



Derby City Council

LICENSING COMMITTEE **27 July 2017**

Report of the Strategic Director of Communities
and Place

ITEM 8

Immigration Act and the Liquor Licensed Sector

SUMMARY

- 1.1 From 6 April 2017, the Immigration Act 2016 amended licensing regimes to prevent illegal working in the liquor licensed sector.
- 1.2 The Act prohibits local authorities from issuing Personal and Premises Licenses to anyone who is disqualified by reason of their immigration status.
- 1.3 Licences issued after the implementation date will lapse if the holder's lawful leave or permission to work ends.
- 1.4 The Home Office's Secretary for State will be a Responsible Authority and Immigration Officers will have powers of entry to licensed premises.
- 1.6 Local authorities will discharge their duty by carrying out immigration checks on all liquor licence applications for the sale of alcohol and late night refreshment and consult with The Home Office's Secretary for State.

RECOMMENDATION

- 2.1 To note the report.

REASONS FOR RECOMMENDATION

- 3.1 To provide assurances to the Licensing Committee that the Licensing Team are discharging their duties with regard to the Immigration Act 2016.

SUPPORTING INFORMATION

- 4.1 From the 6 April 2017, the Immigration Act 2016 amended licensing regimes to prevent illegal working within the liquor licensed sector.

- 4.2 The Act prohibits local authorities from issuing licences to anyone who is disqualified by reason of their immigration status. This relates to persons who are not legally allowed to be in the country or who are not permitted to work or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.
- 4.3 Licensing authorities must discharge their duties by requiring the applicant to submit documentation that confirms they are entitled to a licence and consult with the Home Office's Secretary for State.
- 4.4 The checks must be carried out at the initial application, at transfer or at application to extend their licence.
- 4.5 For those individuals who have limited permission to be in the United Kingdom, the Licensing Team will have to repeat the checks at each subsequent application. If permission is time limited, any licence issued must not exceed the applicant's time limited period.
- 4.6 The provisions in the Act also add the Home Office's Secretary for state as Responsible Authority.
- 4.7 The Act also provides powers of entry to Immigration officers to enable them to investigate if immigration offences are being committed in connection with licensable activities.
- 4.8 The Licensing Team have introduced processes to ensure the requirements of the Immigration Act 2016 are complied with.

OTHER OPTIONS CONSIDERED

- 5.1 The checks are part of a statutory requirement and so no other options are applicable.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Lucie Keeler n/a n/a n/a n/a Michael Kay
For more information contact: Background papers: List of appendices:	Sandra Mansell 01332 641931 sandra.mansell@derby.gov.uk None Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

1.1 None directly arising.

Legal

2.1 As set out in the report.

Personnel

3.1 None directly arising.

IT

4.1 None directly arising.

Equalities Impact

5.1 None directly arising.

Health and Safety

6.1 None directly arising

Environmental Sustainability

7.1 None directly arising.

Property and Asset Management

8.1 None directly arising.

Risk Management and Safeguarding

9.1 There would be significant reputational risk to Council if the proposals set out in the report were not introduced.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report address the corporate objectives of **protecting vulnerable children, young people, adults and older people** and **promoting health and well-being and delivering services differently**.

