

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	13 December 2016
DIRECTOR	Richard Ellis
TITLE OF REPORT	Immigration Act 2016– Implications for Taxi and Private Hire Car Drivers
REPORT NUMBER	CG/16/154
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

To inform the Committee of the implications of the Immigration Act 2016 on the Taxi and Private Hire Car licensing regime.

2. RECOMMENDATION(S)

- 1) That the committee give delegated powers to the Head of Legal and Democratic Services, to grant taxi and private hire car driver licences for those applicants whose leave to remain in the UK is time limited for such period as appropriate;
- 2) To otherwise note the report.

3. FINANCIAL IMPLICATIONS

It is intended to carry out the annual review of the application fees to ensure that the taxis and private hire fees set are sufficient to meet the expenses of the Licensing Authority in exercising their functions.

4. OTHER IMPLICATIONS

The requirement to carry out the additional checks required by the Immigration Act 2016 will have staff resource and administration implications which in the short term will be absorbed into current staff workloads to ensure that we meet our legislation obligations. Long term the implications of this additional workload and an increased workload associated with the administration of the taxis and private hire

street knowledge regime will require an examination of staff resources and associated administration costs to ensure that the fees are set at a sufficient level to meet the expenses of the Licensing Authority. The provisions of the Immigration Act 2016 are intended to extend to Late Hours Catering Licences and Personal Licences issued under the Licensing (Scotland) Act 2005 which will have further staff and resource implications.

5. BACKGROUND/MAIN ISSUES

On Thursday 12 May 2016, the Immigration Bill received Royal Assent and is now known as the Immigration Act 2016 (herein referred to as the 2016 Act). The 2016 Act amends Section 13 of the Civic Government (Scotland) Act 1982.

The Main provision of the 2016 Act are:

- Licensing authorities shall not grant a licence to any person unless they are satisfied that the person has the right to work in the UK;
- Where an applicant has been granted leave to remain in the UK for a limited period, the licence must end at or before the end of the leave period;
- A taxi or private hire driver licence will cease to have effect if the person to whom the licence was granted is no longer eligible to hold a licence because of their immigration status;.
- Licensing authorities will have the power to revoke or suspend a licence, if a person has been convicted of an immigration offence or if the person has been required to pay an immigration penalty.

The practical effect of the 2016 Act is that the Licensing Authority will require to interview, in person, every applicant for the grant and renewal of a taxi driver and private hire car driver licence to establish that the person has the right to work in the UK and examine certain identification documentation. The provisions of the 2016 Act come into effect on 1 December 2016.

It is estimated that the licensing section will need to carry out Immigration checks on approximately 1050 renewal applications and 300 new applications (based on 2016 figures) and that an average check will take around 15 - 30 minutes to complete. It may be the case that during the checking process that further checks with the Home Office are required and this will necessitate further administrative procedures and staff time.

It may also become apparent that an applicant right to remain in the UK is time limited. It is recommended therefore, that the Committee delegate powers to the Head of Legal and Democratic Services to grant licences for those applicants whose leave to remain in the UK is time limited, a licence for a duration which does not exceed the applicant's period of leave.

It is also intended that the provision of the Immigration Act 2016 will eventually be extended to applicants for Late Hours Catering licences and Personal Alcohol Licences under the Licensing (Scotland) Act 2005.

6. IMPACT

Public –

The report will be of interest to both the taxi trade and the members of the public.

An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics

7. MANAGEMENT OF RISK

The change will necessitate training for staff within licensing regarding the type of immigration checks to be carried out which will require additional skills and knowledge. This risk can be appropriately managed and staff have received guidance from the Home Office.

8. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

Arlene Dunbar
Interim Team Leader
Registered Paralegal
Licensing
ardunbar@aberdeencity.gov.uk
01224 5223411