

Report to the Tyne and Wear Trading Standards Joint Committee

24 November 2022

Update on the Response to Rogue Door to Door Fish Sellers

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Purpose of the report

To update the Committee on the regional response to the important issue of Rogue Door to Door Fish Sellers.

1. One of the most identifiable issues related to doorstep crime for Trading Standards services/Environmental Health services and also the Police Services, is the illegal activities of certain rogue individuals, going door to door targeting the most vulnerable and selling quantities of fish.
2. When buying fish from door to door salesmen, the consumer very often has no way of knowing how the fish have been stored and whether they are safe to eat. These type of businesses commonly use non-refrigerated vans, and there may be issues with the labelling, quality, and descriptions of the fish.
3. It can also be difficult to know whether door to door traders are registered as a food business operator, which is a legal requirement, or if they are adhering to all food safety and hygiene regulations.
4. There are also concerns that the traders may pressurise residents to buy more than they actually need. The best place to buy fish is from a reputable fishmonger at an established shop or stall or even with a trader with a regular pre-arranged round.
5. Following concerns about these illegal activities both locally and indeed national the Regional Investigations Team hosted by Redcar & Cleveland BC and funded by the National Trading Standards Board continues to undertake a complex investigation into these illegal activities.
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7. In November 2019 and July 2021 officers reported to Committee on the conviction of a number of individuals involved in these type of rogue business activities. As a further update:

Mr Pendlington

8. A mobile fish seller was handed an eight-month custodial sentence at Teesside Crown Court on the 22 September 2022 for selling poor-quality fish to elderly people using aggressive, misleading, and unfair selling and business practices through his company, Trawler Fresh Limited

9. Between May 2019 and May 2020, Brian Pendlington, from Ouston, Chester-Le-Street, County Durham, caused 28 victims to lose more than £6,000 between them. The average age of his victims was 70 years old. Many lived alone and some were suffering from serious health conditions.
10. Mr Pendlington was also handed an unlimited Criminal Behaviour Order, preventing him from doorstep selling.
11. Mr Pendlington previously pleaded guilty to the offence of contravening professional diligence, contrary to the Consumer Protection from Unfair Trading Regulations 2008, on 20 June 2022 at Teesside Crown Court. Redcar and Cleveland Borough Council took the prosecution after an investigation by the National Trading Standards North East Regional Investigation Team.
12. Since July 2013, Mr Pendlington has been warned repeatedly about his behaviour and has been offered advice and support to help him meet his legal responsibilities. After complaints about Pendlington persisted, the National Trading Standards North East Regional Investigation Team investigated him further, finding that he:
 - Sourced fish cheaply and sold it at exorbitantly high prices
 - Sold primarily to elderly people
 - Used misleading and aggressive sales techniques
 - Continued to operate during the first Covid-19 lockdown, taking advantage of the fact that many older people were finding it difficult getting to the shops.
13. Mr Pendlington, who targeted victims across the Midlands and the North of England, operated with total disregard for the quality of the fish he was supplying and the safety of his customers. Trawler Fresh Limited had no safety procedures in place and broke the law by failing to properly record the temperature at which the fish was stored, label what the fish was and where it had come from or provide use-by dates. An expert found some of the fish was unfit for human consumption.
14. One victim, who was 71 and lived alone, was pressurised into purchasing around 40 packs of fish for £495, which were loaded into her freezer by a salesman who didn't give her the chance to inspect her purchase. Another, who suffered a similar experience and was charged £195, described feeling violated and vulnerable in her own home.
15. Victims felt they had no choice but to pay. Where returns were requested, victims were told that this was not possible as the "chill chain" had been broken because the fish had been placed in their freezer. In some cases, Pendlington repeatedly failed to provide receipts or cancellation rights, and those who did attempt to cancel or complain rarely received a response.

Mr Henderson

16. A mobile fish seller who defrauded elderly and vulnerable people out of £246,000 was sentenced to 5 years and 7 months on the 27 October 2022 at Teesside Crown Court.

17. Craig Henderson, 50, of Chester-Le-Street, County Durham, targeted victims as old as 105* using aggressive, manipulative, and unfair selling and business practices. Victims across England were pressured in their homes into paying exorbitant prices for fish that was often unfit for human consumption.
18. In some cases, payment was taken without permission and many victims were not told the price of the fish until it was already in their freezer. Most of Henderson's victims were retired, with many living alone or suffering from serious health conditions.
19. Mr Henderson was also handed an indefinite Criminal Behaviour Order, preventing him from doorstep selling.
20. Mr Henderson, who used various trading names including Scotland's Finest, Atlantic Fisheries and North Atlantic Fresh Fish, was convicted following a prosecution taken by Redcar and Cleveland Borough Council after an investigation by the National Trading Standards North East Regional Investigation Team.
21. The crimes were carried out between November 2017 and June 2021 and Mr Henderson pleaded guilty to fraudulent trading at Teesside Crown Court on 4 May 2022. He has six previous convictions for 62 offences.
22. Mr Henderson was warned repeatedly about his behaviour and offered support to help him meet his legal responsibilities. After complaints about him persisted, an investigation found that Henderson:
 - Sold fish at exorbitantly high prices, primarily to older people
 - Pressurised victims into making a purchase by placing the fish in the victim's freezer without being asked to do so
 - Misused his card processing terminal by keying in incorrect payment information
 - Used vehicles with trader signage not linked to his business to give his customers confidence and enhance his credibility
 - Continued to operate during the first Covid-19 lockdown, taking advantage of the fact that many older people were finding it difficult to get to the shops
 - Became threatening when challenged.
23. Henderson had no food safety procedures in place and broke the law by failing to properly record the temperature at which the fish was stored, label what the fish was and where it had come from or provide use-by dates. One victim described the fish as appearing 'unhygienic with lots of flies around it.' Some victims claim they became unwell after eating the fish and many threw their fish away.
24. 110 victims provided a statement, though it is believed Mr Henderson was offending on a much larger scale. Victims describe feeling coerced, conned, and foolish. One person was targeted four times and "felt obliged to buy due to his intimidating nature". On each occasion, she was home alone and only bought fish to get him to leave. Another described how Henderson offered to drive her to a cash machine – after cooking one of the packs of fish she bought, she had to throw the other 13 away. Another victim described how she paid £370 for 36

packs of unlabelled fish which she had no chance to inspect after Henderson entered her home uninvited.

Mr Shanks

25. A door-to-door fish seller who made £100,000 by ripping off elderly and vulnerable people has been sentenced to 3 and a half years – reduced to 2 years and 4 months which will be served immediately - today at Teesside Magistrates Court for defrauding customers through his company, D T Shanks Fresh Fish*.
26. Between June 2016 and February 2021, Darren Shanks 53, of Kimblesworth, Chester-Le-Street, County Durham, conned customers across the Midlands and the North of England by mis-selling over-priced fish using aggressive, unfair and dishonest business practices. Mr Shanks pleaded guilty under the Fraud Act 2006 on 28 July 2022.
27. Mr Shanks was also handed an indefinite Criminal Behaviour Order for his actions.
28. Despite several previous attempts to get Mr Shanks to comply with the law, his activities continued to generate complaints. Redcar and Cleveland Borough Council led the prosecution after an investigation by the National Trading Standards North East Regional Investigation Team.
29. Statements were taken from more than 45 victims, many of whom felt they had no choice but to pay and were left feeling cheated and ashamed. Investigators found that, like other criminal fish sellers operating in the area, Shanks sourced fish cheaply and sold it at exorbitant prices, mostly to elderly and vulnerable people, many of whom lived alone.
30. Ignoring hygiene standards, Shanks didn't record the temperature at which fish was stored and often failed to label the fish properly, such as missing use-by dates. Many of his customers threw away their fish due to its bad taste or smell.
31. On the doorstep, Shanks used dishonest and aggressive sales techniques. These included claiming fish was fresh when it had been frozen, lying about the cut or species and selling underweight fish. He falsely claimed that he supplied a famous fish and chip shop in Whitby and had a regular round in the victims' area. He often failed to mention price until the fish was in the victim's home and regularly left excessive quantities, without giving customers the chance to inspect their purchase.
32. Several victims describe feeling threatened by Shanks' reaction when they said they couldn't afford to pay or challenged the price. One victim, who took over negotiations from her husband who had advanced Parkinson's disease, was subjected to aggressive tactics, and afterwards felt ashamed that she had been bullied into buying the fish. Another victim, who lives alone, described feeling 'quite scared' and 'very intimidated' as a result of Mr Shanks' harassment after she cancelled her cheque after realising the fish was inedible.

33. To date, eight other mobile fish sellers from the North East have been identified, convicted and sentenced before the Crown Court and two more cases are pending.

34. Lord Michael Bichard, Chair, National Trading Standards, said:

“Threatening older victims – including at least one aged over 100 – and intimidating them in their own homes shows utter cowardice. Many victims were repeatedly targeted, giving the defendant money they could not afford to lose, just to make him go away.

“Once again our team in the North East – who have carried out a number of prosecutions against illegal fish sellers – have stopped a ruthless individual in his tracks and prevented untold further harm. I’m proud of everyone involved for their relentless efforts to identify and bring these criminals to justice.

“If you have been a victim or know someone who has, you should report it to the Citizens Advice consumer service helpline by calling 0808 223 1133.

That way we can stop this happening in your neighbourhood.”

Recommendation

35. The Committee is asked to note the information contained in the report.

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