BAR MEMBERSHIP CRITERIA

June 2014

Introduction

- BAR Membership is open to UK businesses trading principally in the removal industry which own or control, and are accountable for, the tangible assets employed in carrying out the removals and storage activities for which they have contracted.

- All Members will be subject to annual inspection, and are expected to demonstrate their commitment to high professional standards. They must conduct themselves in such a manner as to ensure that the interests and reputation of the Association and/or industry are not prejudiced or brought into disrepute.

- Applications will only be considered on the understanding that once accepted into membership, all Members are required to comply with and abide by the *BAR Rules* and *Code of Practice* of the Association and use, as a minimum, BAR copyright Terms and Conditions and have adequate insurance in place to meet their contractual liabilities.

- Applications for membership will only be considered on the understanding that decisions of the Board of Directors regarding such applications are final, and that the Board reserves the right not to enter into any correspondence or discussion.

- All Members and Applicants, must be able to demonstrate that they have the capability, competence, and resources to manage, safely operate, and properly administer their business and must meet specific criteria in each of the following areas:

1) **Finance**
2) **Good repute**
3) **Insurance**
4) **Premises**
5) **Staff**
6) **Vehicles**
7) **Packaging, materials and equipment**
8) **Administration**

Criteria to be met by all Members and Applicants

1. Finance

Members and Applicants must be able to demonstrate that they have the financial resources to operate a legitimate removal business, and be of good financial standing, providing to the Association or its authorised agent whatever evidence is reasonably required to establish this.

Members and Applicants must be registered for VAT, and either:

(a) Possess a Standard National Operator's Licence, where legally required.

or

(b) Where an O-Licence is not legally required, meet 100% of the prevailing O-Licence financial requirement [see Note 1 - below].

Note:

Financial evidence

(i) For Members and Applicants for membership, who do not legally require an O licence, BAR will measure the evidence against the prevailing financial levels required for a Standard National O-Licence.

(ii) In addition Applicants for membership will be required to provide original bank or building society statements covering the last three months, including evidence of any overdraft facility or credit lines. Applicants will also be required to give details of any shareholder or Director bankruptcy, insolvency, liquidation or disqualification in relation to a company. This evidence must be in the name of the Applicant.

2. Good repute

Proprietors, partners, directors, shareholders or any person concerned in the management of the business of Members and Applicants must:

(a) Have a clean police record in relation to serious criminal offences linked to crimes against property, or other crimes related to financial activities.

(b) Not have previously been declared bankrupt, unless they have been rehabilitated in accordance with national law.

(c) Not have been guilty of any conduct which, in the opinion of the BAR Board of Directors, would render them unfit to be a Member.

(d) Not currently be disqualified as a Director.

3. Insurance

Members and Applicants must protect the customer against loss or damage to their goods submitted for removal and/or storage, by any of the following means:

(a) Offering and arranging insurance for the benefit of the customer [Insurance Terms]

(b) Promising to compensate the customer for loss or damage and having insurance in place to back up that promise [Liability Terms].

In each case the insurance policies referred to must meet the prevailing minimum standards set by the Association.

The Member or Applicant must have in place public liability insurance to the prevailing level set by the Association, and required by legislation – currently the minimum required is £2M (CMG - £5M)

4. Premises

(a) Members and Applicants must have a dedicated office area (with safe exclusive external access, if contained within a residential premises), for customers, and the facility should be appropriately signed, and provide a professional, disciplined and well regulated appearance. Offices should be staffed during normal office hours.

(b) If storage facilities are offered, then these must be completely suitable for the purpose, and safe, secure, well maintained and administered.

(c) For non-customer facing branches, Members and Applicants shall have an office and/or workspace and staffing, appropriate for the activities carried out at that location.

Note:

Premises

(a) Unless owner-occupied, evidence must be shown that a formal contract, lease, sub-lease, under-lease or licence exists between the Member or Applicant, and the owner or head-lessee of any rented premises, or the premises where storage takes place.

(b) Certification to BS EN 14873 and/or FIDI FAIM will be accepted as evidence that the storage facility (including any third party storage facilities that are used as the primary storage location) meets the required standard. In the absence of the above certification, a physical inspection will be carried out to check that the storage facility is, as a minimum, constructed/configured/administered to provide the following:

- Protection against the natural elements.
- Monitoring of vermin infestation and provision of control as required.
- Uniquely identified units of storage space whether in single or multiple lots.
- Means of securing entrances / exits.
- Facility for customers to access stored items without the need to remove the items from site.
- Control of access and egress, sufficient to prevent unauthorised removal of stored items other than through forced entry or exit or other illegal means.
- Intruder alarm system, automatically triggered and capable of giving an audible alarm or alerting a remote monitoring system to meet insurance requirements.
- Fire detection and alarm system to meet insurance requirements.
- Local fire control, provision of prevention equipment and operating procedures, appropriate to the short term protection of the items stored and capable of extinguishing or containing fires.
- Allocation of space must be controlled through a system ensuring accurate recording of the identity of the storage space or storage unit allocated to each customer.
    - Correct location and marking of fully serviced fire equipment.
    - All aisles and pedestrian routes must be clearly marked and free of obstruction.
- Fire escape routes clearly visible from all areas of the storage facility and escape routes to marked fire exits must be free of any obstruction.
- Fire exits must comply with current regulations.
- Access to storage must be controlled and all visitors and staff must wear appropriate health and safety clothing and equipment.

5. Staff

(a) Members and Applicants must be able to demonstrate that all staff employed, hired or engaged, are suitably trained and qualified. An induction programme including full health and safety procedures must be in place for all staff, and written records must be kept of the training undertaken by each employee. There must be evidence of a complementary, and continuing, training programme.

(b) All staff directly employed by a Member or Applicant, whether they are permanent, temporary, full-time or part-time, or provided by an Agency or other third party (and paid by the employer), must be paid through PAYE. All staff must have a relevant formal contract. Any self-employed staff must be able to demonstrate that they meet current HMRC requirements for the self employed. Where agency staff are used, there must be a proper agency agreement in place, including a clause to require properly trained personnel.

Note:

Staff training

All Members and Applicants must meet statutory requirements relating to the employment, induction and training of staff. Certification to BS EN 12522, BS 8522, BS 8564, ISO 9001, or to FIDI-FAIM will be accepted as evidence that the training requirement is met.

These include:

Health & Safety	Company H & S Statement Company H & S Policy & Structure Risk Assessments Company Review Policy Procedures for Reporting H&S Concerns Accident / Incident Reporting First Aid
Fire Safety	Fire Maintenance Log Fire Evacuation & Emergency Procedures Fire Safety Reporting Fire Risk Assessments Fire Safety Training
Manual Handling	Manual Handling Induction Procedure Manual Handling Training Procedure Manual Handling & Safe Lifting Practice Manual Handling Equipment Training Procedure Manual Handling Records
Driver CPC	35 hours Driver CPC Training Programme
Driver Training	Drivers Hours Rules & Regulations Tachograph Rules & Regulations (if applicable) Drivers' Daily Checks Defect reporting

In addition to the above, BAR will require evidence of staff training in the following areas:

- **Road Transport Directive (Mobile Workers)** – Rules & Regulations
- **Working Time Directive (Non-Mobile Workers)** – Record Keeping
- **BAR Code of Practice**
- **Fork-lift driver training (where applicable)**
- **Packing**

6. Vehicles

Members and Applicants must be able to demonstrate that they have suitable vehicles and the capability and resources to maintain, adequately equip, and safely operate those vehicles and associated plant and equipment.

They must either:

(a) Possess a Standard National Operator's Licence where legally required.

or

(b) Where an O-Licence is not legally required, employ a person holding a Certificate of Professional Competence (CPC) or equivalent qualification/exemption (e.g. NCRM or higher qualification)

Note:

Vehicles

For those Members and Applicants that do not possess an Operator's Licence, operating vehicles must be properly maintained and serviceable. The operating centre (the location where the vehicles are parked when not in use) must provide sufficient off-road parking, be suitable, big enough, with safe access, and in an environmentally acceptable location.

Evidence:

1. Copy of any maintenance contract, or letter of agreement, with a garage.
2. Evidence of entitlement to use operating centre (where not owned – refer to Note 4[a]).
3. Physical inspection.
4. Maintenance records and service schedule to manufacturer's specification.

7. Packaging, materials, plant and equipment

(a) Packaging and materials must be of appropriate shape, size, and strength, and of a quality maintained throughout the life of the material.

(b) Access must be readily available to all removals equipment necessary to the task. This equipment to be properly inspected and maintained at all times. Plant and equipment must be properly inspected, maintained and serviced. Maintenance logs for plant and equipment are to be kept up to date and made available for inspection.

(c) Adequate tools and equipment to safely perform the task must be available at all times.

8. Administration

Members and Applicants must maintain adequate procedures to cover the key elements of the removals process:

(a) Quotations and acceptances

(b) Bookings and confirmation

(c) Job sheets or equivalent

(d) After sales service

(e) Customer correspondence, complaints record, claims record, and satisfaction responses.

In addition, to:

(f) Ensure the correct use of all current logos

(g) Have accurate marketing, promotional and advertising material and media

(h) Develop and maintain an environmental policy.

Appendix 1

Company structures, organisation and ownership

BAR membership is not a transferable asset, but where an existing BAR Member acquires a 100% shareholding of another BAR Member as a going concern then membership is usually treated as continuous. A membership application, containing a declaration of ownership, is required in all cases. A processing fee of 50% of the Basic Entry fee will be applicable.

Companies must have been trading in removals for at least 12 months for an application to be considered, unless this requirement is waived as detailed below*.

All applications for membership are considered at the absolute discretion of the Board of Directors, but where assets and or the business of an existing Member are sold or transferred (but not the "legal entity") various new ownership scenarios may occur and should be treated as follows:

SCENARIO	**APPLICATION PROCEDURE/REQUIREMENTS**
A. A removal company which has been trading for more than 12 months in removals	New application required
B. A removal company which has been trading for less than 12 months in removals	Cannot be considered for membership until 12 full months' trading completed.
C. A company which has acquired some or all of an existing Member's assets and or business and placed them into:	
a) An existing Member company	If the Member intends to trade out of the "old" premises, application for new branch required. If the Member is simply absorbing into an existing operation there will be no effect on membership. However an ATN may be required if the old trading name is retained.
b) An existing company that is not a Member but has traded in removals	New application required.
c) An existing company (that has not previously traded in removals) or a new company, where (in both cases) the majority shareholders were also the majority shareholders of the business from which the assets and or business have been transferred. ***[e.g. following a pre-pack administration]***	New application required. *(12 month trading rule may be waived at the absolute discretion of the Board of Directors. In which case a Financial bond/guarantee will be required (see below). Good repute test for outstanding debts to BAR, Members, Affiliates or customers. Letter from Administrator confirming details of transfer (see below).
d) A new company set up by an investor(s)/shareholders where any investors/shareholders in a current Member(s) involved have a controlling interest (i.e. the majority shareholding is by an existing Member(s)). ***(Note; this is different from (c) above in as far as the majority investors/shareholders in (d) are not the same majority investors/shareholders of the business from which the assets and or business have been transferred)***	New application required. (12 month trading rule may be waived at the absolute discretion of the Board of Directors. In which case a Financial bond/guarantee will be required (see below)). Good repute test for outstanding debts to BAR, Members, Affiliates or customers. Letter from Administrator confirming details of transfer (see below).

e) A new company set up by an investor(s)/shareholders where any investors/shareholders in a current Member(s) involved do not have a controlling interest (i.e. the majority shareholding is by a non member(s)).	New application required.
f) A new company set up owned wholly by a non member.	New application required.
D) Franchises, consortia, and other marketing groups. Where a Member extends the use of its corporate name or brand identity to franchisees, group members, or any other subsidiaries (Secondary Companies) for the purpose of attracting business under its recognised brand.	Secondary Company should be a BAR Member in its own right. Where this is not the case a new application will be required. (12 month trading rule may be waived at the absolute discretion of the Board of Directors. In which case a Financial bond/guarantee will be required from the principal or parent Member company (see below)).
E) A new company set up by an existing Member, which currently trades as a sole trader or partnership, where the existing Member retains control of the new company.	An application to continue in membership under the Successor in Business procedure.

Note: The level of bond or guarantee and the rules governing these will be decided by the Association depending on the specific financial circumstances and status of the Applicant.

Definition of Letter from Administrator: Confirmation from the Insolvency Practitioner/Administrator as to the scope and legitimacy of the transfer of the assets/business.

CONDENSED FROM THE ARTICLES OF ASSOCIATION:

Change of Control or Ownership of Member

(a) Where a Member's ownership or control changes the Board may terminate or suspend the membership of that Member or implement the "successor-in-business" procedure specified in paragraph (c) below.

(b) A Member's ownership or control shall for the purposes of this Article be deemed to have changed:-

i. If there is a change in the beneficial ownership of shares.

ii. If in the case of an unincorporated body, the business of that body becomes controlled by any different firm or company from that by which it was formerly controlled.

(c) The Board may establish a "successor-in-business" procedure whereby a Member, whose ownership or control has changed, may be granted a temporary and/or limited non-voting membership until its re-application has been considered and approved.

(d) The Board shall be under no obligation to readmit into membership any Member or successor-in-business. It may suspend, curtail or delay any such membership or impose particular conditions.