



Membership Conditions

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Portsmouth
CITY COUNCIL

INTRODUCTION

Portsmouth City Council recognises that it exists to improve the quality of life for people who live in, work in or visit the city, by way of its *Customer Focus* policy. This policy is embodied in the vision statement of the Trading Standards Service.

Protecting Portsmouth Communities by

- Helping people become smarter shoppers
- Building better businesses
- Stopping unfair trading and criminal activity

The Trading Standards Service itself is responsible for maintaining a fair and safe trading environment. It is responsible for helping business to comply with the law, while maintaining a balance with consumers' needs, protecting them from unsafe goods, fraud and the like. In addition, consumers who are aware of their legal rights and have a knowledge of their information requirements prior to making a purchase are more likely to enter into satisfactory transactions. It is clearly better to give consumers the means to make informed purchasing decisions rather than to sort things out after they have gone wrong. SQUARE DEAL has been established to fulfil this need. It will demonstrate a commitment by the business to trade fairly and honestly, and a commitment by the Trading Standards Service to support the business.

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1 ELIGIBILITY

- 1.1 Any business which trades within the City of Portsmouth is eligible to join the scheme.
- 1.2 Businesses will be invited to join the scheme following an assessment when the business will have its procedures and practices audited by the Trading Standards Service, in order to ensure full compliance with the law, and conditions of the scheme.
- 1.3 Trading Standards Officers might visit business premises in Portsmouth in the normal course of their work and an assessment may be carried out at the time of the visit.
- 1.4 Businesses eligible to join the scheme may apply to the Trading Standards Service when an assessment will be arranged.
- 1.5 If a business meets the criteria of the scheme after an assessment it shall be offered membership of the scheme.
- 1.6 Should a business fail to meet the criteria of the scheme, it will be advised in writing of the reasons and the remedial action needed. The business has the right to appeal in writing to the Trading Standards Manager.
- 1.7 A business may reapply at any time after the expiry of one month from receipt of advice in writing of the reasons why it failed the previous assessment.
- 1.8 Where a business has more than one trading premises each trading premises will become a member of the scheme in its own right and will be subject to its own application and assessment.

The failure of one trading premises to be successful in being accepted as a member of the scheme will have no bearing on an application of another trading premises of the same business.

2 MEMBERSHIP

- 2.1 Membership is conditional upon adherence to the conditions of the scheme.
- 2.2 Membership will start immediately after a successful assessment, and on being told as such by a Trading Standards Officer.
- 2.3 Membership is £50 + Vat per year and entitles the business to
 - i) use the Square Deal logo
 - ii) a certificate of membership which should be displayed on the trading premises
 - iii) a window sticker indicating membership of the schemebut does not entitle members to claim any recommendation by Portsmouth City Council in respect of the conduct of the business.
- 2.4 A full list of members will be placed on the Portsmouth City Council website and made available by the Trading Standards Service upon request, to the public, or any other interested party. Details of additions to the list will be provided quarterly to the local media. At the discretion of the Trading Standards Service details of deletions from the list may also be provided quarterly to the local media.
- 2.5 For additional fees which will be set by the Trading Standards Service on 1st April every year membership entitles:
 - i) the inclusion of the member's name and business details in a searchable database on the Square Deal website (www.portsmouthsquaredeal.co.uk)
 - ii) the inclusion of the member's name and business details in a Directory of Members which will be available at various public locations in Portsmouth.
- 2.6 A member may leave the scheme at any time by giving notice in writing but must surrender their certificate and window sticker, and amend any advertising material to remove any reference to membership within 14 days of the date of notice.

2.7 The Trading Standards Service reserves the right to refuse, suspend or revoke membership if there is any evidence of noncompliance with the conditions of the scheme. The applicant or member has a right of appeal in writing to the Head of Trading Standards. Any appeal must be made within 14 days of the decision to refuse, suspend or revoke membership. The final decision on whether membership is granted or continued lies with the "Square Deal Standards Panel".

2.8 If any member is found guilty of an offence under Trading Standards Legislation, has an enforcement order granted against them under the Enterprise Act, or is successfully taken to court by a member of the public, membership of the scheme may be immediately revoked. The member will still have the right of appeal as in 2.7.

2.9 The "Square Deal Standards Panel" shall consist of:

- i) The Head of the Public Protection Service for Portsmouth City Council
- ii) A representative from a business which is a member of Square Deal
- iii) A volunteer from "The Edge" scheme run by the Trading Standards Service

The representative from the business and the Edge volunteer must be agreed upon by the Trading Standards Manager and the member making the appeal. If they can not agree the decision of the Head of the Public Protection Services will be final in deciding on who should sit on the Panel.

How the appeal is conducted and organised shall be decided by the Panel.

2.10 The Trading Standards Service reserves the right to publicise details of any member who has been removed from the scheme for failing to comply with the terms and conditions. This does not apply to unsuccessful applicants.

3 COMMITMENTS BY PORTSMOUTH CITY COUNCIL

- 3.1** Members will be awarded a certificate, together with the right to use the Square Deal logo on business documentation and promotional advertising material.
- 3.2** The Trading Standards Service has a duty to enforce all appropriate legislation. The service undertakes to carry out any investigations fairly and as quickly as possible in accordance with legal requirements and established guidelines.
- 3.3** Members will be monitored by means of random audits. Officers will ensure that members are in no doubt as to whether visits are of an enforcement or advisory nature.
- 3.4** Advice and guidance will be given upon request and confirmed in writing if required.
- 3.5** Detailed staff training will be available on payment of a fee.
- 3.6** Appropriate advice will be given to any member of the public through the advice service provided for the City Council by Consumer Direct. If necessary further advice will be given by officers from the Trading Standards Service.
- 3.7** The Trading Standards Service will conduct an annual review of the scheme.
- 3.8** Regular forums for discussions will be held (a minimum of one forum per year) and whenever possible any amendments to the scheme will be made after consultation with members. However, the Trading Standards Service reserves the right to vary or amend the conditions without prior consultation. Should this occur, members will be notified immediately of the variation together with the reasons for the change.

4 COMMITMENTS BY MEMBERS

- 4.1 The business will comply with the legislation enforced by the Trading Standards Service.
- 4.2 The business will provide the Trading Standards Service with full details of ownership, premises, staff levels and trade activities.
- 4.3 The business must inform the Trading Standards Service of any significant changes as outlined in 4.2 within 14 days of the change.
- 4.4 Management controls must ensure that all employees are made fully aware of scheme details and their obligations under it.
- 4.5 Appropriate staff training will be put into operation and detailed records kept of the areas covered.
- 4.6 All staff must adopt at all times a courteous and polite attitude to customers.
- 4.7 The customer complaints procedure shall be followed.
- 4.8 The business must conform to all the conditions set out for membership.
- 4.9 The business must acknowledge and respond to advice given by the Trading Standards Service.
- 4.10 The business will ensure that the consumer guide is prominently displayed at each point of sale and is available on request.

5 CUSTOMER COMPLAINTS PROCEDURE

- 5.1 Management controls will be implemented to ensure that the complaints procedure is understood and followed by all staff.
 - 5.2 A person will be nominated to deal with customer complaints not resolved by frontline staff, and to make decisions on behalf of the business. The name of the nominated person shall be prominently displayed on the business premises.
 - 5.3 Any customer complaint should be dealt with promptly, effectively and courteously, in accordance with good business practice.
 - 5.4 If it is not possible to resolve a customer complaint within two weeks, then the customer will be given a written account of all previous events and the anticipated future action of the business.
 - 5.5 If the business is a member of a trade association which has its own Code of Practice, the terms of that Code must also be followed.
 - 5.6 A record of all customer complaints should be kept for a minimum of twelve months from the conclusion of the complaint and made available for inspection at the request of the Trading Standards Service.
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