



GLA Brief

Issue 45 – December 2015
Cleaning activities that require a licence

This Brief clarifies when a licence is required for cleaning activities, whether a business is supplying or using a worker to provide a service, the exclusions and where to find further guidance.

Introduction

The scope of the GLA licensing scheme is set out in the [Gangmasters \(Licensing\) Act 2004](#) (“the Act”), as modified by [The Gangmasters Licensing \(Exclusions\) Regulations 2013](#) and [The Gangmasters Licensing \(Exclusions\) Regulations \(Northern Ireland\) 2014](#).

The GLA licences the processing and packaging of any produce derived from agricultural work or shellfish, fish or produce derived from shellfish or fish.

Processing work includes the daily cleaning and maintenance of machinery used for processing and packing food.

Supplying a worker or using a worker to provide a service

A licence will be required where a worker is being supplied to do work to which the Act applies.

A licence is also required when an individual or business uses a worker to provide a service to another person to do work covered by licensing.

An individual or business also needs a licence if they make arrangements for the work to be done. It does not matter if the worker works directly for the business, works for another person or is self-employed.

For further guidance please refer to the document [Guidance on who needs a licence](#), paragraphs 3.8 – 3.9 at www.gla.gov.uk.

Cleaning

Daily cleaning and maintenance of machinery used for processing and packing food is a licensable activity. It does not matter if the production line is operating or not.

Cleaning includes but is not limited to:

- tray wash operatives, who might bring out dirty trays, wash them and take back clean ones
- cleaning the conveyor and processing equipment and machinery, or
- cleaning areas where animals have been slaughtered is also covered.

Cleaning premises that are not concerned with the food production process is not covered by licensing, such as cleaning floors and walls. However, if workers are involved in the removal of gross debris that has dropped on the floor and is collected for further use, for example, use in pet food, that activity would be covered by licensing as it is integral to processing and packaging.

Exclusions

A person using a worker to provide a food and drink processing service (this includes the daily cleaning and maintenance of machinery used for the processing and packaging) is exempt where that person:

- employs the worker, and
- owns, hires or leases any equipment, tools or machinery used by the worker necessary to do the work, and
- owns or leases the premises where the work is carried out.

In order for this exemption to apply, all three of the above must apply.

If you are unsure whether a licence is required please review the GLA's [Guidance on who needs a licence](#) at www.gla.gov.uk, contact the GLA helpline on 0345 602 5020 or email licensing@gla.gsi.gov.uk.

Enforcement

It became illegal to operate without a licence on 1 October 2006. However, the GLA takes a proportionate approach to enforcement where it identifies that unlicensed activity is occurring. Criminal investigation may also be required in relation to any person or company who uses workers or services supplied to them by an unlicensed business.

Further information on the factors the GLA considers in determining whether a criminal investigation is appropriate, and, at its conclusion, whether it should be referred to our prosecuting authority to decide if prosecution is appropriate, can be found on the GLA website. Find out more on the [how we inspect and prosecute](#) page in the enforcement and compliance section at www.gla.gov.uk.

Further information

If you have any questions about this Brief, please contact the GLA helpline on 0345 602 5020 or email licensing@gla.gsi.gov.uk.

For the latest news and updates from the GLA:



Twitter: [@UK_Gla](https://twitter.com/UK_Gla)



facebook: www.facebook.com/GangmastersLicensingAuthority

If you have received a hard copy of this Brief but would prefer electronic versions in the future, please email communications@gla.gsi.gov.uk