

MINUTES OF MEETING

Date: 28th 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
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) BC391-04 (Final) Tuesday 13th 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) BC416-04 (Draft) Tuesday 6th July 2004

2.2 The minutes were presented to the Committee in draft. Some amendments were suggested which would be incorporated and translated in readiness for publication.

Action: Chamber Secretariat

3. Matters Arising

BC365-04 29th June

3.1 **Paragraph 1.1** Jocelyn Davies said that the Committee had not had prior

notice of the observer who had attended the previous meeting. The Chair said that the Business Committee had, in the past, allowed officials to observe meetings for training purposes. However, in future, any proposals for observers to attend a meeting should be subject to the formal approval of the Committee the previous week. The Committee welcomed this proposal.

3.2 Paragraph 4.1 Alun Jenkins said that the overwhelming tendency of the maximum residue levels, as outlined in The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) (Amendment) (No.3) Regulations 2004, was that they decreased over time.

3.3 Paragraph 4.2 Marion Stapleton said that she was in the process of revising, in consultation with APS, the categories contained on the Cover Sheets accompanying draft Orders and would report back in due course.

3.4 Paragraph 5.2 Karin Phillips referred to the request for an additional meeting of the Health and Social Services Committee, which had been approved in the Business Committee's previous meeting. She said that the purpose of the additional meeting, as outlined in the request, had now changed and that the Committee would be using the meeting to consider the draft Mental Health Bill.

3.5 Paragraph 5.4 The Chair said she had written to the Presiding Officer to notify him that the Business Committee had approved the proposed amendments to the Guidelines on Apologies and Substitutions in Subject Committee meetings.

4. Subordinate Legislation

(a) Orders for consideration

The Compulsory Purchase of Land (Written Representations Procedure) (National Assembly for Wales) Regulations 2004 (BC418-04) *Recommended Procedure: Accelerated*

The Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004 (BC419-04) *Recommended Procedure: Accelerated*

The Single Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004 (BC420-04) *Recommended Procedure: Accelerated*

The Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2004 (BC421-04) *Recommended Procedure: Accelerated*

The Food Safety (Act of Accession concerning the Czech Republic and other States) (Consequential Amendments) (Wales) Regulations 2004 (BC422-04) *Recommended Procedure: Accelerated*

The Horticultural Produce (Community Grading Rules) (England and Wales) (Revocation) Regulations 2004 (BC423-04) *Standing Order 25, Section 3*

The Business Committee recommended the Accelerated procedure for BC421-04 and BC422-04. The Deputy Presiding Officer subsequently determined that BC418-04 and BC419-04 should be referred to the Environment, Planning and Countryside for two weeks.

BC418-04 & BC419-04

4.1 The Chair referred to the Explanatory Memorandums accompanying these draft Orders and noted that, although the Environment, Planning and Countryside Committee had "*discussed in detail*" the implementation of the Planning and Compulsory Purchase Act 2004, it had not scrutinised the draft Orders themselves. Members of the Business Committee said that there were other organisations who could have been consulted had not been e.g. the Country Landowner's Association and The Law Society. Jocelyn Davies said that the Explanatory Memorandum referred to "*objectors*" but there was no explanation about who could make objections. Members of the Business Committee said that these draft Orders introduced substantive changes and that the Subject Committee should have the opportunity to consider them. The Business Committee advised the Deputy Presiding Officer that the draft Orders should follow the Extended procedure.

BC420-04

4.2 The Committee noted that this draft Order had been withdrawn. Marion Stapleton said that this was due to an error in the Explanatory Memorandum accompanying the draft Order and that a corrected version would be resubmitted to the Committee in due course.

BC421-04

4.3 Peter Jones said that the Cover Sheet accompanying this draft Order did not contain a complete list of the enabling powers under which the legislation could be made because Section 2(2) of the European Communities Act 1972 had been omitted.

(b) Standing Order 29 Subordinate Legislation

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

(d) Papers for Information

BC428-04

4.4 The Business Committee noted the e-mail of notification from the Minister for Finance, Local Government and Public Services of the intention to make The Scarweather Sands Offshore Wind Farm Order 2004. The Chair referred to the motion of dissatisfaction which had been tabled by at least ten Assembly Members in accordance with Standing Order 28.3. The Business Minister said that a debate on the motion of dissatisfaction was scheduled to take place on Tuesday 5th October. Paul Silk said that the debate would be on the procedural issue of whether or not Standing Orders 24.6 to 24.25 should

apply to the making of the Order and not on the question of whether the Order should or should not be made.

5. Committees

BC424-04

5.1 The Business Committee considered and approved a request from the Culture, Welsh Language and Sport Committee to hold an additional formal meeting on the 4th November.

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 a statement on Breast Screening Cancer/Cancer Services as the operation of these services was a matter for the local Health Trust.
- There was no intention to schedule a statement on his role in policing the Ministerial Code as a complaint was still going through the Assembly's complaints process.
- There was no intention to make a statement on the impact of the Council Tax Revaluation as Members would be given an opportunity to consider associated legislation when it came forward to Plenary. The Minister would also be discussing the issue with the Subject Committee and would take its view on whether it was considered necessary to make a statement to Plenary.

6.2 Jocelyn Davies reiterated 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.

6.3 Jonathan Morgan referred to the motion to elect local authority members to the Local Government Partnership Council, which had been scheduled for 21st September, but had then been postponed. He asked for further clarification as to why the motion had been postponed.

This Week's Business

6.4 The Committee considered paper BC426-04, which detailed the Assembly's agreed business for the week.

6.4 Jocelyn Davies asked if a statement could be scheduled on reported job losses at the Krupp Camford Pressing Plant in Llanelli. Business Managers supported this request.

6.5 Jocelyn Davies asked if a statement could be scheduled on Community Hospitals following the resignation of numerous GPs. Business Managers supported this request.

6.6 Peter Black asked if a statement could be scheduled on the closure of over a thousand public telephone boxes across Wales.

6.7 Jonathan Morgan asked if a debate could be scheduled on the Council Tax Revaluation scheme and asked if a statement could be made on the Government's plans to provide funding for the next stage of the establishment of a Children's Hospital for Wales.

6.8 Jocelyn Davies referred to the Plaid Cymru nominated Minority Party debate, which was scheduled for later that day. She noted that the Government had tabled an amendment which replaced the substantive text to the motion. She said that, in the past, her group had tabled amendments to their own motions in order to ensure that a vote took place on the original proposition. She said that, if the Government continued to table amendments which replaced the substantive text of the original motion, the opposition parties would have no other option but to table amendments to their own motions.

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 5th October, 12th October and 19th October.

6.9 Paul Silk said that, on 13th October, the President of the Regional Council of Brittany would be addressing the Assembly prior to the Plenary meeting.

BC429-04

6.10 The Business Committee noted the e-mail containing the proposed timetable for Minority Party debates. Peter Black noted that the Welsh Liberal Democrats had been allocated 60 minutes for each of their debates and said that his group preferred to have 45-minute debates. Marion Stapleton agreed to recalculate the timings of the debates and resubmit the timetable to the Committee.

Action: Marion Stapleton

7. Advice to Assembly on procedures

BC430-04

7.1 The Business Committee noted the review of the Subordinate Legislation Protocol. The Chair said that, despite some minor problems, the first year of the Protocol had worked well. Jocelyn Davies asked if the Protocol, which referred to the provision of draft Orders to subject committee members in sufficient time, could be amended to include the accompanying Regulatory Appraisals as well. The Business Minister said that the database of legislation,

which was required to be published on the Intranet and Internet, would be going live in mid-October. The Business Committee said it looked forward to October, when the 12 monthly programme of forthcoming legislation would be issued. The Chair agreed to write to the Panel of Subject Committee Chairs, Chairs of Committees and other interested parties notifying them of the outcome of the review.

Action: Chair to write to interested parties.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC431-04

9.1 The Chair noted that this was a revised version of a paper on proposed revisions to Standing Order 31 which had been considered by the Business Committee on 29th June and said that during discussions on the previous paper, Peter Black had asked if the Business Minister could indicate in the revised version which of the Business Committee's suggestions had been incorporated. However, tracked changes had not been included in the paper.

9.2 During discussions, Members of the Business Committee raised the following points:

- For the procedure to work effectively, the proposer of the legislation and the relevant Minister would need to work closely. This could prove difficult if the Minister did not share the same views as the proposer.
- The paper said that the Minister would lay before the Assembly "a report on the feasibility" of the legislation. There would need to be clarity regarding the meaning of "feasibility".
- At the Second Reading Stage, the report laid before the Assembly on the feasibility of the proposed legislation should be a joint report of the proposer and the Minister.
- There would be a period of less than 3-months between the First Reading Stage and the submission of the report at the Second Reading Stage. The consultation process should take place during that interim period.
- There was no provision in the paper for draft legislation which had been prepared by others e.g. a lobby group on behalf of a Member.

In addition, the Deputy Presiding Officer said that the structure of the debate at the Second Reading Stage as proposed in the paper meant that the Member who had originally proposed the legislation did not open or close the debate. He said that this arrangement could prove to be a problem if the Minister amended or expanded the original proposal and the proposer of the original legislation found they could not support the motion.

9.3 The Chair asked Business Managers to consult informally on this issue and it was agreed that a revised paper would be submitted to the Committee on 12th October.

10. Presiding Officer rulings

BC432-04

10.1 The Business Committee noted the Presiding Officer's ruling on amendments to draft Orders, which had been made in Plenary on Tuesday 21st October.

11. Any other business.

11.1 In response to a query from the Chair, the Business Minister said she would be submitting a paper on recess dates for 2005 to the Committee in the next meeting.

CHAMBER SECRETARIAT