

Record of operational decision

Decision title:	Decision to prosecute two defendants for engaging in a commercial practice which was aggressive through the use of harassment, coercion or undue influence
Date of decision:	13 March 2023
Decision maker:	Head of Public Protection
Authority for delegated decision:	Economy and Environment Scheme of delegation Paragraph 70 (03/08/2022)
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 two defendants for one offence under the Consumer Protection From Unfair Trading Regulations 2008, regulations 7 and 11.
Reasons for decision:	<p>In August 2022 the defendant's cold called an 87 year old lady and stated her hedge needed cutting and quoted £200, to which she stated "no" although the defendants started cutting her hedge anyway. The defendant's daughter then arrived and told them to stop but they carried on regardless, so the police were called and the defendants were arrested.</p> <p>The defendants did not give any paperwork and thus no cancellation rights. During interview one defendant, when asked about the incident, responded with "no comment".</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 he will repeat offend; (ii) The defendant 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) the victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance; (v) the defendant's previous convictions or cautions are relevant to the present offence.
Equality Considerations	The decision to prosecute does not discriminate, harass or victimize nor encourage conduct prohibited under the Equality Act 2010. It also does not unfairly impact upon anyone with a relevant protected characteristic nor hinder relations between persons sharing such a characteristic.
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: 13 March 2023