

MINUTES OF MEETING

Date: 29th June 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, 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

2. Minutes of the previous meetings

(i) BC332-04 (Final) Tuesday 15th June 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) BC345-04 (Draft) Tuesday 22nd June 2004

2.2 The minutes were presented to the Committee in draft. An amendment was suggested, which would be incorporated before the minutes were translated in readiness for publication.

Action: Chamber Secretariat

3. Matters Arising (BC346-04 - 15th June 2004)

3.1 **Paragraph 3.1** The Deputy Presiding Officer asked if, in future, e-mails of notification of proposals to make Standing Order 29 legislation which were being sent to Assembly Members could be copied to the Legislation Committee secretariat. The Business Minister confirmed that e-mails would be sent to the secretariat, if this was not already the case.

3.2 **Paragraph 6.7** Marion Stapleton said she understood that the Education

(Health Standards) Wales Regulations 2004 were scheduled to be submitted to the Business Committee on 21 September.

4. Subordinate Legislation

(a) Orders for consideration

The Water Act 2003 (Commencement No. 2) (Wales) Order 2004 (BC347-04)
Recommended Procedure: Accelerated

The Food (Emergency Control) (Wales) (Miscellaneous Amendments) (No 2) Regulations 2004 (BC348-04) *Recommended Procedure: Accelerated*

The Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2004 (BC349-04) *Recommended Procedure: Accelerated*

The Education (LEA Financial Schemes) (Wales) Regulations 2004 (BC350-04) *Recommended Procedure: Standard*

The Schools Budget Shares (Wales) Regulations 2004 (BC351-04)
Recommended Procedure: Standard

The Care Standards Act 2000 (Commencement No. 20) Order 2004 (BC352-04) *Recommended Procedure: Standing Order 25, Section 3*

The Education (Assisted Places) (Amendment) (Wales) Regulations 2004 (BC354-04) *Recommended Procedure: Accelerated*

The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2004 (BC355-04) *Recommended Procedure: Accelerated*

The Business Committee recommended the Accelerated procedure for BC347-04 - BC349-04, BC354-04 and BC355-04. The Committee recommended the Standard procedure for BC351-04. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to subject committee.

BC347-04

4.1 The Deputy Presiding Officer asked if the paragraph in the Explanatory Memorandum referring to the "effect" of the draft Order could be made clearer. He also referred to paragraph 6 of the Explanatory Memorandum, which said that section 80 of the draft Order "*formally extends the Reservoirs Act to Crown bodies in Wales*" and asked for further clarification of the crown bodies which would be affected. Alun Jenkins said he would report back on this issue.

BC349-04

4.2 The Chair referred to the Explanatory Memorandum accompanying this draft Order which said that "*England and Scotland enacted parallel legislation ahead of Wales on 1 April as their legislative procedures are shorter*".

However, there had been no specific Welsh consultation exercise or subject committee consideration of the draft Order and so this did not appear to be a compelling reason for a delay in Wales.

BC350-04

4.3 Jocelyn Davies said that these draft regulations introduced major changes to the schedule which listed the content of the Local Education Authorities' financial schemes. However, no indication had been given in the supporting documents as to how the schedule had been amended. The Committee asked for further clarification on this issue and said that the draft Order should be resubmitted to the Committee in its next meeting with the additional information.

BC352-04

4.4 In response to a query, Alun Jenkins confirmed that this draft Order would be made in accordance with Standing Order 25, Section 3 and as such, was not required to be translated. However, he said that a Welsh version would be made available for public information purposes as soon as possible.

(b) Standing Order 29 Subordinate Legislation

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

BC356-04, BC357-04 & BC358-04

4.5 The Business Committee noted the letters from the Business Minister on the use of the Executive procedure for the following orders -

- ◆ The Health and Social Care Act 2001 (Commencement No 7) (Wales) Order 2004 & The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004 (BC356-04)
- ◆ The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2004 (BC357-04)
- ◆ The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2004 (BC358-04)

4.6 The Chair said that the Cabinet had met on 21st June and had decided that the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004 should be made under the Executive procedure. Jocelyn Davies said that the Health and Social Services Committee had discussed this draft Order in its meeting on the 23rd June, but that the Minister for Health and Social Services had not told the Committee that there was an intention to make the Order under the Executive procedure.

4.7 The Deputy Presiding Officer referred to Standing Order 24.27 and said that the Cabinet could determine whether it was not "reasonably practicable" for a draft Order to follow the normal procedures. Members of the Business Committee said that none of the letters gave an adequate explanation as to why it had not been "reasonably practicable" for the legislation to follow the

normal procedures.

(d) Papers for Information

BC359-04

4.8 The Business Committee noted the e-mail of notification from the Minister for Environment, Planning and Countryside of a proposal to confirm byelaws under Standing Order 30.

BC360-04

4.9 The Business Committee noted the National Assembly for Wales (Transfer of Functions) (No.2) Order 2004, which had been scheduled for debate in Plenary on 13th July in accordance with Standing Order 26.

5. Committees

6. Forthcoming Business

BC361-04

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

- There was no intention to schedule a statement on the job losses at HSBC and the future of the Welsh Language Unit as HSBC had confirmed that these job losses would have no effect on Welsh Language provision.
- There was no intention to make a statement on reports in the Western Mail about a letter to the BBC from an Assembly official.
- A date had not been scheduled for a debate on extending the powers of the Children's Commissioner in Wales/Children Bill
- There was no intention of scheduling a statement on the cost of free prescriptions.

This Week's Business

6.2 The Committee considered paper BC362-04, which detailed the Assembly's agreed business for the week.

6.3 Jocelyn Davies asked if a statement could be made by the First Minister on the constitutional future of the Assembly following a speech made by him at a conference the previous week. Business Managers supported this request.

6.4 Jonathan Morgan asked if a statement could be made by the Minister for Health and Social Services on the issue of choice in Public Services in Wales. Peter Black supported this request.

6.5 Peter Black referred to the debate on Wanless, which had been scheduled for 30th June and said that the Minister for Health and Social Services had given a commitment during a previous debate to hold a debate on the Local Health Boards' action plans. He asked when a debate on this issue would be scheduled.

Draft Business Statement

6.6 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 6th July, 13th July and 21st September.

6.7 Jocelyn Davies said that the Children's Commissioner for Wales' report on the Clywch inquiry would be published on 1st July and asked if a statement could be scheduled as soon as possible. The Business Minister said that a written statement would be issued on July 1st and that this would be followed by an oral statement in Plenary at the earliest opportunity.

BC364-04

6.8 The Business Committee considered the draft Periodic Timetable statement. Business Managers said that subject committees were finding it difficult to manage their workloads under a three-weekly cycle of meetings. Jonathan Morgan said that the Health and Social Services Committee would only have three more meetings before Christmas under the proposed three-weekly cycle and that this was unacceptable. Members of the Committee also referred to the Richard Commission's comments on the effectiveness of scrutiny by the Assembly's subject committees. It was agreed that a report of the Business Committee should be prepared, in accordance with Standing Order 13.1(iii), recommending to the Assembly that subject committee meetings should revert to a two-weekly cycle. It was agreed that the report would be submitted to the Committee for consideration in its next meeting.

Action: Secretariat

6.9 Jocelyn Davies said that the First Minister, during a debate on the Report of the Richard Commission in Plenary on 28th April had referred to a "time and motion study" by the Cabinet of Assembly Business and asked if the study had been completed. Members of the Committee asked if the results of the study could be submitted to the Committee as soon as they were available.

7. Advice to Assembly on procedures

BC327-04 & BC91-04

7.1 The Business Committee noted the paper from the Business Minister on proposed amendments to Standing Order 31. Members of the Committee reiterated the following concerns -

- The Assembly Review of Procedure had recommended that every

Individual Member should have an opportunity to propose legislation under Standing Order 31 during an Assembly. The proposal outlined in the paper was for 24 ballots to be held during an Assembly, some of which would be interrupted by Assembly elections.

- The proposed structure of the debate on the motion at the "Second Reading" stage meant that a Minister, and not the proposer of the legislation, would open and close the debate. It was felt that the Member proposing the legislation should be in charge of the debate.
- Allocating between 30-60 minutes for the debate at the "Second Reading" stage could restrict the number of backbench Members wishing to speak.
- Following approval at the "Second Reading" stage, consultation with Subject committee should be a matter of course, rather than a matter of choice.
- There was no provision in the paper for legislation which had been prepared by others e.g. a lobby group on behalf of a Member.

In addition, Jonathan Morgan suggested that the "Second Reading Stage" could take the form of subject committee consideration, rather than a Plenary debate. Members of the Committee also said that the scope of the legislation which could be proposed under the Business Minister's proposals was unclear. The Business Minister agreed to prepare a revised paper, in consultation with the Clerk and Business Managers, and to submit it to the Business Committee in its first meeting after the summer recess. Peter Black asked if the Business Minister could indicate in the paper which suggestions had been incorporated.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

11.1 The Chair said that it had not been possible to arrange an additional meeting to discuss issues arising from the Richard Commission's report. However, it would be possible to discuss the issue on the 6th July. It was agreed that the paper from the Clerk and a paper from the First Minister, as had been previously agreed, would be included on the agenda.

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