

MINUTES OF THE TWENTY-SECOND BOARD MEETING OF THE GANGMASTERS LICENSING AUTHORITY – 22 APRIL 2009 HELD AT NATURAL ENGLAND, NOTTINGHAM

Present:

Paul Whitehouse	Chairman
Marshall Evans	REC
Joanne Young	ALP
David Camp	ALP
Gillian Mills	SAGB
Sharon Cross	NFU
Phil Hudson	NFU
Graham Bruce	NFUS
Nigel Jenney	FPC
Samantha Peace	HSE
Jeremy Cowper	DEFRA
Geoffrey Theobald OBE	LACORS
Russell Hardy	Police Superintendents Association
Simon Chesterman	ACPO
Jane Mordue	NACAB
Chris Kaufman	Unite
Hannah Reed	TUC

Observers:

Anne Fairweather	REC
Paula Lovitt	BERR
Steve Kemp	GMB
Tina Rutter	Emmett UK Ltd
Stephen Ferris	National Audit Office

In Attendance:

Ian Livsey	Chief Executive
Ray Dawson	Deputy Chief Executive
Darryl Dixon	Director of Strategy
Nicola Ray	Director of Projects
Almut Gadow	Policy Officer

Agenda

1	Introductions	Gillian Mills welcomed on the board
2	Apologies	Judith Hicks Robin Wythes Chris McCann Carl Cresswell Peter Toner Neil Fleming John Speers Gary Haggaty Tim Woodhouse
3	Minutes of the last Board meeting	Agreed

4	Declarations of interest	None
5	Declarations of urgent business	<ul style="list-style-type: none"> • Pensions policy • Chris Kaufmann paid tribute to the late Jack Jones as one of the leaders in the fight to protect vulnerable workers
6.	Operations update	<p>Note:</p> <ul style="list-style-type: none"> • Operations update noted by the Board • GLA and BERR are planning joint activity • Media coverage of 'British workers' taking up 'immigrant jobs' must be handled sensitively so as not inflame tensions or create impression of two competing workforces <p>Action:</p> <ul style="list-style-type: none"> • GLA to review whether some licence holders that currently have zero workers may be 'lifeboat licences' for business operating under another licence and, if so, how this might be addressed
7.1	GLA Board Liaison Groups – Paper	<p>Note:</p> <ul style="list-style-type: none"> • Establishment of Liaison Committees agreed in principle • Regulations stipulate that the chair of each liaison group must be a Board member. The Board's preferred option is for liaison committees to be chaired by an independent member rather than a labour user, labour provider or worker representative. • Agreed that PW would chair initial meetings and step down when suitable alternative chairs identified. <p>Action:</p> <ul style="list-style-type: none"> • GLA to arrange one meeting of each group prior to the next Board meeting in order that terms of reference, membership and chair can be agreed and approved by Board in June.
7.2	External Communications Strategy	<p>Note:</p> <ul style="list-style-type: none"> • Agreed • GLA will continue its high profile media strategy; increased joint operations may lead to more joint publicity. • There may be scope for GLA to more proactively highlight practices of good business. • The vulnerable workers campaign will raise awareness of employment rights generally, but no part of its budget has been earmarked to promote GLA specifically. GLA to continue to promote 'tell the GLA' as this has become a trusted brand and facility on which vulnerable workers and others rely. <p>Action:</p> <ul style="list-style-type: none"> • Licence holders, Citizens Advice Bureaux, and local authorities may all be able to assist with distribution of worker rights leaflets and contact cards. GLA to amend para 5.5 to reflect this. • GLA to discuss with JM how Citizens Advice Bureaux can assist GLA in reaching workers more effectively. GLA to discuss with CK possibility of using TUC regional structure to reach workers.
7.3	Publicising Revocations Without Immediate Effect	<p>Note:</p> <ul style="list-style-type: none"> • Approved • The Board had previously decided to "not normally" publicise revocations before a decision becomes effective. Several recent cases highlighted the need to clarify "not normally".

		<ul style="list-style-type: none"> • Not publicising revocations before they take effect creates reputational risks as it may be interpreted as GLA inaction in cases of serious worker abuse. • Publicising revocations before they take effect creates financial risks of civil claims after a successful appeal. However, proposal is to publicise revocations only where no realistic possibility of a successful appeal exists. • Defra expressed reservations about effectively creating a third category of revocations, without immediate effect but with immediate publication. • NFU feel earlier notification of revocations would benefit labour users. <p>Action:</p> <ul style="list-style-type: none"> • GLA to update Paper GLA16/8.5.
7.4	Reappointment of the GLA Deputy Chairman	<p>Note:</p> <ul style="list-style-type: none"> • Agreed; Jane Mordue reappointed as deputy chair
	Additional item	<p>Note:</p> <ul style="list-style-type: none"> • The Board delegated its authority to approve GLA annual accounts to the Audit and Risk Committee.
8.1	GLA response to the Universities of Liverpool and Sheffield Annual Review and Hampton Implementation Review Recommendations	<p>Note:</p> <ul style="list-style-type: none"> • PW and IL thanked DD for his work in connection with the Hampton Implementation Review • First draft of inspection report expected shortly <p>Action:</p> <ul style="list-style-type: none"> • GLA to circulate final report to group when received, and before it is published by BERR • Board members to submit any comments on the actions proposed in response to the recommendations summarised in Paper GLA 22/8.1 by email to almut.gadow@gla.gsi.gov.uk in time for agenda of June Board meeting
8.2	Supermarket Protocol – Paper	<p>Note:</p> <ul style="list-style-type: none"> • Following discussions with labour users and retailers, there will now be a 3-months period of consultation on the GLA and Retailers Protocol. The consultation process will be managed by the GLA, and NFU/ FPC have offered to help facilitate consultation. • Board agreed that consultation is the best way to proceed with the protocol.
9.	Any Other Business	<p>Note:</p> <ul style="list-style-type: none"> • AF raised the issue of personal account pension schemes. From 2012, all workers will have to be automatically enrolled into a pension scheme into which employers will have to contribute unless the worker opts out. This poses practical challenges for agencies, which REC is currently working with DWP to resolve. The new pension rules may need to be incorporated into GLA licensing standards at some point in the future. • GLA is in the process of presenting to DEFRA the case for more enforcement officers and will hopefully be able to confirm outcome of the bid to Board members in mid-May.
10.	Date of next meeting	<ul style="list-style-type: none"> • Wednesday 17 June – London