



CONSUMER PROTECTION ACT 1987 AND THE FURNITURE AND FURNISHING (FIRE) (SAFETY) REGULATIONS 1988	2nd February 2016
To: ENVIRONMENTAL SERVICES COMMITTEE	
For Decision	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Accelerating our Economy and Contributing to Prosperity
Outcome	To ensure compliance with statutory obligations
Lead Officer	Seamus McBride
Cost: (If applicable)	n/a

1.0 Introduction

On 8th September 2014 the Environmental Services Department of Causeway Coast and Glens Borough Council received a complaint from a member of the public regarding fire retardant safety concerns they had relating to a suite of furniture purchased from a retailer within the Borough. This complaint was investigated by the Environmental Services Department under the Consumer Protection Act 1987 and the Furniture and Furnishing (Fire) (Safety) Regulations 1988. The complainants concerns were raised following a media piece on this issue.

1.1 Background

The aim of the Consumer Protection section of the Environmental Services Department is to protect the consumer against the risk of injury from unsafe goods. This complaint was investigated by the Environmental Services Department in line with documented procedures relating to Consumer Protection and relevant legislation. At the conclusion of the investigation the following facts were established;

- The suite of furniture which was the subject of the complaint was purchased on 17th May 2010, four years before the complaint was lodged
- The product was first imported into the UK by a business based in Ballymena which is no longer in operation, having gone into receivership
- The manufacturer of the furniture is based in China. Attempts were made to contact the manufacturer but these proved to be unsuccessful
- No documentation was available from the retailer relating to the furniture which was the subject of the complaint
- No batch codes were available on the item in question

1.2 Summary of Investigation

A full investigation was undertaken in accordance with relevant documented Consumer Protection procedures, legislation and the Environmental Services Enforcement Policy. In conclusion it was determined that due to the following facts the Environmental Services Department were not in a position to pursue this matter further.

- The length of time between the purchase of the item and complaint, over 4 years
- The lack of Batch Code on the product to facilitate matching furniture to any Test Certification
- Difficulty in contacting the manufacturer and contacting the original Importer
- Any testing to prove whether the Furniture complied would be destructive testing

In this context it would be extremely difficult in criminal proceedings to prove beyond all reasonable doubt that offences were committed. The outcome of this investigation was communicated to the complainant and they were advised that they may wish to consider a civil recourse should they wish to progress the matter.

1.3 Ongoing complaint

Correspondence was exchanged between the complainant and the Environmental Services Department from November 2014 following the conclusion of the complaint. In June 2015 a letter was received from an MLA representing the complainant requesting a review of the investigation based on correspondence the complainant received from the Department for Business Innovation and Skills in London indicating that ‘the enforcement authority can seek a prosecution against anyone in the supply chain they consider has supplied non-compliant products.’

In the interests of transparency and to ensure the robustness of the investigation this matter was referred to Council’s legal team for their guidance. As a result of this referral Council’s legal representatives have advised that this matter should be brought before the members for decision.

1.4 Options for resolution

- (i) No further action
- (ii) Prosecute the retailer under relevant legislation

1.5 Recommendation

It is recommended that no further action is taken in relation to this matter. The Environmental Services Department of Causeway Coast and Glens Borough Council has conducted a full investigation under relevant Consumer Protection procedures, legislation and the Environmental Services Enforcement Policy. As part of this graduated enforcement approach the retailer has been reminded of their obligations under the relevant legislation and a press release has been issued to increase public awareness of Furniture Fire Safety. While the legislation does allow a prosecution to be sought against anyone in the supply chain, in this case it would be extremely difficult to prove beyond all reasonable doubt that an offence was committed based on the reasons outlined above. To this end Council must bear in mind whether it would be in the Public Interest to pursue this matter in line with the Code for Crown Prosecutors.