

**MINUTES OF MEETING**

**Date:** 21<sup>st</sup> September 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  
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 Richard Norman, who was observing the meeting.

**2. Minutes of the previous meetings**

**(i) BC378-04 (Final) Tuesday 6<sup>th</sup> July 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 6<sup>th</sup> July 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**

**BC365-04 29<sup>th</sup> June**

3.1 **Paragraph 7.1** The Business Minister said that a revised paper on legislation proposed under Standing Order 31(Proposals made by Assembly Members for Subordinate Legislation) was being prepared in consultation with

APS and that it would be submitted on the 28<sup>th</sup> September.

#### **BC391-04 - 13<sup>th</sup> July 2004**

**3.2 Paragraph 3.2** Marion Stapleton said that the delay in introducing the Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2004 (BC381-04) in Wales had not caused any problems for the industry.

**3.3 Paragraph 4.6** The Deputy Presiding Officer said that he had not been notified when a Welsh version of the Care Council for Wales (Registration) Rules 2004 had been made available. Marion Stapleton said that the Care Council was responsible for producing a Welsh version and that it had not yet been made available. She said she would notify the Deputy Presiding Officer as soon as the Welsh version had been completed.

**3.4 Paragraph 7.3** The Chair said that papers on arrangements for Regional Committees and on restructuring Assembly business would not be ready for the 28<sup>th</sup> September and would be submitted to the Committee on 5<sup>th</sup> October.

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

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

The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) (Amendment) (No.3) Regulations 2004 (BC393-04)  
*Standing Order 25, Section 3*

The Disqualification from Caring for Children (Wales) Regulations 2004 (BC394-04) *Recommended Procedure: Standard*

The Common Agricultural Policy Support Schemes (Modulation) (Wales) (Amendment) Regulations 2004 (BC395-04) *Recommended Procedure: Accelerated*

The Education (Health Standards) (Wales) Regulations 2004 (BC396-04)  
*Recommended Procedure: Accelerated*

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2004 (BC397-04) *Recommended Procedure: Accelerated*

The TSE (Wales) (Amendment) Regulations 2004 (BC398-04) *Recommended Procedure: Standard*

**The Business Committee recommended the Standard procedure for BC394-04, BC396-04 and BC398-04 and the Accelerated procedure for BC395-04 and BC397-04. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to subject committee.**

#### **BC393-04**

4.1 The Deputy Presiding Officer noted that this draft Order would be made in accordance with Standing Order 25, Section 3 and asked if a Welsh

translation would be made available. Alun Jenkins said that the Minister for Environment, Planning and Countryside had determined that it was inappropriate for the draft Order to be translated into Welsh as it was highly technical in nature. Jocelyn Davies referred to the maximum residue levels, as outlined in the draft Order, and asked if they were being reduced in comparison to previous Regulations. Alun Jenkins said he would report back on this issue.

**Action: Alun Jenkins**

#### **BC394-04**

4.2 The Deputy Presiding Officer noted that the Cover Sheet accompanying this draft Order indicated that the Regulations came under the "Wales Only/Matching Whitehall" categories and said that legislation made in accordance with Standing Order 24 could only be relevant to Wales and therefore the "Wales Only" category was superfluous. He asked if the categories could be revised and made clearer. He also said that if, in future, the categories formed the basis of a statistical analysis relating to legislation, the information could be misleading because of the lack of clarity.

**Action: Marion Stapleton in consultation with APS**

#### **BC396-04**

4.3 The Chair referred to the detailed information on the consultation process included in the Explanatory Memorandum accompanying this draft Order. The Committee welcomed the inclusion of the information and asked if, in future, a paragraph indicating the response to significant points raised in the consultation could be included in the Explanatory Memorandum. Jocelyn Davies said that her group wished to debate this draft Order.

#### **BC398-04**

4.4 The Deputy Presiding Officer said that the Regulatory Appraisal accompanying this draft Order contained technical abbreviations which would be unfamiliar to many readers and asked if definitions could be included in the document.

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

#### **BC399-04, BC400-04 & BC414-04**

4.5 The Business Committee note the e-mails to Members from Ministers on their intentions to make legislation relating to the following matters in accordance with Standing Order 29.

- an employment based teacher training scheme
- amendments to the Statutory Guidance which supports the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002

- the statutory approval of qualifications under Section 99 of the Learning and Skills Act 2000

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

#### **BC401-04 - BC405-04**

4.6 The Business Committee noted letters and e-mails which had been sent to Assembly Members on the use of the Executive procedure for the following Orders

- The Care Standards Act 2000 & Children Act 1989 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2004
- The Potatoes Originating in Egypt (Wales) Regulations 2004
- The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004

4.7 Karin Phillips asked if, in future, letters to Business Managers about the proposed use of the Executive procedure could be copied to the relevant Subject Committee Chair.

4.8 The Chair referred to the e-mails which had been sent to Assembly Members on the use of the Executive procedure for various Orders and said that the purpose of the e-mails (i.e. to inform Members of the 40-day period during which Assembly Members could table a revocation motion) was not clear. It was also not clear which parts of Standing Order 24.27 were being disapplied. The Committee asked for the relevant information to be communicated clearly to Members.

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

#### **BC406-04**

4.9 The Business Committee noted the e-mail of notification from the Minister for Economic Development & Transport about his intention to confirm/approve The Welsh Development Agency (Land at Bridge Street, Wrexham) Compulsory Purchase Order 2004 under Standing Order 30.

### **5. Committees**

#### **BC407-04**

5.1 The Business Committee considered and approved a request from the Education and Lifelong Learning Committee to hold an additional formal meeting on the 30<sup>th</sup> September.

#### **BC408-04**

5.2 The Business Committee considered and approved a request from the Health and Social Services Committee to hold an additional formal meeting on the 14<sup>th</sup> October.

#### **BC409-04**

5.3 The Business Committee considered and approved a request from the Audit Committee to hold an additional formal meeting on the 22<sup>nd</sup> September.

#### **BC410-04**

5.4 The Business Committee considered and agreed the proposed amendments to the Presiding Officer's Guidelines on Apologies and Substitutions in Subject Committee meetings.

**Action: Chair to inform Presiding Officer**

### **6. Forthcoming Business**

#### **BC415-04**

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

- There was no intention to schedule time for a debate on Further Education
- The decision on whether to schedule a debate on Social Housing would be taken following further discussion of the issue in the Social Justice and Regeneration Committee.
- There was no intention to schedule a statement by the First Minister on his role in policing the Ministerial Code as a complaint was still going through the Assembly's Complaints process.

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. She said that she would be content for a Written Statement to be issued in the meantime and for the First Minister to make an oral statement once the specific complaint had been dealt with.

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

6.3 The Committee considered paper BC411-04, which detailed the Assembly's agreed business for the week.

6.4 The Business Minister said that the Minister for Economic Development and Transport would be making a statement on the Defence Aviation Repair Agency (DARA), St Athan on Tuesday. She said that the motion to elect local authority members to the Local Government Partnership Council, which had been scheduled for Tuesday, would be withdrawn and that the motion to approve the Water Act 2003 (Commencement No 2) (Wales) Order 2004, which had been scheduled for Tuesday, would be postponed until 9<sup>th</sup>

November.

6.5 Members of the Business Committee referred to Tuesday's debate on the CLYWCH inquiry's report, which had been allocated 120 minutes, and asked if the Presiding Officer intended to extend the amount of time available to individual speakers during the debate. The Deputy Presiding Officer said that this was a matter for the Presiding Officer and said that, in the past, the time had been extended to allow more Assembly Members to speak during the debate. However, he would take into account the views of the Business Committee on the arrangements for particular debates.

6.6 Jocelyn Davies asked if a statement could be made on the centralisation of various services at Cardiff and the impact this would have on Morrison Hospital.

6.7 Jonathan Morgan asked if a statement could be scheduled on Cancer services in Wales, in particular the availability of mammograms. He asked if a debate on this issue could be scheduled for a later date.

6.8 Jocelyn Davies asked if the situation at the Laura Ashley factories in Mid Wales would be included in the Economic Development Minister's statement on DARA later that day.

6.9 The Chair asked if a statement could be scheduled on the impact of Council-Tax re-banding. Business Managers supported this request and Jonathan Morgan asked if a debate on this issue could be scheduled for a later date.

#### Draft Business Statement

6.10 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 28<sup>th</sup> September, 5<sup>th</sup> October and 12<sup>th</sup> October.

6.11 Jocelyn Davies referred to the debate on the First Minister's Report, which had been allocated 60 minutes and was scheduled for 29<sup>th</sup> September. Business Managers said they anticipated that the debate would require more time.

#### **BC413-04**

6.12 The Business Committee noted the e-mail containing the timetable for Minority Party debates. In response to a query, Marion Stapleton said she would submit a more detailed timetable, containing the time allocated to each debate, to the Committee in its next meeting.

**Action: Marion Stapleton**

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

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

**9. Revisions to Standing Orders**

**10. Presiding Officer rulings**

**11. Any other business.**

**CHAMBER SECRETARIAT**