

Norfolk County Council

Record of Individual Cabinet Member Decision

Responsible Cabinet Member: Cllr Wilby (Cabinet Member for Highways, Infrastructure & Transport)

Background and Purpose:

The Office for Zero Emission Vehicles (OZEV) introduced a consultation on 28 September 2021 on proposals for primary legislation that would give the government powers to introduce requirements in 4 areas;

- a statutory obligation to plan for and provide charging infrastructure;
- requirements to install charge points in non-residential car parks;
- new powers to support the delivery of the Rapid Charging Fund;
- requirements to improve the experience for electric vehicle consumers.

The attached report sets out proposals to respond to this consultation with Norfolk County Councils (NCC) views.

Decision:

1. **To agree the proposals to respond to the Government's public consultation on the Future of Transport Regulatory Review: Zero Emission Vehicles as set out in the attached report.**

Is it a key decision? No

Is it subject to call-in? Yes

If Yes – the deadline for call-in is: 4pm Friday 12 November 2021

Impact of the Decision:

NCC will submit a response to the public consultation with responses as set out in the attached report.

Evidence and reason for the decision:

As set out in the attached report.

Alternative options considered and rejected:

As set out in the attached report.

Financial, Resource or other implications considered:

As set out in the attached report.

Record of any conflict of interest:

None.

Background documents:

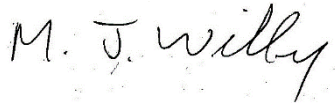
- [Open Consultation: Future of transport regulatory review: zero emission vehicles](#)
- [Cabinet Report: Electric Vehicle Strategy – 4 October 2021](#)

Date of Decision: 5 November 2021

Publication Date of Decision: 5 November 2021

Signed by Cabinet Member:

I confirm that I have made the decision set out above, for the reasons also set out.

A handwritten signature in black ink that reads "M. J. Wilby". The signature is written in a cursive style with a large 'M' and 'W'.

Print name: Cllr Martin Wilby

Date: 05/11/2021

Accompanying documents:

- [Delegated Decision Report](#)

Once you have completed your internal department clearance process and obtained agreement of the Cabinet Member, send your completed decision notice together with the report and green form to committees@norfolk.gov.uk

Individual Cabinet Member Decision Report

Item No:

Report Title: Response to Office of Zero Emission Vehicle's Consultation on Electric Vehicle Charge Points

Date of Meeting: N/A

Responsible Cabinet Member: Cllr Wilby (Cabinet Member for Highways, Infrastructure & Transport)

Responsible Director: Tom McCabe (Executive Director of Community and Environmental Services)

Is this a Key Decision? No

If this is a Key Decision, date added to the Forward Plan of Key Decisions: Not Applicable

Executive Summary / Introduction from Cabinet Member

The Office for Zero Emission Vehicles (OZEV) introduced a consultation on 28 September 2021 on proposals for primary legislation that would give the government powers to introduce requirements in 4 areas;

- a statutory obligation to plan for and provide charging infrastructure;
- requirements to install charge points in non-residential car parks;
- new powers to support the delivery of the Rapid Charging Fund;
- requirements to improve the experience for electric vehicle consumers.

This paper sets out proposals to respond to this consultation with Norfolk County Councils (NCC) views.

Recommendations:

1. **Review and agree on proposals to respond to the Government's public consultation on the Future of Transport Regulatory Review: Zero Emission Vehicles**

1. Background and Purpose

- 1.1 OZEV introduced a consultation on 28 September 2021 on proposals for primary legislation that would give the government powers to introduce requirements in 4 areas:
 - a statutory obligation to plan for and provide charging infrastructure;
 - requirements to install charge points in non-residential car parks;
 - new powers to support the delivery of the Rapid Charging Fund;
 - requirements to improve the experience for electric vehicle consumers.
- 1.2 OZEV state that this will aim to ensure that there is a sufficient charging infrastructure and appropriate consumer protections in place to meet the needs of electric vehicle (EV) drivers. The government would consult separately on the detail of any secondary legislation to use these powers.
- 1.3 Currently, local charging infrastructure provision (on-street and rapid hubs) is installed at the discretion of local authorities (LAs). The Government's view is that while many LAs have taken positive steps towards planning for this infrastructure provision, some LAs have not yet identified what is needed and risk not meeting the current and future needs of their communities.
- 1.4 The government is seeking views on introducing a statutory duty to plan for EV infrastructure. They are also, in a separate question, seeking feedback on whether a statutory duty should be introduced to ensure EV infrastructure is provided.
- 1.5 One option is to place this duty on the LAs in England and Wales. This would help ensure that measures align with wider local transport planning, and local resident and stakeholder views are embedded in the process.
- 1.6 Other options include placing the duty on charge point operators themselves, or energy companies. The government welcomes views on questions about introducing a statutory obligation to plan for and provide charging infrastructure.
- 1.7 Feedback is also being sought on whether legislation should be introduced to:
 - ensure adequate consumer protections when encountering issues using the public charging infrastructure;
 - set accessibility (inclusive design) and safety standards at public charge points;
 - mandate aspects of charge point design such as familiarity, look and feel, and which will include accessibility and safety features.
- 1.8 Responses to the public consultation need to be submitted by 22 November 2021. A full list of questions being asked in the consultation is available as

Appendix A. These will be answered by Officers in line with the principles detailed in section 2 below.

2. Proposal

- 2.1 Norfolk County Council proposes to respond to the consultation with the following comments.
- 2.2 Plans to introduce a statutory obligation to plan for electric vehicle charge points for residents, businesses and visitors in specific geographical areas as required is welcomed by the Council. It is our view that LAs, rather than charge point operators or the energy sector, should be legally responsible for this provision and Government should provide the necessary funding to ensure that LAs (local highway authority) will be reasonably able to meet this planning obligation
- 2.3 Separate plans to make it a statutory duty to provide sufficient electric vehicle charge points to meet the needs of residents, businesses and visitors in specific geographical areas is not supported by the Council. If the government proceeds to pursue with this option, then the OZEV should be legally responsible. If it is deemed that LAs should be given this duty, then Government should provide the necessary funding (capital and revenue) to ensure that LAs (local highway authority) will be reasonably able to meet this obligation.
- 2.4 Setting a minimum level of EV charging infrastructure in all non-residential car parks is also welcomed by Norfolk County Council, with exemptions relating to cost and availability of electricity supply. The local planning authorities would be best placed to enforce these requirements, with powers to impose financial penalties for non-compliance.
- 2.5 Norfolk County Council supports proposals to provide the government with the power to mandate more competition, including removing exclusivity clauses from existing contracts, at service areas on the motorway and major A-road network.
- 2.6 Proposals to introduce consumer protection, including financial redress through a mechanism for an enforcement body to impose penalties and sanctions on charge point operators, mandating accessibility standards, safe charging experience and the recognisable design of public charge points is supported by the Council

3. Impact of the Proposal

- 3.1 Norfolk County Council adopted its Electric Vehicle Strategy in October 2021. Supporting proposals to introduce powers for LAs to have a plan to provide

public electric vehicle charge points will align with priorities that have already been set out in our strategy. Making this a statutory requirement will provide the Council with a greater mandate to impose requirements and policies targeting the provision of an increased number of charge points.

- 3.2 Supporting proposals to introduce national standards for public charge points will ensure that minimum levels of service are available, improving the end consumer experience of all charge points mandated through various policies, requirements (including via planning applications) and projects delivered by Norfolk County Council.

4. Evidence and Reasons for Decision

- 4.1 As the local highway authority, the Council is already a statutory consultee for residential and commercial developments. As part of this role, we already provide advice and expectations for the provision of parking spaces through the Norfolk Parking Standards guidance. The Council is therefore well placed to set expectations for the provision of charge points going forward.
- 4.2 The Council has already recognised the important role that the Norfolk Parking Standards can play in helping to ensure that the charging requirements of electric cars are catered for. As part of the Council's Electric Vehicle Strategy adopted in October 2021, these standards are in the process of being reviewed and updated to include the provision of electric charge points.
- 4.3 Prior to the adoption of the Electric Vehicle Strategy, there were already around 281 public charge points installed in Norfolk. Most of these charge points have been installed by operators in areas believed to have the most financial viability for charge points.
- 4.4 Proposals to make it a statutory duty to provide charge points in specific geographical areas is expected to target regions where there is not sufficient charge point provision. This is highly likely to be areas where existing operators have deemed it not to be financially viable to invest privately.
- 4.5 The provision of grant funding would be a preferred route over introducing statutory duties, with government providing grant funding to priority areas based on its own assessment of need, using the existing national public charge point register rather than a bidding process. Grant funding could be administered by local highway authorities, who can then coordinate the provision of charge points as with the existing On Street Residential Charge Point Scheme.
- 4.6 It is clear through existing work undertaken by the Council, that several different technical solutions have been deployed across the public charge point infrastructure. This includes different payment interfaces, with many requiring

upfront loading of credit into accounts meaning that consumers often require the operation of several accounts to ensure access to a sufficient level of charge points for their needs.

- 4.5 No technical standards currently exist to ensure a minimum level of accessibility for all users is provided across all charge points. The physical design of charge points vary widely, including the size, height and whether connectors are front, side or rear facing. There is currently no requirement to install charge points within a set distance from parking bays, ensuring that a minimum clearance distance is provided for safety reasons, or that parking bays meet a minimum standard (size, orientation and with regard for available manoeuvring space).

5. Alternative Options

- 5.1 The Council could consider alternative views to the above suggestions.
- 5.2 It is not an obligation to respond to the public consultation.

6. Financial Implications

- 6.1 Introducing a statutory duty for LAs to provide public charge points is likely to have financial implications since the installation of charge points in areas where private investment cannot be sought would have to be funded via alternative means and this should be funded through new burdens funding. It is worth noting that there are alternative bodies under consideration including energy providers and charge point operators themselves.

7. Resource Implications

- 7.1 **Staff:** None identified
- 7.2 **Property:** None identified
- 7.3 **IT:** None identified

8. Other Implications

- 8.1 **Legal Implications:**

If the government decide to proceed with the introduction of statutory duties on LA's, there could be legal implications for the Council. However, it is not clear at this stage which LAs are under consideration.

8.2 Human Rights Implications: None identified

8.3 Equality Impact Assessment (EqIA):

This is a response to a public consultation on plans to introduce primary legislation giving the Government powers to impose secondary legislation, of which will contain more specific information on requirements. At this stage, a response to a public consultation on proposals to introduce primary legislation does not require an EQIA.

8.4 Data Protection Impact Assessments (DPIA):

Not required.

8.5 Health and Safety implications:

None identified

8.6 Sustainability implications:

Any measures to help increase the number of electric vehicle charge points across the country will have a positive effect on sustainability and should be supported.

8.7 Any Other Implications: None

9. Risk Implications / Assessment

9.1 None identified.

10. Select Committee Comments

10.1 Not presented to Select Committee.

11. Recommendation

1. Review and agree on proposals to respond to the Government's public consultation on the Future of Transport Regulatory Review: Zero Emission Vehicles

12. Background Papers

12.1 [Open Consultation: Future of transport regulatory review: zero emission vehicles](#)

12.2 [Cabinet Report: Electric Vehicle Strategy – 4 October 2021](#)

Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Alex Cliff

Telephone no.: 01603 222311

Email: alexander.cliff@norfolk.gov.uk



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Future of transport regulatory review: zero emission vehicles

Introduction

Thank you for responding to our survey your views will assist in making new primary legislation that would give us powers to introduce requirements to ensure that there is a sufficient charging infrastructure and appropriate consumer protections for electric vehicle drivers.

Closing date is 22 November 2021.

View all the questions

The survey provides questions based on user choice, a [full copy of the questions is available \(opens in a new window\)](#).

Print or save a copy of your response

At the end of this questionnaire, you may either print or save a copy of your response. The option appears after 'Submit your response'.

Save and continue option

You have an option to 'save and continue' your response at any time. If you do that you will be sent a link via email to allow you to continue your response where you left off.

It's vital you enter your correct email address as a mistake means you won't receive the link.

Accessibility statement

Read our [accessibility statement for SmartSurvey forms \(opens in a new window\)](#).

Confidentiality and data protection

This Department for Transport (DfT) consultation is about gathering views to in making new primary legislation that would give us powers to introduce requirements to ensure that there is a sufficient charging infrastructure and appropriate consumer protections for electric vehicle drivers.

We are asking for:

- your name and email address, in case we need to ask you follow-up questions about your responses (you do not have to give us this personal information, but if you do provide it, we will use it only for the purpose of asking follow-up questions)
- whether you are representing an organisation or yourself
- whether as an individual you own an electrical vehicle and the type of vehicle to better understand your personal implications

- the type of work of your organisation in order to better understand your relationship with the issue

Your consultation response and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. DfT will, under data protection law, be the controller for this information. [DfT's privacy policy \(open in new window\)](#) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Your personal data is processed on behalf of DfT by Smartsurvey, with respect that they run the survey collection software only, your personal data will not be shared with any other third parties, even those employed for the purpose of analysis.

We will not use your name or other personal details that could identify you when we report the results of the consultation. Any information you provide through the online questionnaire will be moved to our internal systems within 2 months of the consultation end date. The information will be kept securely and destroyed within 12 months of the closing date, with the exception of information and evidence of the Public Sector Equality Duty.

You

1. Your (used for contact purposes only):

name?

email?

2. Are you responding: *

- ☐ as an individual?
- ☐ on behalf of an organisation? (Go to 'Organisational details')

Individual details

3. Do you own:

- ☐ no type of electric vehicle?
- ☐ an electric car?
- ☐ an electric van?

- ☐ an electric motorcycle?
- ☐ another type of electric vehicle?

[After answering go to 'Zero emission vehicles']

Organisational details

4. Your organisation is:

- ☐ a chargepoint manufacturer?
- ☐ a chargepoint operator?
- ☐ a chargepoint installer?
- ☐ a local authority?
- ☐ a vehicle manufacturer?
- ☐ a consumer group?
- ☐ a non-governmental organisation?
- ☐ a motorway service area operator?
- ☐ a car park operator?
- ☐ a landlord or car park owner?
- ☐ a large fuel retailer?
- ☐ another type of organisation?

Zero emission vehicles

We have committed to phasing out the sales of new petrol and diesel cars and vans by 2030 so that all new cars and vans will be fully zero emission at the tailpipe from 2035.

The rollout of charging infrastructure is critical to achieving this ambition.

We are seeking views on new primary legislation that would give us powers to introduce requirements in 4 areas to ensure that there is:

1. a sufficient charging infrastructure
2. appropriate consumer protections in place to meet the needs of electric vehicle (EV) drivers

We would consult on the detail of any secondary legislation to use these powers.

The 4 areas are:

1. local authorities and charging infrastructure
2. chargepoints in non-residential car parks
3. supporting the delivery of the [Rapid Charging Fund \(opens in a new window\)](#)
4. improving the experience for electric vehicle consumers

A statutory obligation to plan for and create charging infrastructure

Planning and delivering EV infrastructure that meets the current and future needs of residents, businesses, and visitors is critical to making the government's 2030 and 2035 phase out dates and levelling up across the country. EV infrastructure is particularly important for the [8 million households \(opens in a new window\)](#) who cannot install a home chargepoint, as well as businesses and visitors needing access to chargepoint infrastructure while travelling.

Currently, local charging infrastructure provision (on-street and rapid hubs) is installed at the discretion of local authorities (LAs). Many LAs have taken positive steps towards planning for this infrastructure provision. However, others are yet to begin identifying what is needed and many risk not meeting the current and future needs of their communities. LAs primarily deliver charging infrastructure where it is expected that private chargepoint operators may not invest due to current low demand and a lack of commercial viability. Delivery is particularly focussed on on-street locations. However, as the EV transition accelerates it is expected that there will be increasing viability for chargepoint operators to deliver at these locations. In this scenario, we expect there would be an important role for LAs to plan for the best locations for chargepoint operators to install, to support their residents.

Due to varying population densities, the mixture of urban and rural areas, and the nature of local economies, there is unlikely to be a single chargepoint provision solution that meets the needs of every LA area. Further, local communities will rightly expect to be closely involved in the planning and delivery of EV infrastructure in their areas. As the pace of the transition to EVs increases, charging infrastructure provision needs to be available, affordable, and secure, right across the country. Doing so will reduce the country's impact on climate change, improve air quality and create economic opportunities.

What requirements are we consulting on for England and Wales?

We are seeking views on introducing a statutory duty to plan for and provide EV infrastructure. Ahead of any secondary legislation to introduce the statutory requirement, we will consult on the duty, including any relevant definitions, metrics, and other measures applicable.

One option is to place this duty on the LAs in England and Wales. This would help ensure that measures align with wider local transport planning and that local resident and stakeholder views are embedded in the process. Other options include placing the duty on chargepoint operators themselves, or energy companies.

5. Do you agree or disagree that there should be a statutory duty to plan for sufficient provision of electric vehicle chargepoints to meet the needs of:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
residents in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
businesses in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
visitors in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Do you agree or disagree that there should be a statutory duty to provide sufficient electric vehicle chargepoints to meet the needs of:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
residents in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
businesses in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
visitors in a given geographical area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Who, in your view, should be legally responsible for planning sufficient provision of electric vehicle chargepoints to meet the needs of residents in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector
- ☐ A specific part of the energy sector, or another body:

8. Who, in your view, should be legally responsible for planning sufficient provision of electric vehicle chargepoints to meet the needs of businesses in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector

☐ A specific part of the energy sector, or another body:

9. Who, in your view, should be legally responsible for planning sufficient provision of electric vehicle chargepoints to meet the needs of visitors in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector
- ☐ A specific part of the energy sector, or another body:

10. Who, in your view, should be legally responsible for providing sufficient electric vehicle chargepoints to meet the needs of residents in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector
- ☐ A specific part of the energy sector, or another body:

11. Who, in your view, should be legally responsible for providing sufficient electric vehicle chargepoints to meet the needs of businesses in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector
- ☐ A specific part of the energy sector, or another body:

12. Who, in your view, should be legally responsible for providing sufficient electric vehicle chargepoints to meet the needs of visitors in a given geographical area?

- ☐ Local authorities
- ☐ Chargepoint operators
- ☐ Energy sector
- ☐ A specific part of the energy sector, or another body:

13. How might placing this statutory requirement on the organisations you've selected affect:

provision of
chargepoints?

chargepoint
investment?

14. What views do you have on how the statutory duty to:

plan for
sufficient
chargepoints
should be
enforced?

provide
sufficient
chargepoints
should be
enforced?

15. In your view do other obligations placed on the organisations you've selected:

- ☐ complement with the proposed duties?
- ☐ conflict with the proposed duties?

Explain why?

16. What, in your view, 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?

costs expected
as a result of
introducing a

statutory duty to
plan for and
ensure
adequate
charging
infrastructure
provision in a
given
geographical
area?

17. What level of additional resource would be needed to plan for and provide sufficient charging infrastructure and how does this vary depending on who this obligation is placed upon?

Chargepoints in non-residential car parks

A strong attraction of electric vehicles is that they can be charged wherever they are parked provided there is a suitable chargepoint. Drivers without off-street parking at home are restricted to the use of public chargepoints on:

- streets
- the wider road network
- in car parks

We propose to require landowners in England to provide a minimum level of EV charging infrastructure in existing non-residential car parks and also new non-residential car parks not covered by other legislation.

This would build upon [our proposals consulted on in 2019 \(opens in a new window\)](#) to require new residential and non-residential buildings with car parks to have EV charging infrastructure.

18. Should, in your view, we seek powers to set a minimum level of EV charging infrastructure for all non-residential car parks?

- ☐ Strongly agree (Go to 'Chargepoints in non-residential car parks')
- ☐ Agree (Go to 'Chargepoints in non-residential car parks')
- ☐ Neither agree nor disagree (Go to 'Chargepoints in non-residential car parks')
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Don't know? (Go to 'Chargepoints in non-residential car parks')

Continuing in chargepoints in non-residential car parks

19. Why not?

20. As you are against the proposal, and other question are about implementation of that proposal, you may now either: *

- ☐ continue answering questions about chargepoints in car parks?
- ☐ go to the next on the Rapid Charging Fund? (Go to 'Making the Rapid Charging Fund')

Chargepoints in non-residential car parks

21. Should, in your view, these powers apply to all car parks that are:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know?
publicly accessible (for example retail, leisure and healthcare car parks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
not publicly accessible but provided for the use of a particular group (for example as a workplace car park)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

We will consider whether there will be exemptions to installing chargepoints in non-residential car parks in certain circumstances. For example, exemptions may be considered where:

- costs to install are excessive
- where there is insufficient electricity supply

We will also consider whether there should be a minimum number of spaces in a car park before the regulations apply for example only in car parks with more than 10 parking spaces.

22. Should, in your view, there be exemptions to the requirements for chargepoints in car parks?

- ☐ Yes
- ☐ No (Go to 'Chargepoints in non-residential car parks')
- ☐ Don't know? (Go to 'Chargepoints in non-residential car parks')

Exemption groups and types

23. In your view which groups, types of car park or circumstances should be exempt from the requirements?

Chargepoints in non-residential car parks

We are not currently specifying a proposed minimum level of infrastructure, this will be considered at a later stage taking into account consultation responses.

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

We are proposing that the duty to provide EV chargepoints will fall on the landowners of the car park. Landowners would be able to work in collaboration with:

- leaseholders
- car park operators
- developers
- other bodies to install and manage the EV infrastructure

They would not be able to pass on their duty to ensure provision. Landowners may be able to share cost depending on their contractual arrangements.

25. Should, in your view, the landowner of the car park be responsible for ensuring there is the required level of charging infrastructure provision?

- ☐ Yes (Go to 'Chargepoint implementation')
- ☐ No
- ☐ Don't know? (Go to 'Chargepoint implementation')

Alternative to landowner

26. Who would you have responsible instead of the landowner?

Chargepoint implementation

If we use these powers, we would seek to identify an appropriate enforcement body that can operate at a local level to monitor compliance with the requirements. For example, we are

currently considering [local weights and measures authorities \(opens in a new window\)](#) or [Local Authority Building Control bodies \(opens in a new window\)](#). It is proposed that enforcement bodies will be able to apply a scheme of penalties.

27. Who, in your opinion, would be an appropriate body to operate at a local level to enforce the proposals?

28. Do you agree or disagree that the requirements be enforced with a scheme of penalties?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Don't know?

Why?

Chargepoint impact assessment

29. What, in your view, are the benefits expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?

30. What, in your view, are the costs expected as a result of requiring landowners of non-residential car parks to install EV charging infrastructure?

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

32. How many new non-residential car parks, not associated with a building and not falling under our building regulations proposals, do you think will be built over the next 10 years in the UK?

We are suggesting using the [2019 consultation impact assessment \(opens in a new window\)](#) which was an analysis on non-residential chargepoint regulation impacts for future impact assessment.

33. Do you agree with the costs, assumptions and impacts set out in the impact assessment?

- ☐ Yes (Go to 'Chargepoint impact assessment evidence')
- ☐ No
- ☐ Don't know? (Go to 'Chargepoint impact assessment evidence')

Disagree with impact assessment

34. Why not?

Chargepoint impact assessment evidence

35. Provide any supporting impact assessment evidence.

[Attach any evidence to your response]

Comments:

Making the Rapid Charging Fund

The [Rapid Charging Fund \(opens in a new window\)](#) is a new £950 million fund to future-proof electrical capacity at motorway and major A road service areas to support [the phase-out of petrol and diesel cars and vans \(opens in a new window\)](#).

The fund will support the cost of providing additional or upgraded electrical connections at motorway and major A road service areas.

The fund is England-only as the provision of transport infrastructure is devolved.

The fund will be administered by a delivery body which will:

- accept funding applications from motorway and major A road service areas
- examine the applications to ensure the requested connection size is based on robust estimates of expected demand from a 100% zero emission vehicle fleet
- potentially act as the owner of the new/upgraded connection, leasing capacity to applicants

There is a legal risk to the fund because the majority of motorway service areas in England have an exclusive provider of open access chargepoint services. This could lead to any funding being challenged on state subsidy or other grounds.

The Competition & Markets Authority completed [a study of the EV charging market in July 2021 \(opens in a new window\)](#) and decided to open an investigation into these existing agreements at 3 of the major motorway service operators under the [Competition Act 1998 \(opens in a new window\)](#) we await the outcome of this investigation.

Because of the strategic importance of these sites, and to avoid any delay to the Rapid Charging Fund, we have concluded we will need to act to reduce any potential risk to the fund in the future.

We are considering taking new powers to make the exclusive elements of existing chargepoint service arrangements void and unenforceable.

To ensure long-term competition is maintained at these sites, we are considering requiring service area operators and large fuel retailers to:

- tender chargepoint service contracts openly
- have a minimum of 2, and at some sites more than 2, different chargepoint operators at any particular site

The effect of this will be create more competition between chargepoint service providers at these sites for the benefit of consumers, and to reduce the legal risk to the fund.

We are considering requiring existing providers of chargepoint services at motorway service areas to make their chargepoints open access rather than only open to an exclusive network or group of networks or manufacturers. This would also extend to existing agreements for such services, which would be rendered void and unenforceable if the network were not to be opened.

In order to ensure there is sufficient chargepoint availability at these strategically important sites on the network, we are considering further extending the powers of government to mandate that service area operators and large fuel retailers must meet minimum chargepoint numbers at specific sites, and at increasing levels over a period of time.

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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

chargepoint investment?	<input type="text"/>
provision of chargepoints at these locations?	<input type="text"/>
other issues?	<input type="text"/>

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

42. Do you agree or disagree that we should be able to make a body to administer, operate and own these connections?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Don't know?

Comments:

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

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know?
service areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
large fuel retailers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

44. What do you think are the costs expected as a result of getting powers to:

mandate more competition between chargepoint operators at service areas?

mandate more competition between chargepoint operators at large fuel retailers?

remove existing exclusivity clauses between chargepoint operators and service area operators?

remove existing exclusivity clauses between chargepoint operators?

remove existing exclusivity clauses

between large
fuel retailers?

require a
progressive
increase the
number of
chargepoints
provided at
service areas?

require a
progressive
increase the
number of
chargepoints
provided at
large fuel
retailers?

require
chargepoint
operators to
offer open
access
charging at
service areas?

require
chargepoint
operators to
offer open
access
charging at
large fuel
retailers?

45. What do you think are the benefits expected as a result of getting powers to:

mandate more
competition
between
chargepoint
operators at
service areas?

mandate more
competition
between
chargepoint
operators at
large fuel
retailers?

remove existing
exclusivity
clauses
between
chargepoint
operators at
service areas?

remove existing
exclusivity
clauses
between
chargepoint
operators at
large fuel
retailers?

require a
progressive
increase the
number of
chargepoints
provided at
service areas?

require a
progressive
increase the
number of
chargepoints
provided at
large fuel
retailers?

require
chargepoint
operators to
offer open
access
charging at
service areas?

require
chargepoint
operators to
offer open
access
charging at
large fuel
retailers?

46. What in your view are the costs, including operator costs, of implementing open access charging at:

large fuel
retailers?

service areas?

47. What, in your view, are the likely costs that will be incurred by mandating 2 or more open access chargepoint operators at:

large fuel retailers?

service areas?

48. What in your view are the likely consumer price impacts of mandating two or more chargepoint operators at

large fuel retailers?

service areas?

Improving the experience for electric vehicle consumers

We propose to improve EV consumers' experience and ensure there are appropriate consumer protections for users of public charging infrastructure. It is essential that as the charging network expands and evolves, consumer needs are kept central.

We know from the [consumer experience at public chargepoints consultation \(opens in a new window\)](#) that there are emerging issues which can negatively affect consumers. We are already introducing regulations to improve reliability and ease of payment on the public charging network. However, current legislation does not allow us to cover the full spectrum of EV consumer needs and we are proposing new primary powers to ensure that:

- inclusively designed public chargepoints are available for all
- consumers feel safe when charging on-route
- consumers have rights to redress if something goes wrong

Our starting assumption is that these powers are needed for UK public chargepoints, but we also see a case for strengthening provisions for private charging and welcome views on this.

A chargepoint is a "public chargepoint" if it is provided for use by members of the general public, [as per the Alternative Fuel Infrastructure Regulations 2017 \(opens in a new window\)](#).

Ahead of introducing secondary legislation, we would consult on any proposed approaches, including provisions relating to:

- standardised definitions and specifications

- any exemptions

We hope these provisions will improve the individual user's experience and increase wider public engagement with EV charging.

What requirements are we proposing?

We are seeking primary powers to:

- ensure adequate consumer protections when encountering issues using public chargepoints
- set accessibility (inclusive design) and safety requirements at public chargepoints
- mandate aspects of chargepoint design such as familiarity, look and feel, and which will include accessibility and safety features

Ensure adequate consumer protections when using public chargepoints

We would take powers to require financial redress for consumers and penalties if bodies breach requirements. When developing supporting secondary legislation we will consult on arrangements for complaints and redress management. These arrangements would include a mechanism for an enforcement body to impose penalties and sanctions on industry participants for poor consumer service. The energy market is a useful comparison of where consumers can escalate complaints to an independent body able to require financial redress. In the energy market a regulated body found in breach can be penalised.

Setting accessibility and safety standards at public chargepoints

We would take primary powers to require operators and installers to mandate accessibility (inclusive design) and safety standards for UK public chargepoints, including around the parked vehicles and chargepoints. This includes the requirement that:

- adequate, accessible, standardised signage and information is provided at all public chargepoints
- chargepoints are situated in safe locations and/or that mitigations are provided, such as adequate lighting and weatherproofing

Mandating aspects of chargepoint design

To ensure chargepoints are easy to use, recognisable and provide a consistent consumer experience, we propose taking a primary power to mandate certain aspects of chargepoint design.

Consumer protections

Consumers should be able to contact a complaints service easily if something goes wrong while using public charging infrastructure. The current legislative framework does not allow us to ensure that EV consumers have adequate rights to redress when experiencing issues charging their vehicle. We are therefore seeking views on how we might strengthen protections for consumers of public charging infrastructure.

49. Do you agree or disagree that we should implement a consumer protection service, including the option of financial redress to consumers?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Don't know?

50. Should, in your view, there be a mechanism for an enforcement body to impose penalties and sanctions on chargepoint operators for a poor consumer service?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Don't know?

51. 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)?

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

Accessible, inclusively designed chargepoints

We want all EV consumers to be able to easily locate and use public charging infrastructure. We are therefore seeking views on how to ensure that inclusively designed chargepoints are available so that all consumers, including those with visible and non-visible disabilities, can easily charge their vehicle. This could take into account aspects such as height of chargepoint, kerb height, cable weight and space between bollards.

53. Do you agree or disagree that we should mandate accessibility standards for public chargepoints that includes the area around the parked car and the chargepoint?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree (Go to 'Accessible, inclusively designed chargepoints')
- ☐ Disagree (Go to 'Disagree with accessibility standards')
- ☐ Strongly disagree (Go to 'Disagree with accessibility standards')
- ☐ Don't know? (Go to 'Accessible, inclusively designed chargepoints')

Agree with accessibility standards

54. What, in your view, are the benefits to mandating accessibility standards?

[After answering go to 'Accessible, inclusively designed chargepoints']

Disagree with accessibility standards

55. What, in your view, are the constraints to mandating accessibility standards?

Accessible, inclusively designed chargepoints

56. In your view, what are the costs of mandating accessibility standards?

57. To what extent do you agree that we should mandate accessibility standards for private residential chargepoints?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly agree
- ☐ Don't know?

Personal safety at chargepoints

We want all consumers to feel safe when using public charging infrastructure. We are therefore seeking views on how we might ensure that consumers do not feel their personal safety is at risk while charging their vehicle. This would include considerations as to where chargepoints should be situated and the provision of mitigations such as adequate lighting and weatherproofing.

58. Do you agree or disagree that we should mandate industry participants to provide a safe charging experience at public chargepoints?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree (Go to 'Personal safety at chargepoints')
- ☐ Disagree (Go to 'Disagree with mandating industry participants')
- ☐ Strongly disagree (Go to 'Disagree with mandating industry participants')
- ☐ Don't know? (Go to 'Personal safety at chargepoints')

Agree with mandating industry participants

59. What, in your view, are the benefits to mandating industry participants to provide a safe charging experience?

[After answering go to 'Personal safety at chargepoints']

Disagree with mandating industry participants

60. What, in your view, are the constraints to mandating industry participants to provide a safe charging experience?

Personal safety at chargepoints

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

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

63. To what extent do you agree that we should take the powers to mandate requirements on industry participants to provide a safe charging experience for private residential chargepoints?

☐

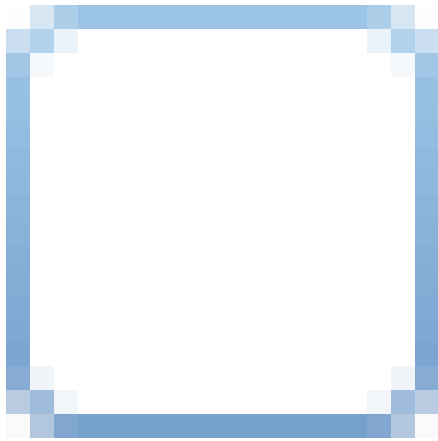
Strongly agree

☐

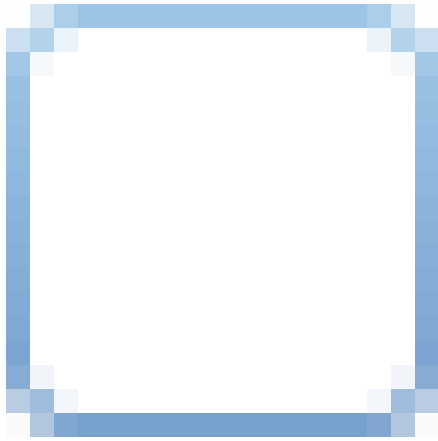
Agree

☐

Neither agree nor disagree



Disagree



Strongly disagree



Don't know?

Recognisable chargepoint design

Consumers should be able to easily recognise public EV chargepoints and have a consistent experience when using the public charging infrastructure. To ensure chargepoints are easy to use, recognisable and provide a consistent consumer experience, we would take a primary power to mandate aspects of chargepoint design.

64. 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?

☐

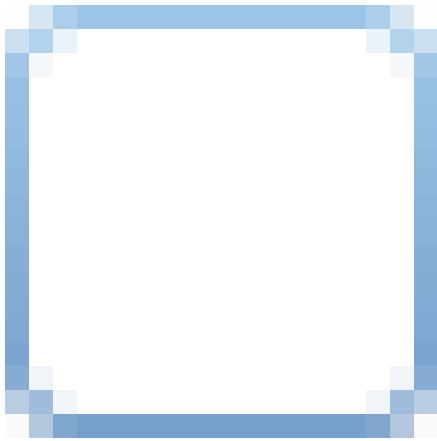
Strongly agree (Go to 'Agree with recognisable chargepoint design')

☐

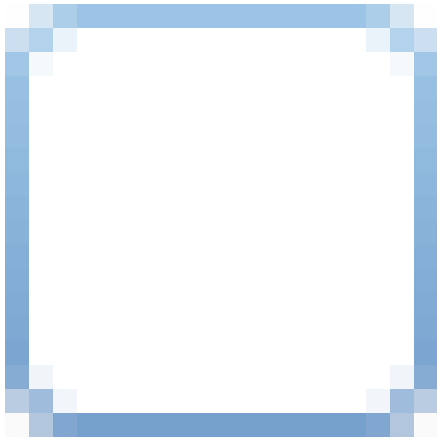
Agree (Go to 'Agree with recognisable chargepoint design')

☐

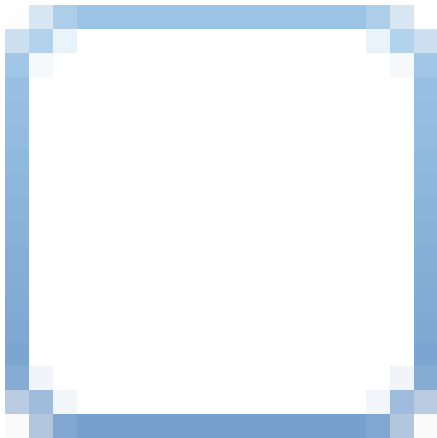
Neither agree nor disagree (Go to 'Equalities information')



Disagree



Strongly disagree



Don't know? (Go to 'Equalities information')

Disagree with recognisable chargepoint design

65. Why not?

66. What, in your view, are the constraints to mandating a recognisable design?

[After answering go to 'Equalities information']

Agree with recognisable chargepoint design

67. Which, if any, aspects of the design should we be able to set (for example size, colour, form and shape)?

68. What, in your view, are the benefits to mandating a recognisable design?

69. In your view, what are the costs to implementing any recognisable design?

70. Do you agree that the mandated recognisable design should apply to all public chargepoints in:



all locations?



only specific locations?

Equalities information

The [Public Sector Equality Duty \(PSED\)](#) ([opens in a new window](#)) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

As a part of this duty we are asking for any evidence on the potential impacts of these zero emission vehicle proposals on individuals or groups within society. The [Equality Act](#) ([opens in a new window](#)) lists the protected characteristics of:

- age
- disability

- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This evidence will be anonymised and retained after the retention period of this consultation information.

71. Supply any data or evidence you have about any of the proposals discussed that you think would positively or negatively impact on individuals with protected characteristics.

[Attach any evidence to your response]

Comments:

Final comments

72. Any other comments?