



Immigration Act and the Taxi and Private Hire Sector

SUMMARY

- 1.1 From the 1 December 2016, the Immigration Act 2016 amended licensing regimes to prevent illegal working in the private hire and taxi sector.
- 1.2 The Act prohibits local authorities from issuing licenses to anyone who is disqualified by reason of their immigration status.
- 1.3 Local authorities will discharge their duty by carrying out immigration checks on all driver and operator licences at the point of new application and renewal.

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 1 December 2016, the Immigration Act 2016 amended licensing regimes to prevent illegal working in the private hire and taxi 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.
- 4.4 The checks must be carried out at the initial application, at renewal 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 immigration offences and penalties to the list of grounds on which taxi and private hire driver licences may be suspended or revoked. In those circumstances, the licence must be returned to the licensing authority. It is a criminal offence if the licence holder fails to do this.
- 4.7 The Licensing Team have introduced a three step check to ensure satisfactory checks are made:
- obtain the original documents;
 - check the validity of the documents; and
 - copy and retain the documents prior to issuing or renewing the licence

There will be no exemption or exceptions to this process.

- 4.8 If the Licensing Team is unable to make a determination that the person is not disqualified from holding a licence, the case must be referred to the Home Office Evidence and Enquiry Unit.

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	Olu Idowu
Financial officer	n/a
Human Resources officer	n/a
Estates/Property officer	n/a
Service Director(s)	n/a
Other(s)	Michael Kay

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Background papers:	None
List of appendices:	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**.