

EXECUTIVE BOARD – 21 JULY 2015

Subject:	Electoral Register – Residency Test for Access to Services		
Corporate Director(s)/ Director(s):	Glen O’Connell, Acting Corporate Director for Resources		
Portfolio Holder(s):	Councillor Graham Chapman, Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration		
Report author and contact details:	Debra La Mola, Head of Democratic Services debra.lamola@nottinghamcity.gov.uk 0115 8764292		
Key Decision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Subject to call-in
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reasons:	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision
			<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total value of the decision: Up to £25,000			
Wards affected: All	Date of consultation with Portfolio Holder: 8 July 2015		
Relevant Council Plan Strategic Priority: Ensuring that delivery of services is to those entitled to receive them is relevant across the Council Plan. In addition, Electoral Registration underpins democratic participation and, in turn, decision making about the provision of services and all strategic priorities			
Cutting unemployment by a quarter			<input type="checkbox"/>
Cut crime and anti-social behaviour			<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City			<input type="checkbox"/>
Your neighbourhood as clean as the City Centre			<input type="checkbox"/>
Help keep your energy bills down			<input type="checkbox"/>
Good access to public transport			<input type="checkbox"/>
Nottingham has a good mix of housing			<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs			<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events			<input type="checkbox"/>
Support early intervention activities			<input type="checkbox"/>
Deliver effective, value for money services to our citizens			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>In delivering services to City residents, it is appropriate and sensible, as resources become ever more limited, that there is a means by which residents’ entitlement to services is established. For many Council services there is some form of link to, or requirement for, residency in the City and, currently, tests for residency vary across services. As part of the overall drive to simplify and improve customer access, the City Council wishes to introduce a test for residency which will, in future, be that, as a minimum, the applicant or recipient of a service is on the electoral register (where the citizen is eligible to be so).</p> <p>The electoral register underpins formal democratic structures and decision-making. Whilst registration levels have gradually increased in the City as a result of the application of significant resource and effort, they continue to require improvement. With the changes introduced by Individual Electoral Registration (IER) in 2014, it is especially important that focus on achieving high levels of registration is maintained. IER now makes it the personal responsibility of all those who are eligible to vote to register themselves and it is clear from experience at the recent Parliamentary and Local Elections that some citizens who intended to vote had not understood IER and found themselves unable to do so. The City Council wishes in future to ensure that all citizens have the opportunity to participate in democracy. Electoral registration is a pre-requisite of that.</p> <p>The Electoral Registration Officer (ERO) has a duty to ensure that the electoral register is</p>			

complete and accurate and must actively promote electoral registration. The ERO pursues a variety of work-streams to achieve this and the City Council must provide the necessary resources to enable the ERO to fulfil his duties. Much of the considerable annual cost of electoral registration relates to legal requirements to pursue non-responding citizens repeatedly which diverts resource which could be better used to benefit citizens through the provision of services.

To both address the residency test for access to services and support the ERO in promoting electoral registration and reducing its costs, it is proposed that, in respect of the provision of services for city residents, any existing residency tests that may normally be applicable (or ones that might be applied in future) should be that, as a minimum, the applicant is on the electoral register (if eligible to be so).

Exempt information:

None

Recommendation(s):

- 1** To agree that, where it is legally possible and practicable to do so, any existing test for residency within the City made at the point of application for Council services shall be that, as a minimum, the applicant is on the electoral register for the City if eligible to be so.
- 2** To agree that, where it is legally possible and practicable to do so, a test for residency within the City also be applied at the point of application for Council services where currently there is no check that the applicant resides either in the City or at a specific address within the City and it shall be that, as a minimum, the applicant is on the electoral register for the City if eligible to be so.
- 3** To agree that the Leader of the Council approves the final list of services to which the policy will apply.
- 4** To agree that, the residency test is implemented from 1 September 2015 with corporate and service specific communications on this issue being undertaken as soon as possible to alert City residents to this change.
- 5** To note that it is anticipated that existing government funding for IER will meet the cost of any additional temporary staff resource in Electoral Services and for corporate (and service specific communications) to launch implementation of the electoral register residency check during the period of the canvass but agrees that any shortfall be met from contingency.
- 6** To note that the first annual canvass under IER will commence with the delivery of Household Enquiry Forms to all city addresses during the week beginning 3 August 2015 and that this will run alongside promotion of electoral registration through engagement channels and activity as determined by the ERO.

1 REASONS FOR RECOMMENDATIONS

- 1.1 The recommendations in the report seek both to standardise and simplify residency tests that are applied to the provision of services for City residents and simultaneously facilitate sustainable improvements in electoral registration in the City (thereby supporting democratic participation and a reduction in the increasing costs of meeting the legislative requirements of IER).

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Delivery of services or concessions and discounts on services are often linked to some form of test for residency in the City and this test can vary. Other services require no residency test yet, as resources become ever more limited, it would appear sensible to have a means by which residents' entitlement to services is established where this is appropriate and practicable.
- 2.2 Meanwhile, electoral registration in the City, which provides a simple means for the majority of citizens to establish proof of residency, is not as complete as

it should be and requires improvement. This is despite there being a requirement on citizens to (a) provide information in the annual Household Enquiry Form (HEF) in respect of which there is a criminal penalty of a fine up to a maximum of £1,000 for failure to respond and (b) to respond to the ERO's Invitation to Register (ITR), failing which the ERO may impose a civil penalty.

- 2.3 The introduction of IER in 2014 has made maintenance of a complete and accurate electoral register even more challenging and costly. IER is based on the premise that individuals take personal responsibility for their registration. A significant minority of citizens, who do not respond to HEFs or ITRs for whatever reason, are generating a level of costs (staff, printing, postage, personal canvass and engagement work) that the Executive may view as no longer sustainable especially given the budget pressures facing Council services generally and, under IER, where legislation requires that every individual be repeatedly pursued for a response, costs look set to escalate considerably.
- 2.4 A pragmatic solution to simultaneously address provision of a single residency test for access to services and promote electoral registration and reduce its costs would be to adopt a policy that, in respect of the provision of services for city residents, any existing residency tests that may normally be applicable (or ones that might be applied in future) should be that, as a minimum, the applicant or recipient is on the electoral register (if eligible to be so). Those not eligible to register to vote should be required to have responded to the HEF. This policy would be the default position for all services except where there is a legal reason or other reason agreed by the Leader of the Council which exempts services from applying a residency test based on electoral registration. The services listed in Appendix A are those currently identified as ones to which the policy is proposed to be applied though may be subject to change, whether by addition or other change, following further detailed consideration including legal advice and equality considerations. It is proposed that the Leader of the Council approve the final list of services to which the policy will apply.
- 2.5 Nottingham City Homes has also indicated that it will support the proposed policy in relation to housing allocations wherever legally possible and practicable.
- 2.6 In addition, both universities in the City have agreed to embed electoral registration into their annual student enrolment processes for the 2015/16 intake following a successful model developed by the University of Sheffield and Sheffield City Council. University students comprise a large proportion of the City's population and it is difficult to capture electoral registration information from this group for a variety of reasons not least of which is the timing of the canvass and university term times. This will both simplify the process of electoral registration and access to services / discounts for students in the City and significantly reduce registration costs.
- 2.7 The first electoral register to be compiled from a household canvass under IER will be published on 1 December 2015. In order to encourage timely registrations for the 1 December register (and reduce canvass costs), it is recommended that any electoral registration residency test is implemented from 1 September 2015. This should be preceded by, and coincide with, broad reaching corporate (and service specific) communications throughout the period of the canvass (end of July to mid November 2015) notifying citizens

that access to some services /discounts will be dependent on electoral registration. A speedy roll out of 'WebReg', (a part of the Council's electoral management software) and training to service areas on how to access the electoral register will be required together with some additional temporary resource in Electoral Services to achieve this. There is likely to be an immediate impact on services in both preparing to check the electoral register and in terms of possible delays to (or decline in) the take up of some services as applications are rejected pending a confirmed registration. This impact is difficult to predict at this juncture.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not to recommend this course of action. This would not achieve any simplification of residency tests or ensure a greater focus on City services for City residents. In addition, reliance on electoral registration engagement activity and ensuring that the statutory requirements of the canvass are met may not achieve the step change in electoral registration that is necessary both to ensure the ongoing completeness and accuracy of the register or to reduce the growing costs of electoral registration about which there is uncertainty as to whether they may, or may not, be funded by Central Government from 2016/17.
- 3.2 Alternatively, the course of action recommended could be altered to defer implementation of the residency check until 1 December 2015 i.e. after the register has been published. This would negate the need for additional temporary resource in Electoral Services and also allow more time for colleagues in service departments to be given access to and be trained in the use of 'WebReg'. However, whilst this would give citizens more advance notice of the changes, there is a concern that communications alone will not generate the desired response and that unregistered citizens will wait until after 1 December, and until they are denied access to services, before they register to vote.

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 The cost to the Authority of the annual household canvass over the last 5 years (exclusive of budgeted salary costs) has been as follows:

	£
2014/15	68,989 (under IER there was no full canvass last year)
2013/14	134,619
2012/13	105,652
2011/12	102,341
2010/11	145,745

- 4.2 In 2014 following the introduction of IER there has been an increased cost to the Authority in respect of staff, printing, postage, personal canvass etc and in 2014/15 there was an extra cost of £0.237m in addition to the above. This additional cost was met through Cabinet Office Funding.
- 4.3 The proposal in this report to launch an electoral register residency test may have implications in respect of additional temporary resource required within Electoral Services as colleagues in service areas refer non registered citizens to the team. The additional resource required and its cost has yet to be established. There is, however, an uncommitted amount of £25k available from the additional funding

received from the Cabinet Office in 2014/15 that would be available to fund any additional temporary staff resource.

- 4.4 The Service has identified £25k of existing budget that will cover usual canvass communication costs including communication about implementation of the electoral register residency check during the period of the canvass.
- 4.5 The cost of this additional resource requirement needs to be established and if the above amount is insufficient an application will need to be made to Contingency to fund this shortfall. If a Contingency request is not approved any additional cost will need to be met from existing budget resources.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 It would be lawful in principle to use the fact that an applicant for services within the City is on the electoral register for the City of Nottingham as evidence to satisfy any existing or proposed test of residence within the City, where this is used as a pre-condition of access to certain services. However, legal advice will need to be sought in relation to all services individually where this is proposed to assess whether this is legally possible in the specific service identified. The equality implications of the proposals will also need to be assessed.
- 5.2 Colleagues given access to the electoral register to assist the ERO with his duties will need to comply with regulation 94 of the Representation of the People (England and Wales) Regulations 2001 regarding restrictions on the disclosure of information on the register.

6 IT COMMENTS

- 6.1 Providing access to the WebReg system for colleagues across all services is straightforward but requires staff resource to create an, as yet, unknown number of logins.

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 Not applicable

8 REGARD TO THE NHS CONSTITUTION

- 8.1 Not applicable

9 EQUALITY IMPACT ASSESSMENT (EIA)

- 9.1 The Equality Act 2010 places a duty on Local Authorities to pay due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation, and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a 'protected characteristic' and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.

9.2 Decision makers have a legal responsibility to pay due regard to the equalities implications of, amongst other things, decisions to change policies.

9.3 Although at this juncture the assessment is that there could potentially be a significant equalities impact in relation to some individual services, a detailed assessment of the equalities impact of this policy in relation to individual service areas will be undertaken once participating service areas are fully confirmed and due regard will be had to this in any final decision made to include that service within the application of this policy.

10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

10.1 None

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 None

12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

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The following is a list of services which, either in whole or in part, are proposed at this point, to be those which will include a check for residency based on the electoral register. This list may be subject to amendment, whether by addition or other change, following further detailed consideration, including legal advice and equality considerations, and it is proposed that the Leader of the Council approve the final list of services to which the policy will apply:

In Scope

- Arts Development (via City Card)
- Bike hire
- Blue Badge Scheme
- Bulky Waste
- Car parking – on and off street
- Concessionary and Discounted Fares (via City Card)
- Discretionary Hardship Scheme
- Energy Services
- Estates- Commercial Lettings
- Fishing (Colwick)
- Homelessness Gateway
- Jobs Hub and Step into Work
- Leisure (via City Card)
- Libraries (via Library or City Card)
- Markets and Fairs
- Meals at Home
- Museums and Galleries (via City Card)
- NCH – allocations
- Outdoor events booking
- Passenger Transport Services
- Pest control
- Pitch and Putt
- Preventative Adaptations
- Private Sector Housing options
- Replacement Bins and Assisted Bin Pull Outs
- Retail and other non transport discounts via City Card
- Residents Parking
- Trading Standards
- Traffic Management – requests for Residents Parking Schemes and Pedestrian Crossings
- School Admissions
- Sport
- Welfare Advice