

March 2010

Window company fined for misusing FENSA logo

A glazing company who claimed his company was registered with FENSA when it wasn't has been prosecuted and fined.

Rhondda Cynon Taf Council's Trading Standards officers launched an investigation after receiving complaints that the Treforest Firm Merlin Windows was claiming to be a member of FENSA when it was not.

The company director was interviewed on the matter and it became clear he had let the FENSA registration for his firm lapse as of March 2009. The Trading Standards investigation also uncovered that the firm had continued to advertise itself a member of FENSA on its website and company vehicles. As a result, the company director was charged with two offences under the Consumer Protection from Unfair Trading Regulations of 2008.

The case was heard at Rhondda Magistrates' Court and the company director, who was not present at the hearing, entered guilty pleas to both offences.

The court heard in mitigation that he was deeply sorry for what had happened and that the company had gone into liquidation, despite his best efforts to salvage it and that the severe financial difficulties had left him unable to pay for the removal of the FENSA logo from his vehicle.

The court said it had considered all matters presented to it and agreed there had been several months where the company had deliberately misled the public and they could have taken more steps to remove the FENSA logo from the van and their website. However, they took into consideration the company director's guilty pleas and ordered him to pay £500 for each offence and costs of £250, as well as a £15 victim's surcharge.

David Jones, Head of Community Protection at Rhondda Cynon Taf Council, said: "We work hard with our residents and businesses to ensure all is done to protect consumers and offer high standards of workmanship across the county. Part of this work includes promoting and encouraging membership of professional bodies such as FENSA, which gives consumers added peace of mind that they are employing a quality trader. In order for membership of such professional bodies to maintain such kudos, we have to take action when we hear of traders who are claiming to be members when they are not – it is unfair on their potential customers and also on the other businesses who do pay and meet the standards required to be such members. This case demonstrates that and I hope it serves as a warning to others to ensure they are not making unreliable or untrue claims about their business."

Remember, before you sign a contract to buy any replacement glazing and before departing with any monies, ensure that the installer is registered with FENSA. If not, an application to your relevant local authority building control for approval under the Building Regulations will need to be made by either the installer or the homeowner. It is likely that there will be associated charges with this. Do not fall prey to cowboy jobs as the overall costs to your home improvement project will cost more over the longer term. Check to see if your installer is registered with FENSA on www.fensa.org.uk.

For further information on Rhondda Cynon Taf Council, please go to www.rhondda-cynon-taff.gov.uk. - ends -

For further information contact: Sheit Lan Man, Marketing, FENSA Tel: 020 7645 3715

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FENSA - The Gold Standard for Building Regulations compliance in replacement windows and doors

- Over 7 million homeowner certificates sent
- 28% of households in England and Wales have used a FENSA registered installer
- The scheme trusted and demanded by homeowners and local authorities

Further Information on FENSA:

- FENSA stands for the Fenestration Self-Assessment Scheme. It has been set up by the Glass and Glazing Federation (GGF) and other industry bodies as a Competent Persons Scheme for the installation of replacement windows and doors.
- FENSA works closely with and supports the work of the BFRC: British Fenestration Rating Council.
- FENSA is the widely trusted, Government-authorised scheme which enables companies that install replacement windows and doors to self certify compliance under the Building Regulations.
- FENSA Registered Businesses undertake over 90% of installations within England and Wales.
- Thousands of Registered Businesses countrywide.
- FENSA has sent over 7 million homeowner certificates
- 28% of households in England and Wales have used a FENSA registered installer.
- FENSA Registered Businesses need to meet certain eligibility criteria which include:
 - o Making a commitment to comply with all laws statutory regulations and Building Regulations in force.
 - o Providing the consumer with a warranty or guarantee conforming to the requirements laid down by FENSA from time to time and covering the cost of completing rectification work in respect of defect
 - o "Offering" an independent insurance policy conforming to requirements laid down from time to time by FENSA to customers to cover their guarantee should they for whatever reason cease to trade. In addition where deposits are taken it is a compulsory requirement that indemnity insurance is put in place at the time that the deposit is taken from the consumer.
 - o Making a commitment to comply with statutory health and safety, and waste disposal requirements.
 - o Maintaining adequate employer's liability and public liability insurance

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