

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

19th December 2016

Report of the Head of Legal Services – David Michael

Matter for Information

Wards Affected: All

Immigration Act 2016 - Hackney Carriage and Private Hire Drivers

Purpose of the Report

1. To inform members in respect of the Immigration Act 2016 and the implications for hackney carriage / private hire drivers and private hire operators.

Executive Summary

2. This report provides information in respect of the introduction of Immigration Act 2016.
3. The report outlines the effects the Immigration Act 2016 will have on persons wishing to apply for hackney carriage and private hire driver licences and private hire operators licences
4. The report is an information item and no decision is required.

Background

5. The Home Office has identified that the private hire and taxi sector is at risk from illegal working due to the high levels of self-employment. This

means that applicants are not subject to usual right to work checks as part of an employment relationship.

6. The Immigration Act 2016 has amended existing regimes in the UK to seek to prevent illegal working in the private hire and hackney carriage sector.
7. The provisions contained within the Immigration Act 2016 in relation to the hackney carriage and private hire sector became effective on the 1st December 2016.
8. Section 37 and schedule 5 of the Act have introduced new provisions which mean that driver and operator licences must not be issued to people who are illegally present in the UK, 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.
9. The provisions also add immigration offences and penalties to the list of grounds on which driver and operator licences may be suspended or revoked.
10. Where a person's immigration permission to be in the UK is time-limited, a licence can only be issued for a duration that does not exceed the applicant's permission to be in the UK and work.

Resource Implications

11. As of the 1st December 2016, all applicants for the grant or renewal of their driver licence or private hire operator licence will be subject to an immigration check.
12. It will be a mandatory requirement for all applications to be accompanied by an identification document. The legislation prescribes a list of acceptable documentation which must be produced on application. The two most common documents listed, are a Passport or UK Full Birth / Adoption Certificate; where a birth or adoption certificate is provided, the applicant must also provide a document containing their National Insurance number.
13. There are various other documents that can be produced, but these are all immigration documents issued by the Home Office.

14. The Licensing Authority will carry out an initial immigration check with the Home Office, on all applicants who apply for the grant or renewal of their licence after the 1st December 2016.
15. Once an applicant is confirmed as having permanent lawful permission to reside and work in the UK, no further immigration checks are required. Those applicants with temporary or no lawful permission to reside or work in the UK will be referred to the Registration and Licensing Committee for determination.
16. While those with no lawful permission to reside or work in the UK must be refused a licence, those with temporary permission can be issued a licence of shorter duration in accordance with the length of time remaining on the applicant's immigration permission.
17. The Registration and Licensing Committee will be asked to determine each application on its own merits and will also need to set an appropriate licence fee depending on the duration of any licence issued.
18. The Taxi Licensing Policy will be amended to reflect the changes which need to be made to the application procedure; a separate report will be presented to members in respect of this.

Equality Impact Assessment

19. Not Applicable

Legal Impacts

20. Not Applicable

Risk Management

21. Not Applicable

Consultation

22. There is no requirement under the constitution for external consultation on this item

Recommendation

23. That the report be noted by members.

Reasons for Proposed Decision

24. Not Applicable

Implementation of Decision

25. Not Applicable

Appendices

26. Not Applicable

List of Background Papers

27. Immigration Act 2016

28. Home Office Guidance for Licensing Authorities to prevent illegal working in the taxi and private hire sector in England and Wales.

Officer Contact

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