

**The Renewable Energy Consumer Code  
Non-Compliance Panel Hearing**

*In the matter of*

**Solar Sun4Life UK**

*held on*

**30 April 2013**

*at*

**1, Queen Anne's Gate, London**

**Panel members:**

Mary Symes (chair),  
Amanda McIntyre,  
Jim Thornycroft,  
Alan Wilson.

**In attendance:**

Andrew McIlwraith (panel secretary).

**Renewable Energy Consumer Code ("RECC") representation:**

Virginia Graham, Chief Executive, RECC.

**Member representation:**

None.

**Also present:**

Lorraine Haskell, RECC,  
Sian Morrissey, RECC.

## **Charges**

Solar Sun4Life UK ("the member") is charged with two breaches:

1. The member is alleged to have been in breach of Clause 3.7 of the Renewable Energy Consumer Code Bye-Laws ("the Bye-Laws"), which state 'If it later becomes apparent that any of the declarations made by a Code Member in its application have not been made in good faith, this will automatically trigger disciplinary action', in that the applicant:
  - a. failed to declare the Director Disqualification in its name-change application; and
  - b. had failed to declare that the director had been involved with a company which had appointed an administrator or receiver or brokered an agreement with its creditors.
  
2. The member is alleged to have breached Section 9.1 (4) of the Renewable Energy Consumer Code ("the Code"), which states 'the member will try to find an agreed course of action to resolve the complaint speedily and effectively to the consumer's satisfaction', in that RECC states there has been a lack of communication from the member and a lack of response in acting to resolve issues, as reported by both consumers and RECC complaints case workers.

## **Determination of Charges**

### **Charge 1**

This allegation arose as a result of an application by a sole trader, to change his business name from Solar Sun4Life UK to Green Deal Warehouse on 21 November 2012. The application for change of name was made on the formal RECC membership application document. By ticking various boxes in that document, the member made a number of declarations which related to past business activities. In investigating the application, RECC found that the member had been disqualified as a director of Alwoodley Windows, Doors and Conservatories, which had gone into liquidation with creditors on 3 Sept 2009 prior to his original application to join the Code.

The panel had before it the undated Schedule of Unfit Conduct (partial), which was sent by the member to RECC, on request. The panel finds the facts proved in respect of this charge. The member was disqualified as a director prior to his declaration in 2012 and has provided limited information in relation to the liquidation of the company, which he should have provided on making his application. The panel reminded itself of bye-law 4.12, which specifically states that a RECC member will notify the executive promptly if any of the other information it provided when applying to join the Code should change. The member failed to do this and therefore had breached bye-law 3.7 because the panel finds that his application has not been made in good faith because the declarations were not true.

### **Charge 2**

The alleged breach arose out of complaints that had been received by RECC, some of which related to technical issues which were referred to another regulator, and some of which it is alleged amounted to breaches of the Code. The complaints that concern this panel were those that relate to breaches of the Code. RECC alleged that there were a relatively high number of complaints for the size of business and that the complaints took too long to be resolved. The panel considered the limited information it had before it in respect of the complaints. The panel concluded that it needed details of specific complaints and quantification of the time it took to resolve complaints in order to be satisfied that there had been a breach of Section 9.1 (4) of the Code. For example, the panel needed to have the type of complaint, the date received, the number of RECC contacts and the date resolved. In this case this information was not provided, therefore there was insufficient evidence before it to find the facts proved in relation to this charge.

## **Determination of level of seriousness and sanction**

The panel noted the submissions of RECC, in particular that among its 4,500 members, there had been very few issues relating to director disqualification. The panel noted the length of time that the member had been disqualified for as a director – six years from 28 December 2011 – which is a relatively long period. The panel noted that the reasons for disqualification primarily related to his statutory duties and business practices.

The panel considered whether the breach was a serious breach or a severe breach of the Bye-Laws. The panel took into account that the member had not only failed to declare the matter but had aggravated the situation by:

1. failing to volunteer the information, as required by the Bye-Laws; and
2. only providing partial information as to the circumstances of both the liquidation and the disqualification.

Considering the circumstances of the case, the panel considers this to be a severe breach of the Bye-Laws.

The panel then considered whether it would be possible to remedy the conduct, as specified in Section 5.22 of the Bye-Laws. The panel considers this conduct is not capable of being remedied during the period of the disqualification: six years from 28 December 2011. The panel has therefore decided to terminate the membership of . trading as Solar Sun4Life UK, of the Code.

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