

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 28 October 2015**

IMMIGRATION BILL REPORT

1. Purpose of Report

The purpose of this report is to provide Members with an overview regarding Governments proposed plans to deal with illegal migrant workers as set out in its draft Immigration Bill 2015/16.

2. Background

Members are minded to note that the content of this report refers only to the proposals contained with the draft Bill and does not in any way reflect the views and opinions of the local authority.

3. Current Position

A new Immigration Bill was announced in the Queen's Speech on 27 May 2015 and since such time, the Immigration Bill passed its first and second reading and will be next considered by a public bill committee, where MPs will consider its proposals in more detail and where necessary, make amendments to it.

It is proposed that a new offence of illegal working will allow wages to be seized as proceeds of crime and anyone prosecuted for this new offence will face a sentence of up to six months in prison and an unlimited fine in England and Wales.

The Immigration Bill will include a range of new powers to deter people from trying to find work illegally and measures implemented to deal more effectively with rogue businesses who offer them employment. This proposal aims to build upon last year's Immigration Act in making Britain tougher on those with no right to be here.

It is understood that using illegal labour exploits workers, denies work to UK citizens/legal migrants and drives down wages. New powers in the Bill will make it easier for the Police and local authority's to prosecute an employer who knows, or reasonably suspects, that the person they employ has no permission to work in the UK.

Furthermore, the existing evidence requirement to prove this offence will be changed in order to boost prosecutions and the current maximum sentence will be increased from two to five years. These powers will operate alongside the existing system of substantial financial penalties.

Any employer who continues to flout the law and evade sanctions could see their business closed for up to 48 hours whilst they prove the correct right to work checks have been conducted on staff. It is anticipated the most virile of offenders would be placed under special measures as directed by a court, which in turn could lead to continued closure and further compliance checks.

In addition, new powers will also mean any pub; off-licence or late night takeaway that fails to comply with the proposed immigration laws or employs illegal workers may have their licence to operate revoked. It is unclear at this stage whom will have such powers to seek the revocation of a licence; however, it is understood this will rest with the Police and relevant local authority alike.

Members are minded to note that further consideration is also being given to extend these powers to cover minicab drivers and operators.

4. Proposal

To await the enactment of the proposals contained within the Immigration Bill and where necessary, raise awareness with Members, Officers and SYP to ensure each proposal will equip the licensed trade and the general public alike with a service industry that is fair, economical and one that holds continual undertaking of this unlawful act at the forefront of Central Governments mind.

5. Background Papers

There are no background papers relating to this report.

6. **Officer Contact**

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