

## **MINUTES OF MEETING**

**Date:** 16<sup>th</sup> November 2004

**Time:** 9 a.m.

**Venue:** Conference Room E

**Present:** Jenny Randerson (Chair)  
Karen Sinclair, Business Minister  
Jocelyn Davies, Plaid Cymru Business Manager  
David Melding, Conservative Business Manager  
Peter Black, Welsh Liberal Democrats

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 Items 3 & 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. Apologies for absence were also received from the Deputy Presiding Officer. The Chair welcomed David Melding, who had been elected to the Business Committee in place of Jonathan Morgan.

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

#### **(i) BC497-04 (Final) Tuesday 2<sup>nd</sup> November 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) BC511-04 (Draft) Tuesday 9<sup>th</sup> November 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 (BC497-04 - Tuesday, 9<sup>th</sup> November)**

3.1 **Paragraph 4.1** Peter Black referred to the Higher Education Act 2004 (Commencement No.1 and Transitional Provisions) (Wales) Order 2004 and said that the Education and Lifelong Learning Committee had been notified of the draft Order in the list of forthcoming legislation, but that the schedule had said that the Order would be made in December 2005. He said that this date

was not correct and that the Committee's decision not to scrutinise the Order could have been influenced by this information.

**3.2 Paragraph 4.2** Marion Stapleton said that a list of the categories which were being used on the Cover Sheets accompanying draft Orders was being prepared and would be submitted to the Committee in its next meeting.

**3.3 Paragraph 4.3** Alun Jenkins reported back on issues arising from the Town and Country Planning (Electronic Communications) (Wales) Act 2004 and said that lawyers from OCG were preparing a paper on the apparent discrepancy between Section 66 (4) of the Government of Wales Act and Standing Order 25.16. He said that the Minister for Environment, Planning and Countryside had determined that it was inappropriate under the circumstances, in accordance with Section 66 (4) of the Government of Wales Act 1998, for the draft to be in both Welsh and English.

**3.4 Paragraph 6.3** The Business Minister said that the motion to delegate functions of the Public Audit (Wales) Act 2004, which had been scheduled for 17<sup>th</sup> November, would be withdrawn. She said that a revised motion would be tabled for debate on 24<sup>th</sup> November and that a revised briefing note in support of the motion would be sent to Members.

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

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

The High Hedges (Appeals) (Wales) Regulations 2004 (BC513-04)

*Recommended Procedure: Standard*

The High Hedges (Fees) (Wales) Regulations 2004 (BC514-04) *Recommended*

*Procedure: Standard*

The Anti-Social Behaviour Act 2003 (Commencement No. 3) (Wales) Order 2004 (BC515-04) *Recommended Procedure: Standard*

The Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004 (BC516-04) *Recommended Procedure: Standard*

*& Report of the Health and Social Services Committee (BC517-04)*

The Genetically Modified Food (Wales) Regulations 2004 (BC518-04)

*Recommended Procedure: Standard*

*& Report of the Health and Social Services Committee (BC519-04)*

The Genetically Modified Animal Feed (Wales) Regulations 2004 (BC520-04)

*Recommended Procedure: Standard*

**The Business Committee recommended the Standard procedure for all of the draft Orders. The Presiding Officer subsequently determined, on behalf of the Deputy Presiding Officer, that none of these Orders need be referred to Subject Committee.**

#### **BC513-04 & BC514-04**

4.1 The Business Committee noted that the Cover Sheet said that these draft Orders came under the "Implementing distinct Welsh Policy" category. The Chair said that the Explanatory Memorandums said that a "similar instrument" was being made in England. The Chair said that the differences between the Welsh and English draft Orders were technical and did not constitute distinct Welsh policy. Marion Stapleton said that OCG were consulted in attributing the draft Orders to a particular category.

#### **BC516-04**

4.2 The Business Committee noted the report of the Health and Social Services Committee. Jocelyn Davies referred to the list of consultees contained in the Explanatory Memorandum accompanying this draft Order and asked why the Care Standards Inspectorate for Wales had not been consulted. Peter Black asked why the Welsh Local Government Association had not been consulted. Marion Stapleton said that she would report back on the consultation process.

**Action: Marion Stapleton**

#### **BC518-04 & BC520-04**

4.3 Marion Stapleton said that, due to scheduling issues, these draft Orders would be submitted to Legislation Committee and Plenary a week later than had been planned. She said that the draft Orders would be considered in Plenary on 8<sup>th</sup> December.

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

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

#### **BC521-04**

4.4 The Business Committee noted the letter about the use of the Executive procedure to make the Food Labelling (Amendment) (No.2) (Wales) Regulations 2004, which was due to be debated in Plenary later that day. Jocelyn Davies said that the letter said that a consultation exercise had been undertaken and asked if copies could be made available to Business Managers. Marion Stapleton said she would circulate copies to Business Managers prior to the Plenary meeting.

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

#### **BC522-04**

4.5 The Business Committee noted the e-mail of notification from the Minister for Environment, Planning and Countryside's intention to confirm the Salmon & Sea Trout Netting Byelaws (Use of Nets) 2003. Peter Jones referred to Byelaw 2 which said that the byelaws would apply to the whole of Welsh Region of the "Authority" and asked if this should read "Agency" instead. Marion Stapletons said she would report back on this issue.

**Action: Marion Stapleton**

## **5. Committees**

### **6. Forthcoming Business**

#### **BC472-04**

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

- A debate on Affordable Housing would be scheduled for the New Year.
- There was no intention to schedule a debate on the re-configuration of the Fire Service .
- There was no intention to schedule a debate on the rising level of debt in Wales.
- The Conservative nominated debate of 9<sup>th</sup> November had been on out-of-hours GP services and there was no intention of scheduling a statement.
- There was no intention of scheduling a statement on the commemoration of the war dead
- There was no intention of scheduling a statement on level crossings in Wales as the Economic Development and Transport Minister has no specific responsibility for safety on rail crossings.
- There was no intention to schedule a statement on the number of MRSA cases by hospital as there was an opportunity to question the Minister for Health and Social Services on this issue on 10<sup>th</sup> November.
- There was no intention to schedule a statement on the impact of the civil service strike on services in Wales.

#### **This Week's Business**

6.2 The Committee considered paper BC524-04, which detailed the Assembly's agreed business for the week.

6.3 The Chair noted that the debate on the motion of dissatisfaction in relation to the Minister for Education and Lifelong Learning's intention to make the Education Maintenance Allowance - Wales Scheme had been allocated 10 minutes. Business Managers said this would not be sufficient time. The Business Minister said that she would rearrange the day's business to accommodate a longer debate.

6.4 Jocelyn Davies asked if a debate could be scheduled on the recruitment and retention of social workers; and asked if statements could be made on banning smoking in public places and Paediatric Neurosurgery in Swansea. Business Managers supported these requests.

6.5 David Melding asked if statements could be made on the future of Wrexham Football Club and on the position in Wales in relation to hunting with dogs. He asked if a debate could be scheduled on open government. Peter Black supported this request.

6.6 Peter Black asked if a statement could be made on any representations the Government had received from Wrexham Football Club.

#### Draft Business Statement

6.7 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 23<sup>rd</sup> November, 30<sup>th</sup> November and 7<sup>th</sup> December.

6.8 Peter Black referred to the business for 23<sup>rd</sup> November and noted that it was proposed that three items of legislation relating to Local Authorities would be debated together. He said that one of the items of legislation was not related to the others. The Business Minister said she would arrange a separate debate on the Council Tax regulations.

6.9 The Chair said that a commitment had been given by the Government that a statement on Assembly Sponsored Public Bodies would take place before the end of term. The Business Minister said that a statement would be scheduled in the first instance and that a debate would follow at an appropriate time.

#### **BC526-04**

6.10 The Business Committee noted the draft Periodic Timetable Statement, which contained arrangements for Committee meetings based on a three-weekly cycle. The Chair said that the Business Minister had given an undertaking in Plenary to review the arrangements for Committee business. The Business Minister said that a review had not been undertaken because of a failure to reach agreement with Party Leaders on one of the issues. The Chair asked the Business Minister to inform the Assembly of the status of the review during the debate on the Statement, which was scheduled for 24<sup>th</sup> November. Peter Black asked Business Managers to remind Members to avoid arranging constituency business on days when slots had been given for additional formal Committee meetings. Karin Phillips identified some anomalies in the draft statement and suggested some amendments. The Business Minister said she would incorporate the amendments before the statement was laid.

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

#### **BC527-04**

7.1 The Business Committee noted the paper on a structure for proceedings on the Queen's speech, which had been scheduled for 1<sup>st</sup> December. Jocelyn Davies noted that, under the proposals, backbench speakers would be allocated 3 or 5 minutes to speak depending on the time available. Jocelyn

Davies said she would prefer more speakers to be selected but allocated less time. Business Managers agreed with this proposal. It was agreed that this information would be relayed to the Presiding Officer. The Chair said that a review of the proceedings should be undertaken and submitted to the Committee in due course.

**Action: Secretariat**

#### **BC528-04**

7.2 The Business Committee noted the paper inviting the Committee to agree that future Guidance on Motions and Amendments should be made by the Presiding Officer following consultation with the Business Committee. The Business Minister said she would consult her group on the issue.

#### **BC529-04**

7.3 The Business Committee considered the note of the meeting between the Presiding Officer and the Chair of Business Committee. The following issues were raised during discussions -

#### **Arrangements for handling the Children's Commissioner's Annual Report**

- (i) The Chair said that the Panel of Chairs had suggested that a "committee of the whole House" could be established to debate the Children's Commissioner's Annual Report in future. The Chair said that it was too late to make any changes this year because the debate on the Children's Commissioner's Annual Report was scheduled for 17<sup>th</sup> November. The Committee agreed to review the arrangements in March, in advance of next year's debate.

**Action: Secretariat**

#### **Plenary debates on Committee policy review reports**

- (ii) The Chair said that the Panel of Chairs had suggested that debates on Committee reports should be allocated 60 minutes and that the time should be protected. The Business Minister said that it was the practice to allocate 60 minutes to such debates. The Committee agreed that an amendment to Standing Orders to protect debates on Committee reports should be submitted to the Committee for further consideration.

**Action: Paul Silk**

- (iii) The Chair said that the Presiding Officer had highlighted the difficulty of managing Minority Party debates which had been allocated 45 minutes. David Melding said that his party preferred 45 minute debates, rather than 60 minute debates, because it gave them the opportunity to discuss a wider range of issues. The Presiding Officer had noted that there had been a proposal for a 30 minute Minority Party Debate. The Business Minister said that this had been proposed because of the need to provide time for Minority Party Debates in accordance with each group's representations. The Chair suggested that time could be brought forward

from the next year's allocation, or carried forward from one year to the next, if such problems were encountered in future. The Business Minister said she would consider this suggestion.

### **Protocol for the Government's Response to Committee Reports**

- (iv) The Chair said that the Panel of Chairs was concerned with an apparent inflexibility in the Protocol which prevented Ministers from responding to a Committee report in the initial debate. Members of the Business Committee said that the intention of the Protocol was not to restrict Ministers from responding and asked the Business Minister to remind Ministers that they could do so if they wished. It was agreed that the protocol would be reviewed after a year.

### **Proposal for a Committee to scrutinise the First Minister**

- (v) The Chair said that amendments to Standing Orders would be brought forward shortly which would establish a Committee to scrutinise the First Minister.

### **Length of Oral Questions**

- (vi) The Chair said that an analysis of the length of Oral questions would be submitted to the Committee in due course.

**Action: Secretariat**

### **Standing Order 29.3**

- (vii) The Chair said she had discussed with the Presiding Officer the Government's interpretation of Standing Order 29.3 in respect of the making of the Education Maintenance Allowance - Wales Scheme. She noted that the Presiding Officer did not believe that "*having regard to the general importance*" of the Order meant saying that it would be inappropriate for the scheme to be subject to scrutiny because it needed to be introduced quickly. The Chair said that the Presiding Officer had written to her on that basis and the letter had been circulated to members of the Committee in order to inform that afternoon's debate. It was agreed that the letter should also be included on the agenda for the next meeting so that the Committee could discuss the Presiding Officer's suggestion for an amendment to Standing Orders to clarify the position.

**Action: Secretariat**

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

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

### **BC530-04**

9.1 The Business Committee considered and agreed a paper outlining proposed amendments to Standing Order 31. The Committee agreed to leave Standing Order 24, which said that motions to approve draft legislation should

be proposed by a Minister, unchanged and to establish a convention that the Minister would move the motion formally and the Member would be the first substantive speaker. Members of the Committee asked if a method of recording the agreements made in Business Committee in connection with the Standing Order could be explored. Jocelyn Davies asked if any such document could refer to soft legislation, such as guidance, which could be made at the Minister's discretion and could, possibly, overturn a decision made by the Assembly only a short time earlier.

**Action: Secretariat**

**10. Presiding Officer rulings**

**11. Any other business.**

**CHAMBER SECRETARIAT**