

In the matter of:

The Gangmasters (Appeals) Regulations 2006

BETWEEN

Aim High Consultancy Ltd

Appellant

- and -

Gangmasters Licensing Authority

Respondent

DETERMINATION OF APPEAL

DATE OF DETERMINATION (without an oral hearing) 14 July 2011

Appointed Person: Mr Paul Stewart

DECISION

1. The Appellant's Notice of Appeal that was reinstated by me on 27 May 2011 is hereby dismissed.
2. This decision takes effect immediately.

Summary Statement of Reasons

3. Negotiations had taken place between the Respondent and the Appellant had resulted in the Principal Authority of the Appellant informing the Respondent on 26 May 2011 that he wished to proceed with the Appeal.
4. As a result, the Respondent applied to reinstate the Appeal and to be given an extension of time for submitting its Response to the Notice of Appeal.
5. I reinstated the Appeal on 27 May 2011 and directed that the Respondent file its Response to the Notice of Appeal by 10 June 2011.
6. I am informed that the Respondent complied with my direction.
7. On 13 June 2011, the Gangmasters Secretariat wrote to the Appellant by 1st class recorded delivery post which was signed for as having been received on 15 June 2011. By that letter, the Gangmasters Secretariat invited the Appellant to indicate if it wished the appeal to be dealt with by way of written decision or oral hearing.
8. No response was received to this letter.

9. On 4 July 2011, the Gangmasters Secretariat wrote again seeking the same information. The letter was sent by 1st class recorded delivery and by ordinary 1st class post.
10. The letter sent by 1st class recorded delivery was returned but not that sent by ordinary 1st class post.
11. I bear in mind Regulation 2(1) of the Gangmasters (Appeals) Regulations 2006 setting out that the overriding of those Regulations is to enable the Appointed Person to deal with appeals justly, the meaning that Regulation 2(2) gives to "Dealing with an appeal justly" and the duty imposed by Regulation 2(3) on an appointed person to give effect to the overriding objective when exercising powers given to him by the Regulations and interpreting any provision.
12. In the circumstances, I have formed the view that the Appellant has abandoned the appeal.
13. Therefore, I determine this appeal without an oral hearing and dismiss the appeal with immediate effect.



Paul Stewart
Appointed Person

Dated this 14th day of July 2011