

SL(6)173 – The Local Election Survey (Wales) (Amendment) Regulations 2022

Background and Purpose

These [Regulations](#) amend the Local Election Survey (Wales) Regulations 2012 (“the 2012 Regulations”).

Section 1 of the Local Government (Wales) Measure 2011 imposes a duty on a local authority (a county council or county borough council) to conduct, or to arrange for the conduct of, a survey by asking prescribed questions of candidates who are standing for election as councillors to the council of the county or county borough or to a community council in its area. Alternatively, the survey may be conducted entirely after the ordinary election, of both the successful and unsuccessful candidates. The 2012 Regulations prescribe the questions that must be asked when conducting a survey. Responding to the survey is voluntary.

Regulation 2 of these Regulations replaces the survey set out in the Schedule to the 2012 Regulations with a new survey (“the New Survey”), which makes minor amendments to the previous survey, including providing additional optional answers to certain questions and altering the wording of some questions. The New Survey also asks additional questions in relation to awareness of the Contribution towards Costs of Care and Personal Assistance, and the Access to Elected Office Fund Wales.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd



The Explanatory Memorandum notes that one of the main issues addressed by the changes made by the Regulations is the evolution of language relating to the equalities and diversity agenda. However, we note there is no equality impact assessment for these Regulations. We ask the Welsh Government to confirm whether any equality impact assessment was undertaken in relation to these Regulations and, if not, why such an assessment was not undertaken.

Welsh Government response

Merit Scrutiny point 1: It was not considered necessary to conduct a full equality impact assessment as there is no change in the policy underpinning these Regulations. As set out in the Explanatory Memorandum, the requirement to conduct the survey is prescribed in legislation, including the questions to be asked when undertaking the survey.

Whilst it would have been legally compliant to use the previous survey contained within the 2012 Regulations for the May 2022 elections, it was felt appropriate to test the questions to establish whether they remained appropriate.

As part of this engagement process, it was clear there were some issues in terms of the language used in that previous survey in respect of equality and diversity. This was explored further with stakeholders to ensure the language used in the survey reflected current appropriate language.

It is intended that there will be a full evaluation of the survey arrangements including the approach and contents following the completion of the 2022 survey. At this point a full set of impact assessments will be undertaken to inform future policy.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 21 March 2022 and reports to the Senedd in line with the reporting point above.

