

MINUTES OF THE TWENTY-EIGHTH BOARD MEETING OF THE GANGMASTERS LICENSING AUTHORITY – 19 JANUARY 2011 HELD AT NATURAL ENGLAND, NOTTINGHAM

Present:

Paul Whitehouse	Chairman
Jeremy Cowper	Defra
Joanne Young	ALP
David Camp	ALP
Jane Mordue	CAB
Steve Kemp	GMB
Gillian Mills	SAGB
Hannah Reed	TUC
Nigel Jenney	FPC
Graham Bruce	NFUS
Chris McCann	BRC
John Gorle	Usdaw
Phil Hudson	NFU
Ian Waddell	Unite
Robin Wythes	HMRC
Ron Vass	Scottish Government
Lee Bartlett (on behalf of Jeremy Oppenheim)	Home Office

In attendance:

Ian Livsey	Chief Executive
Ray Dawson	Chief Operating Officer
Darryl Dixon	Director of Strategy
Nicola Ray	Director of Projects
Janette Bonham	Communications Assistant

Observers:

Konstantinos Makrygiannis	REC
James Potter	NFU
Ivan Bartolo	Seafish Industry Authority
Paul Bettison	Local Government Regulation

Apologies:

Gerry Franks, LPC	Jeremy Oppenheim, UKBA
Russ Hardy, PSA	Marshall Evans, REC
Peter Stephens, BIS	Sharon Cross, NFU
Wynfford James, WAG	
John Speers, DARDNI	
Simon Chesterman, ACPO	
Joyce Miskimmons, DARDNI	
David Coackley, HSE	
Rebecca Murphy, DWP	

1	Introductions	<ul style="list-style-type: none"> New members were welcomed.
2	Apologies	Sharon Cross, NFU Marshall Evans, REC
3	Minutes of the last Board meeting	<p>Note:</p> <ul style="list-style-type: none"> Minutes agreed. Action points were discussed. With regard to the concerns about low sentences given, continuing work is being undertaken by DD. HR (TUC) commented that if the Licensing Standards are not to be updated until April 2012, could it be noted that the existing standards need to relate to the new Agency Worker changes. <p>Action:</p> <ol style="list-style-type: none"> IL will look at the timetable regarding the Licensing Standards and will discuss in full at the April 2011 Board meeting
4	Declarations of Interest	<p>Note:</p> <ul style="list-style-type: none"> JY as a licence holder
5	Declarations of urgent business	<p>Note:</p> <ul style="list-style-type: none"> None
6	Operations Update:	<p>Note:</p> <ul style="list-style-type: none"> RD gave a presentation on operations. The operation at Park Royal, London was discussed and the issues that have subsequently been identified. Links have now been established with the Greater London Authority which will help with the follow up operations currently being planned. An operation took place at Victoria Coach Station which included UKBA/HMRC/JCP/VOSA/Counter Terrorism. This type of joint operation is likely to be repeated several times during 2011. The Board discussed the 2012 Olympics. There could be potential problems if the GLA find that suppliers to the Olympics are unlicensed as they would be unable to continue to supply until these issues were resolved. HR (TUC) agreed that nobody would want an unlawful, unlicensed operator so would it be possible for the GLA to seek an agreement with the Olympic authorities to ensure that all Olympic suppliers within the GLA sector were aware of the GLA and the need to be licensed. HR (TUC) advised the TUC have a protocol relating to the Olympics which lists the relevant people who head up the start of the chain and would be happy to relay to the GLA the appropriate information concerning who should be contacted. JM (CAB) also advised that the CAB have a similar document and will check and advise the GLA of relevant names.

		<ul style="list-style-type: none"> • The Board would like the GLA to contact the Olympic authorities in order to ensure that anyone, within the GLA sectors, who provide labour are aware of needing a GLA licence and are already compliant before the Olympics begin. • IL asked for all information relating to the 2012 Olympics to be sent to DD and reported that ACAS will be making special arrangements about labour disputes in the 2012 Olympics in which the GLA will be involved. • The Board were advised that in general there are fewer, larger and more complex operations being undertaken at present which are very labour intensive. • There will be more to report on at the April Board meeting when current operations have reached their conclusions. <p>Action:</p> <ol style="list-style-type: none"> 2. HR (TUC) and JM (CAB) to provide details of Olympic contacts re protocols. 3. Board to send any information relating to 2012 Olympics to DD who will collate in the first instance. 4. GLA to work with ACAS and the Olympic Authorities to ensure relevant suppliers are licensed.
7.1	Spending Review – CSR Update	<p>Note:</p> <ul style="list-style-type: none"> • IL discussed the budget given to the GLA and how this would impact on the day to day running of the business. Generally enforcement has been protected and any cuts would be in the back office. No permanent staff would lose their jobs but some people on fixed term contracts would lose theirs. This has been agreed with the union PCS with whom the GLA have a good working relationship. • IL advised that while the GLA were very unhappy because there had to be staff reductions the budget was much better than expected and thanked Defra for their support. • JC discussed how Defra has been affected and the changes that would have to be put in place over the next four years because of the reduced budget. The delay in advising bodies such as the GLA was caused by the complexities of the budget and he considered that the GLA have had an overall good result compared with other bodies that Defra are sponsoring. JC acknowledged that the enforcement capabilities of the GLA were the priority. • JC advised that Helen Ghosh (then Permanent Secretary) had written a letter recognising the good work the GLA are doing. JC also advised that the cuts in budget were over a 4 year period and everyone needed to proceed with caution. • RW (HMRC) enquired why the decision was made to not increase licence fees as this would presumably provide more income. • IL responded that licence fees do not impact on the GLA's budget as they go to the Consolidated Fund. • DC (ALP) asked if there was any facility for raising funds from the private sector. • PW advised that any funds received in this way could be taken straight

		<p>from the GLA's grant.</p> <ul style="list-style-type: none"> • HR (TUC) advised that the Board should note that the cuts would have a significant change on the way the GLA is running. Should the board members be making representations advising everyone that the cuts will have an impact? • DC (ALP) commented that communication and publicity has a disproportional affect on things and would not like to see this lost. DC realises this is not front line work but believes this should be reviewed. • IL advised that the media want to do things a little differently now, rather than printing a press release they would rather join an operation and report on it. However the GLA would continue to use the media to name and shame. • HR (TUC) asked whether learning and development had been lost completely. • IL responded that at the moment investors in people and learning and development would have to be suspended. However, essential training will be given. • DD advised that partner organisations help with training (e.g. HMRC) and this may be the way forward in some instances. • IL advised the next phase would be the possibility of running a redundancy scheme. A bid has been made for redundancy monies. • JC advised that understandably there was a lot of demand for redundancy money and Defra needed to make a detailed case for the GLA. • PW advised the board that if the GLA did not get the redundancy money then the cuts could be much more. • IL confirmed that the GLA were working very hard not to affect front line people. • IL discussed the costs of taking cases to court, these costs can be very high sometimes as much as £100,000. A business case is to be put together for an internal legal adviser. • RW (HMRC) asked whether there might be scope to put a bond on some of the cases, even if it were £5,000 so that the GLA could at least retain some of the money. • PW asked if Defra could look at this (board confirmed they would like this done) in order to see if it was a possibility. • RW (HMRC) also stated that it would be better if courts were to award the costs, then bonds would not be needed. As there is so much going out in costs even 20% recovery of that cost would help. • HR (TUC) advised that as a point of information only with regard to the existing cost system in the Employment Tribunal the Chair takes a view. Costs are awarded but not full costs, the GLA may wish to look at this. It may act as a deterrent against vexatious appellants who are simply trying to work the system. • DC (ALP) advised that the ALP would support the appointment of a legal specialist, particularly to reduce the number of cases which come to appeal. • PW confirmed already in some cases the GLA reverse some revocations
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		<p>before they go to court.</p> <ul style="list-style-type: none"> • NR advised that licensing are looking at critical compliance cases and seeing (with relation to the workers losing jobs) if there are other ways to help them become compliant. There are various changes within licensing in order to streamline processes and the GLA should be able to see shortly how these are helping the process move more quickly and efficiently. • RD advised there is currently a business case for the GLA to opt out of the IBM/Defra contract. If the GLA were to take control of IT in house there would be substantial savings. It would mean recruiting IT specialists. This case is waiting to go to Defra's central approvals panel. If it is accepted the GLA could be providing their own IT this year. • RW (HMRC) asked how confident the GLA are that this project will not over run. RD responded that even if it went over the budget by 50% the GLA would still be in pocket in comparison with using IBM. • NJ (FPC) confirmed that the FPC would be very happy to help the GLA with anything needed. He was concerned that the many visits from auditors incur unnecessary costs. • RD advised that GLA were currently in the first year of pay freezes for staff but were incurring extra costs at the moment, e.g. 20% VAT. • The 2012/13 budget will be finalised by the beginning of February, but as the board does not meet again until April 2011 the board agreed to authorise PW to accept this budget on their behalf. <p>Action:</p> <p>5. Defra to look at whether it would be possible to put a bond on the costs incurred in court cases.</p>
8.1	<p>Future reviews:</p> <p>a) BIS employment review</p> <p>b) Farming task force review</p> <p>c) Quinquennial/new triennial</p>	<p>Note:</p> <ul style="list-style-type: none"> • IL advised that over the next 12 months there will be three reviews concerning the GLA. Although these are unnerving for staff the GLA had always come out very well in reviews. • The Farming Task Force Review is meant to take a more farmer based view. The interim report is due out in April 2011. • BIS employment review follows an announcement by the Employment Minister during a debate on a Private Members' Bill to extend the GLA's remit to construction, and would take account of the abolition of the Agricultural Wages Board. The terms of reference for this review are not agreed yet, but will be announced by the end of January 2011. Peter Stephens (GLA Representative member) will be in charge of this review, which will include Defra, HSE, DWP and BIS. • HR (TUC) advised that the TUC will be waiting to see what happens, hopes that this is not going to be simply a cutting costs exercise but rather how enforcement can be done better. When workers are not paid their entitlement the GLA have no active powers to deal with this, the TUC believe that active powers and Macrory penalties would be very helpful. • DD confirmed that with regard to Macrory the GLA will look at how enforcement organisations can work better together and how Macrory

		<p>powers could be used and the constraints regarding civil sanctions or prosecutions.</p> <ul style="list-style-type: none"> • IL advised that the GLA are now trying to measure how much money has been recovered for workers. This information should be published fairly shortly. • JM (CAB) asked whether there was a risk that the BIS review would put everyone together by for instance joint working. • PW advised that this would be considered to be more of an opportunity than a risk as the GLA have additional skills e.g. intelligence etc which the others do not have. • JC advised that the Quinquennial/new triennial review is all about governance, accountability, performance, transparency etc. Defra will not be doing this immediately as it awaits guidance from the Cabinet Office.
8.2	Forestry pilot ToR/Steering Group structure	<p>Note:</p> <ul style="list-style-type: none"> • IW (Unite) advised that he would like to join the steering group. • PH (NFU) advised that the NFU remain interested but would not be joining the steering group. • This was noted by the Board. <p>Action:</p> <p>6. IW (Unite) to be added as a member of the steering group.</p>
8.3	Macrory approach	<p>Note:</p> <ul style="list-style-type: none"> • Noted by the Board. • RV (Scottish Government) commented that there is a different legal system in Scotland with regard to penalties. • DD confirmed that there were technicalities to go through.
8.4	Liaison group update	<p>Note:</p> <ul style="list-style-type: none"> • PW advised that due to cost restraints the GLA would no longer be able to run these groups. However, each group (Labour Provider, Labour User and Worker Representative) have advised that they would like to keep the groups going but meeting in Nottingham with a GLA representative to attend the meetings. All minutes and papers will be organised by members of the liaison groups. <p>Action:</p> <p>7. JB to send out membership details of LP, LU and WR liaison groups to DC (ALP), JY (ALP) and KM (REC), NJ (FPC) and Shayne Tyler, and IW(Unite) and SK (GMB) in order that they may organise the next meeting.</p>
8.5	External Communications Strategy	<p>Note:</p> <ul style="list-style-type: none"> • Noted by the Board. <p>Action:</p> <p>8. Guidelines on media from the GLA website to be sent to GB (NFUS).</p>
9	Any other business	<p>Note:</p> <ul style="list-style-type: none"> • None
10.	Close and date of next meeting	Date of the next meeting to be 13 April 2011