

The Gangmasters (Appeal) Regulations 2006

In the matter of an appeal against a decision made by the Gangmasters Licensing Authority (GLA)

Christopher Taylor

t/a

Taylor Made Services

(Appellant)

V

The Gangmasters Licensing Authority

(Respondent)

Appointed Person J. S. Walker

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

Decision

The Appeal is dismissed. This Decision is to take effect on 30 May 2008.

Summary Statement of Reasons

1. Upon reading the Appeal Ref No: 38/E/RV lodged on 6 February 2008 against Revocation of the Respondent's Licence by the GLA by a letter dated 17 January 2008, and
2. upon reading the Response and accompanying papers lodged on 2 April 2008 by the Respondent, and
- 3.1 both parties having requested that this matter be dealt with without an oral hearing, I determine this Appeal without an oral hearing.
4. The GLA conducted an enforcement interview with Mr Taylor on 15 November 2007 and ascertained that he was using an unlicensed subcontractor, Mr Damms in apparent contravention of Licensing Standard 8.1 which requires that "Any subcontractors used must be properly and currently licensed by GLA." Mr Damms' license was revoked on 6 June 2007. That is one of the critical standards and its breach led to Mr Taylor's own license being revoked with effect from 14 February 2008 but which has continued in operation until now by virtue of his notice of appeal.
5. The GLA have issued Guidance on the steps that a labour user can take to ensure a labour provider is licensed. That sets out the steps which may be relied on in such cases. That is, where the labour user (Mr Taylor) can show that he has taken all reasonable steps to ascertain if the labour provider (Mr Damms) has a valid license and did not know, and had no reasonable grounds to suspect, that the labour provider was not licensed.

6. The GLA maintain a public Register of all licensed labour providers and the Guidance gives information about how to check that a business is licensed. Amongst the reasonable steps suggested is to "check the GLA's register at 3 monthly intervals and keep a copy....", printed or electronic.

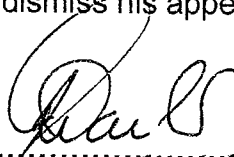
7. In his grounds of appeal, Mr Taylor says " I do not own a computer. I checked on a regular basis using an internet café and or friends machines to confirm Ian Damms was licensed. Defra Guides suggest 3 monthly check acceptable. I understand Mr Damms licence was revoked on or around 8th June. All work had ceased by the end of June."

Conclusions

8. Mr Taylor has provided no corroboration by way of copies of any checks of the GLA register about Mr Damms. He puts forward no other reasonable steps that he took. Accordingly, I find that he had not made out that he had taken reasonable steps to ascertain if Mr Damms had a valid license.

9. On the face of Mr Taylor's own grounds of appeal, he used Mr Damms as an unlicensed labour provider after his licence was revoked from the 6 June to at least the end of June 2007. Accordingly, he was in breach of Licensing Standard 8.1. and the decision to revoke his license was properly made.

10. I therefore dismiss his appeal.

Signed:  (Person appointed by the Secretary of State to determine appeals under The Gangmasters (Appeals) Regulations 2006.

Dated: 29 April 2008