

## **MINUTES OF MEETING**

**Date:** 11<sup>th</sup> November 2003

**Time:** 9 a.m.

**Venue:** Conference Room E

**Present:** Jenny Randerson (Chair)  
Karen Sinclair, Business Minister  
Jonathan Morgan, Conservative Business Manager  
Kirsty Williams, Liberal Democrat Business Manager  
Jocelyn Davies, Plaid Cymru Business Manager  
John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly  
Peter Jones, Presiding Office Legal Unit  
Karin Philips, Members' Research and Committee Services  
Andrew George, Clerk to the Business Committee  
Marion Stapleton, Assembly Business Unit  
Marc Wyn Jones, Business Committee Secretariat  
Catherine Morris, PS to Deputy Presiding Officer  
Peter McAllen (agenda item 4)

### **1. Apologies & announcements**

1.1 Apologies for absence were received from Alun Jenkins. The Chair welcomed Peter McAllen who was deputising for him.

### **2. Minutes of the previous meetings**

#### **(i) BC388-03 (Final) Tuesday 21<sup>st</sup> October 2003**

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

**Action: Chamber Secretariat**

#### **(ii) BC408-03 (Draft) Tuesday 4<sup>th</sup> November 2003**

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

**Action: Chamber Secretariat**

### **3. Matters Arising**

3.1 **Paragraph 3.3 (BC388-03 Tuesday 21<sup>st</sup> October 2003)** The Deputy Presiding Officer asked Marion Stapleton if she was in a position to report back on whether it was possible to inform the Business Committee on a weekly basis of all legislation, including directions etc, which had been made. Marion Stapleton said that this issue was being considered as part of the

Business Unit's wider review of the legislative process and that she would report back in due course.

**Action: Marion Stapleton**

**3.2 Paragraph 3.2 (BC408-03 - Tuesday 4<sup>th</sup> November 2003)** The Business Minister said that the paper on Government responses to Committee reports (BC387-030) would be considered by the Cabinet as soon as possible and that a final version of the paper would be submitted to the committee in two weeks' time.

#### **4. Subordinate Legislation**

##### **(a) Orders for consideration**

The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003 (BC410-03) *Recommended Procedure : Accelerated*

The Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003 (BC411-03) *Recommended Procedure : Accelerated*

The Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (Wales) Regulations 2003 (BC412-03) *Recommended Procedure : Accelerated*

The Housing Renewal Grants (Amendment) (Wales) Regulations 2003 (BC413-03) *Recommended Procedure : Accelerated*

The Nurses Agencies (Wales) (Amendment) Regulations 2003 (BC414-03) *Recommended Procedure : Accelerated*

The Local Government Act 2003 (Commencement) (Wales) Order 2003 (BC415-03) *Recommended Procedure : Accelerated*

The Council Tax (Valuation Bands) (Wales) Order 2003 (BC416-03) *Recommended Procedure : Standard*

The Health (Wales) Act 2003 (Commencement No.2) Order 2003 (BC417-03) *Recommended Procedure : Standard*

The Education (Recognised Bodies) (Wales) Order 2003 (BC418-03) *Recommended Procedure : Standard*

#### **BC411-03**

4.1 The Chair said that this draft Order had not been published on the intranet within the target of 10 working days prior to the Committee meeting. She said that the Regulatory Appraisal which accompanied this draft Order had been prepared by the Food Standards Agency and was not specific to Wales. Members of the Committee said that a Regulatory Appraisal which was specific to Wales should have been prepared in this case. The Deputy Presiding Officer said the Business Committee could be satisfied that, if there was a judicial review, it had advised the Government correctly that a Regulatory Appraisal was required. It was agreed that the Order should be

resubmitted at the next meeting.

### **BC412-03 & BC413-03**

4.2 Members of the Business Committee asked if Regulatory Appraisals could be prepared for these draft Orders. The Business Minister said that Regulatory Appraisals would be prepared and that the draft Orders would be resubmitted to the Committee at its next meeting. Business Managers recommended that the draft Orders should follow the standard procedure in both cases.

### **BC415-03**

4.3 The Chair said that a letter from the Chair of the Local Government and Public Services Committee (BC419-03) which appeared later on the agenda, referred to this draft Order. She said that the subject committee had indicated that it would like to discuss further the draft Order, but did not want to delay its progress.

### **BC416-03**

4.4 The Chair said that this draft Order would have different financial implications in different areas in Wales and said that the way in which the Explanatory Memorandum had been written understated a complex situation. The Chair asked for more clarity in the supporting papers in future.

### **BC417-03**

4.5 Members of the Business Committee noted that a debate had taken place on the first Commencement Order relating to the Health (Wales) Act 2003. Members of the Committee said that the issues had been discussed and that they were content for the draft Order to follow the Accelerated procedure. Members of the Committee asked if, in future, a brief paragraph could be included in the Explanatory Memorandums explaining the reason for the Minister's recommended procedure.

**Action: Marion Stapleton**

### **BC418-03**

4.6 Members of the Committee noted that the Explanatory Memorandum accompanying this draft Order said that no Regulatory Appraisal was required for this draft Order because the *"Assembly has no discretion in this matter"*. Members of the Committee said that this was incorrect and asked for a Regulatory Appraisal. Marion Stapleton said that a Regulatory Appraisal would be prepared and that the draft Order would be resubmitted to the Committee at its next meeting.

**The Business Committee agreed the recommended procedures for BC410-03 and BC414-03 - BC416-03. The Business Committee recommended the Accelerated procedure for BC417-03. The Deputy Presiding Officer subsequently determined that none of these draft**

**Orders need be referred to a subject committee.**

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

**BC427-03**

4.7 The Business Committee noted the e-mail from Cabinet Secretariat on the use of the Executive procedure for The Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No.2) (Amendment) (No.2) Order 2003.

**(c) Papers to note;**

**5. Advice to Assembly on procedures**

**BC419-03**

5.1 The Business Committee considered the paper on the Revised Guidance on Regulatory Appraisals and Model Explanatory Memorandums. Members of the Committee suggested some amendments which would be incorporated into the final version before being resubmitted to the Committee at its next meeting. The Committee thanked Marion Stapleton for her work in preparing the documents.

**Action: Marion Stapleton**

**6. Committees**

**BC431-03**

6.1 The Business Committee noted the letter from the Chair of the Local Government and Public Services Committee about forthcoming legislation which had been identified by the subject committee for further consideration.

**BC432-03**

6.2 The Business Committee agreed the request from the Social Justice and Regeneration Committee to hold an additional meeting.

**7. Forthcoming Business**

**(i) This Week's Business**

7.1 The Committee considered paper BC428-03, which detailed the Assembly's agreed business for the week.

7.2 The Business Minister said that the Motions to approve amendments to Standing Orders 14 and 15, which had been scheduled for Tuesday 11<sup>th</sup> November, would be included in a motion encapsulating several amendments, and which would be taken on Wednesday 19<sup>th</sup> November.

7.3 Jocelyn Davies asked if a statements would be made on the financial

situation of Friction Dynamics Ltd, and on Lord Haskins' statement on rural housing. The Business Minister said she would relay these requests.

#### (ii) Draft Business Statement

7.4 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 18<sup>th</sup>, 25<sup>th</sup> and 2<sup>nd</sup> December.

### **8. Matters referred from plenary**

### **9. Revisions to Standing Orders**

#### **BC406-03**

9.1 The Business Committee agreed the paper on proposed amendments to Standing Orders 19.8 and 19.9. It was agreed that a Report of the Business Committee would be prepared and circulated to members outside Committee for their approval. The proposed amendments would then be included in a motion proposing several amendments to Standing Orders, which would be considered in Plenary on 19<sup>th</sup> November.

#### **BC430-03**

9.2 The Business Committee agreed the Report. It was agreed that the proposed amendments outlined in the report would be included in the composite motion proposing amendments to Standing Orders, which would be considered in Plenary on 19<sup>th</sup> November.

### **10. Presiding Officer rulings**

### **11. Any other business.**

**CHAMBER SECRETARIAT**