



FAQ's for Temporary Licensing

Introduction

The GLAA recognises that these are unprecedented times due to the COVID 19 pandemic and there has been a significant impact on food production. The GLAA is keen to work with industry and particularly Labour Providers to mitigate the effects on labour supply to critical food supply sectors. This is a list of FAQ's in relation to the Temporary Licensing Scheme which launched on 31 March 2020.

Please read GLAA Brief 62 before contacting the GLAA

<https://www.gla.gov.uk/media/5647/glaa-brief-issue-62-temporary-licensing-and-covid-19.pdf>

Questions

How do I apply for a Temporary Licence?

You will need to find a current GLAA Licence-holder to work with who will sponsor your application. You can then send us an email Licensing@gla.gov.uk and we'll send you an application form.

Can a Temporary licence-holder supply directly to the Labour User?

No. The Full Licence-holder will make arrangements to supply workers to the labour user. A Temporary licence-holder cannot make a direct arrangement with a labour user. The fully licensed Labour Provider engaging the business should have a supply contract with their partner. Details of the agreed supply will be added to the Temporary Licence. The workers do not need to be transferred to the Full Licence-holder.

Can a Temporary licence-holder supply to more than one Labour User?

The Full Licence-holder will make arrangements to supply workers to the labour user. The Temporary Licence-holder may supply to more than one Labour User but only via the fully licensed Labour Provider who has sponsored the application. Each different Labour User supplied by the full Licence-holder must be noted on the Temporary Licence and so any changes must be notified to the GLAA using licensing@gla.gov.uk.

Can a Temporary licence-holder supply to more than one Sponsoring Labour provider?

Yes, although each full Licence-holder will need to countersign an application confirming that they have carried out their own due diligence on the Temporary Licence-holder and that the information on the Temporary Licence application form is correct.

Can a Temporary Licence-holder recruit new workers to meet the demand for supply?

Yes, new workers can be recruited if there are shortages arising from the COVID 19 pandemic through a Full Licence-holder. However, you cannot sub-contract with another labour provider who is not licensed.

If my existing Full licence has expired or been cancelled, can I renew?

No, you cannot renew an expired or cancelled GLAA licence past the renewal/cancellation date, but you can choose to apply for a Temporary or new Full Licence.

Can I supply workers before my Temporary Licence is issued?

No, the supply of workers must not occur until we have indicated in writing that supply can begin.

What checks will be carried out as part of the process?

We will be carrying out the usual checks of our systems, and with EAS, HMRC, Companies House and the Police and any other checks felt relevant or necessary to inform our risk assessment. If we find any adverse information, then we may refuse to grant a licence.

Can any business apply for a Temporary Licence?

No, Temporary licences will only be granted to established businesses operating within the wider labour supply industry and who wish to support an existing GLAA licence holder.

Can a new business apply for a Temporary Licence?

No, the scheme is for established businesses who already supply workers in to other sectors, but who, because of the pandemic, have workers available.

How quickly will I get my licence?

We are unclear on the level of demand at this time, but we aim to make a decision on an application within 5 days. If it's going to take longer than this then we will let you know. If you can provide us with accurate information when completing your application this will help to speed things up.

Can I apply for a full Licence at the same time?

Yes, you can also apply for a full licence and we would encourage businesses to apply but you will need to meet the requirements of the Licensing Standards and pay the requisite fee. You can apply for a licence from our website www.gla.gov.uk

What checks should an existing Licence-holder carry out to meet the requirements?

Existing full licence-holders should be working with reputable labour providers with a proven track record and an ability to demonstrate compliance with the Licensing Standards. They should carry out the usual due diligence that they would complete when working with other Licence-holders to supply workers.

What happens if the sponsoring Licence-holder decides they don't want to work with the Temporary Licence-holder?

The Licence-holder should advise the Temporary Licence-holder and us (using our email), as soon as practicably possible. The Licence-holder should set out the reasons as to why they no longer wish to partner with the Temporary Licence-holder, and we will use this information to investigate if the Temporary Licence should continue. If there is no work for the Temporary Licence-holder, they can seek sponsorship from another licence-holder but cannot supply workers until this has been agreed by us, in writing. The Temporary Licence may be revoked with Immediate effect, if there is any evidence of exploitation.

If a Temporary Licence is refused can I appeal the decision?

Yes, you can appeal the decision. As a first step upon appeal, the application will be considered by a senior GLAA manager to allow for a quick review to occur. The applicant can also formally appeal the refusal in line with the Appeals Regulations and information will be provided on this, but this can take several months. The GLAA licensed Sponsor will be advised that the application has been refused but confidential details will not be provided.

How long will a Temporary Licence be granted for?

Temporary Licences will be issued for three months unless the duration of the Temporary Licence is extended by the GLAA or HM Government determines there is no longer a threat from the pandemic and the Scheme has been removed.

Will a Temporary Licence expire automatically?

The Temporary Licence will initially be issued for 3 months at which point it will expire unless the Temporary Licensing Scheme has been extended or has ended. If you want to supply beyond the Temporary Licence period, you should have applied for a GLAA licence and paid the application and inspection fee prior to the Temporary licence expiring.

Exclusions from licensing

Certain activities are excluded from needing a licence. There are exclusions in place which cover the transfer of workers which will still apply. These are explained further in our guidance <https://www.gla.gov.uk/media/4604/guidance-on-who-needs-a-licence-april-2019.pdf>

The key areas to consider are:

- Farmer to Farmer loans of workers

- Family member exclusion
- Raising crops or livestock as a service to a third party

If an employer or a labour provider chooses to transfer their workers to a labour user at no cost, as they have no work, then this would not be a licensable activity e.g. a business says to a food factory “have my workers, no charge” on a permanent/temporary basis whilst there is no work for them.

Further information

1. If you any further queries, please contact the GLAA helpline on 0345 602 5020 or email licensing@gla.gov.uk.
2. For the latest news and updates from the GLAA:



Twitter: [@UK_Glaa](https://twitter.com/UK_Glaa)



Facebook: www.facebook.com/TheGLAA