

**MINUTES OF THE THIRTIETH BOARD MEETING OF THE GANGMASTERS LICENSING AUTHORITY – 13 JULY 2011 HELD AT NATURAL ENGLAND, NOTTINGHAM**

**Present:**

Margaret McKinlay	Chairman
Jeremy Cowper	Defra
David Camp	ALP
Jane Mordue	CAB
Steve Kemp	GMB
Gillian Mills	SAGB
Hannah Reed	TUC
Nigel Jenney	FPC
Graham Bruce	NFUS
Marshall Evans	REC
Joanne Young	ALP
Ron Vass	Scottish Government
Lee Bartlett	Home Office
(on behalf of Jeremy Oppenheim)	
Cathryn Law	BIS
(on behalf of Peter Stevens)	

**In attendance:**

Ian Livsey	Chief Executive
Ray Dawson	Chief Operating Officer
Darryl Dixon	Director of Strategy
Nicola Ray	Director of Projects
Jennifer Clarke	Communications/ L&D Officer
David Nix	Head of Licensing
Maria Wade	Head of HR

**Observers:**

Ivan Bartolo	Seafish Industry Authority
Paul Bettison	Local Government Regulation
Shayne Tyler	Manor Fresh
Jayne Garner	
Hayley Campbell- Gibbons	NFU
Cath Speight	Unite

**Apologies:**

Russ Hardy, PSA	Robin Wythes, HMRC
Peter Stephens, BIS	Chris McCann, BRC
Keith Morrison, DARDNI	Sharon Cross, NFU
Rebecca Murphy, DWP	Simon Chesterman, ACPO
David Coackley, HSE	John Gorle, USDAW

1	Introductions	<ul style="list-style-type: none"> <li>• Margaret McKinlay introduced herself to the Board and gave an overview of her career to date.</li> <li>• MM proposed that on behalf of the Board she wrote to Paul Whitehouse thanking him for his long and faithful service to the GLA.</li> <li>• MM is proposing to meet all Board members. Appointments should be made via Jane Riley, MM's PA.</li> </ul> <p><b>Action</b></p> <ol style="list-style-type: none"> <li>1. MM to write to PW.</li> </ol>
2	Apologies	<ul style="list-style-type: none"> <li>• Apologies for absence received from those noted above.</li> </ul>
3	Minutes of the last Board meeting	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• It was agreed that Jane Mordue would continue in her position as vice chair of the Board.</li> <li>• Minutes of the meeting were agreed and the action points discussed.</li> </ul> <p><b>Action</b></p> <ol style="list-style-type: none"> <li>2. Minutes of 29<sup>th</sup> meeting to be amended accordingly.</li> </ol>
4	Declarations of Interest	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>
5	Declarations of urgent business	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>
6	Operations Update:	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• RD gave a presentation on operations.</li> <li>• Operation Nackett, N Ireland – GLA officers were assisted by the PSNI in executing a Search Warrant in relation to Section 12 of the Gangmasters(Licensing) Act 2004 offence involving shellfish. 3 people were arrested. A report is being prepared for submission to the Prosecution Service in Northern Ireland. This was a cross-border issue, the workers being taken over the border from the Republic.</li> <li>• Operation Senator - multi agency led by GLA &amp; HMRC Special Investigations as a result of numerous allegations including PAYE/VAT/UKBA offences and accomodation/exploitation/illegal supply of workers. The main offender was arrested for GLA offences and bailed until end of July. £4K in unpaid wages was found at his address. The GLA is ensuring that this is paid to the workers. UKBA detained 20 persons at a farm for immigrations offences.</li> <li>• Park Royal – Enforcement Awareness event led by the GLA to be held on 3 August for businesses on the Park Royal Industrial Estate. The event is to be supported by HMRC, NMW, HSE, UKBA &amp; ACAS together with major retailers. The Deputy Lord Mayor of London will open the event. Angie Bray MP will also be attending.</li> <li>• Thanet Earth – GLA investigations following an aggressive campaign led by UNITE. 117 allegations, mainly historical were received by UNITE. 3 LPs investigated by the GLA resulting in potential sanctions for one only. UNITE are continuing to target the LU and major retailers. There is much media interest. TUC stressed the need for an MOU and asked to discuss the details of the investigation outside of the meeting.</li> <li>• Operation Nighthawk – 2 Lithuanian nationals residing in Norfolk were</li> </ul>

		<p>arrested by GLA officers for section 12 offences. This operation was assisted by Norfolk Police which involved executing warrants at five further addresses simultaneously. Amongst items seized were a large number of credit/debit cards, firearm ammunition and CS spray. Both of the men arrested are subject to police bail whilst further enquiries continue. Further enquiries are continuing around accommodation irregularities.</p> <ul style="list-style-type: none"> <li>• A K R Services Ltd – the licence for this company was recently revoked with immediate effect. Among the reasons for revocation were false invoicing, workers bullied and threatened, holiday leave not paid, wages withheld. One worker worked a 22 hour shift then returned the following day to work a further 8 hours. Another worker worked an 88 hour shift.</li> <li>• Dairy Investigation – the legal arguments presented on 11 July 2011 by the defence were not accepted. The trial will take place on 24 October. The labour users are being prosecuted first as the offences have a 6 month time limit for charging. The labour provider offences are not time limited.</li> <li>• Spring Onions – an exercise is to be conducted in the West Midlands during the summer to examine the supply of labour to both the retail and wholesale supply chain</li> <li>• Operations 2010-11 – GLA investigations revealed 845 exploited workers and financial exploitation of c£2.5m. 12 high profile operations took place during this period. 91% of intelligence-led operations identified serious non-compliances.</li> </ul> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>3. Link to the 2010-11 Annual Report &amp; Accounts to be placed on GLA website.</li> <li>4. Consider use of more wide ranging pictures in future publications.</li> </ol>
7.1	ARC Annual report and accounts	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• Annual Report and Accounts – signed by the NAO on 27 June; a clean audit report was received.</li> </ul> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>5. Consider how best to use the identified data from the annual report.</li> </ol>
7.2	ARC Report	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• JM thanked CM, PB &amp; NJ for their work with the ARC Committee. The two areas of concern are :-</li> <li>• The cuts and how to survive them.</li> <li>• Relocation of the GLA office.</li> </ul> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>6. MM &amp; IL to look at Strategic Review.</li> </ol>
8.1	Timetables of Meetings 2012	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• Board noted.</li> </ul>
9.1	Draft Licensing Standards Consultation	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• MM reminded the Board of the timetable for the consultation. 27 July deadline for comments 08 August out to public consultation 12 October (Board meeting) emerging findings</li> </ul>

		<p>31 October consultation period ends  18 January 2012 (Board meeting) standards to be agreed  6 April 2012 revised standards operative</p> <ul style="list-style-type: none"> <li>MM invited comments on the general principles outlined in the consultation document.</li> </ul> <p>Q.1 - 5 no comments  Q.6 HR raised concerns in the way the question had been posed giving the appearance that the GLA may diminish the importance of the right to association  Q.8 – 9 no comments  Q.10 LS 7.3 is now critical  Q.11 and 12 HR commented that it should be stated that if we opt for the "Do nothing" option that we will be treating the rights of workers differently from other rights set out in the standards  Q.13, 14 and 15 no comments  Q.16 DN will draft a new version of the question  Q.17 no comments</p> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>DN &amp; HR to agree wording of questions 11 &amp; 12 concerning the Agency Worker Regulations.</li> <li>Revised text out by 15 July 2011.</li> <li>GLA to provide brief on which aspects of the Agency Worker Regulations will be considered from October 2011.</li> </ol>
9.2	Relocation	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>MW updated the Board on the relocation of the GLA offices. The Chalfont Drive site is due for closure on 31 March 2012.</li> <li>A business case has been put forward with a view on our preferred location, the ultimate decision lies with Defra estates.</li> <li>A presentation to Office based staff has been made.</li> <li>The risk of losing staff and the cost of the move and disruption is of concern.</li> <li>Efficiencies have to be achieved in the relocation which includes 25% less m<sup>2</sup>.</li> <li>ARC were concerned about the impact of much larger costs as the GLA is limited to the government estate which may not meet commercial rates.</li> </ul>
10.1	Olympic Games	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>DD is meeting the LOCOG committee on 21 July about suppliers so that the GLA can influence early in the process.</li> </ul> <p><b>Action:</b></p> <ol style="list-style-type: none"> <li>DD to ensure that committee is aware of exemptions in relation to wholesalers.</li> </ol>
10.2	Forestry Pilot Steering Group Update	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>DD advised the meeting that the issue the group is grappling with is the concept of earned recognition as there was limited input from the sector.</li> <li>A target date of 18 July had been agreed for providing proposals for earned recognition.</li> </ul>

		<ul style="list-style-type: none"> <li>Concerns were raised by HR about excluding this sector and the possible impact on workers and the need to ensure that licensing and inspection are critical.</li> </ul>
10.3	Government Review	<ul style="list-style-type: none"> <li><b>Note</b></li> <li>The Davey Review – number of consultations but currently looking at initial recommendations and how to make enforcement more efficient. Considering structure and penalties. The initial findings will be ready by October 2011 and there may be a public consultation on these findings.</li> <li>Forestry Regulations Taskforce – industry has asked for a review of the regulations, PW gave evidence on this issue and there will be recommendations relating to the GLA. The T.O.R excludes employment law but managed to include GLA regime.</li> <li>IL discussed the MacDonald Review of Farming and invited comments from the Board on the following recommendations. <ul style="list-style-type: none"> <li><b>Communications and perceptions</b></li> <li>4.62 NFU wants farmers and growers to be aware of guidance. NFU are concerned that farmers may not understand their responsibilities. NJ suggested that exclusive ownership of the guidance was not necessary as guidance has been around for a long time.</li> <li>4.63 GLA plans to enhance its communication with labour users. <ul style="list-style-type: none"> <li><b>Inspections and Enforcement</b></li> <li>4.64 Forestry pilot will be extended to other sectors if it is successful.</li> <li>4.65 There were several comments about this as the GLA has adopted a risk-based approach. HR commented that self-assessment will not guarantee compliance and so we should not be quick to move away from inspections. As stated earlier earned recognition is difficult to define.</li> <li>4.66 Inspectors work to the code of practice.</li> <li>4.67 GLA tries to minimise the disruption on workers when conducting interviews.</li> <li>4.69 The GLA works closely with LU's and does not use active checks to target them. <ul style="list-style-type: none"> <li><b>An alternative to licensing</b></li> <li>4.70 This is what is set out in the Act. Other reviews may make recommendations that the Government will need to consider.</li> </ul> </li> </ul> </li> </ul> <p><b>Action</b></p> <p>11. GLA to provide clarity on more obscure areas and whether within scope of licensing.</p> </li></ul>
10.4	McCrorry Update	<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>Everything has slowed down as to whether powers should be delegated and it is being discussed by government.</li> </ul>
11.0	Any other Business	<ul style="list-style-type: none"> <li>GM enquired about the realignment of shellfish farms to agricultural farms. JC responded that Defra was considering how best proposals for taking this forward could be developed and considered the recent visit had provided helpful evidence about the case the likely level of risk.</li> <li>Appeals secretariat will be moving to HM Courts and Tribunal Services from September 2011.</li> <li>Defra lawyers will be moving to Treasury Solicitors or CPS which will</li> </ul>

		provide for greater specialism – positive for GLA.
12	Close and date of next meeting	<ul style="list-style-type: none"><li>• Date of the next meeting to be 12 October 2011.</li></ul>