

GLA13/8.8 Reviewing Additional Licence Conditions

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BOARD PAPER REFERENCE – GLA13/8.8 – Reviewing Additional Licence Conditions

Issue

1. This paper summarises the GLA's approach to the review and removal of Additional Licence Conditions (ALCs) from a licence.

Recommendations

2. Board to note.

Background

3. A significant proportion of GLA licences carry one or more ALCs. ALCs are attached when the labour provider (LP) is found to be non-compliant on inspection, but where the overall level of non-compliance is below the threshold for refusal of a licence. ALCs are expected to be 'worked off' – ie. the LP is expected to become compliant with the specified GLA standard(s) - within 3 months.

4. It is important to most LPs that ALCs are removed from their licence as soon as they are worked off. Equally, the GLA would like to satisfy itself that all ALCs have been worked off as required. However, as it is clearly impractical for the GLA to visit each and every LP to confirm the work-off of ALCs, a risk-based approach has been developed. That approach is detailed in "Additional Licence Conditions: Procedures for Review and Licence Decisions". This paper summarises that document.

Approach

5. The ways in which ALCs may be reviewed are:
 - Self- declaration. The LPs signs and returns a simple declaration.
 - Documentary verification. The LP submits documentary evidence that identified non-compliances have been remedied.
 - Compliance Inspection. A targeted visit by a GLA inspector to verify that specified non-compliances have been remedied.
6. The table below shows which method will be used to review the specific Licensing Standards to referred to in the ALCs:

LS	Self Declaration (SD)	Doc Verification (DV)	Compliance Inspection (CI)
1			
2	2.1, 2.2	2.5, 2.6, 2.9, 2.10	2.7
3			3.3, 3.4
4			4.1, 4.2
5	5.1	5.2	5.3
6	6.11	6.1, 6.2, 6.5, 6.7	6.6
7		7.3	7.4
8	8.2		
9	9.1		9.2, 9.4
10	10.3		10.1

7. Where the outstanding ALCs cover more than one clearance method the more robust method will apply. ALCs that are 'worked off' will be permanently deleted from the licence.
8. An LP may request a review of ALCs on their licence at any time. Self-declared ALCs and Documentary ALCs will be reviewed by the GLA on the basis of a declaration from the LP and on the production of documentary evidence respectively. Where ALCs require a Compliance Inspection, the CRR will be raised to ensure an early inspection.
9. Where there has been no request by the LP for a review of ALCs, the CRR will be raised automatically, depending on the severity and number of ALCs, and the time since the ALC should have been worked off. These cases will therefore be subjected to ALC review and Compliance Inspection according to their seriousness and datedness.
10. A small number of licences – where an ALC is imposed within 3 months of renewal or when a review has been unsuccessful- could have 'live' ALCs with time to run at the renewal point. These will be allowed to run on; ie. they will appear on the new licence with the original or revised work-off date.
11. Other LPs holding licences with ALCs imposed at the time of issue will not have contacted the GLA during the year. At renewal these LP will be invited to self-declare the position. Self-declarations and documentary evidence will be reviewed to clear all ALCs except those requiring a Compliance Inspection. If self-declarations are not returned or ALCs are not worked off, the ALCs will be carried forward with a raised and increasing CRR, leading to Compliance Inspection. A CRR raised to 30 points or more at the time of renewal will invite a decision to refuse renewal.
12. Failure to work off ALCs can also lead to revocation of the licence in-year for two main reasons. Firstly, if the CRR score rises above 30 points because of new non-compliances or a rising CRR on old non-compliances. Secondly, if the business is found not to be 'fit and proper' to hold a licence. A business that persistently refuses to work off ALCs beyond that necessary to keep them just below the 30 point threshold might fall into this category. So also might a business showing a pattern of non-compliance that, whilst not exceeding 30 points, suggested more fundamental underlying problems.