

Business Committee BC552-04(Final)

MINUTES OF MEETING

Date: 23rd 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 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) BC511-04 (Final) Tuesday 9th 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) BC531-04 (Draft) Tuesday 16th November 2004

2.2 The minutes were presented to the Committee in draft. Some amendments were suggested which would be incorporated before the minutes were translated in readiness for publication Action: Chamber Secretariat

2.3 The Business Minister referred to paragraph 7.3(vii) which said that the letter from the Presiding Officer on Standing Order 29.3 "had been circulated to members of the Committee in order to inform that afternoon's debate". She said that this did not reflect her recollection of discussions. Jocelyn Davies said that, although she could not remember the exact words which had been used in the meeting, it was her understanding that that was the case. Members of the Committee said that they were content that the minute was accurate. The Business Committee agreed that it would have been helpful if the Presiding Officer's letter had been circulated to all Members in advance of the debate.

The Deputy Presiding Officer said that it had been agreed that members of the Committee could refer to Business Committee discussions of draft legislation in Plenary debates. He asked the Secretariat to find the extract from the minutes which referred to the agreement. Action: Secretariat

Matters Arising (BC497-04 - Tuesday, 9th November)

3.1 Paragraph 4.2 Marion Stapleton referred to the consultation process for The Suspension of Day Care Providers and Child Minders and said that the Welsh Local Government Association had not been consulted because the vast majority of childcare organisations came under the umbrella of the 6 organisations which had been consulted. Jocelyn Davies asked if the Welsh Local Government Association could be consulted in future.

3.2 Paragraph 4.5 Marion Stapleton said that the e-mail of notification about the Minister for Environment, Planning and Countryside's intention to confirm the Salmon & Sea Trout Netting Byelaws (Use of Nets) 2003 had been withdrawn because an error had been identified. She said that a revised e-mail would be sent to Members in due course.

3.3 Paragraph 6.10 The Chair said that a Report of the Business Committee had been circulated out of Committee for approval. She said that the Report said that the Business Committee, with the exception of the Business Minister, recommended that subject committees should meet, as they did in the First Assembly, on a two-weekly cycle. Peter Black said that the Business Minister had said in Plenary that a review of the arrangements for Committee business would be undertaken and asked if the Minister would refer to the review during the debate. The Business Minister said she would refer to the review in her speech.

3.4 Paragraph 7.2 The Business Minister said she had consulted her group about the Guidance on Motions and Amendments and would be in a position to report back in the next meeting.

4. Subordinate Legislation Orders for consideration

The Education (Information About Individual Pupils) (Wales) (Amendment) Regulations 2005 (BC533-04)

The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005 (BC534-04)

The General Teaching Council for Wales (Additional Functions) (Amendment) Order 2005 (BC535-04)

& Report of the Education and Lifelong Learning Committee (BC536-04)

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2005 (BC537-04)

The Business Committee recommended the Standard procedure for BC534-04 and BC537-03 and the Accelerated procedure for BC533-04 and BC535-04. The Deputy Presiding Officer subsequently determined that none of these Orders need be referred to Subject Committee.

BC533-04

4.1 The Chair noted that the Cover Sheet accompanying this draft Order said that a Welsh version would not be available until 23rd November. Alun Jenkins confirmed that the Welsh version would be available later that day. The Deputy Presiding Officer referred to the Explanatory Memorandum and said that it contained technical terms and acronyms with which members of the public might not be familiar. The Business Minister suggested that, where an Explanatory Memorandum contained technical terms, a glossary could be published alongside it.

BC534-04

4.2 Jocelyn Davies said that her group would like a debate on this draft Order.

BC535-04 & BC536

4.3 The Business Committee noted the Report of the Education and Lifelong Learning Committee on these draft Orders. Jocelyn Davies said that her group wished to debate The General Teaching Council for Wales (Functions) (Amendment) Regulations 2005.

(b) Standing Order 29 Subordinate Legislation

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

BC538-04

4.4 The Business Committee noted the letter about the use of the Executive procedure to make the Common Agricultural Policy Schemes (Cross Compliance) (Wales) Regulations 2004. The Chair noted that the letter said that Environment, Planning and Countryside Committee would be provided with a near final draft of the Regulations in advance of its meeting on 24th November. Karin Phillips said that the Committee had yet to receive the draft Regulations. Marion Stapleton said she would ensure that the Committee received the draft Regulations later that day.

BC539-04

4.5 The Business Committee noted the letter about the use of the Executive procedure to make the Council Tax (Transitional Arrangements) Wales Regulations 2004 and the Council Tax (Demand Notices) (Transitional Arrangements) (Wales) Regulations. The Chair noted that the Regulations had been considered by the Local Government and Public Services Committee and that a Report of the Committee had been circulated. Members of the Committee noted that the letter did not say that the Regulations had been subject to Committee scrutiny and asked if this information could be included in similar correspondence in future.

(d) Papers for Information

BC540-04

4.6 The Business Committee noted the briefing note which had been sent to Members in support of the motion to delegate functions of the Public Audit (Wales) Act 2004. Members of the Committee commented that the briefing note was comprehensive and clear.

BC541-04

4.7 The Business Committee noted the e-mail of notification about the Minister for Environment, Planning and Transport's intention to make the Swansea Bay (Penclawdd Shellfish Processing Ltd) Mussel Fishery Order 2004. Peter Jones said that a reference in the e-mail to the Standing Order under which the Order was being made was incorrect. Marion Stapleton said that this was a typographical error and would be corrected.

5. Committees

6. Forthcoming Business

BC542-04

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

There was no intention of scheduling a statement on Paediatric Neurosurgery Services in Swansea. The Health Minister would be reporting on the latest position of these services to the Health and Social Services Committee in its next meeting.

There was no intention of scheduling a debate on the recruitment and retention of social workers as the issue had been covered in the debate on the Annual Report of the Children's Commissioner on 17th November.

A statement on the English Public Health White Paper which referred to proposals to ban smoking in public places had been made by the Minister for Health and Social Services on 16th November.

There was no intention to make a statement on issues relating to Wrexham Football Club.

There was no intention to make a statement on the position in Wales following a ban on hunting with dogs, as this was a non-devolved matter.

Whilst there was no intention of scheduling a debate on Open Government, a debate the Revised Code of Access to Information was scheduled for 8th December.

A statement on the future of Assembly Sponsored Public Bodies would be made before the Christmas recess.

This Week's Business

BC543-04

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

6.3 The Chair noted that no motion had been tabled for the debate on The Food (Pistachios from Iran) (Emergency Control) (Wales) (No2) (Amendment) Regulations 2004, which was scheduled for 23rd November. The Business Minister said that problems had arisen which would delay the legislation and that it would need to be made under the Executive procedure in order to meet the January deadline for bringing it into force. Business Managers said they were content with this proposal as it was a food safety issue.

6.4 The Business Minister said that no motion had been tabled for the debate on the Second Offer Scheme, which had been scheduled for 24th November. She said that the Plaid Cymru Minority Party debate on 23rd November was on issues relating to the Health Service. Business Managers said that they were not content with this decision, because the Second Offer Scheme involved highly technical issues which could not be considered effectively in the more wide-ranging Minority Party debate. The Business Minister said that the debate would be rescheduled in the New Year.

Requests from Business Managers

6.5 Jocelyn Davies asked if a statement could be made on the reported costs of the reorganisation of Assembly Sponsored Public Bodies. Peter Black supported this request. She also asked for debates to be scheduled on Mental Health Services and the Second Offer Scheme. David Melding supported the request for a debate on Mental Health Services.

6.6 David Melding asked if a statement could be scheduled on the reported increase in the costs of the new Assembly Chamber. Business Managers supported this request.

6.7 Peter Black asked if statements could be scheduled on patient transport; the Government's Creative Industries Strategy and the regeneration of the Heads of the Valleys. David Melding supported this request. He also asked if statements could be scheduled on the relocation of Welsh Assembly Government offices and on GP out-of-hours services.

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 30th November, 7th December and 11th January.

6.9 The Deputy Presiding Officer referred to debates on two items of legislation relating to Council Tax, which had been scheduled for 30th November and allocated 15 minutes. The Deputy Presiding Officer said that this would not be enough time to debate both Orders. Paul Silk said that the Presiding Officer had noted that a number of debates on draft Orders in the draft Business Statement

had been allocated 10 minutes and that this was not sufficient time for proper scrutiny of legislation.

6.10 Jocelyn Davies referred to the First Minister's statement on Assembly Sponsored Public Bodies, which had been scheduled for 30th November, and said that the statement could require longer than the 30 minutes which was normally allocated. The Business Minister said that the First Minister would give an indication about when a debate would be scheduled, in his statement.

6.11 Peter Black noted that the announcement of the Local Government settlement had been deferred. He said that this was a departure from previous arrangements and asked if the Minister for Finance, Local Government and Public Services could explain the policy for the timing of the announcement. The Business Minister said that the Minister would be discussing this issue with the Local Government and Public Services Committee.

7. Advice to Assembly on procedures

BC545-04

7.1 The Business Committee noted the Report of the Business Committee about the arrangements of Subject Committee business, which had been laid in advance of the debate on the Periodic Timetable Statement on 24th November.

BC546-04

7.2 The Business Committee noted the letter from the Presiding Officer about his interpretation of Standing Order 29.3, which also relayed his views about the application of that Standing Order to the Education Maintenance Allowance - Wales Scheme. The Chair said that the Presiding Officer had asked the Business Committee to consider amending Standing Order 29 to make clear that draft Orders under that Standing Order should be subject to all of the procedural requirements unless they were considered unimportant. The Business Minister said that, in future, the provisions of Standing Order 29.3 would only be disapplied if the Minister thought that the legislation was routine. She said that guidance for Government Officials would be amended in the light of the Presiding Officer's interpretation. The Committee welcomed this. Members of the Business Committee requested an amendment to Standing Orders to reflect the Presiding Officer's interpretation. Action: Paul Silk

BC547-04, BC548-04 & BC549-04

7.3 The Business Committee considered the examples of briefing notes in support of delegation motions. Members of the Committee noted that a tabular format was often clearer if the functions being delegated were reasonably straightforward, but that text was more appropriate if the functions to be delegated were more complicated. The Deputy Presiding Officer said that it was essential that all of the functions were identified and enumerated. Paul Silk said that the briefing note should list all of the functions which were being delegated; the functions which were not being delegated; and the functions which could not be delegated. Marion Stapleton suggested that a summary table could be included as part of the briefing notes. The Business Committee welcomed this suggestion.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC551-04

9.1 The Business Committee considered and agreed a paper outlining proposed amendments to Standing Order 6.12 so that all elections and appointments by the Assembly would be taken as the first item of business. It was agreed that a Report of the Business Committee would be prepared in due course. Action: Secretariat

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT