

MINUTES OF MEETING

Date: 12th October 2004
Time: 9 a.m.
Venue: Conference Room E

Present: Jenny Randerson (Chair)
Karen Sinclair, Business Minister
Jocelyn Davies, Plaid Cymru Business Manager
Jonathan Morgan, Conservative Business Manager
Peter Black, Welsh Liberal Democrats
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 Kirsty Williams. The Chair welcomed Peter Black who was representing her in accordance with Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC433-04 (Final) Tuesday 28th September 2004

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) BC447-04 (Draft) Tuesday 5th October 2004

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 (BC447-04 - Tuesday, 5th October)

3.1 **Paragraph 6.12** The Chair said that it had been agreed that a timetable for Minority Party Debates would be resubmitted to the Committee once the Conservative group had been consulted on the allocation of their debates. Jonathan Morgan said he would consult his group on the issue. Marion

Stapleton said she would submit a revised timetable to the Committee as soon as the matter was resolved.

3.2 Paragraph 9.3 The Business Minister said she had circulated an electronic copy of the revised paper on proposed amendments to Standing Order 31, including tracked changes, to Business Managers for comment out of Committee. The Deputy Presiding Officer said he had not received a copy of the paper. The Business Minister said that the Business Committee had agreed that the paper would be circulated informally to Business Managers in the first instance. She said that she would forward a copy to the Deputy Presiding Officer and that the paper would be submitted to the Committee in its next meeting.

Action: Business Minister

4. Subordinate Legislation

(a) Orders for consideration

The Polish Potatoes (Notification) (Wales) Order 2004 (BC449-04)

The Oil and Fibre Plant Seed (Wales) Regulations 2004 (BC450-04)

The Business Committee recommended the Accelerated procedure for BC450-04 and recommended the Executive procedure for BC449-04. The Deputy Presiding Officer subsequently determined that neither of these Orders need be referred to Subject Committee.

BC449-04

4.1 The Chair noted that there had been a delay in the introduction of this draft Order in comparison with England, Scotland and Northern Ireland. She said that officials in Wales had been notified of this Order on 7 May 2004, but that it would not be made until 23 November. She also noted that trade organisations had foregone a consultation exercise so that the draft Order could be made quickly. The Deputy Presiding Officer referred to the Explanatory Memorandum, which said that the "*Assembly's Standard procedure takes a minimum of 12 weeks*". This was not accurate because the Standard procedure often took approximately 4 weeks. The Deputy Presiding Officer referred to The Potatoes Originating in Egypt (Wales) Regulations 2004 (BC367-04), which had been considered by the Committee on 6th July 2004. These regulations had been considered to be an urgent plant health issue, whereas this similar draft Order was an economic issue. Jocelyn Davies noted that the Committee had recommended the Executive procedure for The Potatoes Originating in Egypt (Wales) Regulations 2004 and suggested that the Committee could recommend that this draft Order should follow the same procedure. The Committee agreed with this proposal.

BC450-04

4.2 The Chair noted that there had been a delay in introducing these regulations in Wales. Marion Stapleton said that the draft Order had not been considered to be as high a priority as other items of agriculture legislation. The Chair referred to the Explanatory Memorandum accompanying the draft Order, which said that "*Welsh Assembly Government officials tend to rely on*

the Scottish Executive to indicate those areas where under-implementation of EC Directives might arise" in connection with this issue. Marion Stapleton said that the Scottish Executive had more expertise in this area and that Defra acted on behalf of the Welsh Assembly Government in respect of seed certification in Wales. The Deputy Presiding Officer noted that the Acts establishing the Scottish Parliament and the Assembly required them to fully implement EC Directives. Defra were not subject to the same requirements. The Deputy Presiding Officer asked if these points could be clarified in the Explanatory Memorandum.

(b) Standing Order 29 Subordinate Legislation

BC451-04

4.3 The Business Committee noted the e-mail of notification about the Minister for Environment, Planning and Countryside's intention to approve The Environmental Protection (Controls on Ozone-depleting Substances) (Wales) Directions 2004. The Deputy Presiding Officer noted that a Welsh version of the directions had not been sent to Members alongside the English version. It was agreed that a Welsh version should be prepared in accordance with Standing Order 29.2 and that the e-mail should be re-sent to Members.

Action: Marion Stapleton

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

(d) Papers for Information

BC452-04

4.4 The Business Committee noted the e-mail of notification about the Minister for Environment, Planning and Countryside's intention to make National Eel Fishing Byelaws 2003. Marion Stapleton said that, due to an error, the e-mail said that the notification was being notified to Members in accordance with Standing Order 28.2. However, this should have said Standing Order 30.2. Peter Jones said that the byelaws had been made by the Environment Agency in 2003, and would be confirmed by the Minister. It was agreed that the e-mail would be withdrawn and re-issued.

Action: Marion Stapleton

BC456-04

4.5 The Business Committee noted the letter from the Chair of Environment, Planning and Countryside Committee and the reports on committee consideration of The Compulsory Purchase of Land (Prescribed Forms) (Wales) Regulations 2004 and The Compulsory Purchase of Land (Written Representations Procedure) (Wales) Regulations 2004. Jocelyn Davies said that the subject committee had access to the details of the consultees' responses, whereas the Business Committee did not. The Committee agreed that it was content for the draft Orders to follow the accelerated procedure.

5. Committees

6. Forthcoming Business

6.1 The Business Minister said that an e-mail notifying Business Managers of responses to their requests for items of business to be scheduled had not been sent on the previous Tuesday due to a lack of time. She said that she had given an oral response during the debate on the draft Business Statement.

This Week's Business

6.2 The Committee considered paper BC454-04, which detailed the Assembly's agreed business for the week.

6.3 The Chair referred to the motion to elect local authority members to the Local Government Partnership Council, which was due to be debated later that day. The Clerk noted that Standing Order 6.12 referred to "elections of officers and members of committees". He said that this was not a motion to elect members to an Assembly committee and, as such, was not addressed in Standing Order 6.12. It was suggested that the motion should be taken as part of main Plenary business. The Deputy Presiding Officer said that Members had become accustomed to elections taking place as the first item of business and, in the interests of clarity, the elections to the Partnership Council, though they were not covered in Standing Orders, should be taken as the first item of business. Business Managers agreed. It was agreed that a paper exploring the options would be prepared and submitted to the Committee shortly.

Action: Chamber Secretariat

6.4 Jocelyn Davies asked if a statement could be scheduled on Blaenau Gwent Social Services. Jonathan Morgan supported this request.

6.5 Jonathan Morgan asked if the First Minister could make a statement on a Cabinet reshuffle following comments made in the media by a Labour Assembly Member.

Draft Business Statement

6.6 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 19th October, 2nd November and 9th November.

6.7 The Business Minister said that the Minister for Health and Social Services would be making a statement on consultation on the Welsh Assembly Government's Play Policy on 10th November. She said that a debate on the Annual Report of the Welsh Administration Ombudsman would also be scheduled for 10th November.

6.8 The Business Minister said that the debate on the Education and Lifelong Learning Committee's Report on Special Education Needs, which had been allocated 90 minutes, and scheduled for 10th November, would now take place

on 24th November. Peter Black said that he would be content for the debate to be allocated 60 minutes.

6.9 Jocelyn Davies noted that the debate on The Education (Health Standards) (Wales) Regulations 2004, which had been scheduled for 19th October, had been allocated 10 minutes and said that this debate could require more time.

6.10 Jonathan Morgan asked if a debate could be scheduled on cross-border working in the NHS.

6.11 Peter Black asked if a debate could be scheduled on anti-social behaviour measures in Wales. Business Managers supported this request.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT