

1. **REPORT TITLE** Immigration Bill - New Licensing Powers

Submitted by: Democratic Services Manager

Portfolio: Safer Communities

Ward(s) affected: Ward

Purpose of the Report

To inform Members of the Licensing and Public Protection Committees of the new licensing powers following the amendments to the Immigration Bill.

Recommendations

That Members note the amendments to the Immigration Bill with regards to new licensing powers and additional responsibilities.

1. **Background**

The Government has published the Immigration Bill that places additional responsibilities on licensing authorities to take action where licence holders are found to not be entitled to work in the United Kingdom.

The taxi and private hire provisions in the Immigration Bill were considered by the House of Commons' Bill Committee on 10th November 2015.

The amendments regarding taxi and private hire drivers were laid on 5th November 2015 and will now be considered during the bill's progress through Parliament, which is expected to complete in the spring 2016.

2. **Issues**

The new clause requires immigration checks and continuing compliance with immigration laws as part of the existing licensing regimes for taxis and private hire vehicles.

It does so by adapting existing provisions for private hire vehicles in London in the Private Hire Vehicles (London) Act 1998 and taxis and private hire vehicles in the rest of England and Wales in the Local Government (Miscellaneous Provisions) Act 1976.

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Hackney Carriage and Private Hire

- a) Licensing authorities will have to ensure applicants have permission to work before being granted a licence;
- b) Driver and operator licences will not be issued for a period any longer than the length of a person's permission to live and work in the UK;
- c) Immigration offences and penalties would be grounds for a licensing authority to revoke a licence;
- d) It would be an offence for someone disqualified from continuing to hold a driver or operator licence for immigration reasons not to return their licence to the licensing authority.

Licensing Act 2003

The Bill recently published also sets out the following proposed amendments to the Licensing Act 2003. New sections and sub-sections have been added as follows:-

Premises Licences

- a) The designation of the Secretary of State as a responsible authority where the premises (not being a vessel) are being, or are proposed to be, used for a licensable activity;
- b) Disqualification of residents in the United Kingdom (UK) from applying for a premises licence where the resident is not entitled to work in the UK.
- c) Premises licences to lapse if the holder of the licence ceases to be entitled to work in the United Kingdom at a time when the holder of the licence is resident in the United Kingdom (or becomes so resident without being entitled to work in the United Kingdom).
- d) The requirement of an applicant to give notice of a transfer request to the Secretary of State.

Personal Licences

- a) Inserts and introduces a new immigration offence.
- b) Personal licences cease to have effect if the holder of the licence ceases to be entitled to work in the United Kingdom.
- c) Placing a new requirement on the licensing authority to notify the Secretary of State where an applicant for a personal licence has complied with the statutory requirements.

Options Considered

That the Committee note the proposed changes included in the Immigration Bill.

3. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

Creating a cleaner, safer and sustainable Borough