

GLA18/7.5 Actions from the GLA User Group

16 April 2008

BOARD PAPER REF. – GLA18/7.5 – Actions from the GLA User Group

Issue

1. To make the Board aware of the actions from the last GLA User Group meeting on 27 February 2008.

Recommendations

2. The Board is invited to note the actions at Annex A.

Background

3. The “User Group” is a forum for labour providers to discuss with the GLA how the licensing is operating. It also provides opportunity for the Authority to gather views on new proposals.
4. The group meets quarterly and attendance is open to all licence holders. The sixth meeting was held on 27 February 2008.

Annex A – GLA User Group 27 February 2008 Meeting Actions

No	Meeting	Description	Response	Licensing News	Status
3	16/05/07	Various AWO issues:			
		a) Information on appeals on AWO to be provided by the GLA when results known via Licensing News		To be included in future LN	Open
		b) GLA position on applicability of AWO to workers on Contracts for Service	Awaiting Defra legal advice	To be included in future LN	Open
		c) Agricultural Rigs - Confirmation sought that standard Working Time rules apply not drivers working time rules.	That is the GLA position.	To be included in future LN	Open
		d) Workers are used by a LP at various agricultural assignments. Worker works 20 hours at Farmer 1, 15 hours at Farmer 2, 18 hours at Farmer 3. Total of 53 hours. AWO says they qualify for overtime rates if working more than 39 hours per week. No single farmer will pay overtime rate.	Defra advice applies	To be included in future LN	Open
		e) Overtime for Agricultural Workers - is it appropriate that an LP should have their licence revoked for non payment of overtime (i.e. regarded as a breach of 2.8)	<p>A failure to pay overtime to agricultural workers would not be a failure of 7.3 (contractual terms), but there could be a failure of 7.3 if it is not made clear that such payments are due to those engaged in agricultural work.</p> <p>We don't think it would be appropriate to regard it as a failure of 2.9 for two reasons –</p>	To be included	Open

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			<p>firstly that it would be a double-count it, and secondly because this standard is about benefits other than directly wage-related.</p> <p>It will be counted against 2.8 (minimum wage), where failure is identified. This makes it clear that the LP is not compliant with the agricultural minimum wage rules.</p>		
13	16/05/07 And 19/09/07	Awaiting written confirmation how the GLA will apply LS 9.1 where not all workers have NI numbers.	GLA expects all UK citizens to have a NINo. For migrant workers we recognise that a NINo will need to be applied for, and there may be some delay in allocation. We therefore expect to be able to see that workers have applied or obtained a NINo, and addressed any exceptions (e.g. where a worker may not have even applied for a NINo after 3 months). GLA to confirm with the DWP	To be included in a future LN	Open
24	19/09/07	GLA to clarify with the HMRC NWM Enforcement Team the position on deductions for transport.		To be in published in a future edition of LN	Open
26	19/09/07	GLA to check with Defra the AWO rates (re. holiday entitlement).		Yes	Open
27	28/11/07	GLA to consider comments submitted on		TBC	Open

No	Meeting	Description	Response	Licensing News	Status
		determining when to revoke with immediate effect. Revised position to be circulated to UG by correspondence for comment			
28	28/11/07	GLA to circulate draft process for publicising ALCs		Yes	Open
29	28/11/07	GLA to prepare "information sheet" for inspectors to give to licence holders at inspection to explain process and what happens next. Draft document to be circulated to the UG for comment		No	Open
30	28/11/07	GLA to consider streamlined AI process for those reapplying after inadvertently missing licence renewal date		No	Open
31	28/11/07	GLA to seek advice from BERR on latest position for rolled up holiday pay.		Yes	Open
32	27/02/08	Guidance for "minimum charge rates" to be revised to make clear it is the recommended minimum starting point for rates between labour providers and users	Agree	No	Open
33	27/02/08	GLA to review how guidance and information is presented on the GLA website	TBC	No	Open
34	27/02/08	GLA to review whether Licensing News is the most suitable vehicle for disseminating information to licence holders	TBC	TBC	Open
35	27/03/08	GLA to issue guidance to inspectors on what should be tested with written contracts	TBC	No	Open
36	27/03/08	GLA to review non-compliances against licensing standards 10.1 to check whether WRS is used to fail the standard	TBC	No	Open
37	27/03/08	GLA to review ways to improve handling enquiries,	TBC	No	Open

No	Meeting	Description	Response	Licensing News	Status
		specifically acknowledging receipt			
38	27/03/08	GLA to circulate photos to UG to highlight inappropriate transport	TBC	No	Open