



MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 31 MARCH 2026
TIME : 6.00 PM

PLEASE NOTE TIME AND VENUE

This meeting will be live streamed on the Council's Youtube page:
<https://www.youtube.com/user/EastHertsDistrict>

MEMBERS OF THE COMMITTEE

Councillor David Jacobs (Chair)

Councillors D Andrews, P Boylan, E Buckmaster, R Carter, N Clements,
N Cox, C Horner (Vice-Chair), S Marlow, S Nicholls, T Smith, M Swainston,
G Williams and J Wyllie

Substitutes

Conservative Group:	Councillors A Holt and G Williamson
Green Group:	Councillors V Burt, V Smith and S Watson
Labour Group:	Councillor C Redfern
Liberal Democrat Group:	Councillor R Townsend
Reform:	Councillor G McAndrew

Note: Substitution arrangements must be notified by the absent Member to Democratic Services 7 hours before the meeting, i.e. by midday on the day of the meeting)

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A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

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Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chair's Announcements

3. Declarations of Interest

To receive any Members' Declarations of Interest.

4. Call-In: Letting of a concession contract for the installation and management of Electric Vehicle chargers in East Herts Council's car parks (Pages 5 - 164)

5. Exclusion of the Press and Public (if required)

Part II business has been notified for this meeting. The Chairman will move: -

"That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the discussion of item 15 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information."

6. Urgent Items

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

EAST HERTS COUNCIL REPORT

OVERVIEW & SCRUTINY COMMITTEE

DATE OF MEETING: Tuesday, 31 March 2026

REPORT BY: Stephanie Tarrant, Assistant Director for
Democracy, Elections and Information
Governance

REPORT TITLE: Call-In: Letting of a concession contract for the
installation and management of Electric Vehicle
chargers in East Herts Council's car parks

WARD(S) AFFECTED: All Wards In Bishop's Stortford,
Buntingford, Hertford, Sawbridgeworth, Stanstead Abbots And Ware,
These Being: Bishop's Stortford All Saints; Bishop's Stortford Central;
Bishop's Stortford North; Bishop's Stortford Parsonage; Bishop's
Stortford South; Bishop's Stortford Thorley Manor; Buntingford; Great
Amwell And Stansteads; Hertford Bengo; Hertford Castle; Hertford
Kingsmead; Hertford Rural; Hertford Sele; Sawbridgeworth; Ware Priory;
Ware Rural; Ware St. Mary's; Ware Trinity

Summary – To invite Members of the Committee to consider the call-in request (attached at Appendix 1), of the decision reached on 9 March 2026 by the Director of Communities to award a 15 year concession contract for the provision of electric vehicle chargers in council car parks, with installation within the first three years of the contract and then management and maintenance for the remaining period of the contract.

RECOMMENDATION FOR OVERVIEW & SCRUTINY COMMITTEE:

(A) In accordance with paragraph 5.31.3 (g)-(i) of the Constitution, approves one of the following three recommendations¹:

¹ Only one recommendation, (A), (B) or (C), may be approved. The recommendation of the Committee shall be determined in the following way. If a vote leads to one option received 50% + 1

- (i) agrees with the decision that has been called-in, that is, the ‘Letting of a concession contract for the installation and management of electric vehicle chargers in East Herts Council's car parks’, enabling the decision to be implemented; *or*
- (ii) determines that, having taken the advice of the council’s Monitoring Officer, it is of the view that the called-in decision is contrary to the Policy Framework and/or contrary to or not wholly consistent with the Budget because it is a matter that is reserved for Council and has been taken without the necessary delegation by Council, thus referring it to Council for a final decision necessary for the called-in decision to be implemented; *or*
- (iii) does not agree with the decision, that is, the ‘Letting of a concession contract for the installation and management of electric vehicle chargers in East Herts Council's car parks’ should not proceed until the Executive (or the person making the decision under delegated authority) considers an alternative recommendation made by the Committee and makes a final decision.

Note: The Committee will be asked to consider the recommendations at A above in order.

2.0 Background

2.1 On 17 March 2025, in accordance with paragraphs 5.31.2-5.31.3 of the Council’s Constitution, four Members submitted a call-in request form to the Chief Executive. The call-in request form,

of the votes cast, that recommendation shall be the outcome of the Committee. If no option achieves 50% + 1 of the votes, then the option with the fewest votes shall be discarded and a second vote on the two remaining options shall determine the outcome. In the event that two or more options are tied as a result of the first vote, the Chair shall use his discretion to informally determine through discussion whether one or two options may be discarded or seek a formal vote on which one of the options with the same number of votes should be discarded, enabling a vote on the two remaining options. Should the vote to discard an option result in another tie, the Chair shall decide which option to discard before proceeding to the final vote, with the Chair’s decision on which option to discard before the final vote being final.

which related to the officer decision detailed in the above summary and as attached at appendix 2, was accepted in part by the Director of Law and Governance on the proviso that discussions took place with the Executive Member or Leader of the Council as required in accordance with paragraph 5.31.3(d) of the constitution. The call-in request form cited the following reasons for the decision being called-in:

The decision was taken by the Director for Communities under delegated authority, and the report seems to indicate that the Executive Member did not play a role in the decision-making process.

I base the call in on developing the understanding around the following:-

- 1. Strategic significance of the decision*
- 2. Transparency of financial arrangements*
- 3. Consumer protection and charging tariffs*
- 4. Long-term contractual commitments*
- 5. Due diligence and financial guarantees*

3.0 Background papers, appendices and other relevant material

3.1 Appendix 1 – Call-in request form

3.2 Appendix 2 - [Officer Key Decision Record/Report](#) (including the original appendix to that report)

3.3 Appendix 3 – EXEMPT: Officer response and additional information in response to Cllr Andrews.

3.4 Appendix 4 – EXEMPT: Tender documentation

Contact Officer James Ellis

Director for Legal, Policy and Governance and
Monitoring Officer

James.Ellis@eastherts.gov.uk

Report Author

Stephanie Tarrant, Assistant Director for
Democracy, Elections and Information
Governance

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**APPENDIX 1
EAST HERTS DISTRICT COUNCIL**

REQUEST TO CALL-IN AN EXECUTIVE DECISION

Report title	Letting of a concession contract for the installation and management of electric vehicle chargers in East Herts Council's car parks
Date of decision	9 March 2026
Date Published	9 March 2026 (first on Forward Plan 19/08/2025)
Who took the decision	Jonathan Geall, Director for Communities
	<p>We fully recognise the value of informal discussion with the portfolio holder and are happy to engage in that process where appropriate. However, having reviewed the Council's Constitution and the Scrutiny Procedure Rules, we understand that the call-in mechanism is a formal process available to Members in respect of Key Decisions, including those taken under officer delegated authority.</p> <p>In this instance, the decision (KD26/01) is explicitly identified as a Key Decision, with district-wide impact and significant financial implications. The decision was taken by the Director for Communities under delegated authority, and the report seems to indicate that the Executive Member did not play a role in the decision-making process.</p> <p>Given these circumstances, and in light of the requirement to submit any call-in within the prescribed five working day period, we consider it appropriate to proceed with a formal call-in request to ensure compliance with the Scrutiny Procedure Rules and to preserve Members' ability to seek review by the Overview and Scrutiny Committee.</p> <p>We have, and are of course, willing to engage constructively with the Executive Member alongside this process. However, we do not consider that such engagement should delay or be a prerequisite to the submission of a valid call-in request. Accordingly, please treat the initial submission request as a formal call-in submission, supported by 4 non Exec Members</p> <p>I base the call in on developing the understanding around the following:-</p> <ol style="list-style-type: none"> 1. Strategic significance of the decision 2. Transparency of financial arrangements 3. Consumer protection and charging tariffs 4. Long-term contractual commitments 5. Due diligence and financial guarantees

Objection / Reason for making the call-in – continue on a separate sheet, if necessary	I ask that the Overview and Scrutiny Committee review this decision to ensure that the council’s principles of transparency, proportionality and best value have been fully satisfied before the decision is implemented.
Date of call-in request	17 March 2026

You can only make a request to call-in a decision if there is evidence that the decision taken was not in accordance with the principles of decision-making, as set out in the Constitution.

Which of the following principles do you believe the decision did not take into account?

- Due regard for the individuals and communities served by East Herts District Council**
This decision, when implemented, will affect a small but growing number of East Herts residents and visitors. It will involve a considerable capital investment, albeit not by the Council but by others, some of whom are not clearly obvious. There may well be liabilities above and beyond the simple concession. If the scheme is not implemented in a timely manner and the equipment is not properly maintained so as to offer a reliable service, there is a reputational risk to the authority and its local members.
- Proportionality – this means the action must be proportionate to the desired outcome**
A short-term delay whilst this process is more thoroughly examined is entirely proportionate, given the challenges that might arise.
- Due consultation in line with the council’s consultation strategy**
A call-in of this decision is in line with this authority’s mechanisms
- Respect for human rights**
Not challenged
- A presumption in favour of openness**
A call in to the OSC can only be seen as a positive step in terms of openness and accountability.
- Clarity of aims and desired outcomes**
Not applicable
- Consistency with the council’s budget and policy framework**
Whilst an income is expected, it seems modest and related only to the letting of the parking spaces. Whilst it is recognised that the capital and larger part of risk will be borne by the Concession holder, it is thought EH should get some return on the usage, i.e. a % or fee per kWh

Alternative proposal

Alternative proposal –
continue on a separate sheet, if
necessary

Persons making this call-in

We are:

- An individual elected member for a ward particularly affected by the decision
- The chair of the relevant overview and scrutiny committee
- Any 4 non-Executive Members

Contact information

Name	Cllr David Andrews
Email address	David.Andrews@eastherts.gov.uk

Supporters of the call-in

Details of each person indicated as 'persons making this call-in' on page 2 must be entered below.

Number	Name in block capitals	Signature
1.	Cllr David Andrews	Via email
2.	Cllr Graham McAndrew	Via email
3.	Cllr Bob Deering	Via email
4.	Cllr Ian Devonshire	Via email

Please return this form to

- democratic.services@eastherts.gov.uk

For Monitoring Officer use only

Monitoring Officer's decision on the call-in request:

- Allowed in full
- Allowed in part
- Not allowed

Monitoring Officer's reasons for decision	<p>Whilst I accept the reasons given for this call-in request, I do not accept the statement expressed by the members making it that early engagement with the Executive Member is not be a prerequisite for the submission of a call-in request to be valid.</p> <p>Part 5.31.3 (d) of the council's adopted Constitution makes it clear that members should first make every effort to discuss the issue with the relevant Executive Member or the Leader of the Council before a call-in can be accepted. It is not an optional step for members wishing to call-in a decision to choose whether to follow or not and is therefore very much a prerequisite.</p> <p>However, given the members' commitment to engaging with the Executive Member, albeit a little later than they should have done, I am willing to accept the call-in request on the proviso that this is done. A failure to engage should render the call-in invalid.</p>
Monitoring Officer's comments on the alternative proposal	<p>There was no alternative proposal.</p>
Signature	<p>James Ellis</p>
Date	<p>18.03.2026</p>

East Herts Council – Key Decision Record

Record of executive decision made by an individual under Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision Title: Letting of a Concession Contract for the Installation and Management of Electric Vehicle Chargers in East Herts Council's Car Parks

Reference Number: KD26/01

Taken by: Jonathan Geall, Director for Communities

Decision

That Otaski Energy Solutions Ltd (OtaskiES) be awarded a 15 year concession contract for the provision of electric vehicle chargers in council car parks, with installation within the first three years of the contract and then management and maintenance for the remaining period of the contract.

Date of Decision

9 March 2026

Reason(s) for decision

Council has adopted a new corporate plan which prioritised that the council would *'roll out more EV [electric vehicle] chargers in urban and rural locations across the district'*.

The council's wish to procure a concession contract to instal EV chargers in council car parks has been advertised and assessed in compliance with the council's Financial Regulations and Contract Procedure Rules.

OtaskiES was selected following the assessment of all five tenders received in response to specification issued by the council, using the predetermined assessment criteria.

Details of alternative options considered and rejected

Abandon the plan to instal EV chargers in council car parks. NOT RECOMMENDED as this is a priority in both the council's Climate

Change Strategy and corporate plan. Added to this, UK government [statistics](#) for the number of EV chargers per 100,000 population in 2025 has the East of England region lagging behind all English regions except the North West, Yorkshire and the Humber and only marginally ahead of the North East. At the same time, government [figures](#) show that new electric vehicle registrations jumped by 23% nationally in the 12 months to September 2025. Thus, there appears to be a strong case to proceed with providing more EV chargers in East Herts.

Do not enter into contract with OtaskiES. NOT RECOMMENDED as there is no legitimate reason for the council to not enter into the contract; OtaskiES' tender met all the requirements in the council's specification, due diligence confirmed the financial strength of the company and their financial backers, references for comparable work by OtaskiES and their subcontractor partner have been verified as satisfactory and the company is agreeable to the council's terms and conditions which were included as part of the tender documentation.

Seek to in some way substantively amend the contract with OtaskiES' prior to signing. NOT RECOMMENDED given that, as noted in paragraph 4.1, OtaskiES' tender has met all the council's requirements and in addition this could open the council to challenge from an unsuccessful on the basis that all tenderers were required under the specification to abide by the council's terms and conditions of contract such that subsequently amending the contract could afford OtaskiES an unfair advantage not available to other tenderers.

Let the concession contract to OtaskiES. RECOMMENDED for the reasons discussed in this report.

Does the decision or report contain exempt information?

No

State nature of any declaration of conflict of interest made by any Executive Member who is consulted by the Member taking the decision

None.

Note: the Director for Communities has chosen to consult Cllr Tim Hoskin, Executive Member for Environmental Sustainability about the procurement of an EV charger provider although the Executive Member has not played any role in the decision-making process regarding the selection of OtaskiES.

State, in respect of any declared conflict of interest, whether any dispensation has been granted

Not applicable.

Contact Officer:

Jonathan Geall, Director for Communities

Tel: 01992 531594

Email: jonathan.geall@eastherts.gov.uk

East Herts Council – Key Decision taken by an officer under delegated authority

Date of Decision: 9 March 2026

Report by: Jonathan Geall, Director for Communities

Report title: Letting of a Concession Contract for the Installation and Management of Electric Vehicle Chargers in East Herts Council's Car Parks

Ward(s) affected: All wards in Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth, Stanstead Abbots and Ware, these being: Bishop's Stortford All Saints; Bishop's Stortford Central; Bishop's Stortford North; Bishop's Stortford Parsonage; Bishop's Stortford South; Bishop's Stortford Thorley Manor; Buntingford; Great Amwell and Stansteads; Hertford Bengoe; Hertford Castle; Hertford Kingsmead; Hertford Rural; Hertford Sele; Sawbridgeworth; Ware Priory; Ware Rural; Ware St. Mary's; Ware Trinity

Summary

- At its meeting of 28 February 2024, Council adopted a new corporate plan which, under the theme of being Environmentally Focused, prioritised that the council would *'roll out more EV [electric vehicle] chargers in urban and rural locations across the district'*. This priority was reaffirmed in the refresh of the corporate plan approved by Council on 23rd July 2025.
- This corporate priority recognised the aim within the council's Climate Change Strategy 2022 – 2026 to *'work with partners to encourage greater uptake of low emission vehicles and install more e-chargers to further nudge the switch to e-vehicles'*.
- To deliver the priority to provide more electric vehicle (ev) chargers, the council tendered for a suitably experienced company to instal, manage and maintain ev chargers in council car parks in Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth, Stanstead Abbots and Ware currently lacking provision, where technically and operationally viable. The tender documentation made clear that the contract was to be let on a concession basis whereby the successful tenderer would pay the council a fee for the use of council car park bays.
- The tender exercise attracted five tenders with Otaski Energy Solutions (OtaskiES) offering the best mix of quality, concession income and social value outputs. This report covers the formal

letting of the contract to OtaskiES.

**RECOMMENDATIONS FOR THE DIRECTOR FOR COMMUNITIES,
that:**

- (a) Otaski Energy Solutions Ltd be awarded a 15 year concession contract for the provision of electric vehicle chargers in council car parks, with installation within the first three years of the contract and then management and maintenance for the remaining period of the contract.**

1.0 Proposal(s)

- 1.1 It is proposed to let a concession contract to Otaski Energy Solutions Ltd (OtaskiES) to enable the company to instal and operate EV chargers in council car parks in Bishop’s Stortford, Buntingford, Hertford, Sawbridgeworth, Stanstead Abbots and Ware currently lacking provision, where technically and operationally viable, in return for a concession fee and a share of any surpluses accruing to OtaskiES from the fifth year of operation. OtaskiES have been selected as they submitted a fully compliant tender in response to the council’s published specification which achieved the highest assessment score of all five tenders received.

2.0 Background

- 2.1 At its meeting of 28 February 2024, Council adopted a new corporate plan which, under the theme of being Environmentally Focused, prioritised that the council would *‘roll out more EV [electric vehicle] chargers in urban and rural locations across the district’*. This priority was reaffirmed in the refresh of the corporate plan approved by Council on 23 July 2025.
- 2.2 This corporate priority itself built on the aim within the council’s Climate Change Strategy 2022 – 2026 to *‘work with partners to encourage greater uptake of low emission vehicles and install more e-chargers to further nudge the switch to e-vehicles’*.
- 2.3 To deliver the priority to provide more EV chargers, in spring 2025, the council issued an invitation to tender for a concession contract for the installation, management and maintenance of EV chargers

in council car parks in Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth, Stanstead Abbots and Ware currently lacking provision, where technically and operationally viable. The concession contract terms in the specification made clear that the selected company would be required to pay the council a fee in return for use of space in the council's car parks. The company would then retain income, to cover its commercial costs, derived from use of the ev chargers, with a mechanism for the council to take a share of any operating surpluses from the fifth year of operation.

- 2.4 The invitation to tender was made available via the UK government's Find a Tender service as mandated by the anticipated income that the successful tender could expect to derive over the 15-year lifetime of the contract.
- 2.5 This process attracted tenders from five experienced operators in the field of EV charger provision and management. Following a detailed evaluation of the tenders by officers and a specialist EV charger procurement consultant engaged by the council, OtaskiES was selected.
- 2.6 This is a key decision by virtue of the value of the income to the council over the lifetime of the contract anticipated as being in excess of £200,000 – see the Financial Implications section below.
- 2.7 The Director for Communities is making the decision to award the contract to OtaskiES in order to deliver the council's adopted priorities, as laid out in paragraphs 2.1 and 2.2 above, by utilising the authority delegated to him under paragraph 10.6.1.2 (c) of the council's Constitution to make decisions *'in relation to contracts to buy and sell... [in line with] the council's Financial Regulations and Contract Procedure Rules'* pursuant to his authority delegated under paragraph 10.14.29 of the Constitution *'to make arrangements to promote environmental sustainability and reduce carbon emissions within the council and throughout the District'*.

3.0 Reason(s)

- 3.1 OtaskiES was selected following the assessment of all five tenders

received in response to specification issued by the council, using the predetermined assessment criteria which, in summary, were:

- 30% of the total score for quality considerations – principally, the functionality of the charging infrastructure, end-user ease-of-use and a track record of high quality implementation, customer support and maintenance
- 60% for financial considerations – principally, the total concession income to the council (fee payable to the council per parking bay multiplied by the number of bays to be used for EV charger provision) plus a surplus share percentage
- 10% for social value – the wider benefits to the community that the tenderer would sign up to provide.

3.2 A summary of the scores is given below. All tenderers' names other than OtaskiES' have been redacted in the table. The Director for Communities has maintained detailed records of all tenders and, for each tenderer, the scores assigned to each of the factors comprising the assessment criteria (quality, financial and social value).

Tenderer	Quality	Financial	Social Value	Total	
	Score (out of 30%)	Score (out of 60%)	Score (out of 10%)	Score (out of 100%)	Rank
OtaskiES	20.6%	55.2%	7.5%	83.3%	1
A	26.0%	45.4%	3.2%	74.7%	2
B	20.9%	28.5%	3.0%	52.4%	3
C	16.2%	24.8%	5.6%	46.6%	4
D	11.8%	2.4%	0.0%	14.2%	5

Individual component scores rounded to nearest 0.1% so total may be +/- 0.1%.

3.3 OtaskiES' total score was the highest and so the company was selected. This report records that selection and, having completed all due diligence, the council is now in a position to enter into contract with OtaskiES.

How many EV chargers will be installed?

3.4 The assessment of all tenders took account of the number of chargers the tenderer would commit to instal. Included in the contract, is the number of EV chargers in OtaskiES' tender, that is:

- 193 EV chargers and
- wiring for a possible additional 44 chargers to be enlivened at a later date.

Where will the EV chargers be installed?

- 3.5 The council has identified 19 car parks currently lacking ev charger provision (or sufficient, up-to-date provision) where it appears technically and operationally viable to instal chargers. The list of car parks is attached at Appendix 1.
- 3.6 It is recognised at the outset that site assessments by OtaskiES may lead so some car parks no longer being viable locations and/or not being able to support as many chargers as initially envisaged. If this arises, the council will work with OtaskiES to find viable alternatives without reducing the overall number of chargers installed. The final determination of locations, including any replacement locations, is reserved for the council, not OtaskiES.

When will the EV chargers be installed?

- 3.7 The contract requires OtaskiES to instal and make useable no less than 45% of chargers (noted in paragraph 3.4) within the first 18 months of the contract, with the remaining EV chargers to be in place and useable within another 18 months. This means all chargers will be 'up-and-running' no later than three years from the start of the contract.
- 3.8 The terms of the contract incentivise OtaskiES to meet these deadlines by requiring the company to start making payments to the council in line with this installation timeline, even if not all the required chargers are installed in time.

What speed of chargers will be installed?

- 3.9 The contract makes provision for the installation of both AC chargers (typically achieving 7 kWh to 22 kWh speeds) and DC chargers, often referred to as rapid chargers, (typically achieving 100+ kWh speeds).
- 3.10 The actual charging speed of both AC or DC chargers depends on the lowest limit in the charging system. Key factors include the vehicle's capability and power sharing with other vehicles and available power supply within the electricity grid.

4.0 Options

- 4.1 Abandon the plan to instal EV chargers in council car parks. NOT RECOMMENDED as this is a priority in both the council's Climate

Change Strategy and corporate plan. Added to this, UK government [statistics](#) for the number of EV chargers per 100,000 population in 2025 has the East of England region lagging behind all English regions except the North West, Yorkshire and the Humber and only marginally ahead of the North East. At the same time, government [figures](#) show that new electric vehicle registrations jumped by 23% nationally in the 12 months to September 2025. Thus, there appears to be a strong case to proceed with providing more EV chargers in East Herts.

- 4.2 Do not enter into contract with OtaskiES. NOT RECOMMENDED as there is no legitimate reason for the council to not enter into the contract; OtaskiES' tender met all the requirements in the council's specification, due diligence confirmed the financial strength of the company and their financial backers, references for comparable work by OtaskiES and their subcontractor partner have been verified as satisfactory and the company is agreeable to the council's terms and conditions which were included as part of the tender documentation.
- 4.3 Seek to in some way substantively amend the contract with OtaskiES' prior to signing. NOT RECOMMENDED given that, as noted in paragraph 4.1, OtaskiES' tender has met all the council's requirements and in addition this could open the council to challenge from an unsuccessful on the basis that all tenderers were required under the specification to abide by the council's terms and conditions of contract such that subsequently amending the contract could afford OtaskiES an unfair advantage not available to other tenderers.
- 4.4 Let the concession contract to OtaskiES. RECOMMENDED for the reasons discussed in this report.

5.0 Risks

- 5.1 A series of risks have been identified.
- 5.2 Risk 1: the selected company, that is, OtaskiES, could fail. This is always a risk with any company with whom the council contracts. The risk has been mitigated, however, by (a) due diligence,

including using an established business credit agency to review the company's solvency and financial backing, (b) the requirement the OtaskiES' financial backer, SEAK, co-signs the contract as a third party guarantor and (c) provisions in the contract for hardware to revert to the council on contract termination such that the council could readily seek another provider to continue the contract.

- 5.3 Risk 2: the company may come to a view that demand is lower than anticipated, thus seeking to reduce the concession fee payable the council. This has been mitigated by including in the contract that the payments to the council are predicated on the number of chargers the company included in their tender, *not* the number of chargers ultimately installed if lower. In this way, the council's income stream will be protected.

6.0 Implications/Consultations

- 6.1 In making his decision, the Director for Communities has consulted the Executive Member for Environmental Sustainability. This member is content to move to letting the contract.

- 6.2 The implications identified are as follows.

Community Safety

Yes/No

Data Protection

Yes/No

Equalities

Yes/No

The tender documentation made reference to the equalities aspects of the roll out of ev chargers. The main implication that the council has identified with regard to protected characteristics is the need for sufficient space around and the height of chargers to enable use by disabled drivers, including those using wheelchairs. Of note, OtaskiES will be required to provide chargers in line with the PAS 1899 standard which sets out good practice in delivering inclusive and accessible public EV chargers, including clarity of signage.

Environmental Sustainability

Yes/No

Government-produced carbon emission figures show that a medium-sized petrol or diesel fuelled car produces around 3 tonnes of carbon a year, based on an average 10,000 miles driven in the year. In contrast, a battery electric vehicle creates zero emissions, assuming a no carbon electricity tariff is used (which the contract to be signed with OtaskiES stipulates), or around 0.5 tonnes based on a typical carbon-producing electricity tariff. The figures confirm that a switch from fossil-fuelled to battery electric vehicles would have a positive impact on cutting carbon emissions across the district and thus their promotion by the provision of more EV chargers is very likely to contribute to the council's aim to see the whole area's carbon emissions reduced. Hardware durability and end-of-life recyclability has also been maximised through the council's specification terms which OtaskiES have satisfactorily met.

Financial

Yes/No

The contract has been advertised and assessed in compliance with the council's Financial Regulations and Contract Procedure Rules. OtaskiES' tender has been assessed as the most advantageous tender of the five received, including the most financially advantageous. The terms of the company's tender, incorporated into the contract, will see a minimum concession fee income to the council over the lifetime of the contract of in excess of £1m. In addition, should operational surpluses arise, the council will benefit from a percentage share of these from the fifth year of operation. It should be noted that the precise fees and surplus share percentage, as included in the contract, were not specified by the council and formed the financial offer by OtaskiES. As such, they remain commercially sensitive information held by OtaskiES, the publication of which could prejudice the company's position in the competitive market, therefore the council is required to exempt the figures from consideration in public by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.

Health and Safety

Yes/No

Human Resources

Yes/No

Human Rights

Yes/No

Legal

Yes/No

The contract has been formulated by the council's Legal team so as to be compliant with appropriate law and preserve the council's position over the lifetime of the contract. Explicit provision is included in the contract for novation of the contract by East Herts Council to a successor body as envisaged under Local Government Reorganisation (LGR).

Specific Wards

Yes/No

All wards in Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth, Stanstead Abbots and Ware, these being: Bishop's Stortford All Saints; Bishop's Stortford Central; Bishop's Stortford North; Bishop's Stortford Parsonage; Bishop's Stortford South; Bishop's Stortford Thorley Manor; Buntingford; Great Amwell and Stansteads; Hertford Bengoe; Hertford Castle; Hertford Kingsmead; Hertford Rural; Hertford Sele; Sawbridgeworth; Ware Priory; Ware Rural; Ware St. Mary's; Ware Trinity.

7.0 Background papers, appendices and other relevant material

7.1 Appendix 1: Initial Schedule of East Herts Council Car Parks in the EV Charger Concession Contract.

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Appendix 1: Initial Schedule of East Herts Council Car Parks in the EV Charger Concession Contract

The following car parks have been identified as having no or insufficient/out-of-date/non-operational ev chargers, with installation being assessment at this stage as being technically and operationally viable.

It is recognised at the outset that site assessments by OtaskiES may lead so some car parks no longer being viable locations and/or not being able to support as many chargers as initially envisaged. If this arises, the council will work with OtaskiES to find viable alternatives without reducing the overall number of chargers installed. The determination of locations, including any replacement locations, is reserved for the council.

Town / village	Car parks
Bishop's Stortford	Apton Road Crown Terrace Grange Paddocks – car park A Grange Paddocks – car park B Jackson Square
Buntingford	Bowling Green Lane
Hertford	Gascoyne Way Hartham Common Hartham Lane St Andrew Street Wallfields – public car park
Sawbridgeworth	Bell Street
Stanstead Abbots	High Street
Ware	Amwell End, Broadmeads Baldock Street / Coronation Road Kibes Lane – North Kibes Lane – South Library Priory Street

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