

MINUTES OF MEETING

Date: 27th April 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
Peter Black, Welsh Liberal Democrat
John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly
Peter Jones, Presiding Office Legal Unit
Karin Phillips, Members' Research and Committee Services
Andrew George, Clerk to the Business Committee
Marion Stapleton, Assembly Business Unit
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 would be representing her until the end of the Summer term in accordance with Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC188-04 (Final) Tuesday 23rd March 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) BC202-04 (Draft) Tuesday 30th March 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

3. Matters Arising (BC202-04 - 30th March 2004)

3.1 **Paragraph 4.5** Marion Stapleton confirmed that the length of the consultation period had meant that The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) (Amendment) Regulations 2004 (BC201-04) could not follow the Assembly's

normal procedures.

4. Subordinate Legislation

(a) Orders for consideration

The Adventure Activities Licensing Regulations 2004 (BC217-04)

Standing Order 25, Section 3

The Registration of Establishments (Laying Hens) (Wales) Regulations 2004 (BC218-04) *Recommended Procedure: Accelerated*

The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2004 (BC219-04) *Recommended Procedure: Accelerated*

The National Health Service Bodies and Local Authority Partnership Arrangements (Wales) (Amendment) Regulations 2004 (BC220-04)

Recommended Procedure: Accelerated

The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2004 (BC221-04) *Recommended Procedure: Standard*

The Meat Products (Wales) Regulations 2004 (BC222-04)

Recommended Procedure: Accelerated

The Business Committee agreed the recommended procedure for BC218-04, BC220-04 and BC222-04. The Business Committee recommended the Standard procedure for BC217-04 and BC219-04. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to subject committee.

BC217-04

4.1 The Chair said that the Regulatory Appraisal accompanying this draft Order was a UK-wide one and said that it could have been adapted to be more specific to Wales. In response to a query from the Deputy Presiding Officer, Alun Jenkins said that a Welsh version of the Regulations would be prepared for information purposes, in accordance with Standing Orders. Jocelyn Davies said that her group wished to debate the Regulations. The Business Committee noted that the letter from the Chair of the Education and Lifelong Learning Committee (BC223-04) contained a report on these Regulations and that the Committee had not proposed any amendments.

BC219-04

4.2 Peter Jones said that the Regulatory Appraisal accompanying this draft Order concentrated on catering waste. However, the Regulations also dealt with other issues. The Deputy Presiding Officer referred to paragraph 9 of the Explanatory Memorandum which said that "there are no Border Inspection Posts situated in Wales" and asked if Milford Haven was such a Post. Marion Stapleton agreed to clarify these issues in the Committee's next meeting. Jocelyn Davies said that her group wished to debate the Regulations.

BC220-04

4.3 The Deputy Presiding Officer said that there was an inconsistency between the title of the Regulations as seen on the Order itself and on the Regulatory Appraisal.

BC221-04

4.4 Jonathan Morgan referred to the Explanatory Memorandum and Regulatory Appraisal accompanying this draft Order, which said that "Cardiff & Vale NHS Trust and Heatherwood & Wrexham Park Hospital NHS Trust" had been consulted. Members of the Business Committee asked if any other NHS Trusts had been consulted. The Business Committee agreed that the draft Order should be resubmitted to the Committee at its next meeting and asked for confirmation of the details of the consultation.

Action: Marion Stapleton

BC222-04

4.5 The Chair referred to the Cover Sheet accompanying this draft Order, which said that the Regulations would "revoke and replace the Meat Products and Spreadable Fish Products Regulations 1984." However, the new Regulations did not refer to Fish products. The Business Committee asked for further clarification on this issue. The Deputy Presiding Officer noted that the Regulatory Appraisal accompanying this draft Order had been produced by the Food Standards Agency and that there was a lack of information which was specific to Wales.

(b) Standing Order 29 Subordinate Legislation

BC204-04 & BC205-04

4.6 The Business Committee noted the e-mail of notification from the Minister for Social Justice and Regeneration about her intention to approve The (Wales) General Determination of Administration of Housing Revenue Account Subsidy 2004. The Committee also noted that a motion of dissatisfaction had been tabled in accordance with Standing Order 29.5. The Business Minister said that she intended to schedule a debate on the motion on 12th May.

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

4.7 The Business Committee noted the letters from Cabinet Secretariat on the use of the Executive procedure for

- The Health and Social Care (Community Health and Standards Act) 2003 (Commencement No.1) (Wales) (Amendment) Order 2004 (BC206-04)
- Transitional and Consequential Provisions (Wales) (No 2) Order 2004 and The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-Contracting) (Wales) Regulations 2004 (BC207-04)
- The National Health Service (Travelling Expenses and Remission of Charges) and (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004 (BC208-04)

4.8 Members of the Committee noted that two of the e-mails of notification had not been sent to Members on the day after the Orders had been made. The Committee noted that, following the revisions to Standing Orders which came into force on 26th April, e-mails of notification would have to be sent to Members on the day after an Order had been made.

BC206-04

4.9 The Chair said that the original Regulations had been made by the Executive procedure on 26th February and that it had been necessary to make an Amending Order, containing four pages of corrections, on 31st March. Members of the Business Committee expressed concern that this was the case.

BC208-04

4.10 The Deputy Presiding Officer noted that the Executive procedure had been used to make these Regulations because of a delay in receiving information from the UK Government. This had meant that there was "insufficient time for the full Assembly procedures to be applied." The Deputy Presiding Officer voiced serious concerns about the way the Assembly was being treated.

BC224-04 & BC225-04

4.11 The Business Committee noted the letters from Cabinet Secretariat on the use of the Executive procedure for the following Orders -

- The NHS (Travelling Expenses and Remission of Charges) Regulations 2004 (BC224-04)
- The Health and Social Care (Community Health and Standards) Act 2003 (Commencement No.1) (Wales) (Amendment) Order 2004 (BC225-04)

(d) Papers for Information

5. Committees

BC209-04

5.1 The Business Committee considered and approved a request from the Social Justice and Regeneration Committee for an additional meeting on Thursday, 29th April.

BC210-04

5.2 The Business Committee considered and approved a request from the Education and Lifelong Learning Committee for an additional meeting on Thursday, 13th May.

BC211-04

5.3 The Business Committee considered and approved a request from the Economic Development and Transport Committee for additional meetings on Thursday 13th May and Thursday 15th July.

BC223-04

5.4 The Business Committee noted that the letter from the Chair of the Education and Lifelong Learning Committee which contained reports on Committee consideration of The Adventure Activities Licensing Regulations 2004 and The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004.

6. Forthcoming Business

BC212-04

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

- The Health Minister had recently made a statement on cleanliness in hospitals and that there was no intention to schedule a debate on the issue in the near future.
- She did not intend on making time available to debate the relationship between Ministers and quangos.
- A debate on the Assembly Government's Second Offer Scheme would be scheduled for 5th May.
- A debate on the implementation of the Wanless local action plans was scheduled for 30th June.

6.2 Jocelyn Davies said that the request for a debate on the relationship between Ministers and quangos had been on the wider issue of the effectiveness of the relationship between the Government and Assembly Sponsored Public Bodies. Peter Black asked if the guidance on this issue could be reviewed and debated in Plenary.

(ii) This Week's Business

6.3 The Committee considered paper BC213-04, which detailed the Assembly's agreed business for the week.

6.4 Jonathan Morgan asked if a statement could be made on the latest report regarding Blaenau Gwent Social Services department. Business Managers supported this request.

6.5 Peter Black said that the Minister for Education and Lifelong Learning would be making an announcement about the launch of the Assembly Government's free school breakfasts scheme later that day. He said that such announcements should be made in Plenary in the first instance.

6.6 The Chair referred to the Plaid Cymru nominated debated that was due to

take place later that day and noted that Plaid Cymru had tabled an amendment to their own motion. Jocelyn Davies said that Plaid Cymru had used this procedural device to ensure that the Assembly was given an opportunity to vote on a Plaid Cymru proposition, and not only on an amendment which had been proposed by the Government. Members of the Committee requested a paper on amendments to Minority Party motions. It was agreed that the paper could also look at a procedure for amending amendments.

(ii) Draft Business Statement

6.7 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 4th May, 11th May and 18th May.

6.8 The Business Minister said that a motion to approve The Adventure Activities Licensing Regulations 2004, which had been scheduled for 4th May, would now take place on 5th May.

6.9 Jocelyn Davies asked if a debate could be scheduled on Social Housing. Business Managers supported this request.

7. Advice to Assembly on procedures

BC216-04

7.1 The Business Committee noted the paper on the Standards of Conduct Committee's Report on Freemasonry. It was agreed that a slot in Plenary should now be found.

BC217-04

7.2 The Business Committee considered the paper on joint working with Westminster. The Clerk said that the proposals had the support of the Clerk of the House of Commons and, in principle, the Secretary of State for Wales. The Committee agreed to return to this issue on 8th June.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

11.1 Andrew George said that revisions to Standing Orders had taken effect on 26th April and were available on the Intranet and Internet. He said that an e-mail containing a link to the relevant Intranet page would be sent to Assembly Members later that day.

11.2 Andrew George said that improvements to the voting system had been made over the Easter recess. He said that the voting instructions on Members' desks had been amended to reflect the improvements and that an e-mail would be sent to Assembly Members later that day.

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