



Compliance update

November 2016

Licence holders: 988

Ongoing applications: 25 (with a further 16 being processed and at various stages)

Ongoing compliance inspections: 46 (Including compliance, new business and change of Principal Authority)

Common areas of non-compliance

Licensing Standard	Title	Non-compliance
2.1 PAYE/NI/VAT	Self-Employment	Increased numbers of workers being classed as self-employed especially in non GLA sector areas.
2.2 Paying Wages	Umbrella Companies	Workers being set up as “businesses” by LPs who enter into an agreement with umbrella companies so as to avoid tax with workers having no knowledge of such arrangements.
	Deductions	Still an issue with no consent by workers. Workers unaware of the deductions being taken.
	Records	Inaccurate, not fully completed rounding down hours, no breaks, no worker details
2.3 – Benefits	Holiday pay	This area is again the most common in terms of alleged non-compliance with large amounts of holiday pay being alleged and on occasions being discovered as unpaid to workers.

		<p>Lack of understanding of their holiday entitlement</p> <p>P45 / Holidays when to pay up holidays and at what point are workers issued P45</p>
2.4 - Payslips	None being issued	Workers are paid via a third party and no checks are made that workers receive payslips. In a recent case it was found that workers had not had one for many months.
3.3 Withholding wages	Various	Mainly associated with holiday pay but we have received allegations of disputes over hours worked and wages being held back
5.5 - Confidentiality	Information Commissioner	<p>Still an ongoing and common problem</p> <p>Organisations are required to register with the Information Commissioners Office if they process personal information. Many LPs are not aware of this fact (see link)</p> <p>https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/</p>
6.1 Assessing Risk	No RAs in place	Evidence that no RAs are in place or if they are they are not being monitored by the LP in respect of worker location etc.
6.2 – Instruction & Training	Training	No specific training in place at LU sites. Workers not aware of H&S issues or what they should follow on site etc.
6.3 – Safety at Work	PPE	<p>Allegations of PPE charges being made</p> <p>Absence of PPE in some cases particularly land workers</p>

	<p>Amenities</p> <p>First Aid</p> <p>Night Workers</p>	<p>No toilets on fields</p> <p>No identified First Aiders on fields</p> <p>First Aid Rooms</p> <p>RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013</p> <p>http://www.hse.gov.uk/riddor/</p> <p>Health & RAs</p>
6.4 - Transport	Drivers	Hours, Pay, Limits of Driving Hours, Insurance
7.1 Fees & Services	Optional fees	This is an area that we continue to address especially with overseas businesses as workers report having to pay for services that may appear to be work finding fees GLA Brief 38 refers
7.3 Contracts	<p>No contract in place</p> <p>Handbooks</p>	<p>Workers not provided with any terms and conditions so have little or no understanding of many issues.</p> <p>Handbooks in place but not communicated to workers</p>
8.1 Sub-Contracting	Failure to declare	<p>Failure by LP to declare they are S/C to LU</p> <p>Tax issues (VAT)</p>

Other issues reported or identified

- Two clear systems being run, one in sector one outside, as LPs are under the impression (falsely) that the GLA will only look in sector and will not take into account outside. General comment is that “but we won’t be doing this in sector” so

almost admitting that they are aware it is not quite correct.

- Workers exploiting other workers on lifts to work by charging in excess of fuel costs (hire and reward)
- Romanian Inspectorate and their requests for agreements between the Agents and the LU's in the UK to be signed in Romanian as this complies with Romanian Law. Most if not all LU's are refusing to sign an agreement written in Romanian as they do not know what is contained within it and this is causing an issue for the Romanian LP's.
- Poor knowledge of bodies that can assist LP such as ALP / REC
- Poor LU use of active check.
- Poor knowledge of shellfish rules.
- Failure to submit a correct GLA Application / renewal form and updates to GLA.
- Copying GLA Licences