

MINUTES OF MEETING

Date: 19th 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) BC447-04 (Final) Tuesday 5th October 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) BC457-04 (Draft) Tuesday 12th October 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 (BC457-04 - Tuesday, 12th October)

3.1 **Paragraph 3.1** The Chair noted that a revised timetable for Minority Party Debates would be submitted to the Committee once the Conservative group had been consulted on the allocation of their debates. Jonathan Morgan said he had consulted on the issue and that the Conservative group preferred an

additional debate which would be allocated 30 minutes, as was outlined in the original timetable, rather than reallocating that 30 minutes between two existing debates as had been suggested. The Deputy Presiding Officer said that in Minority Party debates which were allocated 45 minutes, the opposition party was allowed 15 minutes to open and close the debate; the Government was allowed 8 minutes; movers of amendments were allowed 5 minutes and voting would take 2 minutes. He said this meant that there was only enough time to allow between one and four additional speakers, if they were allowed the usual 5 minutes to speak. He asked Business Managers if they were content for those speakers each to be allowed 3 minutes instead if there was insufficient time. Business Managers agreed. The Deputy Presiding Officer said that, in the case of a thirty minute debate, these arrangements would have to be adapted to fit the time which was available.

3.2 Paragraph 4.3 Marion Stapleton said that a Welsh version of the Environmental Protection (Controls on Ozone-depleting Substances) (Wales) Directions 2004 was being prepared and that the e-mail of notification would be re-sent to Members shortly.

Action: Marion Stapleton

4. Subordinate Legislation

(a) Orders for consideration

The Single Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004 (BC458-04) *Recommended Procedure: Accelerated*

The Water Act 2003 (Commencement No. 2) (Wales) Order 2004 (BC459-04) *Recommended Procedure: Accelerated*

The Fire and Rescue Services Act 2004 (Commencement) (Wales) Order 2004 (BC460-04) *Recommended Procedure: Accelerated*

The Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 (BC461-04) *Recommended Procedure: Accelerated*

The Council Tax (Liability for Owners) (Amendment) (Wales) Regulations 2004 (BC462-04) *Recommended Procedure: Accelerated*

& Report of the Local Government and Public Services Committee (BC463-04)

The Council Tax (Chargeable Dwellings, Exempt Dwellings and Discount Disregards) (Amendment) (Wales) Order 2004 (BC464-04) *Recommended Procedure: Accelerated*

The Business Committee recommended the Standard procedure for BC458-04, BC460-04, BC461-04 and recommended the Accelerated procedure for BC459-04, BC462-04 and BC464-04. The Deputy Presiding Officer subsequently determined that none of these Orders need be referred to Subject Committee.

BC458-04

4.1 The Chair noted that the Cover Sheet accompanying this draft Order said that the Regulations came under the "*Implementing distinct Welsh Policy*" category. However, the Regulatory Appraisal said that similar appeals procedures were being established in England, Scotland and Northern Ireland. The Deputy Presiding Officer referred to the paragraph in the Explanatory Memorandum which dealt with the financial implications of implementing the Regulations. He said that the potential costs of appellants travelling to oral hearings had not been addressed and asked if the information could be made clearer. The Deputy Presiding Officer asked if the Regulatory Appraisal could be amended to include page and paragraph numbers and if there could be a reference to agriculture in the title of the draft Order, to ensure clarity. Jocelyn Davies said that her group wished to debate this draft Order.

BC459-04

4.2 Peter Jones said that this draft Order referred to Section 101(1) and (2) of the Water Act 2003, but there was no reference to those Sections in the Explanatory Memorandum. Alun Jenkins said that the Explanatory Memorandum would be amended to include this information.

BC460-04 & BC461-04

4.3 The Chair referred to the Explanatory Memorandum accompanying these draft Orders which said that responses from consultees were still being collated. Alun Jenkins said that this had been part of a wider consultation and that the responses relevant to the draft Orders had already been collated. The Deputy Presiding Officer noted that the Cover Sheets said that the Welsh versions of the draft Orders would be available two weeks after the English versions. Alun Jenkins assured the Committee that the target was always to publish Welsh and English versions simultaneously, but that this was not always possible. Marion Stapleton said that Officials were encouraged to build time into the timetable for the preparation of a Welsh version.

BC462-04, BC463-04 & BC464-04

4.4 The Business Committee noted the report of the Local Government and Public Services Committee (BC463-04), which had recommended approval of the draft regulations without amendment. The Chair referred to the paragraph on financial implications in the Explanatory Memorandum to BC462-04, which said that there could be a "*loss of revenue of approximately £351,000*" for Local Authorities and asked whether the potential loss would be averaged out across the Local Authorities. Marion Stapleton said she would report back on this issue.

Action: Marion Stapleton

(b) Standing Order 29 Subordinate Legislation

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

(d) Papers for Information

BC465-04 & BC466-04

4.5 The Business Committee noted the e-mail about the withdrawal of notification and the revised e-mail about the Minister for Environment, Planning and Countryside's intention to make National Eel Fishing Byelaws 2003.

BC467-04 & BC468-04

4.6 The Business Committee noted the e-mail about the withdrawal of notification and the revised e-mail about the Minister for Environment, Planning and Countryside's intention to confirm Salmon & Sea Trout Netting Byelaws 2004.

5. Committees

BC470-04

5.1 The Chair noted that paragraph 6 of the paper on arrangements for Regional Committees said that the Chair of South East Wales Regional Committee had not received any responses to an initial consultation paper. She said that responses had been received but had yet to be collated. The Committee agreed to defer consideration of the paper and that a revised version containing the responses should be submitted to the Committee on 2nd November.

Action: Karin Phillips

BC469-04

5.2 The Business Committee considered and approved the request from the Education and Lifelong Learning Committee to hold an extra meeting on 18 November. Jonathan Morgan said that Subject Committees should not be required to seek the Business Committee's permission if they had decided to use the slots which had been allocated to them for optional additional meetings in the Periodic Timetable Statement. It was agreed that Subject Committees should continue to notify the Business Committee if they proposed to hold additional meetings. It was agreed that Subject Committees should continue to seek the Business Committee's permission if they wished to hold additional formal meetings outside of their allocated slots.

BC471-04 & BC472-04

5.3 The Business Committee noted the letters from the Chair of Education and Lifelong Learning Committee (BC471-04) and the Chair of Health and Social Services Committee (BC476-04) about scrutiny of forthcoming legislation.

6. Forthcoming Business

BC472-04

6.1 The Business Minister responded to various requests from Business

Managers and said that:

- There was no intention to schedule a debate on anti-social behaviour.
- There was no intention to schedule a debate on NHS cross-border working but a debate on waiting times could be scheduled after the publication of the next quarterly waiting lists statistics. The Business Minister said that the debate could take place in November.
- There was no intention to make a statement on Blaenau Gwent's Childrens Social Services Department. The issue had been discussed in Health and Social Services Committee in its previous meeting and there had been no developments since then.

6.2 Jocelyn Davies said that Peter Black had requested a debate on anti-social behaviour measures and not on anti-social behaviour. She asked the Business Minister to reconsider the request.

This Week's Business

6.3 The Committee considered paper BC473-04, which detailed the Assembly's agreed business for the week.

6.4 The Business Minister said that a statement by the First Minister on "Making the Connections", a consultation document on public services, would be made later that day.

6.5 Jocelyn Davies asked if statements could be made on the Government's reaction to the issue of whether to increase the number of Nuclear power stations in Wales; and on out of hours working for General Practitioners. Business Managers supported these requests.

6.6 Jonathan Morgan asked if statements could be made on the closure of Benefits Offices; and on a reported trade war involving Airbus and Boeing and the impact this could have on Broughton. Business Managers supported these requests.

6.7 Peter Black reiterated his request for a debate on anti-social behaviour measures. Business Managers supported this request.

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 2nd November, 9th November and 16th November.

6.9 Jonathan Morgan referred to the statement by the Minister for Health and Social Services on the Care Standards Inspectorate for Wales' Annual Report which had been scheduled for 16th November. He said that this was an important issue and asked why a debate had not been scheduled. Marion Stapleton said that, unlike debates on some other Annual Reports, there was

no requirement in Standing Orders to schedule a debate.

6.10 Jonathan Morgan said that the Business Minister had said, in a previous debate on the Periodic Timetable Statement, that she would undertake a review of arrangements for Subject Committee meetings by the end of the year. The Business Minister said that arrangements for Committee business would be outlined in the next Periodic Timetable Statement.

6.11 Jocelyn Davies noted that Minority Party debates were scheduled to be the final items of business on 2nd, 9th and 16th November. She said that it had been agreed that Minority Party Debates would be scheduled as the penultimate items of main plenary business following debates on legislation, but that Government debates had not been scheduled on those dates. Marion Stapleton said she would rearrange business on 9th November so that the Conservative Minority Party Debate would be the penultimate debate.

7. Advice to Assembly on procedures

BC477-04

7.1 The Business Committee considered the revised Guidance on Motions and Amendments. Andrew George said that the revised Guidance clarified and consolidated three separate pieces of guidance. The Committee agreed it was content with the draft Guidance, subject to some minor amendments. The Deputy Presiding Officer said that as one of the pieces of Guidance to be replaced had been approved in Plenary, the Assembly would need to revoke it before approving the revised Guidance.

Action: Secretariat

8. Matters referred from plenary

9. Revisions to Standing Orders

9.1 The Business Committee considered a paper on proposed amendments to Standing Order 31. Members of the Committee suggested some minor amendments. It was agreed that Officials should draft a revised Standing Order and accompanying guidance.

Action: Paul Silk

10. Presiding Officer rulings

11. Any other business.

11.1 Jocelyn Davies referred to the debate on a Standing Order 31 motion tabled by David Melding which had taken place on 12th October. She said that the Minister for Health and Social Services had given an undertaking that another debate on the issue would take place in 9 months and sought assurance from the Business Minister that that would be the case. Jocelyn Davies also noted that David Melding had signalled his wish to withdraw his motion at the end of the debate prior to the vote but Members had objected to the proposal. She said that the Assembly should have the opportunity to vote

on Members' Standing Order 31 motions. The Business Minister said that the withdrawal of motions was a matter for the Member concerned, with the consent of the Assembly.

11.2 Andrew George said that the Public & Commercial Services Union was balloting its Members about a day of action on Friday 5th November. He said that this could affect the arrangements for issuing the Business Committee papers, which were normally issued on a Friday. He said that the papers could be circulated on Thursday 4th November, if the Committee so wished. The Business Minister said that she had some reservations about this proposal. The Deputy Presiding Officer asked if the papers for the meeting could be kept to a minimum. Members of the Committee agreed to consider the proposals in its next meeting.

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