

**National Assembly for Wales**  
Petitions Committee

# Review of Public Petitions Arrangements

February 2016

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



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Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Tel: 0300 200 6565  
Email: [SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales)  
Twitter: [@SeneddPetitions](https://twitter.com/SeneddPetitions)

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# Petitions Committee

The Petitions Committee was established on 15 June 2011. Its role is to consider all admissible petitions that are submitted by the public. Petitions must be about issues that the National Assembly has powers to take action on. The petitions process enables the public to highlight issues and directly influence the work of the National Assembly. Its specific functions are set out in Standing Order 23.

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## Current Committee membership:



**William Powell (Chair)**  
Welsh Liberal Democrats  
Mid and West Wales



**Russell George**  
Welsh Conservatives  
Montgomeryshire



**Bethan Jenkins**  
Plaid Cymru  
South Wales West



**Joyce Watson**  
Welsh Labour  
Mid and West Wales

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## The Committee's Recommendations

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The Committee's recommendations to the Presiding Officer and Business Committee are listed below, in the order that they appear in this Report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

**Recommendation 1.** We recommend that consideration should be given to allowing the Assembly's online petitions system to be used to collect signatures on non-devolved matters that relate to Wales. However, only petitions that are within the competence of the Assembly or the powers of Welsh Ministers should be referred to the Petitions Committee for action. (Page 12)

**Recommendation 2.** We recommend that there should not be any change to the admissibility criteria in relation to petitions that are about the operational decisions of local authorities. (Page 13)

**Recommendation 3.** We recommend that the current dual threshold for signatures is scrapped and that the threshold for consideration of any petition is changed to 50 signatures. (Page 14)

**Recommendation 4.** We recommend that only people resident in Wales or organisations with a base in Wales should be able to submit petitions. There should be no restrictions on those who wish to sign a petition. (Page 16)

**Recommendation 5.** We recommend that the Assembly Commission considers whether Assembly officials should be able to participate in the petitions process given their need to be seen to be politically impartial. (Page 16)

**Recommendation 6.** We recommend no changes to the matters set out in paragraph 38 but ask officials to review current guidance in preparation for the 5<sup>th</sup> Assembly and that they also consider how it can be made more accessible. (Page 18)

**Recommendation 7.** We recommend that the responsibility for deciding the admissibility of petitions should be given to the incoming Petitions Committee on the basis that it would then delegate the day to day task to the Clerk of the Petitions Committee. (Page 21)

**Recommendation 8.** We recommend to the incoming Committee in the 5<sup>th</sup> Assembly that it should:

- develop clear criteria for prioritising petitions;
- automatically consider holding a plenary debate for any petition that obtains a signature threshold (a figure of 10,000 signatures may be appropriate); and
- close petitions as soon it is clear that they cannot be resolved.

(Page 23)

**Recommendation 9.** We recommend no changes to the Committee's powers nor that there should be a right of appeal against decisions to close petitions. (Page 24)

**Recommendation 10.** We recommend that the Business Committee asks the incoming Business Committee to ensure that the new Petitions Committee's meeting slot is sufficiently flexible to allow more meetings to be held outside the Senedd and to make it easier to programme oral evidence, particularly from Ministers. (Page 26)

**Recommendation 11.** We recommend that the Assembly's Standing Orders should be clarified to allow the Petitions Committee to transfer responsibility for a petition (including closing it) to another Assembly committee. (Page 26)

**Recommendation 12.** We recommend that the protocol with the PSOW should be refreshed and revised to clarify the circumstances in which the Committee might refer a petition to the Ombudsman for formal consideration. (Page 28)

**Recommendation 13.** We recommend that protocols should be developed with the Children's, Older People's, Welsh language and Future Generations Commissioners about the support that they may be able to give the Committee in considering petitions and the circumstances in which the Committee might refer a petition to them for formal consideration. (Page 28)

**Recommendation 14.** We recommend that paper petitions and petitions gathered using other reputable online petitions facilitators should continue to be accepted subject to admissibility there being no concerns about the validity of signatures. (Page 28)

**Recommendation 15.** We recommend that no limit should be placed on the time that a petition can gather signatures using the Assembly's website (Page 29)

**Recommendation 16.** We recommend that petition outcomes should be published when petitions are closed. (Page 29)

**Recommendation 17.** We recommend that changes to Standing Orders should be made consequent on other recommendations being accepted and to ensure the standing order remains coherent and consistent. (Page 30)

# 1. Background

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## Introduction

1. The Presiding Officer wrote to the Committee Chair in December 2014<sup>1</sup> to ask the Committee to undertake a review of the Assembly's arrangements for public petitions, particularly issues related to admissibility. The Committee was asked to report in time for any recommendations or changes to be considered in time for the fifth Assembly.

2. The Presiding Officer asked the Committee to consider how improvements can be made to:

- the current admissibility criteria for petitions;
- the way in which admissible petitions are dealt with; and
- how the Assembly's Standing Orders and other systems might need to change to support any recommendations.

3. The Presiding Officer also set out in her letter a number of other questions that the Committee might wish to give attention to. Most of these were questions about admissibility but she also suggested that the Committee consider whether the Assembly's petitions system is working effectively, whether the Committee's own procedures can be improved and whether any recommendations require changes to the Assembly's Standing Orders or other procedures.

## Current Petitions Arrangements in the Assembly

4. The main provisions governing the Assembly's public petitions procedure are set out in Standing Order 23. The Standing Order includes provisions:

- that the functions in the Standing Order must be assigned to a responsible committee;
- on the form of petitions;
- on the admissibility of petitions;
- on the action to be taken on a petition; and
- on arrangements for closing petitions.

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<sup>1</sup> [Item 5 - Committee's meeting of 20 January 2015](#)

5. An overview setting out in more detail the current arrangements for petitions in the Assembly as well as statistics on the numbers of petitions dealt with is at Annexe A.

### **Terms of Reference**

6. The Committee considered the Presiding Officer's letter at its meeting on 20 January and agreed to carry out a review based on the terms of reference suggested by the Presiding Officer at paragraph 2 above.

### **Approach**

7. The Committee agreed the following approach to the review:
- A public consultation to establish the views of the wider public through an online questionnaire/survey.
  - A stakeholder consultation with organisations and offices that are affected by or consulted on petitions, including:
    - former and current petitioners;
    - bodies with a particular interest such as:
      - Health Boards, the Public Services Ombudsman, the Children's Commissioner, Older People's Commissioner, Welsh Language Commissioner, WLGA, WCVA, Public Policy institutions (Bevan Foundation, Gorwel, IWA), Petitions enablers (e.g. Change.org; 38 Degrees etc.)
  - Oral evidence - based on responses to written correspondence.
  - Experience from other petitions systems in use in parliamentary bodies in the UK, Ireland and Europe.

### **Consultation Exercises**

8. The Committee conducted three linked consultation exercises with stakeholders, petitioners and the public. Ten stakeholders and 24 current and previous petitioners responded. 330 members of the public completed an online or paper questionnaire.<sup>2</sup> At its meeting on 8 December, the Committee also took oral evidence from a panel

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<sup>2</sup> [Link to consultation responses](#)

comprising former and current petitioners and the NHS Confederation.<sup>3</sup>

9. Two Members of the Committee also visited Dublin and Brussels to gain insights into the work of Dail Eireann and the European Parliament's petitions committees.

10. The Committee's conclusions and recommendations take account of this work.

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<sup>3</sup> [Transcript of Committee's meeting on 8 December 2105](#)

## 2. Admissibility Issues

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### **Petitions outside the Power of the Assembly to Resolve**

#### ***Current position***

11. Currently, petitions are not accepted unless they are within the legislative competence of the Assembly or the powers of Welsh Ministers to resolve. Petitions about the operational decisions of individual local authorities are also not accepted.

#### ***Responses to Consultation***

12. There was something of a division of opinion on this subject. 51% of responses to the online survey agreed that the Assembly should be permitted to consider petitions on any matter. However, the wording of the specific question may have skewed the response somewhat. The Assembly, through its Standing Orders, has decided not to consider petitions of this sort. The question may have given the impression that the Assembly was not permitted to consider such petitions.

13. Most petitioners who responded also agreed that the Committee should be able to consider petitions on non-devolved issues, although opinion was fairly equally divided with ten in favour and seven against.

14. Most Stakeholders did not comment directly on this area and it may be assumed they were broadly in favour of the status quo, although there were some who felt that the Committee should be able to make its own decisions.

#### ***Our View***

15. While recognising that most responses were in favour of the Committee considering petitions on non-devolved matters this was by no means an overwhelming view. There must also be a concern at the possible impact that considering non-devolved petitions could have on the work of the Committee. There may be substantial numbers of petitions on these matters, which could detract from consideration of petitions on matters where the Assembly or Welsh Government can bring about direct change.

16. A possible way forward would be to allow petitions on non-devolved matters to collect signatures on the Assembly's website but not refer them to the Petitions Committee for action. The Petitions Committee would still only consider devolved matters but the public would be able to voice their concerns on wider issues and allow Assembly Members to refer to these petitions in debate, statements of opinion etc.

**R1 We recommend that consideration should be given to allowing the Assembly's online petitions system to be used to collect signatures on non-devolved matters that relate to Wales. However, only petitions that are within the competence of the Assembly or the powers of Welsh Ministers should be referred to the Petitions Committee for action.**

### **Operational Responsibilities of Local Authorities and Health Boards**

#### ***Current position***

17. Currently, petitions about the operational responsibility of individual local authorities are not accepted. (This also extends to a local authority's decisions on matters that may come before the Welsh Government, such as school closures and planning applications.) Conversely, petitions about the operational decisions of local health boards are admissible.

#### ***Responses to Consultation***

18. Responses to the online survey (57%) favoured allowing petitions about local authority operational decisions and also favoured (64%) continuing to allow petitions about health board operational decisions.

19. Responses from petitioners were evenly divided (8 each) between those that favoured a change in respect of local authorities and those content with the current arrangements. A clear majority (16) were in favour of continuing current arrangements in respect of health boards.

20. Stakeholders were also broadly in favour of current arrangements although the NHS Confederation suggested that local authorities should be subject to petitions particularly where the issue was one of "service redesign". There was also a suggestion that petitions on local authority decisions could be forwarded direct to the local authority concerned for information and to respond if they considered it

appropriate. Generally though, there was an acceptance of local authorities' separate democratic mandate, which did not apply to other public sector bodies.

### ***Our View***

21. Despite the responses to the online survey, there does not seem to be a consensus for change in this area and good reasons not to interfere in local democratic decision making. We understand that Assembly officials who support the petitions process already suggest to petitioners, where appropriate, that they can pursue issues with their local authority and we would encourage a continuation of this approach.

**R2 We recommend that there should not be any change to the admissibility criteria in relation to petitions that are about the operational decisions of local authorities.**

### **Minimum number of signatures required**

#### ***Current position***

22. Currently, petitions must gather at least 10 signatures to be admissible or just one signature if they are submitted by an organisation or association.

#### ***Responses to Consultation***

23. 54% of responses to the online survey felt that 10 signatures was too few while 40% felt the number was "about right". 51% of responses felt that, whatever the threshold, it should be the same for organisations as individuals, 37% disagreed.

24. There was a mixed response from petitioners with no clear consensus emerging. Among those favouring an increase in the number, suggestions ranged from 300 to 2,000 with one respondent making the point that, if anything, there should be a higher threshold for organisations. Whatever the threshold, most petitioners were in favour of it being the same for individuals and organisations.

25. A narrow majority of stakeholders were also in favour of a higher threshold and for the threshold to be the same for all petitions. Suggestions ranged from 30 up to 5,000 (although this may have been illustrative of the approach adopted by some local authorities). Some

stakeholders did favour retaining the current limits and were concerned that a higher threshold might mean that issues of concern, which don't have widespread or mass support, might not be considered as rigorously as more "popular" petitions.

### ***Our View***

26. There seems to be some support for the view that the current threshold is too low and widespread support for the same threshold to apply irrespective of who submits a petition. We agree that there seems little reason to maintain the current dual threshold.

27. However, one of the strengths of the current system is that the low threshold does not significantly discourage the submission of petitions. This means that issues are considered that, while they may not have widespread or general support, are nevertheless of importance to those concerned. However, a modest increase to the threshold may help discourage a small number of petitions that could be better dealt with as constituency cases or which are nonsensical or submitted as a joke.

**R3 We recommend that the current dual threshold for signatures is scrapped and that the threshold for consideration of any petition is changed to 50 signatures.**

### **Eligibility to submit and sign petitions**

#### ***Current position***

28. Currently the only restriction on who can submit and sign petitions is on Assembly Members. In theory, anyone else can both submit and sign petitions. In practice, Assembly officials exercise a duty of care in respect of those who it is clear are either very young or who may be vulnerable in some other way. How this duty of care is exercised will depend on the circumstances of each case and would usually involve taking legal advice first.

#### ***Responses to Consultation***

29. There are three main aspects to this particular issue, location; age; and affiliation.

30. Responses to the online survey were very clear that only those who live in Wales should be able to submit (72% in favour) and sign

(63% in favour) petitions. They were also in favour (53%) of a minimum age for submitting petitions and 38% of responses said the minimum age should be at least 16 (compared with 37%) who were against any age restriction. They were also against (58%) allowing political parties to submit petitions. Opinion on whether Assembly Member support staff (AMSS) and Assembly officials should be allowed to submit petitions was more evenly divided (49% against; 43% in favour).

31. Petitioners were evenly divided over whether there should be any restrictions on those living outside Wales. Among those favouring restrictions, some wanted it to apply to anyone outside Wales while others thought the restriction should be at a UK level. There was only minority support for age restrictions among petitioners and there was clear support for continuing to allow AMSS, Assembly officials and political parties to be able to submit petitions.

32. There was no clear consensus among stakeholders. Broadly, stakeholders supported the status quo on all three issues but with somewhat more sympathy expressed for restrictions on petitions being submitted (but not signed) by people outside Wales. One response though did highlight a “perceived discrepancy” as the Committee only accepts petitions on devolved matters, “yet accepts signatures from those not living under the jurisdiction of the National Assembly for Wales”.

### ***Our View***

33. The only area where there was a degree of support across all three sets of responses was to restrict the location of those submitting petitions to people resident in Wales.

34. There are some practical issues to consider with this, such as organisations that operate on a UK wide or Wales and England basis. The nature of the current devolution settlement also means that decisions of the Assembly can have an impact in England, for example the NHS and environmental matters. In this context, it may be noted that only British citizens and UK residents can create or sign a petition using the House of Commons online petitioning system whereas the Scottish Parliament does not appear to have similar restrictions.

35. Nevertheless, there does seem to be support for limiting those who can submit a petition to people who are resident in Wales and to organisations that have a presence in Wales.

36. There was little support among petitioners and stakeholder for changes in other areas and the response on behalf of the Children's Commissioner in particular was opposed to any age restrictions.

37. The issue in relation to Assembly staff relates to their need to be, and be seen to be, politically impartial. This may be an issue that is better considered separately from this review by the Assembly Commission.

**R4 We recommend that only people resident in Wales or organisations with a base in Wales should be able to submit petitions. There should be no restrictions on those who wish to sign a petition.**

**R5 We recommend that the Assembly Commission considers whether Assembly officials should be able to participate in the petitions process given their need to be seen to be politically impartial.**

**Other restrictions on subject matter and petitioners**

***Background and Current Position***

38. The public consultations also asked for views on other possible restrictions, on either petitions or petitioners, so that the Committee can concentrate on petitions where they can make the most difference. Among the questions asked (the three groups were not asked identical questions because of the somewhat different nature of the consultations):

- whether petitioners should try to resolve an issue first before submitting a petition, such as by writing to their Assembly Member, local Councillor or the public body concerned;
- whether there should be a limit on the number of petitions that an individual can have under consideration at one time, particularly if this is being done for vexatious or trivial reasons;
- whether there should be a mechanism for preventing petitions that are considered an abuse of process; and
- should the Assembly consider petitions that are substantially similar to ones that are already being considered or have recently been considered?

39. Apart from the final point above, there are currently no specific restrictions in these areas, although petitions that contain offensive language are not allowed. Content that may be defamatory or raises other legal issues (for example, data protection) may also be refused for reasons not directly related to the petitions system.

### ***Responses to Consultation***

40. The online survey asked whether petitioners should try to resolve an issue before submitting a petition. 65% of those responding were in favour of some restriction of this sort.

41. While one petitioner commented that the Committee should be a “route of last resort”, a majority felt that there should not be further restrictions on submitting petitions, which might increase bureaucracy. Petitioners expressed sympathy with the need to prevent vexatious or mocking petitions. However, most were against introducing any specific steps to deal with the matter. Only a minority of petitioners’ responses were in favour of a limit on the number of active petitions that an individual could submit.

42. Stakeholders were asked more general questions about restrictions to prevent “abuse of process” and whether there needs to be more clarity about the “proper form” of petitions. They were also asked about consideration of petitions that are substantially similar to ones already being considered or recently considered.

43. Three stakeholders agreed that there should be some mechanism for dealing with petitions that were an abuse of process but others did not comment. Similarly, there was only limited support for a proper form for petitions although there was some support for more guidance in this area. There also was broad support for the current restriction on “repeat” petitions although one stakeholder felt that the approach should be flexible enough to deal with changing circumstances.

### ***Our View***

44. Although responses to the public survey were in favour of petitioners trying to resolve an issue before submitting a petition, other respondents saw no need for change. Similarly, there was no real support for restrictions on numbers of petitions and only limited support in relation to changes to deal with vexatious or similar petitions. There were some calls for further guidance but this may

have been because those responding were not aware of the guidance already available, which is currently drawn to the attention of petitioners. Nevertheless, the guidance will need to be reviewed to take account of arrangements for the 5th Assembly and of any other changes that flow from this review.

**R6 We recommend no changes to the matters set out in paragraph 38 but ask officials to review current guidance in preparation for the 5<sup>th</sup> Assembly and that they also consider how it can be made more accessible.**

### **3. Responsibility for Admissibility**

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#### **Background and Current Position**

45. Responsibility for admissibility is not formally part of the remit agreed for this review. Nevertheless, some petitioners in particular raised the issue in their responses.

46. Currently, the Presiding Officer is responsible for deciding whether a petition is admissible and, in practice, has delegated this responsibility to the Clerk of the Petitions Committee. The Presiding Officer can consider appeals if there is a dispute over whether a petition is admissible. In practice, there have been no formal appeals. This may be because, in most cases, petitioners do not dispute the way in which the admissibility criteria have been applied but instead disagree with some aspect of the criteria themselves.

#### ***Views from Consultation***

47. This issue was only raised directly by one petitioner who was concerned that staff act as “gatekeepers”. However, it is not unreasonable to assume that a number of petitioners who do not agree with some or all of the admissibility criteria, and whose petitions were inadmissible, share this point of view. Indeed, when asked for general comments on the petitions system there was some concern about admissibility decisions. One petitioner suggested that a “citizen’s panel” could help decide admissibility.

48. Stakeholders were asked for their views on whether changes were needed to the Assembly’s Standing Orders. None identified this as an issue.

#### ***Our View***

49. Although this is not formally part of the remit for the review, we have considered the matter, particularly given the impact on its workload if we were given this responsibility.

50. In the current Assembly, around 330 inadmissible petitions have been submitted. These would still have to be considered by staff in much the same way as now. Thereafter, if the Committee wanted to

take responsibility for individual admissibility decisions, officials would need to provide recommendations on admissibility for the Committee to consider.

51. Admissibility decisions are currently mostly made within 5 working days and often much quicker, although some complex cases can take longer. This means petitions can usually gather signatures soon after they are submitted. If the Committee needed to consider admissibility this would build delay into the process until the Committee was able to consider them. Generally, a further delay of at least a week seems likely.

52. It is not possible to predict how much time it would take the Committee to consider individual admissibility decisions but if each new petition in this Assembly had received, on average, 30 seconds consideration to decide admissibility, it would have taken up time equivalent to around three two-hour meetings. It seems likely that some petitions would be more contentious and, in practice, more time would be required.

53. There must also be a concern that if the Committee were responsible for admissibility decisions the perception could arise that decisions were being made for political reasons.

54. For these reasons we do not favour making the Committee responsible for individual decisions on admissibility.

55. However, although the Presiding Officer is nominally responsible for deciding the admissibility of petitions, in practice the administrative function has been almost wholly delegated to officials who carry it out in a politically impartial way.

56. If the Committee was given the nominal task of deciding admissibility, we can see no reason why the Clerk of the Petitions Committee could not operate under a similar delegation from the Committee rather than the Presiding Officer. This would allow the Committee to focus on deciding broad admissibility criteria and how they should be interpreted, provide the route for appeal in the case of disputes, now provided by the Presiding Officer, and better align policy and procedure on petitions in one place.

**R7 We recommend that the responsibility for deciding the admissibility of petitions should be given to the incoming Petitions Committee on the basis that it would then delegate the day to day task to the Clerk of the Petitions Committee.**

## 4. Approach to Admissible Petitions

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### Background and Current Position

57. A number of general questions were put to petitioners and stakeholders asking for suggestions for improving the way petitions were dealt with. Broadly, most petitioners were positive about their experience of the petitions system. Stakeholders were also broadly supportive of the current system. However a number of suggestions for changes were made, which are discussed further below.

### Issues Raised

#### *Prioritisation of Petitions*

58. One of the most recurring concerns was the amount of time that it can take to deal with petitions, although there was also broad recognition that this was linked to the time the Committee had available to consider petitions and that responses to Committee decisions could also take some time.

59. There were a number of suggestions for how the Committee might address some of these issues through:

- prioritising petitions;
- by closing petitions as soon as it was clear that an issue could not be resolved (and, by implication, as soon as the terms of a petition had been resolved);
- by having an automatic signature threshold for initiating a plenary debate;

60. All of these suggestions have merit but whether a petition clearly cannot be resolved (or has been resolved) is often far from straightforward.

61. The Committee does attempt to prioritise petitions but the number under consideration is always likely to drift upward toward the end of an Assembly compared to the beginning. This results in a squeeze on the time of the Committee to deal with petitions and more staff time needed to action Committee decisions. Nevertheless, developing clear criteria for prioritising petitions, and the actions the Committee wishes to take on them, is something that the incoming

Committee may wish to consider. Among possible criteria for prioritisation might be:

- The number of signatures a petition has received;
- Whether the subject of the petition is being or has recently been addressed through some other Assembly process (for example a Bill or a Committee Inquiry);
- Whether the petition is the only way the petitioners can take a matter forward or whether they are part of a wider lobbying or public relations campaign;
- The urgency of the issue;
- Whether the subject of the petition involves legal or quasi-legal processes where the Committee's involvement could not be taken into account; and
- Whether the petition raises innovative policy proposals that have not previously been considered.

62. The UK Parliament has recently adopted a new petitions system where a petition that receives 100,000 signatures is automatically considered for debate. (Only if petitions achieve more than 10,000 signatures is a response from the UK Government automatically requested.) This has led to the suggestion that an automatic signature threshold should be adopted in the Assembly. If such a system were introduced in the Assembly then a much lower figure would be needed to reflect the smaller population of Wales. A figure of around 6,000 would be broadly comparable on a population basis but a figure of 10,000 might be more appropriate initially.

### ***Our View***

63. We agree that the incoming Committee needs to agree criteria at an early stage on how best to prioritise petitions and thereby focus its efforts. We also think there is merit in having a clear threshold above which the Committee should automatically consider whether a plenary debate should be held. (Any debate would still be prompted by a formal report from the Committee but it might mean that important issues were considered and debated more quickly.)

**R8 We recommend to the incoming Committee in the 5<sup>th</sup> Assembly that it should:**

- **develop clear criteria for prioritising petitions;**

- automatically consider holding a plenary debate for any petition that obtains a signature threshold (a figure of 10,000 signatures may be appropriate); and
- close petitions as soon it is clear that they cannot be resolved.

### **Powers of the Committee**

64. A number of responses expressed frustration at, in particular, Government responses to the Committee. There were calls for the Committee to be given more “clout” or to be able to sanction Ministers in some way. (Conversely, one response wondered if the Committee’s powers were too wide.) Another suggestion called for petitioners to have the right to appeal against the Committee’s decision to close a petition.

65. Respondents may not have been fully aware that the Committee has the same powers as other Assembly Committees to “call for people and papers”, and to take evidence in certain circumstances under oath. In practice, these powers have not yet been needed by any Assembly Committee but they are significant powers and allow Ministers and others to be brought before the Committee to answer questions if necessary. What the Committee does not have is executive powers to overrule Government decisions or force particular outcomes. This may be frustrating for some petitioners but it is not a realistic proposition in a parliamentary system of government.

### ***Our View***

66. We believe the Committee’s current powers are sufficiently wide and there does not seem to be widespread support for a right of appeal against Committee closure decisions. However, even if support had been more widespread, it is difficult to envisage how such a system might work in practice and to whom or which body appeals might be made.

**R9 We recommend no changes to the Committee’s powers nor that there should be a right of appeal against decisions to close petitions.**

### **Attendance at Meetings**

67. Among the suggestions made by a petitioner was that meetings could be held at different times to allow those from outside the “M4

corridor” to attend. Another petitioner suggested that petitioners should be able to address the Committee in all cases. There was also a less specific call for the Committee to make greater use of oral evidence sessions.

68. Holding meetings outside of Cardiff is something the Committee has done previously and would like to do more. Similarly, the Committee has often found that oral evidence can help provide a better understanding of a petition and may also allow petitioners to feel that they have received more of a “hearing”. However, the Committee’s rather restrictive meeting slot (as well as the number of petitions under consideration) has meant that the scope for visits and oral evidence has diminished toward the end of this Assembly. A more flexible meeting slot, which allowed the Committee to meet for longer if it wished and at a time when other demands on Members (and Ministers) are fewer might allow the Committee more scope to meet outside Cardiff and to take more oral evidence. Greater prioritisation of petitions, as discussed earlier, might also free up more time.

69. While superficially attractive, giving every petitioner the “right” to appear before the Committee is somewhat impractical. In the current Assembly, if just 5 minutes had been given for each new petition almost 28 hours of Committee time would have been needed. Of course, not all petitioners would take up the opportunity but the possible impact on the work of the Committee is nevertheless likely to be considerable.

70. All petitioners are offered the facility to meet Members of the Committee informally to hand over their petition and many make use of this and find it valuable. Indeed it may be that this informal opportunity to speak to Members is sometimes of more value (and somewhat less daunting) than addressing a formal Committee meeting.

### ***Our View***

71. The Committee’s current meeting slot on a Tuesday morning is very restrictive, particularly as Members need to attend party group meetings immediately afterward and be available for plenary in the afternoon. We do not see the need for the Committee to meet more often than once every two sitting weeks.

72. However, the overall time provided for meetings is very restrictive at just two hours every two weeks. Due to Cabinet commitments, Ministers are in practice confined to just a half hour slot at the end of each meeting, should the Committee wish to take oral evidence from them.

**R10 We recommend that the Business Committee asks the incoming Business Committee to ensure that the new Petitions Committee’s meeting slot is sufficiently flexible to allow more meetings to be held outside the Senedd and to make it easier to programme oral evidence, particularly from Ministers.**

### **Responsibility for Progressing Petitions**

73. The Assembly’s Standing Orders allow the Committee to:

“... refer the petition to the government, any other committee of the Assembly or any other person or body for them to take such action as they consider appropriate;”<sup>4</sup>

74. This had been assumed to mean that the Petitions Committee could effectively transfer responsibility, and any subsequent action on a petition, to another Assembly Committee making it the “responsible Committee” for a transferred petition, which would allow it to close the petition if it wished. However, it now seems clear that the Petitions Committee remains the responsible committee and that other committees cannot close a petition.

### ***Our View***

75. Although it is likely that any incoming Petitions Committee will only wish to use this facility sparingly, there may be occasions when the best way of progressing a petition is to refer it to another Assembly committee to progress as it sees fit, including the possibility of closing it.

**R11 We recommend that the Assembly’s Standing Orders should be clarified to allow the Petitions Committee to transfer responsibility for a petition (including closing it) to another Assembly committee.**

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<sup>4</sup> Standing Order 23.9(i)

## **Referring Petitions to the Public Services Ombudsman or to other Public Service Commissioners**

76. During Committee Members' visits to Dail Eireann and the European Parliament, we learned that both Petitions Committees have a supervisory and monitoring role in relation respectively to the Irish Republic and the European Union's Ombudsmen. From these visits, and from contact with the Petitions Committee of the Baden Württemberg Landtag, it appears that this is commonplace in European legislatures. We have not explored this issue in sufficient depth to have formed a view on whether similar arrangements should apply in Wales but we record it here for future reference.

77. Petitioners, stakeholders and the public were asked whether the Committee should be able to refer petitions to the Public Services Ombudsman for Wales (PSOW) and to the other public services Commissioners. There was overwhelming support for this proposition from all three sets of respondents.

78. There is already a protocol in place with the PSOW, which makes it clear that petitions alleging specific cases of maladministration or service failure by public bodies are not admissible. However, it is not always clear initially from petitions that this is the case. Sometimes petitions on more general matters are prompted by specific concerns about maladministration or service failure. Where this becomes clear while a petition is being considered it is not clear what scope the Committee has to refer these matters to the PSOW or, more importantly perhaps, whether the PSOW would be able to accept referrals.

79. There is no protocol in place with the other Commissioners (Children, Older People, Welsh Language, Future Generations) although the Committee's contact with this category of Commissioners probably focuses more on policy background rather than service complaints.

### ***Our View***

80. Before taking this issue forward there needs to be further discussion with the PSOW and other Commissioners. In the former case to refresh and revise the 2009 protocol, which may now be out dated, and with the latter to put protocols in place. Following development of these protocols, changes may then be needed to the Assembly's Standing Orders to facilitate any agreements reached.

**R12 We recommend that the protocol with the PSOW should be refreshed and revised to clarify the circumstances in which the Committee might refer a petition to the Ombudsman for formal consideration.**

**R13 We recommend that protocols should be developed with the Children's, Older People's, Welsh language and Future Generations Commissioners about the support that they may be able to give the Committee in considering petitions and the circumstances in which the Committee might refer a petition to them for formal consideration.**

### **Other Issues**

81. Other issues or suggestions that arose from consultation included whether:

- paper petitions should continue to be accepted;
- petitions should be accepted that had been gathered using other online petitions providers (such as change.org or 38 degrees);
- a limit should be placed on the amount of time a petition could gather signatures using the Assembly's website;
- a list of petition outcomes should be published.

### ***Our View***

82. Despite the fact that most petitions are submitted online, there is no suggestion that paper petitions should be discontinued and they remain the standard understanding of what a petition is. Similarly, so long as the online provider is reputable, its validation of signatures appears reasonably robust and that the terms of the petition are otherwise admissible, there seems no good reason not to continue to accept petitions gathered on external sites.

**R14 We recommend that paper petitions and petitions gathered using other reputable online petitions facilitators should continue to be accepted subject to admissibility there being no concerns about the validity of signatures.**

83. Currently, online petitioners using the Assembly's website can specify how long they want a petition to gather signatures for. Most specify a relatively short period of a few weeks or one or two months.

However, some petitioners have petitions gathering signatures for many months and in some cases years. A number of responses to the consultation suggested that a period of around 8 weeks should be allowed in all cases. This does seem to be a reasonable period to gather sufficient signatures to demonstrate the degree of support for a petition. However, no such requirement applies, or could be made to apply, to paper petitions or petitions gathered on other websites, and it would be difficult to justify treating different categories of petitions according to different rules.

**R15 We recommend that no limit should be placed on the time that a petition can gather signatures using the Assembly’s website**

84. The suggestion of publishing petition outcomes for every petition is a sensible one. Some further thought would need to be given to how this information might be presented for comparison purposes. It may be that an assessment from petitioners of “user satisfaction” could help in this regard.

**R16 We recommend that petition outcomes should be published when petitions are closed.**

## 5. Standing Order Changes

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85. Stakeholders were asked whether any specific changes were required to the Assembly's Standing Orders in respect of petitions. No changes were suggested that are not discussed elsewhere in this paper.

86. However, a number of the recommendations for consideration by the Committee (for example changing the number of signatures) would need consequential changes to Standing Orders. It may also be sensible to generally revise the Standing Orders, in the light of these changes to ensure that they remain coherent and consistent.

**R17 We recommend that changes to Standing Orders should be made consequent on other recommendations being accepted and to ensure the standing order remains coherent and consistent.**

# **Annexe A - National Assembly for Wales – Overview of Public Petitions System**

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## **1. Assembly Standing Orders**

1.1 The main provisions governing the Assembly's public petitions procedure are set out in Standing Order 23.

1.2 The Standing Order covers:

- that the functions in the Standing Order must be assigned to a responsible committee;
- the form of petitions;
- the admissibility of petitions;
- the action to be taken on a petition; and
- arrangements for closing petitions.

## **2. Responsible Committee**

2.1 Following changes to the Standing Order introduced for the 4th Assembly, there is no requirement in Standing Orders to establish a "Petitions Committee". The functions in Standing Order 23 can be assigned to any Assembly Committee but in practice the Assembly has established the Petitions Committee to consider admissible petitions.

2.2 Unlike most other Assembly Committees, the Petitions Committee's membership does not follow the political balance of the Assembly. Instead it has just four members, one from each political group. This reflects the consensual way in which the Committee operates. However, the political group of the Chair does contribute to the requirement for political balance of Committee Chairs in the Assembly.

2.3 The Committee has available to it the usual powers of other Assembly Committees, including being able to invite any person to attend meetings to give evidence or provide advice and to exercise the Assembly's powers to "call for people and papers".

### **3. Form of Petitions**

#### **3.1 Petitions must clearly indicate;**

- the name of the petitioner, who can be an individual (other than a Member of the Assembly) an organisation or association;
- an address for communications about the petition; and
- the names and addresses of any person supporting the petition.

3.2 The Presiding Officer is responsible for determining the proper form of petitions and must publish his or her determinations. So far, there has been no need for the Presiding Officer to do so. However, it is usual for petitions to be framed along the lines of:

We call upon the National Assembly to urge the Welsh Government...  
OR We call upon the National Assembly for Wales....

3.3 There is no limit on the length of petitions although the Petitions Clerk team will advise that wording should be brief and should focus on the action that petitioners wish to see taken. As well as the Standing Orders, the Petitions terms and conditions are considered when making an admissibility decision.

3.4 The Clerk team will also advise on wording that is inadmissible because it is offensive or potentially defamatory or because it raises issues such as sub judice. However, it is also important that petitioners are responsible for wording their own petitions, including if they wish robust expressions of opinion. Similarly, the grammar and phrasing of petition wording is not corrected, unless it does not make sense, in which case this will be highlighted to the petitioner and they will be advised to rephrase or clarify.

### **4. Admissibility of Petitions**

4.1 The Presiding Officer has formally delegated day-to-day decisions on admissibility to the Clerk of the Petitions Committee (the Committee itself does not have any role in these decisions). The Presiding Officer is the ultimate arbiter of the admissibility of petitions and must consider and decide in a case of a dispute whether a petition is admissible.

4.2 Apart from not being in the correct format, not containing offensive language etc, petitions are inadmissible if they:

- have fewer than 10 signatures (unless they are submitted by organisations or associations in which case only one signature is required);
- ask the Assembly to do anything which the Assembly clearly has no power to do;
- are the same as, or substantially similar to, a petition which was closed less than a year earlier. (This is further expanded in the terms and conditions which states that “we reserve the right to reject petitions that are similar to and / or overlap with an existing petition that has been considered in the past 12 months”.)

#### Signature Threshold

4.3 The threshold for petitions is low and does not, therefore, significantly discourage the submission of petitions. This also means that issues are considered that may not have widespread or general support but are nevertheless of importance to those concerned.

#### Assembly Competence

4.4 Most of the admissibility criteria are relatively straightforward to interpret. The requirement that a petition should not ask “the Assembly to do anything which the Assembly clearly has no power to do” is the main factor in most admissibility decisions.

4.5 In interpreting this, the Presiding Officer has agreed petitions should not extend outside the direct ability of the Assembly or the Welsh Ministers to assist in resolving them. So one of the key tests in deciding whether a petition is admissible is whether the subject of the petition is within the legislative competence of the National Assembly or the powers of the Welsh Ministers.

4.6 Petitions about operational responsibilities of individual local authorities are also inadmissible although this can be more difficult to decide when Welsh Ministers have a role in decisions that are otherwise the responsibility of local authorities, such as school closures.

4.7 Petitions are allowed on the operational responsibilities of Local Health Boards (LHBs) (and other Welsh Government Sponsored Public Bodies). This is because local authorities are considered democratically accountable to their electorates in a way that LHBs and other public bodies are not. The Welsh Government may also exercise a greater degree of direction over the Health Service etc than it does over local government.

#### Substantially Similar Petitions

4.8 This criterion is interpreted relatively liberally in relation to subjects that have not been considered recently by the Committee, particularly where petitions on the same issue are submitted around the same time. In practice, the Petitions Committee will often 'group' any similar petitions to avoid unnecessary duplication of consideration. However, where a petition is on a matter that has previously been closed by the Committee, a more restrictive approach is adopted.

#### Publication of Inadmissible Petitions

4.9 A list of inadmissible petitions is published periodically with reasons explaining why each petition was inadmissible.

### **5. Action on a Petition**

5.1 In considering petitions, the Petitions Committee must:

- refer the petition to the government, any other committee of the Assembly or any other person or body for them to take such action as they consider appropriate;
- report to the Assembly; or
- take any other action which the committee considers appropriate.

5.2 The Committee must also notify petitioners of any action it takes on a petition. While it can close a petition at any time, it must notify petitioners that petitions have closed and of the reasons for closing them.

5.3 In practice, these requirements, along with the other powers available to it, allow wide scope for the Committee to take action on

petitions and also ensure that petitioners are kept informed of progress.

5.4 Many petitions will be dealt with through correspondence alone while in other cases petitioners and other witnesses will appear before the Committee so that it can gain a greater understanding of the issues involved. Some petitions are referred to other Assembly Committees for them to consider, although most are dealt with by the Petitions Committee.

5.5 In some cases the Committee will conduct its own inquiries although, given pressure of time and the wide range of petitions submitted, these will usually be shorter and more limited in scope than inquiries conducted by other Committees. The Committee can report to the Assembly on any Petition and where it does so this will prompt a debate in the Assembly and a formal response from the relevant Minister.

## **6. Closing Petitions**

6.1 The Petitions Committee can close petitions at any time and has closed petitions at initial consideration. More usually, the Committee will close a petition when:

- the original issue has been resolved to the satisfaction of the petitioners; or
- when it is clear that little or no further progress can be made (often after Ministers make a clear statement of policy that they do not intend to, or cannot, implement what the petition is calling for);

6.2 The Committee will often adopt a 'watching brief' approach to petitions where progress seems to be possible but where it is dependent on other factors, such as wider reviews, legislation or budget processes.

6.3 When the Committee agrees to close a petition Standing Orders require it to notify the petitioner and give the reasons for closing it. This is usually done in a letter from the Committee Chair, which will include a summary of the action taken on the petition.

## **7. Online and Paper Petitions**

7.1 As mentioned earlier, most petitions are submitted online using the Assembly's website but Standing Orders, and the Committee's approach to its work, does not differentiate between petitions submitted online and those that have collected signatures on paper in the more traditional way. Indeed, there is no reason why petitions collected on other petitions websites should not be considered (although few are submitted in this way).

7.2 However, all publicity and promotion of the petitions process stresses the importance of petitioners talking to the Clerk team before they start collecting signatures, to ensure that the wording is admissible. The Assembly's own online system allows us to ensure that wording is admissible before publication. It is only after a petition is published as admissible that it can start collecting signatures.

7.3 There is less control over paper petitions and those submitted on other sites. Sometimes petitioners will contact the petitions team after they have collected signatures. In these instances, if the petition is broadly admissible but not worded correctly it will generally be allowed. If the petition needs substantial refocusing, the petitioner may be advised that a new petition is needed. This is down to the discretion of the Clerk team, but a common sense approach is taken.

### Timeframes for collecting signatures

7.4 It is up to the petitioner to decide how long they wish to have an online petition open for the collection of signatures. Petitioners are advised that between 4-8 weeks is sufficient but petitioners often wish to have their petitions open for longer. Deadlines for collecting signatures online can be extended if the petitioner wishes to gather more signatures or if it has failed to reach the minimum number of signatures.

## **8. Other Matters**

### Who can sign and submit a petition

8.1 There are no age or residency restrictions on who can sign or submit a petition. So people outside Wales and the UK can submit petitions. Equally, people of any age can sign or submit a petition.

## Repeat petitioners

8.2 There are no restrictions on people submitting or having under consideration more than one petition at the same time. The only restriction would be if it was on the same topic.

## Petitions from Organisations

8.3 As mentioned above, petitions from organisations do not require any additional signatures to be valid (although many of these will still gather significant numbers of signatures). In practice, the definition of what constitutes an organisation has been loosely applied, with formally constituted groups such as charities and trade unions able to submit petitions along with less formal groups such as campaign groups or tenants and residents' associations.

## Petition Presentations

8.4 Once a petition has finished collecting signatures, petitioners are offered the opportunity to present it personally to Members of the Petitions Committee at the Senedd (the Assembly building) in Cardiff Bay. Although this is not formal Committee Business, it provides an opportunity to meet Committee Members to discuss the issue with them. It is also an opportunity to generate publicity for the petition and is an important part of the overall process.

<b>Petitions Summary 2007-2015</b>	<b>Number of petitions submitted</b>
<u>3rd Assembly (2007-2011)</u>	
Petitions Submitted	342
Of which:	
Admissible	262
Inadmissible	80
Admissible petitions closed	203
Admissible petitions open at end of Assembly	59
Average no of petitions submitted per month:	
Admissible	5.6
Inadmissible	1.7
Total	7.3
<u>4th Assembly (2011- Dec 2015)</u>	
Petitions Submitted	619
Of which:	
Admissible	342
Inadmissible	233
Admissible petitions closed	183
Admissible petitions open	149
Average no of petitions submitted per month:	
Admissible	6.2
Inadmissible	4.2
Total	11.3

## Annexe B – Responsibility for Considering Recommendations

The table below sets out who will need to consider each recommendation, as well as an assessment of whether Standing Orders will need to be changed (and the Standing Order concerned) to give it effect.

<b>Recommendation</b> (See report for full text of recommendation)	<b>Recommendation for consideration by:</b>	<b>Are changes needed to Standing Orders:</b>	<b>Standing Order concerned</b>
R1 Petitions to be submitted, but not admissible, on non-devolved matters.	Business Committee	Yes.	23.4
R2. No change to admissibility in relation to operational decisions of local authorities.	Presiding Officer (Incoming Petitions Committee if recommendation 7 is implemented.)	No	N/A
R3 End dual threshold for signatures and increase threshold for all petitions to 50 signatures.	Business Committee	Yes	23.4 (i) and 23.5
R4 Only Welsh residents or organisations with a base in Wales should be able to submit petitions.	Business Committee	Yes	23.2
R5 Assembly Commission considers whether Assembly officials should be able to participate in the petitions process.	Assembly Commission	Possibly/or through staff code	23.2
R6 Officials to review current petitions guidance.	Assembly Officials	No	N/A

<b>Recommendation</b> (See report for full text of recommendation)	<b>Recommendation for consideration by:</b>	<b>Are changes needed to Standing Orders:</b>	<b>Standing Order concerned</b>
R7 Admissibility should be decided by the Petitions Committee	Business Committee	Yes	23.3
R8 Incoming Petitions Committee should develop clear criteria for prioritising petitions (including automatically considering asking for a plenary debate if a petition obtains 10,000 signatures)	Incoming Petitions Committee	No	N/A
R9 No change to the Committee's powers nor a right of appeal against decisions to close petitions.	Business Committee	No	N/A
R10. More flexibility for the incoming Committee to programme its business.	Business Committee	No	N/A
R11 Clarify standing order on transferring responsibility for a petition to another Assembly Committee.	Business Committee	Yes	23.9 (i)
R12 Refresh protocol with PSOW and clarify circumstances for referral of petition to the Ombudsman	Incoming Petitions Committee	No	N/A
R13 Develop new protocols with the Children's, Older People's, Welsh language and Future Generations Commissioners.	Incoming Petitions Committee	No	N/A

<b>Recommendation</b> (See report for full text of recommendation)	<b>Recommendation for consideration by:</b>	<b>Are changes needed to Standing Orders:</b>	<b>Standing Order concerned</b>
R14 Paper petitions and other reputable online petitions should continue to be accepted	Presiding Officer (Incoming Petitions Committee if recommendation 7 is implemented.)	No	N/A
R15 No limit on the time that a petition can gather signatures on the Assembly's website	Presiding Officer (Incoming Petitions Committee if recommendation 7 is implemented.)	No	N/A
R16. Petition outcomes should be published when petitions are closed	Incoming Petitions Committee	No	N/A
R17 Consequential changes to Standing Orders should be considered in the light of main recommendations	Business Committee	Possibly	23

## Witnesses

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The following witnesses provided oral evidence to the Committee on the date noted below. The transcript of the evidence session can be viewed in full at:

[www.senedd.assembly.wales/documents/s47301/8%20December%202015.html?CT=2](http://www.senedd.assembly.wales/documents/s47301/8%20December%202015.html?CT=2)

<b>Date</b>	<b>8 December 2015</b>
Dr John Cox	Petitioner
Mr Rob Southall	Petitioner
Ms Nesta Lloyd-Jones	NHS Confederation

## Responses to Consultation

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Individual responses from stakeholders, a summary of all consultation responses (both stakeholders and former petitioners) and of responses to the public questionnaire are available on the Committee's web page:

[www.senedd.assembly.wales/mgConsultationDisplay.aspx?id=180&RPID=655019&cp=yes](http://www.senedd.assembly.wales/mgConsultationDisplay.aspx?id=180&RPID=655019&cp=yes)