

MINUTES OF THE THIRTY SECOND BOARD MEETING OF THE GANGMASTERS LICENSING AUTHORITY – 18 JANUARY 2012 HELD AT NATURAL ENGLAND, NOTTINGHAM

Present:

Margaret McKinlay	Chair
Joanne Young	ALP
David Camp	ALP
Jane Mordue	CAB
Sharon Cross	NFU
Steve Kemp	GMB
Marshall Evans	REC
Gillian Mills	SAGB
Hannah Reed	TUC
David Coackley	HSE
Nigel Jenney	FPC
David Millar	DARDNI
Jeremy Cowper	Defra
Ron Vass	Scottish Government
Graham Bruce	NFU Scotland
John Gorle	USDAW
Lee Bartlett	Home Office (UKBA)
(on behalf of Jeremy Oppenheim)	
Lisa Penny (teleconference)	Welsh Assembly
(on behalf of Wynfford James)	
Emily Carder	BIS
(on behalf of Amanda Dickins)	

In attendance:

Ian Livsey	Chief Executive
Ray Dawson	Chief Operating Officer
Darryl Dixon (part)	Director of Strategy
Nicola Ray	Director of Projects
David Nix	Head of Licensing
Jennifer Clarke	Communications/L&D Officer

Observers:

Shayne Tyler	Manor Fresh Ltd
James Potter	NFU
George Bruce	Ringlink
Paul Bettison	Local Government Regulation
Catherine Speight	Unite
Ivan Bartolo	Seafish Authority
Rick Graham	Unite

Apologies:

Robin Wythes, HMRC
 Russ Hardy, Police Superintendents' Association
 Simon Chesterman, ACPO
 Stuart Whitney, DWP
 Hayley Campbell-Gibbons, NFU
 Sharon Cross, NFU
 Keith Morrison, DARDNI

	Introductions	<ul style="list-style-type: none"> MM opened the meeting and welcomed the observers. It was noted with pleasure that Simon Chesterman had been awarded the Queen's Police Medal in the New Years Honour's list.
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"> 13.6 work in progress 13.10 DD/NJ giving clarification of routes to market. IL has requested a meeting with the Chief Executive of LOCG. 13.11 elements of work in progress, meeting with lu/lp's 19 January. Grey areas have been identified where further guidance is needed. 14.1 covered in Operations presentation. 14.3 awaiting response from the Home Office 14.5 nominations still required.
4	Declarations of Interest	<p>Note:</p> <ul style="list-style-type: none"> JY, GB and ME as licence holders.
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.
6.2	Forestry Pilot Update	<p>Note:</p> <ul style="list-style-type: none"> DD gave an update on the Forestry Pilot scheme. 22 licence applications have been approved since the commencement of the scheme.
7.1	Audit & Risk Committee	<p>Note:</p> <ul style="list-style-type: none"> JM updated the Board. ARC met in November to consider the budget for 2012/13. Key areas for discussion centred around pay, legal costs, media support, performance related pay, the voluntary exit scheme and relocation. It was noted that the GLA has a Performance Related Pay scheme, with an end of year and in year bonuses. The Bonus scheme is reviewed annually by EMB.
7.2	Budget 2012/13	<p>Note:</p> <ul style="list-style-type: none"> RD updated the Board with the agreed budget for 2012/13. £295k has been obtained for restructuring costs. Staffing levels have reduced; there are now 12 back office staff and 53 frontline staff. The GLA is unable freely to recruit permanent members of staff even on a 1 for 1 replacement basis. Any recruitment has to be supported by a

		business case to Defra.
8.1	Licensing Standards Consultation	<p>Note:</p> <ul style="list-style-type: none"> • DN thanked those who had responded to the consultation. • The amendments to the standards were reviewed and agreed with minor wording changes. • BIS and Defra are of the opinion that the GLA should not inspect against the Agency Workers' Regulations; this was new legislation and complex. There was a risk that undue time would be required to get to grips with it and there was a risk of misapplication because of the complexity. The Trade Union representatives said the GLA must give due regard to Workers' Rights. They argued that the Conduct Regulations and equivalent provisions in the Gangmasters (Licensing Conditions) Rules created an obligation on the GLA to actively enforce all relevant legislation. • ALP expressed concern that some Ip's would gain a competitive advantage by not complying with AWR. • All explicit reference to AWR is to be removed from the standards. If the legal advice suggested we should inspect against AWR then a brief will be issued as an advice note. • It was suggested that the wording of the Licence Standard 2.2 could be simplified so that instead of referring to both NMW and AWO there was a general reference to workers being paid the rate to which they were legally entitled. <p>Action</p> <ol style="list-style-type: none"> 1. DN to circulate the final version of Licensing Standards to Board members w/c 23 January 12. 2. Document to be circulated to licence holders w/c 30 January 12. 3. EC & JC to seek legal advice on the GLA's obligation to enforce AWR. 4. Simplify wording for Licence Standard 2.2
8.2	Approach to Apprenticeship Training Agencies	<p>Note:</p> <ul style="list-style-type: none"> • The unions are not in agreement with this approach but did not have empirical evidence to support their concerns. • It was agreed that Apprenticeship Training Agencies should not have to hold a licence and a voluntary register of such agencies would be produced to assist labour users. A brief explaining the change will be issued. If necessary due to adverse intelligence this approach could be changed. <p>Action</p> <ol style="list-style-type: none"> 5. GLA Brief to be issued explaining the changed approach.
8.3	Approach to Land Agents	<p>Note:</p> <ul style="list-style-type: none"> • HR (TUC) expressed reservations. She agreed this was not a high risk area but membership of a professional body was not indicative of compliance. • Membership of RICS involved a continual professional development and a regulatory controlled panel. • It was agreed that Chartered Surveyors were not required to hold a licence and that a voluntary register would be prepared to assist labour users. A brief explaining the change will be issued.

		<ul style="list-style-type: none"> The GLA will take the Hampton approach and will not inspect unless intelligence suggests the situation should be reassessed. [<i>Secretary note - the paper has now been approved by RICS and amended to remove "Eminent"</i>].
9.1	Red Tape Challenge, Davey Review	<p>Note:</p> <ul style="list-style-type: none"> JC updated the Board on RTC. There have been ongoing discussions at ministerial level on how to focus on serious non compliance and criminal matters and how to encourage compliance. MM advised that any changes would be proposed to the Board and would then go out to public consultation. Davey Review - the next announcement will be in spring 2012. BIS will consider the outcomes of RTC before making recommendations.
9.2	Forestry Task Force	<p>Note:</p> <ul style="list-style-type: none"> Forestry Task Force - the key recommendation for the GLA from the report published on 27 October is that forestry should be excluded from the scope of the Gangmasters (Licensing) Act 2004.
10.1	Corporate Services Issues	<p>Note:</p> <ul style="list-style-type: none"> RD gave an update on the office relocation. The move has been delayed until June 2012.
10.2	Liaison Group update	<p>Note:</p> <ul style="list-style-type: none"> The minutes were circulated for information.
11	Any Other Business	<p>Note:</p> <ul style="list-style-type: none"> MM explained the process of regularising appointments of Board members. Current appointees will undergo an appraisal with MM. Recruitment for the vacant positions on the board from BRC, FDF, NFU Seafish Authority, Local Government Regulation and Unite are in progress. GM asked why 6.5 of the Licensing Standards had moved to 9.1/9.5 <p>Action:</p> <ol style="list-style-type: none"> Board members to arrange appointment with MM's PA by the end of February for their appraisal. DN to meet with GM to discuss amendment of 6.5
10.	Close and date of next meeting	18 April 2012, 11:00 Nottingham.