

DERBYSHIRE COUNTY COUNCIL**MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES****11 November 2014****Report of the Strategic Director, Health and Communities****PROTECTING LOCAL CONSUMERS FROM ROGUE DOORSTEP SELLERS****1. Purpose of the report:**

To inform the Cabinet Member, Health and Communities of a successful prosecution of a rogue doorstep seller.

2. Information and analysis:

- 2.1. A recent concluded prosecution helps illustrate the importance of local residents being vigilant to the potential harm from a minority of itinerant traders offering to do work on their property. 'Doorstep Crime' is the name given to a range of crimes which involve an attempt to obtain money from a victim in their own home. Property maintenance is a common area of doorstep crime and, typically, it involves an uninvited visit where a "rogue trader" persuades a home owner to have work carried out on their property. The work offered tends to be home and garden maintenance such as driveway repairs (block paving or tarmac), roof, guttering and fascia boards and general building work, fencing, tree lopping, but can also include the sale of products including fire alarm systems, mobility aids and double glazing. Often there is little or no paper-work and whilst address and telephone numbers may be given they are often false or a mobile number that is easily discarded.
- 2.2. The typical *modus operandi* of the rogue is to offer goods or services at an initial (often inflated) price and then to employ 'hard sales techniques' to wear the resident down. They often reduce the price in order to make the home owner think that they're getting a bargain. Older residents are particularly targeted and whilst the rogue can initially be charming and friendly, they can become aggressive when demanding money at the completion of the service. The main legislation – which the local authority has a duty to enforce – is the Consumer Protection from Unfair Trading Regulations which prohibits misleading claims and aggressive sales practices; and the Cancellation of Contracts Concluded Away from Business Premises Regulations which requires traders to give notice of a consumers right to cancel the contract within 14 days (recently increased from 7 days). Failure to allow for cancellation and failure to provide written notification are both criminal offences.
- 2.3. The brief facts of a case recently concluded was that a trader who gave an address in Doncaster was touting for business in the county in February this year. He approached a resident on Sunday 23 February who shared a

communal drive with several neighbours and offered to re-tarmac their part of the drive for £1,000. This offer was declined. However, the following day the trader returned and persuaded another neighbour to agree to having the whole communal drive done for a price of £2,200. The resident made it clear that the trader would have to return the following Saturday to get the agreement of all the other residents.

- 2.4. On Monday 25 February the same trader called on another property in the same community. The couple who resided at this property are both in their 80's and have disability issues. The trader offered to re-tarmac the drive for £1,000. The householder declined, but the trader followed him into his house and reduced the price initially to £800 and then subsequently to £700. After 15 minutes of badgering – which the householder felt was more like 30 minutes – they finally agreed 'just to shut him up'. No paperwork was left and the trader – along with another man – drove their pick-up vehicle on to the drive and proceeded to remove the existing tarmac in three areas on the drive approximately 18 inches across and 3 to 4 inches deep. At this point a police car turned into the road and the two men loaded their vehicle and left.
- 2.5. The Police had in fact been responding to a notification of a trader operating in the area but didn't manage to intercept the trader on this occasion. They did however speak to both sets of householders and the trader was arrested the following day when he and two colleagues returned to the communal drive way and started pickaxing the drive. When questioned by the police he admitted to cold-calling local residents having previously delivered leaflets. He stated that the business was owned by his father but wasn't able to state the name or address of the business. He claimed to have been in the tarmac business for a month and that he had learnt his trade in Ireland. He was aware of the need to provide a 7 day cooling off notice and had a set of blank forms in his vehicle. His explanation for digging holes in the driveway of one of the properties was to assess the condition of the sub-surface beneath the existing tarmac. He also claimed that he needed to ascertain what size skip he would need to remove the tarmac he was replacing.
- 2.6. As neither sets of residents had actually paid for the work that was not completed, the Police referred the incidents to Derbyshire Trading Standards. We took statements from both sets of residents and interviewed the trader. We also commissioned an independent expert report of the second drive which concluded that the existing driveway was sound and didn't need replacing. Given the age of the residents, even though they did not hand over any money to the trader, it was felt that this case was appropriate to prosecute. The trader concerned pleaded guilty and in mitigation it was stated that he was just told to go out and get work; that he is illiterate and accepted that his manner may come across as over-bearing. He was fined £350 and ordered to pay £750 prosecution costs and £110 victim surcharge.
- 2.7. Raising awareness and responding to complaints about doorstep crime remains a local, regional national trading standards priority. Derbyshire Trading Standards gets good support from Derbyshire Police as the recent case illustrates. We provide regular training to Police colleagues about trading

standards legislation and the approach we take to tackling the rogues. During the first two quarters of 2014/15 we have provided training to Police colleagues as follows: 20 CID; 16 Police Community Support Officers, 28 Shift Staff, 32 student officers and 16 Contact Management staff. We also provide awareness training to colleagues within Adult Care who have regular contact with older people and regularly participate in Community Safety events.

- 2.8. We assess all complaints and notifications about doorstep crime incidents and for the period ending 30 September 2014 have received 108 complaints which compares to 275 in 2012/13 and 246 in 2013/14. We regularly send out messages via the Derbyshire Alert system and in April took part in the annual 'Operation Rogue Trader' to raise awareness about potential rogue trading. As well as responding to individual complaints, we also promote 'No Cold Calling' stickers and distribute leaflets to local neighbourhoods where there have been complaints about traders touting for business. The main point is to encourage local residents to seek out local traders via the Derbyshire Trusted Trader Scheme.

3. Other considerations:

In preparing this report the relevance of the following factors has been considered; prevention of crime and disorder, equality of opportunity, financial, legal, human resources, environmental, health, property and transport considerations.

4. Background papers:

None

5. Key Decision:

No

6. Call-in:

Is it required that call-in be waived for any decision on this report?

No

7. Officer's recommendation:

That the Cabinet Member, Health and Communities notes the report.

David Lowe
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Health and Communities