

Future of transport regulatory review: zero emission vehicles

Citizens Advice's response
to OZEV's consultation

November 2021



Overview of response

At Citizens Advice, we give people the knowledge and confidence they need to find their way forward - whoever they are, and whatever their problem. Since 2014, Citizens Advice has been the statutory advocate and advice provider for energy consumers. Our vision is for an energy market that is inclusive by design and recognises the essential nature of energy supply. It should facilitate and encourage innovation, be accessible by all and treat everybody fairly, regardless of their circumstances.

We welcome the government's transport regulatory review and the focus on electric vehicles. The CMA's market study on electric vehicles concluded that markets on their own are unlikely to deliver the required rate of chargepoint installations.¹ Legislating for primary powers now is important for ensuring there is sufficient charging infrastructure and appropriate consumer protections to meet people's needs and build trust.

We strongly support the focus on consumer protections. Improving people's confidence in contracts, customer service and redress will be crucial for building trust in public charging. OZEV should continue to work closely with the Electric Vehicle Energy Taskforce as it continues to explore the consumer experience of electric vehicle charging.

In some areas, we don't have strong views, but we do have a view about the consumer outcomes that must be prioritised and what needs to be in place for these outcomes to be achieved.

¹ Competition and Markets Authority (2021) [Electric vehicle charging market study: final report](#)

Responses to questions

A statutory obligation to plan for and deliver a charging infrastructure

- 1. Do you agree or disagree that there should be a statutory duty to plan for sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?**
- 2. Do you agree or disagree that there should be a statutory duty to deliver sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?**

We agree. By placing a statutory duty on a specific organisation, the government makes it clear where responsibility lies for these roles and provides a mandate for them to carry out this role.

We have highlighted 3 key outcomes that any chosen organisation for these statutory duties must be able to achieve.

Firstly, the statutory duty must result in the rate of chargepoint installations necessary for supporting the uptake of electric vehicles and meeting the government's net zero commitments. The CMA's market study into electric vehicles concluded that at least more than 10 times as many public chargepoints are needed by 2030.² In addition, the rate of different chargepoint types must respond to demand. The necessary rate of chargepoint installations varies between 6 and 41 times for different chargepoint speeds.³

Secondly, the duty must require the chosen organisation to improve the unequal geographical distribution of chargepoints. For example, in April 2021, the number of public chargepoints per 100,000 people in London was nearly 4 times that of Yorkshire and the Humber.⁴ The chosen organisation must be adequately funded and incentivised to plan for and provide chargepoints in the places that need them. It's important that this process prioritises the specific needs of different local areas, based on a process of embedding local resident and stakeholder views in decision-making.

Finally, the duty must focus on providing a good quality, accessible and inclusive charging experience by considering people's needs. This outcome will be crucial as the mass uptake of EVs expands further to groups such as disabled people. In 2035, half of

² Competition and Markets Authority (2021) [Electric vehicle charging market study: final report](#)

³ Ibid.

⁴ Ibid.

disabled people will be reliant on public charging.⁵ An inadequate public charging network will affect certain groups more than others, worsening inequalities.

The government must provide the right incentives, enforcement mechanisms and support in order for the chosen organisation(s) to fulfil their statutory duties effectively and achieve these outcomes.

- 3. Who do you think should be legally responsible for planning for sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?**
- 4. Who do you think should be legally responsible for delivery of sufficient charging provision of electric vehicle chargepoints to meet the needs of residents, businesses and visitors in a given geographical area?**
- 5. How might placing this statutory requirement on the organisation/s you've selected affect provision of chargepoints and chargepoint investment?**

We don't have a strong view on where the legal responsibility for planning for and delivering sufficient charging provision should lie. Whether the government assigns this duty to local authorities, charge point providers or energy companies, the responsible organisation must achieve the outcomes set out above.

The decision about whether to place this statutory requirement on local authorities or on industry (chargepoint providers or energy companies) is likely to impact provision and investment.

For example, local authorities are already required to prioritise local engagement under their existing statutory responsibilities for wider local planning.⁶ Therefore, they already have a mandate for considering people's needs. This could affect chargepoint provision positively, resulting in the installation of the types of chargepoints that people need and in the places they need.

On the other hand, industry could be more likely to attract private investment from shareholders to plan for and provide chargepoints. This could put them in a better financial position than local authorities to deliver the statutory requirement.

⁵ Motability and Ricardo Energy and Environment (2020) [Electric Vehicle charging infrastructure for people living with disabilities](#)

⁶ MHCLG (2021) [National Planning Policy Framework](#)

Regardless of where responsibility for the statutory requirements lie, the government must require the chosen organisation to make progress on achieving the 3 outcomes we have set out and an enforcement body must monitor and enforce this.

6. What views do you have on how these duties should be enforced?

We don't have a strong view on how these duties should be enforced, but the approach must be proportionate and should bring about positive consumer outcomes.

There should be a single enforcement body with a clearly defined role and remit. The mechanism for enforcement should be robust and transparent.

7 - 9. Not answered.

Chargepoints in non-residential car parks

10. Should we seek powers to set a minimum level of EV charging infrastructure for all non-residential car parks?

11. Should these powers potentially apply to all car parks that are

- **publicly accessible (including retail, leisure and healthcare car parks)?**
- **not publicly accessible but provided for the use of a particular group (such as a workplace car park)?**

Yes. Mass uptake will rely on a much more diverse range of people using EVs, such as disabled people and people who rent their homes. It's important that people who rely on public charging have a range of options.

12. Should there be exemptions to the requirements?

13. Which individuals, groups or types of car park should be exempt from the requirements?

We understand that there are instances where chargepoint installations are more expensive and require additional work. The rationale for any exemptions should be proportionate and transparent. Some exemptions could be coupled with a requirement to understand and address the root causes of the circumstances causing exemption.

For example, if there is insufficient electricity supply then the responsible organisation should be required to work with network operators on a plan to remedy this.

We would welcome any insight on the predicted scale and geographical distribution of exemptions. If there is a high number of circumstances in which exemptions would apply, then the number of exemptions could undermine the government's net zero commitments. And if certain areas include significantly more individuals, groups or types of car park with exceptifying circumstances, then this could exacerbate the problem of unequal geographical distribution of chargepoints.

It's important that the government monitors the scale and geographical distribution of exemptions, taking action if positive consumer outcomes are not being achieved.

14. What would a suitable minimum provision of charging infrastructure be in non-residential car parks (for example, one chargepoint for every 10 spaces)?

15. Should the landowner of the car park be responsible for ensuring there is the required level of charging infrastructure provision?

16. Are there any other groups or individuals that should be responsible for delivering charging infrastructure provision in non-residential car parks?

17. Who do you think would be an appropriate body to operate at a local level to enforce the proposals?

We don't have a strong view on where the responsibility should lie for this, but any responsible party should be deemed able to bear this responsibility, there should be appropriate incentives for them to carry out their responsibilities well, and the enforcement body should monitor them against positive consumer outcomes.

18 - 24. Not answered.

Making the Rapid Charging Fund

25. Do you agree or disagree that we should have the power to mandate more competition between chargepoint operators at:

- **service areas?**

- **large fuel retailers?**

26. Do you agree or disagree that we should have the power to remove existing exclusivity clauses between chargepoint operators at:

- **service areas?**
- **large fuel retailers?**

We agree. The CMA's competition law investigation on this topic warned that exclusivity clauses risk limiting competition. The investigation outcome has recently been met with commitments from Gridserve and the three service area operators involved.⁷ This is positive, showing that industry can respond to potential competition breaches and provide assurances.

Internationally, there are similar concerns from regulators. The Italian Competition Authority has launched an investigation into a proposed joint venture between Enel X and Volkswagen to develop ultra-fast electric vehicle chargepoints, due to concerns that a non-competitive agreement could harm consumers.⁸

However, the government should have the power to act promptly if competition is compromised at service areas and large fuel retailers in future and if the response from industry is not substantive enough.

27. Not answered.

28. Do you agree or disagree that we should have the power to require chargepoint operators to offer open access charging at:

- **service areas?**
- **large fuel retailers?**

We agree. By applying for these powers now, the government will be able to intervene promptly if the market does not deliver this.

29. How do you think we should define open access charging?

⁷ CMA (2021) [Investigation into the supply of electric vehicle chargepoints on or near motorways](#)
⁸<https://globalcompetitionreview.com/exclusivity-clauses/italy-opens-electric-car-charging-station-jv-probe>

Open access charging should be defined as the ability of chargepoints in public areas (such as service areas and large fuel retailers) to be used by consumers regardless of the brand of car they use or the charging network provider they have a contract with.

30 - 31. Not answered.

32. Do you agree or disagree that we should have the power to require a progressive increase the number of chargepoints provided at?

- **service areas?**
- **large fuel retailers?**

We agree. It's important that the government monitors the rate of chargepoint installations and compares this with the required rate of chargepoint installations (using the latest modelling). Based on this, the government should be able to take action if the rate of chargepoint provision is not sufficient to meet net zero commitments.

33. What are the costs expected as a result of getting powers to:

- **mandate more competition between chargepoint operators at service areas/large fuel retailers?**
- **remove existing exclusivity clauses between chargepoint operators and service area operators/large fuel retailers?**
- **require a progressive increase the number of chargepoints provided at service areas and large fuel retailers?**
- **require chargepoint operators to offer open access charging at service areas/large fuel retailers?**

34. What are the benefits expected as a result of getting powers to:

- **mandate more competition between chargepoint operators at service areas/large fuel retailers?**
- **remove existing exclusivity clauses between chargepoint operators and service area operators/large fuel retailers?**

- **require a progressive increase the number of chargepoints provided at service areas and large fuel retailers?**
- **require chargepoint operators to offer open access charging at service areas/large fuel retailers?**

We don't have specific insight on the costs of these requirements, however we see numerous benefits. Ultimately, improving people's confidence in electric vehicle charging is essential for meeting net zero commitments. Efforts to reduce costs, especially if these will fall on consumers, are important - but not at the expense of positive consumer outcomes.

More competition, the removal of exclusivity clauses and open access charging should drive up standards in customer service and consumer choice. In addition, increasing competition avoids a monopoly market in which there are fewer incentives for innovation.

Flexibility to update the required number of chargepoints is important, as the government needs to be able to react to the latest modelling.

35 - 36. Not answered.

37. What are the likely consumer price impacts of mandating 2 or more chargepoint operators at service or large fuel retailer areas?

More competition is likely to create more competitive pricing and therefore lower prices for consumers. This will be essential as the uptake of EVs widens out into lower income groups for whom price is likely to be important.

Improving the experience for electric vehicle consumers

38. Stating clearly, do you agree or disagree that we should implement a consumer protection service, including the option of financial redress to consumers?

We strongly agree. In the domestic energy supply market, people have numerous consumer protections provided by supplier licensing, including access to an advice, advocacy and complaint escalation service from Citizens Advice, the Extra Help Unit and the Energy Ombudsman.

The work of the Electric Vehicle Energy Taskforce has identified that there are significant gaps in the consumer journey when people encounter problems with public charging. It can be unclear where they can go for help and where responsibilities lie.⁹ The government should continue to work with the taskforce as it explores these gaps in further detail.

In 2022, the government plans to consult on proposals to regulate organisations with a load-controlling role, such as smart appliances and home EV chargers. If similar protections are not awarded to consumers using public charging, then there will be a protection gap between consumers relying on home charging and public charging.

39. Stating clearly, do you agree or disagree that there be a mechanism for an enforcement body to impose penalties and sanctions on chargepoint operators for poor consumer service?

We agree. Driving up customer service is crucial for instilling confidence in EVs and achieving the necessary mass uptake.

Ofgem are able to carry out enforcement action on energy suppliers with poor customer service. The same should apply for the companies involved in providing energy to charge people's vehicles.

40. What, in your view, are the cost implications of establishing a new consumer protections system, including complaints and redressing services (whether government-led or an independent entity)?

The system will require a robust and sustainable funding mechanism, otherwise it risks being inadequately funded.

A 'do nothing' approach could negatively affect consumer confidence and trust in the market, putting net zero commitments at risk.

41. What, in your view, do you think will be the financial cost to the consumer of these consumer protection powers?

Consumer protections in the energy supply market come at a financial cost to the consumer. The advice, advocacy and complaint escalation services from Citizens Advice,

⁹ EVET, forthcoming report

the Extra Help Unit and the Energy Ombudsman, are partially paid for through consumer bills.

However consumer protections are paid for, whether that's through a redress fund, consumer energy bills or taxation, it's important that the distributional impacts are carefully considered and the impacts on lower-income consumers are minimised.

42. Stating clearly, do you agree or disagree that we should mandate accessibility (inclusive design) standards for public chargepoints that includes the area around the parked car and the chargepoint?

43. If yes, what in your view are the benefits to mandating accessibility standards?

We strongly agree. Inclusive design will be essential for achieving the mass uptake necessary to meet net zero commitments.

61% of disabled people would consider buying an electric vehicle only if charging was made more accessible.¹⁰ And by 2035, up to 1.35 million disabled people will be wholly or partially reliant on public charging infrastructure, so it must be designed with their needs in mind.¹¹

The standards currently in development by the British Standards Institute, commissioned by the government and in partnership with disability charity Motability, promise to drive up the consistency of inclusively designed public chargepoints. Engagement with industry stakeholders including EV chargepoint operators, disability charities and innovators means the standards will be the result of a collaborative process representing a range of viewpoints, including industry and the disabled community.

44. Not applicable.

45. In your view, what are the costs to implementing any inclusive design?

We don't have specific insight on costs, however the benefits of unlocking the wider market and achieving net zero commitment are significant. In addition, the financial

¹⁰ Motability and Ricardo Energy and Environment (2020) [Electric Vehicle charging infrastructure for people living with disabilities](#)

¹¹ Ibid.

costs incurred by retrofitting in the future would likely be more expensive than the costs of embedding inclusive design now.

46. Stating clearly, do you agree or disagree that we should mandate accessibility standards for private residential chargepoints?

We agree. Regardless of where people use public charging, the experience should meet consistently high accessibility standards.

47. Stating clearly, do you agree or disagree that we should mandate industry participants to provide a safe charging experience at public chargepoints?

48. If yes, what in your view are the benefits to mandating industry participants to provide a safe charging experience?

We agree. There is an emerging body of research exploring how urban planning has an impact on people feeling safe. This points to the need for adequate street lighting and visibility to help women and girls to feel safe.¹²

As with inclusive design, mandating a safe charging experience will be important for achieving the mass uptake necessary to meet net zero commitments.

49. Not applicable.

50. Not answered.

51. What, if any, measures do you think we should introduce to make people feel safe while charging their vehicle?

There are specific safety aspects such as visibility, good lighting and weatherproofing that we have raised in our response to the consultation on the consumer experience at public chargepoints.¹³

¹² For example, see UN Women's [Safe Cities and Safe Public Spaces](#) programme.

¹³ Citizens Advice (2021) [Response to consultation on the consumer experience at public chargepoints](#)

It is important that any proposals are developed in collaboration with people who have relevant lived experience, and the groups that represent them.

52. Stating clearly, do you agree or disagree that we should take the powers to mandate requirements on industry participants to provide a safe charging experience for private residential chargepoints?

We agree.

53. Stating clearly, do you agree or disagree that we should have the power to mandate the entirety of, or defined aspects of, the recognisable design of public chargepoints?

54. If yes, which, if any, aspects of the design should we be able to set (for example, size, colour or form and shape)? If yes, what, in your view, are the benefits to mandating a recognisable design?

We agree. Research from the disability charity Motability has specified a range of recommendations for improving accessibility, including recognisable design.¹⁴

55. Not answered.

56. If yes, do you agree that the mandated recognisable design should apply to all public chargepoints in: all locations, or only specific locations?

We are in favour of the mandated recognisable design applying to public chargepoints in all locations where consistency is helpful for the consumer.

57 - 58. Not applicable.

¹⁴ Motability and Ricardo Energy and Environment (2020) [Electric Vehicle charging infrastructure for people living with disabilities](#)

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We provide free, confidential and independent advice to help people overcome their problems. We are a voice for our clients and consumers on the issues that matter to them.

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