

GLA 29/8.6

Minutes of GLA Board Liaison Groups

13 April 2011

BOARD PAPER REFERENCE – GLA 29/8.6– Minutes of GLA Board Liaison Groups

Issue

1. To update the Board on the work of the GLA Board Liaison Groups

Recommendation

2. The Board is invited to note the minutes of the Labour User Liaison Group, Labour Provider Liaison Group, and Worker Representatives Liaison Group.

Background

3. At its April 2009 meeting, the Board decided to create Board Liaison Groups for Labour Providers, Labour Users and Worker Representatives under paragraph 7 of the Gangmasters (Licensing Authority) Regulations 2005. All three Liaison Groups have been set up to advise the Board. Each group meets every four months and in sufficient time before each full Board meeting to do so.
4. In June 2009, the Board asked PW to chair the respective Liaison Groups for an initial 6 months period. Liaison Group members of all three Liaison Groups have expressed a preference for PW to continue to chair their meetings.
5. The Labour Provider Liaison Group met on 11 January 2011. Draft minutes of the meeting are attached at Annex A.
6. The Labour user Liaison Group met on 12 January 2011. Draft minutes of the meeting are attached at Annex B.
7. The Worker Representatives Liaison Group met on 20 January 2011. Draft minutes of the meeting are attached at Annex C.

Annex A MINUTES OF THE SEVENTH MEETING OF THE LABOUR PROVIDER LIAISON GROUP – 11am, 11 January 2011, HELD AT Noble House, Room 204, LONDON

Present:

Paul Whitehouse	Chairman, GLA
Darryl Dixon	GLA
Janette Bonham	GLA
Joanne Young	Right 4 Staff
David Camp	ALP
Mark Boleat	ALP
Chris Gorton	Heads UK
Terry Godfrey	Tpg
Konstantinos Makrygiannis	REC
Marshall Evans	Staff Line
Jerry Camp	ALP
Gillian Econopouly	REC
Nick Graff	Wise Employment
Claude Peters	Van Stomp

Apologies:

Lewina Farrell	REC
Michael Bayne	Scottish Machinery Ring Association
Tracy Alyanai	Industrious People

1	Declarations of interest	<p>Note:</p> <ul style="list-style-type: none"> • None
2	Minutes of last meeting	<p>Note:</p> <ul style="list-style-type: none"> • Agreed
3	Previous Actions	<p>Note:</p> <ul style="list-style-type: none"> • Reviewed previous meetings action points, 1, 2 & 3, are ongoing. • Actions 4 & 6 related to the two GLA Briefs for Overseas Guidance and A2 Nationals, which are due to go out shortly. • DC asked if the Group could see the drafts for both of these Briefs, if there are any changes to the draft, before they are sent out. • Action 7 requested any responses to the letter sent regarding low sentencing in enforcement. DD advised that more information would be coming out shortly concerning this issue and the Group would be kept informed. • Action 8 related to Macrory penalties. The Group were advised that information has just come in giving timescales for acquiring these powers. Information will be sent out to the Group to keep them up to date with this. <p>Action</p> <ol style="list-style-type: none"> 1. GLA to distribute the above GLA Briefs to the Group should there be any changes to the draft. 2. Keep the Group informed as to ongoing progress regarding low sentencing.

		3. Information to be fed back to the Group regarding the Macrory penalties process.
4	GLA Brief update	<p>Note:</p> <ul style="list-style-type: none"> • DD advised the GLA have just issued the Brief on the renewal process. This process is now slightly more condensed to save both the GLA and licence holders time. • JC asked how many businesses have been marked as expired. Also how many of these companies then went on to re apply for a licence. • DD advised that this would be time consuming to find out. PW explained that this was caused by the current IBM system making certain information gathering difficult to obtain. The GLA plan to opt out from the IBM contract so that in future information will be easier to obtain. • JY confirmed that the renewal process was now a much simpler system than before and believed that this was an improvement. • DD discussed the idea of a new Brief concerning warnings/alerts which will inform Labour Users and Labour Providers of any information received by the GLA concerning unlicensed organisations (majority of which are overseas Labour Providers) which are touting for business. • Briefs on Overseas Guidance and A2 Nationals will follow on shortly. • A Brief on Forestry will be sent out in the next few months. • Guidance on processing and packaging will be issued, possibly on the website, the Group will be informed. • GLA Briefs on Managed Services & Employment Status are currently in draft. A new short GLA Brief regarding time to pay arrangements is to be distributed. • GLA were asked whether a Brief would be done on Transfer of Licences and if not could the GLA publish some information on this issue. • DD confirmed that the GLA do not allow the transfer of licences. A paper explaining the position will be sent round the group. <p>Action:</p> <ol style="list-style-type: none"> 4. Email Group with information on companies which have gone to expiry having failed to renew their licence and how many of these reapply for a licence after this date. 5. Confirm to Group when guidance on processing & packaging is done and published on the website. 6. Add 'Time to pay arrangements' Brief to GLA Brief list. 7. GLA Position paper on Licence Transfers to be distributed to the Group.
5	GLA Spending Review update	<p>Note:</p> <ul style="list-style-type: none"> • PW discussed the GLA spending review and advised the Group that the GLA have got money for enforcement but there would be cuts in the back office. • Unfortunately due to these cuts the GLA will no longer be able to run the Labour Provider, Labour User and Worker Representative Liaison Group meetings.
6	Travel & Subsistence update	<p>Note:</p> <ul style="list-style-type: none"> • As previously advised, there will be a GLA Brief on Travel & Subsistence in the next two weeks, this brief supersedes all other GLA

		<p>Briefs on this subject and will take into account the recent judicial review outcome.</p> <ul style="list-style-type: none"> • The changes take effect from 1 January 2011 and the Brief makes clear the GLA's position with regard to Travel & Subsistence schemes. • The Brief will also have a note on it advising people that all future Briefs will be sent electronically. • CG asked whether people have noticed any changes regarding Travel & Subsistence schemes. TG replied that he had definitely noticed that far fewer companies are trying to run these schemes. • DC advised that larger companies appeared to be changing their systems to accommodate the judicial review. • TG commented on the increase of 16 hours working which seems to be growing within the industry. Two people work 16 hours between them and then claim benefits for the rest of the week.
7	Forestry Pilot	<p>Note:</p> <ul style="list-style-type: none"> • DD advised that because of the lack of clarity with regard to forestry the GLA have agreed to do a lighter touch forestry pilot. • Current analysis indicates that it is likely that the pilot will show that the risks are low within forestry. • The GLA will look at various things within this industry including sole traders, partnerships (Scottish law is slightly different from English law). The GLA need to look at these anomalies. If the pilot concludes that some areas are low risk the GLA will look at a similar approach elsewhere in the industry. • MB commented that perhaps membership of the ALP could count towards a reduced risk. DD advised that this might be a factor. • JY stated that whether or not forestry is low risk should not affect whether they pay for a licence. • CP advised that he finds it difficult competing with some areas of forestry for example the Christmas tree trade (particularly Eastern countries) so he will be very interested to see the outcome of this pilot.
8	Any other business	<p>Note:</p> <ul style="list-style-type: none"> • CP enquired as to what was the current position regarding the Agricultural Wages Board. PW responded that it will be abolished by October 2012. • MB commented that the ALP cannot understand why it will be as late as October 2012 they are pressing for it to be abolished by October 2011. • PW advised that enforcement in this area will be up to October 2012. • MB advised that the social auditors posed a bigger problem to the industry with regard to WRS. This will not be abolished until it expires and the supermarkets will continue to audit it. • PW confirmed that with regard to WRS the GLA would not enforce this but social auditors could come and check. • CG advised that there is still widespread abuse with regard to holiday pay (more fraud, less holiday pay). Presumes the GLA are getting intelligence to suggest this too. • PW confirmed that this problem is right across the GLA sector. • DC asked if the GLA would be trying to have the consultation for the

		<p>Licensing Standards completed for October 2011.</p> <ul style="list-style-type: none">• PW stated that the GLA would try to do this but it would depend on staff availability.• PW advised that his second term as Chair for the GLA was up for renewal on 31 March 2011. Under the agreement with Defra after two terms the position has to be re advertised and he confirmed that he would be reapplying for this position. <p>Action:</p> <p>8. DD to ask Neil Court to write to group members of the supermarket protocol regarding the WRS scheme.</p>
9	Next meeting	<p>Note: To be discussed.</p>

Annex B MINUTES OF THE SEVENTH MEETING OF THE LABOUR USER LIAISON GROUP – 2pm, 12 January 2011, HELD AT Ergon House, Room 401, 4th Floor, LONDON

Present:

Paul Whitehouse	Chairman, GLA
Janette Bonham	GLA
James Potter	NFU
Helen King	Produce World
Shayne Tyler	Manor Fresh
Tom Easson	Ringlink Scotland
Claire Ludlow	50 Club
Sarah Bailey	Emmett

Apologies:

Claire Joyce	GS Marketing
Shelly Webb	Fresh Delmonte
Mark Clark	Grampian Growers
Tracy Alyanai	Industrious People
Wendy Woolf	Lincolnshire Field Products
Stephen Bates	Lincolnshire Field Products
Sue Slade	Anglo Beef
Sarah Brooksbank	Industrious People
Donna Saunders	Fresh Delmonte
Sue Hall	Winchester Growers
Jon Tugwell	Fyffes
Phil Hudson	NFU
Sharon Cross	GS Marketing
James Brown	CONFOR
Fergus Morgan	2 Sisters Food Group
Des Campbell	Forest Service
Phil Hudson	NFU
Nigel Jenney	FPJ

1	Declarations of interest	Note: No declaration of interest.
2	Minutes of last meeting	Note: • Agreed
3	Previous actions	Note: • Reviewed previous meeting action points. • Action 1 regarding supermarkets not always advising the supply chain when alerts are received – this has been addressed at the Protocol meeting and will continue to be monitored. • Action 4 – GLA to write to auditors to highlight the concern of the labour users who believe that WRS and potentially other aspects of the ETI code conflicts with the GLA approach. Concern raised that ETI look at different things, could they look at the same things against the GLA Licensing standards to ensure no “gold plating”.

		<ul style="list-style-type: none"> The last day to register for the WRS scheme is 2 April 2011, 28 days (the minimum notice required) before the scheme finishes at the end of April 2011. <p>Action:</p> <ol style="list-style-type: none"> GLA to write to ETI regarding labour users' concerns as above.
4	Feedback on section 4 (5) of the GLA Act	<p>Note:</p> <ul style="list-style-type: none"> ST stated that with regard to section 4 (5) of the Act this could be interpreted that there may be a possibility of a lot of farmers needing a GLA licence. He felt that 4 (5) of the Act was very broad and could be open to misunderstanding, could the GLA provide some clarity on this particularly on "The making of any other agreement". Also if a meeting could be set up to discuss this with a working group as the farmers are worried about this issue. JP agreed that this could be very far reaching for farmers, believes they could be swept up by mistake with this act. PW commented that he believed it could be a problem with farmers who are dealing with labour intensive crops. PW advised that the GLA would not move forward with this until this point has been clarified and that he would discuss this with DN. <p>Action:</p> <ol style="list-style-type: none"> GLA (DN) to look at sending clarification on section of 4 (5) of the Act relating to "The making of any other agreement". Group to look at organising a working group to discuss this issue to include farmers, possibly in GLA Nottingham office.
5	GLA Spending Review Update	<p>Note:</p> <ul style="list-style-type: none"> PW discussed the GLA Spending Review. The GLA need to save £330,000 on back office staff. The GLA are unlikely to be able to run the Labour User, Labour Provider and Worker Representative liaison group meetings because of lack of funds. The protocol meetings might possibly be conducted by conference calls. These issues will be discussed at the GLA Board meeting on 19 January 2011. ST stated that this meeting was one of the best opportunities to discuss any potential problems and subsequently many things have been clarified. TE advised that he considered the group meetings to be very worthwhile. The Group felt that the liaison group meetings are generally very helpful because inevitably they save work in the longer term. Issues that could become bigger problems are dealt with earlier. SB considered the groups to be front line as they help to steer the GLA. Members of the Group suggested that they could organize the meetings and meet at the GLA Nottingham offices with a GLA representative attending. ST to discuss with NJ to see if he could minute the meetings and provide papers.

		<p>Action:</p> <p>4. Group to discuss the possibility of running their own meetings at the GLA Nottingham offices.</p>
6	Travel & subsistence update	<p>Note:</p> <ul style="list-style-type: none"> • PW advised that the company which had asked for a judicial review regarding travel & subsistence schemes had lost their case. • The GLA will be sending out a Brief concerning this shortly. This Brief will replace any other travel & subsistence Briefs and become the definitive version. • The Group noted that after GLA Brief Issue 12 future GLA Briefs would be sent electronically only, a note to this affect would be sent with issue 12.
7	GLA Forestry Pilot	<p>Note:</p> <ul style="list-style-type: none"> • PW explained the Forestry Pilot - a scheme set up following an approach from Scottish forestry interests. Problems that arise also include the fact that Scotland have different laws from England. • PW advised that if the Pilot works it will be considered for other areas. • JP commented that the Forestry Pilot was very welcome and the NFU are very interested in principle in this. • PW advised that one of the outcomes of the licensing scheme was fewer smaller firms, which had led to problems in remote areas. However, some forestry companies had received better rates thanks to the GLA, so there are some mixed messages.
8	GLA Brief Renewals	<p>Note:</p> <ul style="list-style-type: none"> • The Group noted the GLA Brief on Renewals. PW advised that there was now a much easier process for renewals, with less for the licence holder to do.
9	Any other business	<p>Note:</p> <ul style="list-style-type: none"> • ST asked whether the debate concerning A2 nationals and employment status and the challenge from REC had been resolved. • PW advised that BIS had still to set up a meeting where this could be discussed and that in the meantime the GLA will still be making their own judgements on employment status. • JP asked for a dairy investigation update. PW advised that around 20 people will be served a summons in the near future and a press statement will come out very soon. • ST enquired about Operation Ruby, PW advised that the trial would be running for several months and the outcome could be very helpful for the future. • Group were concerned about low sentencing. PW confirmed that

		<p>communications were taking place about this.</p> <ul style="list-style-type: none"> • PW advised that when the GLA have a good history of tougher sentencing it will stand the GLA in good stead. • TE asked the Group how other labour users pay for workers who are told when they get to site that there is no work. • Group members discussed this but concluded that this was something the ETI could help with not the GLA. • GLA provide a Best Practice Guide which asks "Do you have a clear service agreement?" The Group considered that this should be agreed upon before the worker starts. It would be sensible to talk to relevant retailers but the two parties should ultimately agree upon the terms.
10	Next meeting	To be discussed.

Annex C MINUTES OF THE 7th MEETING OF THE WORKER REPRESENTATIVE LIAISON GROUP – 20 January 2011 , HELD AT THE HOLIDAY INN, THE RINGWAY, PRESTON PR1 3AU

Present:

Paul Whitehouse	Chairman, GLA
Janette Bonham	GLA
Steve Kemp	GMB
Mike Emberson	Migrant Helpline
Ian Waddell	Unite
Abdul Rahim	Good Relations
Sam Tedcastle	Good Relations

Apologies:

Don Flynn	Migrants' Rights Network
Alison Fairman	Citizens Advice Bureau
Ruth Grove-White	Migrants' Rights Network
Jane Mordue	Chair of Buckingham and Winslow CAB
John Gorle	Usdaw
Tad Stenzel	Federation of Poles
Rick Graham	Unite
Hannah Reed	TUC
Nick Clark	
Jan Mokrzycki	Federation of Poles

1	Declarations of interest	Note: None
2	Minutes of last meeting	Note: • Agreed
3	Previous Actions	<p>Note:</p> <ul style="list-style-type: none"> • Reviewed previous meetings action points. • Action 1 – HR to circulate TUC basic employment rights draft to JB – HR advised that this should be progressed in the next month or so. • Action 2 – GLA to circulate Forced Labour brief to ACPO, ACPOS & CPS, this has been done. • Action 3 – NC's concern regarding Forced Labour & Licensing Standards will be noted for the review of the Standards. • Action 4, 5 & 6 are outstanding, to be reviewed. • Action 7 was for ME to write a guidance circular which could be distributed to the DCLG giving advice on what to do in an emergency (contingency plan for local councils). This has been written and distributed to the group for any comments. PW thanked ME for doing this and confirmed that the GLA would circulate the paper. • Action 8 is outstanding – re HR (TUC) see minutes 22.9.10 • Action 9 is outstanding – re HR (TUC) see minutes 22.9.10 <p>Action:</p> <ol style="list-style-type: none"> 1. GLA to distribute ME's paper to DCLG.

4	GLA Spending Review update	<p>Note:</p> <ul style="list-style-type: none"> • PW advised the group that the GLA were working hard not to lose any front line officers after the cut in the GLA's budget. • Unfortunately, because of lack of funds, the GLA will not be able to run any more of the Labour User, Labour Provider and Worker Representative liaison group meetings, but could provide a senior person to attend meetings in Nottingham. • IW, SK and HR are happy to organise the Worker Representative meetings in the GLA Nottingham offices and will provide the secretariat. JB to provide the Group membership details. <p>Action:</p> <p>2. JB to send IW, SK and HR the Group membership details</p>
5	Travel & Subsistence update	<p>Note:</p> <ul style="list-style-type: none"> • PW advised that there have been a lot of attempts to get around giving the national minimum wage using these schemes. The GLA will be sending out a definitive GLA Brief shortly which will replace any other GLA Briefs on this subject. • The Group noted that after GLA Brief Issue 12 future Briefs would be sent electronically only, a note to this effect would be sent with issue 12. • IW confirmed that the GLA will use this brief as part of their routine inspections and any intelligence to the contrary will be given to the GLA. • SK discussed the new changes relating to the Agency Worker Directive and believes the GLA have made the right stance with regard to this but notes there will be rocky times ahead. SK advised that the GMB are happy to give any information they come across and will keep in touch with the GLA concerning this subject. • PW advised that if the directive comes in the GLA will enforce it. • PW confirmed that the Workers Registration scheme finishes at the end of April 2011.
6	GLA Forestry pilot	<p>Note:</p> <ul style="list-style-type: none"> • PW explained to the Group that this pilot began with the Forestry industry asking the GLA to look at this sector. The problems that arise include the fact that Scotland have different laws from England. The GLA hopes eventually to move to a risk based system where only certain companies receive an application inspection.
7	GLA Brief Renewals	<p>Note:</p> <ul style="list-style-type: none"> • The Group noted the GLA Brief on licence renewals. It normally takes about 6 weeks to obtain a licence therefore if a renewal were missed a company would be unable to trade for 6 weeks while the licence was being processed. This Brief explains the process more

		clearly and will help to cut down on the time spent renewing by both licence holders and GLA staff.
8	Any other business	<p>Note:</p> <ul style="list-style-type: none"> • The Group were advised that the GLA will be part of three separate reviews during 2011; 1) BIS employment review, 2) Farming task force review and 3) Quinquennial / new triennial. • New members Abdul and Sam from Good Relations would like to contact the Group in order to discuss the GLA Worker Representative group and what issues it covers etc. • ME advised the Group that some labour users contact the Migrant Helpline directly in order to set up language courses (e.g. health & safety courses) for their workers, these are paid for by the labour user and are a very positive way forward. • PW confirmed that the majority (about 1,000) of the GLA licence holders are doing well. About 100 need encouragement and the remainder need careful watching. <p>Action:</p> <p>3. JB to circulate the Groups contact details to Good Relations.</p>
9	Next meeting	<p>Note:</p> <ul style="list-style-type: none"> • To be discussed.