

Record of officer decision

Decision title:	Decision to prosecute one defendant for Unfair Trading
Date of decision:	30 April 2020
Decision maker:	Acting Assistant Directorate for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 70
Ward:	Kerne Bridge
Consultation:	Legal Services: In accordance with S222 of the Local Government Act 1972 we consider a prosecution is both appropriate and reasonable in this matter for the promotion or protection of the interests of the people of the County of Herefordshire which is also in accordance with the Herefordshire Council's Enforcement and Prosecution Policy.
Decision made:	To prosecute the director for multiple offences under Consumer Protection From Unfair Trading Regulations 2008, regulations 3,5,6,7,8,9,10,11.
Reasons for decision:	<p>The defendant was the director of a company carrying out roofing work. One associate of the defendant cold called the vulnerable person when she had a small leak in her roof. Scaffolding was immediately put up and work started to replace the roofing felt. The consumer was not given any cancellation rights, three contracts were started at once, the money was requested to go to a private account (and not the business account) whereupon the bank refused to do so, also requesting money after the police and trading standards had intervened. These were all classed as aggressive practices and misleading the consumer as to the price.</p> <p>Prosecution is in the public interest due to:</p> <p>(i) If legal proceedings are not instigated, then it is likely that he will repeat offend;</p> <p>(ii) The defendant acted fraudulently, willfully or negligently;</p> <p>(iii) A prosecution would have a significant impact on maintaining community confidence and should act as a deterrent to others who may be contemplating similar actions,</p>
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any alternative options considered and rejected:	None
Details of any declarations of interest made:	None

Signed:

Date: 30 April 2020