

**Central London Congestion Charging Scheme  
Consultation with the public and stakeholders**

**TfL's Report to the Mayor on the  
Congestion Charging Scheme Variation  
Order Consultation**

November 2014

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## Executive Summary

- i. The Mayor of London asked Transport for London (TfL) to consult on the following proposed changes to the Congestion Charging Scheme to:
  - Allow TfL to refuse payments for the Congestion Charge other than those made by authorised users
  - Remove the SMS (text message) payment channel
  - Introduce an app which would enable users to pay the Congestion Charge, manage payments and access other information via their Smartphones and other Smart Devices
- ii. TfL made the Greater London (Central Zone) Congestion Charging (Variation) Order 2014 (the Variation Order) on 1 August 2014 which sets out the amendments to the Greater London (Central Zone) Congestion Charging Order 2004 (“the Congestion Charging Scheme Order”) that are needed to give effect to the above proposals. TfL consulted with the public and stakeholders on the Variation Order from 4 August 2014 until 12 September 2014.
- iii. Members of the public and businesses were invited to respond to the consultation using the questionnaire on the consultation portal. TfL’s Customer Services were available during the consultation to answer queries and direct people to the website for information and to access the questionnaire.
- iv. TfL also invited a range of stakeholder organisations to respond to the consultation including the London boroughs, transport and environment representative groups, motoring organisations and organisations representing the voluntary and community sectors, among others. Information about the proposals including the Scheme Description and Supplementary Information document and the Impact Assessment were also publicly available online.
- v. This Report to the Mayor sets out TfL’s analysis of the public, business and stakeholder consultation responses and includes TfL’s comments and recommendations.

### ***Consultation responses***

- vi. Consultation responses were received from 1,823 members of the public and businesses and from seven stakeholder organisations – Automobile Association (AA), British Vehicle Rental & Leasing Association (BVRLA), London Borough of Southwark, London TravelWatch, Rt Hon Justine Greening MP, Fitrovia Partnership BID and Westminster City Council. The majority of respondents (87 per cent) drive within the Congestion Charging zone, although most of the respondents (78 per cent) drive infrequently in the zone (between less than once a month and one to two times a month).

- vii. This consultation attracted a relatively low response compared to the previous consultation held in early 2014. That consultation attracted 11,036 public and business responses and 29 stakeholder responses which proposed a Congestion Charge increase, improving payment methods and other changes.

***Response to proposal to allow TfL to refuse payments for the Congestion Charge other than those made by authorised users***

- viii. Of the public and business responses received in respect of the proposal to allow TfL to refuse payments made by unauthorised users, 91 per cent supported the proposal and three per cent opposed it. The remainder either did not support or oppose, or did not answer.
- ix. All seven of the stakeholders who responded to the consultation supported the proposal.
- x. The majority of comments received were in support of this proposal.

***TfL response to issues raised***

- xi. TfL welcomes the support for the proposed change to the Congestion Charging Scheme Order which would enable TfL to refuse payments from unauthorised users. This change has become necessary because a number of websites not affiliated to or authorised by TfL (referred to here as ‘unofficial websites’) purport to sell the Congestion Charge. These unofficial sites charge up to £8 on top of the Congestion Charge itself for so-called “additional services.” TfL has received complaints from customers about these sites.
- xii. The Congestion Charge can be paid with no additional cost using TfL’s official channels. These include online via the TfL website, by post, by phone and by SMS text message (although TfL is proposing not to accept SMS text message as a payment method from 1 November 2015 and to introduce payments via an app from that date). Most customers are registered for CC Auto Pay, which bills the customer and deducts payments on a monthly basis.
- xiii. Although TfL has been successful in reducing the activity of these unofficial websites, it is considered important to put in place a statutory mechanism that would enable TfL to block these payments in the long term.

**Response to proposal to remove the SMS payment channel**

- xiv. Of the public and business responses received to the proposal to remove the SMS payment channel, 36 per cent supported the proposal and 28 per cent opposed it.

Thirty-five per cent of respondents neither supported nor opposed it and less than one per cent did not respond to this question.

- xv. Of the seven stakeholders who responded to the consultation, two supported the proposal, three opposed it and two neither supported nor opposed it.
- xvi. The most frequent comments/issues raised by stakeholders and the public and business respondents were:
  - Support for the proposal
  - Opposition to the proposal
  - Concern about customers without a Smartphone including elderly or disadvantaged people

### ***TfL response to issues raised***

- xvii. TfL welcomes the support for the proposal to remove the SMS payment channel, which is used for less than half of one per cent of Congestion Charge payment transactions. The number of transactions is expected to continue to fall as more customers choose to use CC Auto Pay, which offers advantages including a £1 discount on the daily charge and removes the risk of receiving a PCN as a result of forgetting to pay the charge. The falling number of SMS transactions means that it is not a cost-effective channel for TfL to maintain.
- xviii. It is proposed that at the same time that the SMS channel is removed, in November 2015, a new app for Smartphones and Smart Devices is introduced. This would offer much greater functionality to customers than is possible with SMS.
- xix. Customers using SMS on a Smartphone would be able to use the app to make Congestion Charge payments. Those without Smartphone would still be able to pay the Congestion Charge online, by phone or by post.
- xx. An Integrated Impact Assessment of all the proposed changes was undertaken and published for the consultation. The Impacts Assessment found that there is no evidence that any of the proposed changes would disproportionately affect any of the equality target groups. Should the Mayor approve the removal of SMS, existing customers will have a year's notice of this change and TfL's marketing will remind them of the other payment channels available.

### ***Response to proposal to introduce an app for Congestion Charge payment***

- xxi. Of the public and business responses received for the proposal to introduce an app, 81 per cent supported the proposal and four per cent opposed it. The remainder either did not answer the question, or stated that they neither supported nor opposed.

xxii. All seven of the stakeholders who responded to the consultation supported this proposal.

xxiii. All of the comments received were in support of this proposal.

### ***TfL response to issues raised***

xxiv. TfL welcomes the support for the introduction of an app which will provide a convenient and easy-to-use new channel for our customers.

xxv. Seventy-five per cent of Londoners now have Smartphones and apps are an increasingly popular way to access services and make payments. In order to ensure the security of customer data, the app would be developed by the Congestion Charge service provider, rather than by making data available to third parties. The cost of creating the app would be offset by removing the SMS channel.

xxvi. Other payment channels would remain in place once the app is introduced and the SMS channel is removed, if these changes are approved by the Mayor.

### ***Conclusions***

xxvii. The proposals regarding the unofficial websites and introduction of CC app were very well supported; the response to remove SMS was more mixed.

xxviii. TfL reiterates that SMS usage is on a downward trend with less than half of one per cent of all of CC payments currently made via the SMS payment channel. This is explained, in large part, by the introduction of CC Auto Pay which brings advantages to customers including £1 discount on daily charge. The removal of the SMS payment option would free up budget for the development of a payment app which TfL considers would be more useful to customers. Furthermore, customers will continue to be able to pay by other methods including online, by phone and by post.

xxix. The proposal to allow TfL to refuse payments from unauthorised users was strongly supported by over 90 per cent of the business and public respondents. All of the stakeholders who responded supported this proposal.

***Recommendation***

- xxx. TfL recommends that the proposed changes to the Variation Order are accepted without modification.



# 1 Introduction

## 1.1. Purpose of the report

1.1.1. Proposal 129 of the Mayor's Transport Strategy (MTS, 2010) states that:

*“The Mayor, through TfL, will operate and monitor Congestion Charging in the original central London Congestion Charging zone. The Mayor will keep the scheme under review, making variations to ensure the continued effectiveness of the policy reflects best practice, improves the operation of the scheme, or helps it to deliver the desired outcomes of the MTS.”*

1.1.2. TfL provides a number of ways to pay the Congestion Charge: by telephone, text message (SMS – short message service), online and by post<sup>1</sup>. However, over the past two years or so, a number of websites not affiliated to or authorised by TfL (referred to here as ‘unofficial websites’) have appeared which purport to sell the Congestion Charge. These unofficial sites can charge up to £8 on top of the Congestion Charge itself for so-called “additional services.” TfL has been successful in reducing the activity of these websites by engaging with Google and having them decline advertising from these websites, sending letters via the Driver and Vehicle Licensing Agency to the registered keeper of every vehicle for which a Congestion Charge payment appears to have been made via an unofficial website and liaising with Trading Standards and the Government Digital Service in order to be involved in and support any cross-government action against these websites. Such efforts take up considerable resources and it is considered important to put in place a statutory mechanism which would enable TfL to block payments from unofficial websites in the long term. This would be effected by a change to the Congestion Charge Scheme Order which will allow TfL to refuse payments which have not been made by ‘authorised users’.

1.1.3. In October 2015 the Congestion Charging scheme service provision contract will expire. The re-let of the service provision contract provides TfL with an opportunity to review the operation of the scheme in order to reduce the costs of operating the scheme and enhance customer satisfaction. A number of changes have already been agreed (as set out in 1.3 below) and a further two are now being proposed: the removal of the text message payment channel and the introduction of a Congestion Charge app.

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<sup>1</sup> You can pay the Congestion Charge, and find out about other ways to pay, at [www.tfl.gov.uk/cclondon](http://www.tfl.gov.uk/cclondon). Note that TfL is proposing that SMS text message no longer be accepted as a payment method from 1 November 2015 and to introduce payments via an app from that date.

- 1.1.4. Congestion Charge payments made using SMS have fallen to less than one per cent of all charge transactions, and are likely to decline further. This channel can only be used by registered customers. Paying for goods and services using an app installed on a Smartphone or Smart Device (eg a tablet) is becoming increasingly popular in other sectors and it is therefore timely to introduce a Congestion Charge app.
- 1.1.5. As a result, TfL made the Variation Order to modify the Congestion Charging Scheme Order and consulted on it with the public and stakeholders.
- 1.1.6. The Variation Order sets out the proposed changes to the Scheme Order as follows:
- TfL will be able to refuse payments for the Congestion Charge other than those made by authorised users.
  - The SMS text message payment channel will be removed.
  - An app which will enable users to pay the Congestion Charge, manage payments and access other information via their Smartphones and other Smart Devices will be introduced.
- 1.1.7. This report presents TfL's analysis of the comments made and issues raised in the consultation.

## **1.2. Overview of the report**

- 1.2.1. The remainder of this chapter provides the background to the consultation, including the legislative process and a summary of the proposals. Chapter 2 describes the consultation process. Chapter 3 provides an analysis of consultation respondents and the channels used to respond to the consultation. Chapters 4 and 5 provide an analysis of the responses to the consultation from the public and businesses and stakeholders respectively, including the number responding to the consultation, support and opposition to the proposals and the key issues raised in consultation responses. Chapter 6 provides TfL's response to the key issues raised by theme and any recommendations for minor changes to the Variation Order. Finally, Chapter 7 sets out TfL's conclusions and recommendations to the Mayor.
- 1.2.2. It is suggested that the Mayor have regard to the consultation responses themselves, all of which have been copied to him, when considering this Report.
- 1.2.3. If the Mayor confirms the Variation Order, the changes to the Scheme Order would commence according to the following timetable:

**Table 1.1: Timetable for introduction of proposed changes**

Following date of Mayoral confirmation (expected November 2014)	TfL can refuse to accept payments from unauthorised users
1 November 2015	The following changes would be implemented with the relet of the service provision contract: <ul style="list-style-type: none"><li>• SMS payment option removed</li><li>• Smartphone/Smart Device app available</li></ul>

1.2.4. Should the Mayor progress with the proposed changes, an information campaign will be launched to inform customers of the implementation of the proposals. This would be combined with the changes to the scheme already approved for implementation in November 2015 and described in Section 1.3, below, such as the introduction of a Direct Debit option for CC Auto Pay.

### **1.3. Changes to the Congestion Charge consulted on earlier in 2014**

1.3.1. Earlier this year (6 January 2014 to 14 March 2014) TfL, on behalf of the Mayor, consulted on other changes to the Congestion Charging scheme. The proposed changes (set out in the Congestion Charging Variation Order 2013) consulted on were to:

- Allow Direct Debit payments for CC Auto Pay
- Enable discount applications and renewals to be made online
- Increase the daily charge to reflect inflation
- Enable changes to the NHS Reimbursement Scheme to allow reimbursements to CC Auto Pay customers
- Allow customers to amend the date of a pre-paid charge on the day of travel (rather than only in advance)
- Make a number of minor administrative amendments to the Scheme Order as follows:
  - Removing the Residents' Discount vehicle seat capacity requirement
  - Include a reference to card payment failures
  - Update the definition for recovery vehicles
  - Amend references in the NHS Reimbursement Scheme in response to recent changes in the NHS

- 1.3.2. TfL subsequently analysed the responses received and reported on them, with its recommendations, in a Report to the Mayor dated April 2014. The Mayor made a decision to implement the changes as recommended. The Congestion Charge price increase took effect on 16 June 2014; the minor administrative amendments were made following the Mayor's decision and the other changes will be introduced in late 2015, when the new service contract begins.

#### **1.4. The legislative process for varying the Scheme Order**

- 1.4.1. Schedule 23 of the Greater London Authority Act 1999 (the GLA Act) prescribes the process for making and varying a charging scheme.
- 1.4.2. A charging scheme must be contained in an order which is made by the authority making the scheme and confirmed, with or without modification, by the Mayor acting on behalf of the GLA. The principal order for TfL's Central London Congestion Charging Scheme is the Congestion Charging Scheme Order. Schedule 23 permits a charging scheme to be varied. The power to vary is exercisable in a similar manner and subject to almost the same limitations and conditions as apply to the making of the original Scheme Order. Amongst other requirements, the Mayor may consult or require the authority varying the scheme to consult, require the authority to publish its proposals and consider objections to them, hold an inquiry, make modifications to the order and require the authority to publish notice of the order and its effect.
- 1.4.3. Various amendments to the Scheme Order have been made since it was first confirmed by the then Mayor in February 2002 and a formal consolidation of all such amendments to date was consulted upon and confirmed in October 2004, which has been subsequently amended.
- 1.4.4. Paragraph 34 of Schedule 23 provides that the Mayor may issue guidance to TfL in relation to the discharge of its functions under Schedule 23. Paragraph 34(2) requires TfL to have regard to any such guidance when exercising its functions under Schedule 23. The most recent guidance is contained in the document 'Guidance from the Mayor of London on Charging Schemes pursuant to Schedule 23 of the Greater London Authority Act 1999', dated 16 February 2007.

### ***Conformity with MTS and other strategies***

- 1.4.5. A charging scheme (or a variation to a charging scheme) can only be made if it appears desirable or expedient for the purpose of directly or indirectly facilitating the achievement of policies or proposals in the Mayor's Transport Strategy (MTS) and is in conformity with the MTS (under paragraphs 3 and 5 of Schedule 23).
- 1.4.6. The requirements of Schedule 23, paragraphs 3 and 5 do not apply to other Mayoral strategies, such as the Mayor's Air Quality Strategy (MAQS). Therefore a charging Scheme Order, or Variation Order altering it, is not required to be in conformity with the MAQS, albeit the MAQS would be a relevant consideration to the Mayor's confirmation of such an order.

### **1.5. The Variation Order**

- 1.5.1. TfL made the Greater London (Central Zone) Congestion Charging (Variation) Order 2014 on 1 August 2014. The Variation Order is attached to this report at Annex A. It is for the Mayor to decide whether or not to confirm the Variation Order, as made by TfL, with or without modifications.
- 1.5.2. The Variation Order proposed three amendments to the Scheme Order, namely:
  - TfL will be able to refuse payments for the Congestion Charge other than those made by authorised users.
  - The SMS text message payment channel will be removed.
  - An app which will enable users to pay the Congestion Charge, manage payments and access other information via their Smartphones and other Smart Devices will be introduced.
- 1.5.3. The Variation Order did not propose any other changes to the operation of the Congestion Charging Scheme, as specified in the Scheme Order, other than minor consequential amendments required to bring the above amendments into force.

### **1.6. Summary of the proposed changes**

- 1.6.1. This section provides a summary of the changes to the Congestion Charging Scheme proposed by TfL in the Variation Order. It also includes the background to the change and a summary of the impacts of each proposal.

#### ***Refusal of payments from unauthorised third parties***

- 1.6.2. Unofficial websites charge up to £8 for “additional services” on top of the daily Congestion Charge which has prompted their customers to complain to TfL. In some cases the charge has not been paid by these sites and the driver has subsequently received a PCN, or a charge has been taken for a day when the charge does not apply, such as a Bank Holiday. These unofficial websites have a detrimental effect on TfL’s customers and a negative effect on the reputation of the Congestion Charge and TfL. It cost TfL additional time and resources to deal with such complaints.
- 1.6.3. TfL has sought to reduce the operation of these sites by engaging with Google and having them decline advertising from these websites, sending letters via the Driver and Vehicle Licensing Agency to the registered keeper of every vehicle for which a Congestion Charge payment appears to have been made via an unofficial website and liaising with Trading Standards and the Government Digital Service in order to be involved in and support any cross-government action against these websites. Such efforts are time consuming and place an administrative burden on TfL and it is TfL’s preference that the Scheme Order be varied in order to give TfL the powers to refuse payments from unauthorised users. If this proposal is implemented, all users who are registered with TfL to pay the Congestion Charge, and all those who pay via the official TfL channels, would automatically be defined as authorised users. TfL would maintain a policy document (made available on its website) setting out the intentions of the new provision and the generally applicable authorisations as above. The draft policy document was available for this consultation (see Annex E).
- 1.6.4. Customers using the TfL website or other TfL channels to pay the Congestion Charge pay no additional fee beyond the £11.50 daily charge. The cheapest way to pay the charge is by registering for CC Auto Pay (or Fleet Auto Pay), which gives a £1 discount on the £11.50 daily charge and has the additional benefit of removing the need to remember to pay the charge and so avoiding the risk of incurring a Penalty Charge Notice (PCN). Around 79 per cent of TfL’s customers pay the charge in this way.

### ***Removing the SMS (text message) payment channel***

- 1.6.5. Following the introduction of CC Auto Pay, payments made by SMS have fallen considerably and now comprise less than one per cent of all payment transactions. TfL proposes to remove this payment channel on 1 November 2015 and replace it with an app which will have more functionality and so be more attractive to customers.
- 1.6.6. This proposal is cost-effective for TfL as the SMS channel has ongoing costs in terms of maintenance and sending messages.

### ***Introduction of a Congestion Charge app***

- 1.6.7. Apps enable users to access information and pay for goods and services using Smartphones and Smart Devices (eg tablets). Three-quarters of Londoners now have a Smartphone and 76 per cent use this to access the internet. Of this latter group, 87 per cent say that they use apps<sup>2</sup>.
- 1.6.8. The app would provide our customers with the ability to pay the daily charge more quickly than via SMS, and also provide the functionality to do basic account checks, account amendments, view Auto Pay balances and check discount expiry dates. The app would be free of charge to the user and could be used by both registered and non-registered customers to pay the charge, although registered users would be able to access more functionality than non-registered users.

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<sup>2</sup> Digital and social media monitor, SPA Future Thinking for TfL, October 2013  
Congestion Charging Scheme Variation Order Consultation Report to Mayor, November 2014

## **2 The consultation process**

### **2.1. Introduction**

- 2.1.1. This chapter provides an overview of the consultation, as well as a description of the actions and communication methods employed to promote the consultation itself and elicit views from the public and stakeholders about the proposals.
- 2.1.2. The primary objective of the consultation process is to understand the views of the public and stakeholders concerning proposed changes to the Consultation Charging scheme. This report sets out the feedback from the consultation process which aims to inform the Mayor's decision making process.
- 2.1.3. The previous Mayor issued statutory guidance to TfL entitled 'Guidance from the Mayor of London on charging schemes pursuant to schedule 23 of the Greater London Authority Act 1999'. The guidance encompassed matters to do with TfL's discharge of the consultation requirements in paragraph 4 of Schedule 23. This guidance informed the consultation strategy TfL adopted in respect of the consultation which is the subject of this report.
- 2.1.4. The consultation sought views on the three proposed changes to the Congestion Charging scheme set out in the Variation Order (see Sections 1.5 and 1.6).

### **2.2. Consultation dates**

- 2.2.1. The consultation commenced on 4 August 2014 and closed on 12 September 2014.

### **2.3. Publicising the consultation**

- 2.3.1. Emails were sent to around 210,000 Congestion Charge customers registered on the TfL database (this included customers registered for SMS payment) on the first week of the consultation which included a link to the online questionnaire.
- 2.3.2. A marketing campaign was developed to raise awareness of the consultation and encourage customers to have their say. Adverts were placed in two London press the Evening Standard and the Metro as well as in digital media.
- 2.3.3. A legal notice was also published in the London Gazette.
- 2.3.4. The consultation was further promoted through effective media liaison with news and trade titles.



- 2.3.5. A press release was issued on 4 August to announce the start of the consultation. The consultation received media coverage from a number of London news outlets including BBC News London, the Evening Standard and a national newspaper. Advertising was used to raise awareness and encourage customers to participate in the consultation.

## **2.4. Stakeholder communications and meetings**

- 2.4.1. The public consultation was supplemented by engagement with stakeholder organisations, as set out in the paragraph below. This was to ensure that stakeholders were well briefed about the potential timetable for the proposed changes, to understand their issues and concerns, and to encourage participation in the consultation.
- 2.4.2. TfL identified key stakeholder organisations including the 33 London boroughs (including the City of London Corporation), London Councils, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, business representative organisations, freight and haulage representative organisations, transport and environment representative organisations, government departments and non-departmental bodies, trade and professional associations and London TravelWatch, London Assembly members and organisations representing the local community and voluntary sectors. TfL also consulted with the Environment Agency.
- 2.4.3. On the consultation launch date, TfL wrote to 617 stakeholder organisations explaining the plans in full. In order to provide further background and detailed information about the proposals copies of the following consultation materials were included:
- Scheme Description and Supplementary Information; and
  - Impact Assessment.
- 2.4.4. TfL also offered face-to-face meetings to 48 stakeholder organisations in order to provide a further opportunity to explain our proposals in detail. At their request, TfL met with the British Vehicle Rental & Leasing Association (BVRLA) to discuss the proposals.

## **2.5. Targeted communications to Congestion Charging customers**

- 2.5.1. On the consultation launch date, TfL sent an email to relevant registered Congestion Charging scheme customers using a customer relationship management system. 210,000 customers were emailed.

- 2.5.2. Customers were requested to complete the online questionnaire to provide their views and were directed to TfL's consultation portal (see Section 2.7).

## **2.6. TfL website**

- 2.6.1. TfL raised awareness of the consultation by placing banners in a number of prime areas of its website, including the TfL main home page ([www.tfl.gov.uk](http://www.tfl.gov.uk)) and the Congestion Charging scheme home page ([cclondon.com](http://cclondon.com)). The banners offered a link through to the consultation portal and an opportunity for the public to provide their views.

## **2.7. The consultation portal**

- 2.7.1. The TfL online consultation portal ([www.tfl.gov.uk/ccyourviews](http://www.tfl.gov.uk/ccyourviews)) hosted all the relevant information relating to the consultation. This included an overview of the Congestion Charging Scheme and map of the zone. During the consultation period, there were 6,962 unique visitors to the Congestion Charging consultation page.
- 2.7.2. The consultation portal provided a summary of the proposed changes and set out the proposed implementation dates. The portal also included a link to the following documents which provided more detailed information on the proposals:
- Scheme Description and Supplementary Information;
  - Impact Assessment;
  - Congestion Charge policy document;
  - Variation Order;
  - Schedule of Variations; and
  - Legal Notice.
- 2.7.3. Respondents were requested to complete and submit an online questionnaire to provide their feedback about the proposals. It included a number of open and closed questions providing the opportunity for respondents to indicate their views about each of the proposals as well as give additional comments and feedback.

## **2.8. Telephone information service**

- 2.8.1. TfL's Customer Services were available to respond to calls over the period of the Congestion Charging consultation to answer queries relating to the proposed changes. Customer Services did not record or address responses to the consultation. However, they directed callers, wishing to respond to the consultation, to the online consultation portal.

## **2.9. Late consultation responses**

- 2.9.1. No representations from members of the public were received after the consultation closed. Any representations received after this report is submitted, and up to the date of the Mayor's decision, will be forwarded to the Mayor.

### 3 Summary of respondent information

#### 3.1. Introduction and responses received

3.1.1. This section of the report provides a summary of the information collected about respondents through the consultation questionnaire. In each table, the total of the percentages is 100 per cent prior to rounding.

#### 3.2. Number of responses received

3.2.1. In total, 1,830 responses were received to the consultation. Table 3.1 provides a breakdown of public and stakeholder responses.

**Table 3.1: Total number of stakeholder and public responses received**

<b>Audience type</b>	<b>Number of responses</b>	<b>Percentage</b>
Public and businesses	1,823	99%
Stakeholders	7	<1%
<b>Total</b>	<b>1,830</b>	<b>100%</b>

#### 3.3. Channels used to respond to the consultation

3.3.1. TfL offered two ways for member of the public and businesses to provide their responses to the consultation.

- Online – through the consultation portal
- Email – comments emailed directly to TfL

**Table 3.2: Consultation responses by response method (excluding stakeholders)**

<b>Response method</b>	<b>Number of responses</b>	<b>Percentage</b>
Online (consultation portal)	1,821	99%
Email	2	<1%
Letter	0	0 %
<b>Total</b>	<b>1,823</b>	<b>100%</b>

### 3.4. Respondent types

3.4.1. Public and business respondents were asked to indicate what capacity they were responding to the consultation, that is whether they were representing themselves or another business or organisation. Respondents were free to identify themselves as any of these categories and it should be noted that where ‘government organisation’, ‘community or voluntary organisation’ or ‘campaign group’ was selected, TfL undertook a check to see if any of these were stakeholders and, if so, analysis of their responses was included in the stakeholder analysis in Chapter 5.

**Table 3.3: Proportion of responses by respondent type (excluding stakeholders)**

<b>Respondent Type</b>	<b>Number of responses</b>	<b>Percentage</b>
As an individual	1,616	89%
As a representative of a business	159	9%
As a representative of a community or voluntary organisation	40	2%
As a representative of a Government Organisation	0	0%
As a representative of a campaign group	3	<1%
Not answered	5	<1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

### 3.5. Information channels

3.5.1. To understand how news about the consultation was received, respondents were asked how they heard about the consultation.

**Table 3.4: Information channels through which respondents heard about the consultation**

<b>Respondent Type</b>	<b>Number of responses</b>	<b>Percentage</b>
Received an email from TfL	1,710	94%
Read about it in the press	30	2%
Other	26	1%
Saw an advert on the TfL website	21	1%
Not answered	17	1%
Through social media	16	1%
Received a letter from TfL	3	<1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

### 3.6. Driving behaviour

3.6.1. Respondents were asked to provide information about their driving behaviour. The questionnaire sought information on whether respondents drove within the Congestion Charging zone, the main reason for driving in the zone and the frequency of driving in the zone. The following tables provide an analysis of the answers to these questions.

**Table 3.5: Proportion of public and business respondents who drive in the Congestion Charging zone during charging hours**

<b>Response</b>	<b>Number of responses</b>	<b>Percentage</b>
Yes	1,586	87%
No	227	12%
Not answered	10	1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

**Table 3.6: Main reason indicated by public and business respondents for driving in the Congestion Charging zone**

Reason	Number of responses	Percentage
For business reasons	897	43%
For leisure	820	39%
For commuting	261	12%
Not answered	65	3%
On behalf of my organisation	64	3%
<b>Total</b>	<b>2,107*</b>	<b>100%</b>

\* The respondents were able to select as many descriptions as they felt appropriate.

**Table 3.7: Public and business respondent frequency of driving in the Congestion Charging zone**

Frequency	Number of responses	Percentage
5 days a week	90	5%
3-4 days a week	83	5%
1-2 days a week	220	12%
1-2 times a month	541	30%
Less than once a month	877	48%
Not Answered	12	1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

### 3.7. CC Auto Pay

3.7.1. Respondents were asked to state whether they were registered to pay the charge by CC Auto Pay.

**Table 3.8: CC Auto Pay registration**

Frequency	Number of responses	Percentage
Yes	1,146	63%
No	529	29%
Not sure	132	7%
Not Answered	16	1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

### 3.8. Registered discounts

3.8.1. Respondents were asked to indicate which Congestion Charging scheme discounts they were registered for (the respondents were able to select as many descriptions as they felt appropriate).

**Table 3.9: Proportion of public and business respondents registered for a Congestion Charging discount**

<b>Discount type</b>	<b>Number of responses</b>	<b>Percentage</b>
CC Auto Pay	1028	53%
None of the above	597	31%
Unsure	109	6%
Residents' Discount	106	6%
Not answered	45	2%
Ultra-Low Emission Discount/Greener Vehicle Discount	19	1%
Blue Badge Discount	15	1%
Another CC Discount	6	<1%
<b>Total</b>	<b>1,925*</b>	<b>100%</b>

\* The respondents were able to select multiple discounts.



## **4 Analysis of public, community and business responses**

### **4.1. Introduction**

- 4.1.1. This chapter provides an analysis of the feedback provided by the public and businesses about the proposals being consulted on.
- 4.1.2. A quantitative and qualitative analysis of the data received under each proposal is provided.
- 4.1.3. The response to the proposals is considered in the following order:
  - Allow TfL to refuse payments for the Congestion Charge other than those made by authorised users.
  - Remove the SMS payment channel.
  - Introduce an app which would enable users to pay the Congestion Charge.

### **4.2. Quantitative analysis of closed questions**

- 4.2.1. For each proposed change, an analysis of the closed questions contained within the questionnaire is provided. Results are provided for the number of respondents and the proportion of support and opposition. The results are cross-referenced with key respondent characteristics, such as how often they drive in the zone in charging hours.
- 4.2.2. In the explanatory text, the percentage for the proportions supporting the proposal includes those who stated that they 'strongly support' and 'support' each proposal. The percentage for those opposing the schemes likewise includes those who 'strongly oppose' and 'oppose' the proposal. A full breakdown of these categories is provided in the tables and charts.
- 4.2.3. In all cases, the totals equal 100 per cent prior to rounding.

### **4.3. Qualitative analysis of free text responses (open question)**

- 4.3.1. The questionnaire contained a free text box to provide any comments or suggestions regarding any or all of the proposals. All of the comments and suggestions received were reviewed and coded in order to identify common themes of comments raised by respondents.

- 4.3.2. For clarity, these comments are organised in the following sections according to the closed question to which they pertain. For each proposal, the frequency with which each comment or theme was raised is evaluated. The qualitative analysis of this text also identifies the percentage of overall public and business comments related to main proposals. All issues and themes identified in the consultation are shown in Annex D.
- 4.3.3. The closed questions 12, 13 and 14 were answered by nearly all respondents (99 per cent). The free textbox Question 15 was used by less than half of the respondents (47 per cent). This section shows issues and themes raised by respondents for each proposal. The numbers given relate to the number of comments made, not the number of respondents.
- 4.3.4. Comments about the Congestion Charge which are not directly related to the current proposals are not analysed in this report. TfL on behalf of the Mayor carried out a public and stakeholder consultation on other changes to the Congestion Charge earlier in 2014 which is available on TfL's website (please see Section 1.3 of this report).
- 4.3.5. TfL's response to the main comments and suggestions raised in the open text section of the questionnaire are provided in Chapter 6 of this report.

#### **4.4. Allowing TfL to refuse payments made by unauthorised users**

##### **Quantitative analysis**

- 4.4.1. Table 4.1 sets out the proportion of support and opposition to the proposal from public and business respondents, with 91 per cent supporting the proposal and two per cent opposing it. Six per cent of respondents neither supported nor opposed the proposal and less than one per cent did not answer this question.

**Table 4.1: Proportion of support and opposition from public and business respondents to the proposal to allow TfL to refuse payments from unauthorised users**

<b>Response</b>	<b>Number of responses</b>	<b>Percentage</b>
Strongly support	1,423	78%
Support	230	13%
Neither support or oppose	108	6%
Oppose	27	1%
Strongly oppose	26	1%
Not answered	9	<1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

4.4.2. Table 4.2 shows the proportion of respondents who supported and opposed the proposal split by whether or not they drive in the Congestion Charging zone in charging hours. Ninety-one per cent of respondents who drive in the zone and 90 per cent of those who do not drive in the zone supported the proposal. Two per cent of those driving in the zone and two per cent not driving within the zone opposed the proposal and the remainder neither supported nor opposed.

**Table 4.2: Support and opposition for the proposal to allow TfL to refuse payments from unauthorised users according to whether or not the respondent drives in the zone during charging hours**

<b>Drives in the zone during charging hours?</b>	<b>Strongly support</b>	<b>Support</b>	<b>Neither support nor oppose</b>	<b>Oppose</b>	<b>Strongly oppose</b>	<b>Not answered</b>	<b>Total</b>
Yes	79%	12%	6%	1%	1%	< 1%	100%
	1,246	196	95	23	21	5	1,586
No	75%	15%	5%	2%	2%	< 1%	100%
	171	34	12	4	5	1	227
Not answered	60%	0%	10%	< 1%	< 1%	3%	100%
	6	0	1	0	0	3	10

#### 4.5. Qualitative analysis of free text responses

- 4.5.1. Of the 1,823 public and business respondents, 114 comments were received that related to the proposal to allow TfL to refuse payments from unauthorised users. This is over five per cent of respondents.
- 4.5.2. Of these, 62 per cent of these comments were in support of the proposal. The comments made are organised by sub-theme in Table 4.3, below, with the percentage of each sub-theme shown in the right-most column.

**Table 4.3: Qualitative analysis of comments on the proposal to allow TfL to refuse payments from unauthorised users**

Issues/ themes	Number of comments	Percentage of issues/ themes on this proposal
Support for proposal	71	62%
Used unofficial websites by mistake	30	26%
Opposed to proposal	12	11%
Support with a condition	1	<1%
<b>Total</b>	<b>114</b>	<b>100%</b>

#### 4.6. Removing the SMS (text message) payment channel

##### *Quantitative analysis*

- 4.6.1. Table 4.4 sets out the proportion of support and opposition to the proposal from public and business respondents, with 36 per cent supporting the proposal and 28 per cent opposing it. Thirty-five per cent of respondents neither supported nor opposed the proposal and less than one per cent did not answer this question.

**Table 4.4: Proportion of support and opposition from public and business respondents to the proposal to remove the SMS payment channel**

Response	Number of responses	Percentage
Strongly support	331	18%
Support	331	18%
Neither support or oppose	639	35%
Oppose	245	13%
Strongly oppose	268	15%
Not answered	9	<1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

4.6.2. Table 4.5 shows the proportion of respondents who supported and opposed the proposal to remove the SMS channel, split by how often they drive in the zone in charging hours. Thirty-five per cent of the respondents who drive in the zone in charging hours and 43 per cent of those who do not drive in the zone supported the proposal.

**Table 4.5: Support and opposition for the proposal to remove the SMS payment channel according to whether or not the respondent drives in the zone during charging hours**

Drives in the zone during charging hours?	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Not answered	Total
Yes	17%	18%	35%	13%	15%	<1%	100%
	277	283	562	214	244	6	1586
No	23%	20%	33%	13%	10%	<1%	100%
	53	46	74	30	23	1	277
Not answered	10%	20%	30%	10%	10%	20%	100%
	1	2	3	1	1	2	10

***Qualitative analysis of free text responses***

4.6.3. Two hundred and twenty-three comments were received from 211 public and business respondents. Of these, 50 per cent of comments were that the SMS payment channel should not be removed. Thirty-seven per cent stated that the SMS payment channel needs to be retained while also introducing the proposed Smartphone app. The results are shown in Table 4.6.

**Table 4.6: Qualitative analysis of comments regarding the proposal to remove the SMS payment channel**

Issues/ themes	Number of comments	Percentage of issues/ themes on this proposal
Do not remove SMS payment channel	111	50%
Keep SMS payment method while introducing the app payment channel	82	37%
Happy with current SMS payment channel	23	10%
Support removal of SMS payment channel	7	3%
<b>Total</b>	<b>223</b>	<b>100%</b>



#### 4.7. Introduction of a Congestion Charge app

##### *Quantitative analysis*

4.7.1. Table 4.7 sets out the proportion of support and opposition to the proposal from public and business respondents, with 81 per cent supporting the proposal and four per cent opposing it. Fifteen per cent of respondents neither supported nor opposed the proposal and less than one per cent did not answer this question.

**Table 4.7: Proportion of support and opposition from public and business respondents to the proposal to introduce a Congestion Charge app**

Response	Number of responses	Percentage
Strongly support	1,031	57%
Support	441	24%
Neither support or oppose	266	15%
Oppose	31	2%
Strongly oppose	43	2%
Not answered	11	<1%
<b>Total</b>	<b>1,823</b>	<b>100%</b>

4.7.2. Table 4.8 shows the proportion of respondents who opposed and supported the proposal according to whether they drive in the Congestion Charge zone during charging hours. Eighty per cent of the respondents who drive in the zone in charging hours and 82 per cent of those who do not drive in the zone supported the proposal to introduce a Congestion Charge app.

**Table 4.8: Support and opposition for the proposal to introduce a Congestion Charge app according to whether or not the respondent drives in the zone during charging hours**

Drives in the zone during charging hours?	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	Not answered	Total
Yes	56%	24%	15%	2%	2%	1%	100%
	894	385	233	28	38	8	1586
No	59%	23%	14%	1%	2%	<1%	100%
	134	53	32	2	5	1	277
Not answered	30%	30%	10%	10%	0%	2%	100%
	3	3	1	1	0	2	10





### **Qualitative analysis of free text responses**

- 4.7.3. Three hundred and sixty-eight comments were received from 341 public and business respondents. This is approximately 19 per cent of respondents.
- 4.7.4. Of these, 46 per cent commented that not everyone has a Smartphone. Twenty-six per cent supported the introduction of the app. Twelve per cent highlighted that the app must be available to all platforms including Windows phones. The results are shown in Table 4.9.

**Table 4.9: Qualitative analysis of comments regarding the proposal to introduce a Congestion Charge app**

<b>Issues/ themes</b>	<b>Number of comments</b>	<b>Percentage of issues/ themes on this proposal</b>
Not everyone has a Smartphone	168	46%
Support for introducing app	94	26%
App to be available to all platforms	45	12%
Concern reliability of app	23	6%
Oppose with reason	13	4%
Support with a condition	11	3%
Combine with parking app	9	2%
Oppose generally	5	1%
<b>Total</b>	<b>368</b>	<b>100%</b>

## 5 Analysis of stakeholder responses

### 5.1. Introduction and responses received

- 5.1.1. This chapter of the report looks at the feedback provided by stakeholder organisations about the proposals being consulted on. It includes an analysis of both quantitative and qualitative data.
- 5.1.2. Responses were received from seven stakeholder organisations. A full list of the stakeholders who responded is provided at Annex B and a summary of each stakeholder response is provided at Annex C.

#### Quantitative analysis

- 5.1.3. Stakeholders submitted their comments using a variety of channels. Of the seven stakeholders that responded to the consultation, four used the consultation portal, which is part of TfL's website. The other stakeholders responded by letter or by email.
- 5.1.4. The following section provides a quantitative analysis of the support or opposition to the proposals included in the stakeholder responses. Stakeholders who provided comments setting out their views on the proposals but did not specifically state support or opposition, or noted that they had no objections to the proposals are listed in the category 'no objection/ not stated'. Tables 5.1 to 5.3, below, set out the level of support and opposition to the proposal indicated in the stakeholder responses. For the proposal to make four minor administrative changes, none of the stakeholders stated that they opposed any of the changes and this is reflected in Table 5.1 below.

**Table 5.1: Stakeholder support for and opposition to the proposal to allow TfL to refuse payments from unauthorised users**

<b>Response</b>	<b>Number of responses</b>	<b>Percentage</b>
Support	7	100%
Oppose	0	0%
No objection/ not stated	0	0%
<b>Total</b>	<b>7</b>	<b>100%</b>

**Table 5.2: Stakeholder support for and opposition to the proposal to remove the SMS payment channel**

<b>Response</b>	<b>Number of responses</b>	<b>Percentage</b>
Support	2	29%
Oppose	3	43%
No objections/not stated	2	29%
<b>Total</b>	<b>7</b>	<b>100%</b>

**Table 5.3: Stakeholder support for and opposition to the proposal to introduce a Congestion Charge app**

<b>Response</b>	<b>Number of responses</b>	<b>Percentage</b>
Support	7	100%
Oppose	0	0%
No objections/not stated	0	0%
<b>Total</b>	<b>7</b>	<b>100%</b>

## 6 TfL's response to the issues raised

### 6.1. Introduction

- 6.1.1. This chapter sets out TfL's analysis of the responses received to the consultation by theme and its response to the comments, issues and recommendations. Comments from stakeholders and free text responses from public/business respondents have been attributed to the most pertinent proposal (Themes A to C). Within each theme, sub-themes have been identified and are listed at the start of each section, followed by TfL's response and any recommendation. Where sub-themes are similar, these have been grouped together for a single TfL response. Only sub-themes where a relatively substantial percentage of have been made are considered here: where the sub- theme accounts for less than five per cent of comments, it is not usually addressed.

### 6.2. Theme A: Allowing TfL to refuse payments from unauthorised users

- 6.2.1. Seven stakeholders indicated support for the proposal to allow TfL to refuse payments from unauthorised users; these were: London TravelWatch, Westminster City Council, Automobile Association (AA), London Borough of Southwark, Partnership BID and the British Vehicle Rental & Leasing Association (BVRLA).
- 6.2.2. Ninety-one per cent of public and businesses indicated support for the proposal to allow TfL to refuse payments from unauthorised users. Two per cent disagreed with the proposal.

#### *Analysis of responses*

- 6.2.3. Three stakeholders commented on this proposal. They were British Vehicle Rental & Leasing Association (BVRLA), the London Borough of Southwark and Westminster City Council.
- 6.2.4. One hundred and fourteen comments were made by public and business respondents. This equates to over five per cent of public and business respondents commenting on this issue.
- 6.2.5. Public and business respondents have acknowledged that they have used unauthorised users by mistake. Around two per cent have commented on this issue which equates to 30 respondents.

### ***Issue raised***

- 6.2.6. Support for the proposal to allow TfL to refuse payments from unauthorised users.

### ***Support for allowing TfL to refuse payments from unauthorised users***

- 6.2.7. The three stakeholders who commented on this proposal supported it. The London Borough of Southwark and the British Vehicle Rental & Leasing Association (BVRLA) noted that unofficial websites place the customer at risk of receiving a PCN if the Congestion Charge is not actually paid.
- 6.2.8. One hundred and fourteen comments from public and business respondents were received on this issue. Of those who have commented on this proposal, 62 per cent support TfL to refuse payments from unauthorised users. The majority of these comments were complaints about being over-charged by using unofficial websites in error. The respondents wrote that they were misled by unofficial websites as they looked too similar to the TfL's website.

### ***TfL response***

- 6.2.9. TfL welcomes the support for the proposal to amend the Scheme Order to allow it to refuse payments from unauthorised users. Websites which are not affiliated to or authorised by TfL (referred to here as 'unofficial websites') charge their customers up to £8 on top of the daily Congestion Charge while there is no additional payment beyond the charge itself where a customer pays via TfL's own payment channels. The prevalence of these sites in recent times has led to many customers paying much more than they needed to. So far, over 100,000 people have paid the charge in this way, and between October 2013 and February 2014, around £1m of charges were paid via unofficial websites.
- 6.2.10. In some cases the customer has paid via an unofficial website to find that the Congestion Charge has not in fact been paid, or a customer has been charged for a Bank Holiday, when the Congestion Charge does not apply. This has led to complaints to TfL and has an adverse effect on TfL's reputation and on the experience of its customers. TfL has expended considerable resource both in dealing with these complaints and in seeking to minimise the operation of these unofficial websites.

- 6.2.11. Although the number of unofficial websites operating (and the number of charges paid) has significantly reduced during 2014 as a result of TfL's other approaches as described in Section 1.6.3., it is considered better in the long-term to have in place a mechanism which allows TfL to prevent payments made in this way. The proposed change to the Scheme Order would achieve this. It will allow TfL to refuse to accept Congestion Charge payments which are made by unofficial websites or other unauthorised third parties that charge an unnecessary fee in addition to the Congestion Charge.
- 6.2.12. TfL will accept payments from third parties for someone else's vehicle where there is no charge or commercial gain for making payment on their behalf. A policy document available on TfL's website will set out the classes of user who are deemed to be authorised for the purpose of Congestion Charge payment. Over time, the activity of unofficial websites is expected to decrease to zero as they will no longer be commercially viable.
- 6.2.13. The 'ban' on unofficial websites is well-supported by both the public and stakeholders and will help TfL improve its customer service and reputation and avoid it having to deal with complaints from those who have used the unofficial websites. Mitigations will be put in place for customers who continue to use unofficial payment channels in good faith and as a result receive a PCN. TfL would normally accept the first PCN challenge made and advise the customer to use only official channels in future.

### ***Oppose***

- 6.2.14. Twelve comments were made by public and business respondents stating that they opposed the proposal and of which 10 comments were that unauthorised payments should be accepted. Comments advocating third party websites represent less than two per cent of all respondents' comment on this subject. No stakeholders opposed the proposal. A very small number of respondents commented that unofficial websites offered additional services and it is a consumer choice to use them; and that mis-selling should be addressed via trading standards legislation.

### ***TfL response***

- 6.2.15. TfL has received complaints from customers who have paid the Congestion Charge via an unofficial website and later realised that they could have paid via the TfL channels without the additional charge. In many cases, the 'additional services' offered by unofficial websites are non-existent, of little value or are available from TfL for free.

- 6.2.16. TfL has sought to resolve this issue by other means, including through communication with Trading Standards. There has been success in reducing the activity of these websites through marketing activity, legal letters to operators, engagement with Google on the implementation of its AdWords policy and letters to Congestion Charge customers. However this activity is resource-intensive and does not ensure a long-term solution for TfL. A change to the Scheme Order would achieve this and enable TfL to address similar problems in the future.

***TfL recommendation***

No change to the Variation Order
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**6.3. Theme B: Removal of the SMS channel**

- 6.3.1. Representations within this theme concern the proposal to remove the SMS (text message) payment channel.

***Analysis of responses***

- 6.3.2. Two stakeholders indicated support for the proposal to remove the SMS payment channel. These were the London Borough of Southwark and the British Vehicle Rental & Leasing Association (BVRLA).
- 6.3.3. Two stakeholders who commented on this proposal opposed it; these were Westminster City Council and the Rt Hon Justine Greening MP.
- 6.3.4. Two stakeholders who neither supported nor opposed this proposal were the Automobile Association and London TravelWatch.
- 6.3.5. Thirty-six per cent of public and businesses agree to SMS removal whereas 28 per cent oppose it; and 35 per cent neither agree nor disagree to the proposal.
- 6.3.6. Two hundred and twenty-three comments were made by public and business respondents of which 10 per cent were against the SMS removal.
- 6.3.7. Further analysis shows that 35 per cent of those who drive into the CC zone support the proposal whereas 43 per cent of those who do not use the zone support it. Opposition to the SMS removal is at 28 per cent of respondents who use the CC zone whereas it is at 23 per cent for those who do not drive into the zone.

***Issues raised***

- 6.3.8. The following is a list of the comments/issues raised:
- Support for removal of SMS payment channel

- Opposition to removal of SMS payment channel
- Concern about customers without a Smartphone

### ***Support for the removal of the SMS payment channel***

- 6.3.9. London Borough of Southwark supported the replacement of SMS with an app, stating that this technology will provide greater functionality and convenience for users. The British Vehicle Rental & Leasing Association (BVRLA) stated that SMS is an outdated method of payment as there is greater use of Smartphones and other Smart portable devices to manage various payment methods.

### **TfL response**

- 6.3.10. TfL welcomes the support for this proposal. TfL considers that customers with access to Smartphones are likely to use the free app. Customers who do not have access to Smartphone/Smart device will still be able to pay the Congestion Charge online, by phone or by post.
- 6.3.11. Subject to the Mayor approving the change, SMS would be removed in November 2015 when the new service provision contract commences.

### ***Oppose***

- 6.3.12. Fitzrovia Partnership BID, Westminster City Council and the Rt Hon Justine Greening MP opposed the removal of the SMS payment channel. Of public and business respondents, 28 per cent opposed removal.
- 6.3.13. Some stakeholders had concerns about elderly and disadvantaged people not being able to use the app as they may not have a Smartphone.

### ***TfL response***

- 6.3.14. TfL is keen to ensure that the Congestion Charging scheme provides a high level of customer service, with a range of easy to use payment and account management services. In this respect, the SMS channel is an outdated approach and offers limited functionality to customers. In order to use the SMS channel, customers must first register with TfL. A number of customers do not wish to do this and so this channel is not appropriate for them. Once registered, the channel can be used only to make payments; it cannot be used to manage an account or check details about the Congestion Charging zone.



6.3.15. The proportion of payments made using the SMS channel has fallen dramatically since the introduction of CC Auto Pay. It is currently at less than half of one per cent of all transactions (see table 6.1) and this percentage is expected to fall even further. With the declining number of SMS transactions, this payment channel is no longer cost-effective for TfL. SMS payments are expected to fall even further in future as customers continue to switch to CC Auto Pay; therefore, any adverse impact would be on a very small number of customers and be mitigated by the continued availability of other payment channels.

**Table 6.1: Proportion of SMS payment transaction against all types of payment channel**

Month	Total no. of transactions on all types of payment channel	% by SMS Payment Channel
Jan-14	1,336,025	0.68%
Feb-14	1,284,916	0.66%
Mar-14	1,341,063	0.64%
Apr-14	1,272,473	0.62%
May-14	1,308,739	0.61%
Jun-14	1,345,325	0.57%
Jul-14	1,415,826	0.52%
Aug-14	1,192,845	0.46%
<b>Overall</b>	<b>10,497,212</b>	<b>0.46%</b>

6.3.16. If the changes are approved by the Mayor, TfL will continue to promote CC Auto Pay as the easiest and cheapest way to pay the daily Congestion Charge. As well as a £1 discount on the daily charge, this payment channel means that the customer does not have to remember to pay the charge every time he or she drives in the zone in charging hours: payments are deducted automatically and a monthly statement is sent.

6.3.17. It is proposed that the SMS channel is removed on 1 November 2015. At that time, a number of other changes to the Congestion Charging scheme will also take effect. These were consulted on earlier in 2014 and include for example the option to apply for and renew discounts online and to make CC Auto Pay payments by Direct Debit. TfL will put in place a marketing campaign in advance of the go-live date for these changes – which would include the removal of SMS if it is approved by the Mayor – so that customers are well-informed about the changes. Additionally, if the Mayor does approve SMS removal as proposed, his decision will give users of this service around a year’s notice of the change.

### ***Concern about customers without a Smartphone***

6.3.18. Westminster City Council and the Rt Hon Justine Greening MP raised concerns that some Congestion Charge customers, in particular the elderly or disadvantaged, would not have access to a Smartphone and would not be able to use the app when the SMS channel is removed. Among public and business respondents, comments included that not everyone will have access to a Smartphone.

#### ***TfL response***

- 6.3.19. TfL prepared an Impact Assessment of the proposed changes, including the removal of the SMS payment channel, and this was published as part of the consultation. The Impact Assessment found that there is no evidence that any of the proposed changes would disproportionately affect any of the equality target groups. This includes impacts related to age and the potential for social exclusion.
- 6.3.20. Three-quarters of Londoners now have a Smartphone and 76 per cent use this to access the internet. Of this latter group, 87 per cent say that they use apps<sup>3</sup>. While this does leave a significant proportion of Londoners (though not necessarily Congestion Charge customers) without access to a Smartphone, other payment channels – via online, by phone or by post - would remain available to these customers.
- 6.3.21. It is also worth noting that SMS can only be utilised by customers registered with TfL. We have a large number of customers who wish to remain anonymous and an app would allow customers to purchase the daily charge without the need to register with TfL.
- 6.3.22. An app will be faster to use than SMS. The SMS does not provide the functionality to do basic account checks, account amendments, view Auto Pay balances and check discount expiry dates. These functions would be available on an app.
- 6.3.23. If the Mayor approves the proposed removal of the SMS payment channel, this would not happen until 1 November 2015, when the new Congestion Charge service contract takes effect. At the same time a new payment method, a Congestion Charge app, will become available. Customers without access to a Smartphone or a Smart Device will be able to use SMS up until 1 November 2015. After this date, customers would still be able to use other payment channels: online via the TfL website, pay by phone or by post, as well as using the app if it is introduced.

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<sup>3</sup> Digital and social media monitor, SPA Future Thinking for TfL, October 2013  
Congestion Charging Scheme Variation Order Consultation Report to Mayor, November 2014

- 6.3.24. For these reasons, TfL does not recommend any delay or change to the proposal to the removal of the SMS channel. Customers will be made aware of the changes through marketing campaign in 2015. The campaign will also highlight the advantages of using CC Auto Pay.

***TfL recommendation***

No change to the Variation Order
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**6.4. Theme C: Introduction of an app**

- 6.4.1. Representations made within this theme concern the proposal to introduce an app enabling customers to pay the Congestion Charge and manage their account on a Smartphone or tablet.

***Analysis of responses***

- 6.4.2. Seven stakeholders (100 per cent) supported this proposal. London Borough of Southwark, and the British Vehicle Rental & Leasing Association (BVRLA) and Westminster City Council also made comments in support.
- 6.4.3. Of public and business respondents, 81 per cent supported the introduction of an app, four per cent opposed it and 15 per cent neither supported nor opposed.
- 6.4.4. Three hundred and sixty-eight comments were made by public and business respondents regarding the proposal. These were broadly similar to the comments made and issues raised by stakeholders.

***Issues raised***

- 6.4.5. The following is a list of the comments/issues raised:
- Support
  - Platforms and Other apps (support with condition)

***Support the introduction of an app***

- 6.4.6. The London Borough of Southwark stated that it supported the introduction of more convenient and efficient services but noted that the app must be secure and reliable.

- 6.4.7. The British Vehicle Rental & Leasing Association (BVRLA) stated that mobile app will help to enhance Congestion Charge compliancy and simplify the current process by reducing the number of PCNs issued to unsuspecting drivers due to their use of unauthorised third parties.
- 6.4.8. Twelve per cent of public and businesses have highlighted that the app must be available to all platforms including Windows phones.

***TfL response***

- 6.4.9. TfL welcomes the support for the introduction of the app and over 80 per cent of the respondents support the introduction whereas three per cent oppose its introduction.
- 6.4.10. An app would provide our customers with the ability to pay the daily charge more quickly than via SMS, and also provide the functionality to do basic account checks, account amendments, view Auto Pay balances and check discount expiry dates, none of which are possible via SMS. The app would allow customers to pay the charge in advance and up to midnight on the next charging day after travel, as well as weekly and monthly charges. Customers could use the app regardless of whether they use it to pay the charge, although non-registered customers would only be able to pay the charge and check whether an address is within the Congestion Charging zone. Registered users could access more functionality, for example to amend their account details. The app would be available free of charge to customers.
- 6.4.11. In order to assure the data security of the app, which in order to fulfil its functions will need to use data pertaining to the customer, TfL would commission the Congestion Charge service provider to develop it, rather than make the data available to third parties, as is usual for apps based on TfL data. The requirements will stipulate a high level of data security and, as is the case for all Congestion Charge service provision, a high level of reliability and quality. The app will be user-tested before introduction. If the Mayor decides to approve its introduction, there is likely to be almost a year available in which to develop the app.
- 6.4.12. With the continual decline in the SMS channel usage, if the new Congestion Charge service provider was to provide this facility upon the relet of the service provision contract, it would be at a considerable cost to TfL with high transactional costs, which would increase as the numbers of users of SMS continued to decline. TfL believes that an app will be delivered for a similar cost and offer considerably better value for money.

- 6.4.13. To introduce the change before the new service provision contract starts would incur significant costs to TfL. Earlier in 2014 TfL consulted on a number of other improvements to the way the Congestion Charge may be paid and these have been approved by the Mayor and will be introduced in November 2015. It is proposed that the removal of the SMS channel and the introduction of the app will also occur at this time. Introducing all the proposed changes to the scheme at the same time will help to ensure that the changes are well-understood by customers.

***Platforms and other apps***

- 6.4.14. Westminster City Council supported the introduction of a Congestion Charge app and requested that it be integrated with its parking payments app. Some public and business respondents stated their preference that the app be available for Windows phones.

***TfL response***

- 6.4.15. With regard to the request from Westminster City Council and a few public respondents, TfL has considered its merits and has concluded that it does not recommend this approach. While it may be technically possible to integrate apps in this way, it would not be appropriate to focus only on one London borough's apps and would inevitably add to the complexity and cost of app development. There is of course nothing to prevent a customer having and using both apps on their Smartphone.

- 6.4.16. The apps will work on Android, IOS and Windows platforms. These three platforms use common functionality so it easy and cost-effective to keep the app in sync with these three.

***TfL recommendation***

No change to the Variation Order
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## 7 Conclusions and recommendations

### 7.1. TfL's conclusions

- 7.1.1. TfL considers that this Report to the Mayor on the outcomes of the consultation (alongside the Impact Assessment and Scheme Description and Supplementary Information that were provided for the consultation) provides the information and analysis needed for the Mayor to make an informed decision, taking into account the range of views expressed during the consultation, as to whether to confirm the Variation Order, with or without modifications. The Mayor has also been provided with copies of all the consultation responses. This report and the consultation responses will thus allow the Mayor to take into account the range of views expressed during the consultation.
- 7.1.2. In this report, TfL has analysed the consultation responses and set out its views on the representations received on the proposals. The proposals regarding the unofficial websites and introduction of CC app were very well supported; the response to remove SMS was more mixed.
- 7.1.3. The proposal to allow TfL to refuse payments from unauthorised users was strongly supported by over 90 per cent of the business and public respondents. All the stakeholders who responded supported this proposal.
- 7.1.4. However, there was some opposition to the proposal to remove the SMS channel. Among the stakeholder community, Fitzrovia Partnership BID, Westminster City Council and the Rt Hon Justine Greening MP were against the proposal whereas London Borough of Southwark and the British Vehicle Rental & Leasing Association (BVLRA) supported the removal of SMS. However, London TravelWatch and the Automobile Association stated that it neither supported nor opposed this proposal.
- 7.1.5. Among businesses and public, support for the removal was over one-third and opposition to the SMS removal was less than one-third. Over one-third of respondents stated that it neither supported nor opposed this proposal.
- 7.1.6. TfL reiterates that SMS usage is on a downward trend with less than half of one per cent of all of CC payments currently made via the SMS payment channel. This is explained, in large part, by the introduction of CC Auto Pay which brings advantages to customers including £1 discount on daily charge. The removal of the SMS payment option would free up budget for the development of a payment app which TfL considers would be more useful to customers. Furthermore, customers will continue to be able to pay by other methods including online, by phone and by post.

7.1.7. For these reasons, TfL recommends that SMS is removed on 1 November 2015 as proposed. Customers using SMS will have almost a year's notice of its removal and TfL will remind them of other payment channels including CC Auto Pay in a marketing campaign.

## **7.2. Recommendations**

7.2.1. TfL recommends that the Mayor should:

- Consider the whole of this report and other relevant information available to him, including advice from GLA officers and the contents of the Impact Assessment
- Consider the responses to the consultation, together with the considerations of TfL, particularly with relation to Chapter 6 of this report
- Consider whether further consultation, further information or the holding of some form of inquiry is necessary or appropriate prior to his decision whether or not to confirm the Variation Order, and
- If the Mayor considers that no further consultation is necessary or appropriate and that the holding of a public inquiry is not necessary or appropriate, to confirm the Variation Order without modification.

## **7.3. Public inquiry**

7.3.1. This section examines the issue of whether the Mayor should hold some form of inquiry as part of a process of determining whether or not to confirm the Variation Order. The GLA Act provides that the Mayor may 'hold an inquiry, or cause an inquiry to be held, for the purposes of any order containing a charging scheme'. Whether an inquiry should be held (and if so its scope) to consider the proposed changes to the Congestion Charging scheme is a matter for the Mayor to decide.

7.3.2. None of the respondents to the consultation asked for a public inquiry.

7.3.3. An inquiry could take a number of forms, including a public inquiry. Whilst the Mayor has a broad discretion he must approach the matter with an open mind. He needs to ask himself whether he has sufficient information available without holding an inquiry; and whether the issues raised, by objectors in particular, are sufficiently clear to him so that he can properly assess this information and weigh conflicting views (including taking account of representations and objections) without the benefit of an independent report following an inquiry.

- 7.3.4. In *R (Westminster CC) v Mayor of London* [2002] EWHC 2440 (Admin) the Court held that the Mayor had to apply his mind genuinely and rationally to the issue of whether to hold an inquiry, taking into account all relevant considerations, and that, save perhaps exceptionally, Article 6 of the European Convention did not require an inquiry to be held.
- 7.3.5. TfL does not consider that any significant quantitative evidence beyond that already supplied by TfL and GLA officers would emerge in an inquiry which would assist the Mayor's decision. An inquiry would also delay the confirmation of the Variation Order. TfL does not consider there are any issues which point strongly to the holding of an inquiry and does not recommend that an inquiry be held. However, the Mayor is advised that these issues should not be the prime focus in determining whether to hold an inquiry.



# Annex A: Greater London (Central Zone) Congestion Charging (Variation) Order 2014



Congestion Charging  
Variation Order 2014

## **Annex B: Full list of stakeholder organisations who responded to the consultation**

### **Stakeholder organisations who responded to the consultation**

Fitzrovia Partnership BID  
Rt Hon Justine Greening MP  
London Borough of Southwark  
London TravelWatch  
Westminster City Council  
British Vehicle Rental & Leasing Association (BVRLA)  
Automobile Association (AA)

## **Annex C: Summary of stakeholder responses**

### **Fitzrovia Partnership BID**

Fitzrovia Partnership BID supports the proposal to allow TfL to refuse payments from unauthorised users and to introduce a Smartphone app. It does not support the removal of the SMS payment channel.

### **The Rt Hon Justine Greening MP**

The Rt Hon Justine Greening MP supports the proposal to allow TfL to refuse payments from unauthorised users and to introduce a Smartphone app. Ms Greening does not however support the removal of the SMS payment channel, and states that since some elderly people do not have access to Smartphones it is not yet time to remove this channel.

### **London Borough of Southwark**

The London Borough of Southwark supports all the proposals. It states that the app must be secure and TfL should provide clear instructions on how to use it; users of the SMS channel will need to have the option of other payment channels.

### **London TravelWatch**

London TravelWatch supports the proposal to allow TfL to refuse payments from unauthorised users and to introduce a Smartphone app. It states that it neither supports nor opposes the removal of the SMS channel.

### **Westminster City Council**

Westminster City Council supports the proposal to allow TfL to refuse payments from unauthorised users and to introduce a Smartphone app, and requests that it is linked with its parking app. It opposes the removal of the SMS payment channel, stating that not everyone will have access to a Smartphone, particularly elderly and disadvantaged people.

### **British Vehicle Rental & Leasing Association (BVRLA)**

The BVRLA supports all the proposals put forward by TfL in this consultation. It stated that SMS is an outmoded method as the mobile world has evolved with greater use of Smartphones and other Smart portable devices to manage various payment methods.

### **Automobile Association (AA)**

The AA supports the proposal to allow TfL to refuse payments from unauthorised users and to introduce a Smartphone app. It states that it neither supports nor opposes the removal of the SMS channel.

## Annex D: All issues and themes raised by public and business

Codes	Themes/ Issues	Number of comments
<b>A</b>	<b>Support all proposals (Q12-14)</b>	
A1	Support all elements of proposal	57
A2	Support all elements of proposal with condition	2
<b>B</b>	<b>Oppose all proposals (Q12-14)</b>	
B1	Generally oppose all elements of proposal	2
B2	Oppose all elements of proposal and gives a reason	2
<b>C</b>	<b>The proposal to allow TfL to refuse payments from unauthorised users (Q12)</b>	
C1	Support the proposal	71
C2	Support the proposal with condition	1
C3	Opposed to the proposal	12
C4	Used unofficial websites by mistake	30
<b>D</b>	<b>Removing SMS payment channel (Q13)</b>	
D1	Do not remove SMS payment channel	111
D2	Satisfied with SMS payment channel	23
D3	Keep SMS payment channel whilst introducing the app	82
D4	Support to remove SMS payment channel	7
<b>E</b>	<b>Introduction of Smartphone app (Q14)</b>	
E1	Support the app	94
E2	Support the app with condition	11
E3	Generally oppose the app	5
E4	Oppose the app and gives a reason	13
E5	Concern about reliability of the app and Smartphone	23
E6	Make app available to all platforms esp Windows phone	45
E7	Not everyone has a Smartphone	168
E8	Combine CC app with parking app	9
<b>F</b>	<b>General comments on Congestion Charge</b>	
F1	General comments on CC Auto Pay	81
F2	General comments on Congestion Charge	166
<b>G</b>	<b>Other</b>	
G1	Alternative suggested	55
G2	Concern about this consultation	4
G3	Not affected by the change	9
G4	Not answered	976
G5	Not scheme related	7
G6	Misunderstanding CC Auto Pay will be phased out	6

# Annex E: Congestion Charge Policy Document

