

LOCAL GOVERNMENT ACT 2000

REGISTER OF URGENT
DECISIONS TAKEN BY THE
CHIEF EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION
– Part 3 Annexe 2: Officer Delegations –
Chief Executive



Reference No:

1) SUBJECT: E-scooter pilot

2) REQUESTED DECISION: To agree to waive the contract procedure rules and to appoint Voi, for the purposes of running an e-scooter pilot in North Devon with NDC and Petroc, where no monetary incentive or grant forms part of this agreement with Voi. This agreement is for a pilot period only – lasting 12 months under the licence from Department for Transport (DfT).

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

The urgency is to meet the DfT deadline to acquire a licence to run an e-scooter pilot in North Devon with a partnership between Petroc and an e-scooter supplier ([Voi](#))

Petroc have been in discussion with local partners, including Devon County Council, NDC and TDC since early July around the potential for an e-scooter pilot for North Devon. All parties were broadly in agreement with the principle of a pilot – both addressing the ‘first/last mile’ issue faced by Petroc students, and the offer for visitors to North Devon who wish to find a more sustainable method of traveling around when on holiday in the area. Petroc made contact with a micro mobility provider, who had already successfully started pilots with other local authorities, mostly in city regions. The company, Voi, were keen to look at a pilot in a rural area. Through discussions with DfT, Petroc were made aware that this would be the first rural pilot in England, and the data collected from the pilot would be very welcomed by the DfT. Petroc therefore proceeded to submit an Expression of Interest, as per the process. The DfT welcomed the submission but at this point made it clear that they would only accept a full proposal from a local authority – as they were only granting licences through these bodies.

On September 9th, Petroc contacted NDC to seek our approval to submit a proposal on behalf of the emerging partnership they had formed with Voi. This was agreed by the Head of Place and at this point work was started on the proposal. It was clear after the first few meetings that the DfT required the proposal to have the micro mobility partner already procured, so their operating procedures could form part of the assessment process on submission to the DfT.

Guidance from DfT on procurement for proposals being submitted states:

Dialogue with several areas suggests that light-touch contractual arrangements may be suitable for many authorities and better able to rapidly deliver e-scooter trials in response to COVID-19. In some cases, however, areas may choose to undertake a more traditional procurement exercise with a more detailed contractual arrangement. This is entirely a local decision.

We did not have the appropriate time to carry out a contracting process, prior to submission, given the deadline of September 30th 2020.

Voi have provided a lot of detail around the safety and risk mitigation to run a successful e-scooter pilot, bringing with them a fair bit of experience from working within other local authority areas across England. There is no financial gain for them in the running of the pilot – they will not make a profit, but will build up experience of working in a rural setting, something they have not yet done. Voi will provide all of the capital equipment – scooters, spare parts, storage units, safety equipment so will invest a lot during the life of the pilot.

Once the 12 month pilot period concludes, Voi will remove all of the infrastructure they have in the area. If proof of concept is successful partners will discuss with DfT a longer term solution to e-scooter use in the area.

Alternative Options considered and rejected at the time of the decision:

- Tendering Process under the Councils Contract Procedure Rules, given the turnover value to the supplier would exceed £40,000 for the 12 month pilot a tendering process would be required. The timescales for undertaking this would make a bid submission to the DfT invalid with the deadline for submission of September 30th. This option was therefore rejected.
- Working with Petroc under a joint working agreement where they take on the procurement of the supplier acting as our agent. However, this was not seen as a compliant method under the terms of the licence from the DfT, where the local authority is the preferred contractor with the e-scooter supplier. Therefore this option was also discounted.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

There are no financial implications for NDC taking the lead role in this E-scooter trial. All capital equipment needed will be provided by the supplier (Voi) at no cost to the public purse. The proposal to the DfT is for a licence to run e-scooters in the district – it doesn't cost the authority any money to obtain this

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

See above

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None

7) A NOTE OF ANY DISPENSATION IF GRANTED:

None

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

DfT: [E-scooter trials: guidance for local areas and rental operators](#)

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (<i>or Deputy Leader</i>)	Y	30.9.20
Chair of Committee (with the Authority to take the decision) (<i>or Vice-Chair</i>)		
Lead Member	Y	30.9.20
Ward Member(s)	Y	30.9.20
Head of Service (name)	Y	30.9.20
Finance		30.9.20
Legal	Y	25.9.20

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Chief Executive

12) APPROVED BY CHIEF EXECUTIVE: YES

13) DATE OF DECISION:

30.9.20

14) CHIEF EXECUTIVE'S COMMENTS:

Approve the decision. There is still a lot of work to be done on the project but I'm happy to act as the applicant to the bid and to appoint Voi in order to move the project forward.

15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

Officer Delegations: the Chief Executive:

Urgent Decision Making

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:

- 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
- 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
- 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.