

# Local authorities and admissibility criteria for petitions

Y Pwyllgor Deisebau | 21 Mawrth 2022  
Petitions Committee | 21 March 2022

Reference: SR22/2201

**Petition Number:** P-06-1248

**Petition title:** Change Standing Orders and admissibility criteria for petitions.

**Text of petition:** Currently petitions that concern the operational decisions of local authorities are automatically rejected by the Petitions Committee in accordance with Standing Orders. Across Wales, Local Authorities are disregarding Welsh Assembly declarations, such as Climate Emergency and Nature Emergency and making decisions which are in direct contravention of such declarations. Many farms are being lost whilst Councils seek to maximise their revenues by allowing additional building on greenbelt land.

In February 2016, the Petitions Committee, undertook a public consultation exercise and review of public petitions arrangements. Under Item 17, it was confirmed that 57% of the public favoured allowing petitions about local authority operational decisions and responses from petitioners were equally divided. Under 21, it was stated: "despite the responses to the online survey, there does not appear to be a consensus for change in this area and good reasons not to interfere in local democratic decision making". This is denying the public the right to avail themselves of the correct avenue to correctly challenge local authority decisions which go against the aims and commitments made by the Welsh Government. The Planning Policy for Wales states: "the Welsh Ministers have reserve powers to make their own revocation/modification or discontinuance orders but only after consultation with the planning authority." How can the public request this when petitions are automatically denied?



# 1. Background

Provisions governing the Senedd's public petitions procedure are set out in Standing Order 23. Under Standing Order 23.4, a petition is not admissible if it 'requests the Senedd to do anything which the Senedd clearly has no power to do.' [The Senedd petitions website](#) states that this includes 'something that [a] local council is responsible for (including planning decisions)'.

[The Petitions Committee undertook a review of public petitions arrangements in 2016](#). This included consulting on admissibility rules. The Committee set out the current criteria as follows:

'Petitions about the operational responsibility of individual local authorities are not accepted. (This also extends to a local authority 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.'

As part of its review, the Committee ran a public consultation on admissibility criteria, via online survey. 57% of the 330 respondents were in favour of allowing petitions about local authority operational decisions.

The Committee also consulted stakeholders, including current and former petitioners and public bodies from across Wales. Petitioners were divided equally for and against, while stakeholders were broadly in favour of maintaining current arrangements.

The Committee concluded that 'there does not seem to be a consensus for change in this area and good reasons not to interfere in local democratic decision making,' and recommended that there should not be a change in admissibility rules.

[The Petitions Committee's legacy report from the Fifth Senedd](#) did not address any recommendation that local authority matters should be brought under the remit of the Senedd petitions system.

## 2. Local Government and Elections (Wales) Act 2021

The Local Government and Elections (Wales) Act 2021 places a duty on principal councils to prepare and publish their own petition scheme. The Act states that a principal council ‘must make and publish a scheme setting out how the council intends to handle and respond to petitions (including electronic petitions)’. The scheme must set out:

- how a petition may be submitted to the council;
- how and by when the council will acknowledge receipt of a petition;
- the steps the council may take in response to a petition received by it;
- the circumstances (if any) in which the council may take no further action in response to a petition; and
- how and by when the council will make available its response to a petition to the person who submitted the petition and to the public.

Prior to the 2021 Act, local authorities could run Community Polls under the Local Government Act 1972. Community Polls are non-binding on a principal council and can only be enacted if a sufficient number of electors support one at a community meeting.

In its explanatory note to the 2021 Act, the Welsh Government set out two options: maintaining the status quo of the 1972 Act, or introducing a statutory duty on principal councils to introduce a petition scheme.

In their recommendation of option two (a new statutory duty), the Welsh Government argued that the provisions would ‘provide a framework to enable councils to engage openly with the public, and [that] the abolition of community polls would make public access to petitions quicker and easier.’

These provisions have not yet commenced. The Welsh Government have launched a consultation for local authorities to ask questions about the new scheme. New statutory guidance is expected to be published in advance of the local government elections in May 2022.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.