



Llywodraeth Cymru
Welsh Government

Statutory Guidance

The Local Election Survey

January 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

SURVEY OF COUNCILLORS AND CANDIDATES

Statutory Guidance issued under Section 3 of the Local Government (Wales) Measure 2011

Introduction

- 1.1 As highlighted in the report *On Balance: Diversifying Democracy in Local Government in Wales* local authorities do not reflect the communities they serve. The Welsh Government has introduced a number of initiatives to encourage people from under represented groups to consider standing for election. The survey will help build a picture of the characteristics of those standing for and being elected to local authorities and help develop policy in this area.
- 1.2 Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) provides for the strengthening of local democracy and Chapter 1 of that Part concerns the promoting and supporting of membership of local authorities. Sections 1 to 3 make provision for a survey of councillors and candidates for election as councillors. The questions and form of the survey are prescribed in regulations. The relevant regulations are entitled the Local Election Survey (Wales) Regulations 2012 (S.I. 2012 No. 685 W.93) (“the 2012 Regulations”). These were amended by the Local Election Survey (Wales) (Amendment) Regulations 2016.
- 1.3 The rationale behind a survey is that it would reveal the characteristics of those standing for election and those who get elected to local government at the normal elections (not by-elections). In order to allow for changes in the profile of candidates and councillors to be tracked over time, the survey must be repeated after each ordinary election (section 1 of the Measure). The purpose of the survey is to ascertain the effectiveness of policies aimed at widening participation in local government over time.
- 1.4 This Statutory Guidance replaces the version issued in April 2012.

What the Measure requires

- 2.1 Under section 1 of the Measure (as amended by the Local Government (Wales) Act 2015) each county and county borough council is required – in accordance with regulations – to conduct, or arrange for the conduct of, a survey of elected councillors and the candidates in their area. This will relate to councillors and candidates at both county and community level. The survey may be conducted before or after the election and the forms may be issued to individuals as soon as the

nomination process commences. The questions and form of the survey is stipulated in regulations, which also prescribe how the results are to be collated.

- 2.2 Section 1(4) of the Measure provides that the questions may relate to the following:
- Gender
 - Sexual orientation
 - Language
 - Race
 - Age
 - Disability
 - Religion or belief
 - Health
 - Education and qualifications
 - Employment
 - Work as a councillor
- 2.3 This list is not exhaustive: the 2012 Regulations prescribe questions relating to the subjects listed in paragraph 2.2 above and also request details of an individual's party affiliation, involvement with the third sector and length of political activity.
- 2.4 There is no duty on any individual to provide any information, through clearly the higher response rate achieved, the more reliable the data will be. There is also no requirement that local authorities arrange for the information to be provided anonymously. Removing this requirement allows those conducting the survey to monitor response rates and identify those candidates who were elected.
- 2.5 Local authorities will have six months from the date of the ordinary election to collect and collate the data and forward it to the Welsh Government. The cost of the exercise will be borne by the Welsh Government, who will recompense local authorities in accordance with the details below.
- 2.6 Local authorities may publish their results but will need to be careful that they are not presented in such a way as to enable identification of any individual candidate. If, for instance, there were only one candidate from a minority ethnic group, results could not be disaggregated by ethnicity, showing other characteristics according to ethnic group, as it would be clear that all characteristics indicated for that group were the characteristics of the single individual.

Local Government Data Unit

- 2.7 The Welsh Government has been in discussions with the Local Government Data Unit to explore the possibilities of them carrying out the survey on behalf of all 22 local authorities. However, this is a

decision for each local authority. Should local authorities opt for the Data Unit to conduct the survey on their behalf this will meet their statutory obligation and the data analysis collated by the Data Unit for each area will be available to each local authority after the completion of the survey.

Requirements of the Data Protection Act 1998

- 3.1 Those conducting the survey and collating the information need to be mindful of their responsibilities under the Data Protection Act 1998 (DPA). About half of the categories of data in section 1(4) of the Measure are defined as sensitive personal data under the DPA. The sensitivity of this data requires extra consideration in processing, especially as the information given may no longer be anonymous. Local authorities need to give adequate consideration to the handling, storage and destruction of the returned survey forms and the security of the electronic spreadsheet. The Welsh Government suggests that 12 months is an appropriate retention period for the returned survey forms.
- 3.2 The Information Commissioner's Office is a useful resource for advice on the issue of data protection. Their guide to data protection can be found here:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

Content of the 2012 Regulations

- 4.1 Regulation 3 of the 2012 Regulations provides that the questions and the form in which they are to be asked are set out in the Schedule to the Regulations. None of the prescribed questions can be changed or supplemented. Only the prescribed questions can be used in the survey. Parts 2 and 3 of the Schedule provide two alternative sets of questions for use before and after the election. If a survey is being conducted before the election, the survey must include the questions contained in Parts 1, 2, and 4 of the Schedule. If a survey is being conducted after the election, the survey must include the questions contained Parts 1, 3, and 4 of the Schedule.
- 4.2 Regulation 4 of the 2012 Regulations provides that the information must be collated in an electronic spreadsheet.

Transmission of results to Welsh Government

- 5.1 The survey data must be collated for each local authority and the information provided in an electronic format to the Welsh Government within six months of the local elections. The data should show the collated results for all candidates at, separately, the community and county elections, and also the results for all the elected councillors, in the two separate categories. In each category, the response rate should be shown. The collated information should be transmitted electronically to the Welsh Government.

- 5.2 The Welsh Government will aggregate the information provided by different local authorities and publish the results within twelve months of the local elections. It will be for the appropriate Cabinet Secretary to decide in what form the results will be published and the degree of detail but the information received by the Welsh Government will be shared with the WLGA and One Voice Wales.

Finance

- 6.1 The Welsh Government will make available £35,000 in 2017/18 to be divided among all 22 local authorities. The division will be based on the number of candidates that stood in the 21 local authority areas in the 2012 local elections and at the local elections for the Isle of Anglesey in 2013.