

WIRRAL COUNCIL

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

29 JANUARY 2013

SUBJECT:	TACKLING DOORSTEP CRIME AND THE DEVELOPMENT OF JOINT NO COLD CALLING/NEIGHBOURHOOD WATCH ZONES
WARD/S AFFECTED:	ALL
REPORT OF:	SURJIT TOUR ACTING DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report details an area of work of the Trading Standards Team in relation to preventing and detecting traders who prey on the vulnerable and provides an update following the last report to this committee on the 17th November 2010.
- 1.2 Trading Standards is committed to tackling doorstep crime and as part of a wider strategy, empowering Wirral residents to choose whether to conduct business with cold calling traders. Partly in response to public demand, No Cold Calling Zones are being set up by the Trading Standards Team in conjunction with the Community Safety Team and the Wirral Watch Scheme. Joint Neighbourhood Watch/No Cold Calling signage has been developed and is being used to demark the streets. In addition, joint processes have been developed that bring these two initiatives together.
- 1.3 This report was requested as part of the annual work plan for the Committee.

2.0 BACKGROUND AND KEY ISSUES

2.1 Overview

- 2.2 There are many forms of doorstep crime. The main types being Distraction Burglary, Bogus Callers / Bogus Officials, High Pressure Doorstep Selling and Rogue Traders. Distraction Burglary is any crime where a falsehood, trick or distraction is used on a house to gain, or try to gain, access to the premises to commit burglary.
- 2.3 Based on national Home Office statistics from Police intelligence sources, violence is increasingly being used by offenders against the elderly in order to gain entry to their homes and steal their property. Due to the nature of these crimes and the offender profiles the Trading Standards Team work closely with partner agencies such as Merseyside Police and Wirral Community Safety Team to combat this intrusive and often upsetting crime.

- 2.4** Although Home Office benchmarking of reported instances of Distraction Burglary shows Wirral to be lower than the national average and instances are statistically very low per head of population, Doorstep Crime remains a high priority for the Trading Standards Team. These crimes have a lasting impact on predominantly elderly victims. Trading Standards are actively engaged in a number of intelligence led projects and innovative approaches, locally, regionally and nationally, to tackle this type of crime.
- 2.5** Some traders who call at your door can be honest and genuine. However, some are not and can be extremely persuasive and intimidating. Examples of bad practices associated with cold calling and doorstep crime include pressure selling, unfair contracts, overpriced or substandard home and garden maintenance or improvements, phoney consumer surveys and bogus charity collections. Often services offered through cold calling are home improvements and repairs, gardening services, gutter cleaning, power washing, tarmac and driveway repairs etc.
- 2.6** A national Trading Standards Institute (TSI) survey (2002) which involved feedback from 9,000 randomly selected households showed that nationally, 96% of people simply did not want doorstep cold-callers and virtually nobody actually welcomed them. The report also identified that the number of serious doorstep crime incidents reported to both Trading Standards and the Police had grown significantly and incidents involving older people losing thousands of pounds was not unusual to hear or read about and what had become clear was that the response and support of enforcement agencies had not kept pace with the ever evolving skills and organisation of the criminals. This TSI report prompted national campaigns and Trading Standards services to take proactive steps to empower residents or communities to say 'No' to uninvited salespeople.
- 2.7** Despite media publicity Wirral's elderly and vulnerable residents still fall foul of unscrupulous traders. These callers may state that repairs need doing to a consumer's home often insisting that the work needs doing immediately by pressurising householders using various tactics and offering "one day only" discounts and discounts for paying by cash. They can be very insistent and intimidating in getting the consumer to agree to have the work done. Sometimes they will increase the price as the job progresses, often not finishing the work, which is frequently of a very poor standard. They will often ask for cash upfront or may even offer to take the householder to the bank or building society so that they can withdraw the money. The common issue is that the work is never worth the amount paid.
- 2.8** Doorstep crime has the greatest impact on Wirral's elderly and vulnerable residents, who are more at risk. Older people and particularly those living alone are often conned out of large sums of cash or life savings. Unscrupulous traders prey on the most vulnerable and elderly members of our community and rely on their trusting nature and decency to gain access to their homes.
- 2.9** Those targeted are not only left reeling from being conned out of their hard earned life savings but also having their confidence stolen as well. They often feel embarrassed for being taken in by these traders to the extent that they will not report the incident to their family or to the authorities. They are left feeling unsafe in their own homes and untrusting and fearful of opening their front door or trading with any other business. Those targeted often find themselves the victim of future distraction burglaries and are often cold called again. Victims of distraction burglary and other doorstep crime can suffer terribly both emotionally and physically. For some, the shock may precipitate a need for additional care and can lead to an earlier death.

- 2.10** It is doubtful that rogue traders pay VAT, National Insurance or business rates. It is unlikely that they are qualified to undertake the work they do. Trading Standards not only protects the interests of Wirral consumers but also businesses who legitimately trade on Wirral. Rogue traders can undermine legitimate businesses by undercutting quotes, knocking consumer confidence and by giving a particular trade, for example, gardening services, a bad reputation by the poor work undertaken by them.
- 2.11** They are likely to operate without a health and safety policy, risk assessments or any method statements potentially putting incompetent or poorly trained young people to work at risk. They are unlikely to have any public liability insurance, business insurance or adhere to the minimum wage and could potentially be involved in other organised crime such as money laundering and human trafficking.

Trading Standards' Response to Tackling Doorstep Crime

- 2.12** Wirral Trading Standards Service is committed to tackling doorstep crime and empowering Wirral residents to choose whether to conduct business with cold calling traders. Trading Standards want to reduce the fear of crime and prevent residents from feeling pressurised on their doorsteps to make decisions that they may not otherwise make.

No Cold Calling Zones

- 2.13** A No Cold Calling Zone (NCCZ) is an area in which residents have collectively stated that they do not wish to receive unsolicited visits to their homes (cold calls) from businesses and which are areas considered to be vulnerable to doorstep crime. The zones are set up by Wirral Trading Standards in conjunction with Wirral Community Safety Team and Wirral Watch. A majority sign up by the residents is critical to prevent any legal challenges or implications for partner agencies. Consultation with the residents affected will take place before any zone is implemented.
- 2.14** The main aim of the zones is to reduce and discourage the number of unwanted and uninvited callers to households soliciting services or goods, which in turn reduces the levels and fear of criminal or civil law offences committed against Wirral residents and to raise awareness of the activities of rogue traders and empower residents to have the confidence to say "No" to uninvited callers as a community.
- 2.15** Not all cold calling however, leads to problems for householders. The zone is not designed to prevent people from distributing leaflets or catalogues such as "Betterware" or the "Avon Lady" and regular rounds men. It is also not designed to stop people on legitimate business such utility providers requiring access to gas, electricity and water meters or political or religious groups canvassing. Nor is it designed to stop legitimate charity collections or people undertaking market research. It's primary purpose is to prevent rogue traders.
- 2.16** It is not illegal to cold call, even in a No Cold Calling Zone. However, in a No Cold Calling Zone the residents have made a collective decision that they do not want cold callers. If Trading Standards receive reports of a trader cold calling in a zone, the trader will be contacted to make them aware that the area is a No Cold Calling Zone and will be asked to refrain from cold calling on residents in that area again.

- 2.17** The common view held by Trading Standards and Community Safety Teams is that householders have the right to request potential visitors to leave their private property. We refer to the Consumer Protection from Unfair Trading Regulations 2008 in which Schedule 1 (25) states that, ***“Conducting personal visits to the consumer’s home ignoring the consumer’s request to leave or not to return....”*** is a strict liability criminal offence. The only exception is where the caller already has a contractual claim over the consumer.
- 2.18** Zones are clearly identified by signs erected on lampposts at the main entrance and exit points of the zone, informing traders that they are entering an area where residents do not buy goods or services at the door. Each household will also receive an information booklet offering advice, as well as a door sticker to deter unwanted callers.
- 2.19** No Cold Calling Zones (NCCZ) are a low maintenance initiative and, once established, are easily sustained and maintained by residents. Trading Standards have also developed a toolkit to facilitate residents establishing Zones in their own streets. No Cold Calling Zones are a deterrent to unscrupulous traders. Such traders and bogus callers do not want to be recognised or “logged” as working within an area. If they believe work in a particular area or zone creates a risk of this occurring they are more likely to avoid it. No Cold Calling Zones have been hailed a huge success both locally and nationally and benchmarking of Wirral’s established NCCZ has shown to reduce instances of cold calling significantly.
- 2.20** There are currently 19 existing No Cold Calling Zones on Wirral. A survey conducted in October 2011 received 240 responses (54%) from residents living within the zones. The survey demonstrated a significant decrease in visits by cold callers. There was a drop from 57 weekly cold calls to just 5 weekly cold calls (93%) across the 19 Zones and a drop from approximately 190 per month to 35 per month, which is a 82% reduction in monthly cold call visits. The extent that cold calling had been deterred by the implementation of the zones is clearly evidenced by the indication that 127 out of 240 or 53% of respondents stated that they are never cold called in their home since the setting up of the zones.
- 2.21** These schemes also support Wirral’s Enforcement Policy namely that “Prevention is better than cure” (Para 5.1 Wirral Regulation Enforcement Policy (2009)).
- 2.22** Until now the cost of setting up No Cold Calling Zones has been met from external funds, such as revenue recovered from criminals through the Proceeds of Crime Act. As this revenue is exhausted, additional Zones will only be established where residents are prepared to set up their own Zones using the start up toolkit and cover the cost for signage, stationary and door stickers, which works out to be approximately £2 - £3 per resident depending upon the size of the zone. Trading Standards will only set up Zones when external funds are obtained through proceeds of crime or other similar revenue generation. Trading Standards will however continue to work with Wirral Watch to manage, monitor and measure the performance of Neighbourhood Watch/NCCZ.
- 2.23** Where residents would prefer Trading Standards to set up a Zone on their behalf Trading Standards Service would need to consider making a similar charge to residents in the zone. Any such charging policy would be subject to a separate report.

Rapid Response Policy

- 2.24** Trading Standards are always keen to be contacted by anyone who receives a cold call from a rogue trader. Whenever possible they aim to attend incidents, at times in conjunction with the Police, where elderly and vulnerable members of our community have been approached by rogue traders. Trading Standards have introduced a duty rota to cover every week day between 8am and 5pm to ensure they will respond to incidents of cold calling by rogue traders, to intervene, support and assist the householder, provide business advice or if necessary disrupt and take appropriate action against the trader.
- 2.25** Recently Trading Standards Officers intervened between an 85 year old householder in West Kirby and a rogue trader saving the householder £1,600. This trader is currently under investigation for possible criminal and civil offences.
- 2.26** Even if a trader has left the area Trading Standards are always keen to have information about what has happened as this can form vital intelligence both locally and nationally. All intelligence regarding rogue traders is input on the national Intelligence database MEMEX by Wirral Trading Standards. MEMEX is accessed by Trading Standard teams nationally and Operation Alliance, a national Police led intelligence based unit tackling rogue traders and distraction burglary.
- 2.27** Where appropriate and necessary, Wirral Trading Standards will prosecute rogue traders. In October 2012 at Wirral Magistrates' Court, Wirral Trading Standards successfully prosecuted a rogue trader who was sentenced to six months imprisonment following him defrauding a vulnerable consumer on Wirral. The trader cold called to an elderly female who lived alone in Pensby. The trader offered to give her driveway a makeover. He initially quoted £550 for the work but increased the price to £4,375 which the consumer paid. The sub-standard work was in fact valued at £360 and the consumer was not provided with paperwork that the trader had a legal obligation to provide. The Judge also ordered the trader to pay compensation to the consumer and awarded full costs to Wirral Borough Council.

Prevention

- 2.28** Wirral Trading Standards officers provide doorstep crime prevention talks to vulnerable groups who meet on Wirral and also provide training to statutory and non statutory agencies and organisations who work with or support the most vulnerable on Wirral, for example, Social Services Crisis teams, Age UK.
- 2.29** Trading Standards aim is to raise awareness of doorstep crime, how it can be prevented, how to deal with cold callers when they knock on your door and consumer law. We also aim to highlight the identification of rogue traders and how to report incidents of cold calling.
- 2.30** A training programme is due to be rolled out to neighbourhood policing teams early 2013 to raise awareness of doorstep crime and to promote the identification of rogue traders and possible offences committed.
- 2.31** Trading Standards Officers also offer advice and training to banking sources on Wirral who can play an invaluable role in protecting older and vulnerable adults who fall victim to rogue workmen or plausible sales people who then demand large amounts of money.

Isolated and pressured into paying, these victims are often driven to the bank, building society or post office to withdraw the cash. The aim of the training is to highlight doorstep crime and to promote recognition of vulnerable consumers who may be withdrawing large sums of money to pay rogue traders and encourage staff to report suspicious or unusual withdrawals as they occur.

Estate patrols

2.32 Trading Standards in conjunction with neighbourhood policing teams shall in Spring 2013 commence regular joint patrols across housing estates on Wirral to identify potential rogue traders and if necessary offer advice to consumers and business advice to traders.

3.0 RELEVANT RISKS

3.1 Failure to adopt a proactive approach can lead to inequality in the harder to reach areas of the community and leave residents at greater risk open to being targeted

4.0 OTHER OPTIONS CONSIDERED

4.1 Trading Standards makes effective use of the recently established Empowerment Partnership to raise awareness and they provide advisory material and training to schools, community groups. In addition, they make use of the media to raise public awareness but offences are still detected.

4.2 Trading Standards also work with Merseyside Police and conduct spot checks of traders, in particular, those driving small vans across the Borough as part of planned operations.

5.0 CONSULTATION

5.1 Every resident is consulted before a NCCZ is set up and feedback is obtained and analysed to measure the effectiveness of the zones.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 None

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 None

8.0 LEGAL IMPLICATIONS

8.1 None

9.0 EQUALITIES IMPLICATIONS

9.1 There are no negative equality implications in establishing NCCZ but there are positive impacts which are highlighted in the attached Equality Impact Assessment.

10.0 CARBON REDUCTION IMPLICATIONS

10.1 None

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 No planning implications.

11.2 Increasing the number of NCCZ will reduce instances of doorstep crime and the number of elderly victims, therefore minimising the risk of harm to them.

11.3 Statistical evidence obtained from residents within established Zones illustrates the effectiveness of improving community safety and in reducing the rear of crime.

12.0 RECOMMENDATION/S

12.1 That Members note contents of the report.

13.0 REASONS FOR RECOMMENDATION/S

13.1 The report was requested as part of the work programme for this Committee. It provides information on the work of Trading Standards Service and the importance of the doorstep crime prevention activity undertaken by the Trading Standards and highlights improvements that have been made through the engagement of a broader partnership with Community Safety and Merseyside Police. The report is presented for the consideration of Members.

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REFERENCES

Doorstep Crime; Public Survey, Trading Standards Institute, published 2003.



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SUBJECT HISTORY (last 3 years)

Council Meeting	Date
SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE	17 NOVEMBER 2010

Equality Impact Assessment Toolkit (from May 2012)

Section 1: Your details

EIA lead Officer: Alison Bennett

Email address: Alsonbennett@wirral.gov.uk

Head of Section: Derek Payet

Chief Officer: Surjit Tour

Department: Law HR and Asset Management

Date: 08/01/2013

Section 2: What Council proposal is being assessed?

No Cold Calling Zones

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes / No

If 'yes' please state which meeting and what date

29th January 2013

Please add hyperlink to where your EIA is/will be published on the Council's website (see your Departmental Equality Group Chair for appropriate hyperlink)

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/law-hr-asset-management>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (eg: Business Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
Disability, Age	No Cold Calling Zones ensure people across all disabilities and those who are elderly have greater awareness of Trading Standards and support that enhances protection and reduces the likelihood of these groups becoming a victim of scams, rogue traders and unfair trade practices.		Alison Bennett		Existing resources are being used
race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation,	There is a risk that religious groups who approach residents at their homes, as part of their culture, might think that they are affected.	Religious groups affected should be informed that they are exempt for the restrictions imposed by established No Cold Calling Zones	Alison Bennett	January 2013 – March 2013	Existing resources will be used

marriage and civil partnership					

Section 5a: Where and how will the above actions be monitored?

Trading Standards will develop the action plan and use an appointed partnership co-ordinator to ensure actions are delivered. The action plan will be reviewed by the partners at bi-monthly meetings

Section 5b: If you think there is no negative impact, what is your reasoning behind this?

The partnership is set up to broaden the accessibility and awareness of the Trading Standards function

Section 6: What research / data / information have you used in support of this process?

Use of best practice from previous partnerships such as the Consumer Support Network and Community Legal Services Partnerships

Section 7: Are you intending to carry out any consultation with regard to this Council proposal?

Yes / No – (please delete as appropriate)

If ‘yes’ please continue to section 8.

If ‘no’ please state your reason(s) why:

No, the partners identified have agreed to participate in the partnership

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: How will consultation take place and by when?

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.

Section 9: Have you remembered to:

- a) **Add appropriate departmental hyperlink to where your EIA is/will be published (section 2b)**
- b) **Include any potential positive impacts as well as negative impacts? (section 5)**
- c) **Send this EIA to equalitywatch@wirral.gov.uk via your Chief Officer?**
- d) **Review section 5 once consultation has taken place and sent your completed EIA to equalitywatch@wirral.gov.uk via your Chief Officer for re-publishing?**