

MINUTES OF MEETING

Date: 13th July 2004
Time: 9 a.m.
Venue: Conference Room E

Present: Jenny Randerson (Chair)
Karen Sinclair, Business Minister
Jonathan Morgan, Conservative Business Manager
Jocelyn Davies, Plaid Cymru Business Manager
Peter Black, Welsh Liberal Democrat
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
Sarah Thomas, Chamber Secretariat

1. Apologies & announcements

1.1 The Chair welcomed Sarah Thomas from Chamber Secretariat, who was observing the meeting for training purposes.

2. Minutes of the previous meetings

(i) BC365-04 (Final) Tuesday 29th June 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) BC378-04 (Draft) Tuesday 6th July 2004

2.2 The minutes were presented to the Committee in draft. An amendment was suggested, which would be incorporated before the minutes were translated in readiness for publication.

Action: Chamber Secretariat

3. Matters Arising

BC378-04 - 6th July 2004

3.1 **Paragraph 3.4** The Business Minister said that there were currently no plans to make any Orders under the Executive procedure over the summer recess.

3.2 **Paragraph 5.1** The Chair confirmed that a letter had been sent to the Presiding Officer notifying him that the Committee was content with the draft Guidelines on Definitions of Committee Activity.

3.3 **Paragraph 7.1** The Chair confirmed that the Report of the Business Committee had been laid in advance of the debate on the Periodic Timetable Statement on 13 July.

4. Subordinate Legislation

(a) Orders for consideration

The Anti-Social Behaviour Act 2003 (Commencement No. 2 and Savings) (Wales) Order 2004 (BC380-04) *Recommended Procedure: Standard*

The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2004 (BC381-04) *Recommended Procedure: Accelerated*

The Food Labelling (Amendment) (Wales) Regulations 2004 (BC382-04) *Recommended Procedure: Accelerated*

The Business Committee recommended the Accelerated procedure for BC381-04 and BC382-04 and the Standard procedure for BC380-04. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to subject committee.

BC380-04

4.1 The Chair referred to the Cover Sheet accompanying this draft Order, which said that the Order gave "*the Assembly power to make regulations under section 14 of the Act. Section 14 and 15 will then be commenced later, once the Regulations have been drafted*" and said that this was incorrect. Alun Jenkins confirmed that it should have said that the remainder of Section 14 and Section 15 would be commenced later. The Chair said that paragraph 7 of the Explanatory Memorandum referred to "Demotion Orders" and asked if this information could be made clearer.

BC381-04

4.2 The Chair queried why paragraph 2 of the Regulatory Appraisal said that the introduction of these regulations would have 'no impact on the industry'. Alun Jenkins said that the amendments were technical and would have no practical effect. The Deputy Presiding Officer said that similar regulations had already been introduced in England and Northern Ireland and asked if the delay in introducing the regulations in Wales would cause any problems for the industry. Marion Stapleton said she would report back on this issue in the Committee's next meeting.

BC382-04

4.3 The Chair noted that a comprehensive list of Welsh consultees had been included in the Explanatory Memorandum accompanying this draft Order. The Committee welcomed this. The Chair referred to paragraph 8 of the Explanatory Memorandum, which said that "*this Instrument needs to be in force as close to the deadline as possible in order to minimise the possibility of infraction proceedings*". She said that the process for initiating infraction proceedings was long and that, consequently, there was no immediate threat of this occurring. The Chair noted that similar regulations had been introduced in England on 15 June, in Scotland on 8 June and in Northern Ireland on 22 June, and asked why there had been a delay in introducing the regulations in Wales. Alun Jenkins said that the Food Standards Agency in Wales had waited until the other areas in the UK had introduced the legislation in order to ensure that there was a consistent approach.

(b) Standing Order 29 Subordinate Legislation

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

BC383-04

4.4 The Business Committee noted a letter from the Business Minister on the use of Executive Procedure for The Welsh Development Agency - Increase to Financial Limit Order 2004. The Chair said that this Order had been considered in the Economic Development and Transport Committee and that members of the Committee were unhappy that the Order would be made under the Executive procedure. The Deputy Presiding Officer asked why it was not possible for the Order to follow the normal procedures. The Business Minister said that the Assembly had been notified on 8 June that the WDA's statutory financial limit would be breached in September 2004 and that the Cabinet had agreed to use the Executive procedure in order to ensure that the financial limit was not breached.

(d) Papers for Information

BC384-04

4.6 The Business Committee noted the e-mail of notification from the Minister for Health and Social Services of a proposal to consent to The Care Council for Wales (Registration) Rules 2004 under Standing Order 30. The Deputy Presiding Officer said that the legislation was only available in English and Marion Stapleton agreed to notify him when a Welsh version became available.

5. Committees

5.1 The Business Committee considered and approved a request from the Social Justice and Regeneration Committee to hold an additional formal meeting on the 23rd September.

5.2 The Business Committee provisionally approved a request from the Culture, Welsh Language and Sport Committee to hold an additional formal meeting on the 23rd September. Karin Phillips said that the Committee had

not yet agreed to hold an additional meeting but this would allow the arrangements to be made during the recess.

5.3 Karin Phillips said that the Education and Life Long Learning Committee would also be submitting to Business Committee a request for an additional formal meeting following the summer recess. She said that the request had the support of the committee membership. The Business Committee provisionally agreed the request.

6. Forthcoming Business

BC387-04

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

- There was no intention to schedule a debate on the Government's Capital Programme before the Chancellor of the Exchequer's announcement on the outcome of the Comprehensive Spending Review.
- There was no intention to schedule a debate on the Social Inclusion Action Plan as this issue had been considered by the Health and Social Services Committee the previous week.
- There was no intention to schedule a statement on reports in the media relating to a complaint which had been made against a Minister.

6.2 Jocelyn Davies said that she had not requested a statement on the specific complaint against a Minister, but on the way the First Minister policed the Ministerial Code.

6.3 Peter Black asked for clarification about when the debate on Social Housing, which had previously been postponed, would be scheduled. The Business Minister said that she would be discussing this issue with the Minister for Social Justice and Regeneration and that a debate would be scheduled following the summer recess.

This Week's Business

6.4 The Committee considered paper BC388-04, which detailed the Assembly's agreed business for the week.

6.5 The Business Minister said that the First Minister would be making a statement on Public Services on Wednesday 14th July and that the Minister for Finance, Local Government and Public Services would be making a statement on the response to the Chancellor of the Exchequer's Statement on the Comprehensive Spending Review on Wednesday 14th July. The Business Minister said that a written statement on TAN 8 would be issued later that day and a written statement on CAP would be issued on the 14th July.

6.6 Jonathan Morgan asked if the statement by the Minister for Finance, Local Government and Public Services on the response to the Chancellor of the

Exchequer's Statement on the Comprehensive Spending Review, which was scheduled for 14 July, could cover the impact of Civil Service job losses in Wales.

6.7 The Deputy Presiding Officer referred to the business on 13th July and said that 5 minutes was not sufficient time to hold a debate on an item of legislation. He said that, depending on the number of Members wishing to speak, it was likely that debates would last longer than 5 minutes and that the indicative timing of 3 hours 35 minutes for the day meant that a motion to extend the meeting could be required.

6.8 The Deputy Presiding Officer noted that Plenary for the 14th July could over-run. The Business Minister said she would notify Business Managers as soon as possible about her intentions.

Draft Business Statement

6.9 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 21st September, 28th September and 5th October.

6.10 Jonathan Morgan asked if the timetable for Minority Party debates could be circulated to Business Managers. The Business Minister agreed to e-mail the information to Business Managers as soon as possible. It was agreed that the timetable would be included on the agenda for the next meeting. Jocelyn Davies referred to the business on 28 September, and said that Plaid Cymru had been allocated 60 minutes for their Minority Party debate. She said that her group had asked to be allocated 45 minutes for their Minority Party debates.

6.11 Peter Black reiterated his request for a debate to be scheduled on funding for Further Education. Business Managers supported this request.

6.12 The Deputy Presiding Officer said that a debate on the Assembly Parliamentary Service's budget would need to be scheduled to take place before 10th October.

7. Advice to Assembly on procedures

BC302-04

7.1 The Business Committee considered a paper from the Clerk on issues arising from the Richard Commission's report. The Business Minister circulated a Time and Motion study, containing comparisons with the Scottish Parliament, from the First Minister. The Committee agreed to defer consideration of the First Minister's paper until more information was available on the Government's response to the Richard Commission's Report.

7.2 During discussions on the Clerk's paper, members of the Business Committee raised the following points -

Committees

- The current arrangements for Regional Committees meant that some Members served on more than one Committee. Business Managers said the boundaries of the Regional Committees should be coterminous with those of the electoral regions i.e. separate Committees for the South Wales Central and South Wales East areas. Karin Phillips said that the Regional Committee Chairs were considering this issue.
- The Deputy Presiding Officer noted that Regional Committees were only required to meet twice each year but said that all met more frequently.
- Members of the Committee did not support the suggestions for reducing Committee size or adjusting the party balance of individual committees.
- Business Managers said that an overall consideration of the arrangements for Committee business was required. This could include timetables, size and workload.
- The Business Minister said that she would be reviewing the timetable for Subject Committee business and would report to the Committee before Christmas.

More capacity for Plenary

- Members of the Committee said that the number of meetings or sitting weeks could be increased. One possibility might be to hold an additional plenary meeting, if pressure of business required. It was agreed that a slot for optional meetings could be built into the Periodic Timetable.
- Business Managers welcomed the increase in the length of time allocated to certain debates, such as the debate on the Clywch Inquiry which had been allocated 120 minutes, and agreed that this should continue. However, Members of the Committee said that the allocation of 5 minutes to speakers during every debate was not always appropriate, and recommended that speakers should be allowed more time during certain debates.
- The Business Minister said she was considering ways of rearranging Plenary business to make the best use of the time which was available.

Subordinate Legislation

- Business Managers said that they were content with the current procedures for subordinate legislation and did not see the need for more simplified procedures.

7.3 Business Managers agreed to consult with groups on these issues. It was agreed that the Clerk would prepare a paper on arrangements for Regional Committees and that the Business Minister would prepare a paper on restructuring Assembly business to be submitted to the Business Committee on 28th September.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT