



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	COUNCIL – WEDNESDAY 22 JANUARY 2020
Report Number	AGENDA ITEM No. 11
Subject	NOTICE OF MOTION – EUROPEAN UNION NATIONALS
Wards affected	All
Accountable member	Cllr James Mills, Leader of the Council Email: james.mills@westoxon.gov.uk
Accountable officer	Keith Butler Head of Democratic Services Tel: 01993 861521 Email: keith.butler@westoxon.gov.uk
Summary/Purpose	To consider the Motion proposed by Councillor Carl Rylett and seconded by Councillor Andy Graham at the meeting held on 23 October 2019 and referred to the Economic and Social Overview and Scrutiny Committee prior to its consideration and determination.
Annexes	Annex 1 – Report of the Executive Director – Commissioning submitted to the Economic and Social Overview and Scrutiny Committee on 21 November 2019. Annex 2 – Extract from the minutes of the meeting of the Economic and Social Overview and Scrutiny Committee held on 21 November 2019.
Recommendation	That the Council considers the motion in light of the recommendations made by the Economic and Social Overview and Scrutiny Committee at its meeting held on 21 November 2019.
Corporate priorities	To meet the current and future needs and aspirations of residents and to provide efficient and value for money services, whilst delivering quality front line services.
Key Decision	No
Exempt	No
Consultees/ Consultation	None

I. BACKGROUND

The following motion was proposed by Councillor Carl Rylett and seconded by Councillor Andy Graham, at the meeting of the Council held 23 October, 2019:

“Council notes that EU nationals are part of our shared communities. They are our husbands, wives, parents, friends and colleagues. They are an integral part of a vibrant and thriving West Oxfordshire.

Since 2016 EU nationals were promised again and again that "there will be no change for EU citizens already lawfully resident in the UK and [...] will be treated no less favourably as they are at present”.

After three years of living in limbo, their homes and livelihoods are in danger of being threatened by the further uncertainty brought about by the prospect of an even more chaotic no-deal Brexit.

According to the Home Office’s July statistics, only a third of EU nationals have applied for the Settled Status and 42% of them have been granted the inferior Pre-Settled status leading them to reapply for the Settled status later on. There is no possibility of knowing how many EU nationals need to apply, leaving vulnerable and unaware EU nationals left at risk of becoming unlawful residents the mercy of the Home Office’s “Hostile Environment”. Lack of clarity regarding differentiating between EU citizens arriving before and after the UK’s exit from the EU could lead to discrimination in the labour market and may prevent many from accessing the services that they are entitled to.

Another Windrush-like scandal could be unfolding right before the eyes of this Council and we mustn’t be passive observers to it.

Therefore, the Council asks that:

- 1. Officers report on how the Council can mitigate adverse impacts on the rights of EU nationals (including but not limited to advising on what the Council can do to help landlords and employers to be better informed about immigration status and therefore avoid potential discrimination against EU nationals)*
- 2. The Leader of the Council writes to EU citizens resident in the district giving advice on applying for Settled Status. This notice shall inform EU citizens of any potential consequences of not applying for the EU Settlement scheme.*
- 3. The Leader of the Council writes to the Home Secretary seeking clarification and suggesting improvements for the European Settlement scheme, which include:*
 - Providing physical proof of Settled status that can be used to access services*
 - Confirming that there will be no changes to the rights of settled EU citizens that they currently have by ratifying the Immigration Bill as primary legislation before the exit day*
 - Making clearer and more transparent the criteria for which the Home Office approves applications for settled status or gives instead the less secure pre-settled status, and review why a significant percentage only receive the latter*
 - A review of charges and waivers for applications for British Citizenship for European citizens and their children”*

2. MAIN POINTS

- 2.1.** The Council decided to refer the motion to the Economic and Social Overview and Scrutiny Committee for consideration, prior to it being determined at this meeting.

- 2.2. Following consideration of the report of the Executive Director – Commissioning (attached as [Annex I](#)) the Economic and Social and Overview and Scrutiny Committee resolved:-
- (a) That the Council be recommended to adopt the Home Office advice and guidance for local authorities including a toolkit and recommendations contained therein.
 - (b) That a Working Party comprised of Councillors Ashbourne, Beaney, Leverton and Rylett be established to undertake an audit of what action the Council was taking and what was being done elsewhere.
 - (c) That the Council be recommended to request that the Leader of the Council writes to the Home Secretary seeking clarification and suggesting improvements to the European Settlement scheme.
- 2.3. Members are invited to consider the motion in light of the recommendations of the Economic and Social Overview and Scrutiny Committee as set out above.
- 2.4. The Working Party referenced above is scheduled to meet on 15 January 2020.
- 3. FINANCIAL IMPLICATIONS**
- 3.1. There are no financial implications arising directly from this report.
- 4. LEGAL IMPLICATIONS**
- 4.1. None
- 5. RISK ASSESSMENT**
- 5.1. Not applicable
- 6. CLIMATE CHANGE IMPLICATIONS**
- 6.1. There are no climate change implications arising directly from this report.
- 7. ALTERNATIVES/OPTIONS**
- 7.1. The Council may approve, amend or reject the Motion as proposed, adopt the recommendations of the Economic and Social Overview and Scrutiny Committee or take such other action as Members consider appropriate.
- 8. BACKGROUND PAPERS**
- 8.1. None



WEST OXFORDSHIRE
DISTRICT COUNCIL

WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	ECONOMIC AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE 21 NOVEMBER 2019
Report Number	AGENDA ITEM 9
Subject	NOTICE OF MOTION – EUROPEAN UNION NATIONALS
Wards affected	All
Accountable member	Councillor James Mills, Leader of the Council Email: james.mills@westoxon.gov.uk
Accountable officer(s)	Christine Gore, Executive Director Commissioning Email: christine.gore@publicagroup.uk Tel: 01285 623605
Summary/Purpose	To consider the Notice of Motion regarding European Union Nationals referred to the Committee by the Council and to make recommendations accordingly.
Annexes	None
Recommendation/s	That consideration be given to the Notice of Motion as set out below.
Corporate priorities	To meet the current and future needs and aspirations of residents and to provide efficient and value for money services, whilst delivering quality front line services.
Key Decision	N/A
Exempt	No
Consultees/ Consultation	N/A

I. BACKGROUND

- I.1. At the meeting of the Council held on 23 October 2019, the following Notice of Motion was proposed by Councillor Carl Rylett and seconded by Councillor Andy Graham, namely:-

“Council notes that EU nationals are part of our shared communities. They are our husbands, wives, parents, friends and colleagues. They are an integral part of a vibrant and thriving West Oxfordshire.

Since 2016 EU nationals were promised again and again that "there will be no change for EU citizens already lawfully resident in the UK and [...] will be treated no less favourably as they are at present”.

After three years of living in limbo, their homes and livelihoods are in danger of being threatened by the further uncertainty brought about by the prospect of an even more chaotic no-deal Brexit.

According to the Home Office’s July statistics, only a third of EU nationals have applied for the Settled Status and 42% of them have been granted the inferior Pre-Settled status leading them to reapply for the Settled status later on. There is no possibility of knowing how many EU nationals need to apply, leaving vulnerable and unaware EU nationals left at risk of becoming unlawful residents the mercy of the Home Office’s “Hostile Environment”. Lack of clarity regarding differentiating between EU citizens arriving before and after the UK’s exit from the EU could lead to discrimination in the labour market and may prevent many from accessing the services that they are entitled to.

Another Windrush-like scandal could be unfolding right before the eyes of this Council and we mustn’t be passive observers to it.

Therefore, the Council asks that:

- 1. Officers report on how the Council can mitigate adverse impacts on the rights of EU nationals (including but not limited to advising on what the Council can do to help landlords and employers to be better informed about immigration status and therefore avoid potential discrimination against EU nationals)*
- 2. The Leader of the Council writes to EU citizens resident in the district giving advice on applying for Settled Status. This notice shall inform EU citizens of any potential consequences of not applying for the EU Settlement scheme.*
- 3. The Leader of the Council writes to the Home Secretary seeking clarification and suggesting improvements for the European Settlement scheme, which include:*
 - Providing physical proof of Settled status that can be used to access services*
 - Confirming that there will be no changes to the rights of settled EU citizens that they currently have by ratifying the Immigration Bill as primary legislation before the exit day*
 - Making clearer and more transparent the criteria for which the Home Office approves applications for settled status or gives instead the less secure pre-settled status, and review why a significant percentage only receive the latter.*
 - A review of charges and waivers for applications for British Citizenship for European citizens and their children”*

- I.2. In accordance with paragraph 11(e) of the Council Procedure Rules, it was resolved that the motion should stand referred without discussion to the Economic and Social Overview and Scrutiny Committee.

2. MAIN POINTS

- 2.1. In order to assist members in their consideration of this motion, officers have provided the following advice in relation to each of the 'asks'.
- 2.2. The first 'ask' of the motion is that officers report on how the Council can mitigate adverse impacts on the rights of EU nationals. The securing of settled status is intended to protect the rights of EU nationals and so where this is achieved there should be no adverse impacts. Officers are not experts in the rights accorded by any form of immigration status, and in relation specifically to the EU Settlement Scheme, the government has provided funding for a number of organisations who are in a far better position to give the relevant advice to EU Nationals. The Council has promoted the EU Settlement Scheme for some time now via the website and social media, and could proactively signpost these organisations in the same way if members believe this would be of assistance. Officers are certainly not in a position to be able to provide advice to third parties in terms of how they can be better informed, and seeking to do so could lead to the risk of wrong advice being given.
- 2.3. The second 'ask' is that the Leader of the Council writes to EU citizens resident in the district giving advice on applying for Settled Status and informing EU citizens of any potential consequences of not applying for the EU Settlement scheme. It is not possible for the Leader to write to all EU citizens resident in the district, as their data does not exist in a form that allows it to be used for this purpose. Whilst the electoral register contains the details of all those EU citizens resident in the district who have registered to vote, this may not be a complete list, and in any event its use for this purpose would be improper and a breach of the Data Protection Regulations. The only legitimate means by which EU Citizens could be contacted for this purpose would be for the Council to purchase the open register and use that as a data source for writing to EU Citizens. However, as around 50% of the population of the district have 'opted out' of the open register, this would be a very incomplete list. Furthermore, as indicated above, whilst any such letter could encourage applications for settled or pre-settled status, seeking to set out the potential consequences of not applying would risk being inaccurate or misleading.
- 2.4. The third and final 'ask', that the Leader should write to the Home Secretary raising a number of issues, is not a matter upon which it would be appropriate for officers to comment, given its political nature.

3. FINANCIAL IMPLICATIONS

- 3.1. There are no specific financial implications associated with this motion. There would be financial implications arising if the Leader was to write to EU citizens resident in the district, but these would be relatively insignificant.

4. LEGAL IMPLICATIONS

- 4.1. None Identified

5. RISK ASSESSMENT

- 5.1. No major risks identified

6. ALTERNATIVE OPTIONS

- 6.1. No further alternative option considered at this stage

7. BACKGROUND PAPERS

- 7.1. None

**EXTRACT FROM THE MINUTES OF THE
ECONOMIC AND SOCIAL OVERVIEW AND SCRUTINY COMMITTEE – 21 NOVEMBER
2019**

39. **NOTICE OF MOTION – EUROPEAN NATIONALS**

The Committee received and considered the report of the Executive Director – Commissioning which sought consideration of the Notice of Motion regarding European Union Nationals referred to the Committee by the Council.

Councillor Rylett expressed concern with regard to the position of European Union Nationals, indicating that it was important for the Council to address the needs of all its residents and to do all that it could to ensure that EU citizens were aware of how to apply for settled status. He felt disappointed by the Officers' response and considered that the Council should take a more imaginative approach such as that adopted by South Oxfordshire, the Vale of the White Horse and Portsmouth. He urged Members to express their support the Motion asking the Council to publicise and communicate with European Union citizens regarding their immigration status and rights.

With regard to the suggestion that the Council write to all EU Nationals, Councillor Rylett suggested that, if the electoral register was not complete, the Council should also encourage those eligible to register.

He suggested that writing to EU citizens would also help to reach any individuals who were non EU citizens but who could obtain residency through their partners. Councillor Rylett indicated that his aim was to do everything possible to avoid a future situation similar to the 'Windrush Scandal' where second generation children born in the United Kingdom were unable to provide documentary evidence of citizenship.

Turning to the third element of the Motion, Councillor Rylett considered that the provision of a physical document confirming settled status was the obvious thing to do. The request for confirmation that there would be no changes to the rights of settled EU citizens that they currently have by ratifying the Immigration Bill as primary legislation before the exit day had been overtaken by events but the threat of a no deal Brexit remained. It was important for the Government to clarify rights.

There was a lack of understanding as to why many applications were given less secure pre-settled status where individuals could not provide a comprehensive employment record or evidence of previous residence and the Home Office needed to make the criteria clearer and more transparent.

Finally, Councillor Rylett considered that the Council should lobby for a review of charges and waivers for applications for British Citizenship for European citizens and their children was required as current application fees were far higher than those levied by other countries.

Councillor Beaney suggested that each element of the Motion should be considered in turn.

Councillor Ashbourne indicated that she supported the thrust of the Motion but found it somewhat vague. Failure to apply for settled status could be disastrous for individuals and was more likely to become an issue for vulnerable people. She noted that the Home Office had produced advice and guidance for local authorities including a toolkit and recommendations and suggested that the Council be recommended to adopt the recommendations contained therein. The Oxfordshire Local Enterprise Partnership estimated that some 6% of the population of Oxfordshire were EU nationals and Councillor Ashbourne suggested that the Council should write to employers to encourage them to assist their employees to make application.

Councillor Owen expressed his support for the Motion which he considered to be a decent, humanitarian initiative.

Councillor Leverton questioned what more the Council could do as the Government had already provided a considerable amount of information and publicity and organisations such as Citizens Advice could assist those who needed help in completing applications. He suggested that advertisements in the Local Press would be the most cost effective way of reaching large numbers of people.

Councillor Ted Fenton agreed that the Council should do more to engage with hard to reach groups but questioned whether the measures suggested were the most effective way of doing so. Writing to those on the electoral register was likely to be reaching out to those already aware of the requirements.

Councillor Doughty indicated that the Council had a responsibility to all its residents and should do all that it could to meet that duty of care. The Chief Executive advised that the Council already provided information and advice to both individuals and businesses through its website.

Councillor Leffman asked whether the Council's Housing Department could help in providing information and advice and suggested that the authority should consider cascading information through town and parish councils. Councillor Leffman also asked what training the Council's staff had received and recommended that the Council should adopt the Home Office advice.

Councillor Leffman questioned whether the electoral register was the best source for contacting those in greatest need of assistance. She suggested that other organisations such as faith groups might be a more appropriate and effective channel of communication.

Councillor Ashbourne questioned whether flyers could be sent to all households in the District but it was considered that this would not be particularly effective means of communication.

Councillor Cooper noted that other authorities had made use of the electoral register and Councillor Rylett advised that they had done so in the manner suggested.

Councillor Doughty suggested that staff should undertake the training provided by the Home Office and the Chief Executive undertook to consider this.

Councillor Doughty proposed that a Working Party be established to undertake an audit of what action the Council was taking and what was being done elsewhere. Councillor Leffman asked that information be provided as to the cost of writing to EU citizens as suggested and it was agreed that a Working Party be established.

Councillor Bull suggested that the Working Party should carry out its review prior to a decision on whether to write to EU citizens.

Members expressed their support for the suggestion that the Leader of the Council writes to the Home Secretary seeking clarification and suggesting improvements to the European Settlement scheme.

RESOLVED:

- (a) That the Council be recommended to adopt the Home Office advice and guidance for local authorities including a toolkit and recommendations contained therein.
- (b) That a Working Party comprised of Councillors Ashbourne, Beaney, Leverton and Rylett be established to undertake an audit of what action the Council was taking and what was being done elsewhere.
- (c) That the Council be recommended to request that the Leader of the Council writes to the Home Secretary seeking clarification and suggesting improvements to the European Settlement scheme.