

Record of officer decision

Decision title:	Decision to prosecute three defendants for Unfair Trading- Company, director and salesman
Date of decision:	22 October 2020
Decision maker:	Assistant Director for Regulatory, Environment and Waste Services
Authority for delegated decision:	Economy and Place Scheme of Delegation item 70 (15.10.20)
Ward:	Ross-on-Wye West
Consultation:	Legal Services: 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 company, director and salesman for multiple offences under Consumer Protection From Unfair Trading Regulations 2008- breach of regulations 5, 7, 9, 10, 11 and 15
Reasons for decision:	<p>This is a serious rogue trader case that involves one elderly vulnerable consumer. She was deceived into having roofing work done by the company, with full knowledge of the salesmen and the director. The consumer was sold a contract for over £5,500 and both involved totally unnecessary work at a grossly inflated price. The scam is a very common one nationwide. There is sufficient, reliable, admissible evidence for a realistic prospect of conviction.</p> <p>Prosecution is in the public interest due to:</p> <ul style="list-style-type: none"> (i) If legal proceedings are not instigated, then it is likely that they will repeat offend; (ii) The defendants acted fraudulently, willfully or negligently; (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. (iv). there is evidence that the offence was premeditated; (v). there are grounds to believe that the defendant was motivated solely by personal gain; <p>There are no public interest factors against prosecution.</p> <p>Covid-19 guidance has been considered and not alternative action is appropriate.</p> <p>The Council has a zero tolerance policy regarding rogue traders</p> <p>There are no fixed penalty notices available</p> <p>A caution is not appropriate due to the seriousness of the incident.</p>
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any alternative options considered and rejected:	Option of caution rejected due to seriousness of the incident.
Details of any declarations of interest made:	None

Signed:

Date: 22 October 2020