

**Decision Session – Executive Member for
Culture, Leisure and Tourism**

18 March 2019

Report of the Assistant Director, Planning and Public Protection

Cold Calling Controlled Zones - update

Summary

1. Cold Calling Controlled Zones (CCCZs) were first introduced in York in 2007. Their aim is to reduce the number of traders cold calling at people's homes in order to sell a wide range of products and services including double glazing, roof repairs, resurfacing driveways and gardening.
2. There are currently CCCZs in all wards in York with 232 individual CCCZs covering 8,501 homes. Most were implemented at the request of residents by City of York Council's Public Protection team between 2007 and 2014. A further 16 CCCZs have been implemented following a report to the executive member in 2017.
3. This report reviews the success of CCCZs to date and considers their future delivery.

Recommendations

4. That the Executive Member approves the report and the existing funding approach for Cold Calling Controlled Zones.

Background

5. A survey conducted by the Trading Standards Institute found that more than 95% of people did not welcome people cold calling at their door. Although this survey is now 16 years old, feedback from the public indicates that this has not changed.
6. Although it is not illegal to cold call, it is an offence for a salesperson to refuse to leave a property when asked by the occupant to do so under the Consumer Protection from Unfair Trading Regulations 2008. There is also

counsel opinion suggesting that failing to leave a zone when asked (even by virtue of the sign) could amount to an offence (although there have been very few cases to test this in court).

7. CCCZs not only reduce the number of cold callers: surveys have shown that they are effective in empowering consumers as they reduce the fear of doorstep crime i.e. people being pressured and/or misled into buying products and services in their homes. In a 2008 survey, 66% of residents in CCCZs said they were less concerned about doorstep crime since CCCZs were introduced.
8. Residents living in a CCCZ collectively agree not to deal with traders who call uninvited at their door to sell products. There is a sign on a lamppost at each end of the zone (typically a street or series of streets) and stickers for each householder to display in their door/window to inform cold calling salespersons that they are not welcome. Residents can report anyone cold calling in the CCCZ to Public Protection who will write to the business and ask them not to cold call in future; this is recorded by Public Protection and can be used to support action against problem traders.
9. The main purpose of CCCZs is to provide confidence to consumers and to help to prevent people being pressured or misled into buying products. Evidence of cold calling in a CCCZ can also be considered an aggravating factor when it comes to sentencing for a trading standards offence.
10. The demand for new CCCZs continues. In addition, some of the older CCCZs have seen a significant change in residents so there has been a need to review the support for their continuation. CCCZs are only successful if the majority of local residents are willing to refuse to trade with unwanted salespersons.
11. In October 2017, the Executive Member approved a new 'pay as you go' approach to implementing CCCZs to enable interested communities (potentially through ward committees) to introduce, administer and review zones whilst officers continue to explore other funding options. The report also approved a change in the rules to make it easier to introduce a CCCZ where the overwhelming majority of residents support its' introduction.
12. The funding covers officer time to set up and manage the CCCZs, signage for lampposts and properties and other promotional material, together with communication with residents and traders. There is also a yearly £90 maintenance charge to cover the administration of each CCCZ.

13. In May 2018, Public Protection submitted a bid to the Improving Finances Improving Lives fund to increase the number of CCCZs. Despite the bid being well received there was a lot of competition and it did not meet all the criteria of the fund.

Current CCCZs

14. There are currently 232 CCCZs as follows:

Ward	Number of Zones
Acomb	13
Bishopthorpe	4
Clifton	1
Dringhouses and Woodthorpe	28
Fishergate	8
Fulford and Heslington	7
Haxby and Wigginton	21
Heworth	11
Holgate	20
Hull Road	1
Huntington and New Earswick	45
Micklegate	5
Osbalwick and Derwent	15
Rawcliffe and Clifton Without	14
Rural West York	13
Strensall	5
Westfield	12
Wheldrake	7

15. CCCZs are currently funded via ward committees at a cost of £650 per CCCZ. This cost covers officer time, consultation, signs, window / door stickers and administration.

16. There have been 60 complaints about cold callers in 2018-19 to date.

Enforcement

17. When a member of the public complains to Public Protection that they are being called upon by a cold caller in a CCCZ, CYC's website is checked to confirm whether the address called upon is indeed within an existing CCCZ as some zones only cover a section of a street:

https://www.york.gov.uk/info/20046/trading_standards_and_consumer_advice/907/cold_calling.

18. When the complaint is justified, a pre-warning letter will be sent to the cold calling business advising them not to cold call and providing them with guidance on how to find the zones on the CYC website.
19. If the same business makes a second cold call within 4 months, a process follows which enables the Community Safety Team to send the business a letter warning them of a Community Protection Notice (CPN).
20. If cold calling by the same business continues, a CPN can be served.
21. Since the re-launch of CCCZs in 2017, Public Protection has sent 5 pre-warning letters to cold callers; no further action has been necessary.

Consultation

22. A Talkabout survey of residents in 2016 identified that 'taking action to prevent rogue trading' as the most important 'trading standards specific' activity for City of York Council. The 255 respondents gave an average score was 4.16 out of 5 in terms of its importance. CCCZs help to prevent rogue trading.
23. Residents living in existing CCCZs were consulted in 2018 as part of a review of their effectiveness in deterring cold callers. There were 96 responses. The results were as follows:

a) Would you consider cold calling to be a problem where you live?

Yes	36%
No	64%

b) Were you living in the street when the CCCZ was established?

Yes	77%
No	23%

c) Since the CCCZ was created, the number of cold callers has ...

Decreased	86%
Remained about the same	11%
Increased	3%

d) Do you feel more confident about dealing with cold callers as a result of living within a CCCZ?

Yes	87%
No	13%

e) Do you still want to be in a CCCZ?

Yes	100%
No	0%

24. Additionally, some residents commented on the CCCZ. The main comments were:

- The zone works well but some traders ignore it.
- We still get cold callers but it's easier to deal with them
- It's a great idea particularly in areas where there are more elderly
- Our zone has been very effective in reducing the number of cold callers
- We really appreciate it. Cold calling is much lower than where we lived previously
- We feel more secure knowing it is a controlled zone
- I feel OK telling people to go away

Analysis

25. One third of residents living within a CCCZ considered cold calling to be a problem, but two thirds did not. This may have been at least partially as a result of CCCZ signage and house stickers acting as a deterrent to cold callers. This is supported by 86% of residents saying that cold calling has decreased since the introduction of a CCCZ in their street.

26. One of the main aims of CCCZs is to help residents to feel more confident about dealing with cold callers: this is confirmed by 87% of residents feeling more confident and by some of the comments received.

27. All residents living in CCCZs who responded to the survey wanted to retain their CCCZ.

Council Plan

28. The food service plan contributes to the corporate council priorities in the Council Plan as follows:

- A prosperous city for all
- A focus on frontline services
- A council that listens to residents

Implications

29. **Financial** - The report enable CCCZs to continue within existing resources.
30. **Human Resources (HR)** - There are no HR implications.
31. **One Planet Council / Equalities** – the Council’s approach to cold calling aims to protect the most vulnerable in our city
32. **Legal** – Cold Calling Controlled Zones are not legally binding. There are no legal implications to the council arising from this report.
33. **Crime and Disorder** – Cold Calling Controlled Zones help to reduce the fear of crime.
34. **Information Technology (IT)** – There are no IT implications.
35. **Property** – There are no property implications.
36. **Other** – There are no other implications.
37. **Risk Management** - Any risks are described in the report.

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Report **Date** 8/3/19
Approved

Specialist Implications Officer(s) N/A

Wards Affected: All

For further information please contact the author of the report

Annexes - none