

**MINUTES OF THE SIXTH MEETING OF THE LABOUR PROVIDER LIAISON GROUP –
11am, 7 September 2010, HELD AT Ergon House, Room 602, LONDON**

Present:

Paul Whitehouse	Chairman, GLA
David Nix	GLA
Janette Bonham	GLA
Joanne Young	Right 4 Staff
David Camp	ALP
Mark Boleat	ALP
Chris Gorton	Heads UK
Tracy Alyanai	Industrious People
Lewina Farrell	REC
Konstantinos Makrygiannis	REC
Marshall Evans	Staff Line
Julia Brereton	Sastak

Apologies:

Claude Peters	Van Stomp
Nick Graff	Wise Employment
Robert Vitols	A La Carte Recruitment
Terry Godfrey	Tpg

1	Declarations of interest	Note: None
2	Minutes of last meeting	Note: • Agreed
3	Update on actions	Note: <ul style="list-style-type: none"> • Reviewed previous action points. DC to forward an email to DN regarding transport deductions. • Action 3. (Guidance on overseas issues) – agenda item – draft brief. • Action 4 (GLA to consider guidance re processing & packaging) – group advised there is a draft in progress which will be circulated to the group. • Action 5 & 6 (Employment Status) – this paper is due to come back to the board meeting in October. Nothing new to report. DC asked for sight of this paper before the board meeting, DN agreed this would be sent to the group as requested. • Group had previously mentioned cash flow problems and HMRC (DC to do a paper with agreed formal wording on) – DC has sent something to GLA and is awaiting reply from HMRC. DC will resend wording to DN.

		<p>Action</p> <ol style="list-style-type: none"> 1. DC to send DN email regarding transport deductions 2. Employment Status paper to be circulated to group prior to the October board meeting. 3. DC to send DN HMRC wording.
4	How Licensing applies to businesses based outside the UK – draft brief	<p>Note:</p> <ul style="list-style-type: none"> • DN asked the group to please read this brief and then let GLA know of any comments. • Generally DN advised that the GLA interpret supply as any passing of an individual from A to B (this is a wide interpretation to avoid loop holes). • DC suggested that we take out 'How to apply for a licence', this is duly noted. • LF asked how the GLA translate the overseas contracts as they are quite complicated, for instance if a contract stated subject to Polish law would that pose a problem in Britain. • CG said perhaps the Standards should say subject to English law. • DC stated that regarding one of the key points – overseas labour providers charging workers – he has an issue with this and how the GLA relate this with the Licensing Standards, fees and charges are very difficult to investigate. • DC said that the Brief focuses on supply, he feels it would be useful to show the implications of a labour user or labour provider who does not have a licence – could the GLA make this a stronger point. • PW suggested that perhaps the title of the Brief could change. • DC would like to see more information about the host employer. • LF suggested putting an annex in the brief with a list of the countries. <p>Actions</p> <ol style="list-style-type: none"> 4. Comments relating to this Brief to be sent by 24 September 2010.
5	Employing and Supplying Romanian and Bulgarian workers – draft brief	<p>Note:</p> <ul style="list-style-type: none"> • DN advised that this brief is to be issued to give clear guidance as to the circumstances which A2's can work in the UK. • DC stated that HMRC say that UKBA's position is that if individuals are caught, stating that they are self employed when they are not, they are dealt with using the itepa legislation, could the GLA get confirmation of this. Generally, cases where people state they are self employed earning very low hourly rates, are increasing in popularity. This needs addressing. <p>Action:</p> <ol style="list-style-type: none"> 5. GLA to try and find out more information concerning the circumstances where the itepa legislation is being carried out. 6. Group were asked to submit any comments relating to this brief by 24 September 2010.

6	Impact on GLA of spending review	<p>Note:</p> <ul style="list-style-type: none"> • PW advised that the current rules were so tight that the GLA may not appoint anyone unless they were considered to be front line staff, we currently have a paper which has gone to the Secretary of State about this situation. • The GLA will advise the board when we have more information regarding the impact on the GLA of the spending review.
7	Interaction between GLA findings and forced labour offences in Section 71 of the Coroners and Justice Act 2009 and Section 47 of the Criminal Justice and Licensing (Scotland) Act 2010.	<p>Note:</p> <ul style="list-style-type: none"> • DC discussed the forced labour offence which is a new law – if people find instances of this to whom do they report to. • DN confirmed GLA do not have the power to investigate the forced labour offences.
8	Update on Sentencing Guidelines Council response to GLA Chairman’s letter of concern about low sentences in enforcement cases.	<p>Note:</p> <ul style="list-style-type: none"> • PW advised a letter has been drafted to the Sheriffs Association and if and when a reply is received the GLA will advise the group <p>Action:</p> <p>7. Inform group if reply to letter is received.</p>
9	Travel & Subsistence update	<p>Note:</p> <ul style="list-style-type: none"> • PW advised that a number of inspections have been carried out but no results as yet. With one case at least, there was a question of a prosecution and another case possible false accounting. • PW stated it is very important that the GLA have correct intelligence etc before taking action. • DC asked whether with the change in law (due January 2011) do the GLA think it could be any easier, schemes are not being withdrawn at present, there are no changes. • DC stated that more umbrella companies are being given licences in the sector And questioned whether the businesses were actually the employers of the workers • CG said he would like to see the GLA do something about this situation. PW advised that the GLA need to make sure the case is water tight, if we lost an appeal it would send out the wrong signal.

10	Any other business	<p>Note:</p> <ul style="list-style-type: none"> • DC asked about the Macrory penalties. PW advised the GLA are still waiting to hear about this. • LF stated that with regard to the transfer of licences she still has issues with it. • MB advised that the ALP are seeing the Low Pay Commission concerning accommodation, transport etc. Not really expecting much to happen but will keep bringing this issue up with them. • PW asked the group whether meeting every 4 months instead of 3 would be acceptable, this was agreed. <p>Action:</p> <p>8. GLA to confirm anticipated timescales for acquiring Macrory penalties.</p>
11	Next meeting	Tuesday 11 January, 2011 – location London, venue to be advised.