

MINUTES OF THE TWENTY-FOURTH BOARD MEETING OF THE GANGMASTERS LICENSING AUTHORITY – 7 OCTOBER 2009 HELD AT NATURAL ENGLAND, NOTTINGHAM

Present:

Paul Whitehouse	Chairman
Nigel Jenney	FPC
Geoffrey Theobald	LACORS
Gillian Mills	SAGB
David Camp	ALP
Joanne Young	ALP
Graham Bruce	NFUS
Chris Kaufman	Unite
Sharon Cross	NFU
Chris McCann	BRC
Russ Hardy	PSA
Marshall Evans	REC
Hannah Reed	TUC
Jeremy Cowper	DEFRA
James Potter	NFU
Steve Kemp	GMB
John Gorle	USDAW
Paula Lovitt	BIS

Observers:

Anne Fairweather	REC
Janette Bonham	Communications Assistant, GLA

In Attendance:

Ian Livsey	Chief Executive
Ray Dawson	Deputy Chief Executive
Darryl Dixon	Director of Strategy
Almut Gadow de Mayor	Policy Officer

1	Introductions	Welcomed John Gorle, due to be appointed as USDAW representative to the Board
2	Apologies	Samantha Peace, HSE Carl Creswell, BIS Simon Chesterman, ACPO Phillip Hudson, NFU Jane Mordue, CAB Rebecca Murphy, DWP Robin Wythes, HMRC Jeremy Oppenheim, UKBA John Speers, DARD
3	Minutes of the last Board meeting	Note: • Agreed

4	Declarations of Interest	<p>Note:</p> <ul style="list-style-type: none"> • REC and ALP declared an interest in Licence Fees. ME, JY and GB are licence holders.
5	Declarations of urgent business	<p>Note:</p> <ul style="list-style-type: none"> • CK raised the proposed amendment on Servitude and Forced Labour to the Coroners and Justice Bill
6	Operations Update	<p>Note:</p> <ul style="list-style-type: none"> • There has been an increase in the posting of workers, particularly A2 nationals, to the UK. • Unions are concerned about the enforcement of basic employment rights for workers posted to the UK. Unlike other EU countries, the UK does not require employers of posted workers to document compliance with minimum standards. GLA can check compliance with posted workers' rights through worker interviews. Agreements between GLA and labour inspectorates in sending countries allow GLA to check if workers are genuinely posted. • As new resources are incorporated over the next twelve months, all inspectors will be skilled to deal with offences. New investigation and enforcement techniques will be used, and different areas targeted. The GLA therefore expects to identify and deal with more unlicensed operators. • RD has been appointed Chief Operating Officer, with responsibility for day to day management of Operations and Corporate Services. DD remains Director of Strategy, responsible for strategic management of operational work and stakeholder liaison. Nicola Ray, currently Director of Projects, will take on responsibility for Licensing.
7.1	Conduct Regulations review	<p>Note:</p> <ul style="list-style-type: none"> • Agreed not to mirror changes to Conduct Regulations in the Gangmasters Rules for an interim period, with a view to changing Gangmasters Rules once implications of the changes are clear.
7.2	Licence Fees 2010/11	<p>Note:</p> <ul style="list-style-type: none"> • Agreed to freeze of Licence Fees for the financial year 2010/2011. • SAGB considers the current 12-month licence unsuitable for shellfish sector, where other regulators might bar licence holders from operating for part of the licence period. GLA would be happy to consider any proposals that the industry puts forward for shellfish licences to be held in abeyance in those circumstances.
8.1	Hampton Report	<p>Note:</p> <ul style="list-style-type: none"> • Board pleased with the outcome of the Hampton Implementation Review. <p>Action:</p> <ul style="list-style-type: none"> • GLA to amend its business plan to reflect the recommendations

		from both the Hampton Report and the Annual Review.
8.2	Supermarket Protocol	<p>Note:</p> <ul style="list-style-type: none"> Update noted by the Board.
8.3	Launch of Pay and Worker Rights Helpline	<p>Note:</p> <ul style="list-style-type: none"> PL reported that the launch of the helpline was very well received. GLA continues to support the creation of the Pay and Worker Rights Helpline and will advertise helpline number on three publications. TUC supports the helpline, but is concerned that it has been advertised only as a source of advice and information, not as a place to report breaches. Sector specific material will make clearer that agencies behind the helpline can enforce workers' rights and investigate breaches.
8.4	Minutes of GLA Board Liaison Groups	<p>Note:</p> <ul style="list-style-type: none"> Minutes noted by the Board CK surprised at trade associations' opposition to the agricultural minimum wage, as recorded in the minutes of the Labour Provider Liaison Group. Agricultural minimum wage raises standards and income for a quarter of a million vulnerable workers in casual, low-paid employment.
8.5	Annual Report and Accounts 2008/09	<p>Note:</p> <ul style="list-style-type: none"> Noted by the Board. The settlement of a civil claim against the GLA is recorded in the accounts. The claim resulted from a successful challenge against a GLA decision. GLA has since implemented changes to minimise the future risk of similar liabilities. Audit Risk Committee is now as satisfied as it can be that the measures put in place guard as well as is possible against the risk of similar claims.
8.6	Board appraisals	<p>Note:</p> <ul style="list-style-type: none"> As ministerial appointees, all Board members are subject to an annual appraisal of their performance. Agreed that PW to carry out an email-based appraisal for all Board members. <p>Action:</p> <ul style="list-style-type: none"> ARC to decide appraisal process for chairman. JC to provide PW with a pro forma for appraisals
9	Urgent business – Forced labour offence	<p>Note:</p> <ul style="list-style-type: none"> CK invited the Board to endorse proposed amendment to the Coroners and Justice Bill, to criminalise Servitude and Forced Labour. GLA operations have identified instances of bonded labour in four cases. The GLA has no powers to prosecute for forced labour or related offences. Board recognises the importance of the issue. The proposal to criminalise servitude and forced labour is in the spirit of the GLA's objectives. Its adoption could strengthen the efficacy the GLA's efforts to protect workers from exploitation. Board agreed to support CK's proposal.

		<ul style="list-style-type: none"> JC advised the Board against taking a position on a policy matter outside the GLA's remit. <p>Action:</p> <ul style="list-style-type: none"> Board asked PW to communicate the Board's position to the appropriate minister.
10	Any other Business	<p>Note:</p> <ul style="list-style-type: none"> JC notified that Board that the Land Registry may terminate GLA's tenancy for its current office Board thanked GT for his contributions to the Board over the last four years.
11	Date of next meeting	13 January 2010, London