

SL(5)046 – The Local Election Survey (Wales) (Amendment) Regulations 2016

Background and Purpose

These Regulations (the 2016 Regulations) amend the Local Election Survey (Wales) Regulations 2012 (the 2012 Regulations).

Section 1 of the Local Government (Wales) Measure 2011 (the Measure) imposes a duty on a local authority (a county council or county borough council), to conduct a survey by asking prescribed questions of councillors and candidates who have stood for election as councillors to the council of the county or county borough or to a community council in the local authority's area. Section 1 was amended by the Local Government (Wales) Act 2015 (the 2015 Act) and provides that the survey must be conducted before or after each ordinary election, and removes the requirement for local authorities to arrange for information to be provided anonymously.

The 2012 Regulations prescribe the questions that must be asked. Regulations 3 and 4 2016 Regulations amend the 2012 Regulations and insert a new survey into the 2012 Regulations. The amended survey is similar to the survey in the 2012 Regulations, with the addition of unique identifying questions which can be used to establish whether a survey respondent was elected as a councillor. The amendments will also require different questions to be asked depending on whether the survey is being conducted before or after an ordinary election.

Procedure

Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument. (Standing Order 21.3(ii): the instrument is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly).



Section 1(5) of the 2011 Measure states that nothing in section 1 places a duty on an individual to provide any information in a relevant survey.

A letter from the Minister will be given to every candidate, explaining the purposes of the survey. It is understood that the wording from section 1(5) of the 2011 Measure will be used in the Minister's letter and the Guidance to the present Regulations to inform candidates that they are under no duty to provide information.

Committee Consideration

The Committee considered the instrument at its meeting on 9 January 2017. The Committee reports to the Assembly in line with the merits reporting point above.

Legal Advisers

Constitutional and Legislative Affairs Committee

January 2016

