

## Business Committee BC(2)9-05 (Final)

### MINUTES OF MEETING

**Date:** 15<sup>th</sup> March 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 William  
Graham, Welsh Conservatives  
John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly

Andrew George, Clerk to the Business  
Committee

Marion Stapleton, Assembly Business  
Unit

Adrian Crompton, 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

1. Apologies for absence were received from David Melding. The Chair welcomed William Graham who was representing him in accordance with Standing Order 13.3.\_

### 2. Minutes of the previous meetings

## **(i) BC(2)7-05 (Final minutes) - Tuesday 1<sup>st</sup> 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 8<sup>th</sup> 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 **1<sup>st</sup> March: Paragraph 5.1** Karin Phillips said that she would be preparing a revised timetable of Regional Committee meetings to reflect the new arrangements.

### **4. Subordinate Legislation**

#### **Orders for consideration**

Head Teachers' Qualifications and Registration (Wales) Regulations 2005 - **BC(2)9-05(p1)**

*& Report of the Education and Lifelong Learning Committee - BC(2)9-05(p18)*

The Fodder Plant Seed (Wales) Regulations 2005 - **BC(2)9-05(p2)**

The Business Improvement Districts (Wales) Regulations 2005 - **BC(2)9-05(p3)**

*& Report from the Local Government and Public Services Committee - BC(2)9-05(p19)*

The Planning and Compulsory Purchase Act 2004 (Commencement No.3 and Consequential and Transitional Provisions) (Wales) Order 2005 - **BC(2)9-05(p4)**

The Food with Added Phytosterols or Phytosteranols (Labelling) (Wales) Regulations 2005 - **BC(2)9-05(p5)**

**The Business Committee recommended the Accelerated procedure for BC(2)9-05(p2) and BC(2)9-05(p5). The Committee recommended the Standard procedure for BC(2)9-05(p1), BC(2)9-05(p3) and BC(2)9-05(p4). 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)9-05 (p1) & BC(2)9-05(p18)**

4.2 The Chair referred to the cover sheet accompanying this draft Order, and asked why it came under the "*Applying to UK: with distinct Welsh provision*" category. Alun Jenkins said that, in Wales, prospective Head Teachers would be required to have qualified teacher status. He said that this requirement was unique to Wales. The Deputy Presiding Officer said that it would be helpful if the Explanatory Memorandum could include a paragraph explaining this difference. In response to a query, the Business Minister said that any references in the supporting documents to "*national*" should be taken to mean Wales and not the UK.

### **BC(2)9-05(p2)**

4.3 The Chair referred to paragraph 9 of the Explanatory Memorandum, which said that there had "*been a delay in implementing the legislation in Wales*". Marion Stapleton said that there was a large volume of agriculture legislation and that staff resources had been directed to other, more pressing areas of work.

### **BC(2)9-05(p5)**

4.4 The Chair referred to paragraph 8 of the Explanatory Memorandum accompanying this draft Order, which said that the EC Regulation to which the Order related became applicable on 21<sup>st</sup> April 2004. She asked why there had been a delay in implementing the legislation. Alun Jenkins said that the delay had been, in part, due to the consultation process. He added that the delay had been experienced across the UK and that implementation of the regulations in England had only taken place on 12 January 2005.

## **(b) Standing Order 29 Subordinate Legislation**

### **BC(2)9-05(p9)**

4.5 The Business Committee noted the e-mail of notification from the Minister for Environment, Countryside and Planning about his intention to approve The Local Enforcing Authorities Air Pollution Fees and Charges Scheme (Wales) 2005. The Business Minister said that there was a discrepancy between the English and Welsh versions of the Scheme and said that she proposed to notify Members by e-mail about this. The Deputy Presiding Officer said that the format of this legislation was very clear.

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

## **BC(2)9-05(p11)**

4.6 The Business Committee noted the letter about the Council Tax (Situation and Valuation of Dwellings) (Wales) (Amendment) Regulations 2005 and The Council Tax (Reductions for Disabilities) and (Transitional Arrangements) (Wales) (Amendment) Regulations 2005. Marion Stapleton said she had been mistaken when she had notified the Committee in its previous meeting that a letter had already been sent to Members.

### **(d) Papers for Information**

4.7 The Business Committee noted the e-mail of notification from the Minister for Health and Social Services about his intention to confirm the Care Council for Wales (Registration) Rules 2005 and the Care Council for Wales (Conduct) Rules 2005.

## **5. Committees**

### **BC(2)9-05(p12)**

5.1 The Business Committee noted the letter from the Presiding Officer, in his role as Chair of the Panel of Chairs, about the timings of debates on Committee reports and about arrangements for handling the Children's Commissioner's Annual Report. During discussions on the latter, members of the Committee raised the following points:

Business Managers said that they were generally content with the way the Children's Commissioner's Annual Report had been handled, i.e. by holding a joint Committee meeting.

Attendance by Ministers at the joint Committee meeting had been somewhat disappointing.

the outcome of the joint Committee meeting had been unclear. It was suggested that the Panel of Chairs could consider the way that individual Subject Committees dealt systematically with the issues which had been raised.

It was suggested that such a joint Committee meeting could be held in the Chamber in future.

It was agreed that the Chair would write to the Panel of Chairs to relay the Committee's comments.

### **Action: Secretariat**

5.2 It was agreed that a paper about the use of Plenary time for Committee debates, which had been considered by the Panel of Chairs, would be submitted to the Committee in its next meeting.

## **BC(2)9-05(p13)**

5.2 The Business Committee noted the letter from the Environment, Planning and Countryside Committee about its intention to hold an additional formal meeting on 21<sup>st</sup> April.

## **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 of scheduling a statement on Consultants' contracts. However, the Minister for Health and Social Services would ensure that the Health and Social Service Committee was provided with an update on progress at its next meeting.

There was no intention of scheduling a statement on School Closures as it was for Local Education Authorities to bring forward school reorganisation proposals, where necessary, in the light of local circumstances.

There was no intention of making a statement on free home care for disabled people but the Minister for Health and Social Services would be issuing a written statement before the Easter recess about progress towards the introduction of this policy.

There was no intention to schedule a debate on the School Curriculum

## **This Week's Business**

### **BC(2)9-05(p15)**

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

6.3 The Business Minister referred to the debate on The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2005. She said that the draft Order which had been tabled needed to be amended. She said that the debate on the principle of the Order would go ahead and that the motion to approve the Order itself would be withdrawn. She said she would circulate the amendments to Members before the meeting. She said that a revised Order would be made under the Executive procedure. The Deputy Presiding Officer said that a debate on the principle of an Order which would then be withdrawn was redundant and that it was not good procedure to discuss a motion which would not lead anywhere. Business Managers agreed and said that they were unhappy with the situation. The Business Minister agreed that this was not ideal, but said that she felt that

holding a debate on the issues was important for the industry and for Members. In response to a query, Paul Silk said that the Minister for Health and Social Services could withdraw the motion to approve the principle before the vote, provided that no Member objected.

### Business Managers' Requests

6.5 Jocelyn Davies asked if statements could be made on the implementation of the General Practitioners and Consultants contracts.

6.6 Kirsty Williams asked if statements could be made on the Consultants' contract, on issues relating to primary care and on redundancies at Iceland.

6.7 William Graham asked if statements could be made on fallen stock and on the implications for the Government of the Freedom of Information Act.

### 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 12<sup>th</sup> April, 19<sup>th</sup> April and 26<sup>th</sup> April.

6.9 Kirsty Williams asked if a statement could be scheduled early next term on the Lyons Report on Council Tax.

## **7. Advice to Assembly on procedures**

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

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

#### **BC(2)9-05(p17)**

9.1 Paul Silk introduced a paper on proposals to amend Standing Order 19 in the light of the Freedom of Information Act. He said that the proposals had been approved by the Presiding Officer and that he had held discussions with officials from the Government. He said that the paper was intended to recognise that Members had special rights which could reduce the need for them to use Freedom of Information to obtain information. He added that the current Standing Order 19 was incompatible with the Freedom of Information Act and the paper included a new Standing Order to replace it. The Business Minister said that, while she was content with many of the suggestions outlined in the paper, she had some concerns about the proposed Standing Order, specifically the list of exemptions and its relationship with the Ministerial Code. It was agreed that the Business Committee would return to the issue in its meeting on 12<sup>th</sup> April. The Chair suggested that the Business Minister could bring forward a paper for that meeting outlining her concerns.

**Action: Marion Stapleton**

**10. Presiding Officer rulings**

**11. Any other business.**

**CHAMBER SECRETARIAT**