

## **THE GANGMASTERS (APPEALS) REGULATIONS 2006**

In the matter of the appeal against a decision made by the Gangmasters Licensing Authority (Ref 86/E/RV)

**A1 Labour Services  
(Appellant)**

**V**

**The Gangmasters Licensing Authority  
(Respondent)**

### **Appointed Person**

**J.Blackwell**

### **Decision and Summary Statement of Reasons of the Appointed Person, in relation to the above matter:**

#### **Decision**

The appeal be refused. The Decision is to take effect on 5<sup>th</sup> March 2010.

#### **Summary statement of reasons**

1. The Appellant operated under a licence granted by the Respondents("The GLA")
2. The GLA revoked that Licence with effect from 17<sup>th</sup> Dec 2009
3. On 16<sup>th</sup> Dec 2009 the Respondent appealed against that decision.I have seen and taken into account that appeal and supporting documents and The GLAs Response.
4. The Parties have agreed pursuant to Regulation 15 that the Appeal will be determined on the basis of those documents and without a Hearing.
- 5.The GLAs decision is based upon The Appellant accumulating 60 penalty points following an inspection on 18<sup>th</sup> Sept2009.The methodology is explained in the document "Licensing Standards" issued by The GLA.A score exceeding 30 points will lead to revocation of a Licence.The Appellant does not take exception to the prin

principles set out in that document but to the way they have been applied.

6. The first 30 points were deducted because because The Appellant did not disclose in an application to transfer his licence to a Limited Company, that he was providing accommodation to his workers in breach of Licensing Standard 1.1. The introduction to that standard states "The GLA will assess all relevant factors in considering whether a licence holder act in a fit and proper manner". The Appellant accepts that he did not inform The GLA but says that it related to only 3 workers. In summary he pleads extenuating circumstances The second 30 points accrued because the caravans in which the workers lived, although being supplied with gas, had no certificate indicating that a gas safety check had been carried out in breach of Licensing Standard 4.1., which requires that accommodation provided to workers is safe. The Appellant simply says that he did not know that one was required.

7. The GLA also took into account the admitted fact that, following an inspection in August 2008 by a National Minimum Wage team the Appellant had underpaid his workers to the extent of £982.

8. The Appellants defence as to the provision of accommodation is that it related to only 3 workers, one of whom had become a family friend, also that the original purpose of the caravans was to accommodate him and his wife whilst building operations were undertaken.

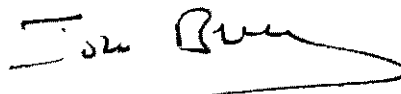
9. As to the lack of a gas safety certificate the Appellant pleads ignorance.

10. The Appellants ground of Appeal as to the under payment seems to be that, given that he employed up to 150 workers, it was a small amount and the issue was speedily resolved. In general the Appellant also says that he has traded satisfactorily employing 150 workers and thus the revocation of the Licence is disproportionate.

11. In conclusion the facts upon which The GLA relied in reaching the decision to revoke are not in dispute. The Appellant pleads mitigating circumstances. In my view those circumstances are of little weight and do not render the decision to revoke invalid. The decision was both factually sound and eminently reasonable.

### Decision

On the basis of the written representations the Appeal is refused because The GLA acted reasonably in revoking the Licence for the reasons set out above.



J Blackwell  
Appointed Person

DECISION SENT TO THE PARTIES ON AND ENTERED  
IN THE REGISTER *on 10/2/10*

FOR SECRETARAT

*M. Baker.*