

In the matter of an appeal pursuant to Regulation 6 of the
Gangmasters (Appeals) Regulations 2006

Between:

BERRO BUSINESS GROUP (UK) LIMITED

(Appellant)

and

THE GANGMASTERS LICENSING AUTHORITY

(Respondent)

APPEAL DECISION

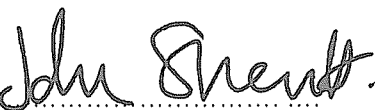
1. The appeal is dismissed.

Summary Reasons

2. By an email dated 9 November 2006 the appellant sought advice from the Gangmasters Licensing Authority (GLA) as to whether or not it needed a licence in connection with a plan to supply permanent or fixed term staff from Bulgaria and Romania to the UK agriculture and food processing sector after 1 January 2007. A reply sent by the GLA on 15 November 2006 indicated that a licence would be required.
3. The appellant applied for a licence on 29 May 2008 after a GLA inspector allegedly found that the appellant had been supplying workers illegally. The application resulted in a refusal by the GLA to grant a licence with that refusal being communicated in a letter dated 30 September 2008 on the basis that the appellant had failed to demonstrate an ability to comply with the applicable licensing standards.
4. The appellant applied for a pre-appeal review of the refusal on the basis that the proposed principal authority of the appellant, Mr Berkant Gavaldji did not agree with any of the refusal reasons and could not see why his business was being asked to comply with all licensing standards when temporary staff were not being supplied.
5. By a letter sent on 15 October 2008 the GLA refused the application for the pre-appeal review on the basis that the pre-appeal letter did not explain how the appellant complied with those standards which were considered by the GLA to be applicable to its business. The appellant was told that it had three choices following the unsuccessful pre-appeal which involved an appeal, acceptance of the refusal decision or to re-apply. It was the decision of the appellant to appeal which it did by a letter dated 11 November 2008 stating the view of Mr Gavaldji that a licence had to be given to him, even one with

conditions, and then he went on to say that he did not think that all the licensing standards mentioned as refusal reasons were applicable and how his company did care about issues concerning the national minimum wage, health and safety etc. In conclusion he believed that much more help and assistance should have been available from the GLA in connection with the application process. He felt the decision was too harsh and that the GLA should pay more attention to those gangmasters providing temporary workers rather than companies like the appellant supplying permanent workers.

6. The GLA responded in writing to the appeal explaining the findings on inspection which led to the refusal to grant the licence and pointing out that the appellant had not produced any evidence as to its ability to comply with the appropriate licensing standards or as to why the decision to refuse was incorrect.
7. Having received a copy of the GLA's written response via the gangmasters licensing appeal secretariat Mr Gavaldji on behalf of the appellant confirmed that he was content for the matter to be determined without an oral hearing.
8. Having considered on paper the reasons for the refusal by the respondent to grant a licence to the appellant and the appellant's written submissions in support of its appeal it is my judgement that the appellant has failed to provide any cogent evidence or statements such as to indicate there being anything wrong with the decision to refuse the licence in the first place notwithstanding the appellant's opportunity to challenge the decision by providing further information and/or documentation at the pre-hearing and at the appeal stages. The appeal is therefore dismissed. This decision takes effect immediately.

Signed 

John Sherratt

Appointed person

12 February 2009