

IN THE MATTER OF THE GANGMASTERS (APPEALS)
REGULATIONS 2006

Case number 3/E/RV

BETWEEN

BALTIC WORK TEAM LIMITED

Appellant

and

THE GANGMASTERS LICENSING AUTHORITY

Respondent

DECISION

Upon hearing the appellant in person and Mr Hodgson, solicitor for the respondent it is ordered that the appeal of Baltic Work Team Limited is dismissed.

REASONS FOR DECISION

1. This is an appeal against a decision by the respondent to revoke the appellant's licence with immediate effect on 9 August 2007.
2. The same licence was revoked by a previous decision made on 5 February 2007 and taking effect on 3 March 2007. The appellant appealed against that decision. By my decision dated 27 June 2007 I dismissed that appeal and provided that the decision to revoke should be effective from 24 August 2007, specifically to allow time for the appellant to make a fresh application for a licence and for the respondent

to deal with that application. That application was pending at the date of the further revocation which I have to consider and was refused on the same date as the revocation of the licence.

3. Mr Hodgson for the respondent argues that I should dismiss this appeal without hearing evidence for two reasons. Firstly, the licence having expired, I have no jurisdiction to entertain this appeal. Secondly, in the circumstance of the licence having expired, there would be no practical benefit to the appellant by my hearing and determining this appeal. Mr Hodgson correctly points out that, by regulation 5(4) of the Gangmasters (Appeals) Regulations 2006, the normal suspensory effect of an appeal against the revocation of a licence does not apply here since the licence was revoked with immediate effect.

4. I record that the notice of appeal takes issue with the factual matters upon which the respondent says it relied in revoking the licence. The appellant also states in his notice that he is or is intending to pursue a civil claim against the respondent to recover losses which he says he suffered as a result of its actions connected with the revocation of his licence on 9 August.

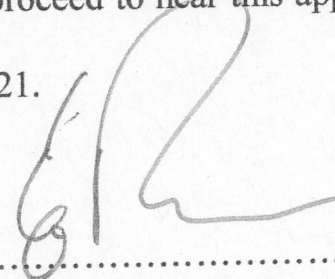
5. I accept Mr Hodgson's primary submission that there is no licence in being at the present time and that, accordingly, I have no jurisdiction to entertain this appeal. Were I to allow the appeal, I would, in effect, be ordering the reinstatement of a licence which came to an end in any event

on 24 August. No appeal has been lodged against the refusal of the application for a fresh licence

6. The appellant would argue that, despite what I have said, I should nevertheless proceed to make findings of fact which would or might be of value to him in pursuing the civil proceedings to which I have referred. Mr Hodgson argues that that is not a legitimate objective in pursuing an appeal and I accept that argument. I further hold that to spend time determining the factual issues would not be proportionate to the objective sought by the appellant and would not further the overriding objective set out in regulation 2.

7. I have considered whether I should invite the appellant to apply to amend his notice of appeal to appeal against the refusal to grant a fresh licence. Mr Hodgson indicated that he would oppose such an application on the grounds that he would then be faced with an appeal different in nature from that which is presently before me. I am reminded that different considerations apply to an appeal against a refusal from those which apply to an appeal against a revocation.

8. I remain unpersuaded that I should proceed to hear this appeal and I dismiss the appeal pursuant to regulation 21.



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Hugh Parker – Appointed Person

24 October 2007.