

MINUTES OF MEETING

Date: 25th November 2003

Time: 9 a.m.

Venue: Conference Room E

Present: Jenny Randerson (Chair)
Karen Sinclair, Business Minister
Jonathan Morgan, Conservative Business Manager
Kirsty Williams, Liberal Democrat Business Manager
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

1. Apologies & announcements

2. Minutes of the previous meetings

(i) BC433-03 (Final) Tuesday 11th 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) BC447-03 (Draft) Tuesday 18th November 2003

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

3.1 **Paragraph 3.2 (BC433-03 Tuesday 11th November)** - The Business Minister said that the Cabinet had yet to consider the paper on Government Responses to Committee Reports. It was agreed that a final version of the paper would be submitted to the Committee at its meeting on 9th December.

Action: Business Minister

3.2 **Paragraph 4.1** Marion Stapleton said that the Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (Wales) Regulations 2003 (BC442-03) were being redrafted and said she would update the Committee

on progress in its next meeting.

3.3 Paragraph 7.3 Jonathan Morgan said that a request had been made to schedule a debate on a cross party No Named Day Motion on the current situation in the Cardiff Social Services Department. He said that the Business Minister had not scheduled a debate in her draft Business Statement of the previous week and asked why this was the case. The Business Minister said that her reasons had been communicated to Business Managers before the Plenary meeting began.

3.4 Paragraph 7.4 Jonathan Morgan said that a request had been made for a statement on the reported staffing crisis in the Accident and Emergency department of the University of Wales Hospital, Cardiff. However, no statement had been made. The Business Minister said that the request had been relayed to the Minister for Health and Social Services but the Minister was not prepared to make a statement as it was an operational matter for the Trust. However, the Minister said that a debate or a statement would be scheduled if the situation changed.

4. Subordinate Legislation

(a) Orders for consideration

The Waste Management Licensing (Amendment) (Wales) Regulations 2004 (BC449-03) *Recommended Procedure : Accelerated*

The Independent School Standards (Wales) Regulations 2003 (BC453-03)
Recommended Procedure : Accelerated Recommended Procedure : Accelerated

The Independent Schools (Provision of Information) (Wales) Regulations 2003 (BC451-03) *Recommended Procedure : Accelerated*

The Independent Schools (Publication of Inspection Reports) (Wales) Regulations 2003 (BC452-03) *Recommended Procedure : Accelerated*

The Independent Schools (Religious Character of Schools) (Designated Procedure) (Wales) Regulations 2003 (BC450-03) *Recommended Procedure : Accelerated*

The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 (BC454-03) *Recommended Procedure : Standard*

The Welsh Language Schemes (Public Bodies) Order 2004 (BC455-03)
Recommended Procedure : Standard

The Adoption Agencies (Amendment) (Wales) Regulations 2003 (BC456-03)
Recommended Procedure : Standard

The Dog Fouling (Fixed Penalty) (Wales) Order 2003 (BC457-03) *Recommended Procedure : Standard*

The Litter (Fixed Penalty) (Wales) Order 2003 (BC458-03) *Recommended Procedure : Standard*

The National Health Service (Primary Care) Act 1997 (Commencement No.1)

(Wales) Order 2003 (BC459-03) *Recommended Procedure : Accelerated*

The Collagen and Gelatine (Intra-Community Trade) (Wales) Regulations 2003 (BC460-03) *Recommended Procedure : Accelerated*

The Education (School Day and School Year) (Wales) Regulations 2003 (BC461-03) *Recommended Procedure : Accelerated*

The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003 (BC462-03) *Recommended Procedure : Standard*

The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 (BC463-03) *Recommended Procedure : Standard*

The Organic Farming Scheme (Wales) (Amendment) Regulations 2003 (BC464-03) *Recommended Procedure : Accelerated*

The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2003 (BC465-03) *Recommended Procedure : Accelerated*

The Central Rating List (Wales) (Amendment) Regulations 2003 (BC466-03) *Recommended Procedure : Accelerated*

The Wildlife and Countryside (Registration of Ringing of Certain Captive Birds) (Wales) Regulations 2003 (BC467-03) *Recommended Procedure : Accelerated*

BC449-03

4.1 The Chair said that paragraph 13 of the Explanatory Memorandum accompanying this draft Order referred to the level of consultation which had been undertaken. It said that 280 stakeholders had been consulted and 24 responses had been received. Members of the Business Committee asked if, in future, more detail about the nature of the responses could be included in Explanatory Memorandums.

BC450-03, BC451-03, BC452-03 & BC453-03

4.2 The Chair said that one Regulatory Appraisal had been prepared for these four Education draft Orders. However, the Regulatory Appraisal did not address all four draft Orders fully. Alun Jenkins said that he would feed this information back to the relevant Officials and confirmed that the Regulatory Appraisal would be redrafted before the Order was submitted to the Legislation Committee. The Deputy Presiding Officer said the Business Committee could be satisfied that, if there was a judicial review, it had advised the Government correctly that a more comprehensive Regulatory Appraisal was required.

BC454-03

4.3 The Chair said that the Regulatory Appraisal accompanying this draft Order contained language which was emotive and said that such documents should be written in neutral language. It also appeared that the Regulatory Appraisal accompanying this draft Order had been written before the Local

Government Bill had been passed. Members of the Committee suggested that the Regulatory Appraisal should be updated.

BC456-03

4.4 The Chair said that paragraph 11 of the Explanatory Memorandum accompanying this draft Order said that the Health and Social Services Committee had not been notified of the Regulations. This was apparently due to time constraints. Members of the Business Committee said that subject committees should be notified of all draft Orders. It was agreed that the Chair should write to the Chair of Health and Social Service Committee notifying him of the Regulations and also to provide him with a copy of the draft Order and supporting papers.

Action: Secretariat

BC459-03

4.5 The Chair asked why the section of the National Health Service (Primary Care) Act 1997 which this draft Order would bring into force had not been commenced before. Marion Stapleton said she would report back on this issue in the Committee's next meeting.

BC464-03

4.6 Jocelyn Davies referred to the paragraph on costs in the Regulatory Appraisal which accompanied this draft Order, which said that "*there will be no additional costs*". She said that the Explanatory Note of the draft Order said that the Regulations would "*increase the payment rate for organic farming aid*". The Committee requested further clarification and for the draft Order to be resubmitted to the Committee at its next meeting.

BC467-03

4.7 The Chair said that this draft Order had been submitted to the Committee in its previous meeting but had been deferred following a request from Jocelyn Davies for further clarification in the Regulatory Appraisal of the costs arising from making the Order. Members of the Committee agreed that the Regulatory Appraisal was now much clearer. Jocelyn Davies said that her group might wish to debate the draft Order and that she would contact the Business Minister as soon as a decision was taken.

The Business Committee agreed the recommended procedures for BC449-03 - BC455-03, BC457-03 - 463-03 and BC465-03 - BC466-03. The Business Committee recommended the Accelerated procedure for BC456-03 and the Standard procedure for BC467-03. 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

5.1 The Business Committee agreed the Revised Guidance on Regulatory Appraisals and Explanatory Memorandums subject to some amendments. Jocelyn Davies said that the current guidance on Regulatory Appraisals had been approved in Plenary on 30th June 1999. It was agreed that the amendments to the Revised Guidance would be incorporated into the final version, which would be submitted to the Committee as a paper to note at its next meeting. A slot in Plenary to debate the Guidance would then be scheduled.

6. Committees

7. Forthcoming Business

(i) This Week's Business

7.1 The Committee considered paper BC470-03, which detailed the Assembly's agreed business for the week.

7.2 Business Managers noted that business appeared tight on Tuesday, 25th November and asked the Business Minister if some time could be taken from the debate on the Winning Wales Annual Report in order to allow more time to debate the current situation in Cardiff Social Services Department. The Business Minister said that she would consult with the Minister for Economic Development and try to facilitate this request.

7.3 Kirsty Williams asked if Minister for Health and Social Services could make a statement on her intentions following the defeat of the motion to endorse the Government's Response and Implementation Plan arising from the Wanless Report. Business Managers said they supported this request. The Business Minister said she would relay this request to the Minister.

7.4 Jonathan Morgan asked if a statement could be made on a reported staffing crisis in the Accident and Emergency department of the University of Wales Hospital, Cardiff. He also asked if a statement could be made on the reported body parts case in the University of Wales Hospital, Cardiff. Jocelyn Davies and Kirsty Williams said they supported these requests. The Business Minister said that she would relay the requests to the Minister for Health and Social Services.

7.5 Kirsty Williams asked if debates could be scheduled on the Film Fund and on Bed Blocking in Hospitals. Business Managers supported these requests. The Business Minister said she would relay the requests to the appropriate Ministers.

7.6 Jonathan Morgan asked if a debate could be scheduled on the current situation of the National Botanic Gardens of Wales. Business Managers

supported this request. The Business Minister said she would relay this request to the Minister for Culture, Welsh Language and Sport.

(ii) Draft Business Statement

7.7 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 2nd, 9th and 13th January.

BC473-03

7.8 The Business Committee noted the draft Periodic Timetable Statement. Business Managers noted that it was proposed that Subject Committee meetings would continue to be scheduled on a three-weekly cycle. Business Managers said they believed that the current arrangements meant that subject committees could not fulfil their remit and that meetings should revert to a two-weekly cycle. The Business Minister said that she had undertaken a review of the arrangements and that she was currently content with the status quo. Members of the Committee, with the exception of the Business Minister, asked for a Report of the Business Committee to be prepared, recommending to the Assembly that Subject Committee meetings should revert to a two-weekly cycle.

Action: Secretariat

BC474-03

7.9 The Business Committee noted the proposed Recess dates for 2004. Jonathan Morgan and Kirsty Williams said that they would prefer a later start to the Autumn term and that they felt that the Assembly should not sit during the conference season and should sit during the Autumn half-term instead. The Recess dates were provisionally agreed, subject to endorsement by the Assembly.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC469-03

9.1 The Business Committee agreed the Report of the Business Committee on proposed amendments to Standing Orders 6.18.

9.2 The Business Committee considered the paper on proposed amendments to Standing Order 9. It was agreed that the Committee would return to the issue in its meeting on 9th December following consultation with party groups, and that a draft Report of the Business Committee would be submitted alongside the paper.

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT