

MINUTES OF THE THIRTY FOURTH BOARD MEETING OF THE GANGMASTERS LICENSING AUTHORITY – 11 JULY 2012 HELD AT NATURAL ENGLAND, NOTTINGHAM

Present:

Margaret McKinlay
Ivan Bartolo
Cllr Paul Bettison
Graham Bruce
David Camp
Angela Coleshill
Marshall Evans
Russell Hardy
Nigel Jenney
Steve Kemp
Gillian Mills
Jane Mordue
Catherine Pazderka
Hannah Reed
Catherine Speight
Joanne Young

Chair
Sea Fish Authority
Local Government Regulation
NFU Scotland
ALP
Food & Drink Federation
REC
Police Superintendents' Association
FPC
GMB
SAGB
CAB
British Retail Consortium
TUC
Unite
ALP

Lynn Caroll
Susanna May
Gaynor Ithell
David Coackley
Gordon Jackson

HMRC (representing Robin Whythes)
Defra
BIS
HSE
Scottish Government

In attendance:

Ian Livsey
Ray Dawson
Darryl Dixon
David Nix
Jennifer Clarke

Chief Executive
Chief Operating Officer
Director of Strategy
Head of Licensing
Communications/L&D Officer

Observers:

Brian Mc Neill, ACPO
Shayne Tyler
James Potter, NFU

Apologies:

John Gorle, USDAW
Sharon Cross, NFU
Stuart Whitney, DWP
Keith Morrison, DARDNI
Jeremy Oppenheim, UKBA
Wynfford James, Welsh Assembly

1	Introductions	<ul style="list-style-type: none"> MM opened the meeting and welcomed Susanna May, Gordon Jackson and Gaynor Ithell to their first GLA Board meeting.
2	Apologies	<ul style="list-style-type: none"> Apologies for absence received from those noted above.
3	Minutes of the last meeting	<ul style="list-style-type: none"> The minutes of the last meeting were agreed.
3.1	Action point from Board meetings	<ul style="list-style-type: none"> 13.5 ongoing 13.6 ongoing 13.11 RTC programme has potential exclusions – work in progress 15.5 RTC programme ATAs potential exclusions consultation 16.2 Awaiting outcomes of Supermarket Protocol revisions and the general review of governance 17.4 Comments received and final version to be published by the end of July 2012. 17.5 deferred until July 2013. 17.7 Corporate and strategic plan work in progress Following recommendation at the last meeting legal advice has been taken in relation to AWR enforcement. <p>Action:</p> <ul style="list-style-type: none"> Brief to be issued on GLA approach to AWR (in production)
4	Declarations of Interest	<p>Note:</p> <ul style="list-style-type: none"> JY, GB, SC and ME as licence holders. <p>Action</p> <ol style="list-style-type: none"> Guidance on related parties to be circulated.
5	Declarations of urgent business	<p>Note:</p> <ul style="list-style-type: none"> None.
6.1	Operations Update:	<p>Note:</p> <ul style="list-style-type: none"> Operations update given by RD. Noted by the Board. <p>Action:</p> <ol style="list-style-type: none"> Year to date figures of compliance inspections and licence revocations to be included in future presentations.
6.2	Forestry Pilot Update	<p>Note:</p> <ul style="list-style-type: none"> DD gave an update on the Forestry Pilot scheme which was noted by the Board. <p>Action</p> <ol style="list-style-type: none"> Paper formalising the position on Forestry pilot to be presented at the next Board meeting.
7.1	Audit & Risk Committee	<p>Note:</p> <ul style="list-style-type: none"> JM updated the Board. The Annual report and Accounts have now been published.
7.2	TOR Finance & General Purposes Committee	<p>Note:</p> <ul style="list-style-type: none"> The Board were in agreement for a Finance and General Purposes Committee (FGPC) to be set up. The terms of reference are to be revised and presented at the next meeting. The membership will comprise of 4 representative members and MM would be an ex officio. Those interested in joining the FPCG should register an interest with

		MM. Action 4. Revised TOR for FGPC to be presented at the next Board Meeting.
8.1	Written Ministerial Statement/Corporate Plan	Note: <ul style="list-style-type: none"> This was the first opportunity for the Board to discuss the WMS made on 24 May 2012 following the Red tape Challenge. Overall the GLA believed that it was a good outcome for GLA. Last autumn real doubts had been raised about the organisation. The proposed changes were in line with the direction GLA had been adopting in response both the financial pressure and the "lighter touch" regulation and targeted enforcement proposed in a number of reports to Government (e.g. Hampton, MacDonald). Public responses to the WMS had varied. There was to be an all GLA staff meeting on 17 July. Changes requiring legislation would be the subject of consultation by Defra. Meantime an RTC implementation plan was being put in place.
8.2	RTC Workplan	Note: <ul style="list-style-type: none"> The RTC workplan is in progress The target is an 18 month window All progress against plan to be given at future board It was noted by the Board that the Corporate and Strategic Plan were not in place as the outcomes of the RTC were unknown until recently. The focus of the draft plan is on outcomes. More information is expected by the next Board meeting. Action 5. Present progress against RTC workplan at forthcoming board meetings. 6. Corporate & Strategic plan to be presented at next Board meeting IL/MM
8.3	RTC Application Inspection Approach	Note: <ul style="list-style-type: none"> Priority is to be given to the Application Inspection consultation exercise which will be run by GLA as it involves a change of GLA process rather than a legislative change. A number of stakeholders (ETI, ASDA, ALP, Boots, BRC, Co-op, FPC, M&S, Morrisons, Oxfam, Sainsburys, Tesco, TUC, Waitrose) had written to the Minister of State at Defra expressing some reservations about the proposed change of approach to AI. A specific concern was that a risk based approach without 100% AI would be less effective at identifying labour providers who should be refused licences. An eight week consultation with stakeholders was agreed. Action 7. Consultation proposal to be reported at next board meeting.
9.	Items for discussion	<ul style="list-style-type: none"> None
10.1	T & S Schemes	Note: <ul style="list-style-type: none"> It was noted that HMRC had issued a statement in July 2011 what normal tax & NI rules were around travel & subsistence schemes (t&s) HMRC's view of this has not changed Tax payer confidentiality precluded discussion with the GLA of non GLA issues

		<ul style="list-style-type: none"> IL read out the following statement on the GLA position on t & s schemes " <i>The GLA refused a licence application of a company intending to operate a Pay Day by Pay Day tax relief model in the GLA regulated sectors. The GLA does not consider the model to be PAYE tax and National Insurance Contributions compliant in line with Licensing Standard 2.1. The GLA also considers the scheme to be non-compliant with Licensing Standard 2.2 regarding the payment of National Minimum Wage. The company appealed the GLA's decision to refuse their application and the case was part heard on 19 – 22 June 2012. As four days was insufficient to determine this matter a further three days are to be listed in September 2012.</i>"
10.2	Minutes of the Liaison Group	Note: <ul style="list-style-type: none"> Noted by the Board.
11	Any Other Business	<ul style="list-style-type: none"> None
12	Close and date of next meeting	17 October, 2012 11:00 Nottingham.