

WIRRAL COUNCIL

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

17 NOVEMBER 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

PROTECTING THE VULNERABLE FROM DOORSTEP CRIME

1.0 EXECUTIVE SUMMARY

1.1 This report details the work of the Trading Standards Division in relation to preventing and detecting traders who prey on the vulnerable. It is based on research conducted by Derek Payet of Trading Standards (Cooling Off the Cold Callers: A Review of the Regulation and Control of Doorstep Selling within the English Legal System).

2.0 DOORSTEP CRIME

2.1 Doorstep crime relates to those incidents where itinerant traders approach consumers in their own homes and either use various unfair tactics to sell goods or services or where they simply bully more vulnerable consumers into parting with their money for poor, or non-existent, goods and services.

2.2 Research suggests (Lister, S. and Wall, D.S. (2006)¹ distraction burglary falls into three distinct categories, the first are bogus officials, where the offenders use uniforms or false credentials and recognised symbols of trust, posing as officials to deceive their victims. The second category present themselves as ordinary members of the public, pretending there is an emergency or perhaps a child claiming their rabbit has escaped in the garden, to cause a distraction and allow the offender to gain entry. The third group are bogus domestic contractors or who 'cold call' house to house offering good deals on tarmac driveways, roofing repairs, knife sharpening, gardening, double glazing, UPVC fascia and guttering, etc., using skilful sales pitches to distract or deceive the victim. This report focuses on the third group.¹

2.3 Typical examples include high pressure selling of burglar alarms, where the capabilities of the alarm or the burglary rate in the area are exaggerated or where an itinerant trader falsely states that there are loose slates on the roof. In this type of scenario once the trader is on the roof other "faults" are discovered and the bill starts to climb.

2.4 Rogue traders of this type are ingenious and their scams constantly evolve. Recent instances have been reported within the North West

¹ Lister, S. and Wall, D.S. (2006) 'Deconstructing Distraction Burglary: an ageist offence', pp. 107-123 in A. Wahidin and M. Cain, (eds) (2006) *Ageing, Crime and Society*, Cullompton: Willan Publishing at p.113

were itinerant fish sellers take an order for a small quantity of fish but arrive with a large pack of frozen fish. Depending on the vulnerability of the consumer they will use this opportunity to bully them into buying the larger quantity, rather than the amount they ordered.

3.0 THE EFFECT ON THE VICTIM

- 3.1 Whatever the type of crime, whether a bogus official has stolen a purse or an itinerant roofer has taken a £1000 and left the roof in a worse state than when they started the effect on a vulnerable victim can be devastating.
- 3.2 According to the research of Steele et al (2001), becoming a victim of this type of crime impacts on the victims feeling of well-being and can destroy confidence both personally and in the world around them, fearing who to trust and recognising their vulnerability, 'powerlessness' and 'neediness', threatening their 'sense of control and feelings of security'. An older person's behaviour will change, resulting in greater isolation due to a reduction in social activities, such as trips to shops, the bank or social meetings². Victims are 1.5 times more likely to become depressed and 2.7 times more likely to report feeling suicidal and post traumatic stress disorder is common³.
- 3.3 Due to the profile of the victim, such crimes are rarely reported and because of the itinerant nature of the offender, those that are reported will occur too late to enable detection. Often the offender will have taken cash and left the scene, making it difficult for the offender to be traced, identified, approached or apprehended. In addition to these difficulties, until fairly recently, it was very unlikely that any legal proceedings would follow or result in a conviction as the offences were notoriously complex and difficult to prove.

4.0 LEGISLATIVE CONTROL AND LEGAL ACTION

- 4.1 In 2008 the Consumer Protection from Unfair Trading Regulations (the CPR's) came into force and introduced a prohibition on 'aggressive commercial practices'. A commercial practice is aggressive if it significantly impairs or is likely to 'significantly impair the average consumer's freedom of choice or conduct in relation to the product concerned through the use of harassment, coercion or undue influence', where this will or is likely to cause the consumer to make a transactional decision he would not otherwise have taken.
- 4.2 When deciding if a practice is aggressive, certain factors should be taken into account, including: timing, location, nature and persistence, the use of threatening behaviour or actions, exploiting a consumer's specific misfortune as to impair their judgement or threaten to take

² Brian Steele, Dr Amanda Thornton, Claire McKillop, Helen Dover (2001) The Formulation of a Strategy to Prevent and Detect Distraction Burglary Offences Against Older People, p.33-35

³ Sorensen S.B. and Golding J.M. (1990) Journal of Traumatic Stress, Volume 3, p.337-350

action that cannot legally be taken. "Coercion" includes the use of physical force' and "undue influence" means exploiting a position of power in relation to the consumer so as to apply pressure, even without using or threatening to use physical force, in a way which significantly limits the consumer's ability to make an informed decision'. A person guilty of CPR's offences is liable on conviction at Magistrates Court to a fine not exceeding £5000 and on conviction at Crown Court to a prison term of up to 2 years and an unlimited fine.

- 4.3 Trading Standards currently have an on-going case at Liverpool Crown Court involving an itinerant trader who engaged in an aggressive practice to coerce an elderly couple into agreeing to home improvement work. For legal reasons no details can be given of the offence nor the offender.
- 4.4 In previous prosecutions taken by Cumbria Trading Standards anti social behaviour orders, preventing cold calling and associated misleading and aggressive practices, were obtained on conviction.

5.0 PREVENTATIVE MEASURES

- 5.1 Prevention of cold calling abuse is better than detection and Trading Standards use two separate strategies to prevent residents falling foul of doorstep rogues.
- 5.2 Trading Standards, Merseyside Police and Joint Community Safety Team have encouraged the establishment of no cold calling zones to reduce the risk of doorstep crime by limiting the number of unwanted or uninvited callers through established 'No Cold Calling Zones' (NCCZ). NCCZ are identified using signs attached to street lamp posts. An example of the sign is attached at schedule A.
- 5.3 NCCZs are based on a small local area, such as a street or an area such as sheltered housing. All of the residents will be consulted and informed of the potential dangers associated with doorstep selling. Residents are encouraged to say "no" to cold callers and report businesses trading within the zones to the Police and Trading Standards Service, either through the Consumer Direct call centre or, in the event of an emergency, 999. In some cases zones are often co-ordinated with Neighbourhood Watch. Residents are encouraged to display door or window stickers informing uninvited salesmen that they are not welcome and warning them not to knock and further giving the home owner more confidence to say "no". An example of a window sticker is attached at schedule B.
- 5.4 In a new initiative "No Cold Calling Zones" are being developed in partnership with, and funded by, Wirral Partnership Homes. The launch of the WPH zones is scheduled for 19 November 2010. Such zones will not only give additional protection to WPH tenants but also increases public awareness of the No Cold Calling Zone "brand". An example of

a WPH no cold calling sign is attached at schedule C. Further “No Cold Calling Zones” are being planned in Neighbourhood Action Areas.

- 5.5 National policy encourages Trading Standards Services to forge relationships with local businesses through, for example, trader recognition schemes. The Wirral Trader Scheme, launched in 2003, was one of the first of its kind in the Country. The scheme is a member of the Local Authority Assured Trader Scheme Network, which is supported by the Office of Fair Trading.
- 5.6 The Scheme creates a trading environment where consumers can buy goods or services with confidence. To join the scheme traders must demonstrate a commitment to trade fairly and honestly, and to deal effectively with any dissatisfaction expressed by their customers. They also have to meet minimum standards of quality set out in our Code of Practice. Applicants are audited by Trading Standards to determine their consumer complaint history, court proceedings and business practices. The scheme currently has expanded from 82 to 86 members, with a further 11 applications anticipated.
- 5.7 The implementation of the Preferred Contractors’ Protocol by the Private Sector Housing Renewal Team (PSHR) with the requirement that all contractors quoting to carry out contracts for residents under the ‘Loan Assistance Scheme’ have been vetted and are committed to the Wirral Trader Scheme, has achieved continuous improvements and increased customer satisfaction.
- 5.8 However, more contractors are required in specific trade sectors to satisfy demand. To address this problem PSHR have provided funding of £40,000 to enable the recruitment of 50 ‘Preferred Contractors’ to the Trader Scheme, at no cost to the contractor, for a 12 month ‘trial period’. Additionally the funding will also enable the recruitment of a project officer on a 12 month contract to promote the scheme and increase membership.

6.0 FINANCIAL IMPLICATIONS

- 6.1 None resulting directly from this Report. However, the development of more effective ways of preventing and investigating doorstep crime incidents relies on the availability of funding to meet additional costs for setting up No Cold Calling Zones and investigation and legal costs, associated with Crown Court cases.

7.0 STAFFING IMPLICATIONS

- 7.1 Current activity levels can be maintained with existing staff resources.

8.0 EQUAL OPPORTUNITIES/EQUALITY IMPACT IMPLICATIONS

8.1 Effective enforcement of the new provisions concerning the prohibition of aggressive sales techniques in the Consumer Protection from Unfair Trading Regulations will provide better protection to vulnerable and elderly members of the community.

8.2 Equality impact assessments for doorstep crime activity and the enforcement policy have been completed.

9.0 LOCAL AGENDA 21 IMPLICATIONS

9.1 There are no local agenda 21 implications arising from this report.

10.0 LOCAL MEMBER SUPPORT IMPLICATIONS

10.1 There are no local member support implications arising from this report.

11.0 HUMAN RIGHTS IMPLICATIONS

11.1 All enforcement action is taken in accordance with the Council's enforcement policy. Any directed surveillance used will be authorised and conducted in accordance with the requirements of the Regulation of Investigatory Powers Act

12.0 COMMUNITY SAFETY IMPLICATIONS

12.1 Effective enforcement and preventative measures such as No Cold Calling Zones and the Wirral Trader scheme will give vulnerable people more confidence.

13.0 PLANNING IMPLICATIONS

13.1 There are no planning implications arising from this report.

14.0 BACKGROUND PAPERS

14.1 Cooling Off the Cold Callers: A Review of the Regulation and Control of Doorstep Selling within the English Legal System 2009, Derek Payet.

15.0 RECOMMENDATIONS

15.1 That members note the report

This report has been prepared by John Malone (691 8640) and Derek Payet (691 8643).