

MINUTES OF MEETING

Date: 18th November 2003

Time: 9 a.m.

Venue: Conference Room E

Present: Jenny Randerson (Chair)
Karen Sinclair, Business Minister
Jonathan Morgan, Conservative Business Manager
Peter Black, Liberal Democrat
Jocelyn Davies, Plaid Cymru Business Manager
John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly
Peter Jones, Presiding Office Legal Unit
Karin Philips, Members' Research and Committee Services
Andrew George, Clerk to the Business Committee
Marion Stapleton, Assembly Business Unit
Alun Jenkins (agenda item 4)
Marc Wyn Jones, Business Committee Secretariat
Catherine Morris, PS to Deputy Presiding Officer
Sarah Thomas, Chamber Secretariat
Rita Phillips, Assistant PS to Deputy Presiding Officer

1. Apologies & announcements

1.1 Apologies for absence were received from Kirsty Williams. The Chair of the Business Committee welcomed Peter Black, who would be representing her under Standing Order 13.3. The Chair of the Business Committee welcomed Sarah Thomas and Rita Phillips, who were observing the meeting for training purposes.

2. Minutes of the previous meetings

(i) BC408-03 (Final) Tuesday 4th November 2003

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) BC433-03 (Draft) Tuesday 11th November 2003

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

Action: Chamber Secretariat

3. Matters Arising

3.1 **Paragraph 5.1** Marion Stapleton said that the Revised Guidance on Regulatory Appraisals would be submitted to the Committee in its next meeting.

Action: Marion Stapleton

4. Subordinate Legislation

(a) Orders for consideration

The Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003 (BC440-03)
Recommended Procedure : Accelerated

The Education (Recognised Bodies) (Wales) Order 2003 (BC441-03)
Recommended Procedure : Accelerated

The Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (Wales) Regulations 2003 (BC442-03) *Recommended Procedure : Standard*

The Housing Renewal Grants (Amendment) (Wales) Regulations 2003 (BC443-03) *Recommended Procedure : Standard*

The Wildlife and Countryside (Registration of Ringing of Certain Captive Birds) (Wales) Regulations 2003 (BC444-03) *Recommended Procedure : Accelerated*

The Education (Information About Individual Pupils) (Wales) Regulations 2003 (BC445-03) *Recommended Procedure : Standard*

The National Assembly for Wales (Returning Officers' Charges) (Amendment) Order 2003 (BC446-03) *Recommended Procedure : Accelerated*

BC440-03

4.1 The Chair said that this draft Order had been considered by the Committee in its previous meeting but had been deferred. She said that the draft Order had now been available on the Intranet for the target of 10 working days prior to the Committee meeting but that a Regulatory Appraisal, which was specific to Wales, had not been prepared. Members of the Committee reiterated their view that a Regulatory Appraisal which was specific to Wales should have been prepared in this case and that the Business Committee could be satisfied that, if there was a judicial review, it had advised the Government correctly on this issue.

BC441-03

4.2 The Chair said that this draft Order had been considered by the Committee in its previous meeting but had been deferred because the Committee had asked if a Regulatory Appraisal could be prepared. Members of the Committee referred to Paragraph 3 of the Regulatory Appraisal, which said that "*This Order is not discretionary*". Members of the Committee said that although the Assembly was required to make the Order, the content of

the Order was discretionary. It was agreed that this sentence would be removed from the Regulatory Appraisal.

BC442-03 & BC443-03

4.3 The Chair said that these draft Orders had been considered by the Committee in its previous meeting but had been deferred because the Committee had asked if Regulatory Appraisals could be prepared. Members of the Committee said that the references to costs in the Regulatory Appraisal were not detailed enough and said that the Regulatory Appraisal was not comprehensive. It was agreed that Marion Stapleton would report back on the costs arising from making the Order at the Committee's next meeting.

BC444-03

4.4 The Chair said that the Explanatory Memorandum accompanying this draft Order contained an explanation for the Minister's recommended procedure. The Business Committee welcomed this. Jocelyn Davies said that paragraphs 1.2 and 2.2 of the Regulatory Appraisal were contradictory and asked for further clarification. The Business Committee agreed that the draft Order should be resubmitted to the Committee at its next meeting.

BC445-03

4.5 Members of the Committee noted that the Regulatory Appraisal accompanying this draft Order was not comprehensive in its references to the costs arising from making the draft Order. However, more detailed information was included in the Explanatory Memorandum accompanying the draft Order. Members of the Committee asked if all relevant information could be included in the Regulatory Appraisal.

The Business Committee agreed the recommended procedures for BC440-03 - BC443-03 and BC446-03. . The Business Committee recommended the Accelerated procedure for BC445-03. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to a subject committee.

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

(c) Papers to note;

5. Advice to Assembly on procedures

6. Committees

7. Forthcoming Business

(i) This Week's Business

7.1 The Committee considered paper BC435-03, which detailed the Assembly's agreed business for the week.

7.2 The Business Minister said that a statement on Potato Ring Rot by the Minister for Environment, Planning and Countryside would take place on 18th November and that the Composite Motion to approve various items of Foods Standards Agency legislation, which had been scheduled for Wednesday 19th November, would take place on 25th November.

7.3 Business Managers said that a cross party No Named Day Motion on the current situation in the Cardiff Social Services Department had been tabled and asked if a slot in Plenary could be found to debate the motion as soon as possible. The Business Minister said she would consider this request.

7.4 Jonathan Morgan asked if a statement could be scheduled on a reported staffing crisis in the University of Wales Hospital, Cardiff. Jocelyn Davies and Peter Black said they supported this request. The Business Minister said that she would relay the request to the Minister for Health and Social Services.

(ii) Draft Business Statement

7.5 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 25th 2nd and 9th December.

BC437-03

7.6 The Business Committee noted the paper on the proposed arrangements for the debate on the Queen's speech on 3rd December. The Deputy Presiding Officer emphasised that the timings included in the paper would be subject to the Presiding Officer's discretion during the course of the debate.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC438-03

9.1 The Business Committee agreed the paper on proposed amendments to Standing Orders 6.18. It was agreed that a Report of the Business Committee would be prepared and submitted to the Committee at its next meeting.

10. Presiding Officer rulings

11. Any other business.

BC439-03

11.1 The Business Committee welcomed the statistical analysis of the proceedings of the First Assembly.

11.2 The Deputy Presiding Officer said that on a recent visit, a delegation of Members of the London Assembly had invited members of the National Assembly for Wales for a reciprocal visit to observe procedures.

CHAMBER SECRETARIAT