

Mr Gerry Kelly
Chairperson, Committee on Procedures
Room 33, Parliament Buildings
Stormont
BELFAST
BT4 3XX

Your ref:
Our ref: PO894/RB/SG

10 December 2014

Dear Gerry

Thank you for your letter of 24 October asking for written evidence to inform your Committee's review of the public petitions procedure in the Northern Ireland Assembly.

Until 2007, arrangements for dealing with public petitions in the National Assembly were not too dissimilar from those that currently operate in Northern Ireland. The Presiding Officer was responsible for receiving petitions addressed to the Assembly and for informing the Assembly of their content and numbers of signatures. This information was then published in the Assembly's Votes and Proceedings with the Assembly or Assembly Committees being free to debate petitions if a request to do so was made.

During the First and Second Assemblies (1999 to 2007), fewer than 60 petitions were received and very few if any were debated in the Assembly. That is not to say that they had no influence on Assembly or public debate but the petitions themselves were rarely the subject of any specific consideration.

In the Third Assembly, from May 2007, our Standing Orders were changed to establish a Petitions Committee to consider all admissible petitions referred to it. The admissibility of petitions remained a matter for the Presiding

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh



Llywydd
Presiding Officer

Officer who is also responsible for deciding the proper form of petitions and for referring admissible petitions to the Committee. A further innovation introduced in 2008 saw the Assembly hosting petitions online on our website.

One result of these changes is that since 2007 over 830 petitions have been submitted, of which more than 583 admissible petitions have been referred to the Petitions Committee. The majority of these have been submitted using the online petitions system but many petitions are still submitted in the more traditional way.

The above figures suggest that the system is popular with the public as it ensures that issues of concern to them are brought directly to the attention of the Assembly. The role of the Committee is important in helping to both hold Ministers and public bodies to account or guiding petitioners to those who might be best placed to consider the issues raised in petitions.

While it can often be difficult to point to specific outcomes from petitions, there seems little doubt that many people value the sense that through petitioning their voices are heard. In a number of instances specific outcomes requested in petitions have been achieved.

There have been instances where the petitions process has been seen as instrumental in significant changes to public policy. For example, the levy on single-use carrier bags in Wales stemmed from a petition and a petition calling for safer cycling routes was taken forward in consideration of the Active Travel (Wales) Act 2013.

I hope this overview of our current arrangements is helpful. I am enclosing a more detailed note setting out the processes involved. If you or your officials would like any further information or would like to discuss any of the issues then the Clerk of the Petitions Committee would be delighted to help. His contact details are also in the attached note.



Dame Rosemary Butler AM
Presiding Officer

Enc

NATIONAL ASSEMBLY FOR WALES – OVERVIEW OF PUBLIC PETITIONS SYSTEM

1. Assembly Standing Orders

1.1 The main provisions governing the Assembly's public petitions procedure are set out in Standing Order 23. A copy of which is at annexe 1.

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.

Support for the Petitions Committee

- 8.4 The Petitions Committee is able to draw on the full range of Assembly support services including research and legal advice. The Committee is directly supported by a Clerk, two Deputy Clerks and a Team Support Officer (broadly, Civil Service Grades 7, HEO and AO respectively), although the team also has a range of other responsibilities.

9. Further Information

- 9.1 For further information and advice please contact the Petitions Clerk:

Steve George
Clerk to the Petitions Committee
National Assembly for Wales
Tŷ Hywel
Cardiff Bay
Cardiff
CF99 1NA

Tel: 0300 200 6374
Mail: stephen.george@assembly.wales

23. STANDING ORDER 23 – Public Petitions

Committee or Committees

- 23.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that responsibility for the functions in Standing Order 23 is assigned to a committee or committees (referred to within Standing Order 23 as “a responsible committee”).

Form of Petitions

- 23.2 A petition must clearly indicate:
- (i) the name of the petitioner, who may be an individual person (other than a Member), a body corporate or an unincorporated association of persons;
 - (ii) an address of the petitioner to which all communications concerning the petition should be sent; and
 - (iii) the names and addresses of any person supporting the petition.
- 23.3 The Presiding Officer must determine the proper form of petitions and must publish his or her determinations.

Admissibility of Petitions

- 23.4 A petition is not admissible if it:
- (i) contains fewer than 10 signatures;
 - (ii) fails to comply with Standing Order 23.2 or is otherwise not in proper form;
 - (iii) contains language which is offensive;
 - (iv) requests the Assembly to do anything which the Assembly clearly has no power to do; or
 - (v) is the same as, or substantially similar to, a petition which was closed less than a year earlier.
- 23.5 Standing Order 23.4(i) does not apply if the petitioner is a body corporate or an unincorporated association of persons.

- 23.6 The Presiding Officer must consider and decide in a case of dispute whether a petition is admissible and must notify the petitioner, as soon as is reasonably practicable, of his or her decision and the reasons for it.
- 23.7 The Presiding Officer must publish a register of decisions made under Standing Order 23.6.

Action on a Petition

- 23.8 If a petition is admissible, the Presiding Officer must refer that petition to a responsible committee.
- 23.9 The responsible committee must:
- (i) 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;
 - (ii) report to the Assembly; or
 - (iii) take any other action which the committee considers appropriate.
- 23.10 The responsible committee must notify the petitioner of any action taken under Standing Order 23.9.

Closing Petitions

- 23.11 The responsible committee may close a petition at any time.
- 23.12 When the responsible committee closes a petition, it must notify the petitioner that the petition is closed and of the reasons for closing it.