

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	2898
Author:	Sarah Molyneux
Department:	Strategy and Resources
Contact:	Sarah Molyneux (Job Title: Head of Legal and Governance, Email: sarah.molyneux@nottinghamcity.gov.uk, Phone: 01158764335)
Subject:	Electoral Register-Residency Test for Access to Services
Total Value:	Nil (Type: Nil)
Decision Being Taken:	To approve the following minor amendment to the 'Electoral Register-Residency Test for Access to Services' policy as approved by Executive Board on 21 July 2015 as follows:  In cases where an individual refuses consent for Council colleagues to check (via the Council's electoral management software) whether they are on the electoral register (or where a check discloses that they are not on the register) then they will be given the option of providing proof of residency by other means (which will be in line with industry standard approaches to such checks).
Reasons for the Decision(s)	Following a referral of the above policy to the Information Commissioner's Office (ICO) and consideration of the policy by the ICO, they advised the Council of their view that in order to be fully compliant with the Data Protection Act 1998 individuals applying for services should have a free choice as to whether to provide consent to checking the Electoral Register (via the Council's electoral management software) as proof of residence within the City. So that, if consent is refused, the applicant should be offered the opportunity to provide proof of residency by other means. In order to provide clarity, it was agreed to recommend a slight amendment to the current policy to reflect this, as proposed above.
Other Options Considered:	Do nothing-this was not an option as the recommendation is a result of advice from the Information Commissioner's Office
Background Papers:	

**Published Works:**

**Affected Wards:**

Citywide

**Colleague / Councillor Interests:**

n/a

**Any Information Exempt from publication:**

Yes

**Exempt Information:**

**Description of what is exempt:**

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

**5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it concerns a current issue in respect of which the Council has been in dialogue with the Information Commissioner's Office.

**Documents exempt from publication:**

Exempt Appendix.PHD.Electoral Register-Reidency Test for Access to Services.doc

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

There are no crime and disorder implications arising from this report.

**Equality:**

EIA not required. Reasons: When the policy was originally approved, it was agreed that the assessment of the equalities impact would be made, after approval of the policy, in relation to individual services areas included with the policy rather than of the policy as a whole, since the impact (if any) may differ from service to service. A similar approach is proposed in relation to this amendment to the policy.

<b>Decision Type:</b>	<b>Portfolio Holder</b>
<b>Subject to Call In:</b>	<b>Yes</b>
<b>Call In Expiry date:</b>	<b>03/08/2017</b>
<b>Advice Sought:</b>	<b>Legal, Finance</b>
<b>Legal Advice:</b>	<b>This advice is exempt from publication and is contained within the exempt appendix Advice provided by Malcolm Townroe (Director of Legal and Governance) on 27/07/2017.</b>
<b>Finance Advice:</b>	<b>There is no cost nor any financial implications stemming from this decision. Advice provided by Ian Greateorex (Finance Project Manager) on 27/07/2017.</b>
<b>Signatures</b>	<b>Graham Chapman (PH for Resources and Neighbourhood Regeneration)</b>
	<b>SIGNED and Dated: 27/07/2017</b>
	<b>Ian Curryer (Chief Executive)</b>
	<b>SIGNED and Dated: 27/07/2017</b>