



PROFESSIONAL SALES ASSOCIATION
SELLING TODAY
 CAMPAIGNING AND SUPPORT FOR SALES PEOPLE



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Welcome to our second edition

The aim of the newsletter is to both inform and, hopefully, entertain our members.

Our Committee comprises the following officers:

Cliff Jackson Chair, 0794 6434 999

Hamish Campbell
Branch Secretary, 07901 635054

Barry Nunn Treasurer, 01454 411173

Eamon Furey Communications Officer, 07513 762928

Elizbeth Gunner Equalities Officer, 07928 593183

Derek Clarke 07910 659219

Alan Brimson Employed Sales Members, 0117 957 2030

Peter Moss 01953 859961

Tony Downing 07939 137273

Derek Naylor 0115 925 0496

Michael Shannon 07774 155363

Adrian Gee-Turner 07800 821254

PSA WEBSITE LAUNCH

www.professionalsalesassociation.co.uk

March saw an important date in the history of The Professional Sales Association – the launch of our own dedicated web site. Members may have noticed a restructuring of the UNITE Web Site recently and the disappearance of our pages.

This opened the opportunity to set up a dedicated site for the Association.

The site is easy to follow and lists key features asked for by members and new potential members. These include:

- Full contact details both National Branch and Local
- Timeline / History of PSA
- Links to other sites including UNITE
- A testimonials page where members share experience of help received

- Link to meetings where new local and national meetings will be listed
- Back Copies of re-launched magazine Selling Today

It is hoped that the new site will be used by members as a main link to the Association and as a key recruiting vehicle in the digital age.

The site will be optimised for SEO and we are looking to have it Top for key search criteria going forward.

Please mention the site to agents and salaried sales people you may know – we represent both these groups and are keen to grow our membership in both.

It is your site – suggestions for improvements / additional features welcome and should be directed to the Chair or Secretary – details on the site!

Are you a member of the Professional Sales Association?

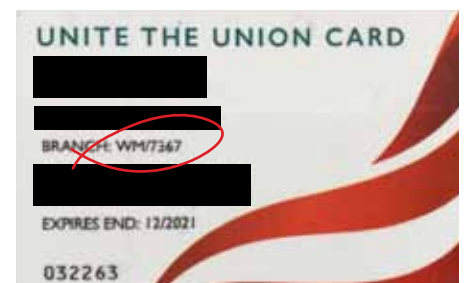
This might sound a little ridiculous, however, it has come to our attention that a significant number of Salespeople, both salaried & self employed have not been allocated to the PSA National Branch WM7367.

We would ask you please to check your Unite membership card and under the section BRANCH please check that it states WM7367 as per

card shown *right*.

If it doesn't please photograph your card and send it to psa@unitetheunion.org stating that you wish to be transferred to the PSA Branch WM7367.

- Please forward this Newsletter to anyone you believe is a member of Unite and is in Sales.



Advice

Got a problem? Need to just talk it through with someone to get a different perspective?

Please ring any of the committee starting from the top of the list and we'll try and help you.
 The PSA Committee

Two new members join the PSA National Committee

We are pleased to welcome **Michael Shannon** and **Adrian Gee-Turner** to our committee.

Michael has attended two of our meetings and Adrian attended our last meeting in April.

Michael and Adrian have kindly given us some background as to how they started in sales and what they hope to achieve being part of the committee.



Michael Shannon

Back in 1985 at the age of 21 I left my public service job deciding office career was not for me.

The aim was to join my Father on the road as a furniture agent, he encouraged me to try a difficult sales path selling cash registers and face what it would feel like to cold call every day experiencing a very tough but potentially highly rewarding sales world.

A year was enough for a lesson and in 1986 I joined my mentor John Shannon.

Thirty three years later it has been a great and successful if not also

a challenging working life on a commission only basis.

Sofas, beds, mirrors and warranties are what I have sold throughout the years to a retailer customer base that has grown and shrunk again, the challenges continue.

We all have rights, important as an agent with the backing of the PSA, but we all have responsibilities to that is why I felt it was time to give something back to my profession and was very happy to recently join the PSA National Committee and try to assist where I can.



Adrian Gee-Turner Dip M FCIM

Started out in sales selling dry horse and dog feed door to door to farmers in the borders of Scotland.

Moved on into retail selling jumpers in a shop in Cambridge. Realised I needed to supplement my sales skills with some qualifications and started going to night school to do the Chartered Institute of Marketing Exams which included the certificate in Sales Management. I got my first proper job in the Medical Devices

Industry at 26 and continued to study in the evening at different Marketing Collages. All the time selling even in jobs which had marketing names in their description. I then won a Scholarship to Business school in Canada which was the catalyst for moving on in the Medical Devices Industry from Company to Company forever widening my horizons.

Both geographically and role wise I travelled the world, working in India, Mexico and Guyana with the WHO, Bill Gates Foundation as well as working for Companies in Amsterdam and Kyoto in Japan (The first non-Japanese Manager in OMRON HQ). In each role, I have recognised how important it is and a what a benefit it is being able to sell, ideas, things, plans and pretty well everything you have to do. I feel the profession of selling is one of the key skills which is used in whatever role you are in and is not the narrow definition of one's job title. We all sell all the time in our daily lives and it will always be that way.

I was previously the Branch Secretary of the Harrow and Pinner Branch of the PSA and an active member of the London Group of MSF and Amicus. I have also previously been an NEC member of the ALDTU (Association of Liberal Democrat Trade Unionists).

Have you any friends thinking of becoming a sales agent?

Then that is why I wrote a book about how to become one, both the benefits and how to avoid the pitfalls that most of us have encountered during our lives as Sales Agents. I wrote the book some years ago and have just updated it to include a section on how the Digital Age has affected the daily life of a Sales Agent.

The book covers what is usually needed to start up an agency, where to seek agencies, how to negotiate with Principals, an overview of the Commercial Agents Regulations and a host of other pieces of information such as a template of a typical Agency Agreement.

It has most of the things that you

would be telling your friend about your working life but all in one place.

The book can be purchased from the *AgentBase* website at www.agentbase.co.uk in the sales agent area. Price £12.99 + £3.50 P&P (£16.49 total).

Terry James

Sales Innovation Exhibition

Excel London 27/28 March 2019

This was the third year running that we have attended this event which was the busiest yet.

For those who have not attended or have not been to the Excel Exhibition centre previously the exhibition incorporated other specialist areas with over 10 Halls relating to selling. As well as Sales Innovation Exhibition there was also other exhibitions including: B 2 B Business to Business; M Tex Marketing Technology; Call & Contact Centre and C-UX Customer and User Experience. All the exhibitions were under one roof and entry was free.

Each section had its own series of Master Classes and Seminars staffed by attending Companies. There were over 500 specialist presentations within the exhibitions. The PSA's

Seminar speaker was Derek Clarke, our previous long-term Chairperson on the Thursday, which went down very well. There were approximately 1000 Companies attending the exhibition, more than enough to keep any PSA member interested in whatever aspect of business they were interested in.

Attendance was said to be 10,000 on the Wednesday and 9,000 on the Thursday. Our PSA stand featured the benefits of joining the PSA and associated benefits of Unite membership and we gave out copies of the latest "Selling Today".

There was surprise from some visitors that there was a "Union for

Sales People" and that it had been in existence for so long. The main objective of going to the show was to publicise and obtain more exposure for the PSA, and we believe that we did just that. One by-product of being there was that a number of visitors who thought they were members, we identified that they had been transferred into "other Branches". Please check that your membership cards show that you are in Branch WM 7367 and not another. If you have been misplaced in another Branch please send a copy of your Unite membership card to psa@unitetheunion.org to get re assigned to the PSA.

TESTIMONIALS

Thank you so much again for your valuable advice....

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The helpful and practical advice I received in just a ten minute conversation was worth its weight in gold. A sales agent's life can be pretty lonely but knowing the support was there when I needed it meant a lot!

RS, Home Counties, UK

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A great service from the PSA who helped me with advice rather than suggesting legal action when parting from a Principal. This ended up in a very amicable 1 years commission. Thank you very much!

PSA Member England

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It was very comforting to be able to actually speak with somebody on the telephone from the PSA. I left a message and was called back within 10 minutes. The advice I was received was excellent and very helpful.

GH, North West

**(Editor's note - we can't always guarantee such a quick response!)*

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I was given very good advice on my standing as an agent regarding retiring and what the principals liabilities were with regard to paying me.

PSA Member Scotland

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I had a meeting with my principal company regarding a project that they were unwilling to pay me for as they said it was a house account, but after speaking with Thompson's they gave me the guidance and confidence to approach my meeting in a more positive way. The final result was I received payment.

PSA Member Scotland

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What does the Clause “Indemnity Payment” mean in a Contract?



INDERJIT LOTA

Regulation 17 of the Commercial Agents (Council Directive) Regulations 1993 (“Regulations”) gives a commercial agent the right to an indemnity payment if the principal terminates its agency contract for any reason other than for a default by the agent justifying immediate termination.

An agent will **ONLY** be entitled to an indemnity payment on termination if there is an express agreement in the agency contract to that effect. An example of an indemnity clause is as follows:

On termination of this agreement for any reason:

*If and to the extent that the Commercial Agents (Council Directive) Regulations 1993 apply, and provided that the agent gives notice of its intention as required thereunder, the Agent, shall, unless any of the circumstances mentioned in Regulation 18 of those Regulations applies, have the right to be **indemnified** as provided in Regulation 17 of those Regulations. For avoidance of doubt the Agent shall have no right to any compensation under those Regulations on termination of this agreement.*

Regulation 17 (3) to (5) set out the relevant provisions for the calculation of an indemnity payment.

When considering the value of an indemnity payment, one must also consider the case of **Moore v Piretta PTA** where it is held that there are three stages in assessing the amount due:

1 The first step is to show that the agent played an instrumental role in bringing new customers to the Principal and increasing business from existing customers and to identify the value of that business in the last 12 months of the agency contract, at this step there will also be a deduction of the agent's expenses, the commission figures will therefore be net;

2 The second step is then to estimate the likely duration of the value of the business that the agent introduced; in other words for how long the customers the agent introduced (or significantly increased the business thereof) will continue to buy from the Principal; and

3 The third step is consider the rate of migration, i.e. the drop off rate of those customers over time. Once that figure has been calculated, it is further reduced for accelerated receipt of income and then potentially reduced further on the grounds of equity.

Regulation 17 (4) confirms that the amount of indemnity is capped at one year's average gross remuneration over the preceding five years and if the agency agreement goes back less than 5 years, indemnity will be calculated by reference to the duration of the agency. The cap is not automatically awarded but it is the maximum payment an agent can receive under indemnity.

Therefore once a figure has been calculated using all the steps highlighted above at 1-3, that figure is then compared with the cap and if the amount exceeds the cap, then the cap will apply. If the figure calculated is less than the cap then that lesser figure will be awarded to the agent for an indemnity payment.

Unlike a compensation payment, an indemnity payment is capped and restricts the amount which is payable to an agent. Therefore when considering a new agency agreement, an agent needs to carefully consider this clause and whether it is a suitable provision to have over compensation, as typically compensation is more favourable.

The above is only intended for guidance purposes and specific legal advice should be sought on each individual matter.

INDERJIT LOTA
SOLICITOR
THOMPSONS SOLICITORS

DESIGN: PJG Creative | www.pjgcreatedesign.co.uk