

The Gangmasters (Appeals) Regulations 2006

**In the matter of an appeal against a decision made by the
Gangmasters Licensing Authority (GLA)**

Pure Recruitment Solutions Limited

Appellant

and

The Gangmasters Licensing Authority

Respondent

Case number : 31/S/RV

Appointed Person: Mr J D Young

**Decision and Summary Statement of reasons of the Appointed
Person, in relation to the above matter;**

Decision

Upon consideration of (1) the appeal documents, witness statements of the appellants and respondent and accompanying papers and (2) further oral evidence the decision is that:-

- (i) the appeal is dismissed ; and
- (ii) the decision to revoke the licence is effective from 22 July 2008

Reasons for decision

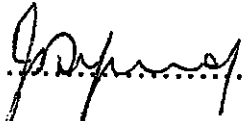
1. The parties to this appeal which was heard on 22 May 2008 were advised orally of the decision at conclusion of the hearing as allowed by regulation 22(1)(a) of The Gangmasters (Appeals) Regulations 2006 ("the Regulations") and reasons given. Summary reasons are now provided in terms of Regulation 22(1)(b) of the Regulations.
2. A Licence under the Gangmasters (Licensing) Act 2004 was granted to the appellants on 28 June 2006 which was subject to two Licensing Standard conditions LS 2.5 and LS 6.2 being fulfilled by the appellants by 28 September 2006.
3. On 24 May 2007 the respondent carried out a compliance inspection and ascertained that licensing condition LS 2.5 had been met but there had been no compliance with condition LS 6.2. That inspection also revealed that a further condition LS 7.3 required compliance. A fresh Licence Certificate was then issued to the appellants on 30 May 2008 requiring compliance with these conditions. Essentially condition LS 6.2 required immediate compliance as no extension of time was given from the time given in the original Licence Certificate. Compliance with condition LS 7.3 was to be made by 30 August 2007.
4. The detail of the conditions which required to be complied with were set out in a letter to the appellants of 30 May 2007, which letter also advised that the appellants had a right to appeal the decision of the respondent. No appeal was taken.
5. The appellants were reminded of the need to comply with the conditions by e mail and telephone calls between June and October 2007 but produced no evidence of compliance. By letter of 14 November 2007 the respondent advised the appellants that they intended to revoke the Licence with effect from 12 December 2007 unless an appeal was submitted. An appeal was submitted on 4 December 2007.
6. At the hearing the appellants maintained that not all communication from the respondent had been received by them between June and October 2007 but I was satisfied that there was sufficient notification to

the appellants of the need to effect compliance with the licensing conditions. As the conditions related to clarifying responsibility for health and safety of workers between the appellants and labour user; and confirming to workers in their contracts that they would be paid albeit the appellants may not have been paid by labour user; I was also satisfied that these were material conditions on which the respondent were entitled to demand compliance.

5. The appellants explained that they had been awaiting an overhaul of their standard conditions being conducted by a body known as Recruitment Employment Confederation and as soon as they became available had put these conditions in place which complied with the licensing conditions. They also advised that they were compliant in all other aspects of their business, were significant employers in their area, supportive of the community and loss of licence would lead to loss of employment.

6. While certain information and documentation was produced at the appeal hearing it was not absolutely clear to me that full compliance had been made to the licensing conditions and that only a further compliance audit could establish the position.

7. I was satisfied that the respondent were entitled in the circumstances known to them in November 2007 to issue their revocation letter. At the same time the appellants say that they have cured the position and I was satisfied that their previous failure was misguided rather than demonstrating wilful disregard of the regulatory regime in which they operate. In those circumstances I considered the appropriate course was to dismiss the appeal but to put the date of revocation at 22 July 2008 so that the appellants could make application for a new Licence. That would require a fresh application, inspection and fees but if (as expected) compliance has been made then a fresh Licence should be available to the appellants by that date. I was advised by the respondent that, in general, grant of a Licence can be completed in 30 days from application.

Signed..........

**(Person Appointed by the Secretary of State to determine appeals
under The Gangmasters (Appeals) Regulations 2006)**

Dated: 2 June 2007