



## Amending Standing Orders: Standing Order 23 – Review of the Public Petitions Arrangements

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### Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Orders 23.2(i) and 23.4, and the removal of Standing Order 23.5. The changes agreed by Business Committee are found in Annex A, and the proposals for new Standing Orders are at Annex B.

### Background

3. The Fourth Assembly's Petitions Committee's report published in February 2016, *Review of the Public Petitions Arrangements*, made several recommendations for changing the Assembly's public petitions processes.

4. In July 2017 the Business Committee of the Fifth Assembly considered the report as a whole and indicated that it would be prepared to consider Recommendations 1, 3, 4, 7, 8, 11 and 17, which could all have been implemented by changes to Standing Orders. The Business Committee wrote to the new Petitions Committee seeking its view on which of its predecessor's recommendations it would like to see taken forward.

5. The Petitions Committee's response indicated that it would like to see the following three recommendations taken forward by the Business Committee:

- *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.*
- *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.*
- *Recommendation 8. We recommend to the incoming Committee in the 5th Assembly that it should...automatically consider holding a plenary debate for any petition that obtains a signature threshold (a figure of 10,000 signatures may be appropriate)....*

### **Proposals for Changes to Standing Orders**

6. The Business Committee agreed to take forward those changes supported by the new Petitions Committee, and the changes to Standing Orders proposed in this report are designed to put recommendations 3 and 4 into effect.

*Standing Order 23.2(i) – Petitioner to be resident or based in Wales*

7. The amendment to Standing Order 23.2(i) is proposed to implement the Petitions Committee's recommendation 4 that 'petitions submitted to the Assembly should demonstrably be on issues of concern for, or contain policy proposals from, people and/or organisations based in Wales'. The petitioner would be required to be resident in Wales, or – in the case of organisations – have a base in Wales, which would be verified via a postcode check at the point when a petition is submitted. There are no changes proposed on eligibility to sign petitions, which remains unrestricted.

*Standing Order 23.4 and the removal of 23.5 – Signature Threshold*

8. The proposed amendment to Standing Order 23.4 would increase the signature threshold for all petitions from 10 to 50, in line with recommendation 3 of the Review of Public Petitions. The proposed removal of Standing Order 23.5 ends the current distinction between petitions from organisations and individuals, so that all petitions will require 50 signatures.

9. This increase aims to strike a balance between protecting the openness of the Assembly's petitions system and helping to increase the credibility of the petitions process; and for the same threshold to apply if a petitioner is an organisation.

*Recommendation 8 – An automatic threshold for debates on petitions in Plenary*

10. The new Petitions Committee agreed with Recommendation 8, that petitions which obtain a given number of signatures should be automatically considered for a debate in Plenary. However the new Petitions Committee considers 5,000 signatures to be the most appropriate threshold, rather than 10,000 as recommended by its predecessor committee. This is based on an analysis of the petitions received since the beginning of the 4<sup>th</sup> Assembly which indicates that approximately 3 petitions each year could be expected to reach the threshold.

11. However, both the Business and Petitions Committees believe it would be appropriate for the Petitions Committee to apply its own discretion regarding any petition that does reach the threshold, taking into account issues such as the pertinence of debating the issue and the most appropriate timing. The Petitions Committee also wished to retain its discretion to request debates to be held on other petitions that do not achieve this threshold but are considered appropriate for debate by the whole Assembly.

12. Therefore, this change will be adopted as part of the Committee's internal procedure and would not require Standing Order changes. The Business Committee has asked that the Petitions Committee write to it to make it aware of any petitions that reach the threshold, and for the Committee to set out whether or not it wishes to request a debate on the petition and its reasons for coming to that view.

### **Action**

13. The Business Committee formally agreed the changes to Standing Orders on 28 February 2017 and the Assembly is invited to approve the proposals at Annex B.

## Annex A

STANDING ORDER 23 – Public Petitions		
<b>Committee or Committees</b>		
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”).	<b>Retain Standing Order</b>
<b>Form of Petitions</b>		
23.2	<p>A petition must clearly indicate:</p> <ul style="list-style-type: none"> <li>(i) the name of the petitioner, who may be an individual person (other than a Member) <u>resident in Wales, or</u> a body corporate or an unincorporated association of persons <u>with a base in Wales</u>;</li> <li>(ii) an address of the petitioner to which all communications concerning the petition should be sent; and</li> </ul>	<p><b>Amend Standing Order</b></p> <p>The proposed changes to (i) would require the petitioner to be resident in Wales, or – in the case of organisations – have a base in Wales. There would be no limit on who could sign a petition.</p> <p>These changes would implement recommendation 4 of the Petitions</p>

	(iii) the names and addresses of any person supporting the petition.	Committee report.
23.3	The Presiding Officer must determine the proper form of petitions and must publish his or her determinations.	
<b>Admissibility of Petitions</b>		
23.4	<p>A petition is not admissible if it:</p> <ul style="list-style-type: none"> <li>(i) contains fewer than <del>1</del><u>50</u> signatures;</li> <li>(ii) fails to comply with Standing Order 23.2 or is otherwise not in proper form;</li> <li>(iii) contains language which is offensive;</li> <li>(iv) requests the Assembly to do anything which the Assembly clearly has no power to do; or</li> <li>(v) is the same as, or substantially similar to, a petition which was closed less than a year earlier.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>The proposed change would increase the threshold of support for submitting a petition from 10 to 50, in line with the Petitions Committee's recommendation 3.</p>
<del>23.5</del>	<del>Standing Order 23.4(i) does not apply if the petitioner is a body corporate or an unincorporated association of persons.</del>	<p><b>Delete Standing Order</b></p> <p>The Petitions Committee's recommendation</p>

		<p>3 also suggested that the new threshold of 50 should apply to all petitions, including those submitted by an organisation.</p> <p>The deletion of this Standing Order would mean that the provisions of SO23.4 would apply to all petitions.</p>
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.	

## **Annex B**

### **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) resident in Wales, or a body corporate or an unincorporated association of persons with a base in Wales;
- (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 50 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 removed by resolution in Plenary on XX XXXX XXXX]*

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.