

(8)

**In the matter of an appeal against a decision made by the
Gangmasters Licensing Authority (GLA) 2/E/RV**

V J E Labour Services Ltd

(Appellant)

V

The Gangmasters Licensing Authority

(Respondent)

**Decision and Statement of Reasons of the appointed person,
in relation to the above matter:**

Decision

Upon reading the application for an extension of time lodged by the Gangmasters Licensing Authority:

IT IS ORDERED THAT:

The time within which the Respondent is to file with the secretariat a reply to the notice of appeal is extended to 16 April 2007.

Statement of Reasons

Issue

1. I am asked to extend the time within which the Respondent is required to deliver to the secretariat its reply to the notice of appeal.

Facts

2. The notice to revoke the appellant's licence is dated 2 February 2007 and states that such revocation shall take effect on 1 March 2007 unless an appeal is submitted.
3. The reason given by the respondent for revoking the appellant's licence is that it was sub contracting the supply of labour from an unlicensed source.
4. The notice of appeal is dated 13 February 2007 and was received by the Respondent on 15 February 2007. The Respondent's request for an extension of time is undated but as the same was despatched to me on 28 February I deduce that the request has been made in good time.
5. The principle basis of the appeal is that the appellant's relationship with the unlicensed source was not in breach of the relevant legislation.

6. The respondent seeks an extension of time on the basis that the appellant may be prosecuted for an offence under section 13 of the Gangmaster (Licensing) Act 2004, (The Act); a further investigation to that end is underway.

Law

7. I refer to the Gangmaster (Appeals) Regulations 2006 (GAR). Regulation 9(1) requires that a reply to a notice of appeal shall be delivered to the secretariat within 20 working days of the notice of appeal having been received by the Respondent.
8. Regulation 13(1) provides that time for doing any act under the regulations may be extended where the appointed person considers there are reasonable grounds to do so.
9. Regulation 2 provides that the appointed person when exercising discretion under these regulations shall seek to give effect to the overriding objective; that is to deal with appeals justly and in so doing, so far as is practical, ensure the parties are on an equal footing, deal with the matter in a way which is proportionate to the complexity or importance of the issue and to ensure the matter is dealt with expeditiously and fairly.

Conclusions

10. I have considered the prejudice to the parties of granting or not granting the extension of time. If I were to grant the extension, as the licence remains in force until the appeal is determined, there is no prejudice to the appellant in that it may continue to conduct its business and its ability to conduct its appeal ought not to be effected in any way. If I refuse the application, the respondent is deprived of the opportunity of establishing determinatively whether or not the appellant has acted in breach of the Act.
11. The respondents reply would have been due on 14 March; an extension of time of one further month and 2 days is not an inordinate delay.
12. Whether to not an offence has been committed is plainly relevant to a proper and fair determination of the appeal.
13. I therefore conclude that it would be reasonable to grant the extension of time and do so.

Signed: 

Martin Warren

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

Dated: 2 March 2007