

Business Committee BC(2)10-05 (Final minutes)

MINUTES OF MEETING

Date: 12th April 2005

Time: 9 a.m.

Venue: Conference Room E

Present: Jenny Randerson (Chair)
Jane Hutt, Business Minister

Jocelyn Davies, Plaid Cymru Business
Manager
Kirsty Williams, Welsh Liberal
Democrats 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

1. Apologies & announcements

2. Minutes of the previous meetings

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

2.1 The minutes were presented to the Committee in their final format. An amendment was suggested which would be agreed before the minutes were translated in readiness for publication.

Action: Chamber Secretariat

(ii) BC(2)9-05 (draft minutes) - Tuesday 15th 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3.1 **8th March: Paragraph 4.4** The Chair referred to draft Guidance for Officials on legislation under Standing Order 29 which had been circulated in the meeting. She said that the draft Guidance would be submitted formally to the Business Committee for consideration in its next meeting.

3.2 **15th March: Paragraph 5.1** The Chair said she had written a letter to the Panel of Chairs to relay the Committee's comments on arrangements for handling the Children's Commissioner's Annual Report.

4. Subordinate Legislation

Orders for consideration

The Anti-Social Behaviour Act 2003 (Commencement No.4) (Wales) Order 2005
(*Recommended Procedure : Standard*) - **BC(2)10-05 (p1)**

The Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005 (*Recommended Procedure : Standard*) - **BC(2)10-05 (p2)**

The Secure Tenancies (Notices) (Amendment) (Wales) Regulations 2005 (*Recommended Procedure : Standard*) - **BC(2)10-05 (p3)**

The Countryside and Rights of Way Act 2000 (Commencement No.7) (Wales) Order 2005
(*Recommended Procedure : Accelerated*) - **BC(2)10-05 (p4)**

The Countryside Access (Means of Access, Appeals Etc.) (Wales) Regulations 2005
(*Recommended Procedure : Standard*) - **BC(2)10-05 (p5)**

& Report of the Environment, Planning and Countryside Committee - BC(2)10-05(p24)

The Tir Mynydd (Wales) (Amendment) Regulations 2005 (*Recommended Procedure : Accelerated*) - **BC(2)10-05 (p7)**

The Business Committee recommended the Standard procedure for BC(2)10-05(p1), BC(2)10-05(p2), BC(2)10-05(p3) and BC(2)10-05(p5). , Accelerated procedure for BC(2)10-05(p4) and BC(2)9-05(p7). 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)10-05(p1) & BC(2)10-05(p2)

4.2 The Deputy Presiding Officer said that the Explanatory Memorandums accompanying these draft Orders contained technical terms and asked if, in future, supporting documents could also include definitions of such terms.

BC(2)10-05(p3)

4.3 The Chair referred to Regulation 3 which contained a prescribed form to be completed by landlords. However, the form had not been translated into Welsh in the Welsh version of the Regulations. Members of the Committee said that the form should be available in Welsh. Alun Jenkins said that the prescribed form could be made available in Welsh and that the drafting lawyer had already held discussions with the Legislation Committee's Legal Adviser about this issue.

BC(2)10-05(p4)

4.4 The Chair referred to the cover sheet accompanying this draft Order, which said that the Order came under the "*Applying to Wales and England: with distinct Welsh provision*" and asked for further clarification about how the provision for Wales was distinct. Marion Stapleton said she had consulted the drafting lawyer on this issue and had been reassured that the Order commenced different functions in Wales; at different times; and to a different extent.

(b) Standing Order 29 Subordinate Legislation

Anti-Social Behaviour: Policies and Procedures - Code of Guidance for Local Authorities and Housing Associations - BC(2)9-05(p8)

4.5 The Chair said that there was no reference in the Explanatory Memorandum accompanying the legislation to the reasons why provisions under Standing Order 29.3 were not being applied. The Deputy Presiding Officer said that the Code of Guidance contained case studies and it was not clear which parts were legislation. He said that every time the detailed information changed, the Code would have to go through legislation procedures. Members of the Committee suggested that it would be clearer if the parts of the Code which were legislation were separate from those which were illustrative. Marion Stapleton said she would relay this suggestion to officials in DLS.

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

BC(2)10-05(p9) & BC(2)10-05(p10)

4.6 The Business Committee noted the e-mail and letter about the use of the Executive procedure for The National Health Service (Pharmaceutical Services) (Wales) Regulations 2005. Alun Jenkins confirmed that the Regulations had not been translated into Welsh because they were technical in nature.

(d) Papers for Information

BC(2)10-05(p11)

4.7 The Business Committee noted the e-mail of notification from the Minister for Finance, Local Government and Public Services about her intention to confirm the Welsh Church (Burial Grounds) Act 1945: amendment to fees payable in respect of burials and the right to erect monuments and gravestones. The Chair noted that the fees were amended every year but the Committee had not been notified of any previous amendments. She said that the e-mail was not clear about the actual increase in the fees amount. Marion Stapleton said she would e-mail the information to Business Managers.

BC(2)10-05(p12)

4.8 The Business Committee noted the e-mail of notification from the Minister for Health and Social Services about his intention to approve Directions to Local Health Boards- Statement of Financial Entitlement Amendment Directions 2004/2005

BC(2)10-05(p25)

4.9 The Business Committee noted the e-mail notifying Assembly Members of a discrepancy between the Welsh and English versions of The Local Enforcing Authorities Air Pollution Fees and Charges Scheme (Wales) 2005.

5. Committees

BC(2)10-05(p13)

5.1 The Business Committee noted the revised timetable for Regional Committee meetings which would need to be considered in Plenary as part of a new Periodic Timetable Statement.

BC(2)10-05(p14)

5.2 The Business Committee agreed the letter from the Economic Development and Transport Committee which contained a proposal to hold an additional formal meeting on the morning of 26th May.

BC(2)10-05(p15)

5.3 The Business Committee noted the letter from the Committee on Smoking in Public Places about its intention to hold an additional formal meeting on 28th April.

BC(2)10-05(p21)

5.4 The Business Minister introduced the paper on reserving Plenary time for Committee debates, which had been approved by the Panel of Chairs. The Committee agreed with the principles as outlined in the paper and emphasised that a flexible approach was important. The Chair said she would write to the Panel of Chairs on this issue.

Action: Chair

6. Forthcoming Business

BC(2)9-05(p14)

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

There was no intention to schedule a statement on Fallen Stock

as responsibility for the implementation of the scheme did not rest with the Welsh Assembly Government.

There was no intention to schedule a statement on the Consultants' and General Practitioners' contracts.

The Minister for Economic Development and Transport had answered an urgent question on job losses in Iceland in Plenary on 15th March.

There was currently no intention of scheduling a statement on the Lyons Review of Council Tax as it was an independent review established by the UK Government and was not due to report until December 2005.

There was no intention of scheduling a debate on Freedom of Information and its implications for the Welsh Assembly Government.

This Week's Business

BC(2)10-05(p16)

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

Business Managers' Requests

6.3 Kirsty Williams asked if statements could be made on the impact of job losses at Rover MG on car component manufacturers in Wales; and on school meals. Jocelyn Davies and David Melding supported the former request.

6.4 Jocelyn Davies asked if a statement could be made on the security of the postal vote system.

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 19th April, 26th April and 3rd May.

6.6 Jocelyn Davies asked if a debate could be scheduled on fallen stock. Kirsty Williams and David Melding supported this request. She also asked if a debate could be scheduled on managing school places.

7. Advice to Assembly on procedures

BC(2)10-05(p19)

7.1 The Business Committee noted the paper on Procedures for Tributes and Expressions of Condolence, which had been agreed by the Committee in November 2002. It was agreed to make a few minor amendments to reflect events since then. The Business Minister said the First Minister intended to pay tribute to Lord Callaghan in Tuesday's Plenary meeting. Members of the Committee suggested that the other Party Leaders could also make contributions, and any other Members with specific links to Lord Callaghan. Members of the Committee agreed that opportunities for paying tributes in the Chamber should be limited and kept brief in order for them to have the greatest impact.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC(2)9-05(p17) & BC(2)10-05(p20)

9.1 The Committee considered a paper from Paul Silk on proposals to amend Standing Order 19 in the light of the Freedom of Information Act and a paper outlining the Government's responses to issues raised in Paul Silk's paper. The Business Minister said that there was a great deal of common ground between the two papers and that she wanted to clarify Members' rights to access information. The Chair said that the Business Minister's paper proposed amendments to Standing Order 16, to clarify the position regarding jurisdiction over the Ministerial Code. Business Managers agreed that the issue of whether Standards Committee should have jurisdiction over the Ministerial Code was not a matter for the Business Committee and would need to be considered by the Standards Committee in due course. Members of the Committee had a preliminary discussion about the recommendations in the Clerk's paper and agreed to return to the issue on 26th April following further consultation between APS and Government officials.

Action: Paul Silk, Marion Stapleton

BC(2)10-05(p23)

9.2 The Committee considered the paper on proposed amendments to Standing Orders relating to Committee business. The Chair said that the amendments would remove the requirement for Committee members to indicate the reason for a substitution; and to facilitate the establishment of scrutiny sub-committees. Business Managers said they were content with the proposals. The Business Minister said she would need to consult her group on the issue. The Committee agreed to return to the issue in its meeting on 26th April.

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT