



GANGMASTER APPEAL TRIBUNALS

Appellant: TSR Ipswich Ltd

Respondent: Gangmasters and Labour Abuse Authority

Heard at: Bury St Edmunds

On: 19 June 2025

Appointed Person: Employment Judge Graham

Representation

Appellant: Mr R Sutherland, Solicitor

Respondent: Ms L Gilligan, Solicitor

JUDGMENT

1. The Appellant's appeal fails and is dismissed.

REASONS

Introduction

1. By appeal dated 2 September 2024 the Appellant appeals against a Decision of the Respondent dated 9 August 2024 to refuse to grant it a GLAA Licence. This decision followed an application Inspection on 17 June 2024 and an Interim Licence Decision dated 12 July 2024. The Decision recorded that the Appellant could not satisfy critical Licensing Standard 1.1.
2. The Respondent filed a Reply to the Grounds of Appeal on 4 October 2024 resisting the appeal. Whereas it is usual for these matters to be dealt with on the papers, and this was the Respondent's preference, the Appellant has requested an oral hearing which I granted.
3. I was provided with a hearing bundle; witness statements from the Appellant, Michael O'Connell (Senior Compliance Investigator) and George

Alexander (Senior Licensing Officer); a skeleton argument and accompanying documents from the Respondent; and a point of issue skeleton argument from the Appellant. I have read all the material I was referred to.

4. At the start of the hearing, I clarified the issues in dispute and the approach to be taken. Mr Sutherland for the Appellant confirmed his agreement with the Respondent's summary the factual background, the nature of hearing which was to be a rehearing, and the Appellant also agreed with the Respondent's summary of the law.
5. Mr Sutherland explained to me that the essence of the appeal was that the Respondent's decision of 9 August 2024 had been wrong. The decision to refuse the licence had been based on two grounds. Mr Sutherland seeks to persuade me that the Respondent's approach with respect to the first ground was not proportionate, and with respect to the second ground he said the Appellant seeks to apologise and to explain his own mistake and as this is an issue of trust, he felt that the only way of explaining himself was in person.
6. After a break of an hour to re-read all of the relevant material, I heard oral evidence from the Appellant, following which I also heard oral evidence from Mr O'Connell and Mr Alexander. After oral submissions around midday, I adjourned to consider this decision.

The law

7. Section 6 of the Gangmasters (Licensing) Act 2004 sets out the requirement for those acting as a Gangmaster in the fields of agriculture (and other sectors identified under Section 3) to hold a licence issued by the Respondent. Those operating within such areas who do not hold such a licence are prohibited from acting as a Gangmaster.
8. Section 7(1) of the Act provides that the Respondent may grant a licence if it thinks fit.
9. Section 8 of the Act empowers the Respondent (subject to approval of the Secretary of State) to make Rules as it thinks fit in connection with the licensing of persons as Gangmasters including as to the form and contents of the applications for licences and the procedure to be followed in connection with applications.
10. The Gangmasters (Licensing Conditions) Rules 2009 ("The Rules") set out the procedure for licensing Gangmasters. Rule 3 provides:

"Application for a licence

3.—(1) *An application for a licence must be made on the form provided by the Authority and contain such information as the Authority requires for the purposes of determining the application.*

(2) The form must be signed by the principal authority of the applicant.

(3) For the purposes of determining the application, the Authority may require the applicant—

(a) to permit an inspection of the applicant's business by the Authority or any person acting on its behalf; and

(b) to supply or make available to the Authority or any person acting on its behalf any document or information.

(4) In paragraph (3)(a), "inspection" includes conducting interviews with such persons as the Authority considers appropriate.

...

11. Paragraph 4 of Part 2 (Conditions) of the Schedule to the Rules provides the following:

"Obligation to act in a fit and proper manner

4.—(1) *The licence holder, principal authority and any person named or otherwise specified in the licence must at all times act in a fit and proper manner.*

(2) *If the licence holder or any person named or otherwise specified in the licence is a body corporate, an unincorporated association or partnership—*

(a) *every director, manager, secretary or other similar officer of the body corporate,*

(b) *every officer of the association or any member of its governing body, and*

(c) *every partner, including any person purporting to act in any such capacity, must at all times act in a fit and proper manner."*

12. The Gangmasters (Licensing Authority) Regulations 2015 provides as follows:

"Licensing functions and the register of licences

8.—(1) *For the purposes of the exercise of its functions under sections 1, 7, 8 and 9 of the 2004 Act and rules made under section 8, in determining—*

(a) *the criteria for assessing the fitness of an applicant for a licence or a specified person, and*

(b) *the conditions of a licence and any modifications of those conditions, the Authority must have regard to the principle that a person should be authorised to act as a gangmaster only if and in so far as their conduct, and the conduct of a specified person, comply with the requirements of paragraph (2).*

(2) *The requirements are—*

(a) *the avoidance of any exploitation of workers as respects their recruitment, use or supply; and*

(b) compliance with any obligations imposed by or under any enactment in so far as they relate to, or affect the conduct of, the licence holder or a specified person as persons authorised to undertake certain activities.”

13. The Respondent has published Licensing Standards and the version relevant to the Appellant's appeal are those which were issued in January 2020.

14. There are eight Licensing Standards set out in the January 2020 version issued by the Respondent. Licensing Standard One: Fit and proper test (pages 10-12) is the relevant standard for this appeal. The others relate to pay and tax; forced labour and mistreatment of workers; accommodation; working conditions; health and safety; recruiting workers and contractual arrangements; and sub-contracting and using other labour providers.

15. Licensing Standard One provides:

“1.1 Critical: Fit and proper

The licence holder, Principal Authority and any person named or specified in the licence must at all times act in a fit and proper manner.

Please note

- *The GLAA will assess all relevant factors in considering whether a licence holder acts in a fit and proper manner.*
- *The factors the GLAA will consider include, but are not limited to, whether the Principal Authority, directors or company officers (where the licence holder is a company), partners (where the licence holder is a partnership), members of the association (where the licence holder is an unincorporated association) and / or any person named or otherwise specified in the licence has:*

...
- *been an owner, director or partner, or has been concerned in the ownership or management of a business that has gone into insolvency, liquidation or administration whilst the person has been connected with that organisation*
- *not been candid and truthful in all their dealings with any regulatory body and they have not demonstrated a readiness and willingness to comply with the requirements and standards of the regulatory system and with other legal, regulatory and professional requirements and standards. This includes deliberately under declaring turnover...”*

16. The Respondent considers the suitability of proposed licence holders against the eight relevant standards. In doing so the Respondent may undertake inspections of proposed licence holders. Each standard has an associated score and those which are deemed to be “critical” attract a score

of 30 points in the event of a breach. If a proposed licence holder accrues a score of 30 or above, the licence will be refused.

17. Section 10 of the Act empowers the Secretary of State to make Regulations for the provision of an appeal against a decision of the Respondent. The Gangmasters (Appeal) Regulations 2006 govern the process by which a proposed licence holder may seek to challenge the decision of the Respondent to refuse to issue a licence.
18. The Appeal Regulations provide for an Appointed Person to be appointed to hear and determine an appeal, and pursuant to Regulation 21(1) the Appointed person shall either allow or dismiss the appeal.
19. The Overriding Objective is set out at Regulation 2 which provides:

“The overriding objective

2. — (1) The overriding objective of these Regulations is to enable the appointed person to deal with appeals justly.

(2) Dealing with an appeal justly includes, so far as practicable—

(a) ensuring that the parties are on an equal footing;

(b) dealing with the appeal in ways which are proportionate to the complexity or importance of the issues; and

(c) ensuring it is dealt with expeditiously and fairly.

(3) The appointed person shall seek to give effect to the overriding objective when he—

(a) exercises powers given to him by these Regulations; and

(b) interprets any provision.

(4) The parties shall assist the appointed person to further the overriding objective.”

20. Regulation 6(2) provides:

“Notice of appeal

6.—

...

(2) The notice of appeal shall be in writing and shall state—

(a) ...

(b) the grounds of the appeal.”

21. As regards the nature of the appeal and also the approach to be adopted, there is no higher court authority on these matters, however in previous cases the Appointed Person has adopted the approach taken in **Gary Cook trading as Gary's Labour Agency v the Respondent 198/ER** subsequently summarised in **Angels Care Agency Ltd t/a Angels Recruitment v GAA (2023) 213/E/RV** which is as follows:

- i. An appeal under the Appeal Regulations is a re-hearing.
- ii. The Appointed Person should have regard to the intentions underpinning the regulatory regime under the Act;
- iii. The Appointed Person should pay careful attention to the reasons given in the case by the Respondent's decision maker for refusing the application for the Licence;
- iv. The Appointed Person should apply the regulatory regime as if they were standing in the shoes of the Respondent's decision maker;
- v. Whether the Appellant was compliant with the relevant Licensing Standard(s) is to be determined at the date of the decision; and
- vi. Evidence after the date of the Decision will usually be inadmissible unless it falls within **Ladd v Marshall [1954] EWCA Civ 1**.

22. The reference to the **Ladd** case relates to a different jurisdiction but is authority for the proposition that the test for whether evidence should be admissible on appeal which was not relied upon at first instance, was that it could not have been obtained with reasonable diligence for use at that first hearing and that the evidence would probably have had an important influence on the outcome of the case and is credible. The evidence must not only be relevant but it must be probable that it would have had an important influence on the case.

23. Whereas it may not necessarily be of direct relevance in this appeal, I simply record for completeness that there has been a difference of approach by previous Appointed Persons as to the time at which compliance is to be judged. In the case of **Angels Care Agency** it was determined that compliance should be at the date of the decision, other cases such as **Solid Gold Services Limited v GLA (2009) 22/E/R** held that it should be the date of inspection. In **Rai N Dhandra v GLA (2011) 113/E/RV** it was held that the Gangmaster should be compliant with the standards at all times and should be prepared to face the consequences if they are not compliant on the date of an inspection, and further it cannot have been the intention of Parliament that failure to comply with the licensing standard can be remedied sometime later by the simple expediency of putting into effect those matters which were not in effect at the time of a compliance inspection, as otherwise it would make a mockery of the licensing regime and it could put workers at serious risk of exploitation. It was specifically held that:

"In my view, the failure to comply with a Licensing Standard should be acted upon immediately and cannot and should not be brushed under the carpet at a later date. This is particularly so in relation to critical standards where

a failure to act on any non-compliance would constitute a serious dereliction of duty by the respondent.” [25]

24. I am not bound by previous decisions from other Appointed Persons nevertheless the approach they have followed in earlier appeals is of assistance, and moreover it would be in furtherance of the Overriding Objective for there to be some element of consistency where possible. The importance of such an approach was recorded by Employment Judge Deeley acting as the Appointed Person in **SureStaffing UK Limited v GLAA (2025) (21/E/C)**. Some element of consistency is both desirable and necessary otherwise parties will not know where they stand in future appeals.

25. An examination of the previous authorities to which I have been referred suggests they have adopted an approach which combines both a review of the appealed decision and a rehearing. In other words, whereas I may hear evidence going beyond a review I should nevertheless show some deference to the Respondent’s decision, putting myself into the shoes of the original decision maker when reaching my own decision. An appeal should not be allowed unless I am satisfied that there had been a plainly wrong exercise of the Respondent’s wide discretion.

26. Previous decisions have considered the issue of inaccurate or mistaken information provided by applicants either in the applications or during an inspection. In **A&K Hygiene Ltd v GLA (2017) 818/17** it was held that the Principal Authority was not a fit and proper person to hold a licence where it was found he had either deliberately provided inaccurate information or had been unreasonably lax about ensuring that he gave full and candid responses to the repeated enquiries of the GLA (now the GLAA). It was held:

“In essence, it is a fundamental importance that the Licensing Authority [the GLAA] is confident that it can rely on the transparency and diligence of the PA of a licence holder both at the time of the application for the licence and going forward if a licence is granted.”

27. Similarly, in **K7 Limited v GLA (2011) 134/E/RV** it was held that *“the incorrect completion of a form is, of itself, less serious than what that error betrays, namely either dishonesty or a lack of appropriate diligence regarding such requirements and standards.”*

28. Further it was held in **Staffit (UK) Ltd v GLA (2010) 32/E/R** that the Principal Authority has a duty to *“pay proper attention and take appropriate care to ensure that documentation of that importance (the application form) was completed accurately and honestly...”* and this extends to a duty to the Principal Authority *“to accord an appropriate level of priority to the documentation... prepared and submitted to the [GLAA] particularly when the documentation required his personal signed declaration.”*

29. As regards the issue of candour and transparency it was held in the **Gary Cook** case that:

“It is critical because applying Licensing Standard 1.1 being truthful and candid in terms of the application and obviously the interview [the

inspection] is so fundamental because obviously if it can be reasonably concluded on the balance of probabilities by the decision maker that the person had not been candid, then how can they be fit and proper.”

Factual background

30. The Appellant is the Ipswich office of the TSR Group Ltd. On 12 December 2023 the Appellant applied for a licence and Stewart Weathers was named as the Principal Authority in that application. Two other directors, Liam Brocksom and James Brice, were included as Named Individuals. All three of these people were directors of the Appellant at the time of submitting the application.

31. The licence application contains a declaration which provides as follows:

“I declare that the information and personal data given in this form and any supporting information is correct and complete as far as I know and believe and that I have not deliberately omitted any necessary information or made an incorrect statement.

I understand that if deliberate omissions or incorrect statements have been made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to immediate revocation...

I declare that I am the Principal Authority and that I have reviewed this Application Form in its entirety, agree with and am bound by the information provided.”

32. The application form at Question H7 asks if any of the individuals named in the application have been the owner, director or partner, or been concerned in the ownership or management of a business that has gone into insolvency, liquidation or administration whilst being connected with that organisation in the last five years. The application then asks for details if so, and it also asks if the business failed with any associated tax debt, and if so, to provide details. Mr Weathers, who signed the form as the Principal Authority, replied no to that question.

33. That answer was inaccurate.

Initial investigations

34. A check of Companies House records by the Respondent identified that Mr Brocksom and Mr Brice had connections to three companies that had entered administration and or liquidation, specifically Tradestart Recruitment Ltd, TSR Partnership Ltd, and TSR Manchester Ltd.

35. The enquiries made by the Respondent identified that Tradestart went into administration on 15 August 2018 and was dissolved following liquidation on 21 November 2020. It was identified that the final progress report of the Administrator recorded a total shortfall to creditors of £661,170.93 with £92,291.32 owed to HMRC, and that Mr Brice and Mr Brocksom were recorded as directors of Tradestart when it entered administration and when it was liquidated and dissolved, and that Mr Brice was recorded as the sole person with significant control from 6 April 2016 to the dissolution.

36. Further it was identified that both were directors of TSR Partnership Ltd from incorporation, and at the time of entering creditors' voluntary liquidation on 30 September 2021 there was a shortfall to creditors of £950,815 and £248,790 was owed to HMRC. Mr Brice was recorded as the sole person with significant control of TSR Partnership Ltd. It was further identified by the Respondent that TSR Partnership Ltd was recorded as having been a person with significant control of the Appellant in these proceedings from 22 July 2018 to 10 May 2020.
37. Moreover TSR Manchester Ltd was identified by the Respondent as having entered creditors' voluntary liquidation on 24 November 2023 with estimated £601 total assets available to creditors with an estimated total deficiency of £167,176.41 and that at the date of entering liquidation Mr Brocksom was recorded as an active director, and Mr Brice was recorded as the sole persona with significant control, and that he had resigned his directorship on 29 July 2023.

Inspection

38. The Respondent identified that within the five years prior to the application, Mr Brice and Mr Brocksom were connected as directors and/or as persons with significant control of two companies (TSR Manchester Ltd and TSR Partnership Ltd) when those companies entered liquidation, one of them (TSR Partnership Ltd) had failed with tax debts to HMRC. Given that this information was not disclosed in answer to question H7 on the application form, an application inspection was conducted by Mr O'Connell a Senior Compliance Investigator on 17 June 2024.
39. Mr O'Connell has provided a witness statement for this appeal and he has given oral evidence. I have found him to be a credible, reliable and a truthful witness.
40. During that inspection Mr Weathers was asked to review the fit and proper questions contained on a laminated list of factors provided by the Respondent which it considers relevant to the assessment of fitness and propriety of licence applicants and any other person named or specified on the Respondent's licences. The fourth factor, whilst similar to Question H7, is not identical as it is wider and asks:

"whether the Principal Authority, directors or company officers... and/or any person named or otherwise specified in the licence has been an owner, director or partner, or has been concerned in the ownership or management of a business that has gone into insolvency, liquidation or administration whilst the person has been connected with that organisation..."

41. As can be seen this is a far wider question than H7 as it is asking about all business failures rather than those limited to the past five years. Mr Weathers signed a declaration that to the best of his knowledge and belief none of the factors applied to him or any other person named on the licence in the following terms:

"I can confirm that I completed the application form and I have also read over the fit and proper questions. To the best of my knowledge and belief

the details on the application form are correct and that none of the answers in the fit and proper questions apply to me or any other person named on the licence.”

42. That answer was inaccurate. This was the second occasion where Mr Weathers had provided inaccurate information to the Respondent.
43. Mr Weathers gave evidence to me that he was given the laminated sheet and read it but suggested in his answer he had not read it fully. In his appeal and submissions he suggested that he was either rushed or felt under pressure. I do not find that Mr Weathers was rushed or put under any pressure by the Respondent.
44. After signing the declaration Mr Weathers asked about the delay in the application process and it was at this point Mr O’Connell explained that there had been an issue over the history of the other directors of TSR Ipswich Ltd. Mr Weathers replied words to the effect that he knew they had problems with other companies in the past but he did not know the full details.
45. Mr O’Connell says that as his review of Company House records did not show any involvement of Mr Weathers in those companies at the time of entering liquidation or administration, he had no reason not to take him at his word at that time. I note that Mr Weathers had not raised the issue of these problems before.

Interim Decision

46. The information was passed to the Respondent’s Licensing Team which determined that there had been a breach of Licensing Standard 1.1 and Mr Alexander, the Senior Licensing Officer, issued the Appellant with an Interim Decision letter dated 12 July 2024. The purpose of such a letter is to allow the applicant to respond to the provisional conclusion before the Respondent reaches a final decision.
47. Mr Alexander provided a witness statement for this appeal and also gave oral evidence. Like Mr O’Connell I have found him to be a credible, honest and reliable witness.
48. The Appellant provided a response on 26 July 2024 which comprised of statements from Mr Weathers, Mr Brice, and Mr Brocksom, and also associated documents. In his statement Mr Weathers said he had believed that his answers were correct at the time but that clearly on reviewing them they were wrong, there was no intention to mislead and he apologised for the mistakes. Mr Weathers said that he did not seek to maintain Mr Brice and Mr Brocksom as part of the application, and whilst it was not expressed clearly in the reply, he indicated that they would cease to be directors of persons of significant control of TSR Ipswich Ltd (or would give such an undertaking) if the Respondent were to require it as a condition of granting the licence.
49. Mr Weathers added *“On that basis, I do not propose to provide further explanation or information as they will have no involvement in the day-to-day management of the running of the business.”*

50. As regards the previous incorrect answers he had given, Mr Weathers said he could think of no explanation for his mistake, and whilst he was not aware of all the detail set out in the Interim Decision Letter he was aware that there had been a liquidation (expressed in the singular) they had been involved with and *“on reflecting on the matter now, I cannot explain why the response given is no. It also seems obvious to me with hindsight that I was not aware of the precise details, I should have asked Mr Brice and Mr Brocksom.”*
51. Mr Weathers added that he completed the form at a busy time before Christmas. As regards the inspection, Mr Weathers said that the inspector produced a form for him to sign and whilst he read the first few lines he felt under pressure to sign as he had not done anything like that before and he signed the document without reading it through thoroughly, which he again said was a mistake. Mr Weathers said there was no conversation about the fit and proper criteria, nor any discussion of business insolvency. Mr Weathers referred to his resumé and business experience and provided details of three clients who could verify his honest approach in business Mr Weathers also referred to his sporting background in athletics and enclosed newspaper reports as evidence.
52. The witness statements from Mr Brice and Mr Brocksom were very similar in nature, and both explained that it seemed to them as appropriate to resign as directors and persons with significant control, that they have no involvement on a day-to-day operational basis and would have no involvement in day to day running of the business should the licence be granted. Both said that Mr Weathers would have been aware of the liquidations but not the details of them, and that there was no collusion to conceal this information which they said was a genuine mistake.
53. Mr Alexander made further enquiries of Mr O’Connell and asked him to review the response from the Appellant. Mr Alexander recorded that the directors had offered to resign and remove themselves from the business which he said was an acceptance that they were not fit and proper, and he asked about Mr Weathers’ responses during the inspection. Mr O’Connell replied with further detail and said:
- “Although I raised concerns about this application going to inspection in the first place I am satisfied that Mr Weathers would be fit and proper as a PA and I believe he did make mistakes when answering the questions.”*
54. Mr O’Connell explained in his evidence that at the time of providing that reply he had not had sight of the Appellant’s reply to the Interim Decision, and he reminds me that the Senior Licensing Officer who makes the ultimate decision. I did not infer from Mr O’Connell’s evidence that he disagreed with the ultimate decision in any way.

Licence Decision

55. Mr Alexander on behalf of the Respondent issued a detailed decision letter dated 9 August 2024 which refused the application on the basis that Mr Weathers, Mr Brice and Mr Brocksom were not fit and proper to be named on a / or otherwise specified on a GLAA licence and that there had been two distinct failures of Licensing Standard 1.1.

56. The first failure related to Mr Brice and Mr Brocksom who had been directors of three businesses which had entered liquidation or administration whilst they had been either a director or a person with significant control. It was noted that in the response to the Interim Decision they had offered to resign if it would allow the licence to be granted, however it was recorded that they were both named on the GLAA licence application as directors, they were named as directors at the time the licence application was submitted and at the time of the inspection, and they were still listed as directors as of the date of the Decision. Accordingly, the Respondent said that neither were considered to be fit and proper and that it could not grant a licence to a business that has those individuals named as directors.
57. The evidence of Mr Alexander was that the question of whether an applicant business is compliant with the licensing standards has to be determined at the date of the inspection which was 17 June 2024 and not some later date. Accordingly, Mr Alexander says he considered Mr Brice and Mr Brocksom not to be fit and proper due to their connections to companies that entered either liquidation or administration, and he could not grant a licence to a business had those individuals named as directors as at the time of the licence application and inspection.
58. The second failure related to Mr Weathers and his response to Question H7 where it asked if any of the individuals named in the application had been owner, director or partner, or been concerned in the ownership or management of a business that had gone into insolvency, liquidation or administration whilst being connected with that organisation in the last five years. Mr Weathers had replied no. Mr Weathers was informed that he had submitted a declaration when completing the application form that if deliberate omissions or incorrect statements had been made his application may be refused without further consideration, and that he declared he was the Principal Authority and reviewed the application form in its entirety and was bound by the information provided.
59. The Respondent recorded that Mr Weathers had provided a false declaration, and that during the inspection he was offered a second opportunity to provide an accurate response with respect to Mr Brocksom and Mr Brice but he failed to do so despite the Investigator providing him with a document containing the fit and proper statements. It was further recorded that the application form related to the past five years (where there had been two companies which had failed), the question during the inspection contained no such time limit and there had been three company failures, none of which were mentioned by Mr Weathers.
60. The Respondent recorded that within the reply to the Interim Decision Mr Weathers admitted he was aware of a liquidation but did not disclose it, he had not been candid and truthful in his dealings with the Respondent and that his explanation that he completed the application form during a busy period was no excuse. Given the admission from Mr Weathers that he did not completely read the fit and proper form presented to him at the inspection, the Respondent recorded that he had demonstrated a disregard and unwillingness to comply with the Respondent's requirements and standards.

61. The Respondent concluded that Mr Brocksom and Mr Brice were not fit and proper due to their involvement in the businesses which had entered liquidation or administration, and a separate finding that Mr Weathers was not fit and proper due to his failure to be candid and truthful and for not demonstrating a readiness and willingness to comply with the Respondent's requirements and standards. It was recorded that this was a critical standard with a score of 30 points and that applicants must score less than 30 points to be granted a licence, and as such the application was refused.

Grounds of Appeal and Response

62. The Appellant's grounds of appeal to this Appeals Tribunal of 2 September 2024 are as follows:

- i. The Respondent's submissions indicated that Mr Brice and Mr Brocksom would be removed as directors if the application was granted conditionally requiring them to be removed, and in any event, they have now been removed as directors; and
- ii. Mr Weathers has accepted his errors and requested the opportunity to explain himself to the Respondent and seeks the opportunity to do so before this Appeals Tribunal; Mr Brice and Mr Brocksom are no longer directors or persons with significant control of the Appellant; Mr Weathers is a fit and proper person; and such other grounds as may be adduced in evidence.

63. The Respondent submitted a detailed 15-page Response over some 99 paragraphs. The Respondent resists the appeal for reasons given at the time of making the Decision and it argues that it is not sufficient for the Appellant to demonstrate that Mr Brice and Mr Brocksom are fit and proper, or that Mr Weathers as principal Authority is fit and proper, rather it says the Appellant must demonstrate that all three acted in a fit and proper manner at all times, failing which the appeal must fail.

64. The Respondent says that the breach with regards to Mr Brice and Mr Brocksom as regards being fit and proper was alone a sufficient reason for refusing the application as the Respondent is entitled to refuse any licence application which names or specifies persons that are not fit and proper. The Respondent says that the history of businesses which have failed due to insolvency, liquidation or administration, creates a genuine risk that a company connected to those individuals will replicate that behaviour and could lead to job losses for regulated sector workers and withheld payments due to HMRC in respect of VAT, tax and national insurance.

65. Whereas the Respondent acknowledges that the Appellant has sought to distance itself from Mr Brice and Mr Brocksom, and they have ceased to be directors or persons with significant control of the Appellant since 30 August 2024, it says this did not take place for three weeks after the Decision. The Respondent says that the correctness of the decision can only be fairly assessed by reference to the circumstances as they existed **at the time** either of the related Inspection or at the latest by the time of the Decision and it informs me that the approach taken by appointed persons in previous appeals has varied with respect to the date at which compliance must be demonstrated. In any event the Respondent says that the actions taken by

the Appellant to rectify issues after the date of the Decision has no bearing on the correctness of that decision.

66. The Respondent says that neither Mr Brice, Mr Brocksom nor Mr Weathers have claimed that neither Mr Brice or Mr Brocksom will not be employees of the Appellant if granted a licence nor that they would not remain as Named Individuals (therefore authorised to supply workers in the Regulated sectors), and further the Respondent has not been contacted by them with a request to remove them from the list of Named Individuals on the licence application. Further the Respondent says that the Appellant is still listed as an office of the TSR group of companies, and that its website states that it is owned by TSR Recruitment Ltd and Group of Companies of which Mr Weathers is listed as director and Mr Brocksom is listed as managing director, and he is listed at Companies House as a statutory director of TSR Recruitment Ltd.
67. Whereas the Respondent acknowledges the previous offer of the Appellant to remove Mr Brice and Mr Brocksom from formal ownership of the Appellant, it says that this would be insufficient to displace the second breach of the Licensing Standard 1.1 where Mr Weathers as Principal Authority had been found to be not fit and proper due to his failure to be candid and truthful with the Respondent, and failing to demonstrate a readiness and willingness to comply with the Respondent's requirements and standards. As such the Respondent says that even if Mr Brice and Mr Brocksom had been removed from the licence application, there were still clear and public links between them and the Appellant, and Mr Weathers was still the nominated Principal Authority of the Appellant.
68. The Appellant reminds me that Mr Weathers twice failed to disclose Mr Brice and Mr Brocksom's connections with businesses in liquidation or administration either within the application or during the inspection even though he admits he was aware of a liquidation which it says was material information. The Respondent says that Mr Weathers admits to knowledge of one liquidation whereas the statements of Mr Brice and Mr Brocksom says he was aware of liquidations (in the plural) and it argues that Mr Weathers is still attempting to conceal his knowledge of the previous business failures and that he is attempting to mislead this court.
69. The Respondent places particular focus on the candour of Mr Weathers and states that nowhere within the documents does he mention Tradestart or the word administration. Specifically, the Respondent says that Tradestart entered administration on 15 August 2018, and whereas Mr Weathers did not have a registrable interest in Tradestart, a company in the name of Trade Start Recruitment Ltd applied for a licence on 17 May 2018 with Mr Weathers named as the proposed Principal Authority. The Respondent says that it wrote to Mr Weathers at the time and Mr Brocksom responded on 6 July 2018 confirming that Mr Weathers met the definition of a Principal Authority in respect of Tradestart and as such he was a nominal director and was in day-to-day management of Tradestart until at least 6 July 2018, and six weeks later the business went into administration.
70. The Respondent says that at the time Tradestart entered administration Mr Weathers was, alongside Mr Brice and Mr Brocksom, a statutory director of two other business bearing the TSR name – the Appellant and also TSR

Industrial Limited, and that he was a person with significant control of TSR Industrial Limited at the time alongside Mr Brice.

71. The Respondent says that Mr Weathers has not admitted to being aware that Tradestart entered administration nor that Mr Brice and Mr Brocksom were concerned in the ownership and management of Tradestart at that time. The Respondent says that Mr Weathers admits to knowledge of a liquidation but does not say which.
72. The Respondent refers to the responsibilities of the Principal Authority summarised in a publication (GLAA Brief 76) which states that the Principal Authority is responsible for ensuring that all information included on an application for a licence is accurate and complete, and that it is responsible for reviewing the licence annually and ensuring that the licence record is checked and updated when renewed, and that it is also responsible for updating the Respondent of any changes after the application is submitted.
73. The Respondent says that the responsibilities of Principal Authority include ensuring that the Respondent has all the information it needs to properly administer and operate the licensing scheme, and without this its ability to effectively discharge its statutory remit of worker protection will be impeded. The Respondent says it is crucial that it can rely upon the Principal Authority to take sufficient care in discharging the above responsibilities, and where it does not do so they have not demonstrated a readiness and willingness to comply with the Respondent's requirements and standards and the Respondent ought not to permit them to undertake or to continue in that role. Further, the Respondent says that where the Principal Authority cannot do so then they are not sufficiently competent and capable to fulfil the role and cannot be allowed to do so.
74. The Respondent refers me to previous appeal decisions where the Authorised Person in those cases had considered mistakes made in the applications, in particular the decisions in **A&K Hygiene Ltd** and **K7 Limited**, and further the decision in **Staffit (UK) Ltd**.
75. The Respondent's argument is that Mr Weathers failed to meet that basic expectation either by withholding material information on multiple occasions or failing to take sufficient care and exercise appropriate diligence in the discharging of his responsibility to provide accurate information to the Respondent, but in either case the Respondent says that he failed to demonstrate that he was a fit and proper person to be named on the licence had one been granted.
76. The Respondent has addressed the Appellant's suggestion that he had requested an opportunity to explain himself in person to the Respondent, and it says that he was given such an opportunity when it issued him with an interim decision letter prior to the final refusal decision and his witness statement sent in response confirms he was aware of one liquidation when completing the licence application and at the time of the inspection.
77. The Respondent reminds me that it is a publicly funded body with finite resources and cannot afford to treat every applicant and licence holder with suspicion and must place some trust in those it regulates to cooperate with requirements and standards, and that it expects that the Principal Authority

will conduct their dealings with the Respondent truthfully and with full candour. The Respondent says that where that trust is broken the Respondent is entitled to treat this as a fundamental breach of the implicit agreement between the regulator and regulated entity and to repudiate that agreement entirely, and it refers me to the decision in **A&K Hygiene** where the Appeals Tribunal noted the importance of being able to rely upon the transparency and diligence of licence applicants.

78. The Respondent places reliance on the **Gary Cook** decision as in that case the Appellant was refused a licence due to the Principal Authority having failed to disclose material information both on the application form and again at the inspection stage.

Submissions

79. Both parties provided oral submissions which were helpful and of a high quality. Mr Sutherland addressed me first and reminded me of the wide discretion when deciding whether to grant a licence. Mr Sutherland conceded that Mr Brice and Mr Brocksom were not fit and proper and by reference to **R v Secretary of State for Health ex p. Eastside Cheese Co 3 C.M.L.R** he argued that a more proportionate response would have been either to allow time for the Appellant to have removed those directors or to make the licence conditional upon their removal.
80. As regards Mr Weathers, Mr Sutherland tells me the situation is more difficult and whereas the issue is whether he deliberately withheld information or he failed to take sufficient care, Mr Sutherland strenuously argues that Mr Weathers did not deliberately withhold relevant information, he says that he held up his hands and he was not trying to deceive anybody. Mr Sutherland tells me that at most Mr Weathers failed to exercise due care and diligence, he is keen for me to find that this was a genuine mistake due to his own naivety and lack of understanding, and that he felt pressure to read the documents and provided answers which were inaccurate and wrong.
81. Mr Sutherland asks me to consider the view of Mr O'Connell when he met Mr Weathers as he found him to be personable, prepared and plausible and he came across well and could be believed and trusted and he formed the view, expressed on email, that he would be a fit and proper person.
82. Mr Sutherland says that it is open to me to allow the appeal and to grant the licence in the sole name of TSR Ipswich Ltd and Mr Weathers. Alternatively, Mr Sutherland suggests that I may dismiss the appeal and express a view of Mr Weathers that he is a fit and proper person so that he is not impacted by a two-year bar before he may submit a further application for a licence, and he urges me to consider that this was a genuine mistake.
83. Ms Gilligan argues that it was not sufficient for the Appellant to remove Mr Brice and Mr Brocksom after the decision nor for the Respondent to have made an offer conditional upon their removal. Ms Gilligan argues it is not reasonable to have to deal with a business restructure at the eleventh hour.
84. Ms Gilligan reminds me that the Licensing Standard 1.1 is fundamental, it underpins the whole process, and it is not enough for Mr Weathers to say

that he rushed the application, he chose to apply, he had time to prepare, and he said that no one else was involved which was not true and that he should have been more diligent. Ms Gilligan reminds me that three different businesses had been in liquidation.

85. Ms Gilligan says that whereas the Respondent does not argue that the Appellant would have sought to exploit workers, she reminds me that phoenix companies raise the risk of exploitation of workers and creditors.
86. As regards the application, Ms Gilligan argues that the Appellant had the opportunity to withdraw the two directors before submission, and when there was a clear concern raised about them still no action was taken. Ms Gilligan says that the Respondent is not seeking to stop the Respondent's commercial endeavours within this regulated sector, but nevertheless the bar is higher with respect to those involved with liquidated companies and those who do not prepare. I am further reminded that Licensing Standard 1:1 is a critical standard and the failure in the application rests with the Appellant, and further the Respondent had taken a proportionate response to the failure.
87. My attention is drawn to the decision in **Rai N Dhanda** about the time for determining compliance and that it would make a mockery of the process if things could be put right afterwards as this would beg the question why even make an application in the first place.
88. Ms Gilligan says that even if Mr Weathers did simply make a mistake it follows he was not diligent or prepared, he had the opportunity to tell the truth, and when Mr O'Connell found him plausible he is a very trusting inspector who did not have the full story and saw no reason for Mr Weathers to mislead him.
89. Ms Gilligan says I am to put myself in the shoes of the Respondent, and that Mr Brice and Mr Brocksom were still directors at both the date of the inspection and the decision, and that at all times Mr Weathers chose not to be candid or diligent. The Respondent argues in the strongest terms against finding that Mr weathers was a fit and proper person, each case must be considered on its own merits, and the two year bar against applications runs from the date of the Respondent's decision in August 2024 and not the date of my appeal decision.

Conclusion and decision

90. As was made abundantly clear to me in this appeal, the licensing regime exists for the protection of vulnerable workers in this regulated area. There is a clear public interest in ensuring that the correct licensing decision is reached. A wrong decision could mean that vulnerable workers are exposed to exploitation. It is therefore essential that those seeking a GLAA licence are fit and proper, as is clear from Licensing Standard 1.1, but more than that, it is essential that applications are honest and reliable. The Respondent must have some confidence that the information supplied in the application is true.
91. In this case the Appellant concedes that Mr Brice and Mr Brocksom were not fit and proper persons. The Appellant was right to do so. It could hardly

be argued that either were fit and proper based upon their past history with the three companies identified. I do not need to make a decision on that as the point was conceded before me.

92. The question about when the correct time for compliance should be judged, is what might be described as a red herring in this case. Whether one takes the date of inspection or the date of the decision, both Mr Brice and Mr Brocksom remained as directors on both dates. Their removal did not take place until after the decision was made. The point is therefore almost academic in this appeal, nevertheless it is not totally irrelevant.
93. I am in full agreement with Judge Butler, the Appointed Person in ***Rai N Dhandra***, that compliance should be judged **as at the date of inspection** as it cannot have been the intention of Parliament that the failure to comply can be remedied at some unknown date in the future. That would make no sense, and it would undermine the whole regime. Applicants must know, and must understand, that they must be compliant at all times, and the Respondent must have some confidence that applicants will be compliant. To allow an application to be remedied or augmented as and when, would be unworkable in practice, it would provide no re-assurance to the Respondent, and it could expose vulnerable workers to potential exploitation. Parliament could not have intended a licensing regime such as this, which exists for the purpose of protecting vulnerable workers, to operate in such a haphazard way as that.
94. I am therefore not persuaded by the Appellant's arguments that the Respondent ought to have paused the process to have allowed him to remove Mr Brice and Mr Brocksom, or that it ought to have granted him a licence conditional upon him doing so. The time for ensuring compliance was **before** the application was submitted, not after. It was the Appellant who chose to submit the application, it was incumbent upon the Appellant to have made sure that it was familiar with the Licensing Standards and to have taken corrective measures **before** doing so. It is at the applicant's own peril if they do not read and comply with Licensing Standards before submitting an application. For the avoidance of doubt, I was not persuaded by the Appellant's arguments about proportionality simply because these were matters which the Appellant could have resolved before submitting his application in the first place.
95. Whereas the Appellant has since removed both directors, that is a matter which might be taken into account in future applications should the Appellant chose to make one.
96. Accordingly ground one of the appeal fails. Given that this is a critical standard (with a score of 30 points), that would in any event have been sufficient to dispose of this appeal, however it is necessary for me to address the second ground in any event.
97. I was not satisfied that Mr Weathers had deliberately provided misleading or inaccurate information to the Respondent at the time of the application or the inspection. Mr Weathers was careless when it came to the Licensing Standards, he knew that there was some sort of past problem with the other two directors' involvement in another business, he knew that there had been

a liquidation of a business, and it was incumbent upon him to have conducted due diligence and to have delved deeper.

98. The Respondent gave Mr Weathers every opportunity to look into his fellow directors and to satisfy himself that they were fit and proper, however he failed to do so. I am not satisfied that Mr Weathers chose to deliberately mislead the Respondent, his approach to the contents of the application and the criteria on the laminated sheet, was at best, cavalier and he failed to give it proper consideration. This is of concern because Mr Weathers would be responsible for the employment of vulnerable workers at potential risk of exploitation in this regulated sector.
99. Whereas I find that the provision of the misleading information was not intentional, the result was unfortunately the same. The Respondent was provided with inaccurate and misleading information in the Appellant's application and at the inspection, and the fault lay exclusively with Mr Weathers. Mr Weathers failed to carry out due diligence and displayed a lack of care of attention, which to his credit he admitted promptly after it was raised with him, and he continues to admit it and he offers his apologies.
100. The previous authorities to which I have referred have found that the lack of care and attention is sufficient to find applicants were not a fit and proper person in those cases. I agree with those authorities, and I take a consistent approach with those decisions.
101. On that basis I also find that the Respondent was correct to decide that Mr Weathers was not a fit and proper person under Licensing Standard 1:1, and I therefore dismiss the appeal on those grounds as well.
102. I thank Mr Sutherland and Ms Gilligan for their valuable assistance with the appeal hearing.



Employment Judge **Graham**

Date **20 June 2025**

RESERVED JUDGMENT & REASONS SENT TO THE PARTIES ON

24 June 2025



LISA ASHWORTH
FOR EMPLOYMENT TRIBUNALS

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