

GANGMASTERS (LICENSING ACT) 2004

THE GANGMASTERS (APPEALS) REGULATIONS (NORTHERN IRELAND) 2006

APPEAL REF: 7319/09 GLA

APPELLANT: Timothy/Lewis TLR Resourcing Ltd (in administration)

RESPONDENT: The Gangmasters Licensing Authority

Appointed Person: Mr D Buchanan

Appearances:

Neither the appellant, nor the administrators of the company, appeared, nor were they represented.

The respondent Authority was represented by Ms Charlotte Wilson, Appeals Officer, with Mr D Nix.

DECISION

The appeal by the appellant against the decision of the respondent Authority to refuse a licence is dismissed.

SUMMARY STATEMENT OF REASONS

- 1. On 16 October 2009 the respondent Authority refused the appellant a licence under the provisions of the 2004 Act.**

The appellant appealed by Notice of Appeal dated 27 October 2009.

2. Direction Orders, to progress the matter to hearing, were given on 3 March 2010, and a written Record of those Orders was issued to the parties on 8 March 2010.
- 3(i) On 18 May 2010, following the submission of an investigation file to the Procurator Fiscal ('PFS') in Perth, the matter was stayed – initially until 31 August 2010, but that stay was subsequently extended on more than one occasion.
 - (ii) I became increasingly concerned at the length of time the proceedings had been stayed, and directed that a hearing be held to consider whether they should be further stayed and, if so, for how long. That hearing was held on 15 February 2012.
 - (iii) Notice of that hearing was sent on 31 January 2012 to the GLA, the solicitors then on record for the appellant, and to the PFS as a Notice Party.
 - (iv) On 3 March 2012, a letter was received from the appellant's solicitors advising that the appellant company was in administration and that they no longer had instructions to act in the matter. They subsequently provided details of the administrators, who were then informed of the hearing scheduled for 15 February 2012. Notice of the hearing was sent to the appellant company at its business address and to Mr Timothy Lewis at his home address.
- 3(i) At the hearing on 15 February 2012 the matter was further stayed until:-
 - (a) the GLA had a reasonable opportunity to make further enquiries as to the status of the appellant company; and
 - (b) enquiries had been made of the appellant company as to whether the company intended to proceed with its appeal.
- (ii) On 21 February 2012 a letter was sent to Mr Lewis asking him to indicate within 14 days whether it was proposed to proceed with the appeal. He did not reply to that letter.
- (iii) On 21 March 2012 the joint administrators confirmed in correspondence that they would not be continuing with the company's appeal against the decision to refuse a Gangmaster's Licence. They also give an indication to this effect to the GLA, and stated that the company had no commercial value and was to enter into liquidation.
4. On 26 March 2012, a letter was sent to the liquidators, Mr Lewis, the GLA, and the PFS (as a Notice Party) stating that I proposed to list this matter to hear an application by the GLA to dismiss the appeal. A formal Notice of Hearing was sent to the parties on 16 April 2012, giving a hearing date of 2 May 2012.
- 5(i) At the hearing on 2 May 2012 the liquidators did not attend, nor did the appellant. They were not represented, and they did not communicate with the tribunal by way of correspondence to make any written submissions or representations.
- (ii) In all the circumstances, and particularly in the light of the administrators' letter of 21 March 2012, I am satisfied that this appeal should be dismissed.

- (iii) This document is a statement of the reasons for the decision to dismiss the appeal, which I gave orally at the hearing on 2 May 2012, and the decision takes effect from that date.

Appointed person: 
(Chairman of the Industrial Tribunals)

Date and place of hearing: 2 May 2012, Belfast

Dated: 11 MAY 2012