

Business Committee BC(2)14-05 (Final minutes)

MINUTES OF MEETING

Date: 10th May 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

John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly

Andrew George, Clerk to the Business
Committee

Marion Stapleton, Assembly Business
Unit

Karin Phillips, Members' Research and
Committee Services Peter Jones,
Counsel to the Assembly Parliamentary
Service

Alun Jenkins, DLS (Agenda Item 4)

Marc Wyn Jones, Business Committee
Secretariat

Catherine Morris, PS to the Deputy
Presiding Officer

Apologies & announcements

1.1 Apologies for absence were received from Kirsty Williams.

2. Minutes of the previous meetings

(i) BC(2)12-05 (Final minutes) - Tuesday 19th April 2005

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

Action: Chamber Secretariat

(ii) BC(2)13-05 (draft minutes) - Tuesday 26th April 2005

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

Action: Chamber Secretariat

3. Matters Arising

3.1 **26th April: Paragraph 4.2** Marion Stapleton reported back on issues relating to the consultation process for The National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (**BC(2)13-05 (p5)**) and The National Curriculum Assessment Arrangements (Miscellaneous Amendments) (Wales) Regulations 2005 (**BC(2)13-05 (p6)**). She said that parents' associations or organisations had not been consulted because there was not an all Wales body. However, parents had been consulted in other ways.

4. Subordinate Legislation

Orders for consideration

The Adoption Support Services (Local Authorities) (Wales) Regulations 2005 - **BC(2)14-05 (p1)**

The Adoption Support Agencies (Wales) Regulations 2005 - **BC(2)14-05 (p2)**

The Business Committee recommended the Standard procedure for BC(2)14-05(p1) and BC(2)14-05(p2). The Deputy Presiding Officer subsequently determined that neither 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.

4.2 The Deputy Presiding Officer said that the Explanatory Memorandums accompanying these Regulations were very clear.

(b) Standing Order 29 Subordinate Legislation

BC(2)14-05(p3)

4.3 The Business Committee noted the e-mail about the Minister for Education and Lifelong Learning's intention to approve a list of external qualifications under Section 99 of the Learning and Skills Act 2000 for the purposes of Sections 96 and 97 of the Act.

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

BC(2)14-05 (p4)

4.4 The Business Committee noted the letter on the use of the Executive procedure for The Feed (Corn Feed and Brewers Grains) (Emergency Control) (Wales) Regulations 2005. Marion Stapleton said that the Minister for Environment, Planning and Countryside had not yet determined, in accordance with Standing Order 24.2, whether it was inappropriate or not reasonably practicable for the Regulations to be in English and Welsh. She said that, if the Minister considered that this was the case, a revised letter would be issued.

(d) Papers for Information

BC(2)14-05 (p5)

4.5 The Business Committee noted the e-mail about the Minister for Environment, Planning and Countryside's intention to confirm the Environment Agency (River Dee) (Limitation of Salmon & Sea Trout) Order 2004.

BC(2)14-05(p13)

4.6 The Business Committee noted the e-mail about the Minister for Environment, Planning and Countryside's intention to confirm the Crayfish Byelaws (Wales).

5. Committees

BC(2)14-05(p6)

5.1 The Business Committee noted the letter from the Chair of the Environment, Planning and Countryside Committee about consideration of forthcoming legislation. The Chair said that the Committee had identified the GMO (Traceability and Labelling) (Wales) Regulations 2005 for further scrutiny, but this would not be possible because of the timetable for making the legislation. Marion Stapleton said she would consider whether the timetable for the legislation could be adapted to allow time for the Committee to scrutinise it. Jocelyn Davies

said that if this was not possible, the Business Committee could recommend to the Deputy Presiding Officer, when making his determination in accordance with Standing Order 24.6, that the legislation should be considered by the Subject Committee.

Action: Marion Stapleton

BC(2)14-05(p7)

5.2 The Business Committee noted the letter from the Chair of the Local Government and Public Services Committee about consideration of forthcoming legislation.

BC(2)14-05(p8)

5.3 The Business Committee agreed the request from the Public Audit (Wales) Act 2004 (Commencement Order No.3) Committee 2005 to hold an additional meeting on 6 June.

BC(2)14-05(p9)

5.4 The Business Committee noted the letter from the Education and Lifelong Learning notifying the Committee of an additional formal meeting on 26 May.

BC(2)14-05(p15)

5.5 Karin Phillips introduced a paper on arrangements for Panel of Chairs and Committee membership. She said that the paper dealt with the two issues separately and included information on how other legislatures decided on the allocation of Chairs and Committee places. The Committee thanked Karin Phillips for her work. During discussions, Members of the Committee said that a formula could be used to determine the "best-fit" between the balance of the parties and membership of the Panel and Committees. The Deputy Presiding Officer said that the d'Hondt formula, which was used in other institutions, was not a formula for "best fit", but a formula for a result. Peter Jones confirmed that the current arrangements were compatible with Section 57 of the Government of Wales Act. The Chair said that there did not appear to be a need for urgent action and the Committee could return to the issue in the light of Business Managers' discussions with their groups and amongst each other.

6. Forthcoming Business

BC(2)14-05(p10)

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

Consideration would be given to scheduling a debate on the future of European Structural Funds after the outcome of the negotiations over the European budget had been progressed under the Luxembourg Presidency which terminated at the end of June. The Minister would then consider scheduling a debate towards the end of term.

There was no intention to schedule a debate on Technical Advice Note 15. Members had had many opportunities to raise issues since it was published in July 2004 following consultation on the draft.

A debate on the integrated services for "Looked After Children" would be scheduled at the earliest opportunity.

There was no intention of scheduling a statement on Tir Gofal as Members would have an opportunity to raise any issues with the Minister tomorrow in EPC Committee.

There was no intention to schedule a statement on contingency planning in the event of a fuel blockade. The Minister for Local Government and Public Services would make an oral statement in Plenary in the event of a fuel disruption taking place. A statement in advance of any specific event could serve to undermine aspects of the contingency plan.

This Week's Business

BC(2)11-05(p11)

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

Business Managers' Requests

6.3 Jocelyn Davies asked if a statement could be made on Peter Hain's recent appointment as Secretary of State for Northern Ireland and the effect this could have on his role as Secretary of State for Wales. David Melding supported this request. She also asked if a statement could be made on the establishment of a new Department of Productivity and Industry to replace the Department of Trade and Industry and whether the changes would have any implications for Wales. She also asked if a debate could be scheduled on a reported review of nuclear policy and how the Assembly would be involved in the consultation process.

6.4 The Chair said that Kirsty Williams had wished to request a debate on NHS dentistry and if a statement could be made on the Lyons review and its implications on Council Tax in Wales.

Draft Business Statement

6.5 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 10th May, 17th May and 24th May.

6.6 In response to a query from the Chair, the Business Minister said that a date had not yet been set for the Secretary of State for Wales to address the Assembly on the UK Government's legislative programme.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

9.1 The Business Committee considered a draft Report of the Business Committee on proposed amendments to Standing Orders to remove an anomaly between Standing Orders and the Government of Wales Act. The Chair said that since the draft Report had been considered by the Committee on 26th April, it had been amended to include consequential amendments to other Standing Orders. Business Managers said they were content with the proposals. The Business Minister said she would like to consult her group on the proposals. It was agreed that the Committee would return to the issue in its meeting on 24 May.

Action: Secretariat

10. Presiding Officer rulings

11. Any other business.

11.1 The Business Minister said that following discussions in the Business Committee on 26 April, she had consulted further on the paper about issues relating to the provision of information to Assembly Members in the light of the Freedom of Information Act. It was agreed that the paper should be resubmitted to the Committee for consideration in its next meeting. It was agreed that a paper from Paul Silk, outlining hypothetical examples of the types of information which could be exempt under the Freedom of Information Act, would also be considered by the Committee.

CHAMBER SECRETARIAT