

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 23rd March 2016

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WARD(S): All

PART I

FOR COMMENT AND DECISION

IMMIGRATION BILL – NEW LICENSING POWERS

1. **Purpose of Report**

To inform the Licensing Committee of the new licensing powers following the amendments to the Immigration Bill 2015

2. **Recommendation**

The Committee is requested to note the amendments to the Immigration Bill 2015 with regards to new licensing powers and additional responsibilities.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The report outlines the amendments to the Immigration Bill 2015 that provides new licensing powers as well as additional responsibilities for licensing officers.

The amendments, when approved will require immigration checks and continuing compliance with immigration laws as part of the existing licensing regimes.

3a. **Slough Joint Wellbeing Strategy Priorities –**

The amendments to the Immigration Bill 2015 will ensure that all new applicants for and existing licence holders of Taxi and Private Hire Licences and those stipulated under the Licensing Act 2003 must have the correct legal entitlement to live and work in the UK.

The amendments to the Bill will contribute to the following wellbeing themes

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

Once approved the amendments will promote the benefits of living and working in Slough and may contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The amendments will contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) Financial

There are no financial implications involved in the recommendation.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	None	The amendments will be part of new or amended legislation placing a legal requirement on an individual who must have legal entitlement to live and work in the UK. If not then a licence will not be granted or may cease at the expiry of the entitlement, or may be revoked.

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An EIA has not been completed at this stage as the amendments will be written into primary legislation

5. Supporting Information

- 5.1 The Immigration Bill places additional responsibilities on licensing authorities to take action where licence holders are found not to be entitled to work in the United Kingdom.
- 5.2 The taxi and private hire provisions in the Immigration Bill were considered by the House of Commons' Bill Committee on 10th November 2015.
- 5.3 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 be completed in late spring 2016. The Bill is currently before the House of Lords for review.
- 5.4 Chapter 2 of the Bill requires immigration checks and continuing compliance with immigration laws as part of the existing licensing regimes for taxis and private hire vehicles.
- 5.5 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. Licenses can only be granted to UK residents or those with leave to remain in the UK.

Hackney Carriage and Private Hire

- Licensing authorities would have to ensure applicants have permission to work before being granted a driver or operator licence;
- Driver and operator licences would not be issued for a period any longer than the length of a person's permission to live and work in the UK;
- Immigration offences and penalties would be grounds for a licensing authority to revoke a licence;
- 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

- 5.7. 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

- 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.

- 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.
- 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).
- The requirement of an applicant to give notice of a transfer request to the Secretary of State.

Personal Licences

- Inserts and introduces a new immigration offence.
- Personal licences cease to have effect if the holder of the licence ceases to be entitled to work in the United Kingdom.
- 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.

6. Comments of Other Committees

None.

7. Conclusion

(a) That the Committee note the proposed changes included in the Immigration Bill 2015, and,

(b) That a further report will be put before the Committee once the amendments are settled and have taken effect and that there may be a need for powers to be delegated to officers. This will become clear once the Bill has been passed.

8. Appendices Attached

None.

9. Background Papers

The new clause in the Bill is available at the following link (new clause 14, page 11)

<http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0074/amend2/pbc0740511a.1-7.pdf>

The full Bill can be found at the following link:

<http://www.publications.parliament...74/15074.pdf>