

EAST RENFREWSHIRE COUNCIL

LICENSING COMMITTEE

Tuesday 23 June 2015

Report by Chief Officer (Legal and Procurement)

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – WORK VISAS

PURPOSE OF REPORT

1. For the Committee to review the policy regarding non EU citizens with time limited work permissions.

RECOMMENDATIONS

2. The Licensing Committee is requested to confirm its policy in connection with this report by choosing one of the options 1, 2 or 3 and thereafter delegate to the Chief Officer – Legal & Procurement and Principal Solicitor and the relevant authority to implement the policy and/or grant licences and renewal of licences for less than the standard 12 month period if agreed to do so.

BACKGROUND

3. The Civic Government (Scotland) Act 1982 (“the Act”) provides that any applicant for a licence must meet certain criteria.

Occasionally, East Renfrewshire Council receives applications from non EU citizens for licences. The present policy is to share information on that application with UK Borders Agency for the purpose of checking the applicant’s status to remain and work in the UK.

If UK Borders Agency confirms that the applicant may remain and work within the UK for a period of more than 1 year then the application follows the normal procedures. However, if the Council is advised by UK Borders Agency that the applicant has a limited period in which to remain and work within the UK and that period is less than the standard 12 month period for issue of a new licence, then a decision is necessary on how such applications are to be processed.

REPORT

4. The options are as follows (Providing all other processing is acceptable):-
 1. To grant the licence for 12 months even though the applicant is not allowed to remain or work for that whole 12 month period. Under this option, it would be for other agencies such as UK Borders Agency to deal with the applicant once the work visa has expired. However, there is a question as to whether the applicant remains fit and proper to be licensed once any work visa has expired.

2. Instead of granting a licence for 12 months, to grant a licence up to the date of expiry of the work visa as a reduced period, leaving the applicant to renew the licence at the end of that period in the usual manner. At renewal, further evidence of the applicant's ability to live and work in the UK would have to be provided.
3. Any other suggestion of the Licensing Committee in dealing with this matter.

RECOMMENDATIONS

5. The Licensing Committee is requested to confirm its policy in connection with this report by choosing one of the options 1, 2 or 3 and thereafter delegate to the Chief Officer – Legal & Procurement and Principal Solicitor and the relevant authority to implement the policy and/or grant licences and renewal of licences for less than the standard 12 month period if agreed to do so.

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KEY WORDS

Civic Government (Scotland) Act 1982 Taxis, private hire, Civic Government, non UK citizen's work visas.