

**IN THE MATTER OF AN APPEAL AGAINST A DECISION MADE BY THE
GANGMASTERS LICENSING AUTHORITY (GLA) CASE NO: 8/E/R**

MR ROBERT H CHALMERS

Appellant

-v-

THE GANGMASTERS LICENSING AUTHORITY

Respondent

Decision and Statement of Reasons of the Appointed Person in relation to the above matter.

DECISION

Upon reading the appeal lodged by Brian James on behalf of the Appellant dated 2 November 2006 and upon reading the reply to the appeal and accompanying papers submitted by the Respondent, it is the decision of the Appointed Person that:


The appeal is dismissed.

Statement of Reasons

1. The Appellant made an on-line application for a GLA Licence on 19 September 2006. The fees were paid on the following day. An Application Inspection was conducted on 18 October 2006. The Inspectors report was submitted on 24 October and demonstrated non-compliance in relation to the following Licensing Standards: 2.2, 2.8, 2.9, 5.2, 5.3, 6.2, 6.6, 9.1, and 10.1. With the exception of Licensing Standard 2.8, all were major non-compliance issues. Licensing Standard 2.8 was a critical non-compliance. The total score was 94. The pass score, which may not be exceeded, is 30.
2. By letter dated 25 October 2006 the Appellant was notified that his application for a licence had been refused and informed of the non-compliance with the Licensing Standards that was reason for refusing his licence. The Appellant lodged an appeal by letter dated 2 November 2006 lodged by his representative, Brian James. A Pre-Appeal Inspection was undertaken by Neil A Court. A Pre-Appeal Inspection is undertaken to reassess the original decision and to confirm each area of non-compliance with the Licensing Standards.
3. The Pre-Appeal Inspection was undertaken on 20 November 2006. Mr Court ascertained that while the Appellant was in compliance with Licensing Standard 2.8 at the date of the original inspection, the Appellant had not been in compliance with any of

the other specified Licensing Standards. In the view of Mr Court, the Appellant remained non-compliant in relation to Licensing Standards 2.2, 2.9 and 6.6 at the time of the Pre-Appeal Inspection. After discounting Licensing Standard 2.8, Mr Court found that at the date of the original inspection there were 8 major areas of non-compliance with the Licensing Standards giving a score of 64.

4. The purpose of this appeal is to decide whether, at the time of the original decision, there was a proper basis for refusing the Appellant a licence. I am satisfied that at the relevant time there were 8 major areas of non-compliance with the Licensing Standards and that the Respondent acted properly to refuse the licence. I acknowledge that the Appellant has made considerable progress since the relevant time to bring himself into full compliance but in my view that is irrelevant to this appeal which must be limited to the circumstances at the time of the refusal to grant a licence.

Signed: 

(Person appointed by the Secretary of State to determine appeals under The Gangmasters (Appeals) Regulations 2006

Dated 31 January 2007