2016 - 086

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Civic Centre
Newcastle upon Tyne
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Partnership of Darlington BC, Durham County Council, Gateshead MBC, Hartlepool BC, Middlesbrough BC, City of Newcastle-upon-Tyne, North Tyneside MBC, Northumberland County Council, Redcar and Cleveland BC, South Tyneside MBC, Stockton-on-Tees BC and City of Sunderland Trading Standards Services.

11 November 2016

Christine Knox
Regulatory Delivery
Department for Business, Energy and Industrial Strategy
Second Floor
1 Victoria Street London SW1H 0ET

Email: furniture.consultation2016@bis.gsi.gov.uk

Dear Ms Knox,
Consultation on Updating The Furniture and Furnishings (Fire) (Safety) Regulations.

Introduction
The North East Trading Standards Association, NETSA, is a partnership body representing the following Local Authority Trading Standards Services (LATSS) in the North East of England:

Darlington, Durham, Gateshead, Hartlepool, Middlesbrough, Newcastle-upon-Tyne, North Tyneside, Northumberland, Redcar and Cleveland, South Tyneside, Stockton on Tees and Sunderland

The twelve Local Authority Trading Standards services (LATSS) within the North East of England are at the forefront of many important legislative control measures in enforcing a very wide range of legislative controls across Weights and Measures, Product Safety, Fair Trading, Food Safety and Animal Health and Welfare.

Overall Response

1. **Questions on scope**

Q1 Do you agree with the revised definition of the Regulation's scope?

Yes

NETSA agrees that in terms of the proposed definition, this should assist in updating and responding to the changes that have taken place within the market place.

Q2 Do you agree with the proposals relating to sleeping bags and mattress protectors (i.e. those which can be put in a washing machine are explicitly removed from scope and do not have to meet the requirements of the regulations)?

Yes

NETSA agrees with the proposal and understands the reasoning behind it.

Q3 Do you agree with the proposals relating to cushions and seat pads (i.e. that they remain excluded from cover tests but the definition of these products to be specified more clearly)?

Yes

NETSA agrees with the proposal and understands the reasoning behind it.

Q4 Do you agree with the proposals relating to outdoor furniture (i.e. that outdoor furniture unsuitable for use inside the home, and clearly labelled as not complying with the Regulations) should be out of scope?

Yes

NETSA agrees with the proposal and understands the reasoning behind it.

Q5 Do you agree with the proposals relating to baby products (i.e. that items covered by covered by BS EN1888 (wheeled child conveyances) and BS EN1466 (carry cots and stands) are removed from scope, with padded playpens treated in the same way as mattresses)?

Yes

NETSA agrees with the proposal and understands the reasoning behind it.

Q6 Do you agree with the proposed treatment of second-hand products (i.e. that they would be required to bear the relevant permanent label)?

Yes.

NETSA agrees with the proposal and understands the reasoning behind it. In terms of the current market for second hand furniture, in many of urban areas, often with deprived populations and also student populations housed in let accommodation, the second hand furniture sector does present some issues for enforcement. We do make the assumption that over time as the availability of non-compliant furniture becomes less of a problem, then our view may change at a future unknown date.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

Not sure

NETSA does not feel that it does not possess the requisite expertise to comment on this particular proposal. .

Q8 Do you agree that the specifications set out in the draft Regulations for the test foam and fibre wrap are sufficient to achieve the objectives of the Regulations?

Not sure

NETSA does not feel that it does not possess the requisite expertise to comment on this particular proposal. .

Q9a Do you agree that the regulations should provide a protective cover option?

Not sure

NETSA does not feel that it does not possess the requisite expertise to comment on this particular proposal. .

Q9b If yes, do you agree with our proposed definition of protectiveness?

Not sure

NETSA does not feel that it does not possess the requisite expertise to comment on this particular proposal. .

Q10 Do you agree with the proposed requirements for components close to the cover?

Not sure

NETSA does not feel that it does not possess the requisite expertise to comment on this particular proposal.

Q11 Do you agree that there is no need for the cigarette test for covers that pass the revised match test?

Not sure

As a region with a still significant population that unfortunately continues to smoke tobacco in many forms, in terms of consumer protection, NETSA professionally still remains concerned that there should be no lowering of fire safety standards that designed and are there to protect consumers.

For business respondents:

Q12 Which of the routes to compliance do you expect to follow for most of your products?

Not Applicable.

Q13a What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?

Not Applicable

Q13b What do you expect the impact of the testing proposals to be on your overall use of flame retardants?

Not Applicable

Questions on traceability and enforcement

Q14 Do you agree with the product record/technical file requirements for manufacturers and importers?

Yes

The proposal makes sense in terms of the procedures and processes which are relevant to consumer products covered by harmonised standards and directives such as toys.

Q15a Do you agree with the requirements for the single permanent label, and the proposal to remove the requirement for additional display labels?

Yes

Q15b What do you think is the most effective means of conveying the use of flame retardants in the cover of this product eg by text, symbol?

Comments:

Other questions on the proposals

Q16 Do you agree that a 24 month transition period is sufficient, and that the changes should be reviewed in five years?

Not Applicable

Q17 Do you have any other comments on the proposals or draft regulations?

Yes

NETSA welcomes the proposal to extend the time limits on the institution of legal proceedings from six months to twelve months.

Questions on the Impact Assessment

Q18 Do you agree with our estimate of traceability time in the Impact Assessment – ie one-off input of 16 hours per firm and ongoing per year time of 48 hours per firm? If not can you provide additional evidence to support your answer?

Not Applicable

Comments:

Q19 How much do you estimate you would save per year from the removal of the cigarette test?

Amount saved:

Not Applicable

Q20 How much do you estimate you would save per year from reduced use of flame retardants?

Not Applicable

Q21 Are you aware of any further costs or benefits we have not identified in the impact assessment? Please support with any evidence you have.

No

Q22 To what extent do you agree that, overall, these proposals represent a reasonable compromise – bearing in mind the information in this consultation document, feedback on the previous (2014) consultation, and other stakeholder input during the review?

Not sure Hopefully this response is of some assistance to the Consultation exercise but if there are any specific enquiries to the issues as raised please do not hesitate to contact me directly. Yours sincerely

Signed on behalf of the NETSA Executive 11 November 2016