

Business Committee BC(2)9-05 (Final minutes)

MINUTES OF MEETING

Date: 1st March 2005 Time: 9 a.m. Venue: Conference Room E

Present: Jenny Randerson (Chair) Jane Hutt, Business Minister Jocelyn Davies, Plaid Cymru Business Manager David Melding, Welsh Conservatives Business Manager Kirsty Williams, Welsh Liberal Democrats Business Manager John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly Peter Jones, Counsel to the Assembly Parliamentary Service Andrew George, Clerk to the Business Committee Marion Stapleton, Assembly Business Unit Karin Phillips, Members' Research and Committee Services Alun Jenkins, OCG (Agenda Item 4) Marc Wyn Jones, Business Committee Secretariat Catherine Morris, PS to the Deputy Presiding Officer

1. Apologies & announcements

2. Minutes of the previous meetings

(i) BC(2)5-05 (Final minutes) - Tuesday 8th February 2005

2.1 The minutes were presented to the Committee in their final format. As there were no comments, the minutes would be translated in readiness for publication. Action: Chamber Secretariat

(ii) BC(2)6-05 (draft minutes) - Tuesday 22nd February 2005

2.2 The minutes were presented to the Committee in draft. As there were no comments, the minutes would be translated in readiness for publication. Action: Chamber Secretariat

3. Matters Arising

4. Subordinate Legislation

Orders for consideration

The Marketing of Fruit Plant Material (Amendment) (Wales) Regulations 2005 - BC(2)7-05 (p1)

The Air Quality Limit Values (Wales) (Amendment) Regulations 2005 - BC(2)7-05 (p2)

The Fire and Rescue Services (National Framework) (Wales) Order 2005 - BC(2)7-05 (p3)

The Carers (Equal Opportunities) Act 2004 (Commencement) (Wales) Order 2005 - BC(2)7-05(p4)

The Sweeteners in Food (Amendment) (Wales) Regulations 2005 - BC(2)7-05(p5)

The Public Audit (Wales) Act 2004 (Consequential Amendments) Regulations 2005 - BC(2)7-05(p6)

The Public Audit (Wales) Act 2004 (Consequential Amendments) Order 2005 - BC(2)7-05(p7)

The Children Act 2004 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2005 - BC(2)7-05(p8)

The Children Act 2004 (Commencement No. 2) Order 2005 - BC(2)7-05(p9)

The CAFCASS (Staff, Property, Rights and Liabilities Transfer Scheme) Order 2005 - BC(2)7-05(p10) Standing Order 25, Section 3

Income Generation Powers of Special Health Authorities Directions 2005 - BC(2)7-05(p11) Standing Order 25, Section 3

The Business Committee recommended the Accelerated procedure for BC(2)7-05 (p1) to BC(2)7-05 (p5). The Committee recommended the Standard procedure for BC(2)7-05(p6) to BC(2)7-05(p9). The Deputy Presiding Officer subsequently determined that none of the Orders need be referred to Subject Committee.

4.1 Members of the Committee said there were a number of drafting errors in the papers accompanying these items of legislation. It was agreed that the papers would be amended accordingly.

BC(2)7-05 (p1)

4.2 The Chair referred to paragraph 8 of the Explanatory Memorandum, which said that the final draft of the Regulations had been received on 5th October, which was the same day that the Regulations had been made in England. She asked why there had been a delay in bringing forward the Regulations in Wales. Marion Stapleton said that preparatory work had not been undertaken until the final draft had been received and that drafting and translation had caused the delay. The Deputy Presiding Officer said that the draft Order was one and a half pages in length and was identical to the directive. He said that this should not have caused a delay. The Deputy Presiding Officer referred to paragraph 9 of the Explanatory Memorandum, which said that "infraction proceedings have were undertaken on 17th December." He asked if, in future, Explanatory Memorandums could refer to any costs which would be incurred as a result of infraction proceedings being initiated.

BC(2)7-05(p2)

4.3 The Chair referred to paragraph 11 of the Explanatory Memorandum, which said that no costs

would arise from the making of the legislation and asked if this was correct. Alun Jenkins said that the Regulations formalised consultation arrangements which were already in place.

BC(2)7-05(p3)

4.4 The Chair referred to the paragraph on Risk Assessment in the Regulatory Appraisal which said there was "no risk associated with the making of this order." She said that, as the exact amount of funds to be transferred to the Assembly was still under discussion, it was not possible at this stage to say that there was no risk.

BC(2)7-05(p5)

4.5 The Chair referred to the Explanatory Memorandum accompanying this draft Order, which said that it "had not been possible to bring forward the Regulations in Wales earlier due to resourcing issues within Food Standards Agency Wales." Marion Stapleton said that the issue of resources in the Food Standards Agency Wales had been addressed and that this was an isolated incident.

BC(2)7-05(p6)

4.6 The Chair noted that this legislation arose from the Public Audit (Wales) Bill and that consultation on the Bill had been undertaken by an ad hoc Committee. In response to a query, Karin Phillips said that another ad hoc committee would be established to consider subordinate legislation arising from Section 54 of the Public Audit (Wales) Act.

BC(2)7-05(p8)

4.7 The Deputy Presiding Officer said that this draft Order had not been published on the Intranet for the agreed period of ten working days prior to the Business Committee meeting. He said that it was important that Members were given sufficient time to scrutinise draft legislation. Marion Stapleton said that the Business Unit always endeavoured to ensure that draft Orders were available for the correct amount of time. The Committee recognised that a change in Ministerial responsibilities had caused a delay in subject committee consideration and that it was intended to schedule a debate in Plenary on the legislation. It was agreed that an e-mail would be sent to Members to notify them that the legislation was available.

BC(2)7-05(p11)

4.8 The Chair said that it had been proposed that this draft Order would proceed to Plenary with debate. Business Managers said that, subject to the views of the Health and Social Services Committee on 2nd March, they were content for the draft Order to proceed to Plenary without debate.

(b) Standing Order 29 Subordinate Legislation

BC2(7)-05(p12)

4.9 The Business Committee noted the Fire and Rescue National Framework For Wales.

(c) Orders made under the Executive Procedure; Papers to note.

5. Committees

BC(2)3-05(p9) & BC(2)5-05(p12)

5.1 The Business Committee considered a revised paper on arrangements for Charing Regional Committees and draft Guidance relating to those arrangements. Kirsty Williams and Jocelyn Davies said they were content with the proposals. David Melding said he had some reservations about how the informal arrangements would work in practice but was content to proceed. It was agreed that the arrangements would be reviewed if it was felt that they were not working well.

BC(2)6-05(p13)

5.2 The Business Committee considered and approved a request from the Culture, Welsh Language and Sport Committee to hold an additional meeting on 17th March.

BC(2)7-05(p14)

5.3 The Business Committee noted the letter from the Chair of the Environment, Planning and Countryside Committee about consideration of the draft Animal Welfare Bill.

6. Forthcoming Business

BC(2)4-05(p15)

6.1 The Business Minister responded to various requests from Business Managers and said that:

There was no intention to make a statement on "Angiogram" facilities in North Wales hospitals as this was an operational matter. She said that if there is evidence of under usage of these facilities in a Member's constituency then those concerns should be raised with the responsible Trust. If that proves unsatisfactory, the Member should write to the Minister who will be happy to look into the matter and respond accordingly.

The Minister for Health and Social Services had answered an urgent question on products containing Sudan 1 dye in Plenary on 22nd February.

There was no intention of scheduling a debate on the implications of the fox hunting ban on the Welsh economy.

There was no intention of scheduling a debate on Technical Advice Note 8: Renewable Energy (TAN 8). The Minister for Environment, Planning and Countryside would be reporting back on the

consultation process in the next Environment, Planning and Countryside Committee.

There was no intention of scheduling a debate on Public Services in Rural Areas. A debate would be on the Government's policies on Public Services, as outlined in "Making the Connections", would be scheduled shortly.

There was no intention of scheduling a debate on managing school places as this was a matter for Local Education Authorities. Guidance on the issue, which had been agreed by the Assembly, was already in the public domain.

This Week's Business

BC(2)7-05(p16)

6.2 The Committee considered this paper, which detailed the Assembly's agreed business for the week.

6.3 The Business Minister said that no motion had been tabled for the debate on OFCOM, which had been scheduled to take place on Wednesday. She said that a motion to suspend Standing Orders would be proposed on Tuesday to bring forward a debate on Public Service broadcasting in Wales instead. Business Managers said that it was unfortunate that the debate on OFCOM would not be going ahead, but that they were content that a debate on an amendable motion relating to broadcasting would take its place.

6.4 The Business Minister said that the First Minister would not be attending Tuesday's Plenary meeting as he would be in Iraq visiting the Welsh Guards regiment. She said that the Minister for Finance, Local Government and Public Services would be answering questions on behalf of the First Minister, in accordance with Standing Order 6.4.

Business Managers' Requests

6.5 Jocelyn Davies asked if a written statement could be issued on the Government's investment in Arriva's rolling stock. She also asked if statements could be made on contingency arrangements for a Flu Epidemic and on the designation of St David's day as a Bank Holiday. Business Managers supported these requests.

6.6 Kirsty Williams said that the Education and Lifelong Learning Committee would be considering the interim Rees Report on student funding in its next meeting and said that a statement should be made in Plenary prior to the meeting.

6.7 Business Managers said that, as today was St.David's Day, it would be appropriate for a statement to be made on the Assembly's resolution of 1st March 2000, that March 1st should be designated as a Bank Holiday. Kirsty Williams said that it was 5 years since the Assembly had made its resolution.

Draft Business Statement

6.8 The Chair said referred to the motion to appoint an Independent Adviser on Standards, which had been scheduled for 12th April. She said that the current Independent Adviser's contract ended on 14th March and asked if the motion could be scheduled on 15th March.

6.9 Marion Stapleton said that a motion to approve the Radioactive Substances (National Security) (Wales) Directions 2005 under Standing Order 29, was scheduled to be debated on 8th March.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

BC(2)7-05(p18)

9.1 The Business Committee considered a paper on proposed amendments to Standing Order 3.2 to give effect to the Senior Salaries Review Board's recommendation relating to the Chair of Audit Committee. It was agreed that a Report of the Business Committee would be tabled later that day.
Action: Secretariat

10. Presiding Officer rulings

11. Any other business.

11.1 Andrew George referred to Standing Order 31, to which the Assembly had agreed amendments on 22nd February. He said that it was proposed that ballots under the Standing Order would be held on the first Tuesday following a recess and that the first ballot would take place on 12th April.

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