

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**IMMIGRATION ACT 2016
IMPACT OF THE ACT ON THE LICENSING FUNCTION**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members of the Licensing Committee about the changes to the licensing function introduced by the Immigration Act 2016

2. BACKGROUND INFORMATION

- 2.1 The Immigration Act 2016 received Royal Assent on 12 May 2016.
- 2.2 The Act aims to: "...make provision about the law on immigration and asylum; to make provision about access to services, facilities, licences and work by reference to immigration status...".
- 2.3 The law relating to the licensing of alcohol is detailed in Schedule 4 of the Act and law in relation to taxis is in Schedule 5.
- 2.4 The changes proposed in Schedule 4 in the Act are contained in Table 1.

Part	Provision
1	Makes it a requirement that a person must be entitled to work in the UK when applying for a Premises Licence under the Licensing Act 2003.
2	Makes the Secretary Of State a Responsible Authority. Provides that a licence lapses when the licence holder ceases to be entitled to work in the UK. In addition, a licence can only be transferred to a person that has the right to work in the UK. The Secretary of State may object to a transfer, and if they do so then the transfer application must be rejected. A licence lapses where a premises licence holder is no longer entitled to work in the UK.

3	Adds immigration offences to the list of relevant offences under the Licensing Act 2003. Provides that a Personal Licence lapses if the holder ceases to be entitled to work in the UK
4	Provides Immigration Officers with a power of entry to licensed premises where they believe an immigration offence may be committed.
5	Allows for the Secretary of State to appeal the transfer of licence, interim authority notice or grant of a personal licence when they have given notice stating that the granting of such licence would undermine the crime prevention objective.

2.5 The changes proposed in Schedule 5 in the Act state that we must be satisfied that a person has the right to work in the UK before we issue a Hackney Carriage or Private Hire Vehicle Drivers Licence or Operators Licence and we cannot issue a licence for a period longer than such an entitlement. The licences will lapse if the holder ceases to be entitled to work in the UK.

2.6 The Act also makes it a requirement that public sector workers must speak fluent English. This is already a requirement of Hackney Carriage and Private Hire Vehicle Drivers within the current Policy.

3. **OPTIONS FOR CONSIDERATION**

3.1 That the report be noted.

4. **ANALYSIS OF OPTIONS**

4.1 The changes contained within the Act are due to be phased in or have been implemented.

5. **RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 There are no financial, staffing, property or IT implications from this report.

6. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT**

6.1 Not applicable

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED**

7.1 No consultation has been carried out regarding this report.

8. **RECOMMENDATIONS**

8.1 That the report be noted.

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Background Papers used in the preparation of this report: Consultation File