

# Business Committee BC(2)1-05 (Final)

## MINUTES OF MEETING

**Date: 11th January 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, Conservative 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

1.1 Apologies for absence were received from Karen Sinclair. The Chair welcomed the newly appointed Business Minister, Jane Hutt, who was representing her in accordance with Standing Order 13.3 and would be elected to the Committee shortly. It was agreed that the Chair would write to Karen Sinclair thanking her for her contribution to the work of the Committee.

### 2. Minutes of the previous meetings

#### (i) BC566-04 (Final) Tuesday 30th November 2004

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) BC581-04 (Draft) Tuesday 7th December 2004

2.2 The minutes were presented to the Committee in draft. An amendment was agreed which would be incorporated before the minutes were translated in readiness for publication Action: Chamber Secretariat

### 3. Matters Arising

#### BC566-04 (Tuesday, 30th November)

3.1 Paragraph 3.3 The Business Minister said that she would be looking into guidance for officials on

legislation under Standing Order 29 and a copy would be submitted to the Committee in due course. It was agreed that this issue would be included on the agenda as a matter arising in the Committee's meeting on 1st February.

3.2 Paragraphs 3.2 and 3.3 The Chair said that both these paragraphs referred to issues of timings for debates which the previous Business Minister had agreed to take forward. The Business Minister said that she would consider issues relating to debates on Subject Committee reports and the timings of debates more generally in preparing her periodic timetable statement. She said that, in the meantime, Marion Stapleton would prepare a paper exploring the issues in consultation with Paul Silk, to be submitted to the Committee on 1st February.

BC581-04 (Tuesday 7th December)

3.3 Paragraph 3.5 Andrew George said that the Secretariat had adopted a numbering convention for Business Committee papers similar to the system used by other Assembly Committees. In response to a query, Andrew George confirmed that papers would also denote whether they were revised versions of papers which had previously been considered by the Committee.

3.4 Paragraph 4.1 Marion Stapleton said that NFU Cymru had not been consulted about the Plant Health (Amendment) (Wales) Order 2005. She said that Defra had issued their consultation to the NFU as a whole. She said that officials would ensure that, in future, NFU Cymru was consulted as a matter of course.

3.5 Paragraph 4.3 The Chair said that the Committee had agreed to return to the issue of cataloguing and publishing legislation made under Standing Order 29. The Business Minister said that officials were looking at ways to resolve the issue. Marion Stapleton said that officials were trawling for the legislation, which would be published on an amended Internet site as soon as possible. It was agreed that Marion Stapleton would prepare a paper exploring the issues, in consultation with APS, to be submitted to the Committee in due course. David Melding suggested that interested parties outside the Assembly (eg the Law Society; Cardiff Law School) could be consulted on the proposals. The Business Committee welcomed this suggestion. Action: Marion Stapleton

#### 4. Subordinate Legislation

##### Orders for consideration

(i) The Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2005 - BC(2)1-05 (p1) Recommended Procedure: Accelerated

(ii) The Accounts and Audit (Wales) Regulations 2005 - BC(2)1-05(p2) Recommended Procedure: Accelerated

The Business Committee recommended the Accelerated procedure for BC(2)1-05 (p1) and the Standard procedure for BC(2)1-05(p2). The Deputy Presiding Officer subsequently determined that neither of these Orders need be referred to Subject Committee.

BC(2)1-05 (p1)

4.1 The Chair referred to the Explanatory Memorandum accompanying this draft Order, which said that an earlier draft of the Regulations had been submitted to the Committee, but that extensive amendments, which could not be made by way of a Memorandum of Correction, had been required. The Chair asked if the amendments were extensive enough to warrant a new consultation. Marion Stapleton said she would report back on this issue. Action: Marion Stapleton

BC(2)1-05(p2)

4.2 The Chair referred to the Cover Sheet accompanying this draft Order which said that it came under the "Implementing distinct Welsh policy" category. She said that this was not correct and that the Regulations could be described as "Matching Whitehall with some distinct Welsh provision". David Melding asked if the references in the Explanatory Memorandum to consultation with Subject Committee could be made clearer. Jocelyn Davies said her group wanted to debate the Regulations.

(b) Standing Order 29 Subordinate Legislation

4.3 The Chair said that none of the e-mails notifying Members about Standing Order 29 legislation set out clearly which procedures under Standing Order 29.3 were being disapplied. The Chair asked if, in future, this information could be made clearer.

BC(2)1-05(p3)

4.4 The Business Committee noted the e-mail of notification about the Minister for Health and Social Service's intention to amend the Directions to Local Health Boards (LHBs) and NHS Trusts. The Chair referred to paragraph 2 of the e-mail, which said that "Business Committee has decided that it is unnecessary for the Directions to be taken to Plenary". She said that the Business Committee's remit was only to advise the Business Minister on the management of such matters. Peter Jones said that a reference to the year in the title of the Directions would make the legislation easier to track in future.

BC(2)1-05(p6)

4.5 The Business Committee noted The Housing Revenue Account Subsidy (Wales) Determination 2005-2006 & The (Wales) General Determination of the Item 8 Credit and Item 8 Debit 2005-2006, which were being made under Standing Order 29 and had been sent as a matter of courtesy to the Committee. Members of the Committee asked if, in future, more contextual information could be provided alongside the legislation.

BC(2)1-05(p18)

4.6 The Business Committee noted the e-mail of notification about the Minister for Education and Lifelong Learning's intention to approve the Howell's School, Llandaff (Modification) Order 2004.

The Chair said that the e-mail implied that procedures under Standing Order 29.3 were being disapplied because of a lack of time. The Committee agreed that the general importance and character of the legislation was such that it was appropriate, under the circumstances, for those procedures to be disapplied.

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

BC(2)1-05(p7) & BC(2)1-05(p9)

4.7 The Business Committee noted the letters on the use of the Executive procedure for The General Teaching Council for Wales (Additional Functions) Order 2005 and The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) (Amendment) Regulations 2004.

BC(2)1-05(p8)

4.8 The Business Committee noted the letter about the use of the Executive procedure for the CAP Single Payment Scheme (Set-Aside) (Wales) Regulations 2005. The Chair said that these Regulations were made annually and asked why it was necessary to use the Executive procedure. Alun Jenkins said that there had been timing issues and that the UK draft of the Regulations had yet to be finalised.

(d) Papers for Information

5. Committees

BC(2)1-05(p10), BC(2)1-05(p11), BC(2)1-05(p12)

5.1 The Business Committee noted the papers from the Health and Social Services Committee; the Local Government and Public Services Committee; and the Economic Development and Transport Committee, notifying the Business Committee of their intentions to hold additional formal meetings. Kirsty Williams asked if the Business Minister intended to consider the arrangements for Committee business, with specific reference to the cycle of meetings, in the future. The Business Minister said she would consider this issue. David Melding asked if an informal meeting could be held between Business Managers, the Business Minister and the Chair of Business Committee to discuss the issues. The Business Minister said she intended to meet the Chair of the Business Committee shortly to discuss various issues.

BC(2)1-05(p13)

5.2 The Business Committee considered and agreed a request from the Local Government and Public Services Committee to hold an additional unmetabled formal joint meeting with the Welsh Affairs Committee in Westminster on 17th January.

6. Forthcoming Business

BC576-04

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

The Minister for Economic Development and Transport had written to the Economic Development and Transport Committee on the transfer of the Bay and Harbour Authorities to Cardiff City Council. A written statement updating Members of the position would be issued in due course.

There was no intention to schedule a statement on the Review of Bridgend Social Services Department following an incident where an elderly disabled woman was left unattended inside a minibus for several hours was an operational matter for Bridgend County Borough Council. She said that an investigation was being conducted and it would be premature for any statement to be made until that investigation had concluded. The Minister for Health and Social Services would report the findings of the investigation to the Health and Social Services Committee in the New Year.

There was no intention to make a statement on the implications for health bodies of the Assembly Sponsored Public Bodies mergers in advance of the debate on Assembly Sponsored Public Bodies scheduled for 19 January, which would cover the implications for the health bodies.

A debate on the Transport Strategy was been scheduled for 9 February.

There was no intention of scheduling a statement on the M4 as the issue would be covered in the debate on the Transport Strategy in early February.

6.2 Jocelyn Davies referred to the request for a statement on the Review of Bridgend Social Services Department and the undertaking from the Minister that the findings of the Review would be reported to the Health and Social Services Committee in the New Year. She said that there was no reference to this issue in the papers for the Committee's next meeting. The Business Minister said that the Government was waiting for information from Bridgend County Borough Council and that the Minister for Health and Social Services would report on the findings of the investigation to the Health and Social Services Committee as soon as possible.

This Week's Business

BC577-04

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

6.4 The Business Minister referred to the Business on Tuesday and said that the First Minister would be making statements on the Asian Tsunami and on the restructuring of the Cabinet. She said that the debate on the Skills and Employment Action Plan, which was scheduled for later that day, would be withdrawn and a written statement would be issued.

6.5 The Deputy Presiding Officer referred to the briefing note accompanying the motion to delegate

functions under the Civil Contingencies Act 2004 and said that some of the information in the note was not clear.

## Business Managers' Requests

6.6 Kirsty Williams asked if a statement could be made on the newly appointed Minister for Health and Social Services' priorities. She also asked if statements could be made on the recent announcement about job losses in Mid-Wales; and on the Gross Value Added figures for Wales. Jocelyn Davies supported these requests

6.7 Jocelyn Davies asked if statements could be made on the recent flooding in North Wales and on the overpayment of tax credits.

## Draft Business Statement

6.8 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 18th January, 25th January and 1st February.

6.9 Paul Silk said that a motion to approve the Code of Conduct for House Committee members would need to be scheduled. It was agreed that the debate could be scheduled to take place alongside the debate on the House Committee's Annual Report.

## 7. Advice to Assembly on procedures

BC(2)1-05(p17)

7.1 The Business Committee noted the paper from Table Office on changes to the numbering convention for Oral Assembly Questions.

## 8. Matters referred from plenary

## 9. Revisions to Standing Orders

BC564-04

9.1 The Business Committee considered the paper on a proposed Standing Order to establish a Committee for the scrutiny of the First Minister. The Committee agreed to return to this issue in its next meeting after further consultation with groups.

## 10. Presiding Officer rulings

## 11. Any other business.

CHAMBER SECRETARIAT