

Business Committee BC(2)8-05 (Final)

MINUTES OF MEETING

Date: 8th 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 Andrew George, Clerk to the Business Committee Marion Stapleton, Assembly Business Unit Adrian Crompton, Members' Research and Committee Services Joanest Jackson, APS Legal Division Alun Jenkins, OCG (Agenda Item 4) Marc Wyn Jones, Business Committee Secretariat Catherine Morris, PS to the Deputy Presiding Officer

1. Apologies & announcements

1. Apologies for absence were received from Karin Phillips and Peter Jones. The Chair welcomed Adrian Crompton and Joanest Jackson who were deputising for them.

2. Minutes of the previous meetings

(i) BC(2)6-05 (Final minutes) - Tuesday 22nd 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)7-05 (draft minutes) - Tuesday 1st March 2005

2.2 The minutes were presented to the Committee in draft. A number of amendments were suggested which would be incorporated before the minutes were translated in readiness for publication. Action: Chamber Secretariat

3. Matters Arising

3.1 1st March: Paragraph 3.1 The Chair said that it had been agreed that a paper exploring issues relating to Standing Order 19 in the light of the Freedom of Information Act would be submitted to the Committee on 8th March. The Business Minister said that a paper was being prepared in consultation with APS and would be submitted to the Committee in its next meeting.

4. Subordinate Legislation

Orders for consideration

The Countryside Access (Appeals Procedures) (Amendment) (Wales) Regulations 2005 - BC(2)8-05 (p1)

The Adoption Agencies (Wales) Regulations 2005 - BC(2)8-05 (p2)

The Adoption and Children Act 2002 (Commencement No. 8) (Wales) Order 2005 - BC(2)8-05 (p3)

The School Lunches (Prescribed Requirement) (Wales) Order 2005 - BC(2)8-05(p4)

The Business Committee recommended the Accelerated procedure for BC(2)8-05(p1) and BC(2)8-05 (p4). The Committee recommended the Standard procedure for BC(2)8-05(p2) and BC(2)8-05(p3). The Deputy Presiding Officer subsequently determined that none of the Orders need be referred to Subject Committee.

4.1 Members of the Committee suggested a number of amendments to clarify the papers accompanying these items of legislation. It was agreed that the papers would be amended accordingly.

BC(2)8-05 (p1) & BC(2)8-05(p4)

4.2 The Chair referred to the cover sheets accompanying these draft Orders, which said that they came under the "Generally Matching Whitehall but with some distinct Welsh provision" category. Marion Stapleton confirmed that the "Matching Whitehall" category was more appropriate.

(b) Standing Order 29 Subordinate Legislation

Principles For Deciding, In Accordance With Section 52B Of The Local Government Finance Act 1992 (As Amended), Whether Unitary And Police Authorities' Budget Requirements for 2005/06 Are Excessive - BC(2)8-05(p6)

The Radioactive Substances (National Security) (Wales) Directions 2005 - - BC(2)8-05(p7)

4.3 The Chair referred to the Explanatory Memorandums accompanying these draft Orders and said that neither made it clear which procedures were being disapplied by Ministers under Standing Order 29.3.

4.4 Members of the Committee criticised the way in which Standing Order 29.3 was being used by Ministers as it did not give Members sufficient opportunities for proper scrutiny of important items of legislation. The Business Minister said that her officials were preparing guidance on the use of Standing Order 29.3. She would consult the Business Committee on a draft at its first meeting after

the Easter Recess.

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

(d) Papers for Information

BC(2)8-05(p8)

4.5 The Chair referred to paragraph 21 of the Explanatory Memorandum accompanying this draft Order, which said that "over a ten year period savings to business of between £382 million and £1.304 billion would be expected to accrue." She said that the Explanatory Memorandum needed to explain how these estimates were calculated.

BC(2)8-05(p10)

4.6 The Business Committee noted the e-mail from the Minister for Environment, Planning and Countryside notifying Members of his intention to confirm the Salmon & Sea Trout Netting Byelaws (Use of Nets) 2005. The Chair said that the Byelaws had previously been considered by the Committee on 9th November, when a discrepancy between the Welsh and English versions had been identified. This issue had now been addressed.

5. Committees

BC(2)8-05(p16)

5.1 The Business Committee noted the letter from the Chair of Health and Social Services Committee about Committee consideration of forthcoming legislation.

6. Forthcoming Business

BC(2)8-05(p11)

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

there was no intention to schedule a statement on contingency arrangements for a flu epidemic as the Welsh Assembly Government had published its contingency plan for possible winter emergencies as part of its "Keep Well this Winter" campaign in July 2004.

there was no intention to schedule a statement on the interim Rees report on student funding as Assembly Members had been given an opportunity to attend a briefing on the report by Professor Rees on Tuesday 8 March and the Education and Lifelong Learning Committee would be considering the Interim Report at its meeting on Wednesday 9 March. The Business Minister gave a commitment to schedule time for the Government's response to the final Report at the appropriate time.

a written statement on the Welsh Assembly Government's investment in ARRIVA's rolling Stock had been made on Wednesday 2 March

there was no intention to schedule a statement on the designation of Saint David's Day as a Bank Holiday

This Week's Business

BC(2)8-05(p12)

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

6.3 The Chair noted that the debate on the Radioactive Substances (National Security) (Wales) Directions 2005 had been allocated 15 minutes. Business Managers said that this would not be sufficient time.

6.4 The Deputy Presiding Officer said that the timings for Tuesday and Wednesday's meetings indicated that they could run over. The Business Minister said that, if necessary, she would propose a motion to extend the meeting. Business Managers welcomed this commitment.

Business Managers' Requests

6.5 Jocelyn Davies asked if a statement could be made on out-of -hours services and on the delay in agreeing consultants' contracts. Business Managers supported the latter request.

6.6 David Melding asked if statements could be made on the provision of free home care for disabled people and on school closures. Jocelyn Davies supported the latter request. David Melding also asked if debates could be scheduled on the school curriculum and school discipline.

Draft Business Statement

6.7 The Deputy Presiding Officer referred to the proposed debate on 15 March on the Council Tax (Situation & Valuation of Dwellings) (Wales) (Amendment) Regulations 2005 under Standing Order 24.27(iv). He queried whether Members had been notified of the intention to make these Regulations under the Executive Procedure and asked why it had not been possible for them to follow the normal procedures. Marion Stapleton said that she would report back on these issues.

BC(2)8-05(p15)

6.8 The Business Committee agreed the paper from the Table Office on tabling days following the Easter Recess.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

BC(2)8-05(p14)

9.1 Paul Silk introduced the revised paper on a proposed Standing Order to allow the Assembly to meet in case of a civil emergency. He said that the proposals in the revised paper allowed the Presiding Officer more discretion in deciding the timing of any recall. He said that the new Standing Order would also need to include provision for applying "sunset clauses" to any legislation which was made under it. Members of the Committee said that they remained concerned that the proposed Standing Order allowed only Ministers to propose a motion. The Committee agreed that they would like to consider a final, bilingual draft of the Standing Order after the Easter Recess.

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT