

**MINUTES OF THE FOURTH MEETING OF THE LABOUR PROVIDER LIAISON GROUP – 11AM - 19 FEBRUARY 2010, HELD AT DEFRA, ERGON HOUSE, FLOOR 1, ROOM LG01, LONDON**

Present:

Paul Whitehouse	Chairman, GLA
David Nix	Head of Policy & Communications, GLA
Janette Bonham	Communications Assistant
Terence Godfrey	Tpg
Julia Brereton	Sastak
David Camp	ALP
Mark Boleat	ALP
Anne Fairweather	REC
Chris Gorton	Heads UK
Sarah Brooksbank	Industrious People
Tracy Alyanai	Industrious People

Apologies:

Claude Peters  
Robert Vitols  
Mark Rye

1	Declarations of interest	<b>Note:</b> Joanne Young, Julia Brereton, Chris Gorton, Sarah Brooksbank, Tracy Alyanai as licence holders
2	Minutes of last meeting	<b>Note:</b> <ul style="list-style-type: none"> <li>Minutes updated and re-circulated</li> </ul>
3	Previous Actions	<b>Note:</b> <ul style="list-style-type: none"> <li>GLA are still exploring whether it is possible to collate and publish data on response times following inspections.</li> <li>DC commented that response times following inspections were getting longer.</li> <li>MB commented that BIS were still to respond to issues relating to transport deductions.</li> <li>ALP commented that updated / consolidated guidance on overseas issues would be beneficial.</li> <li>No examples of inconsistent advice on the scope of licensing have been identified. However, DC commented that there was a need for guidance on how licensing applies to processing and packaging.</li> <li>GLA are identifying and investigating cases following the GLA's statement of how it would look at travel and subsistence schemes. Information on the results of this work would be realised when possible.</li> </ul>

		<ul style="list-style-type: none"> <li>GLA confirmed the website now included a statement explaining LU do not need a request a copies of licence certificates.</li> </ul> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>GLA to consider whether it is possible to collate and publish data on response times following inspections</li> <li>ALP to prepare paper on transport deductions for the April Board</li> <li>GLA to review and update guidance on overseas issues</li> <li>GLA to consider what guidance could be issued in relation to processing and packaging.</li> </ol>
4	Employment Status	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>AF disagreed that the GLA should check employment status and questioned whether the Authority fully appreciated all the issues involved.</li> <li>AF commented that REC were still due a response which more fully explains Defra's views on the REC model contract for services</li> <li>DC believed that the GLA position was too tax focussed rather than employment status.</li> <li>REC and ALP consider that BIS should be consulted on the matter.</li> <li>Generally the LP group do not agree with the process for checking employment status which is followed by the GLA. AF considers it is a matter for an employment tribunal to determine employment status. DN reminded the meeting that the onus was on the GLA to justify its position, and any adversely affected business had a right of appeal.</li> <li>The group considered the GLA's questions were not appropriate to determine an employee's status (self employed or temporary worker) as they only relate to HMRC, PAYE etc. JY suggested that there could be different questions to ask which would get the right answers</li> </ul> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>GLA will contact Defra to make them aware of the group's discussion and ask them to consider consulting BIS on the matter. GLA will check Defra views on the REC model contract for services</li> <li>PW to ask the GLA Executive Management Board to review the GLA position on checking employment status in light of the group's discussion with a paper on the issue then presented to the April Board meeting.</li> </ol>
5	Transfer of Licences	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>AF welcomed the fact that there is a more explicit position but questioned whether this was in line with the principles of Hampton.</li> <li>AF asked if the GLA were planning to review Lifeboat licences. DN commented that the GLA has the ability to revoke licences of businesses associated with other revocations, and had done so in at least two cases.</li> <li>TG said that with regard to non trading licence holders (not transferring licences but transferring contracts) could not see how this</li> </ul>

		<p>can be stopped.</p> <ul style="list-style-type: none"> <li>• DC requested an update as to how many “new businesses” there were following the introduction of the new Standards</li> <li>• <b>Action:</b></li> </ul> <p>7. GLA to check how many licence holders are designated as “new businesses”</p>
6	Late PAYE/VAT payments	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• TG queried what the position would be for businesses who were in ongoing negotiations with HMRC.</li> </ul> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• GLA to confirm with HMRC the position for businesses in ongoing negotiations with them .</li> </ul>
7	Request for GLA logging system	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• GLA considered that while a new system would be helpful, its contractual arrangements for ICT changes meant that it would be too expensive. Anyone still waiting for a response to a query should contact the GLA for an update. Problems should be reported to DN.</li> </ul>
8	GLA Supermarket Protocol update	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• DN confirmed that there were a few very minor alterations to the protocol. Meeting planned next week with the supermarkets in London.</li> <li>• MB commented that the it was not appropriate for the GLA to prepare best practice guidance but should only provide guidance on complying with the law.</li> </ul>
9	Agency Workers Directive - GLA position on enforcement	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• GLA will consider its position on checking compliance with the AWD as part of the next review of the licensing standards.</li> </ul>
10	GLA policy on provision of close-out letters following an inspection where no non-compliance are found	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• GLA confirmed that a decision letter should be issued after every compliance inspection. If licence holders have not received such a letter within one month they should contact the GLA helpline for an update.</li> <li>• ALP commented that there were instances where labour users were notified of a revocation via the active check process before the labour provider had actually received its letter.</li> </ul>

		<p><b>Action:</b></p> <p>8. GLA to review active check process in order to check:</p> <ul style="list-style-type: none"> <li>• The timing of notifications sent post inspection and whether it was appropriate to factor in a delay in notifications to guarantee that labour providers receive decision letters before active check notifications are sent out</li> <li>• The wording of the notification for when an inspection has occurred</li> </ul> <p>9. The GLA to confirm to group the process for active check notifications.</p>
11	Analysis of AWO Failures	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• The group agree to discharge concerns on AWO at the moment.</li> </ul> <p><b>Action:</b></p> <p>10. Group members should notify the GLA of any examples of inconsistencies in checking AWO by GLA Inspectors.</p>
12	Any other business	<ul style="list-style-type: none"> <li>• None</li> </ul>
13	Next meeting	26 May 2010, 11am, London