



Gangmasters  
Licensing Authority

# Guidance on who needs a licence

February 2015



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## 1. Introduction

- 1.1. The GLA protects workers from exploitation by operating a licensing scheme in agriculture, horticulture, shellfish gathering and associated processing and packaging sectors. If you supply labour or use workers to provide services in these sectors, you may need a GLA licence.
- 1.2. This guidance explains what work is covered by the Gangmasters Licensing Authority (“GLA”) and who needs to be licensed. It also explains the exclusions from needing a licence.

### The Law

- 1.3. The scope of the GLA licensing scheme is set out in the [Gangmasters \(Licensing\) Act 2004](#) (the “2004 Act”), as modified by the [Gangmasters Licensing \(Exclusions\) Regulations 2013](#).
- 1.4. This guidance is intended as a supplement to the detailed legislation and does not provide an authoritative statement of the law.

### How to use this guidance

- 1.5. Check if the type of work you are interested in is listed in [section 2](#), “Sectors and types of work covered by licensing”.
- 1.6. If the work is not listed, you do not need to check anything else. If the work is covered under section 2, then check if your particular activities are covered under [section 3](#), “Who needs a licence?” That should then tell you whether a licence is required or not.
- 1.7. If a licence is required, check if any of the exclusions for specific activities applies, detailed under [section 4](#), “Exclusions from licensing”. [Section 5](#) explains how licensing applies to different specific types of business.
- 1.8. [Section 6](#) explains how to apply for a licence. [Section 7](#) sets out the criminal offences associated with the licensing scheme.
- 1.9. This guidance consolidates and replaces the following previously published guidance:
  - GLA Brief 4: How licensing applies to machinery rings
  - GLA Brief 10: How licensing applies to shellfish
  - GLA Brief 24: How licensing applies to the poultry industry
  - GLA Brief 25: How licensing applies to veterinary practices
  - GLA Brief 31: Forestry exclusion from licensing

- GLA Brief 32: Exclusions from licensing
- 1.10. This guidance will be updated and revised over time. [Section 8](#) of this guidance explains what changes have been made, when and why.
- 1.11. If you have any questions not covered by this guidance, please contact the GLA for further advice on your specific circumstances:
- Email: [licensing@gla.gsi.gov.uk](mailto:licensing@gla.gsi.gov.uk)
  - Telephone: +44 (0)345 602 5020

## 2. Sectors and types of work covered by licensing

2.1. This section explains the sectors and areas of work which are covered by licensing as well as activities not covered. This is not a definitive list and other types of work may come under the licensing scheme. Parts in this section:

- A. Agriculture
- B. Processing and packaging any product derived from agriculture, fish or shellfish
- C. Shellfish gathering

## A. Agriculture

2.2. This part explains:

- Types of work considered to be covered by 'agriculture'
- Work considered not to be agricultural

### Types of agricultural work

#### Working with livestock

2.3. This includes:

- cows (as well as working with bulls kept and used for artificial insemination)
- sheep
- pigs and
- poultry for meat and eggs. See [section 5](#) for more detailed guidance on how licensing applies to the poultry industry.

2.4. Working with livestock covers anything associated with the rearing of animals for human consumption, including mucking out.

#### Dairy farming

2.5. This includes:

- shepherding
- relief milking
- pasteurising milk and
- secretarial or administrative duties integral to the production process, such as maintaining milk yield records or ordering feed and fertilisers.

#### Growing and harvesting produce

2.6. This includes growing and harvesting:

- fruit
- herbs
- vegetables

- arable crops and
- vines/ grapes for wine making.

#### Growing and harvesting non-edible crops

2.7. This includes growing and harvesting bio-fuels, bulbs, flowers, and plants.

#### Horticulture

2.8. Horticulture is covered.

#### Using land

2.9. Using land for market gardens, nursery grounds, grazing, meadow, pasture, or as an orchard is agricultural work.

#### Rearing non-traditional animals and insects

2.10. This includes rearing alpacas, deer, ostriches, and rabbits.

2.11. Maggot and worming farming is also considered to be agricultural work.

#### Agricultural mechanics

2.12. Work done by an agricultural mechanic where the mechanic is employed directly by a farmer.

#### Types of work associated with agricultural not covered by licensing

2.13. The following activities are not classed as agricultural work and are not covered by the licensing scheme:

- a worker engaged solely on distributive duties, such as transporting milk from a farm
- artificial insemination
- blacksmithing
- chick sexing
- collecting fallen livestock
- fencing
- fish farming (please note that fish processing is covered – see below)
- gathering of wild creatures or wild plants
- game keeping
- gardeners
- groundsmen looking after playing fields or a golf course

- hedging, ditching and drainage
- peat walling
- producing arable fertiliser
- rearing game
- seed analysis
- working at hunting or racing stables, and
- working with non-food chain animals, for example, a zoo keeper



## B. Processing and packaging

2.14. Processing and packaging any product derived from agriculture, fish or shellfish is covered by the licensing scheme. This section covers:

- Examples of food and drink products covered by licensing
- Types of activities which are considered to be processing and packaging
- Types of work not considered to processing and packaging

### Types of food and drink

2.15. Food and drink products covered by licensing includes but is not limited to:

- airline food
- alcohol
- animal feed
- baby food
- biscuits
- bread
- cakes
- carbonated (fizzy) drinks, except where the drink does not contain agricultural products (for example carbonated natural mineral water with no flavouring)
- cereals
- cheese
- chewing gum
- chocolate
- confectionery and sweets
- concentrated drinks
- crisps
- dairy products
- dips
- edible oils (such as rapeseed, soya, corn, sunflower etc)
- fish
- flour
- fresh produce
- fruit juice
- meat and meat products
- milk
- pet food
- pizza
- ready meals
- salad
- sandwiches
- shellfish
- soup

- soft drinks, except where the drink does not contain agricultural products (for example natural mineral water with no flavouring)
- spices and condiments, except salt (salt is not an agricultural product)
- sugar
- yoghurt

### Processing and packing activities

2.16. Processing and packaging work includes:

#### Cleaning

- 2.17. Processing work includes the daily cleaning and maintenance of machinery used for processing and packing food. It does not matter if the production line is operating or not.
- 2.18. Cleaning includes tray wash operatives, who might bring out dirty trays, wash them and take back clean ones.
- 2.19. Cleaning areas where animals have been slaughtered is also covered.
- 2.20. Cleaning premises away from the immediate production line area is not covered by licensing, such as clearing floors and walls.

#### Eggs

2.21. Grading and packing eggs is covered.

#### Flowers

2.22. All processing and packing of flowers is covered, such as preparing bouquets.

#### Fish and shellfish processing

2.23. All types of fish and shellfish processing is covered. While fish farming is outside of the scope of licensing, any processing of fish on the same site is still covered.

#### Food tasting

2.24. Tasting samples of food is part of the processing of the product and is covered.

### Meat processing

2.25. Meat processing includes all butchery activities, such as cutting and dressing meat or poultry.

### Production line work

2.26. Generally, all work on a production line is covered. This includes;

- checking and weighing raw materials
- preparing and sorting materials to be processed
- making sure machine settings are correct
- loading bottles, tins, containers, packaging etc
- feeding in produce to be processed
- preparing and processing produce
- taking samples and carrying out quality checks
- removing the processed product
- operating conveyor and processing equipment and machinery
- cleaning conveyor and processing equipment and machinery or
- removing, washing or taking back trays.

### Packaging work

2.27. Food and drink packaging work may involve packing products by hand or by using machinery. All types of packaging materials are covered, including bottles, cans, bags, foil and paper. It does not matter if the worker does not actually directly handle the food product. The following activities are considered to be part of 'packaging' work:

- selecting suitable packaging
- operating packaging, canning, bottling and sealing machinery
- packing products by hand
- preserving perishable products
- packing items to prepare a product for sale

- quality checking
- weighing packaged products
- labelling packaged products
- breaking down pallets of food and drink into cases or part pallets
- putting already packed food items into other containers/ packets. This includes putting packets of crisps into boxes for onward distribution, confectionery into Christmas selection boxes or different products into gift packs/ hampers. It does not matter if the other containers also contain non-food items, or
- repackaging in a different location from where the product was previously packed is covered.

### Supervisors

- 2.28. Leading hands, senior line operators and line/ team leaders who work on processing lines and who are involved in processing and packaging activities as well as supervising workers are also covered.

### Work not considered to be processing and packaging

- 2.29. The following activities are associated with food and drink processing and packaging but are not covered by licensing:
- engineers based on site to support the operation of a production line as well as engineers who visit a site to carry out repairs and servicing on an ad hoc basis
  - fork-lift truck drivers who have no other role in food and drink processing and packaging
  - lorry drivers transporting produce
  - halal blessers whose sole act is blessing the meat processing
  - processing and packaging ice cubes, provided the ice cubes contain 100 per cent water and have no natural flavourings
  - solely loading lorries.

## **C. Shellfish gathering**

2.30. Gathering shellfish is covered by licensing.

2.31. Shellfish means all types of crustaceans and molluscs. This includes:

- any part of a shellfish (including the shell or any part of the shell), and
- any (or any part of any) brood, ware, halfware, spat, spawn of shellfish.

2.32. That means any part of shellfish from an egg to the point of maturity is covered.

### 3. Who needs a licence?

3.1. This section explains what 'acting as a gangmaster' means and the types of activities which need to be licensed. This section includes:

A. Definition of a worker

B. Acting as a Gangmaster: Circumstances when a licence is required:

- Supplying a worker
- Using a worker to provide a service
- Using a worker to harvest or process and pack after the transfer of produce
- Using a worker to gather shellfish

C. Who needs to be named on a licence

## A. Definition of a worker

3.2. This section uses the term 'worker'. The GLA licensing scheme applies to all workers, regardless of whether they are temporary or permanent. The term worker includes a:

- agency/ temporary worker
- permanent worker
- employee
- self-employed person
- family member
- voluntary worker
- volunteer (although there is an exclusion for volunteers in connection with conservation work, see [section 4](#))

## **B. Acting as a gangmaster: Circumstances when a licence is required**

3.3. This section explains the circumstances when a person or a business is acting as a gangmaster and needs to have a GLA licence, covering:

- Supplying a worker
- Using a worker to provide a service
- Using a Worker to Harvest or Process and Pack after the Transfer of Produce
- Using a Worker to Gather Shellfish

### **Supplying a worker**

3.4. Any individual or business needs a licence if they supply a worker to a labour user to undertake work covered by licensing, as outlined in section 2 of this guidance.

3.5. Supply has a wide meaning, including:

- a labour provider who engages a worker under either contracts for services or contracts of employment and supplies the worker to a labour user for temporary assignments or contracts where the worker will be under the labour user's supervision or control. This is usually known as 'supplying temporary workers'.
- a labour provider who introduces a worker to a labour user for direct employment by that labour user. This is usually known as 'permanent recruitment or employment'. It does not matter if the worker's employment is only for a fixed period.
- anyone who introduces a worker in any way to a labour user. It does not matter how formal or informal the arrangement is.
- sourcing candidates and forwarding details onto another labour provider or labour user to do work in the GLA licensed sectors. This includes sending CVs or completed application forms.
- any kind of screening of candidates for work in the GLA licensed sectors. It does not matter if the end client makes the final decision to employ the worker.

3.6. Supply covers the entire process of agreeing the provision of a worker and the duration of the agreed arrangement taking place.

3.7. The 2004 Act makes clear that a licence is still needed:



- even if the worker has a contract with a labour provider (for example, employed under a contract of services or engages them under a contract for service) or is supplied to that labour provider by another person.
- whether the worker is supplied directly under arrangements between a labour provider and labour user or indirectly with one or more intermediaries involved.
- where a labour provider supplies a worker themselves or procures that the worker is supplied.
- whether the work is done under the control of the labour provider, labour user or any other person.
- even if after the worker has been supplied to another labour provider or labour user, that labour provider or labour user then uses the worker to provide services to someone else.

### **Using a worker to provide a service**

- 3.8. An individual or business needs a licence if they use a worker to provide a service to another person to do work covered by licensing.
- 3.9. The 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 individual or business, works for another person or is self-employed.

### **Using a worker to harvest or process and pack after the transfer of produce**

- 3.10. An individual or business needs a licence if they use a worker to harvest, gather, process or pack agricultural produce after the produce has been sold or leased to that individual or business.
- 3.11. It does not matter if the worker works directly for the individual or business, works for another person or is self-employed.

## Using a worker to gather shellfish

- 3.12. An individual or business needs a licence if they use a worker to gather shellfish. Using a worker to gather shellfish includes, but may not be restricted to, directly or indirectly:
- employing a worker under a contract of service, engaging a worker under a contract for services or using a self-employed person, or
  - engaging, arranging or procuring a worker to gather shellfish, or
  - managing, organising, instructing, supervising or in any way controlling a worker, or
  - determining or influencing where, when or how a worker gathers shellfish
  - suggesting, requiring, offering or otherwise materially influencing, at the first point of sale, the buying or selling of shellfish to any person or business, or
  - providing a worker with equipment, transport or other tools to gather shellfish.

### Who needs to be named on a licence

- 3.13. A licence authorises a business to act through named individuals or specified posts. The GLA's [Public Register](#) displays those named or specified on a licence.
- 3.14. For licence holders with a turnover of less than £5 million a year in the licensable sectors, individuals employed by the business who negotiate with labour users and supply workers must be named. For licence holders with a turnover of £5 million or more, the licence holder may specify job titles.

## 4. Exclusions from licensing

4.1. Certain activities are excluded from needing a licence. These are set out in the [Gangmasters Licensing \(Exclusions\) Regulations 2013](#) and the [Gangmasters Licensing \(Exclusions\) \(Northern Ireland\) Regulations 2014](#). This section explains:

A. [Exclusions from licensing](#)

B. [Definitions of terms used in the Exclusions](#)

### A. Exclusions from licensing

#### Apprentice Training Agencies

4.2. An Apprentice Training Agency (“ATA”) supplying a worker does not need a licence where the ATA is:

- recognised by the Skills Funding Agency or the Welsh Government, or
- registered with the National Apprenticeship Service or the Welsh Government as an Apprentice Training Agency in development.

4.3. This exclusion does not apply in Scotland as the Scottish Government does not operate an ATA scheme.

#### Back to work programmes

4.4. A business or organisation that provides a service to Government to help unemployed persons find work does not need to be licensed. A licence is still required if the business or organisation also supplies a worker to do licensable work separate to any Government backed scheme.

#### Company groups

4.5. A limited company (“A”) does not need to be licensed where it supplies a worker to another limited company (“B”) if the worker is employed by A under a contract of employment and either:

- A and B are wholly owned subsidiaries of the same body corporate, or
- A is a wholly-owned subsidiary of B, or
- B is a wholly-owned subsidiary of A

#### Chick sexing

4.6. No licence is needed to supply or use a worker to determine the sex of chicken and other poultry.

### Educational establishments

- 4.7. An educational establishment does not need to be licensed if it supplies a worker to do agricultural work which is necessary to obtain an agricultural qualification. The qualification must be:
- A qualification to which [Part 7 of the Apprenticeship, Skills, Children and Learning Act 2009](#) applies (in relation to England),
  - A relevant qualification within [section 30 of the Education Act 1997](#) (in relation to Wales),
  - A SQA qualification within the meaning of [section 21 of the Education \(Scotland\) Act 1996](#) or an accredited qualification under [section 3](#) of that Act.

### Family member exclusion

- 4.8. No licence is needed for a person using a family member to provide a service to a farmer. The family member must be that person's:
- spouse, civil partner or partner living with them in an enduring family relationship, or
  - child, step-child, parent, grandchild, grandparent, brother or sister, or
  - partner's children or step-children, if they are younger than 18 years old.

### Farmer to farmer loans of workers

- 4.9. No licence is needed for a farmer ("A") who supplies a worker to another farmer ("B") where:
- there is a share-farming agreement between the two farmers, or
  - the total hours the worker works for farmer B are not more than thirty per cent of the total hours the worker worked for farmer A in the previous twelve months, or
  - the worker has been supplied to farmer A by a GLA licence holder. The licence holder must also agree to the work done for farmer B and it is a one off-arrangement of less than two weeks.
- 4.10. No licence is needed for a farmer ("A") who uses a worker to provide a one-off service of less than four weeks to another farmer ("B") where:

- The total hours the worker works delivering the service are not more than thirty per cent of the total hours the worker worked for farmer A in the previous twelve months, or
- The worker has been supplied to farmer A by a GLA licence holder. The licence holder must also agree to the work done for farmer B.

### Land agents

4.11. A land agent who uses a worker to provide service where:

- the land agent is a member of the Royal Institute of Chartered Surveyors, and
- the land agent is contracted to manage the land where the worker will work, and
- the work by the worker is incidental to delivering the land agent's contract for managing the land.

### Machinery exclusions

4.12. A farmer does not need a licence if they supply a worker to another person to operate machinery provided by that person in order to do agricultural work for the farmer.

4.13. No licence is required if a worker is used to provide a service to a farmer where:

- the service involves using machinery owned or hired by that person delivering the service, and
- the worker is employed by that person delivering the service to operate or to support the operation of the machinery.

### Forestry

4.14. Using a worker to provide a service to do forestry work (which includes forestry contractors). The GLA will also not require licence applications from anybody who supplies a worker to do forestry work.

### Processing and packing exclusions

4.15. No licence is required to supply a worker to process or pack produce in the following, provided they meet the relevant definition in part B of this section below:

- catering establishment

- shop or other retail establishment
  - wholesale market
  - wholesale establishment or
  - distribution warehouse.
- 4.16. No licence is required to supply a worker to process or pack a product that is derived from agriculture but where the product is not a food product, pet food product or a product which is primarily an agricultural, fish or shellfish product (such as the manufacturing of make-up).
- 4.17. A person using a worker to provide a food and drink processing and packaging service 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.

#### **Raising crops or livestock as a service to a third party**

- 4.18. No licence is needed for a farmer who uses a worker to plant, raise, care for or harvest crops or animals which are:
- the property of a third party, and
  - managed by the farmer under the terms of a written agreement, and
  - grown or kept on land owned or occupied by the farmer.

#### **Scottish partnerships**

- 4.19. Scottish partnerships do not need to be licensed where the only workers are the partners themselves. This brings licensing requirements for Scottish partnerships into line with partnerships in the rest of Great Britain.

#### **Shellfish gathering**

- 4.20. No licence is needed to use a worker to gather shellfish where:
- the worker dives using breathing apparatus to gather shellfish from the sea bed or

- the worker uses a net, dredge or other machinery to gather shellfish from the sea bed on board a fishing vessel at sea (not including fishing with a hand net or hand-held rake).
- 4.21. A shellfish cultivator does not need a licence if they use a worker to gather shellfish for cultivation or shellfish cultivated from areas which they manage. The shellfish cultivator must have an exclusive right to cultivate shellfish on an area from which the shellfish are gathered.
- 4.22. An owner or operator of a shellfish hatchery does not need a licence if they use a worker to gather shellfish. Those operating hatcheries do not need to have an exclusive right to the area of the sea/shore.

### Skilled workers

- 4.23. No licence is needed to supply a worker to a farmer where:
- the worker holds a specific qualification at or above National Vocational Qualification Level 2, Scottish National Vocational Qualification Level 2 or an equivalent qualification which is relevant and necessary for the work concerned, and
  - the farmer employs the worker, and
  - no more than four such workers are supplied to the farmer at any one time.

### Slaughtermen

- 4.24. No licence is needed to supply a worker for slaughtering animals. However, the worker must:
- be a licensed slaughterman under [the Welfare of Animals \(Slaughter or Killing\) Regulations 1995](#), or
  - hold a certificate of competence to kill animals under the [Welfare of Animals at the Time of Killing \(Scotland\) Regulations 2012](#).

### Title to crops

- 4.25. No licence is needed to supply a worker to harvest crops where a person has transferred the title to the land but retained the title to the crops.

### Vaccination

- 4.26. An agricultural vaccine supplier who uses a worker to perform a service for vaccinating animals does not need to be licensed.



## Vets

- 4.27. A member of the Royal College of Veterinarians, or an incorporated veterinary practice, who uses a worker without a veterinary qualification to deliver services for the health and wellbeing of livestock does not need a licence. This includes foot trimming, dehorning and collecting samples for medical analysis.

## Volunteers

- 4.28. The use of a volunteer to provide a service for conservation work is exempt from licensing. The GLA will also not require licence applications from anybody who supplies a worker to do conservation work.

## B. Definitions

- 4.29. The following are definitions for terms referred to in the above exclusions:

### Catering establishment

- 4.30. A catering establishment means a restaurant, canteen, club, public house, school kitchen, prison kitchen, hospital kitchen or similar premises, including a fixed or mobile stall or a vehicle. The food must be:

- cooked or made ready for eating without further preparation, and
- prepared for service to the consumer.

- 4.31. A catering establishment also includes other premises where:

- food is cooked or made ready for eating without further preparation and
- food is prepared for service to the consumer and
- there is no change in ownership between preparing the food and delivery to the consumer.

### Distribution warehouse

- 4.32. A distribution warehouse means premises where produce is received before onward distribution to a wholesale or retail establishment:

- there must be no change in ownership of the produce between it being received and its onward distribution and
- the wholesale or retail establishment where the produce is delivered to is excluded from licensing and

- the premises are owned by the same person who owns the wholesale or retail establishment where the produce is delivered to.

### **Farmer**

4.33. A farmer means someone who:

- occupies land and uses it for agriculture or
- is employed by a person with title to land to manage the use of that land for agriculture.

### **Produce**

4.34. Produce means anything derived from agricultural work, fish or shellfish.

### **Share-farming**

4.35. Share-farming means an agreement entered into between two or more persons to share the net-receipts of:

- their separate business assets or
- services for carrying out specified farming operations

as divided between them and paid to the businesses in agreed proportions.

### **Wholesale establishment**

4.36. A wholesale establishment means premises operated solely for the purpose of selling produce for eventual resale or to a catering establishment. This includes a cash and carry warehouse but does not cover premises operated for the primary purpose of processing and packaging food and drink.

## 5. How licensing applies to different types of business

- 5.1. This section explains how licensing applies to different types of business where work being done is in the GLA licensed sectors.
- 5.2. A GLA licence is only granted to individual legal entities, whether it is a sole trader, company, partnership or incorporated association. The GLA does not grant licences to cover more than one entity. For example, individual companies within a company group would need to be individually licensed.

### Agricultural contractors

- 5.3. Unless covered by an exclusion from licensing, explained in [section 4](#), an agricultural contractor that uses a worker to provide its services needs to be licensed.

### Apprentice Training Agencies (“ATAs”)

- 5.4. ATAs are excluded from licensing. Please see section 4 for more details.

### Employment businesses and employment agencies

- 5.5. Employment businesses supplying an agency worker for a temporary assignment need to be licensed. An employment agency supplying a worker for permanent work with a labour user also needs to be licensed. Both types of business would be supplying a worker to do licensable work.

### Land Agents

- 5.6. Land agents are excluded from licensing. Please see section 4 for more details.

### Limited company contractors/ personal service companies

- 5.7. If a worker has set themselves up as a limited company to supply themselves, then that company needs a licence. The company would still be supplying a worker, even if it is only the person who set up the company.

### Machinery rings

- 5.8. A machinery ring member that supplies a worker to a fellow ring member needs to be licensed, unless one of the exclusions detailed in section 4 applies. This could apply to either individual members of the ring or to a centralised pool of workers maintained by the ring for the benefit of its members (that is whoever manages the centralised pool would need to be licensed).

5.9. No licence is needed if the machinery ring only:

- puts individual members in touch with each other to do business between themselves or
- maintains a list of ring members and/ or labour providers for its members to contact to arrange the supply of a worker (the information held or providers by the ring may include charge rate details) or
- providing an invoicing service to its members.

5.10. If the machinery ring becomes involved in negotiating the terms and conditions of the supply of a worker, for example by determining specific rates for the supply, then a licence is required. A licence is not required for a simple exchange of information without participating in the negotiation process. The following examples would not constitute negotiating the supply of workers:

- where the machinery ring manager asks the member requiring a worker for details of the job, for example, start times, contract rates they are prepared to pay (but not suggesting a different rate), passing those details to a licensed labour provider or
- identifying the length of the contract
- confirming the hours the labour provider has recorded on timesheets to enable the machinery ring to compete its invoicing service.

5.11. A machinery ring will need a licence if it arranges for the supply of a worker from a third party who is not a member of the ring.

#### **Managed service companies, master vendors and neutral vendors**

5.12. Managed service companies, master vendors and neutral vendors need to be licensed as they are integral to the process of supplying a worker.

#### **Online businesses**

5.13. An online business advertising a vacancy in the GLA sectors needs to be licensed if they sift or select candidates for other labour providers or labour users.

5.14. No licence is required if the online business only operates a jobs board where labour providers and labour users post vacancies and manage the recruitment process themselves.

## Payroll companies

- 5.15. A payroll company that employs or engages a worker directly needs to be licensed. Typically, a labour provider will introduce the worker to the payroll company. The payroll company then agrees terms and conditions with the worker before providing the worker back to the labour provider for onward supply to an end labour user – that supply to do licensable work by the payroll company is why it needs to be licensed. The labour provider also needs to be licensed.
- 5.16. A payroll company that only administers payroll for a labour provider and who does not have any contractual relationship with the worker does not need to be licensed.

## Poultry-related businesses

### Chick sexing

- 5.17. Chick sexing is excluded from licensing.

### Poultry catching

- 5.18. Anyone supplying a worker to catch poultry or using a worker to provide a catching service needs a licence.
- 5.19. However, if a machine is used to catch the poultry, then the activity will be excluded from needing a licence, provided the service provider owns or hires the machinery and employs the worker used to undertake the work.

### Poultry shed cleaning

- 5.20. Cleaning poultry sheds is covered by licensing. The activities generally involved in a poultry shed cleaning service include:
- washing and disinfecting vehicle wheels and machines on arrival at the farm
  - walking around the shed to check for damage and hanging up any equipment that is in the way of the clean out
  - using a “blower” machine to blow dust from ceilings, fans and feed equipment
  - bobcats entering sheds and pushing litter to the centre
  - forklifts picking up litter and load lorries
  - bobcats re-entering to scrape floors to remove remaining litter

- using hand held hoes to gather litter stuck around posts
  - bobcat drivers using a blower to blow dust away from walls and posts
  - using a brush attached to a bobcat to remove the last of litter from the shed ready for washers
  - washing equipment down ready to move to the next site.
- 5.21. Where the work involves the use of a bobcat and blower machinery, the machinery exemption would apply, provided the service provider owns or hires the machinery and employs the workers.
- 5.22. Manual work which supports the operation of any machinery would also be excluded. This includes: washing and disinfecting the vehicles on arrival and departure; walking around the shed to check for damage and hanging up any equipment that is in the way; using hand held hoes used to gather litter stuck around posts; sweeping the shed to remove last of the litter ready for washers and washing down equipment at the end; reassembling equipment by hand at the end of the cleaning work.

### Washing sheds

- 5.23. Activities involved in washing poultry sheds include:
- pulling pressure hoses into sheds and connecting to the water supply
  - installing chemicals
  - using hoses to pre-soak / foam up sheds with chemicals
  - washing down with hoses
  - using a tractor with a squeegee mounted at the rear to pull slurry out of the sheds before and during the washing of the shed floor
  - dismantling and reassembling any remaining equipment washed, for example litter boards, metal feed hoppers and end room benches. Equipment is then carried by hand back into the sheds
  - clearing blocked drains using a pressure hose
  - disinfecting sheds using a disinfecting machine to apply the chemicals.
- 5.24. Again, this work is covered by licensing. However, if the service provider owns or hires the machinery and employs the workers, the machinery exclusion is likely to apply as pressure hoses, tractors and disinfecting equipment are considered to be machines.

- 5.25. Manual work which supports the operation of any machinery would also be excluded. This would include carrying equipment and shed parts by hand. Dismantling and reassembling sheds by hand, in order for the various parts to be cleaned using machinery, would also be considered to support the operation of the machine and therefore be excluded.

#### Litter placement

- 5.26. Supplying a worker to scatter litter for the next cycle of poultry or using a worker to provide litter placement service requires a licence. However, if a machine is used to scatter the litter, then the activity is likely to be excluded provided the service provider owns or hires the machinery and employs the workers used to undertake the work.

#### Chick and pullet placement

- 5.27. Anyone supplying a worker to place birds or using a worker to provide a placement service needs a licence.

#### General work in a hatchery

- 5.28. Anyone supplying a worker or using a worker to provide a service for general duties in a hatchery to care for and rear poultry needs a GLA licence. It does not matter if the worker is involved in other activities which do not require a licence.

#### Maintenance

- 5.29. Electrical and property maintenance service providers do not need a licence as it not considered agricultural work. This includes activities such as:
- installing lighting, supplies to feed motors, alarm systems, ventilation systems, heaters and heating controls
  - maintaining lighting, feed systems, alarm systems, electrical supplies, ventilation systems and heaters
- 5.30. Feed and drink service providers also do not need a licence. This includes supplying, installing, maintaining/services and replacing faulty equipment.

#### Vaccination

- 5.31. Supplying a worker solely to vaccinate poultry or using a worker solely to provide a vaccinating service does not require a licence.
- 5.32. However, anyone who supplies a worker or uses a worker to provide a catching service for another person to vaccinate the poultry still requires a GLA licence.

## Umbrella companies

- 5.33. Similar to a payroll company, an umbrella company that employs or engages a worker directly needs to be licensed. Typically, a labour provider will introduce the worker to the umbrella company. The umbrella company then agrees terms and conditions with the worker before providing the worker back to the labour provider for onward supply to an end labour user – that supply to do licensable work by the umbrella company is why it needs to be licensed. The labour provider also needs to be licensed.

## Vets

### Qualified veterinary surgeons and nurses

- 5.34. Veterinary services provided by a qualified veterinary surgeon or nurse fall outside the scope of licensing

### Non Royal College of Veterinary Surgeons (RCVS) registered staff working under the direction of a member of the RCVS (MRCVS)

- 5.35. A member of the Royal College of Veterinarians, or an incorporated veterinary practice, does not need a licence if they use a worker without a veterinary qualification to deliver services for the health and wellbeing of livestock. This includes, but are not limited to:

- routine collection of samples (for example, milk, faecal or hair) for medial analysis
- dehorning
- foot trimming, routine foot care and assessing incidents of livestock lameness
- routine vaccination of herds or flocks
- ultrasound scanning ewes for pregnancy or
- transrectal ultrasound scanning of bovines for pregnancy.

- 5.36. In all instances, the directing veterinary surgeon is responsible for ensuring appropriate training and monitoring is provided. If a worker is being subcontracted to provide services rather than under the employment and direction of a veterinary surgeon, a licence is still required.

### General agricultural activities

- 5.37. If a veterinary practice supplies or uses a worker to provide a service for general agricultural activities that could otherwise be done by non-veterinary businesses, then a licence is required.



## 6. How to apply for a licence

- 6.1. You can apply for your GLA licence online at [www.gla.gov.uk](http://www.gla.gov.uk) or by telephoning the GLA helpline on 0345 602 5020.
- 6.2. Please see the [GLA Application Form guidance](#) for more information.

## 7. Criminal offences

7.1. The [2004 Act](#) includes a number of criminal offences:

### Section 12(1) Offence: Acting as a gangmaster without a licence

7.2. It is illegal to act as a gangmaster without a licence. The maximum penalty for operating without a licence is 10 years in prison and a fine.

### Section 12(2) Offence: Possessing false documents

7.3. A person commits an offence if, in an attempt to make another person believe they are licensed, they possess or control:

- a relevant document that is false or they know or believe is false
- a relevant document that was improperly obtained or that they know or believe was improperly obtained or
- a relevant document that relates to someone else.

7.4. 'Relevant' means any document the GLA issues in connection to a licence and being licensed.

### Section 13(1) Offence: Using an unlicensed gangmaster

7.5. It is illegal to use an unlicensed gangmaster. The maximum penalty for this offence is 6 months in prison and a fine.

7.6. Defra has published guidance, "Guidance on the steps that a labour user can take to ensure a labour provider is licensed", which sets out the minimum checks that a labour user should take to make sure a labour provider is licensed.

### Section 18(1) Offence: Obstruction

7.7. It is an offence to obstruct a GLA officer in the course of their duties. It is also an offence to fail to comply, without reasonable cause, with any requirement made by a GLA officer.

## 8. Version history

8.1. This section explains what changes have been made to this document as well as explaining the reasons for the change.

| Date     | Change   | Reason   |
|----------|--|--|
| 13/02/15 | Change of word customer to consumer<br>Amendments to punctuation | Correction of typing error to mirror legislation<br>Comply with new branding |
| 5/09/14  | Home Office branding applied                                     | Change of sponsor department   |
| 16/05/14 | Guidance published   |  |