



Ref: 14/15 – 011a	Date issued: 24 October 2014
Subject: Questions about the licence refusal for Qualitycourse t/a Transline	
<p>Who noticed Qualitycourse's licence had lapsed?</p> <p>In line with normal GLA procedure, licence holders are sent a reminder as a courtesy six weeks prior to the licence expiry date. This is sent to a person and address specified by the licence holder using a 'preferred method' (eg email, letter). If no response/payment is received, a second reminder is sent by the advised method.</p> <p>In this case, the licence of Qualitycourse Ltd was due for renewal on 13 July 2013. Letters were sent to the company on 4 June and 24 June. No response and no payment was received prior to the renewal date so the company was marked as 'ceased trading'. An employee of Qualitycourse called the GLA on 29 July 2013 and stated that he had noticed the licence had lapsed.</p> <p>Now that the licence has been refused, has the company stopped trading?</p> <p>We do not hold this information.</p> <p>The June 9 release says a fresh licence application was made by the company - do you know when that was?</p> <p>The application was received on 2 August 2013.</p> <p>Why did they ask for the new application to be treated in isolation?</p> <p>The company argued that issues which related to the previous licence had been 'dealt with and resolved by the GLA' and that they 'should not bear any relevance to the application for a new licence'. This is contrary to the general position of the GLA, where past compliance by predecessor companies, or linked companies is relevant to licence decisions on new applications.</p> <p>When you say it was reluctant to provide information - what info were you asking for?</p> <p>The GLA asked for information regarding the travel and subsistence scheme being operated, the apprenticeship scheme, records to show workers hours, payslips for certain workers and various contracts and worker records. The information was required to consider compliance against a number of Licensing Standards.</p>	

You name one of the directors - Colin Beasley - but not the others. Can you give me their names?

Under my duty to provide advice and assistance as set out in Section 16 of the Freedom of Information Act, I can advise you that the names of all directors of both companies can be found using the search facility on the Companies House website:

www.companieshouse.gov.uk. However, the GLA holds a list of directors who were named on the licence and whose details were published on the online Public Register. Those named were: Colin Beasley, Mark Elms, Jonathan Taylor and Paul Beasley.

When Transline Europe applied for a licence, which was also refused, was this because it was applying on behalf of Qualitycourse?

No, the Transline Europe licence was refused, among other reasons, because both company directors (see Companies House website) named on the licence application - Paul Beasley and Jonathan Taylor – were formerly directors of Qualitycourse. They claimed Transline Europe was a new business and had no continuing connection to Qualitycourse. However, the GLA investigation identified this was not the case. It was therefore decided that both men were considered to have failed the 'fit and proper' test, as explained in the GLA press release:

<http://www.gla.gov.uk/PageFiles/1532/qualitycourse%202.pdf>

You said it was refused because directors who failed the fit and proper person test were also on the company's board - can you name those directors, or tell me how many?

Two. Both named in the previous response above.

How frequent are licence checks?

In terms of expiry dates, checks are carried out and subsequent reminders are sent every 12 months. This requires a company to advise if there has been any change in its circumstances or contacts. Checks on licence-holders for compliance with GLA Licensing Standards occur where information is received that may suggest potential non-compliance. This may occur at any time during the currency of a licence.

Is there a grace period between applications?

No. Where a licence is refused, revoked, or lapses it is removed from the public register and they can no longer legally trade in the GLA regulated sectors. A company can make a new application the next day. Whether a company receives a licence is dependent on a review of its practices and compliance with the GLA's licensing standards.

What penalties/fines are imposed for trading without a licence?

Trading without a licence is an offence contrary to section 12 of the Act. The maximum penalty for a Section 12 offence is 10 years in prison. Offenders can also receive fines and/or community penalties.

What exactly is the 'fit and proper person test'?

This is explained in full in the GLA Licensing Standards booklet, which is on our website. See Standard 1.1 on page 10 and 11 of this linked document.

<http://www.gla.gov.uk/PageFiles/1020/Licensing%20Standards%20-%20May%202012.pdf>

Was the company able to continue operating without a licence?

As stated above, any unlicensed provision of labour for licensable activities contravenes Section 12 of the Gangmasters (Licensing) Act and is therefore illegal. However, providing workers in other unregulated areas of business (eg construction workers, retail or waiters) would be permitted, so they could operate legally without a licence, except in the industry sector regulated by GLA.