

Report to the Tyne and Wear Trading Standards Joint Committee

4 March 2021

New National Regulator for Construction Products

Anneliese Hutchinson, Service Director, Economy, Innovation & Growth, Gateshead Council

Purpose of the report

To update the Committee on the Government announcement on the 19 January 2021 that a new national regulator to oversee the enforcement of the legislation related to construction products is to be established.

1. On the 19 January 2021 the Government announced that residents will be protected through the establishment of a national regulator, which is seen as ensuring that materials used to build homes will be made safer,
2. The new regulator for construction products will have the power to remove any product from the market that presents a significant safety risk and prosecute any companies who flout the rules on product safety.
3. This follows recent testimony to the Grenfell Inquiry that shone a light on the alleged dishonest practice by some manufacturers of construction products, including deliberate attempts to avoid the legislative requirements by allegedly not carrying out the requisite safety tests in the prescribed manner.
4. The regulator is seen as having strong enforcement powers including the ability to conduct its own product-testing when investigating concerns. Businesses must ensure that their products are safe before being sold in addition to testing products against safety standards.
5. This announcement is seen as marking the next major step in the Government's overhaul of regulatory systems affecting construction. Regulatory reform includes the publication of a Building Safety Bill, seen as representing the biggest improvements to the regulations in 40 years, and a new Building Safety Regulator that is already up and running in shadow form.
6. Housing Secretary Rt Hon Robert Jenrick MP said:
 - "The Grenfell Inquiry has heard deeply disturbing allegations of malpractice by some construction product manufacturers and their employees, and of the weaknesses of the present product testing regime. We are establishing a national regulator to address these concerns and a review into testing to ensure our national approach is fit for purpose. We will continue to listen to the evidence emerging in the Inquiry and await the judge's ultimate recommendation - but it is already clear that action is required now and that is what we are doing."

7. Chair of the Independent Review of Building Regulations and Fire Safety Dame Judith Hackitt said:
 - “This is another really important step in delivering the new regulatory system for building safety. The evidence of poor practice and lack of enforcement in the past has been laid bare. As the industry itself starts to address its shortcomings I see a real opportunity to make great progress in conjunction with the national regulator.”
8. The regulator will operate within the Office for Product Safety and Standards (OPSS) which will be expanded and given up to £10 million in funding to establish the new function. It will work with the Building Safety Regulator and local authority Trading Standards services to encourage and enforce compliance.

Related Issue

9. The government has also commissioned an independent review to examine weaknesses in previous testing regimes for construction products, and to recommend how abuse of the testing system can be prevented.
10. It will be led by a panel of experts with regulatory, technical and construction industry experience and will report later this year with recommendations.

Recommendation

11. The Committee is asked to note the information as contained within the report. Discussions with the Local Government Association are ongoing in respect of the appropriate response from local authorities including Trading Standards and Building Control services on the announcement of the new national regulator.

Contact: David Ellerington, City of Newcastle Council on 0191 2116119 or david.c.ellerington@newcastle.gov.uk
