

Derbyshire County Council

Meeting with Cabinet Member, Health and Communities

15 July 2014

Report of the Strategic Director, Health and Communities

DOORSTEP CRIME ENFORCEMENT ACTIVITY 2013-14

1 Purpose of the report:

To inform the Cabinet Member, Health and Communities of action taken during the previous year to protect vulnerable local people from 'doorstep' criminals.

2 Information and analysis:

- 2.1 Older residents are potentially vulnerable to the activities of rogue traders who seek to provide home maintenance type services and call unsolicited to people's homes. Although such transactions are protected from 'cooling off' clauses enabling the consumer to cancel a contract made 'away from business premises' (recently increased from 7 to 14 days by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013), none of the legal protection is effective if the identity and whereabouts of the rogue trader is not known.
- 2.2 Derbyshire Trading Standards Division works closely with the Citizens Advice Consumer Service (CACS; formerly Consumer Direct) who receive contact from members of the public who are dissatisfied with something that they have bought and want to know their legal rights. The majority of issues dealt with by CACS are to do with breaches of contract, but where there is a potential criminal offence committed by the trader or the consumer is vulnerable, the issue is referred to the relevant local authority trading standards service for further consideration. Unfortunately we are no longer able to provide assistance to all consumers regarding breaches of contract, but we do seek to support older consumers. We also have a system of 'fast tracking' complaints from older residents who may have been the victim of a doorstep criminal.
- 2.3 During the year we received 246 complaints about doorstep crime incidents. Not all of these required an immediate response, but when necessary, trading standards officers – sometimes with Police support – attended local residents on receipt of a complaint. Many of the contacts come from concerned relatives as in some instances, older people are reluctant to make a complaint due to the following reasons:
- fear of repercussions

- embarrassment/self-blame
- fear of loss of independence
- belief that the crime is inappropriate or futile to report
- lack of mental capacity
- not knowing where to seek help

- 2.4 The problem of doorstep crime is not a new one. It has been a local, regional and national priority for trading standards services for many years. This has led to an increasingly closer working relationship with other enforcement authorities – and in particular the Police – and other care agencies that support older residents, especially Adult Care. In tackling the problem of doorstep criminals, the Division has adopted the ‘National Intelligence Model’ (NIM) which identifies three elements: Intelligence, Prevention and Enforcement. Intelligence involves gaining information about the perpetrators of crimes and the service works closely with other law enforcement agencies sharing information on rogue traders and unfair trading practices. Prevention involves raising the awareness of potential victims as to the problems that can occur when dealing with unknown traders who arrive unsolicited on the doorstep seeking to sell goods or services. Enforcement is the action taken against traders to prevent their criminal activities.
- 2.5 The attached report within the Appendix sets out activities undertaken by the Trading Standards Division during the previous financial year to tackle doorstep crime. Activities have been grouped together in terms of Preventative action, Intelligence gathering and Enforcement action in accordance with NIM. Making local residents aware of the potential hazards associated with agreeing to have work carried out by someone who arrives on the doorstep is achieved through a variety of means including press releases and via the ‘Derbyshire Alert’ system. Six press releases and 15 Alerts were issued during the year as detailed in the Appendix. In addition, trading standards staff distributed some 1,500 ‘No Cold-Calling’ stickers through the Business Centre, the Handy Van Scheme and through the Neighbourhood Watch network.
- 2.6 Many rogue doorstep traders are itinerant and trade under bogus names and addresses. It is therefore vital that as much information as possible such as descriptions of individuals, vehicle registrations, etc. is obtained and shared with other law enforcers. Such information, where available, is recorded on a secure database called Memex and during the past year 37 items of intelligence relating to doorstep crime incidents were recorded. Ensuring that partner agencies are aware of the relevant legislation and *modus operandi* of criminal gangs is also important and for several years we have provided training for Police colleagues. During 2013-14 we provided training for just under 300 Police staff.
- 2.7 Derbyshire Trading Standards once again participated in what has become an annual initiative to raise awareness about doorstep criminals called ‘Operation Rogue Trader’. This is a proactive ‘national day of action’ involving a range of enforcement agencies working together to engage businesses working in the home maintenance sector to ensure that they are working legitimately. As well as

raising awareness about the issue, Operation Rogue Trader has identified breaches of trading standards requirements resulting in appropriate enforcement action.

2.8 A range of enforcement action was undertaken in response to the complaints and intelligence received during the past year. It is not always possible to take formal action against rogue traders – particularly if the information received is unclear or the persons involved are unwilling or unable to provide information in a form that would be admissible in Court – but the Division successfully intervened in connection with 18 doorstep crime incidents and managed to recover or prevent payment of nearly £70,000. Examples of the type of intervention include:

- An elderly lady suffering from Alzheimer's who had contracted with itinerant traders to have driveway work carried out. Amount recovered: £8,000.
- An itinerant trader engaged to carry out roofing work who inflated the agreed contract price to £6,000 claiming that he had found additional problems. Our building surveyor said no additional work had been carried out.
- A salesman implied to an elderly lady who had just come out of hospital that he was working with the hospital and had equipment that would help with her arthritis. This was not true and following our intervention she cancelled the contract saving £950.
- An elderly consumer was persuaded to agree to the installation of a burglar alarm for £99 following an unsolicited telephone call, not realising that he was also committing to a maintenance/monitoring agreement for £2,800.

2.9 Derbyshire Trading Standards supported a successful prosecution involving rogue traders who targeted consumers living in park homes. A Derbyshire resident was charged £6,000 for a roof repair where very little work was undertaken and another resident paid £250 and then no work at all was carried out. This investigation was led by North Yorkshire trading standards and involved victims from throughout the country. The three individuals concerned were successfully prosecuted and given a range of sentences including a six year custodial sentence. The Division is also involved in three on-going criminal investigations including a group engaged in 'aggressive practices' involved in the selling of driveways and with regards to misleading claims in connection with the sale of solar panel systems.

2.10 It is because of the potential harm from agreeing to have work carried out to your property following an unsolicited call from unidentifiable traders that the Division was keen to implement and maintain the Derbyshire Trusted Trader Scheme. Derbyshire Trusted Trader provides local consumers with access to local, reliable traders who are committed to doing a good job for a fair price and to address any issues if things go wrong. Full details of doorstep crime activities are available in the attached project report.

3 Other considerations:

In preparing this report the relevance of the following factors has been considered; financial, legal, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, 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 Strategic Director's recommendation:

That the Cabinet Member, Health and Communities notes the activities undertaken to address doorstep criminals operating in Derbyshire in 2013-14.

David Lowe
Strategic Director
Health and Communities

Appendix - Doorstep Crime 2013/14 Project Report

Derbyshire Trading Standards set out Doorstep Crime as a priority area of work for 2013/14. This year, the National Trading Standards Board (NTSB) supported a 'National Doorstep Crime Project' to examine issues related to this type of crime, namely;

- the scale of the problem nationally
- the resources allocated to doorstep crime by local authority Trading Standards Departments (TSDs) and the priority it is given
- the levels of enforcement, intelligence and prevention activities carried by TSDs
- the impact on victims

We provided a detailed submission to the survey to detail the work carried out in Derbyshire in this area.

'Doorstep Crime' is defined in the project as;

"Offenders cold-calling at the home of consumers, most commonly older adults and/vulnerable consumers, offering to carry out property repairs such as roofing, tarmac work, block paving, fascia and soffit installation and gardening work, or to sell products such as fish, mobility aids, security systems and energy saving products.

It often involves charging extortionate prices for the goods or services, including charging for unnecessary goods or services, deliberately damaging property in order to obtain work, leaving work unfinished, substandard and poor quality work, claiming to have done work which has not been done, and false statements being made about goods and services being required for specific reasons, membership of trade associations etc.

It may involve intimidating and/or aggressive behaviour on the part of the offenders, or an element of befriending or grooming of victims to facilitate the offending and/or repeat victimisation.

In some cases, the visit to the consumer's home may be preceded by a telephone call. This is more common with sales of goods. In other cases the consumer may respond to a flyer received at their home.

The offenders involved in doorstep crime are often also associated with distraction burglaries, or sneak-in thefts, and can switch between both offending methods depending on the victim and the circumstances."

It is against this background that the Trading Standards team continued to tackle doorstep crime in Derbyshire. In total, we dealt with 246 doorstep crime complaints during the year. The NTSB report suggests that only 10-20% of doorstep crime is actually reported, indicating that there are likely to be nearer 1,250 – 2,500 incidents of doorstep crime countywide annually. The low reporting of this type of crime can be attributed to many factors, eg;

- fear of repercussions
- embarrassment/self-blame
- fear of loss of independence
- belief that the crime is inappropriate or futile to report

- lack of mental capacity
- not knowing who to report to

Activities Undertaken:

Following the 'National Intelligence Model' (NIM) activities undertaken during the year may be divided into prevention, intelligence and enforcement.

Prevention

We have continued to use the 'Derbyshire Alert' system operated by Derbyshire police as a useful means of publicising warnings to residents about doorstep scams operating in their area. We have circulated 15 messages this year involving scams such as;

- Security companies targeting elderly and vulnerable consumers
- Itinerant traders offering driveway and roofing repairs
- Itinerant traders offering cheap 'ex-show home' mattresses for sale
- Businesses claiming to be working in conjunction with the County Council offering to fit 'free' loft and cavity wall insulation and 'free' soffits and fascias
- Businesses conducting unsolicited telephone calls in order to try and obtain personal and financial details from consumers
- Bogus charity collections

We regularly publish press releases to highlight current doorstep crime trends or to publicise prosecution results. 6 press releases relating to doorstep crime work have been sent out this year

[County council sounds charity bag warning: Your council - Derbyshire County Council](#)

[New website helps people stay a step ahead of rogue traders: Your council - Derbyshire County Council](#)

[New powers to protect people from rogue traders welcomed: Your council - Derbyshire County Council](#)

[Council pilot project to protect residents from phone fraud: Your council - Derbyshire County Council](#)

[Residents warned to be on their guard against doorstep callers: Your council - Derbyshire County Council](#)

[Findley and King conviction.msg](#)

We have distributed approximately 1,500 No Cold-Calling door stickers this year through the Business Centre, the Handy Van Scheme and through various Neighbourhood Watch schemes.

Where information is provided that doorstep traders are currently operating in a particular locality, we are able to carry out leaflet drops in the immediate area to warn residents. Examples include;

- The Cupola Park Homes site in Whatstandwell. Reports were received that residents had received unsolicited visits by a business offering burglar alarms. The business is known to Trading Standards and typically offers 'free' or cheap alarms and then signs the customer up to very expensive maintenance or monitoring contracts.

- In the Heanor/Smalley area we warned about rogue traders calling door to door offering a drive cleaning service. It appeared they were targeting elderly residents and had offered the service to a lady who paid £60 deposit for a job priced at £980. A relative checked the trader's details on the internet and found that claims to be a limited company were false.

Intelligence

Derbyshire trading standards uses an intelligence database system 'Memex' to log intelligence items in relation to doorstep crime as well as other areas of enforcement activity including counterfeiting, tobacco/alcohol enforcement and animal health. The system is used by the majority of trading standards services in the country and allows for intelligence items to be easily accessed and analysed. We have submitted 37 items of intelligence related to doorstep crimes incidents this year.

Officers have continued to provide regular training to police officers and police call handler staff to raise awareness of the work of Trading Standards and doorstep crime in particular. This has helped ensure that incidents are dealt with appropriately and not dismissed as civil matters. The following categories of police staff have received training;

Officers	Attended
Student Officers	63
PCSOs	30
Sergeants in C Division	55
Contact Management Supervisors	21
New Contact Management Staff	18
Shift and SNT Officers	80
CID Training	30
Total	297

This training has resulted in more action and interest from the Police, particularly in the areas of doorstep crime and illegal tobacco enforcement and ensured that intelligence is shared.

Training of Sergeants has been especially beneficial as they are now aware of the potential offences and are better equipped to send officers to incidents and make sure they deal with them appropriately; for example, a doorstep incident in Chesterfield resulted in the arrest of two men and their vehicle being seized. Police have also taken on an investigation of fraud in Duffield where the offenders had driven down from Cumbria and were staying in a hotel whilst carrying out rogue trading work. The Sergeant leading the investigation had been on the training provided by our officers.

Enforcement

A significant area of work is direct intervention in relation to doorstep complaints on behalf of consumers who are elderly/vulnerable. We have directly intervened in 18 incidents of doorstep crime, achieving a total redress for the victims concerned of £69,366. These have involved traders who had cold-called to sell products such as driveway replacement, burglar alarm systems, mobility products and home 'waterproofing treatments'. Examples include;

- An intervention with police and social services in the case of an elderly lady suffering from Alzheimer's who had contracted with itinerant traders to have

driveway work carried out. The traders disappeared without payment (£8,000)

- A consumer agreed for an itinerant trader to carry out roofing work for a nominal sum while he was away from home. When he returned the trader claimed to have found further problems with the roof, which he said he had repaired and wanted payment of £6,500. We employed a surveyor to check the roof who concluded the work had not been carried out as claimed. Furthermore, the trader had given no paperwork so was not entitled to payment. The trader was due to collect payment at a given time, so we attended with police. The trader did not turn up. The consumer later received a phone call from the trader saying that payment was no longer required.
- An elderly/vulnerable lady was contacted by trader offering to demonstrate equipment to aid her arthritis. The salesman who came to her home made reference to the lady's hospital, so she assumed the hospital was connected to the sale of the equipment. Following our intervention, the lady cancelled the contract to buy equipment she had entered into, saving £950.
- An elderly consumer in Chesterfield agreed to home improvement works, initially paying a deposit of £1,750. The trader started work then raised the price to £9,000. The consumer felt threatened by the trader, so her son contacted Trading Standards and the police. We obtained a surveyor's report which stated that the work carried out so far was completely unsatisfactory. The consumer cancelled her contract and made no further payment. The trader has not contacted her again.
- A vulnerable, elderly consumer agreed to a visit by a salesman following an unsolicited telephone call that a business was in the area selling burglar alarms for £99. The salesman subjected the consumer to a long, tiring sales pitch, during which the consumer agreed to buy an alarm for £99, plus a maintenance/monitoring contract for £2,800. The paperwork issued by the business was in order, so proving a criminal offence would have been very difficult, however, following our intervention, the business agreed to cancel the monitoring side of the contract and issued a refund of £2,150.

In April 2013, we took part in 'Operation Rogue Trader', a national day of action involving Trading Standards, the Police, Environmental Health, Environment Agency, HMRC, VOSA and other enforcement agencies with the aim of reducing the number of rogue trading incidents and distraction burglary offences, thereby increasing public confidence. Six officers carried out roving patrols with police colleagues throughout the county, stopping to question traders doing home improvement type work to ensure they were trading legally, and to talk to home owners to give advice where appropriate. The following results were obtained

- Trading Standards Offences 8 – these were all minor infringements and dealt with by way of advice to the businesses concerned
- Vehicles stop/checked 40
- Companies Stop/checked 19
- Householders advised 5
- Press / Media Interviews 1

Summary of any infringements:

A significant prosecution concluded this year concerning rogue traders who targeted consumers living in park homes. The traders had charged a vulnerable Derbyshire resident over £6,000 for work to the roof of her home, but left the premises after receiving payment up front and completing virtually no work. Another Derbyshire resident paid £250 and the traders left without carrying any work whatsoever. The investigation was led by North Yorkshire police with assistance from several Trading Standards services, including Derbyshire;

- William King, 35, of Sandhill Sconce, Tolney Lane, Newark, was sentenced to six years after pleading guilty to charges of fraud by false representation and conspiracy to defraud. These charges included the frauds committed in Derbyshire.
- Gavin James Findley, 30, of Elizabeth Road, Newark was sentenced to three years after previously pleading guilty to the same charges as King.
- Todd Berridge, 20, now of Marshland Drive, in Holbeach, Lincolnshire - previously from Newark, was given a 12 month detention order in a young offenders' institute, suspended for two years. He pleaded guilty to aiding and abetting King and Findley and was ordered to do 180 hours unpaid work.

Their victims lived in North Yorkshire, Devon, Cornwall, Derbyshire, Cheshire, Berkshire, Gloucestershire, Nottinghamshire and Humberside.

Three further rogue trader investigations which commenced last year remain on-going. These involve the following -

- A group of travellers that visited an area of Chesterfield and commenced driveway work through pressurising elderly residents. They were arrested and the police passed the details to Trading Standards. The owner of the business has been interviewed under caution and it is likely that criminal charges will follow, including 'aggressive practices' and failing to provide paperwork/cancellations rights (both offences under Consumer Protection legislation)
- Two investigations into Nottinghamshire based businesses cold calling/visiting Derbyshire residents in order to sell solar panel systems. Allegations under investigation include 'misleading actions' under the Consumer Protection from Unfair trading Regulations 2008. All the consumers were cold called and appointments made for salesmen to visit to discuss solar panels which were described as "free" or "paying for themselves".
- In the case of one of the businesses, three consumers were told by the salesman that the panels were free but were duped into signing a credit agreement. The first the consumers knew was when the credit company contacted them to start taking payments. We have contacted the credit company to get all these accounts frozen. The business have since settled the credit for two of these gifting the panels to one consumer and selling them to the other at a discounted price - a settlement for the third consumer is being negotiated. The fourth consumer realised they were entering a credit agreement but had been assured the Feed-In Tariff from the panels would cover the monthly payments. It did not and the business has now made a financial settlement with this consumer.
- The cash price of the installations ranged from £7,995 to £9,845 with a total to pay under credit between £12,600 and £15,480.

Conclusion:

Doorstep Crime has been a high priority for the Service this year, reflected in the division's service plan;

"The Division will continue to focus on those traders who deliberately flout the law. Not only do they prey on Vulnerable local residents, but they also gain an unfair competitive advantage over the vast majority of traders who comply with the law. Supporting vulnerable people...will continue to be priorities for the Division. This will contribute to Confident and Safe Communities."

We have achieved some excellent results and outcomes through the continued support of partner agencies, particularly the police, and the dedication of officers willing to 'go the extra mile' to help the elderly and vulnerable victims of these crimes.

Recommendations:

- 1 That doorstep crime work remains a key priority in accordance with the Division's Service Plan.
- 2 That we continue to intervene immediately where information is received that a doorstep crime involving a vulnerable resident is taking place.
- 3 That we continue to support No Cold Calling Zones where a clear case exists for their implementation
- 4 That we continue to build on safeguarding work with Adult Care and the police, to reduce likelihood of victims being repeatedly targeted.
- 5 That we continue use of the MEMEX intelligence database to build a better picture of individuals and groups involved in doorstep crime
- 6 That we support Operation Rogue Trader day in 2014
- 7 That we continue a robust enforcement policy in relation to doorstep crime offences.
- 8 That we consider further use of intelligence to map areas where incidents occur - so better targeting preventative work

IH TSO**Date** 23/05/2014