vehicle and why Derby will be purchasing the vehicle, NCC agree with the approach that we are taking.

- 5.2 **Water and Wastewater procurement** There are no public or stakeholder engagement implications as a result of this contract.
- 5.3 **Welfare Upgrades -** Engagement with union colleagues has already taken place. Further engagement with frontline colleagues is ongoing.
- 5.4 **Library Equipment** -Volunteers and staff are keen to see the refresh of PCs because of the poor performance of the kit and regular break downs.
- 5.4.1 Volunteers have been consulted about the potential funding and if it is agreed they will be involved in choosing colours and furniture like chairs.
- 5.5 **LEVI Tender and award, ChargePoint's -** To deliver the necessary increase in electric vehicle ChargePoint's the Council has worked collaboratively with neighbouring authorities within Tranche 2 to develop a business case and tender for review and approval. Midlands Connect in conjunction with Councils procurement and legal teams have supported with the business case development and tender documentation.
- 5.5.1 Engagement with the public and the approved ChargePoint operator(s) will take place within the designated timeline of the programme to ensure the Council delivers a tailored scheme that will benefit the residents of each individual location within the ward.
- 5.5.2 Engagement with local Ward Councillors has commenced to support the development of the business case.
- 5.5.3 Public consultation was carried out in November 2023 to obtain the views of the public in relation to off street EV charging to support the business case development.

Other options

- 6.1 **Refuse Collection Vehicles -** Consideration was given to allow NCC to purchase the vehicle and charge the cost through to the partnership. However, when this was explored it isn't the most appropriate thing for DCC. NCC would own the asset and there would be a requirement to transfer the asset to Derby should the partnership end.
- 6.1.1 The Council will be looking to replace an existing refuse collection vehicle; the replacement will be in line with the rest of our fleet. There are electric refuse collection vehicles available on the market, however they cost £0.500m and Stores Road depot is currently at maximum electrical capacity. Given this we are unable to charge the vehicle without significant infrastructure investment and then there is also the additional finance for the upfront vehicle purchase cost.
- 6.2 **Water and Wastewater procurement** Do nothing this is not an option as the Council will be in breach of its statutory duties.

- 6.2.1 If this procurement is not approved one of the following will occur:
 - either the water supply will continue to be provided, in which case the Council will breach the Public Contract Regulations 2015, or
 - the water supply will be cut off, in which case the Council will be in breach of its statutory duties across its property portfolio under the Health and Safety at Work Act 1974, and the Workplace (Health, Safety and Welfare) Regulations 1992.
- 6.3 **Welfare Upgrades -** Temporary welfare facilities were explored, however due to them being required on an on-going basis it wasn't deemed suitable or value for money.

Do nothing – This is not an option as the council has a statutory duty to provide welfare facilities that are fit for purpose and meet the needs of its employees.

- 6.4 **Library Equipment -** Rather than investing in replacement PCs there is the option to reduce access to IT at library sites. Customers who struggle to get access to IT would have to find alternatives, which can be a challenge.
- 6.4.1 The Council is keen to promote the library sites as community hubs and part of that requires us to maximise space, building in flexibility. Removing fixed shelving and providing seating is part of that process. There remains the option of not investing in the equipment.
- 6.5 **LEVI Tender and award, ChargePoint's -** The LEVI Fund will build on the Councils existing programme of EV ChargePoint installations under the D2N2 Contract Agreement, which has enabled the authority to install over 50 ChargePoint's.
- 6.5.1 Through the FTZ (Future Transport Zones) Fund schemes the Council aims to pilot several EV ChargePoint's in both on and off-street locations. This includes an area where there is a growth in EV take up, but the residents do not have off street parking.

Financial and value for money issues

- 7.1 **Refuse Collection Vehicles -** A lease recharge of £0.041m will be made to NCC to cover the annual borrowing costs.
- 7.2 **Water and Wastewater procurement -** The provision of the supply of water and sewerage services is a statutory duty under the Health and Safety at Work Act 1974, and as such the Council must provide this service regardless of cost increases. Existing revenue budget is available to fund this cost.
- 7.2.1 The Council is currently on a deemed contract, which is more expensive than a fixed term contract. A deemed contract lacks specific provisions for price changes and as a result is subject to price increases at the determination of the water retailer. However national inflationary increases may result in costs remaining the same and therefore we are not expecting to make any significant savings. If the procurement exercise results in cost savings, these would be considered as appropriate.

7.3 Library Equipment

The S106 funding allocated to Mackworth, Mickleover, Blagreaves and Normanton wards is £0.120m. The recommendation is to use this funding to:

- £0.082m to refresh IT provision at the 4 libraries
- £0.034m enhance the sites' ability to host events and meetings
- £0.004 to enable Friends of Mickleover Library to install and manage a small gallery to house local exhibitions.

All equipment will be procured through the standard Council tendering processes to ensure value for money.

7.4 **LEVI – Tender and award, ChargePoint's -** The provision of LEVI Funds is critical to the Council's ambitions to grow its current EV ChargePoint infrastructure as well as supporting the Governments step towards net-zero by ending the sale of new petrol and diesel cars. Working as a consortium will help to deliver economies of scale with the EVCO's.

Legal implications

- 8.1 **Refuse Collection Vehicles -** Purchase of the vehicles will need to be via a procurement regulations compliant route. Thereafter a leasing agreement will be required to document the terms and conditions under which the vehicles are leased by Derby City Council to Nottingham City Council.
- 8.2 **Water and Wastewater procurement** A public procurement framework will be used to provide the legal documentation to enter the contract for water, wastewater, and ancillary services as it falls within the Public Contract Regulations 2015. Legal will support the contract execution at the time of award.
- 8.2.1 There are no TUPE implications as a result of this contract.
- 8.2.2 The contract stipulates that the supplier will comply with the relevant equality and diversity legislation. GDPR risk is low as the only details held will be meter readings, volumes, and premises addresses.
- 8.3 **Welfare Upgrades -** The Council has statutory obligations to secure the wellbeing and safety of its employees. This includes providing a safe place for work for employees of either gender or orientation.
- 8.4 **LEVI Tender and award, ChargePoint's -** The proposed ChargePoint installations will be within the local authority's highway extents so there will be no requirement for planning applications or to adopt CPO (Compulsory Purchase Order) procedures.

Climate implications

9.1 **Refuse Collection Vehicles –** The Council are looking to replace a 9-year-old vehicle with a new one with the latest technology. Changes have been made in January 2021 to ensure that new vehicles are held to lower limits on emissions so the new vehicle will be better for the environment than the one its replacing.

We are meeting with climate colleagues to investigate other options that could be implemented to reduce the impact of emissions on the environment.



- 9.2 **Water and Wastewater procurement** Environmental sustainability will be considered. Some water retailers offer services which help conserve water and minimise waste, such a remote monitoring, automatic meter reading (AMR) and other leak detection services. The ability to offer these will be considered further as part of the route to market strategy.
- 9.2.1 Climate Change Impact Assessment has been carried out and gives a score of +7. Fitting of automatic meter readers (AMR) will enable accurate billing, which supports monitoring of consumption enabling the early identification of leaks, reduction in consumption and reducing queries with the water retailer.



9.3 Welfare Upgrades –

9.2.2

The facilities though new will provide a positive climate impact.

- Adaptation. Improved welfare facilities will help staff deal with future temperature rises.
- Buildings. The facility is making use of an under-utilised area rather than a new building.
- Transport. New shower and storage will encourage more staff to use active travel such as cycling and walking to work
- Waste. While waste will be created by the fit out of the facility, proving a dedicated facility that is well managed will mean less waste produced than staff using other/poorer facilities.
- Energy. While a new facility the improved efficiency of equipment should mean no change in overall energy use.



9.4 **Library Equipment -** The disposal of PCs will be handled by IT and disposed of in line with the normal Council processes.

Furniture that is still fit for use will either be transferred to another library site or offered to the Council's Facilities Management Team or to local organisations. For example, we recently rehomed some fixed library furniture at Sinfin to a primary school that was setting up a library.

Damaged or worn-out furniture will be removed by the Council's removal company who take considerable care in disposing of items in the most safe and sustainable way.

The Council's Recycling Team have been consulted about how best to handle redundant furniture.

- 9.5 **LEVI Tender and award, ChargePoint's** Improving the number of EV ChargePoint's across the city will help to encourage the take up of EV ownership and this in turn will meet the Councils aims of reducing carbon emission output which will bring real benefits of improving the air quality within the city
- 9.5.1 This will build on the Governments decarbonisation investment plans and support economic growth locally in our towns and cities.

Socio-Economic implications

- 10.1 **Library Equipment -** The provision of PCs at library sites helps those without access to technology function in this digital age. Customers use the PCs to stay connected with others, to apply for jobs, apply for benefits, to shop and bank for example. Those that need help to operate the PC can ask for help and a volunteer or staff member will assist them. This is part of the library helping to level-up communities.
- 10.2 These additional assets will allow stakeholders to use the library space for larger events and community meetings. This is part of the library being a fully-fledged community hub.
- 10.3 A small gallery installation would benefit groups such schools, nurseries, and local artists. The gallery would be operated by the Friends Group with an emphasis on education.

- 10.4 **LEVI Tender and award, ChargePoint's -** The installation of ChargePoint's will need to comply with the following:
 - RC59: Recommendations for fire safety when charging electric vehicles
 - PAS 1899:2022. Electric vehicles Accessible charging Specification

Other significant implications

11.1 **Water and Wastewater procurement -** The type of service being procured is unlikely to be able to provide social value directly within Derby. The successful water retailer is likely to be a national provider who carries out these services across the country for a wide range of clients.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu – Head of Legal	15/05/2024
Finance	Toni Nash – Head of Finance	15/05/2024
Service Director(s)	See Below	
Report sponsor	Alison Parkin – Director of Finance	Not yet
Other(s)		-
Background nanors:	None	

Background papers: List of appendices:	None None	