



Consultation: Future of Transport Regulatory Review - Zero Emission Vehicles

Which? is the UK's consumer champion. As an organisation we're not for profit - a powerful force for good, here to make life simpler, fairer and safer for everyone. We're the independent consumer voice that provides impartial advice, investigates, holds businesses to account and works with policymakers to make change happen. We fund our work mainly through member subscriptions, we're not influenced by third parties and we buy all the products that we test.

Summary

Which? welcomes the opportunity to respond to this consultation on the Future of Transport Regulatory Review: Zero Emission Vehicles. As more drivers make the switch from petrol and diesel to electric vehicles (EVs), it is essential that a comprehensive network of public charging infrastructure is in place that meets motorists' current and future needs; provides a seamless, user-friendly experience; and helps to drive uptake of EVs.

We welcome the Government's intentions to introduce measures to help ensure chargepoint provision meets demand, address issues of limited competition, ensure there are adequate consumer protections in place, and ensure consumers feel safe while using the public charging network. We also strongly support measures to improve the accessibility of public chargepoints for disabled drivers. In particular:

- We welcome the proposals to clarify legal responsibility for both the planning and delivery of sufficient provision of EV chargepoints. If a statutory obligation is to be placed on local authorities (LAs) to deliver these duties, their resourcing must be reviewed, and ring-fenced funding must be provided if necessary.
- The Government should ensure that sufficient guidance and comprehensive national and local data are provided to better support LAs in the role they already are playing in the charging infrastructure roll-out, whether or not they are awarded a statutory duty.
- In principle, we support the Government's proposal to seek powers to set a minimum level of EV charging infrastructure for all non-residential car parks, if necessary, which would help increase the opportunities for destination charging. It will be essential that any minimum level is futureproofed and matches need, and that clear guidance is provided to ensure that the most suitable type of infrastructure is installed.

- We agree that the Government should have the power to mandate more competition between chargepoint operators at service areas and large fuel retailers. This should help to expand chargepoint provision at these sites and drive better consumer outcomes including more competitive pricing.
- We agree that the Government should have the power to require chargepoint operators to offer 'open access' charging at service areas and large fuel retailers. This should mean that chargepoint operators are required to make their chargepoints open to all car users, and not limited to car users of a particular brand or network. The Government should also consider extending these requirements to all public chargepoints.
- The Government should also consider whether there is a need to provide guidance on differential prices charged to drivers of different brands of EVs, to ensure they are not punitive. 'Open access' should also mean accessibility for all drivers, including disabled drivers, and cross-network payment interoperability.
- We agree that the Government should have the power to require a progressive increase in the number of chargepoints provided at service areas and large fuel retailers, which could be used if the market fails to provide adequate chargepoints at these key sites.
- We welcome the Government's proposals to ensure there are adequate consumer protections in place when encountering issues using the public charging infrastructure. Which? supports the appointment of a consumer protection service responsible for regulation of EV chargepoints, with administrative enforcement powers to ensure compliance. There should also be a mandatory single ombudsman service for the resolution of disputes between consumers and companies in this sector.
- We support the Government's proposals to mandate accessibility standards for public chargepoints. Disabled drivers currently face fundamental challenges in using public chargepoints, and we recommend that appropriate bodies representing disabled consumers should be consulted to ensure that their needs are sufficiently considered.
- We support the Government's proposals to mandate that industry participants provide a safe charging experience at public chargepoints, which evidence shows is currently a concern for some drivers.
- We agree that the Government should have the power to mandate defined aspects of the design of public chargepoints. This should be those aspects which are essential to ensuring a positive consumer experience. As part of this, it will be essential that the existing issues of lack of payment interoperability and poor accessibility for disabled drivers are addressed.

Introduction

Which? is committed to bringing sustainability into everything we do, including through our advocacy, product testing and investigations, and we have identified electric vehicles (EVs) as a key priority area where the transition to more sustainable living will have a significant impact on consumers over the next few years. EVs have been a part of our rigorous product testing since these types of cars became available to the UK public, and we have conducted a number of relevant investigations including into the public charging network and the upfront cost of new EVs. We also run an annual car survey which we believe is the largest consumer survey on car reliability in the UK.

This is an important area of work for Which? and we are expanding our investigations as well as our policy analysis. We therefore welcome this consultation on the Future of Transport Regulatory Review: Zero Emission Vehicles, and would welcome continued engagement with the Office for Zero Emission Vehicles as policy proposals, and our own evidence, are developed.

We have limited our response to those questions where we have most expertise and data to contribute at this stage, and would be pleased to discuss any aspect of this response in more detail.

Consultation Questions

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?**

We agree, in principle, and await further details on how this could work in practice.

- 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, in principle, and await further details on how this could work in practice.

- 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?**

We welcome the move to clarify legal responsibility for both the planning for, and delivery of, sufficient provision of EV chargepoints to meet the needs of residents, businesses and visitors

in a given geographical area. Local authorities (LAs) could be well placed to play a leading role in the planning and delivery of charging infrastructure provision due to their unique knowledge of their local areas and their communities' needs, and given the roles that they are already playing, to varying extents, in the local roll-out of chargepoint infrastructure.

If LAs are to be made legally responsible, this must be part of broader plans to decarbonise transport and promote active travel at the local level. In addition, the Government must do more to ensure that sufficient guidance and comprehensive national and local data are provided so that LAs are empowered to make the complex decisions involved in planning and procuring chargepoint infrastructure. The Government should act on this even if LAs are not awarded a statutory duty, given their existing involvement.

Research by Local Partnerships on behalf of the Local Government Association (LGA) has shown this is needed, as their 2021 report found that 'local authorities were concerned that they lacked an understanding of likely future need and demand for EV charging infrastructure,' which led to 'concerns about installing inappropriate infrastructure, or infrastructure which would not be well used'¹. LAs also 'felt that there was a need for national data and forecasting to enable joined up local delivery.'²

The forthcoming EV infrastructure strategy also represents an opportunity for the Government to better support LAs by providing an overview of the type and number of chargepoints that should be installed, and how these should be distributed across the UK.

- 5. How might placing this statutory requirement on the organisation/s you've selected affect provision of chargepoints and chargepoint investment?**
- 6. What views do you have on how these duties should be enforced?**
- 7. Do other obligations placed on the organisation/s you've selected complement and/or conflict with the proposed duties?**

N/A

- 8. What are the benefits expected as a result of introducing a statutory duty to plan for and ensure adequate charging infrastructure provision in a given geographical area?**

Introducing a statutory duty could help to accelerate the roll-out of charging infrastructure and help to ensure the development of a comprehensive network that meets current and future demands.

A statutory duty, if it were to be placed on LAs, would clarify their role in the roll-out of charging infrastructure and provide them with a clear mandate. The LGA-commissioned Local Partnerships report found that 'currently the role for local government in the delivery of EV

¹ Local Partnerships, report commissioned by the Local Government Association, [Scoping the role of local authorities in the provision of electric vehicle charging infrastructure](#), online, July 2021

² Local Partnerships, report commissioned by the Local Government Association, [Scoping the role of local authorities in the provision of electric vehicle charging infrastructure](#), online, July 2021

charging infrastructure is not clear,' and reports that 45% of LAs they surveyed identified 'lack of strategic direction/policy framework' as a barrier to delivery³.

A statutory duty for LAs could also help to address the differences in approach between LAs and ensure that driving forward EV infrastructure roll-out is treated with a similar level of priority across LAs in England and Wales. Currently, the different approaches are contributing to better provision in some areas than others, as for example there are currently 83 public charging devices per 100,000 of population in London, compared with 21 in Yorkshire and the Humber, and 29 in Wales⁴.

9. What are the costs expected as a result of introducing a statutory duty to plan for and ensure adequate charging infrastructure provision in a given geographical area? How does this vary depending on who this obligation is placed upon?

If an obligation is placed on LAs, the Government must review the level of resourcing and staffing that will be needed to empower LAs to undertake these roles effectively, and provide ring-fenced funding if necessary.

Research from Local Partnerships on behalf of the LGA shows that a current lack of adequate resourcing is a significant issue which currently constrains LAs' role in the infrastructure roll-out. Their 2021 report found that 76% of LAs surveyed identified 'lack of resourcing (staff)' as a barrier to their authority taking on the role they would like in relation to on-street EV charging infrastructure⁵, and revealed that only 15% of LAs currently had a dedicated team for delivering EV charging infrastructure⁶.

The Government should also consider whether the creation of a central team to support LAs' work on EV infrastructure may be the most efficient use of public resources. A central team could deliver aspects of the strategy that are more efficiently delivered centrally rather than locally, for example advising on best practice for chargepoint procurement, including how to identify the most suitable technology for a particular site.

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?

³ Local Partnerships, report commissioned by the Local Government Association, [Scoping the role of local authorities in the provision of electric vehicle charging infrastructure](#), online, July 2021

⁴ Department for Transport and Office for Zero Emission Vehicles, [Electric Vehicle Charging Device Statistics](#), online, July 2021

⁵ Local Partnerships, report commissioned by the Local Government Association, [Scoping the role of local authorities in the provision of electric vehicle charging infrastructure](#), online, July 2021

⁶ Local Partnerships, report commissioned by the Local Government Association, [Scoping the role of local authorities in the provision of electric vehicle charging infrastructure](#), online, July 2021

We support this proposal in principle. If it is clear that the provision of chargepoints in non-residential car parks is failing to meet demand, it would be helpful for the Government to be able to move quickly to intervene. Setting a minimum level of EV charging infrastructure would increase the opportunities for destination charging, and could help to address range anxiety and improve drivers' confidence that they will be able to recharge when they need to. This could also help to drive EV uptake.

If a minimum level were to be introduced, clear guidance would need to be provided to ensure that the most suitable type of infrastructure is installed in each location, taking into account average dwell time and the most appropriate charging rate, for example.

Where parking charges apply, it will be important to ensure that parking and charging bundled offers are clear and transparent, so that consumers can easily understand what they are paying for, and are able to compare offers. In particular, these offers must make it clear how much it costs to charge prior to charging, not just after the event. All pricing should also be displayed in pence per kWh, so that prices are clear and easily comparable.

The UK Government should also explore how the issue of 'bay hogging' or 'ICEing', whereby a non-EV parks in an EV charging space and prevents others from being able to charge, could be prevented. This should include working with the Scottish Government to share any learnings from the Low Carbon Transport Innovation Challenge trials, some of which are exploring solutions to tackle ICEing⁷.

Finally, disabled drivers must not be forgotten. There must be adequate EV charging in non-residential car parks for disabled drivers, and the Government should consider whether a minimum level should also be set for chargepoints in disabled parking bays.

- 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)?**
- 12. Should there be exemptions to the requirements?**
- 13. Which individuals, groups or types of car park should be exempt from the requirements?**

N/A

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

The Government would need to ensure that any minimum level is nuanced, taking into account the needs of users of different kinds of car parks in different locations. The minimum

⁷ Transport Scotland, [New funding to improve charge point accessibility](#), February 2021

provision would also need to be carefully balanced to ensure the requirements are futureproofed and take into account the expected growth in demand, as well as to avoid underutilisation and investment in assets which ultimately aren't needed.

Specifically, we suggest that any minimum level should reflect:

- the expected annual increase in demand,
- the availability of chargepoints elsewhere in the area, and
- the desirability of ensuring chargepoints are available in car parks due to the convenience of charging whilst you park.

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

N/A

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

The Government must ensure there is clarity over how this requirement would interact with a potential statutory duty to provide charging infrastructure.

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

Any enforcement body must be adequately resourced in order to undertake this new role, and ring-fenced funding should be provided if necessary.

18. Should the requirements be enforced with a scheme of penalties?

Yes. This would help to ensure compliance with the requirements. The Government should also explore what incentives and support could be provided.

19. What are the benefits expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?

This would help to improve chargepoint provision which is critical in encouraging consumers to switch to an EV. Being able to charge at car parks is particularly important as it means that consumers will not necessarily have to take time out of their journey in order to recharge.

20. What are the costs expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?

21. How many current non-residential car parks, are there in the UK?

22. How many new non-residential car parks, not attached to a building, are expected to be built over the next 10 years in the UK?

23. In a 2019 consultation impact assessment, analysis on non-residential chargepoint regulation impacts were presented. Do you agree with the costs, assumptions and impacts set out in the impact assessment? If you do not agree, please provide supporting evidence.

24. What level of additional resource/staffing would be needed to plan for and deliver sufficient charging infrastructure? How does this vary depending on who this obligation is placed upon?

N/A

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?**

Yes. In particular, the lack of competition at motorway service areas (MSAs) needs to be addressed, as the current exclusivity agreements restrict consumer choice, and could limit expansion of chargepoint provision by making it difficult for other companies to enter the market. This is reflected in the Competition and Markets Authority (CMA) 2021 report which expressed concerns about the 'currently very limited competition at motorway service areas', and in particular concerns 'that the Electric Highway's long-term exclusive arrangements increase barriers to entry at many MSAs and could undermine the effectiveness of the [Rapid Charging Fund],⁸ leading to the CMA's investigation into the lawfulness of these arrangements.

The dominance of single providers such as Gridserve Electric Highway (formerly Electric Highway), whose share forms 80% of all rapid and ultra-rapid open network EV chargepoints at MSAs in Britain⁹, could also cause problems for drivers needing to charge if the dominant company were to experience a technical failure, or were to fail financially, for example.

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.

27. How might restrictions on exclusivity at large fuel retailers and service areas affect:

- **chargepoint investment?**

⁸ Competition and Markets Authority, [Electric Vehicle Charging Market Study](#), online, July 2021

⁹ Competition and Markets Authority, [Electric Vehicle Charging Market Study](#), online, July 2021

- **provision of chargepoints at these locations?**

Restrictions on exclusivity should improve provision of chargepoints at these key locations. The existing exclusivity agreements at MSAs have been identified as a significant barrier to expanding chargepoint provision. As the CMA's EV Charging Market Study reports, 'several chargepoint operators indicated to us that in the absence of the exclusivity agreements they would be interested in establishing their own chargepoints on a large scale across the MSA network.'¹⁰

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. The Government should also consider extending these requirements to all public chargepoints.

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

We believe 'open access' charging should mean that chargepoint operators are required to make their chargepoints open to all drivers, and not limited to drivers of a particular brand of car, for example. The Government should also consider whether there is a need to provide guidance on prices charged to drivers of other brands, to ensure they are not effectively deterred from using the chargepoint through much higher prices.

Which? has previously raised concerns about single-brand networks, such as the Tesla 'supercharger' network, that Which? found to be one of the fastest, most prolific and affordable ranges of ultra-rapid chargers. However, these benefits are unable to be accessed by drivers of any other car brand, as it is currently open to Tesla drivers only in the UK - even though each supercharger unit also has a CCS charger, which means other electric cars could use them¹¹.

Tesla also has a separate 'destination' charging network whose chargers are again unique to Tesla users, although Type 2 chargepoints are often installed alongside the destination chargers that other drivers could use. Which? research has revealed that the technology is in place that would make all of these chargers open to all EVs, as there is a switch inside that could be used to set the charger from Tesla-only to all EVs with a Type 2 socket¹².

As we approach the point of mass adoption, we urgently need more chargepoints in the UK, and Which? believes that having chargepoints that most EV drivers can't use is almost as bad as not having them at all. Furthermore, although it should be noted that Tesla has announced intentions to open the supercharger network to other car users in future, no timeline has yet

¹⁰ Competition and Markets Authority, [Electric Vehicle Charging Market Study](#), online, July 2021

¹¹ Which?, Shock to the system, print, April 2021

¹² Which?, Shock to the system, print, April 2021

been given for the UK, and there is currently nothing to prevent further single-brand networks from developing.

In addition, 'open access' should also mean:

- Accessibility for all drivers. Chargepoints should be fully accessible for all motorists, including disabled motorists.
- Cross-network payment interoperability. Drivers should be able to park up and pay at public chargepoints without needing to download network-specific apps or to carry multiple RFID cards. Chargepoints should offer payment via contactless wherever possible, and a cross-network roaming solution should be developed so that users can pay for any chargepoint via a single membership card or app. We welcome the Government's work in this area and are keen to support progress.

These points are discussed in further detail in answer to question 53.

30. Do you agree or disagree that we should be able to act as the freeholder of an electricity connection for:

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

31. Do you agree that government should be able to appoint or create a body to administer, operate and own these connections?

N/A

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

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

We agree that the Government should have this power, so that it can be used where there is clear evidence that the market has failed to provide adequate chargepoints at these sites. This would help to drive investment and increase the pace of chargepoint infrastructure roll-out at key sites. Ensuring there is sufficient charging on motorways and A roads is particularly important, as drivers are likely to be travelling longer distances and may be further from other opportunities to recharge. Our research has found that good access to EV charging points when on a journey is a key factor that would encourage consumers to make their next vehicle electric for 27% of consumers¹³.

¹³ Which? report, [Supporting Consumers in the Transition to Net Zero](#), October 2021. Which? surveyed 3,619 UK adults between the 30th April and 2nd May 2021. This 3,619 sample was made up of 2,000 UK respondents with boosts to achieve c.500 respondents for each devolved nation. Fieldwork was carried out online by Yonder and data have been weighted to be representative of each nation's population by age, gender, social grade (aged 18+); and then weighted by region.

Again, it will be important that any minimum requirements are futureproofed and appropriate to ensure that they are in line with current and future demand. Clear and comprehensive guidance will also need to be provided to ensure that the infrastructure is well suited to the needs of users.

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 in 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?**

N/A

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 in 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?**

The powers to mandate more competition and remove existing exclusivity clauses would help to increase consumer choice by facilitating other chargepoint companies to enter the market and expand chargepoint provision. This should also drive better consumer outcomes including more competitive prices. Furthermore, if one company suffered technical difficulties, or were to fail financially, having additional chargepoints from other companies would ensure that customers could still charge at that site.

Overall, improving the number of chargepoints available to all drivers at key sites should help to encourage more drivers to switch to an EV by alleviating 'range anxiety' or how far a driver can go on a single charge, which our research has found is a key obstacle to switching for 44% of consumers¹⁴.

¹⁴ Which? report, [Supporting Consumers in the Transition to Net Zero](#), October 2021. Which? surveyed 3,619 UK adults between the 30th April and 2nd May 2021. This 3,619 sample was made up of 2,000 UK respondents with boosts to achieve c.500 respondents for each devolved nation. Fieldwork was carried out online by Yonder and data have been weighted to be representative of each nation's population by age, gender, social grade (aged 18+); and then weighted by region.

- 35. What are the operator costs of implementing open access charging at large fuel retailers and service areas?**
- 36. What are the likely costs that will be incurred by mandating 2 or more chargepoint operators at service or large fuel retailer areas?**
- 37. What are the likely consumer price impacts of mandating 2 or more chargepoint operators at service or large fuel retailer areas?**

N/A

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?**

Which? supports the appointment of a consumer protection service responsible for regulation of EV chargepoints and enforcement, as well as a mandatory single ombudsman service for the resolution of disputes between consumers and companies in this sector.

Consumer protection plays an important role in giving consumers the confidence they need to engage with new markets, such as EV charging, where their experience and knowledge may be more limited. In particular, consumers should have confidence that if they are not able to resolve a complaint with a company, they will have access to a free and independent dispute resolution service.

We recommend that a single regulator be appointed to develop and enforce regulations in this sector with the ability to cover all EV charging providers (including where charging is sold as part of a bundle) and all aspects of a consumer's engagement with EV charging including billing and payments, accessibility, service quality etc. The Government should review which body would be most appropriate to fulfil this role, however there is a strong argument for this to be OFGEM given their experience in the energy sector.

In new markets there is also a strong argument for the government to mandate a single ombudsman service that all providers are required to join. The ombudsman should be responsible for resolving all disputes relating to EV charging whether it involves home or public charging. This will ensure consumers can easily identify the service that is responsible for resolving disputes.

We have recommended a single scheme as, based on our research of Alternative Dispute Resolution (ADR) providers in a range of sectors, there is evidence that a single provider is more likely to be able to provide an independent service for consumers and businesses, free from the need to attract membership¹⁵. The ombudsman should also engage with companies,

¹⁵ Which?, [Are Alternative Dispute Resolution schemes working for consumers?](#), April 2021

regulators and other stakeholders to support improvements in business practices and complaint handling.

The Government should review which provider would be best placed to provide this service but there is a strong argument for the Energy Ombudsman to provide the service based on their existing role providing ADR in relation to domestic energy providers.

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. The enforcement body should have administrative powers to enforce consumer protection law and licensing requirements. This should include administrative fines for failure to comply with information requests and non-compliance with consumer law. Administrative powers are likely to be more effective in deterring non-compliance and prevent the delays and additional costs that are incurred as a result of a court-based system. The system should include a mechanism for companies to appeal against decisions.

We believe there should be a single regulator responsible for all consumer issues related to EV charging, and there is a strong argument for OFGEM to undertake this role given their experience in the energy sector and the work that they are already doing on EVs.

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)?

Any costs associated with establishing a new consumer protections system should be assessed alongside the benefits to consumers and responsible businesses, and take into account the potential value of increased consumer confidence in the sector.

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

We don't foresee any direct costs to consumers as a result of establishing a consumer enforcement body with administrative powers.

In relation to the creation of an ADR scheme, chargepoint operators (CPOs) may seek to recoup any contribution that they make towards the cost of the ADR scheme; however we would hope that this is balanced by improved CPO compliance with consumer law and improved complaint handling.

We would strongly advise that the ADR service itself is provided free to consumers. In a Which? survey, a quarter (24%) of consumers said that they wouldn't be willing to pay a

£10-£20 charge to file a complaint, rising to 32% of those in social class DE¹⁶. It should also be noted that there is no evidence that ADR schemes are receiving a large number of frivolous claims that might justify the introduction of a nominal charge. In fact, a significant proportion of UK consumers are quite reluctant to make complaints¹⁷.

- 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 agree. For the transition to net zero to be successful, all consumers must be able to participate, but disabled drivers currently face fundamental challenges in using public chargepoints, which could have a detrimental impact on EV uptake among disabled drivers. A recent survey by the Research Institute for Disabled Consumers (RIDC) found that 61% of disabled people would consider buying an EV only if charging was made more accessible¹⁸.

The RIDC's investigation into the accessibility of public chargers identified issues including insufficient space around the parked vehicle and chargepoints, and the height and positioning of chargepoints, with the result that 'the existing charging points infrastructure is not accessible for a large proportion of disabled people with mobility or dexterity impairments.'¹⁹

As such, we strongly welcome the Government's proposal to mandate accessibility standards, and we recommend that bodies representing disabled consumers, such as the RIDC, are consulted as these standards are developed and implemented, to ensure that the needs of disabled drivers are sufficiently well understood and considered as part of this process.

- 44. If no, what in your view are the constraints to mandating accessibility standards?**
- 45. In your view, what are the costs to implementing any inclusive design?**

N/A

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

We await further details of how this would work in practice, including further information on which chargepoints would be in scope.

¹⁶ Survey was conducted by Yonder, on behalf of Which?. 2145 UK adults were surveyed online between 13th and 15th August 2021. Data were weighted to be representative of the UK population by age, gender, region, social grade, tenure and work status.

¹⁷ Consumer Ombudsman, [Consumer Action Monitor Report](#), 2020

¹⁸ Research Institute for Disabled Consumers, online survey, [Inaccessible Charging is Barrier to Electric for Disabled and Older Drivers](#), online, April 2021

¹⁹ Research Institute for Disabled Consumers, [Going Electric?](#), June 2021

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

We agree.

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

Evidence shows that safety is a real concern for drivers. One survey respondent in our 2021 study raised the following concern that 'how will I be able to drive an electric car from Nottinghamshire to Aberdeen overnight as a single female who will be scared to hang about in the dark waiting for it to charge?'²⁰.

Furthermore, the Welsh Government has noted that users have reported 'feeling vulnerable where trying to access payment and support services, for example when alone or in a poorly lit environment,'²¹ while the CMA similarly reports seeing evidence of 'emerging concerns about safety due to the location of chargepoints, for example in poorly lit areas.'²² The CMA also points out that 'while relevant to all drivers, this may be a particular consideration when charging in remote/rural areas, or for some potentially vulnerable groups for example, elderly drivers.'²³

Mandating the provision of a safe charging experience would have the benefit of standardising the charging experience, so that consumers can have confidence there will be adequate safety measures in place wherever they charge on the public network.

49. If no, what in your view are the constraints to mandating industry participants to provide a safe charging experience?

50. In your view, what are the costs to implementing any mandatory requirements on industry participants to provide a safe public charging experience?

N/A

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

²⁰ Female, 56, Scotland. Which? report, [Supporting Consumers in the Transition to Net Zero](#), October 2021. Which? surveyed 3,619 UK adults between the 30th April and 2nd May 2021. This 3,619 sample was made up of 2,000 UK respondents with boosts to achieve c.500 respondents for each devolved nation. Fieldwork was carried out online by Yonder and data have been weighted to be representative of each nation's population by age, gender, social grade (aged 18+); and then weighted by region.

²¹ Welsh Government, [Electric Vehicle Charging Strategy](#), March 2021

²² Competition and Markets Authority, [Electric Vehicle Charging Market Study](#), online, July 2021

²³ Competition and Markets Authority, [Electric Vehicle Charging Market Study](#), online, July 2021

We support the Government's proposed requirements that chargepoints are situated in safe locations and/or that mitigations are provided, such as adequate lighting and weatherproofing.

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 await further details of how this would work in practice, including further information on which chargepoints would be in scope.

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 that the Government should have the power to mandate defined aspects of chargepoints. These aspects should be those that are essential to ensuring a positive consumer experience, and should include payment interoperability and accessibility for disabled drivers. This is important to ensuring consumers can rely on a consistent experience at chargepoints across the country.

The current lack of payment interoperability means that drivers cannot simply park up and use many chargepoints without first having to download an app specific to that provider. Only 9% of public chargepoints offer contactless bank account payment²⁴, and no chargepoints allow for cash to be integrated into the system. Although there is evidence that some companies are taking action, for example BP Pulse, which has gone a step further than the Government advice to add direct payment by bank card to all new rapid chargers from Spring 2020, and is updating existing chargers too²⁵; unless these services are offered by every chargepoint operator, then consumers could still face a lottery depending on which chargepoint they use.

As such, the UK Government should mandate that all public chargepoints must offer payment by bank or credit card as a minimum, wherever possible. The UK Government should also work with the devolved administrations and chargepoint operators to support the development of a cross-network roaming solution that will allow consumers to access all public chargepoints with a single membership card or app. The UK Government should also explore how best to enable use of cash in the system, including the potential merits of a payment card that consumers can upload with cash at facilities like Post Offices.

Furthermore, it is essential that the accessibility of existing chargepoints is improved, and that in future, chargepoints are designed and installed to meet the accessibility needs of disabled

²⁴ Competition and Markets Authority, [Electric Vehicle Charging Market Study](#), online, July 2021

²⁵ Which?, [How to use electric car charging points](#), online, August 2021

drivers. It is particularly important that these issues are addressed at an early stage in the infrastructure roll-out, otherwise more inaccessible chargepoints will continue to be installed. As the RIDC has recommended, 'in-situ usability testing of the main types of charging stations should be undertaken with disabled motorists as users'²⁶. We also recommend that any accessibility standards should be developed with input from appropriate bodies representing disabled consumers, such as the RIDC.

The Government should also consider how to ensure that chargepoints are clearly signposted and easy to locate. Information on chargepoints' charge rate should also be clearly displayed.

55. If yes, what, in your view are the costs to implementing any recognisable design?

N/A

56. If yes, do you agree that the mandated recognisable design should apply to all public chargepoints in: all locations, or only specific locations? If no, why not?

Yes, in all locations, to ensure a consistent experience for consumers.

57. If no, what in your view are the constraints to mandating a recognisable design?

N/A

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²⁶ Research Institute for Disabled Consumers, [Going Electric?](#), June 2021