

## REPORT TO LICENSING SUB-COMMITTEE – 18 August 2017

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 AUTHORITY TO REFUSE LICENCES WHERE IMMIGRATION CHECKS NOT CARRIED OUT**

#### **1 Recommendations**

- 1.1 The Licensing Sub-Committee is asked to delegate authority to the Head of Legal and Governance to refuse applications for taxi drivers' licences and private hire car drivers' licences where the applicant has not provided satisfactory evidence of his or her right to work in the UK**

#### **2 Background**

- 2.1 The Immigration Act 2016 (the 2016 Act) amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire car and taxi sector. Since December 2016 anyone applying for a taxi or private hire car driver's licence must attend a Council office to have their immigration status verified. This is done by the applicant producing one of a number of documents that verify their right to work in the UK. The most commonly produced such document is a UK passport.
- 2.2 There have been a small number of cases where despite reminders the applicant has not visited a Council office in order to produce the necessary documentation and have their immigration status verified. This means that they cannot be granted a licence. However in terms of the Council's Scheme of Delegation officers do not have delegated authority to refuse a licence. This means that a report has to be drafted and put on the agenda for Licensing Sub Committee recommending that the Sub Committee refuse the application by virtue of the applicant being disqualified as not having established their right to live and work in the UK. It is proposed therefore that where an applicant has not verified their immigration status and two reminders have been sent to them asking them to attend an office to complete immigration checks and they have still failed to do so that officers be given delegated authority to refuse the application. This would be on the grounds that the applicant was disqualified from holding a licence.

#### **3 Scheme of Governance**

- 3.1 The Business Services Committee is able to consider and take a decision on this item in terms of Section C – Business Services: 1 – Committee Functions: 1.1 (a) of the List of Committee Powers in Part 2A of the Scheme of Governance which enables the Committee to decide on all policy issues and resources matters relating to Civic Government (Scotland) Act 1982 matters. The Committee determined that the licensing function should be delegated to the Business Services Licensing Sub-Committee.

**4 Equalities, Staffing and Financial Implications**

- 4.1 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.
- 4.2 An Equality Impact Assessment is not needed in this case because the granting of delegated powers will not have a differential impact on persons sharing the protected characteristics.

**Ritchie Johnson**  
**Director of Business Services**

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Date: 17July 2017