

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
9th December 2016

IMMIGRATION ACT 2016 – CHANGES TO TAXI AND PRIVATE HIRE
LEGISLATION AND FEES

1.0 PURPOSE

- 1.1 To inform Members of the implications the Immigration Act 2016 (the Act) will have for licensing authorities, applicants for hackney carriage and private hire driver licences and to seek approval for a fee for a 6 month hackney carriage and private hire driver's licence.

2.0 IMMIGRATION ACT 2016

- 2.1 The Immigration Act 2016 Section 37 and Schedule 5 amends existing licensing regimes in the UK and seeks to prevent illegal working in the private hire vehicle and taxi sector. With effect from 1st December 2016 the provisions of the Act require all licensing authorities to ensure that they do not issue licences to illegal migrants and to discharge this duty through increased immigration checks.

3.0 NEW DUTIES FOR LICENSING AUTHORITIES

- 3.1 The new provisions mean that hackney carriage and private hire driver's licences and private hire operator's licences must not be issued to people who are illegally present in the UK, people who are not permitted to work or people who are permitted to work but are subject to a condition that prohibits them from holding such a licence.
- 3.2 Where a person's permission to be in the UK, known as their 'leave' is time-limited to less than the statutory length of a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK. In the event that the Home Office curtails or revokes a person's permission to be in the UK), any licence that person holds will automatically lapse.
- 3.3 The provisions also add immigration offences and penalties to the list of grounds on which hackney carriage and private hire driver and operator licences may be suspended or revoked by licensing authorities. Where the driver or operator licence expires, is revoked or suspended on immigration grounds, it must be returned to the licensing authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by way of a fine.

4.0 IMPLICATIONS

- 4.1 As of 1st December 2016, all new applicants or renewal applicants for a hackney carriage and private hire driver's licence and/or private hire operator licence will be subject to an immigration check.
- 4.2 Applicants will be subject to an immigration check regardless of nationality.
- 4.3 Renewal applicants will be subject to an immigration check for the first renewal of their licence only after 1st December 2016 unless their 'leave to remain' is time limited when they will be subject to further checks.
- 4.4 The checks will be carried out in front of the applicant by examining documentation such as a passport, full UK birth certificate and proof of National Insurance or biometric residence permit. Other documentation may be requested on a case by case basis when the documentation above is not held. Copies of the documents will need to be verified, retained on file and checked with the Home Office Evidence and Enquiry Unit where relevant.
- 4.5 Many of the documents that will be requested are currently produced by applicants when completing an application for a criminal history check with the disclosure and barring service (DBS) therefore the impact on the customer will be minimal.

5.0 PROPOSED FEES

- 5.1 If an applicant's leave to remain is subject to time restrictions, the licensing authority will only be permitted to issue a 6 month licence.
- 5.2 As Members will be aware the current fees prescribed for hackney carriage and private hire drivers are for 1 and 3 year durations and are set to enable cost recovery in line with the legislation
- 5.3 The following table proposes a new fee for a 6 month licence to be charged where time limited licences are required to be issued for 6 months for immigration purposes. If licences are required for any other period the individual application will be reported to the Licensing Committee for decision.

	Current	Proposed
Driver Grant 6 month (including restricted Driver)		£100.00
Driver Grant 1 year (including restricted Driver)	£124.00	
Driver Grant 3 year (including restricted Driver)	£236.00	
Driver Renewal 6 month (including Restricted Driver)		£56.00
Driver Renewal 1 year (including Restricted Driver)	£81.00	
Driver Renewal 3 year (including Restricted Driver)	£191.00	
Knowledge Test	£29.00	

6.0 RECOMMENDATIONS

6.1 It is recommended that:

Members approve the proposed fee levels outlined in paragraph 5 with immediate effect.

The Licensing Committee's instructions are requested.

Background Papers:	Immigration Act and Guidance
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