

**MINUTES OF THE NINTH GLA LABOUR PROVIDER GROUP – 9 JANUARY 2009 HELD AT THE GANGMASTERS LICENSING AUTHORITY, NOTTINGHAM**

Present:

Joanne Young	ALP
Mark Boleat	ALP
David Campt	ALP
Mark Clark	Grampian Growers
Mark Rye	DKM Labour
Terrence Godfrey	Boston Commercial Centre
Christine Godfrey	Boston Commercial Centre
Lewina Farrell	REC
Anne Fairweather	REC
Nick Graff	Smart Group

Darryl Dixon	Director of Strategy (GLA)
David Nix	Head of Policy and Communications (GLA)
Almut Gadow	Policy Officer (GLA)

1.	Minutes	<ul style="list-style-type: none"> <li>• Future minutes to consist of a brief summary of key points</li> </ul>
2.	Update on actions	<ul style="list-style-type: none"> <li>• Single issue Licensing News on AWO still outstanding pending tribunal ruling on an ongoing appeal involving AWO issues.</li> <li>• GLA position on when to revoke with immediate effect will be defined in revised licensing standards.</li> <li>• GLA has requested facility to publish ALCs on the Public Register. The request is pending with IBM.</li> <li>• Inspection Information Sheet has been finalised and circulated to the group. The sheet will now be sent out with all inspection letters, and handed to licence holders at the beginning of unannounced inspections. Its introduction will also be communicated in Licensing News.</li> <li>• GLA will not be able to obtain written legal advice on retrospective charging from DEFRA legal, as confirmed by email from DN to MB on 10/10/08.</li> <li>• Draft of new Application Form has been circulated to group, and revised in light of comments received. A further draft and draft guidance have now been made available.</li> <li>• DEFRA has not been able to confirm to the GLA likely timescales for guidance on applicability of agricultural minimum wage</li> <li>• Regarding E101 forms, DC had received only verbal advice from HMRC, which the GLA does not need to consider further.</li> </ul>
3.	Format of future meetings	<ul style="list-style-type: none"> <li>• The GLA is reviewing the format of user groups, in light of recommendations contained in the University of Liverpool/ Sheffield annual review. A paper on options will be presented to the April meeting of the GLA Board. Next meeting will therefore be postponed until after 22 April board meeting.</li> </ul>
4.	Consistency in inspections	<ul style="list-style-type: none"> <li>• The GLA had temporarily dropped the business plan target of checking 10% of inspections for to ensure quality and consistency between inspectors. This target has since been</li> </ul>

		re-instated.
5.	Inspection reports	<ul style="list-style-type: none"> <li>Members of the group are concerned that inspection reports might be released in response to freedom of information requests without or shortly after being sent to the labour providers.</li> <li>Sending inspection reports to labour providers as a matter of course may not be appropriate as they may be misleading, e.g. including 'failures' which were not failed in the licensing decision. It might be more appropriate for GLA decision letters to set out inspection findings in greater detail; these letters could then be disclosed in response to foi requests regarding inspection findings.</li> </ul>
6.	Review of licensing standards	<ul style="list-style-type: none"> <li>ALP and REC thanked DN for his work</li> <li>ALP consider requirement to notify changes in LP's details (LS 1.4) excessive</li> <li>New standards due to come into force in April 09. GLA to publicise by writing to licence holders as soon as standards approved by GLA board.</li> <li>DN to work with AF, DC and TG to develop guidance</li> </ul>
7.	Application form review	<ul style="list-style-type: none"> <li>MB expressed his dissatisfaction with the limited extent to which the GLA had taken on board his comments</li> <li>Any further comments to be submitted via email by 16 Jan</li> <li>GLA to address these points before finalising the application form</li> </ul>
8.	Responsible labour user guide	<ul style="list-style-type: none"> <li>Members of the group feel the content of this guide is likely to affect labour providers.</li> <li>The guide is produced by retailers. The GLA will not endorse the document, nor will it carry the GLA logo.</li> </ul>
9.	EHRC inquiry into working meat industry	<ul style="list-style-type: none"> <li>The GLA has been asked to respond to the inquiry.</li> <li>Some LPs have questioned the purpose of the inquiry.</li> </ul>
10.	National minimum wage and deductions	<ul style="list-style-type: none"> <li>The GLA's position on LS 2.8 remains unchanged. Changes would be notified to the group and published in Licensing News with a forward implementation date.</li> <li>The GLA will continue to report all NMW breaches to HMRC.</li> <li>There have been no developments regarding the accommodation offset rule.</li> </ul>
11.	Umbrella companies offering payroll services	<ul style="list-style-type: none"> <li>Payroll companies that employ workers need to be licensed.</li> <li>A company that operates a dispensation scheme must have its own dispensation certificate from HMRC.</li> </ul>
12.	ALP position on extension of GLA remit	<ul style="list-style-type: none"> <li>LPs are aware of labour users outside the regulated sector requiring all labour providers to be GLA licensed.</li> <li>While businesses outside the regulated sector are free to apply for a licence, the GLA does not act as a regulator or auditor for these businesses.</li> </ul>
13.	Impact of the 'credit crunch'	<ul style="list-style-type: none"> <li>TG reported that members of the Gangmasters' Alliance feel they are increasingly being undercut by operators who pay no VAT, holiday pay, etc. The perception is that, given current price pressures, retailers and suppliers are increasingly less likely to question low rates this.</li> <li>Both GLA and HMRC will act on information about such operators. Under new GLA Licensing Standards, failure to pay VAT will be critical non-compliance, taxes owed from previous</li> </ul>

		<p>businesses a 'fit and proper' issue.</p> <ul style="list-style-type: none"><li>• GLA to consider re-viewing all cases of labour providers who were previously identified as not having paid VAT, once this non-compliance becomes critical under new standards.</li><li>• GLA to reiterate the importance of minimum charge rates in the context of the supermarket protocol/ responsible labour user guide.</li></ul>
14.	Any other business	None