

Record of officer decision

Decision title:	Decision to prosecute four defendants for Fraud and Unfair Trading offences
Date of decision:	19 August 2022
Decision maker:	Head of Public Protection
Authority for delegated decision:	Economy and Environmental Scheme of Delegation item 70 (23.12.21)
Ward:	Central, Castle, Pembridge, Kington
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 four defendants for fraud under Sections 1 & 2 of the Fraud Act 2006 and regs 5,6,7 & schedule 1 of the Consumer Protection From Unfair Trading Regulations 2008 and S993 Companies Act 2006
Reasons for decision:	<p>The defendant director, his company and two salesmen were involved in targeting elderly consumers for the sale of spray foam loft insulation which was unnecessary and over-priced. The consumers were deceived into agreeing these contracts at great expense.</p> <p>From the Council's enforcement policy (Jan 2018) the public interest factors in favour of prosecution (para 6.4.3) for this particular case are as follows:-</p> <ul style="list-style-type: none"> (a). a conviction is likely to result in a significant sentence; (g). the defendant acted fraudulently, wilfully or negligently; (k). there is evidence that the offence was premeditated; (l). there are grounds to believe that the defendant was motivated solely by personal gain; (n). the victims of the offence were vulnerable; (t). there are grounds for believing that the alleged offence is likely to be continued or repeated; (v). a prosecution would have a significant positive impact on maintaining community confidence; <p>There are no public interest factors against prosecution.</p> <p>There is sufficient admissible, reliable evidence to obtain a conviction.</p>
Highlight any associated risks/finance/legal/equality considerations:	None
Details of any alternative options considered and rejected:	None. The matter is so serious that prosecution is the only option.
Details of any declarations of interest made:	None

Signed:

Date: 19 August 2022