

MINUTES OF MEETING

Date: Tuesday 28th February 2006

Time: 9.00 a.m.

Venue: Conference Room C

Present: Jenny Randerson (Chair)
Jane Hutt, Business Minister
Jocelyn Davies, Plaid Cymru Business Manager
Lisa Francis, Welsh Conservatives Business Manager
Peter Black, Welsh Liberal Democrats
John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly
Andrew George, Clerk to the Business Committee
Marion Stapleton, Assembly Business Unit
Karin Phillips, Members' Research and Committee Service
Peter Jones, Counsel to the Assembly Parliamentary Service
Alun Jenkins, DLS (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 in accordance with Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC(2)05-06 (Final minutes) - Tuesday 7th February 2006

2.1 The minutes were presented to the Committee in their final format. As there were no comments, they would be translated in readiness for publication.

Action: Chamber Secretariat

(ii) BC(2)06-06 (draft minutes) - Tuesday 14th February 2006

2.2 The minutes were presented to the Committee in draft. An amendment was suggested, which would be incorporated before the minutes were submitted to the Committee in final draft.

Action: Chamber Secretariat

3. Matters Arising

Final Minutes of meeting of 17th January 2006

3.1 **Paragraph 4.1** The Chair said that section 24 of the Public Services Ombudsman (Wales) Act 2005, which was due to come into force on 1 April

2006, required the Assembly to amend its Standing Orders to provide for a motion to approve the recommendations contained in a special report by the Ombudsman in relation to a complaint about the Assembly to be moved as soon as possible. She asked when the proposed amendments to Standing Orders would be brought forward. Marion Stapleton said that she anticipated that the proposed amendments would be submitted to the Committee shortly, hopefully in its next meeting.

4. Subordinate Legislation

(a) Orders for consideration

The Care Standards Act 2000 and the Children Act 1989 (Abolition of Fees) (Wales) Regulations 2006 - **BC(2)07-06(p1)**

The Public Services Ombudsman for Wales (Standards Investigations) Order 2006 - **BC(2)07-06(p2)**

The Children Act 2004 (Commencement No.6) (Wales) Order 2006 - **BC(2)07-06(p3)**

The Local Government (Best Value Authorities) (Power to Trade) (Wales) Order 2006 - **BC(2)07-06(p4)**

& Report of the Local Government and Public Services Committee – BC(2)07-06(p11)

The Welsh Regional Flood Defence Committee (Composition) Order 2006 - **BC(2)07-06(p5)**

& Report of the Environment, Planning and Countryside Committee – BC(2)07-06(p12)

The Children Act 2004 (Commencement No. 7) (Wales) Order 2006 - **BC(2)07-06(p6)** *Standing Order 25. Section 2*

Groundwater (Water Framework Directive) Direction 2006 - **BC(2)07-06(p7)** *Standing Order 25. Section 3*

The Plant Breeders' Rights (Naming and Fees) Regulations 2006- **BC(2)07-06(p8)** *Standing Order 25. Section 3*

The Water Resources (Abstraction and Impounding) Regulations 2006 - **BC(2)07-06(p9)** *Standing Order 25. Section 3*

The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2006 - **BC(2)07-06(p10)** *Standing Order 25. Section 3*

The Business Committee recommended the Standard procedure for BC(2)07-06(p1); BC(2)07-06(p2); BC(2)07-06(p4) and BC(2)07-06(p5). The Committee recommended the Accelerated procedure for BC(2)07-06(p3),

BC(2)07-06(p6). (Following the meeting, the Deputy Presiding Officer determined that none of these draft Orders need be referred to a Subject Committee.)

BC(2)07-06(p3)

4.1 The Chair referred to the Explanatory Memorandum accompanying this draft Order, which contained an extract from the record of Committee proceedings. She said that the extract referred to Committee consideration of a different draft Order, although the legislation was linked to the draft Order under consideration. Marion Stapleton said that the Explanatory Memorandum would be made clearer before the draft Order was laid.

BC(2)07-06(p4)

4.2 Lisa Francis referred to paragraph 32 of the Regulatory Appraisal accompanying this draft Order, which said that “the Local Government Association conducted a survey in 2004” in relation to the legislation. She asked if National Parks or Fire Authorities had been consulted as part of the survey. Members of the Committee asked if this information could be included in the Regulatory Appraisal.

BC(2)07-06(p5)

4.3 Lisa Francis referred to the Explanatory Memorandum accompanying this draft Order. She noted that Conwy County Borough Council had not responded to the consultation process and asked if it could be verified that they had been on the list of consultees. Marion Stapleton said that local authorities had been consulted but she would report back on this issue.

(b) Standing Order 29 Subordinate Legislation

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

(d) Papers for Information

5. Committees

BC(2)07-06(p13)

5.1 The Committee noted the paper on forthcoming legislation identified by the Health and Social Services Committee for scrutiny.

BC(2)07-06(p17)

5.2 The Committee noted the report by the Education and Lifelong Learning Committee on Primary Legislation.

6. Forthcoming Business

BC(2)07-06(p14)

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

- There was currently no intention of scheduling a statement on ASW pensions, as the policy on pensions was a non-devolved matter.
- The Minister for Environment, Planning and Countryside had made a statement on job losses at Dairy gold on 14th February.
- A written statement would be issued by the Minister for Health and Social Services which would address the cost of revamping water equipment following the cryptosporidiosis outbreak.
- A written statement would be issued by the Minister for Health and Social Services on the new contract for the supply of oxygen.
- The Minister for Health and Social Services would be making a statement on the roll-out of the new dentistry contract.
- There was no intention of scheduling an oral statement on this. However, the Minister for Culture, Welsh Language and Sport was content to issue a written statement clarifying the status of Crown bodies under the Act.

6.2 Lisa Francis asked if a date had been scheduled for the statement on the roll-out of the dentistry contract. The Business Minister said that it would be possible to schedule the statement for 8th March, but asked if Business Managers would prefer to delay the statement until the contract was nearer completion. Business Managers said they were content for the statement to take place on 8th March.

This Week's Business

BC(2)07-06(p16)

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

6.4 The Business Minister said that three Members had tabled a notice in accordance with Standing Order 24.25 (ii) to require that the draft Order – the NHS Pensions Agency (Asiantaeth Pensiynau'r GIG) Abolition Order 2006, which had been scheduled for debate on Tuesday as part of a composite motion, to be subject to debate. She said that the other legislation due for consideration in the composite motion was consequential to this draft Order and consequently, could not be made separately. She said that it was intended to seek the Presiding Officer's permission to suspend Standing Orders so that the debate on the NHS Pensions Agency (Asiantaeth Pensiynau'r GIG) Abolition Order 2006 could be held later that day, alongside the composite motion to approve the other items of legislation. Business Managers said they were content with this suggestion.

6.5 Andrew George referred to a debate on a series of motions relating to dentistry, which had been scheduled for later that day. He said that numerous amendments had been tabled to the motions to approve the principles of the legislation and to the draft Orders themselves. He said that the Presiding Officer proposed to hold separate debates on each item of legislation. Business Managers agreed that it would be more straightforward to organise the debates in this way.

Business Manager's Requests

6.6 Jocelyn Davies asked if the following items of business could be scheduled :

- A debate on Public Sector staff safety (particularly A&E staff)
- A statement on passenger safety on trains and on railway stations
- An updating statement on Avian Flu
- A statement on Council Tax rises
- A written statement on Foot and Mouth contingency plans Statement on the Malcolm Wilkes announcement that there will be an 18% increase in energy production by 2010.

6.7 Lisa Francis asked if the following items of business could be scheduled:

- A statement on the UK Gender Pay gap
- A statement on passenger safety on trains and on railway stations
- A statement on funding the police mergers
- A statement on the Kwik Save/ Sommerfield sale of 68 Welsh stores.
- A statement on the possible loss of 60 police jobs in North Wales

6.8 Peter Black asked if the following items of business could be scheduled:

- A statement on Continuing Care
- A debate on Public Sector staff safety (particularly A&E staff)
- Statement on the new contract for the supply of oxygen
- A statement on the provision of chiropody services.

6.9 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 7th March, 14th March and 21st March.

6.10 The Business Minister said that the Chair of the Wales Branch Executive of the Commonwealth Parliamentary Association had asked if a debate could be scheduled on international issues to coincide with Commonwealth Day on 15th March. Business Managers suggested that a cross-party motion could be tabled by the Executive and a short debate could be scheduled.

7. Advice to Assembly on procedures

BC(2)06-06(p20)

7.1 The Business Committee considered a paper on the appointment of a National Assembly for Wales member to the Rail Passengers' Council. The Committee agreed to make the appointment by delegating the functions to a committee of the Assembly. It was noted that this could be done by delegating the functions to the Economic Development and Transport Committee, which could in turn delegate the functions to a sub-committee. Jocelyn Davies said that it was important that the Minister for Economic Development and Transport should acknowledge in Plenary that the process had been commenced without the proper authority and that the appointee should be able to report to the Assembly in Plenary by some mechanism.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

11.1 The Chair asked when it was intended to establish a committee on the Assembly's Standing Orders post-2007. The Business Minister said that Party Leaders were discussing the issues and that she hoped progress could be made shortly.

11.2 Karin Phillips said that a joint Committee meeting to consider the Annual Report of the Children's Commissioner was scheduled for 13th March. She reminded Business Managers that each Committee had to remain quorate.

CHAMBER SECRETARIAT