

MINUTES OF MEETING

Date: 3rd February 2004
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 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 Deputy Presiding Officer

1. Apologies & announcements

2. Minutes of the previous meetings

(i) BC38-04 (Final) Tuesday 20th January 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) BC58-04 (Draft) Tuesday 27th January 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

3.1 **Paragraph 3.3 (BC26-04 - 13th January 2004)** Marion Stapleton said that the Cabinet had considered a paper on Ministerial Responses to Written Questions. She said that Ministers had asked if the paper could contain explanations for every holding reply which had been sent to Members. Marion Stapleton said she was in the process of collating this information and that a paper would be submitted to the Committee in its next meeting or the first meeting after the half-term recess.

Action: Marion Stapleton

3.2 **Paragraph 4.7** The Deputy Presiding Officer asked if a template had been prepared for e-mails about Standing Order 27 Subordinate Legislation. Marion Stapleton confirmed that it was being prepared and would provide the Deputy Presiding Officer with a draft copy for comment.

3.3 **Paragraph 7.2 (BC58-04 - 27th January 2004)** The Chair noted that following the Business Committee's recommendations about notification of the Deputy Presiding Officer's determinations of draft Orders, an e-mail containing the determinations had been sent to all Members prior to the Plenary meeting on 27th January. The Business Committee welcomed this.

3.4 **Paragraph 9.1** Paul Silk said that a revised version of his paper on proposed revisions to Standing Order 29 would be submitted to the Committee in either its next meeting or the first meeting after the half-term recess.

4. Subordinate Legislation

(a) Orders for consideration

Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004 (BC60-04)
Recommended Procedure: Accelerated

Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004 (BC61-04)
Recommended Procedure: Accelerated

The RTM Companies (Memorandum and Articles of Association) (Wales) Regulations 2004 (BC62-04)
Recommended Procedure: Accelerated

Leasehold Reform (Enfranchisement and Extension) (Amendment) (Wales) Regulations 2004 (BC63-04)
Recommended Procedure: Accelerated

Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004 (BC64-04)
Recommended Procedure: Accelerated

The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004 (BC65-04)
Recommended Procedure: Accelerated

The Service Charges (Consultation Requirements) (Wales) Regulations 2004 (BC66-04)
Recommended Procedure: Accelerated

The Commonhold and Leasehold Reform Act 2002 (Commencement No.2 and Savings) (Wales) Order 2004 (BC67-04)
Recommended Procedure: Accelerated

The Leasehold Valuation Tribunals (Service Charges, Insurance or Appointment of Managers Applications) (Revocation and Saving) (Wales) Order 2004 (BC68-04)
Recommended Procedure: Accelerated

The Leasehold Valuation Tribunals (Fees) (Revocation and Saving) (Wales) Order 2004 (BC69-04)
Recommended Procedure: Accelerated

BC60-04 - BC69-04

4.1 The Chair said that these draft Orders made up a package of ten relating to leasehold reforms.

4.2 Marion Stapleton said that the cover sheets for BC61-04, BC63-04, BC64-04, BC68-04 and BC69-04 said that no Regulatory Appraisals had been prepared for those draft Orders. This was an error and Regulatory Appraisals had been prepared and submitted to the Committee.

4.3 Members of the Committee noted that the Explanatory Memorandums accompanying all of the draft Orders said that *"the delay in bringing this legislation forward in Wales"* was partly due to a late request from a Member for Subject Committee scrutiny of the legislation. The Committee agreed that no Member should be referred to by name in such documents in future. Members of the Committee said that the possibility of subject committee scrutiny should have been built in to the timescale for the introduction of the Legislation.

4.4 Members of the Committee noted that there was an inconsistency in the Regulatory Appraisals accompanying some of these draft Orders which, in one paragraph said that *"there will be no additional costs to the Assembly or others"* but in another paragraph said there would be *"no significant"* costs. Alun Jenkins confirmed that this would be clarified before the Regulatory Appraisals were laid.

4.5 Peter Jones said that BC68-04 and BC69-04 were revocation Orders which came into force at midnight on 30th March. However, the legislation which would replace these draft Orders was due to come into force at midnight on 31st March. Alun Jenkins said he would clarify this and report back to the Committee in its next meeting

The Business Committee recommended the Standard procedure for BC60-04 - BC69-04. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to subject committee.

(b) Standing Order 27 Subordinate Legislation

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

BC70-04

4.6 The Committee noted the letter from Cabinet Secretariat on the use of the Executive procedure for The Vehicular Access Across Common and Other Land (Wales) Regulations 2004. In response to a query from the Chair, the Business Minister confirmed that the Cabinet had disappplied all of the procedural requirements of Standing Order 22.27. The Business Minister confirmed that the Regulations would be made on 9th February and said that the reason there had been a delay in introducing the Regulations in Wales was because the Government had undertaken a consultation exercise. She confirmed that if any concerns were raised during the consultation, new or

amending Regulations would be brought before the Assembly under the Standard procedure.

5. Committees

6. Forthcoming Business

(i) Requests from Business Managers

6.1 The Business Minister reported back on requests from the previous meeting for various statements and debates -

- The Business Minister said that there was no intention to schedule debates on either EU funding or on financial and operational difficulties relating to Objective 1 funding. She said that the Economic Development and Transport Minister had presented an update to the Economic Development and Transport Committee on this matter at its last meeting.
- The Business Minister said that there was no intention to schedule a debate on the National Botanic Garden of Wales whilst negotiations with outside parties relating to the Garden were ongoing. Once the outcome was known, the Minister would consider whether a debate was appropriate. If a debate was not appropriate, the Minister would be content to make a statement in Plenary.
- The Business Minister said that the Minister for Health and Social Services would be making a statement on child protection issues following the discrediting of some of Professor Sir Roy Meadows' theories as soon as an announcement was made by Margaret Hodge to the House of Commons. She said that a written statement would be issued in the first instance but that an oral statement would be made at the earliest opportunity. Business Managers said that this was a devolved matter and that the Minister should not have to wait for an announcement to be made to the House of Commons.
- The Business Minister said that media reports relating to remarks made by Liz Hewitt, the Secretary of the Royal College of Nursing in Wales were misleading and, consequently, the Minister for Health and Social Services had no intention of making a statement on the issue.

(ii) This Week's Business

6.2 The Committee considered paper BC71-04, which detailed the Assembly's agreed business for the week.

6.3 The Business Minister said that the motion to approve The Water Industry (Prescribed Conditions) (Wales) Regulations 2004, which had been scheduled for Wednesday, would be postponed until Tuesday, 10th February. She said that the motion had been postponed because the Legislation Committee had recommended amendments to the regulations and that the amended version would be resubmitted to the Business Committee in its next meeting. She said that it would not be possible to publish the amended regulations on the Intranet for the target date of 10 working days before the meeting and asked if

the Business Committee would be content to consider the regulations despite this. The Business Committee agreed.

6.4 Jonathan Morgan reiterated his requests for debates to be scheduled on the National Botanic Garden of Wales and financial and operational difficulties relating to Objective 1 funding. Business Managers supported these requests.

6.5 Jocelyn Davies asked if statements could be made on the Learning Challenge Fund and on ELWA's plans for sixth form funding.

6.6 Kirsty Williams asked if a statement could be made on the recent report by the Health Ombudsman in England on continuing NHS care.

(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 10th February, 24th February and 2nd March.

6.8 The Business Minister said that a debate on the principles of the General Medical Service Contracts Regulations was scheduled for 25th February. She said that the Regulations would not be laid because negotiations on the contracts were ongoing and could continue until the last moment. She confirmed that the most recent versions would be sent to Members prior to the debate and said that the Cabinet would be making the Regulations under the Executive procedure.

7. Advice to Assembly on procedures

BC74-04

7.1 The Business Committee noted a paper on Assembly functions covered by Transfer of Functions Orders. The Committee agreed to invite David Williams of the Office of the Counsel General to speak to the paper in its meeting on 24th February.

Action: Secretariat

8. Matters referred from plenary

9. Revisions to Standing Orders

BC73-04

9.1 The Business Committee noted the Report of the Business Committee on proposed amendments to Standing Order 15. A slot would now be found in Plenary to debate the proposals.

10. Presiding Officer rulings

11. Any other business.

BC75-04

11.1 The Business Committee noted the paper on nominations for Royal Garden Parties 2004.

CHAMBER SECRETARIAT