

# **LACORS doorstep selling enforcement study**

## **Annexe Q of the doorstep selling report**

May 2004

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# **1 INTRODUCTION**

- 1.1 LACORS were asked by the Office of Fair Trading (the OFT) to undertake a short study to gather evidence of doorstep selling activities which have a significant adverse impact upon consumers. The focus of the study was to examine trading practices and in particular to identify what prevented enforcement actions being taken. The study took place over the period November 2003 to early January 2004. LACORS is cognisant of other studies commissioned by the OFT and believes that this report is complementary to those earlier reports.

## 2 QUESTIONNAIRE

- 2.1 Questionnaires, together with a covering letter, were sent out on 3 November to all 199 Trading Standards Departments (TSDs) authorities in the UK via the LACORS Heads of Service specialist e-mail service. The closing date for replies was set at 20 November. A reminder was sent on 12 November.
- 2.2 In addition LACORS Policy Officers for Scotland and Wales were asked to urge Heads of Service to complete and return the questionnaire.
- 2.3 Due to the different ways in which data is collected by authorities, and the lack of a specific statistics code for doorstep selling, some authorities said they would have difficulty in extracting the information from their database. In the event only eight authorities from England and Wales and two from Scotland were unable to provide any statistical data.
- 2.4 In all 42 questionnaires were returned; 32 English, two Welsh and eight Scottish authorities, representing just over 21 per cent of all TSDs authorities. In addition five other authorities did not complete the questionnaire but provided data relating to their doorstep selling enforcement activities.

### 3 ANALYSIS

- 3.1 Those authorities that provided data represent a total population of over 14.9m or 26 per cent of the UK.
- 3.2 The first part of the questionnaire sought to establish how many doorstep selling complaints and enquiries authorities receive and the action taken. Complaint type codes were used to show any particular trends. The collated results are shown in Tables 1 and 2 below.

TABLE 1: TOTAL FOR ENGLAND, SCOTLAND AND WALES - DOORSTEP SELLING COMPLAINTS – FROM 01.04.02 TO 30.09.03

| Complaint Type:<br>(OFT codes)               | Number of actions taken |                     |                  |                 |               |
|--|-------------------------|---------------------|------------------|-----------------|---------------|
|  | Prosecution             | Warning/<br>Caution | Trader<br>advice | Cons.<br>Advice | Other         |
| 01 Defective Goods                           | 5                       | 5                   | 123<br>(18.8%)   | 607<br>(18.5%)  | 1 (1.4%)      |
| 02 Substandard services                      |                         |                     | 42<br>(6.4%)     | 450<br>(13.8%)  | 13<br>(19.1%) |
| 03 Prices                                    | 2                       |                     | 218<br>(33.4%)   | 188<br>(5.7%)   | 3 (4.4%)      |
| 04 Delivery / Collection                     |                         |                     | 30<br>(4.6%)     | 94<br>(2.8%)    |               |
| 05 Failure to observe<br>cancellation rights |                         |                     | 37<br>(5.6%)     | 37<br>(1.1%)    | 5 (7.3%)      |
| 06 Selling practices                         |                         | 8                   | 94<br>(14.4%)    | 1285<br>(39.4%) | 35<br>(51.5%) |
| 07 Misleading claims                         |                         | 4                   | 68<br>(10.4%)    | 73<br>(2.2%)    | 9<br>(13.2%)  |
| 08 Offers of inadequate<br>redress           |                         |                     | 15<br>(2.3%)     | 248<br>(7.5%)   |               |
| 09 Terms and conditions                      |                         |                     | 17<br>(2.6%)     | 88<br>(2.7%)    |               |
| 10 Unfair business<br>practice               |                         |                     | 11<br>(1.6%)     | 263<br>(8.0%)   | 2 (2.8%)      |
| <b>TOTALS</b>                                | <b>7</b>                | <b>17</b>           | <b>653</b>       | <b>3254</b>     | <b>68</b>     |

Not included in the above 1506 doorstep selling complaints/enquiries which were not categorised according to the above codes

- 3.3 Perhaps not surprisingly complaints about selling practice account for more than a third of all complaints.
- 3.4 Although not part of the questionnaire, supplementary information provided by authorities' shows that complaints about unsolicited building work, building maintenance, driveways and roofing dominate. Data provided by Surrey, for example, shows over a nine month period between January 2003 and September 2003 that they recorded 206 complaints about doorstep selling of which 83 per cent related to roofing, driveways and building maintenance. Although care needs to be taken in extrapolating the result, this figure is nearer to 70 per cent when taken from the list of traders complained about, shown in annexe B. Only 21 authorities named traders they had had complaints about, some naming only one or two whilst others provided an extensive list.

TABLE 2: TOTALS FOR SCOTLAND - DOORSTEP SELLING COMPLAINTS –  
FROM 01.04.02 TO 30.09.03

| Complaint Type:<br>(OFT codes)               | Number of actions taken |                     |                  |                 |       |
|--|-------------------------|---------------------|------------------|-----------------|-------|
|  | Prosecution.            | Warning/<br>Caution | Trader<br>advice | Cons.<br>Advice | Other |
| 01 Defective Goods                           |                         |                     | 1                | 21              |       |
| 02 Substandard services                      |                         |                     |                  | 21              |       |
| 03 Prices                                    |                         |                     |                  | 3               |       |
| 04 Delivery / Collection                     |                         |                     |                  | 7               |       |
| 05 Failure to observe<br>cancellation rights |                         |                     | 1                |                 |       |
| 06 Selling practices                         |                         |                     |                  | 14              |       |
| 07 Misleading claims                         |                         |                     |                  | 5               |       |
| 08 Offers of inadequate<br>redress           |                         |                     |                  | 3               |       |
| 09 Terms and conditions                      |                         |                     |                  |                 |       |
| 10 Unfair business practice                  |                         |                     |                  |                 |       |
| <b>TOTALS</b>                                |                         |                     | <b>2</b>         | <b>74</b>       |       |

3.5 It has not been possible to identify any trends based on the data provided by Scottish authorities alone.

3.6 The second question sought to establish a summary of enforcement actions taken. Tables 3 and 4 show the results.

TABLE 3: TOTAL FOR ENGLAND, SCOTLAND AND WALES

| Summary of enforcement actions:<br>(from 01.04.02 to 30.09.03)<br>Legislation:        | Number of actions taken |                     |                  |                 |               |
|---|-------------------------|---------------------|------------------|-----------------|---------------|
|   | Prosecution             | Warning/<br>Caution | Trader<br>advice | Cons.<br>Advice | Other         |
| Cancellation of Contracts<br>Concluded away from<br>Business Premises<br>Regulations. | 14 (35.9%)              | 22<br>(23.6%)       | 187<br>(30.6%)   | 1188<br>(48.2%) | 27<br>(35.5%) |
| Consumer Protection Act   | 9 (23.0%)               | 41<br>(44.0%)       | 142<br>(23.2%)   | 60<br>(2.4%)    | 1<br>(1.3%)   |
| Consumer Credit Act   |                         | 11<br>(11.8%)       | 117<br>(19.2%)   | 957<br>(38.8%)  | 1<br>(1.3%)   |
| Trade Descriptions Act  | 11 (28.2%)              | 16<br>(17.2%)       | 115<br>(18.8%)   | 82<br>(3.3%)    | 4<br>(5.3%)   |
| Enterprise Act  | 1 (2.5%)                | 3 (3.2%)            | 48<br>(7.8%)     | 2<br>(0.1%)     | 21<br>(27.6%) |
| Theft Act   |                         |                     | 1<br>(0.1%)      | 6<br>(0.2%)     | 22<br>(28.9%) |
| Other   | 4 (10.2%)               |                     |                  | 170<br>(6.9%)   |               |
| <b>TOTALS</b>   | <b>39</b>               | <b>93</b>           | <b>610</b>       | <b>2465</b>     | <b>76</b>     |

3.7 The number of prosecutions represents 1.2 per cent of all actions taken. This compares typically for all prosecutions taken by TSDs. 'Other' covers referrals to the Home Authority or other agencies or in the case of the Enterprise Act, action to secure undertakings from traders

TABLE 4: TOTAL FOR SCOTLAND

| Summary of enforcement actions: | Number of actions taken |                     |                  |                 |       |
|---------------------------------|-------------------------|---------------------|------------------|-----------------|-------|
|                                 | Prosecution             | Warning/<br>Caution | Trader<br>advice | Cons.<br>advice | Other |
| (from 01.04.02 to 30.09.03)     |                         |                     |                  |                 |       |
| Legislation:                    |                         |                     |                  |                 |       |
| Cancellation of Contracts       |                         |                     |                  |                 |       |
| Concluded away from             |                         |                     | 2                | 26              |       |
| Business Premises Regulations.  |                         |                     |                  |                 |       |
| Consumer Protection Act         | 1                       |                     |                  | 6               |       |
| Consumer Credit Act             |                         |                     |                  |                 |       |
| Trade Descriptions Act          |                         |                     |                  |                 |       |
| Enterprise Act                  |                         |                     |                  |                 |       |
| Theft Act                       |                         |                     |                  |                 |       |
| Other (please specify)          |                         |                     |                  |                 |       |
| <b>TOTALS</b>                   | <b>1</b>                |                     | <b>2</b>         | <b>32</b>       |       |

3.8 None of the Scottish authorities who replied or who were subsequently contacted reported any particular problems with doorstep selling investigations and the requirement to provide corroborative evidence. The one prosecution (pending) relates to an unsafe suite of furniture originating from Poland and sold by an itinerant cold calling. The evidence of it being unsafe has been provided by the test house. The file is currently with the Procurator Fiscal. Two other prosecutions reported by Highland Council were both Trade Descriptions Act cases, one concerned the offer to supply used televisions falsely described as 'new', the other concerned false trade

descriptions applied to a damp proofing service – telling people their house needed damp proofing treatment when it did not. In both Highland Council cases no evidence was offered in charges under the Cancellation of Contracts Concluded away from Business Premises Regulations in order to secure guilty pleas to the false trade descriptions.

3.9 The reasons for not taking enforcement action were not always given or not numerated. 24 authorities either gave no information or just replied 'numerous' against each of these questions. The results where given are shown in table 5 below.

TABLE 5 ENGLAND, SCOTLAND AND WALES

| <b>Reasons for not pursuing enforcement action</b>   |                              |
|--|------------------------------|
|  | <b>Number of occurrences</b> |
| Unable to trace trader   | 141                          |
| Insufficient evidence  | 106                          |
| Complainant unable or unwilling to give evidence   | 86                           |
| No legislative solution (please explain)   | 4                            |
| High pressure selling techniques   |                              |
| Trader given advice as breach not covered under legislation                                    |                              |
| We were not taking a pro-active enforcement stance due to the evidence gathering difficulties. |                              |

3.10 'Unable to trace the trader' probably links to the itinerant nature of many doorstep selling activities. For the same reason the evidence is often difficult to establish. Many authorities report that doorstep selling activities more often target the elderly and vulnerable in society. This group rarely makes good witnesses.

3.11 Other questions looked at the planned activities by local authorities to address doorstep selling abuses and to find out which authorities had companies operating in their area who were using doorstep selling techniques. Tables 6 to 8 apply.

TABLE 6: INITIATIVES TAKEN TO DEAL WITH DOORSTEP SELLING ABUSES – COMBINED TOTAL FOR ENGLAND, SCOTLAND AND WALES

| <b>Other responses / initiatives taken to Doorstep Selling</b>  |            |           |
|---|------------|-----------|
|   | <b>Yes</b> | <b>No</b> |
| Work / project included in service plan   | 22         | 12        |
| Partnership with police or other agencies   | 20         | 5         |
| Working with regional group   | 26         | 14        |
| Other (please specify) Un-named Trading Standards - Development of Intelligence Database containing reports related to doorstep sales. This database is fully searchable thus allowing better linking of partial information. |            |           |

TABLE 7: INITIATIVES TAKEN TO DEAL WITH DOORSTEP SELLING ABUSES – SCOTLAND

|   | <b>Yes</b> | <b>No</b> |
|---|------------|-----------|
| Work / project included in service plan   | 4          | 2         |
| Partnership with police or other agencies | 6          |           |
| Working with regional group               | 2          | 4         |

Other (please specify)

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3.12 More than half of those authorities who replied to the questionnaire indicated that doorstep selling featured in their service plans either working in partnership with the police and other community partners or through joint activity within their regional group. Many authorities have or are developing initiatives that seek to educate consumers, especially vulnerable groups about the pitfalls of contracting with traders who call at the door and how to say no to doorstep sellers. A growing number are adopting a 'Rapid Response' approach to doorstep selling complaints, devoting resources to responding immediately to doorstep selling complaints to be able to confront the trader whilst he is still on the premises or when he plans to return. More is said on this approach later in the report (See page 21 paragraph 6.4)

TABLE 8: HOME AUTHORITIES FOR COMPANIES EMPLOYING DOORSTEP SELLING TECHNIQUES – ENGLAND, SCOTLAND AND WALES

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**Home Authority**

Are you the Home Authority for any business that engages in doorstep selling techniques, solicited or unsolicited calls?

| Yes | No |
|-----|----|
| 13  | 29 |

If yes please give the name(s) of the business and the trade type:

See those marked with an asterisk in annexe B

How many complaints / enquiries have been received concerning these businesses? 826

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3.13 The information provided by the Home Authorities was used in this study to identify the Enforcing Authorities who had made the referral to the Home

Authority and to ensure as far as was possible that they completed and returned the questionnaire. Follow up calls were also made to the Home Authority to find out more about the type of complaints they have referred to them and the action they took.

3.14 Additional information supplied by those returning questionnaires is reproduced in annexe C. Follow-up telephone interviews were held with colleagues from eight TSDs authorities across the country. Notes of these interviews appear in annexe D.

The information provided highlights the problems encountered:

- the lengths traders go to avoid being traced; false names and addresses; the use of pay as you go mobile phones
- the varying levels of police support around the country
- the unsuitability of witnesses and in some cases their unwillingness to become involved
- examples of pressure selling
- instances of significant price variation for exactly the same item
- frequent reference to no time occurring between the contract being agreed and the installation / building work starting or being completed. Effectively negating any opportunity for the consumer to cancel
- the lack of consumer knowledge of their rights in doorstep selling transactions
- the difficulties experienced in enforcing the return of the deposit despite the intervention or action by trading standards
- examples of the switch selling of goods or services once an invitation into the home has been secured
- many of the transactions are verbal; alleged false descriptions applied and no cancellation rights are given.

3.15 The feedback also highlights the action being taken by many authorities to tackle doorstep selling abuses and the measures enforcement officers would like to see introduced to address the problem, all of which are covered in chapters 6 and 7 of this report.

## 4 OTHER RESEARCH

- 4.1 Time only allowed for visits to two authorities, Carmarthenshire and Surrey.
- 4.2 Carmarthenshire has a population of 172,000 of which over 54 per cent are Welsh speaking. The average income is low, reflecting the post-industrial shift of employment to the service sector and low agricultural income levels. Carmarthenshire has five of the 100 Community First wards within its area, four of which are in Llanelli. Carmarthenshire has one of the poorest health profiles in Wales with 20 per cent of residents having a long standing illness or disability and there is a greater proportion of people of retirement age in Carmarthenshire (23.1 per cent) compared with Wales (19.9 per cent).
- 4.3 In November 2002 Carmarthenshire TSD participated in a National Survey, as part of the Trading Standards Institute's National Consumer Week 2002. The aim of the survey was to try and identify the true extent of the problems caused by doorstep sellers.
- 4.4 Survey questionnaires were randomly sent to 1500 Carmarthenshire households.

Forty five per cent of the response was received by persons over the age of 65. An additional 75 of the county's elderly citizens were also separately surveyed across the county at County Council Social Services Day Centres

- 4.5 The results of the survey of Carmarthenshire's elderly citizens were as follows:
- approximately 26 per cent stated that they had received unsolicited visits from doorstep sellers in the previous three months
  - 11 per cent had been subjected to a bad experience in relation to an unsolicited visit by a trader
  - 13 per cent stated that they had not complained to the authorities in respect of the bad experience
  - 19 per cent felt uncomfortable in respect of unsolicited visits by door step sellers

- 22 per cent would not answer the door, and only 19 per cent stated that they used a door chain. (Significantly, 43 per cent stated that they did not have a door chain, 90 per cent did not belong to a neighbourhood watch type scheme, and 96 per cent stated that had no sign/sticker/window display discouraging doorstep sellers)
- 73 per cent stated that they lived alone
- 10 per cent of those surveyed had experienced a horror story.

The survey also demonstrated that very few clients had ever heard of TSDs and the type of service that they provide.

4.6 Carmarthenshire TSD recorded 472 enquiries involving unsolicited contact by a trader, between 28/2/02 and 1/3/03. This figure represents approximately 13 per cent of the total enquiries received during this period by the service.

4.7 Particular problems experienced by Carmarthenshire TSD include:

- Weaknesses in the Cancellation of Contracts Concluded away from Business Premises Regulations;
  - no requirement to give cancellation rights in writing – itinerant traders rarely give any information in writing
  - failure to allow sufficient time to cancel – it is common for the contract to be agreed and the work started the same or following day, giving no time for the consumer to exercise their right to cancel
  - problems have been encountered enforcing the recovery of the deposit following cancellation of the contract by the consumer. The case study in paragraph 5.2 illustrates the problem
  - the Regulations are easily sidestepped – for example a flyer through the door offering goods or services at an apparent bargain is responded to by the consumer inviting the trader to call. The trader then goes on to sell a higher priced product or service

- relatively low cost contracts of £50, for example, to clean the fascia
  - over the £35 lower limit set by the Regulations but no paperwork or cancellation rights given
- the police often regard doorstep selling abuses as civil issues although attitudes are changing.

4.8 Surrey by contrast is a County of 1.06 million and is the most densely populated shire county in England. Much of the county is designated as an area of outstanding natural beauty and combined with extensive green belt areas, means that 80 per cent of the population lives within 15 per cent of the county. One of the county's contrasts is that of relative prosperity abutting areas of significant deprivation, where experience and research has shown that people gripped by such deprivation tend to opt for self reliance, as opposed to seeking outside assistance. The social and economic consequences arising from such areas include raised criminality and increased reliance on benefits. Five 'self reliance' neighbourhoods have been identified by the County Council as areas with particular problems of exclusion and deprivation. People of retirement age within Surrey now account for 19 per cent of the population. This group is often more vulnerable to predatory trading practices and doorstep crime in particular. Surrey TSD recognise that the elderly as a group are not necessarily vulnerable to doorstep selling abuses but that age is critical as it is for older people living alone.

4.9 Surrey TSD recognise that they have a long standing problem with rogue traders and doorstep sellers in particular. They were pioneers in evolutionary enforcement techniques to establish evidence against predatory traders through the use of homes set up to monitor what traders said about their services and to observe what work was carried out. Surrey was the first authority to adopt a 'naming and shaming' policy. This however has been set aside whilst legal advice is sought regarding this approach in the light of the Enterprise Act, the Data Protection Act and Human Rights legislation. Also, trading standards are currently considering how the obligation of authorities under the Local Government Act 2000 to develop strategies to develop and protect the economic wellbeing of communities might be used in this situation.

4.10 The scale of doorstep selling abuses in Surrey is large. In the nine months from January to September 2003 the Service recorded 206 doorstep selling complaints. The sums involved exceeded £1m. It's known that less than 10 per cent of consumers, for various reasons, seek assistance from trading standards when trading problems are experienced. Consequently Surrey estimates the true scale of the problem over this period to exceed £10m.

4.11 The main problems encountered in Surrey are;

- difficulties in tracing traders many of whom are of no fixed address, use accommodation addresses with inaccurate or false information, use pay as you go mobile phones and/or unregistered vehicles
- victims are usually elderly, forgetful, unable to check the work done and make poor witnesses
- the consumers fear of not paying in the knowledge that the trader knows where they live
- many cases involve large sums of money, up to £50,000
- lack of sufficient enforcement and deterrent powers for trading standards officers – the plethora of different powers given to trading standards authorities by different legislation; the cancellation of contracts away from business premises regulations provide no power of entry to premises including vehicles nor powers of seizure of equipment or vehicles used in the crime; the theft act section 25 gives powers of seizure where the perpetrator is 'going equipped to cheat' but it is unclear how this might apply to doorstep selling and the equipment used by traders in these circumstances.
- lack of interest by the police who treat doorstep selling as a civil dispute and therefore are not required to be recorded as a crime statistic. if it were to become a recordable crime the clear-up rate would feature as a part of a police authority's performance.

4.12 Surrey has developed a number of strategies to tackle the problem of doorstep crime by:

- raising public awareness of doorstep selling abuses through leaflets, talks to community groups and publicity campaigns
- developing joint strategies and initiatives with partners and in particular through the South East Trading Standards Authorities Group (SETSA)
- providing training to the police, police probationers and call handlers
- contributing to the police intranet and providing the police with SETSA-designed laminated cards giving a brief outline of the law on doorstep selling and contact details
- establishing a Rapid Action Team – a team of officers working with the police and other agencies who will react immediately to consumer complaints where doorstep selling is involved with the object intervening whilst the trader is still either on the premises or due to return
- providing comprehensive guidance and support to staff involved in the Rapid Action initiative setting out the processes, protocols, powers, offences, legal precedents, data recording and the likely problems encountered in dealing with the victims of such crimes. This approach had only been in operation for two weeks at the time of meeting Surrey officers in late December 2003. In that time they had intervened in thirty complaints leading to savings of over £12,500 for the elderly people concerned. A typical scenario encountered is set out as a case study in paragraph 5.5.

## **5 CASE STUDIES**

### **5.1 Wokingham**

A consumer was subjected to a 'cold call' at home which was followed up by a salesman. The consumer was persuaded to sign-up for the purchase of a burglar alarm system and parted with £434 with a commitment to additional payments to follow. The consumer having thought about it decided to cancel which she did within the seven day cooling off period provided by the Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987. The trader refused to return the money despite the involvement of the trading standards service.

No cancellation notice had been issued so legal proceedings were initiated for breaches of the 1987 Regulations. An additional charge for giving a misleading indication of price was included since it was claimed part of the money paid was VAT when the trader was not VAT registered.

After four hearings the defendant finally entered guilty pleas to each of the two charges. The Court imposed fines of £750 for the failure to give a cancellation notice, £1,000 for the misleading indication of price, awarded £250 costs to the Authority and a compensation order for £434.

### **5.2 Carmarthenshire**

An elderly woman living alone was cold called by a builder who persuaded her to enter into a contract for new doors and windows and new soffits at a total cost of £2,960. The woman paid a 'deposit' of £1480. No cancellation rights were given. A close friend felt that the elderly woman had agreed to the work unwillingly and contacted trading standards. Advice was given and the contract cancelled within the seven day period. The trader refused to refund the money paid. The trading standards service taking account of the woman's age and suitability as a witness decided not to institute legal proceedings but to give every support to the complainant to recover the money in the County Court. An attempt to settle the matter out of court failed and civil action was instigated. The District Judge had no experience of the Regulations and had to be briefed by the trading standards department who provided a copy of the statutory instrument and explained

the background to the legislation. The elderly client had to attend the case. At the conclusion of the hearing the District Judge found in favour of the consumer but allowed the trader to retain £45 to meet materials and labour costs!

### 5.3 Carmarthenshire

An 87 year old lady who is a double amputee was sold a motorised buggy for £3,048 being advised by the salesman that she could cancel within ten days. Bad weather conditions prevailed for several days following delivery and it was not possible to try the buggy until after the cancellation period had expired. When the lady tried to use the buggy it took two people to lift her onto it and as her husband was the only person available this was not possible. This coupled with the steep slope and no pavement outside the lady's home made the buggy totally unsuitable for her use. The instructions supplied with the buggy stated that it was not suitable for use on the highway. The company has so far refused a refund. The case has been referred to the Home Authority.

### 5.4 Luton

Trading standards first heard of Mr. G when the manager of the local HSBC Bank called to say he had an elderly customer attempting to withdraw £15,000 in cash. An officer went to the bank to see the 82 year-old Mr. G. The officer spoke to him at length and it became clear that despite being frail and slightly confused he was a gentleman and a man of his word. He had agreed verbally to allow a doorstep roofer to start work on his home. The roofer wanted payment in cash, so Mr. G had come down to the bank to oblige. Mr. G did not have any friends and his only family lived in Glasgow.

On that occasion Mr. G was persuaded not to withdraw the cash. That afternoon he was back at the bank again trying to withdraw the cash. This time he had a quotation with him. Trading standards returned to the bank, but this time Mr. G insisted he was doing the right thing. He said he could not remember when he received the quotation.

The next day officers from trading standards went with a surveyor from Building Control to Mr. G's house. He was happy for his roof to be inspected, although the roof had been finished: it scored seven out of ten, according to the surveyor and should have cost in the region of £7,000 not the £25,000 Mr. G paid in cash.

## 5.5 Surrey

Trading standards officers from Surrey's Rapid Action Team together with the police were able to intervene whilst a doorstep conman was still at the victim's property. The intervention saved the consumer £7,500 in respect of his driveway which the gang had already dug up.

The consumer had been cold-called and led to believe that the trader was associated with nearby road-works. The householder was persuaded that he would have to have the level of his drive raised because of the new road and the pavement surface would create a large lip at the end of his driveway. The trader offered to do this and they agreed a price of £750 for the work which would commence almost immediately (without any cancellation rights being afforded to the victim). Once the drive was dug up the gang boss told the victim that the work was now going to cost £7,500 and that he wanted £400 'up front.' At this point the elderly victim realised he was being conned and called the police who in turn contacted trading standards.

When the police and trading standards turned off the gang boss drove off at speed leaving the other two gang members on site. The police gave chase but lost them. They had noted the registration number of the vehicle but that turned out not to match the vehicle on which it was displayed. The two left behind appeared to be just labourers hired for the job one from Glasgow and the other from Essex, both of no fixed abode. They were of little use; each denied knowing the identity of the gang boss claiming 'they were just labourers promised a few quid at the end of the job.'

The mobile telephone number used by the gang boss was 'pay as you go' – so precluding a subscriber check. There was no real prospect of bringing a case against the main offender but no money was passed over. The victim however was left to find someone to relay his drive.

## 5.6 Powys

A major investigation that begun in November 2001 and is still to be concluded in the courts concerned some 110 complaints from residents in South Wales (Powys), Shropshire, Herefordshire and Worcestershire. A joint operation between TSDs, police, Inland Revenue, Customs and the Benefits Agency exposed the activities of a small group of itinerant traders who used fifteen different trading names, seven separate telephone landlines and seven mobile phone numbers to cover their tracks. The operational scale of the investigation caused the agencies involved to concentrate upon the activities of two of these businesses. It was alleged that the work of both businesses was extremely poor and virtually worthless, no business details or cancellation rights were given, and charges were made for work not done. Yet investigations showed they had a joint turnover of £1/2 million. Offences included trade descriptions, conspiracy to defraud and benefit fraud.

The outcomes of the investigation to date are; five people have been taken off benefit immediately; eleven warrants were executed at one traveller site alone; twenty five charges have been laid against one defendant; the investigation covered ten local authorities and was coordinated by Powys; intelligence networks have been developed between the different enforcement agencies. The cost of the investigation is yet to be assessed.

## **6 APPROACHES TO TACKLING DOORSTEP SELLING ABUSES**

- 6.1 A number of authorities commented that they did not have the necessary resources to investigate doorstep selling offences. Experience has shown that the problems of tracing the traders and the unreliability of older witnesses has led some authorities to re-direct resources towards education and prevention. Over half of those who responded to the questionnaire indicated that they had plans for education programmes working with community partners or through their Consumer Support Network. Many of these initiatives focus on the young and elderly. Good practice such as the SETSA 'Think Twice' initiative is shared among authorities. In Nottingham tackling doorstep crime is seen as contributing to the political agenda of 'Respect for Nottingham', dealing with anti-social behaviour, crime reduction and public safety.
- 6.2 Leicester City trading standards are working with the City Gypsy Liaison Officer to approach traders operating from official sites to give advice on compliance. This approach has seen a reduction in the complaints made against the traders concerned. It is believed that peer pressure from other camp dwellers has been a factor in improved compliance.
- 6.3 A growing number of authorities are setting up good trader schemes designed to help consumers identify reliable traders. The scheme usually operates whereby trading standards 'approve' traders having first satisfied themselves of the bona fides, checked the past history, in some cases audited quality systems or procedures and obtained the traders undertaking to comply with the terms of the scheme. Traders are required to document and investigate all complaints made to them and where possible resolve the complaint without referral to trading standards. In return the trader's details are entered on the list of reliable traders held by trading standards and they are allowed to display the approved logo. Whilst not directly aimed at dealing with doorstep selling abuses, these schemes do have the effect of isolating the rogues and less reliable traders.
- 6.4 West Yorkshire, North Yorkshire, Derbyshire, Surrey, Nottingham and Leicester City are among an increasing number of authorities to adopt a 'rapid response' approach to doorstep selling complaints. trading standards

working with the police respond immediately they receive a consumer complaint with the aim of intervening in the complaint whilst the trader is still on site or when he returns. Officers will advise the consumer of their rights and use their position if necessary to negotiate a settlement with the trader. Building Control surveyors are sometimes used if there is a dispute over the price of the work. Those authorities operating the scheme report considerable success. In the ten months from February to November 2003, West Yorkshire responded to 97 complaints in this way and saved consumers paying £32,000 unnecessarily. Most of the interventions concerned property repairs, roofing and driveways. The age profile shows most complainants to be elderly. Where the age or the ability of the consumer to deal with the trader is in doubt, North Yorkshire use the Administration of Justice Act 1970 and the Protection from Harassment Act 1997 to pass authority to them to act on the consumers behalf. A copy of the form used appears in annexe E.

- 6.5 A number of authorities have agreed protocols with the police for dealing with doorstep selling and doorstep crime. TSDs are now involved in the training of police officers and probationers, also providing guidance notes that the officers can keep in their note books for reference. Some authorities also participate in 'Operation Strongbow,' a regional police initiative in the north of England to tackle distraction burglary and 'Operation Liberal' a similar initiative operating across the Midland area. North Yorkshire are trying to encourage police officers to use the Proceeds of Crime provisions to seize money when itinerant traders are found in possession of sums exceeding £10,000, the minimum amount specified in the legislation. Beat officers have been reluctant to do so. TSD officers now carry the contact for the Police Financial Investigations Unit who can give on the spot advice.

## **7 SUMMARY**

- 7.1 It is clear from the study that there is no one measure to solve the problems encountered by TSDs in dealing with doorstep selling abuses. There are considerable problems of gathering the evidence due in the main to the itinerant nature of many doorstep selling activities. When traders are identified there are often difficulties obtaining reliable evidence from consumers either because they are reluctant to get involved fearing possible repercussions, or because of their age, the lack of clear recollection of events. Enforcement staff complain they are hampered in their work due to inadequate powers of entry and seizure. Police support across the country is varied and without the police presence arrests cannot be made. TSD's resources remains an issue. Some smaller authorities do not have the staff to adopt proactive enforcement strategies.

## 8 CONCLUSIONS

- 8.1 There is no doubt that this study shows that doorstep selling abuses are numerous and extensive. The resources given to tackling the problem by TSDs, although not numerated, are considerable. Whilst the education of the public and traders has a role, without adequate enforcement powers and tough legislation this problem will persist. Many authorities currently do not consider enforcement worthwhile. The itinerant nature of the trade and the problems of establishing reliable evidence make bringing a case to court extremely difficult.
- 8.2 Most TSDs authorities include in their plans action to tackle the problem. Some are using innovative approaches such as rapid response teams to attempt to reduce consumer detriment
- 8.3 There is no one measure which would offer a realistic remedy to the problem of doorstep selling abuses. The OFT report offers a range of measures which might help improve the ability of TSDs to deal with the problem. LACORS anticipates that the OFT will give each of these careful consideration and consult on those which they consider offer a realistic chance of restoring the balance in favour of the consumer.

Malcolm. J. Adams

Project Leader on behalf of LACORS

12<sup>th</sup> January 2004

## ANNEXE A

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### AUTHORITIES WHO RESPONDED TO THE QUESTIONNAIRE

| Authority             | Population |
|-----------------------|------------|
| Blaenau Gwent         | 72,354     |
| Bournemouth           | 160,700    |
| Buckinghamshire       | 480,000    |
| Camden                | 189,687    |
| City of Nottingham    | 284,000    |
| Derbyshire            | 700,000    |
| Doncaster             | 293,262    |
| Dorset                | 374,800    |
| East Riding Yorkshire | 311,000    |
| Halton                | 123,000    |
| Hertfordshire         | 1,006,000  |
| Hillingdon            | 237,600    |
| Kingston on Thames    | 144,313    |
| Leicester             | 270,500    |
| Norfolk               | 785,700    |

|                      |                   |
|----------------------|-------------------|
| North Yorkshire      | 568,200           |
| Poole                | 139,200           |
| Redcar and Cleveland | 139,800           |
| Rotherham            | 252,100           |
| Sandwell             | 295,200           |
| Solihull             | 203,900           |
| Southend on Sea      | 159,900           |
| Staffordshire        | 802,100           |
| Stockton on Tees     | 291,200           |
| Suffolk              | 628,200           |
| Sunderland           | 296,100           |
| Surrey               | 1,060,000         |
| Telford &Wrekin      | 151,000           |
| Torfaen              | 92,000            |
| Warwickshire         | 484,600           |
| West Sussex          | 741,000           |
| Wokingham            | 148,000           |
| <b>Total</b>         | <b>13,950,716</b> |

|                    |                                 |
|--------------------|---------------------------------|
| East Ayrshire      | 123,820                         |
| Highland Council   | 207,500                         |
| Inverclyde         | 86,000                          |
| Moray              | 86,000                          |
| North Lanarkshire  | 326,000                         |
| Orkney             | 19,800                          |
| Shetland           | 23,000                          |
| Stirling           | 81,630                          |
| <b>Total</b>       | <b>953,750</b>                  |
| <hr/>              |                                 |
| <b>Grand total</b> | 14,904,466                      |
|                    | (26% of total population of UK) |

## **ANNEXE B**

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### **ADDITIONAL INFORMATION PROVIDED BY AUTHORITIES RESPONDING TO THE QUESTIONNAIRE**

#### **West Sussex**

We receive many complaints about doorstep selling issues and frequently become involved in disputes between consumers and traders following a doorstep sale. We have begun a programme aiming to identify the businesses and individuals that cold-call offering home improvement works. These traders tend to target the vulnerable and disrupting the activities of those seeking to exploit their power over the vulnerable is a priority for us. The Enterprise Act provides the tool for enforcement action and by systematically identifying those involved in the practice; we hope to be able to use this tool effectively.

There have been numerous instances over the last 18 months where we have been unable to pursue formal action following a doorstep sales incident despite receiving information highlighting a clear breach of one or more statutes. The common reason for this is that traders frequently use false names and addresses along with vehicles that can not be traced and pay as you go mobile phones. We often find out about incidents after the event and are unable to trace the offender. Even when we intervene in a continuing matter, traders will frequently provide false names and address and we are unable to identify them for the purpose of taking formal action.

#### **Terry Everett, Southend on Sea**

In most cases of cold calling on the elderly, they are unwilling to give evidence and often have little recollection of the events.

## **Lorraine Wilford, Stockton on Tees**

The main areas of complaint we receive about the doorstep trader based in this area are:

Pressure selling – consumers are telling us that they were pressurised into signing a contract just to get the salesman out of the house. In many cases the salesman stays in the home for two to three hours. The majority of complainants are elderly and living alone.

Excessive prices – the company installs one make of alarm. In my experience, prices range from £1200 to £5000 for the same system.

The general practice of the Company is to install a system the same day or the day after the contract is installed. Although a written cancellation notice is included on the contract many consumers believe that since the alarm has been installed they cannot cancel.

We also receive lots of complaints about false verbal descriptions but since the consumers are elderly and vulnerable they are often not able to provide a witness statement.

## **John Nicholson East Riding of Yorkshire**

One particular legal Services firm was the one most of complained about organisation during the period. People are sceptical about the product they sell. This puts us in a difficult position to comment because if we criticise the product – a 'Protective trust' which seeks to frustrate local authorities from forcing a home sale to fund residential care in future years – we may be seen as protecting the LA rather than looking after the well being of the individual. During the period we have improved compliance re cancellation rights and keep the situation under review.

## **Mark Walker, Nottingham City**

Consumers are often reluctant to become involved in formal action. Also since many of the problems involve the elderly and vulnerable they do not make good witnesses.

Nottingham has adopted the Rapid Response approach to doorstep selling with a view to disrupting these traders rather than pursue prosecutions. They also use the North Yorkshire's Administration of Justice Act and Protection from Harassment Act to represent the consumer in negotiations with the trader.

Nottingham has problems getting police assistance. Training is now being provided to illustrate the link between bogus traders and crime such as distraction burglary.

Resources are an issue. The Service has had to make cuts in its budget and did not receive any additional resources for the Enterprise Act enforcement. There is however political support for what is being done. Tackling doorstep crime is seen as contributing to the political agenda of 'Respect for Nottingham', dealing with anti-social behaviour and crime reduction and public safety.

The Nottingham Act comes into force on 1 January 2004 regulating the sale of second-hand goods. Second-hand dealers will be required to register and keep comprehensive records of their transactions. Nottingham is seen as a centre for handling stolen goods. This Act will in part address that problem.

Nottingham supports the call for a complete ban on cold calling for property maintenance and improvements. A ban would provide the visibility to expose those who practice such methods. To achieve a ban the Service is lobbying their MP and the OFT.

### **Glenys Brown, Highland Council**

We cover a large land mass within the Highlands and it is difficult to keep track and find out about traders who come into the area offering goods and services on the doorstep. By the time we find out that they have visited our area they have moved on. Highland Council TSD took part in the TSI survey to assess the extent to which vulnerable consumers were taken to the bank or building society by rogue traders to withdraw cash for shoddy work at extortionate prices. Although the return of the survey forms sent out to consumers was poor the Service was able to use the information to raise awareness and alert the elderly and disabled to the problem. The Council use a Power Point presentation to highlight consumers rights, the DTI leaflet 'doorstep selling – know where you stand' and a poster campaign using libraries and other centres.

## **Graham Morgan, Derbyshire**

During the last eighteen months Derbyshire has adopted an unofficial policy disrupting doorstep selling activities. Officers try and respond immediately to complaints where doorstep sellers are either at the house or due to return. This approach has resulted in significant disruption of doorstep selling activities. Four people have been arrested and in two cases consumers were stopped from paying £1,500 for unnecessary damp proofing work and £15,000 for soffit and fascia work. More resources are planned for this work in 2004/2005.

## **Karen O'Rourke, Doncaster**

Doncaster tries to discourage consumers from making contracts at the door. This is done through education and the dissemination of information through community partners. However the Service still receives calls from vulnerable consumers who have succumbed to unscrupulous traders and want to know if they can get out of the contract.

### **Problems:**

Consumers lack the knowledge of their right to cancel within the specified time period.

- A trader is aware of his obligation and gives notice of cancellation rights but the consumer contacts trading standards after the period has expired. Trading standards then concentrate on other contractual methods to avoid the contract, mainly capacity to contract or misrepresentation
- A trader is aware of his obligation but is selling a product or service that becomes 'attached to the land.' Work commences before the ink is dry and in effect simultaneously gives and takes away the opportunity to cancel
- Consumer responds to an ad in the paper or a flyer for a demonstration or free survey. Once access is gained to the home the salesman goes on to sell goods or services of a higher value. No cancellation rights are given and although the consumer has the right to cancel advisers do not

always spot that this is a transaction covered by the Cancellation of Contracts Away from Business Premises Regulations. We have also encountered a trader including in the small print that they will come to your home and, for example, offer 'a will for £19.95 and other services' thereby claiming that the visit was solicited.

Experience often shows that the consumer has not been given anything in writing nor cancellation rights, but the contract has been executed, including payment. In addition, either the trader cannot be traced or the trader is traceable but never gives a refund and even if taken to court still refuses to pay.

### **Solutions offered:**

- National ban on doorstep selling for property maintenance or repair
- No new legislation but; amend existing regulations to make clearer what is an unsolicited sale; contracts have to be in writing; work cannot commence until the cancellation period has expired; no money payable until after the cancellation period has expired; make it an offence to breach any of the provisions
- Waive the cost to consumers bringing a successful civil claim where a trader is in breach of any of the criminal provisions and does not pay
- Make claims for compensation a right in the case of a prosecution where the civil claim failed to recover any damages. (Currently authorities can include a request for compensation when bringing criminal proceeding but is the discretion of the court whether they order compensation to be given. Ordinarily they only grant compensation in straightforward cases leaving the complex cases to the civil court)
- New legislation creating an independent agency monitoring doorstep selling activities and administering cancellation rights. Traders would have to register with the agency before trading.
- New legislation applying cancellation rights to any contract signed away from business premises. Provision being given to legitimate emergency work where the consumer calls the trader.

It is acknowledged that rogues will ignore all the above. Only mandatory licensing/ registration making it an arrestable offence to trade without would work in their case

### **Alice Barnes, Norfolk**

I get more complaints regarding the way that credit is sold to finance home improvements, largely because of the commission incentive offered to salesmen for the sale of finance. Salesmen are otherwise paid a salary which they can boost from sales. Where salesmen are not solely dependent upon commission for their income the abuses of doorstep selling are significantly less.

Transparency in pricing structure would remedy some of the abuses of doorstep selling and would prevent salesmen being able to suggest to the consumer they are getting a good / better deal.

## **ANNEXE C**

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### **Notes of follow-up interviews**

#### **Rob Quinlan Warwickshire**

##### **16.12.03**

A lot of problems with traders using accommodation addresses where the information held is poor, sketchy and sometimes fraudulent. These addresses are mainly used as a telephone contact or as a mailing service. There is no requirement upon the business offering an accommodation address to check the accuracy of the information or to be accountable for the information. Traders will often move from one accommodation address to another to avoid being traced.

He would like to see an offence to cold call for building work/ maintenance.

CCCABP Regulations need to be strengthened. The legislation is weak compared to the Distance Selling Regulations which provide for cancellation rights within seven days from delivery of the goods whereas in the CCCABP Regulations it is seven days from the making of the contract. Very often the goods or service are not seen until it becomes too late to cancel.

He would like to see the legislation covering accommodation addresses strengthened to require full and accurate records to be kept with penalties for failure to do so.

#### **Jo Boutflower North Yorkshire**

##### **16.12.03**

Complaints often come too late to act on the cancellation rights.

People, especially the elderly feel obligated to pay because some of the work has been done.

Not many companies use cold calling but two that do have both given undertakings under the Enterprise Act and since then no further complaints have been received (So far!)

Police are cooperative. A protocol has been agreed between the TSD and the police. The TSD are training probationers and other officers in awareness of offences.

North Yorkshire has a rapid response team which is proving effective but very resource intensive six to seven officers.

Considered whether they could use Section 25 of the Theft Act to take possession of equipment used to cheat but deciding on whether a ladder falls within the scope of that section is difficult.

North Yorkshire has urged the police to use the Proceeds of Crime provisions to seize money when itinerant traders are found in possession of sums exceeding £10,000, the minimum amount specified in the legislation. Beat officers have been reluctant to do so. TSD officers now carry the contact for the Police Financial Investigations Unit who can give on the spot advice.

North Yorkshire uses the Administration of Justice Act 1970 and the Protection from Harassment Act 1997 to pass authority for dealing with the trader to a trading standards officer. Copy of the form supplied

Other problems on lack of evidence include; contract not in writing; unreliability of the witness due to their age or capacity to contract – example of a trader insisting that a 90 year old lady had read the contract and cancellation rights whereas she was registered blind; unable to trace the trader; false details.

Jo would like to see a ban on cold calling for building work and no work to commence until after the expiry of the cooling off period.

## **Paul Chilver Sunderland**

**16.12.03**

'There are a number of reasons why enforcement action is not pursued in relation to doorstep selling issues:-

- Lack of sufficient details about the trader e.g. vague descriptions, no vehicle registrations, no names or addresses
- False details given by the trader to the consumer e.g. false name and address
- The use of untraceable telephone numbers and mobiles
- The reluctance of consumers to come forward e.g. through fear, or feeling stupid
- Trading Standards being notified too late e.g. Trading Standards often hear about the incident some time after the events when friends or family discover what the elderly person has done.'

## **John Fox Leicester**

### **16.12.03**

A rapid response project has been running for the last 3 months. Just reviewed progress;

Worked but with limited success; consumers sometimes have not wanted the TSD to approach the trader for fear of the consequences; other occasions arrived too late; other times when arrived between the traders initial call and his return advice given to the consumer as to how to proceed has been ignored and the work has gone ahead; None of the traders comply with the Business Names Act; None identify themselves; Many use mobiles or landlines to travellers' camps. It has been decided to continue with the scheme until the end of March

Other approach has been to work with the City Gypsy Liaison Officer to approach traders working from official sites to give advice on compliance. This approach has brought results through peer pressure. The Police Liaison Officer for a site in Market Harborough has issued warnings to traders and this has had a positive effect.

Enforcement problems with the contract not being in writing; unreliability of the witness or the fear of getting involved; particular problem with the gypsy traders who do not live on official sites giving false information. One is known to display a web site address on the side of the van giving him an air of legitimacy. The web site comprises a single page showing work which is not thought to be his.

Problems in the past with claims chasers operating without a consumer credit license. Similar problems with a right to buy mortgage broker charging high fees that was found to be breaching Section 155 of the Consumer Credit Act. The City responded by issuing advice to council tenants on how to buy their home at a more competitive rate.

A ban on cold calling would not offer a proportionate response. Half decent traders fulfill a need and can be educated. TSD works with the local Care and Repair Scheme assessing work done and approaches trader if necessary.

Agrees a delay in work commencing until after the cooling off period

## **Jeff Bell Redcar and Cleveland**

### **17.12.03**

Redcar and Cleveland do not have the resources to pursue enforcement action. Instead they have adopted a proactive approach through various campaigns. The Homeguard programme is designed to raise awareness among the community of the abuses associated with doorstep selling through talks, presentations, leaflets and through partnership with others such as Libraries, Welfare Rights Unit, police, the Pensions Agency and the local Advice Forum. The results have been positive with more and more residents informing the TSD of itinerant traders operating in their area. The TSD issue alerts and try to move these people on. The TSD also participates in Operation Strongbow, a regional police initiative to tackle distraction burglary and Operation Liberal, a similar initiative operating across the Midlands.

Problems encountered with white van fish sellers selling expensive poor quality fish, furniture sellers offering 'leather' suites. These prey on the elderly and the vulnerable, targeting areas where they see hand rails and ramps. Complaints are also received about cold calling double glazing and block paving salesmen who are persistent and will not take no for an answer.

Would like to see a total ban on cold-calling, but realises that this is probably impractical. Would support a ban based on particular sectors of trade such as home property repairers, providing the legislation was made as unambiguous as possible and providing it came with adequate powers of enforcement.

## **Andy Shimmen Poole**

### **17.12.03**

Enforcement action usually falls at the first hurdle. Vulnerable people make poor witnesses or are not willing to get involved.

He would like to see a total ban on cold calling. This would send out a clear message to traders contemplating this sales approach and make it easier to convey to the public. The current message is a complicated one to convey and for consumers to understand and recall.

Other options suggested; Utility companies should not be permitted to sub-contract sales without retaining full control of the selling approaches and methods used; Post Office (PO) boxes should not be allowed to be used by those who use cold calling / unsolicited trading practices.

Poole are currently investigating a property preservation company who verbally claim to be Government Approved or working for the council. The company uses a PO Box address and pay as you go mobile making it impossible to trace them.

Problems also with a fire safety company. This company cold calls selling smoke alarms and alarm systems. It is alleged that the approach is to pressure consumers into purchasing an unwanted and expensive alarm monitoring system. They give cancellation rights but get customers to sign a check list to say they understand what they have agreed to undertake. They use multiple visits until a sale is secured.

Poole is proactive with community partners to get information across about saying no to doorstep sellers and warning people about current scams.

Training is provided to police who are beginning to appreciate that what appears to be a civil issue has wider connotations. The TSD provides an insert for police Officers notebooks outlining the legal requirements and contact details.

## **Mark Walker, Nottingham City**

**18.12.03**

Consumers are often reluctant to become involved in formal action. Also since many of the problems involve the elderly and vulnerable they do not make good witnesses.

Nottingham has adopted the rapid response approach to doorstep selling with a view to disrupting these traders rather than pursue prosecutions. They also use the North Yorkshire's Administration of Justice Act and Protection from Harassment Act to represent the consumer in negotiations with the trader.

Nottingham has problems getting police assistance. Training is now being provided to illustrate the link between bogus traders and crime such as distraction burglary.

Resources are an issue. The Service has had to make cuts in its budget and did not receive any additional resources for the Enterprise Act enforcement. There is however political support for what is being done. Tackling doorstep crime is seen as contributing to the political agenda of 'Respect for Nottingham', dealing with anti-social behaviour and crime reduction and public safety.

The Nottingham Act comes into force on 1 January 2004 regulating the sale of second-hand goods. Second-hand dealers will be required to register and keep comprehensive records of their transactions. Nottingham is seen as a centre for handling stolen goods. This Act will in part address that problem.

Nottingham supports the call for a complete ban on cold calling for property maintenance and improvements. A ban would provide the visibility to expose those who practice such methods. To achieve a ban the Service is lobbying their MP and the OFT.

**ANNEXE D**

**Administration of Justice Act 1970 form used by North Yorkshire TSDs**

**North Yorkshire County Council**

**ADMINISTRATION OF JUSTICE ACT 1970**

**PROTECTION FROM HARASSMENT ACT 1997**

The above makes it a criminal offence to harass a person with demands for payment. Harassment includes any behaviour which may cause a person to feel distressed in any way.

The person/people detailed overleaf (consumer) has passed authority to an officer from North Yorkshire County Council to deal with this matter on their behalf and has specifically asked that neither you nor anybody acting on your behalf contacts them. Any contact about this matter should be directed to the officer detailed overleaf.

If you or anybody acting on your behalf contacts the consumer then it will be considered harassment and could result in your arrest and/or prosecution.

.....

|   |       |
|---|-------|
| On behalf of                                    | Dated |
| Stuart Pudney                                   |       |
| Head of Trading Standards & Regulatory Services |       |
| North Yorkshire County Council                  |       |
| Standard House, 48 High Street                  |       |
| Northallerton, North Yorkshire DL7 8EQ          |       |
| Tel: 01609 766405                               |       |

Work/Job Details

Date: ..... Location: .....

Money requested: £.....

Details of any money offered/negotiations/valuations

---

Consumer's Details

Name: .....

Address: .....

..... Postcode: .....

I hereby authorise the officer detailed below (or his/her representative) from North Yorkshire County Council Trading Standards Service to act on my/our behalf in matters relating to the above and in particular to any dealings with the trader or his representative. I further state that I/we do not want any contact (in person, telephone, letter or otherwise) from this person or his representative and direct that any future contact is through the officer from the Trading Standards Service.

.....

Signed

Dated

---

Trader's Details

Name: .....

Vehicle Reg No: ..... Vehicle Type: .....

Address (Private): .....

..... Postcode: ..... Tel No: .....

Address (Trade): .....

..... Postcode: ..... Tel No: .....

Officer Details

Name: .....

Address & Tel No as overleaf

Contact Details (for Consumer only)

Office Address: .....

Office Tel No: ..... Mobile No: .....

Out of hours (emergency) contact tel no 0845 2008641

Work/Job Details

Date: ..... Location: .....

Money requested: £.....

Details of any money offered/negotiations/valuations

---

Consumer's Details

Name: .....

Address: .....

..... Postcode: .....

I hereby authorise the officer detailed below (or his/her representative) from North Yorkshire County Council Trading Standards Service to act on my/our behalf in matters relating to the above and in particular to any dealings with the trader or his representative. I further state that I/we do not want any contact (in person, telephone, letter or otherwise) from this person or his representative and direct that any future contact is through the officer from the Trading Standards Service.



Address & Tel No as overleaf

## **ANNEXE E**

### **LACORS DOORSTEP SELLING QUESTIONNAIRE**

Authority:

Address:

Post Code:

Name and position of person completing the questionnaire:

Contact details:

Doorstep Selling Complaints – from 01.04.02 to 30.09.03

| Complaint Type:<br>(OFT codes)               | Number of actions taken |                     |                  |                 |       |
|--|-------------------------|---------------------|------------------|-----------------|-------|
|  | Prosec.                 | Warning/<br>Caution | Trader<br>advice | Cons.<br>advice | Other |
| 01 Defective Goods                           |                         |                     |                  |                 |       |
| 02 Substandard services                      |                         |                     |                  |                 |       |
| 03 Prices                                    |                         |                     |                  |                 |       |
| 04 Delivery / Collection                     |                         |                     |                  |                 |       |
| 05 Failure to observe<br>cancellation rights |                         |                     |                  |                 |       |
| 06 Selling practices                         |                         |                     |                  |                 |       |
| 07 Misleading claims                         |                         |                     |                  |                 |       |
| 08 Offers of inadequate redress              |                         |                     |                  |                 |       |
| 09 Terms and conditions                      |                         |                     |                  |                 |       |
| 10 Unfair business practice                  |                         |                     |                  |                 |       |
| N.B. PLEASE ATTACH A PRINT OUT IF PREFERED   |                         |                     |                  |                 |       |
| Box for any comments:                        |                         |                     |                  |                 |       |

| <b>Summary of enforcement actions:</b><br>(from 01.04.02 to 30.09.03)<br>(see later box for 'non-enf.' Initiatives)<br><b>Legislation:</b> | <b>Number of actions taken</b> |                     |                  |                 |       |
|--|--------------------------------|---------------------|------------------|-----------------|-------|
|  | Prosec                         | Warning/<br>Caution | Trader<br>advice | Cons.<br>advice | Other |
| Cancellation of Contracts<br>Concluded away from<br>Business Premises Regs.  |                                |                     |                  |                 |       |
| Consumer Protection Act  |                                |                     |                  |                 |       |
| Consumer Credit Act  |                                |                     |                  |                 |       |
| Trade Descriptions Act   |                                |                     |                  |                 |       |
| Enterprise Act   |                                |                     |                  |                 |       |
| Theft Act  |                                |                     |                  |                 |       |

| <b>Reasons for not pursuing enforcement action</b>  | <b>Number of occurrences</b> |
|---|------------------------------|
| Unable to trace trader                              |                              |
| Insufficient evidence                               |                              |
| Complainant unable or unwilling<br>to give evidence |                              |
| No legislative solution (please explain)            |                              |

| <b>Please give details of prosecutions heard within the period:</b>                     |         |             |         |
|---|---------|-------------|---------|
| Date  | Offence | Brief facts | Outcome |
| Please use continuation sheet if necessary or attach your own summaries (one page only) |         |             |         |

**Other responses / initiatives taken to Doorstep Selling**

|   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| Work / project included in service plan   | <input type="checkbox"/> | <input type="checkbox"/> |
| Partnership with police or other agencies | <input type="checkbox"/> | <input type="checkbox"/> |
| Working with regional group               | <input type="checkbox"/> | <input type="checkbox"/> |
| Other (please specify)                    |                          |                          |

**Home Authority**

Are you the Home Authority for any business that engages in doorstep selling techniques, solicited or unsolicited calls?

| Yes                      | No                       |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

If yes please give the name(s) of the business and the trade type:

How many complaints / enquiries have been received concerning these businesses?

Businesses operating in your area engaging in doorstep selling techniques, solicited or unsolicited calls, which are NOT recognised for Home Authority purpose.

Please give the name(s) of the business and trade type:

How many complaints / enquiries have been received concerning these businesses?

Other information. Please give any other information that you feel relevant

**Please return the completed questionnaire to LACORS by 20<sup>th</sup> NOVEMBER 2003**

**e-mail:** [mj\\_adams@btopenworld.com](mailto:mj_adams@btopenworld.com) *(the gap represents an underscore)*

**Post:** M J Adams, LACORS Project Leader, Bush Cottage, Upton Road, Callow End, Worcester, WR2 4TG.

Thank you for your help in completing this questionnaire

Malcolm Adams, LACORS Project Leader

