

HHIC response to Building a safer future: proposals for reform of the building safety regulatory system

About HHIC

The Heating and Hotwater Industry Council (HHIC) are the leading representative body for the UK domestic heating and hot water industry, worth £3-4 billion per year. HHIC's membership base covers approximately 94 per cent of heating and hot water solutions available in the UK. HHIC are a division of the Energy and Utilities Alliance (EUA).

Full Response

Chapter 2: Stronger requirements for multi-occupied high-rise residential buildings

Q. 1.1 Do you agree that the new regime should go beyond Dame Judith's recommendations and initially apply to multi-occupied residential buildings of 18 metres or more (approximately 6 storeys)?

HHIC are concerned with the lack of clarity about the application of the proposals on different property types. Whilst we understand the need to enhance and improve safety and construction protocols for high rise multi occupancy building, we believe that these proposals may not be as transferable to other simpler property types.

We believe there is a risk of blanket application, which does not consider the individual risks posed (or not) by different building types. There is the potential for unintended consequences such as flues captured by a ban on combustible cladding.

We would expect to see thorough engagement with the whole industry if proposals were to be extended to other property types and for these to be open to the appropriate amendment.

Q. 4.17. Do you agree that the enhanced competence requirements for these key roles should be developed and maintained through a national framework, for example as a new British Standard or PAS? Please support your view.

In the case of our interest areas of gas and electrical safety, existing competent persons schemes are well established and effective. Any overarching framework or new standard should recognise existing schemes in order to aid ready implementation rather than setting additional and unnecessary barriers which add no value.

We are very concerned that the recent Each Home Counts review and subsequent TrustMark scheme did not consult with the wider industry and subsequently did not consult with the heating industry. This has led to the proposed implementation of PAS2035 that is incredibly inappropriate for the heating industry.

We are also concerned about vested interests and the role of the certification industry in using these new systems as a means to extract revenue by creating unnecessary levels of red and blue tape.

Q. 7.1 Government agrees with the Competence Steering Group's recommendations for an overarching competence framework, formalized as part of a suite of national standards (e.g. British Standard or PAS). Do you agree with this proposal? Please support your view.

We believe that this should recognise existing competencies and systems and only seek to add new or additional ones to industries that do not have existing standards. For example the heating industry has robust competency and standards managed through Gas Safe Register and the Competent Persons Scheme.

This means the UK has the safest gas industry in the world. We would be very concerned if the proposals added additional complexity that could jeopardise this safety record. The heating industry places the safety of installations at the heart of all the work it does and therefore would want full consultation from Government on any proposed changes to ensure they are compatible.

Q. 7.2 Government agrees with the Competence Steering Group's recommendations for establishing an industry-led committee to drive competence. Do you agree with this proposal? Please support your view.

HHIC would be cautious in welcoming this proposal. Industry led committees have in the past been hijacked by vested interests who seek to use these systems as a means to

introduce new levels of certification and red tape often to the benefit of the representatives on the committee. This occurred most recently with the Each Home Counts review.

We would welcome Government direction and scrutiny of any committee. We would also ask that existing systems that currently work well to be recognised and not be changed for the sake of process.

Q. 7.3 Do you agree with the proposed functions of the committee that are set out in paragraph 331? Please support your view.

HHIC are concerned that the scope may be too broad and therefore could lead to a large administrative task that cannot make the decisions needed.

Q. 8.1 Do you agree with the approach of an 'inventory list' to identify relevant construction products to be captured by the proposed new regulatory regime? Please support your view.

HHIC are unclear exactly as to what this is and certainly its purpose.

The 'inventory list' could be problematic and pose a barrier to entry. Clear ownership of the list needs to be considered with guidance on how to apply for listing in the case of new product types and an agreed process for doing so with KPI's on response time.

It could be inferred that the CPR is the starting point for determining what is on the list. It is critically important to consider that CE marking is not just related to the CPR, but also to the eco-design directive, low voltage directive, EMC directive, gas appliance regulation, boiler efficiency directive, pressure equipment directive, F-Gas regulation, and others. In most cases the essential requirements of these directives and regulations include robust manufacturer guidance on installation quality and safety.

The term "product performance" is used in this consultation without definition as to what this entails. Given existing directives already cover technical performance of HVAC products we would assume performance in this context is related to fire?

The whole concept of an "inventory list" requires careful consideration as to not incur unintended consequences.

Q. 8. 3 Are there any other specific construction products that should be included in the 'inventory list'? Please list.

3rd party testing/certification of aspects including safety (GAR) already applies to boilers. The essential requirements include robust manufacturer guidance on how the product is to be installed safely, and in interaction with its installation environment. We would not want any unnecessary duplication.

Q. 8.9 Do you agree with the powers and duties set out in paragraph 350 to be taken forward by a national regulator for construction products? Please support your view.

HHIC are unsure on how this would apply to already regulated products such as boilers which have to be third party tested. We would be concerned if this led to duplication of effort and cost, especially if added no additional safety. We would be further concerned if the regulator was not the Government as this could become a profit making scheme for a private company.

Contact

If MHCLG wishes HHIC to clarify any of the points outlined in this consultation please contact Isaac Occhipinti, Head of External Affairs at isaac@HHIC.org.uk, 01926 513746 or HHIC, Camden House, Warwick Road, Kenilworth, Warwickshire, CV8 1TH.