

## REPORT TO CABINET

Title: **COLD CALLING CONTROL ZONES**

Date: 27 November 2008

Member Reporting: Councillor Bicknell

Contact Officer(s): Steve Johnson, Trading Standards Manager  
Tel: 01628 683555

Wards affected: All

### 1. SUMMARY

- 1.1.1 Cold Calling Control Zones are nominated areas in which cold callers (ie uninvited sales people) are discouraged from calling. They are designed to assist in areas considered to be vulnerable – areas with an elderly population or prone to distraction burglary, for instance – by discouraging rogue traders and those who plan to use doorstep selling as a front for distraction burglaries.
- 1.1.2 Currently across the UK there are over 400 such zones. There are none in RBWM, however, and no procedure exists to decide whether a zone is appropriate should a request to set one up be received – nor what process should be followed if the creation of a zone is held to be appropriate.
- 1.1.3 This report seeks approval for a new RBWM Cold Calling Control Zone Policy, based on a best practice model used successfully within Leicestershire County Council, which sets out the steps to be followed to establish whether a zone is necessary (including the extension of the terms of reference of the current Alley Gating Panel to cover requests for Cold Calling Control Zones) – and the process for creating such a zone when appropriate.

### 2. RECOMMENDATION

**That the draft Cold Calling Control Zone Policy in Appendix 1 be approved and that approval also be given to the drafting of a report to December 2008 Council amending the terms of reference of the existing Alley Gating Panel to allow it to also consider requests to establish Cold Calling Control Zones.**

What will be different for residents as a result of this decision?
The Policy will provide a formalised, consistent and endorsed system to follow should a request for the setting up of a Cold Calling Control Zone be received. There is strong evidence from existing schemes across the UK (of which there are more than 400) that the introduction of a Zone significantly reduces doorstep problems and distraction burglaries – to zero in some instances.

### 3. SUPPORTING INFORMATION

### **3.1 Background**

- 3.1.1 Cold Calling Control Zones have as their main aim the prevention of doorstep crime, whether via distraction burglary or rogue doorstep selling. A national survey from 2002 showed that nationally 96% of people do not want doorstep cold-callers and that virtually nobody actually welcomes them.
- 3.1.2 The Zones fall into 2 main types – standard ‘Cold Calling Control Zones’, where only unwanted cold callers are prohibited, and the more stringent ‘No Cold Calling Zones’, in which all callers/sellers are prohibited.
- 3.1.3 No procedure exists in RBWM to decide whether the setting up of a Zone is appropriate. This gap was highlighted by a Motion for Council made in December 2007 by Cllr Proctor which proposed that the Council resolve to “actively pursue the introduction of No Cold Calling Zones for the protection of the Borough's residents”.
- 3.1.4 The proposal here is not to consider No Cold Calling Zones at all but instead to put in place a policy that can lead, in appropriate circumstances, to the setting up of Cold Calling Control Zones, which will continue to allow the presence of regular callers, utility and delivery services, political and religious canvassers and other known callers but which will prohibit other unwanted callers.
- 3.1.5 The process by which it is decided if a zone is necessary – and the management of the creation of a zone if one is appropriate – is undertaken by a partnership consisting of trading standards, community safety, community wardens, local police, appropriate residents’ groups, the parish council and so on.
- 3.1.6 Cold Calling Control Zones have no legal foundation and there is no legal power per se to stop cold calling itself. Indeed the ability of local authorities to actually legally be involved in the establishment and support of Zones has recently been the subject of legal advice requested by the Office of Fair Trading (‘OFT’).
- 3.1.7 The advice was delayed for several months and meant that a proper response to the Motion in Council was itself delayed (with Members’ being kept informed). However, the OFT’s now published view is that such actions fall within a local authority’s ‘promotion of well-being’ powers under Section 2 of the Local Government Act 2000, as long as a zone is a proportionate measure in terms of the Human Rights Act. It sets out various matters that go to establishing such proportionality and these have been included in the draft Policy.
- 3.1.8 It should be noted therefore that a request for a Cold Calling Control Zone, however received, does not guarantee that such a zone will be created. Justification of the need for a zone, together with evidence that is proportionate, have to exist, and approval must be obtained via the current Alley Gating Panel, whose terms of reference it is proposed be extended to cover such requests. These points are covered by the draft Policy.

## 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

### 4.1 Options

	Option	Comments	Financial Implications
1.	To approve the draft Cold Calling Control Zone Policy (and the drafting of a report amending the terms of reference of the Alley Gating Panel)	<p>Approval of the Policy will provide for the first time a template to use when receiving requests for the setting up of a zone.</p> <p>Amendment of the Alley Gating Panel's terms of reference will allow for control over the setting up of Zones.</p> <p>This is the recommended course of action in order to provide a formalised system that currently doesn't exist.</p>	<p>Revenue: Officer time dealing with the background work in deciding whether a zone is appropriate and involvement in the setting up of a zone when necessary.</p> <p>Cost of street signage, door stickers and information for residents if a zone is created (typically in other parts of the country this is a one-off cost of significantly less than £1,000 per zone)</p> <p>Capital: None</p>
2.	Not to approve the draft Policy	This will continue the current uncertain situation whereby there is no procedure to follow when a request for a zone is received.	<p>Revenue: None</p> <p>Capital: None</p>

### 4.2 Risk assessment

- 4.2.1 Three main risks have been identified. Firstly, there will be too many 'applications' for zones for RBWM to cope with. This is rated highly unlikely given the relatively low level of unwanted cold calling within RBWM as a whole and the fact that there have been very few (only two) enquiries to date regarding the creation of a zone.
- 4.2.2 Secondly, the zones will be detrimental to businesses within RBWM. This isn't the case, however. As explained within the policy, the zones will only prohibit unwanted callers – not reputable businesses.
- 4.2.3 Thirdly, once a zone has been created, trading standards may be 'swamped' with requests by residents to deal with unwanted callers. This is also very unlikely. The nature of doorstep sales means that problems do not appear in large numbers over a short period. In any event, the service currently has a 'rapid response' procedure for dealing with complaints about doorstep sales and is well-versed in how to deal efficiently with such complaints.

## 5. CONSULTATIONS CARRIED OUT

- 5.1.1 No external consultation has been carried out in the preparation of this report.
- 5.1.2 Internally, consultation has been sought with Community Safety who indicated that *“in terms of providing data to help define zones, the police should be able to provide a hot street / spot analysis which should help a lot”*.

## 6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

- 6.1.1 The Panel welcomed the proposed Policy and supporting guidance/documentation, but suggested that the following amendments be made to the Step by Step Guide:-
- Paragraph 6a - the Council would also consider the introduction of a scheme in an area where there may not be over 50% support but where there was a sizable minority of elderly residents. *(Amendment now made to Appendix 1 Section B Paragraph 6a)*.
  - Paragraph 8 and "You were out" letter - The reference to the statement that no response signified support for the scheme be deleted. *(Appendix 1 Section B Paragraph 8 and the letter in question now amended)*.
  - The guidance be amended to reflect the fact that, although encouraged to do so, people would not be compelled to erect stickers in No Cold Calling Zones. *(Now clarified in Appendix 1 Section A Paragraph 5 and in Section B Paragraphs 7, 10c, 11 and in the relevant letters)*.
  - Consideration be given to providing information/stickers in alternative languages. *(Now clarified in Appendix 1 Section B Paragraph 4a)*.

## 7. IMPLICATIONS

- 7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	N/A	✓	✓

### Background Papers:

Setting Up No Cold Calling Zones (Trading Standards Institute information pack)  
Leicestershire County Council No Cold Calling Zones website information  
Office of Fair Trading Legal Clarification