

**THE GANGMASTERS (APPEALS) REGULATIONS 2006**

**IN THE MATTER OF AN APPEAL AGAINST THE DECISION MADE BY THE  
GANGMASTERS LICENSING AUTHORITY (GLA)**

**STONEHOUSE RECRUITMENT LIMITED  
(Appellant)**

**-v-**

**THE GANGMASTERS LICENSING AUTHORITY  
(Respondent)**

**DECISION**

Upon consideration of the appeal documents and accompanying papers lodged by the Appellant and the reply to appeal and accompanying papers lodged in response by the Respondent, the appeal of the Appellant is dismissed and its licence is revoked with effect from 4 June 2008.

**Summary Reasons**

1. Stonehouse Recruitment Limited ("the Appellant") is a licensed Gangmaster, its licence having been granted on 19 February 2007. The licence contained conditions in respect of Licensing Standards 5.3, 6.1 and 6.11 which were to be complied with by 10 October 2007 which were added to the licence on 10 July 2007, after an inspection of the business on 21 May 2007 by the Gangmasters Licensing Authority ("GLA").
2. The business of the Appellant is principally to supply labour to mushroom growers.
3. On 24 January 2008 the GLA wrote to Mr Singh of the Appellant advising him that it intended to revoke the Appellant's license with effect from 20 February 2008 unless an appeal against that decision was submitted. The reason for the revocation was, briefly, non-compliance with the following:
  - 3.1 Licensing Standard 1.1: Misleading the GLA by declaring on 15 August 2007 that the Appellant did not use its own vehicles to take workers to and from work when in fact Mr Singh owned and provided a vehicle, registration number P813 WWY, which was used by the Appellant in the transport of workers. Further, Mr Singh declared that he would issue amended contracts for services to all workers before 6 June 2007 and failed to do so. Finally, the Appellant repeatedly failed to cooperate with GLA inspectors on 21 November 2007, 29 November 2007 and 10 December 2007 when it failed to allow inspectors to review documents they had requested (30 points).
  - 3.2 Licensing Standard 2.2: The Appellant failed to provide inspectors with evidence that deductions from workers' pay and income tax were accurate, appropriate and paid to HMRC notwithstanding a written declaration from Mr Singh that he would do so (8 points).

- 3.3 Licensing Standard 5.1: The Appellant did not produce any records of days and hours worked by its workers and it was evident that the Working Time Regulations had been breached (8 points).
- 3.4 Licensing Standard 5.3: The Appellant failed to provide any accurate records of the hours worked by its workers and the evidence that was supplied was of dubious authenticity (8 points).
- 3.5 Licensing Standard 6.11: The Appellant did not have a PSV licence for transporting workers in the mini bus owned by Mr Singh (8 points).
- 3.6 Licensing Standard 7.3: Despite providing a written declaration to issue amended contracts for services to all workers before 6 June 2007, the Appellant failed to do so and the contracts held on workers' files did not contain necessary terms and conditions particularly in relation to notice periods and the intervals at which wages were paid (8 points).
- 3.7 Licensing Standard 9.1: The Appellant failed to record details of workers (8 points).
- 3.8 Licensing Standard 10.1: The Appellant failed to make satisfactory arrangements to establish that the workers were entitled to work in the UK (8 points).
4. The Appellant appealed against the decision to revoke its licence and the appeal was signed by Mr Singh in his capacity of as a director of the Appellant. That appeal enclosed various documents including amended contracts for services, statement of payments to HMRC, an opt-out agreement, copies of cheque stubs and copies of special delivery receipts.
5. Directions were given by me on 31 March 2008 setting out a timetable in order to bring the appeal to an oral hearing. Mr Singh asked for an extension of time by letter dated 9 April 2008 in order to take legal advice. He did not take that advice or at least he did not instruct a solicitor to act on his behalf. In response to his request, however, the timetable for compliance with directions given on 31 March 2008 was extended by 14 days.
6. The GLA then applied under Regulation 15(c) to have the appeal determined by way of written determination since the Appellant had not complied with the directions. The Appellant indicated that it was not prepared to proceed without an oral hearing notwithstanding that it had not complied with paragraphs 1 and 2 of the aforementioned directions order.
7. On 16 May 2008 I issued a further directions order setting out the background to the progress of the appeal. Notice was given to the parties that the appeal would be determined without an oral hearing unless either party made representations objecting to this course of action within 14 days of the date of the Order i.e. 30 May 2008.
8. On 22 May 2008, Mr Singh wrote to the Secretariat saying that the reason for his delay in complying with directions was due to his ill-health. No medical evidence was provided. Mr Singh asked for additional time to deal with this matter.
9. In determining this appeal without an oral hearing I have had cause to review in detail the written documents before me. The Appellant has clearly sought to mislead the

GLA by wilfully failing to allow appropriate inspections, producing documentation of dubious authenticity and giving declarations to correct breaches of Licensing Standards which it then failed to honour.

10. The pursuit of this appeal by the Appellant also leaves much to be desired. The appeal initially produced documents which fell well short of having any significance in relation to the Licensing Standards breached. There was then a complete failure to comply with directions given by me. This was followed by a request for more time in order to take legal advice but this did not result in solicitors being instructed. The Appellant, through Mr Singh, then stated he wanted an oral hearing and was not content for the matter to be dealt with without one. When eventually it became clear that this was the course of action I proposed to take in the absence of any objections, Mr Singh suggested his non-compliance with my previous Orders was due to ill-health.
11. The inescapable conclusion I have reached is that Mr Singh has taken every opportunity to avoid this appeal being concluded, presumably with a view to being able to continue to run the business of a Gangmaster for as long as possible.
12. I am satisfied that in all the circumstances the Appellant has shown no good reason why this appeal should succeed and it is dismissed.
13. The Licence is revoked with effect from 4 June 2008.

**Dated: 1 June 2008**

**Signed:** .....  .....

**Appointed Person**

