

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT PUBLIC CHARGE POINT
REGULATIONS 2023

Tuesday 24 October 2023

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The Committee consisted of the following Members:

Chair: JAMES GRAY

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| † Baillie, Siobhan (<i>Stroud</i>) (Con) | † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) |
| † Cox, Sir Geoffrey (<i>Torridge and West Devon</i>) (Con) | Newlands, Gavin (<i>Paisley and Renfrewshire North</i>) (SNP) |
| † Djanogly, Mr Jonathan (<i>Huntingdon</i>) (Con) | † Nici, Lia (<i>Great Grimsby</i>) (Con) |
| † Esterson, Bill (<i>Sefton Central</i>) (Lab) | † Norman, Jesse (<i>Minister of State, Department for Transport</i>) |
| † Fletcher, Nick (<i>Don Valley</i>) (Con) | † Spellar, John (<i>Warley</i>) (Lab) |
| † Foy, Mary Kelly (<i>City of Durham</i>) (Lab) | † Wakeford, Christian (<i>Bury South</i>) (Lab) |
| † Higginbotham, Antony (<i>Burnley</i>) (Con) | |
| † Jenkinson, Mark (<i>Workington</i>) (Con) | William Opposs, <i>Committee Clerk</i> |
| † Jones, Fay (<i>Brecon and Radnorshire</i>) (Con) | |
| † Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab) | |
| † Lewis, Clive (<i>Norwich South</i>) (Lab) | † attended the Committee |

Third Delegated Legislation Committee

Tuesday 24 October 2023

[JAMES GRAY *in the Chair*]

Draft Public Charge Point Regulations 2023

9.25 am

The Minister of State, Department for Transport (Jesse Norman): I beg to move,

That the Committee has considered the draft Public Charge Point Regulations 2023.

It is an absolute delight to serve under your chairmanship, Mr Gray.

A successful transition to zero-emission vehicles will require a reliable, accessible and affordable charging network across the country. More than 49,000 public charge points have already been installed. The Government and industry are continuing to work together to drive up those numbers, and members of ChargeUK, an industry organisation, has committed to doubling the number of charge points over the next 12 months and anticipates some £6 billion of investment in charging infrastructure over the next few years. The draft regulations will help to ensure that electric vehicle drivers can travel confidently, knowing that they can find a fully operational charge point suitable to their needs, and can more easily pay at any charge point. To develop the regulations, my Department engaged with consumer groups, vehicle manufacturers, technical experts and the charge point industry to understand better the barriers and proposed mitigations.

The statutory instrument introduces contactless payment at many new charge points. Within one year, all new public charge points with a power rating of 8 kW and above must provide contactless payment, and all existing charge points of 50 kW and above must be retrofitted. Within two years, all charge point operators must offer payment roaming at all their charge points through at least one third-party roaming provider. Consumers will be able to pay for a charge across multiple charge points through one app or radio frequency identity—RFID—card, similar to a fuel card for petrol and diesel cars. That element is important for fleet electrification, and will enable fleet operators to centralise the billing for the charging of electric vehicles.

Consumers will be able to understand how much they are paying to charge their vehicles, as pricing transparency is mandated. That will in turn empower them to find the best-value charge for their needs. The total price of a charging session must be displayed in pence per kilowatt-hour and should be clearly displayed either on the charge point or through a separate device, to make price comparison across different networks easier. Once the charging session has started, the price will not increase. Offers such as combining parking and charging fees will be permissible if the charging component is also displayed in pence per kilowatt-hour. Charge point operators must open and share their charge point data, make sure

it is accurate and ensure it conforms to an open data standard—the open charge point interface protocol—within one of the draft regulations.

Opening up charge point data will drive industry innovation, drive the development of consumer-friendly apps, and put more detailed and reliable data at consumers' fingertips, making it easier to locate available charge points. The draft regulations will also require reliability across the public rapid charge point network. Charge point operators must ensure that the network of public charge points of 50 kW and above is working 99% of the time, starting one year from the date that the regulations come into effect. That will be measured as an annual average. The measure will give the public far greater confidence in the public charge point network and make it easier for the public to find a working charge point.

Finally, the draft regulations will mandate that all charge point operators must run a 24/7 free-to-use telephone helpline for consumers within one year, and clearly display the details on charge points or through a separate device. Operators will be expected to resolve issues that are within their control. The draft regulations are essential to improving the consumer experience of charging and driving electric vehicles in the UK, and I commend them to the Committee.

9.28 am

Bill Esterson (Sefton Central) (Lab): I agree with much of what the Minister said. His points about the need to raise confidence among drivers and to address our net zero targets and obligations are set out well in section 7 of the explanatory notes. I welcome the fact that the price will be displayed on charge points and that the use of contactless will be obligatory. There is much to commend about the step forward taken by the draft regulations. However, a series of questions emerge from the regulations regarding how we improve on what has been set out.

On current trends—the Minister in the Lords confirmed this—there will be a 10-year delay in achieving the Government's target of 300,000 set for 2030. At the moment, there are 30 cars per charge point and, on current trends, that will be 64 by 2030. Delaying the end of the sale of new petrol and diesel cars to 2035 will also mean that it will take longer before drivers have the cheaper option of using an electric car. At present, we have 14 northern cities with fewer charge points, combined, than the city of Westminster.

As things stand, there is a lot of progress to be made. I accept that these regulations will contribute to that, but do they go far enough? As the Minister alluded to in his figures, 81% of current chargers will not be covered by the regulations, certainly in the immediate period, and not all new chargers will either, although there is a rationale for that, which I am sure the Minister will pick up in response to my questions. However, does he share my concern that many charge points still will not necessarily have a contactless option or, importantly, show the price?

The Office for Product Safety and Standards will be responsible for enforcing the regulations, but what assurances can the Minister give that the OPSS will have sufficient capacity to enforce these regulations, to give that confidence and peace of mind to drivers?

Incidentally, that peace of mind and confidence is important in creating the market demand and confidence for manufacturers and investors in domestic automotive production.

I also want to ask about payment cards for the various different networks that have emerged and the multiplicity of apps. I have now lost count of the number of apps on my phone for different charge points around the country. Does the Minister have any plans or thoughts around the ability to combine the different charge point owners and networks so that they can all be accessed through single payment cards or charge cards, and whether they can be brought together into single apps? It can be confusing at the moment and, as he quite rightly said, raising consumer confidence is key to people buying and using electric vehicles. That is very much linked to what he has set out in these regulations.

I would also ask the Minister about grid capacity and decision making in planning because improvement is needed in the speed in which grid connections, and often planning decisions, are made. He mentioned ChargeUK; I know that it is keenly concerned about this, and I am sure that it has raised that with him as it has with me. What plans does the Minister have to improve the speed at which new charge points can be connected to the grid? We have the absurd situation in which one can drive around the country and see new facilities that are unused for months on end because they cannot be connected to the grid.

Therefore, what is the Minister's intention to improve grid connections and to speed up planning decisions? I am sure that he will agree that the lack of planning officers in local authorities up and down the country really does not help. Perhaps he could use his connections with colleagues in other Departments to address that particular problem. Labour has plans to back motorists, to set targets for charge points around the country, ensuring greater certainty for the network providers, and to support an increase in installations. We also have plans to improve decision making by speeding up the planning process.

Finally, three and a half years ago, the Government announced the £950 million rapid charging fund. When will that start to be allocated, and when will it be available to use in those areas of the country where it is harder for the networks to install charge points? It is a great frustration that that money is so far unused. In government, Labour intends to use that fund to ensure that we increase take-up and installation and thereby encourage the greater availability of charge points to support drivers up and down the country.

9.35 am

Jesse Norman: I welcome the hon. Member for Sefton Central to his shadow role and thank him for his cross-party support for the regulations. Let me engage with his important set of questions.

The hon. Member talked about a 10-year delay in achieving 300,000 charge points. It is important to be clear that there is no such delay. The goal is to reach 300,000 by 2030, and we are well advanced in relation to that goal even at this early stage. Of course, the level of investment that we anticipate, and that has been triggered by the laying of the zero-emission vehicle mandate, will provide an important private sector impetus.

Bill Esterson: I want to tease this point out. In the Lords, Baroness Vere said that 3,870 charge points were installed between April and July, and figures of 1,000 a month were also quoted in that debate. At that rate, only half of that 300,000 figure will be achieved by 2030. What does the Minister think will change between now and then, in respect of the draft regulations or more widely, to achieve that 300,000 figure?

Jesse Norman: I thank the hon. Member. Of course, I think any sensible observer expects that the combined effect of the new regulations, technology and a massive amount of new investment will drive the rate of installation upwards. I cannot do any better than refer the hon. Member to the comments of the independent National Infrastructure Commission, which has said that it expects the Government to meet the target if installations continue to grow at the current rate of 30% a year, as they have in recent years.

In relation to the zero-emission vehicle mandate, the hon. Member suggested that it would somehow take longer to charge because of the removal of the ban from 2030. It is possible that there will be a very slight effect in that way, but it is also important to note that the substance of the mandate and its particular regulations for the provision of electric vehicles on the road have not changed. We would therefore expect that to drive the installation of electric vehicle chargers.

The hon. Member highlights that a relatively large percentage of current charge points are not covered in the regs. Of course, a decision has had to be made as to what is the cost-effective rate at which to require retrofitting. Having done a lot of consultation with the industry, and precisely based on a desire to incentivise the maximum speed of installation, which the hon. Member emphasised, the Government have decided to strike the balance so that 7 kW chargers and below are exempt from having to provide for contactless payments. Again, that is a trade-off that has to be made to achieve the faster rates of investment and installation that the hon. Member seeks.

The hon. Member is right to raise the question of enforcement, which is obviously important. Regulations are nothing without enforcement. The OPSS will enforce the regulations, as he says, and it has the capacity to apply financial penalties where necessary. It is actually a very good choice of enforcement agency, because it has a strong reputation and already enforces the Alternative Fuels Infrastructure Regulations 2017 and the Electric Vehicles (Smart Charge Points) Regulations 2021, which contain provisions on charge point data and payments. It is therefore already familiar with enforcing data and payment requirements on electric vehicle charge points, and so is well placed.

Bill Esterson: My question was actually about the capacity of the office. Hopefully there will be hundreds of thousands of charge points in the near future. How will they achieve enforcement with current staffing levels? Are there plans to improve staffing levels? Has the Minister analysed whether current staffing levels are adequate to cover that enforcement?

Jesse Norman: On capacity, I was going to point out that far from being new to this area, the OPSS is already up to speed and enforcing it under other regulations. It has hit the ground running. However, it is recognised

[*Jesse Norman*]

that this will be an improvement. The Government have therefore set up a technical working group so that Government agencies, industry members and technical experts can work together on this. The delay in the overall enforcement of the rules, as set out in the statutory instrument, allows an approach to enforcement that we think is suitable to the scale of the investment requirement and the enforcement challenge. Ministers will continue to monitor this with the OPSS to ensure that the capacity remains adequate to the target.

The hon. Member asked about confidence. He is absolutely right about the importance of confidence, and that is why the zero-emission vehicle mandate is such an important measure. It is not just a huge measure for decarbonisation; it is aimed at stimulating investment in the private infrastructure charge point industry, and that is what it is doing. He pointed to the multiplicity of apps, and he is right about that. There is always a point in the development of any market where it goes from being a series of attempted land grabs and moves for a particular position to one where there is interoperability and a level playing field. That is what these open data requirements are designed to do. I would expect there to

be consolidation, as there has already been in the industry, as consumers increasingly focus on using the open data and the most effective apps for their needs.

The hon. Member mentioned grid capacity, which is an important issue. As I am sure that the industry will report, I have been vigorous in talking to colleagues and the district network operators about the importance of an adequate supply of charge to parts of the country that need it. Lots of work is under way in this area, and he is right to point out the need for cross-departmental co-ordination.

I share his frustration at the slow rate of progress on rapid charging points; I would prefer it to be much faster. There have been competition issues and complexities, because in rapid charging areas—many of them motorway service areas—there are significant complexities of ownership and control between the charge point operator, the motorway service area, the landlord and access. Those must be negotiated in each case. I am pleased to say that there are increasing levels of rapid charge in motorway service areas. It is useful and helpful that Tesla has opened up all its new charge points to all other manufacturers, so that the widest possible provision will be available there and elsewhere.

Question put and agreed to.

9.43 am

Committee rose.

