



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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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 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

1. BACKGROUND

1.1. 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”*

1.2. 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