

Business Committee BC566-04(Final)

MINUTES OF MEETING

Date: 30th November 2004 Time: 9 a.m. Venue: Conference Room E

Present: Jenny Randerson (Chair) Karen Sinclair, Business Minister Jocelyn Davies, Plaid Cymru Business Manager David Melding, Conservative 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) BC531-04 (Final) Tuesday 16th November 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) BC552-04 (Draft) Tuesday 23rd November 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

BC511-04 - Tuesday, 9th November

3.1 Paragraph 2.3 The Deputy Presiding Officer had asked the Secretariat to remind members of the agreement that members of the Committee could refer to Business Committee discussions of draft legislation in Plenary debates. Andrew George read out the relevant extract from the Business

Committee minutes of 8th July 2003 which said that "once the final draft of the minutes of a meeting had been agreed by the Committee, members of the Committee should be free to quote from the sections which referred to the Committee's consideration of subordinate legislation".

3.2 Paragraph 3.4 The Business Minister said that her group was content with the proposed Standing Order amendment related to the revised Guidance on Motions and Amendments.

3.3 Paragraph 7.2 Members of the Committee had asked the Clerk to consider an amendment to Standing Order 29 to reflect the Presiding Officer's interpretation that the procedures of Standing Order 29.3 (I) to (iii) should be disapplied only if the proposed legislation was unimportant. The Business Minister gave an undertaking that the Presiding Officer's interpretation would be followed and that guidance for officials on legislation under Standing Order 29 would be amended accordingly. In response to a request from Business Managers, the Business Minister agreed to submit a copy of the guidance to the Business Committee as a paper to note. Marion Stapleton said that, in future, legislation under Standing Order 29 would be included on the list of forthcoming legislation provided to Subject Committees. Paul Silk suggested that, in the light of the Presiding Officer's formal interpretation and the commitment from the Business Minister, a cumbersome amendment to Standing Orders might be unnecessary. The Business Committee agreed to monitor the use of Standing Order 29 closely. Action: Marion Stapleton

3.4 Paragraph 4.4 Marion Stapleton said that a near final draft of the Common Agricultural Policy Schemes (Cross Compliance) (Wales) Regulations 2004 had been provided to the Environment, Planning and Countryside Committee for its meeting on 24th November. She said that the Regulations were still being finalised and that the Minister had determined that it was not reasonably practicable for a Welsh translation to be prepared before the Regulations were laid before the Assembly. The Deputy Presiding Officer said that this was unsatisfactory and that a translation of the draft should have been prepared in readiness. Marion Stapleton said that the delay was due to a number of late amendments from Brussels which needed to be incorporated in the final draft. Members of the Committee said that it was unfortunate that this situation had arisen, but they understood, under the circumstances, that it would be difficult to produce a Welsh version

3.5 Paragraph 6.11 The Chair noted that the Business Minister had said that the Minister for Finance, Local Government and Public Services would be discussing the policy for the timing of the announcement of the Local Government settlement with the Subject Committee. Karin Phillips said that the agenda for the meeting did not include this item and that there would be no Minister's Report in the meeting. Members of the Committee said that this was not satisfactory and that there should be a proper opportunity to scrutinise the policy.

4. Subordinate Legislation

Orders for consideration

The Day Care (Application to Schools) (Wales) Regulations 2005 (BC554-04) Recommended Procedure: Standard

& Report of the Health and Social Services Committee (BC555-04)

The Welsh Local Flood Defence Scheme 1996 (Revocation) Order 2005 (BC556-04) Recommended Procedure: Standard

& Report of the Environment, Planning and Countryside Committee (BC557-04)

The Business Committee recommended the Standard procedure for BC554-04 and BC556-04. The Deputy Presiding Officer subsequently determined that neither of these Orders need be referred to Subject Committee.

BC554-04 & BC555-04

4.1 The Committee considered this draft Order and the Report of the Health and Social Services Committee which accompanied it.

BC556-04 & BC557-04

4.2 The Committee considered this draft Order and the Report of the Environment, Planning and Countryside Committee. Peter Jones referred to paragraph 1(2) of the draft Order, which said that "this Order applies only to Wales". He said that this was not correct and should say "this Order applies to England and Wales." Alun Jenkins said that the draft Order would be amended.

(b) Standing Order 29 Subordinate Legislation

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

BC558-04

4.3 The Business Committee noted the letter about the use of the Executive procedure to make the Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2004.

(d) Papers for Information

BC565-04

4.4 The Business Committee noted the paper on the categories used on Cover Sheets accompanying draft Orders. Members of the Committee queried the purpose of the "Regular" category. Alun Jenkins said that the "Regular" category would only be used in conjunction with another category, because it did not refer to a jurisdictional area and highlighted legislation which had to be made or updated frequently. The Deputy Presiding Officer referred to the "Matching Whitehall policy" category and said that joint policy could also sometimes be developed with Whitehall. It was agreed that the list of categories would be amended to take on board the Committee's comments.

5. Committees

6. Forthcoming Business

BC559-04

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

A debate on Mental Health would be scheduled in due course.

The debate on the Second Offer scheme would be rescheduled for late January 2005.

There was no intention to schedule a statement on the cost of patient transport as this was a matter for NHS Trusts.

There was no intention to schedule a statement on GP out-of-hours services. The Minister for Health and Social Services would be reporting to the Health and Social Services Committee on this issue before the end of November.

A written statement, providing an update on progress on the Welsh Assembly Government's Location Strategy, was issued on 16 November. The Minister for Finance, Local Government and Public Services would be making an oral statement as soon as decisions had been taken as a result of the consultation with staff.

A written statement, providing an update on budgets for the New Assembly Building, had been issued on 16 November. The Minister for Finance, Local Government and Public Services would also be answering questions on this issue on 1st December.

There was no intention to make a statement on the cost of merging Assembly Sponsored Public Bodies.

A statement on the regeneration of the Heads of the Valley would be made as soon as an action plan for the most effective use of the funding had been agreed by those parties with a stake in the scheme.

This Week's Business

BC560-04

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

6.3 The Chair referred to the First Minister's statement on Assembly Sponsored Public Bodies, which was scheduled to take place later that day and which had been allocated the normal 30 minutes. She said that, depending on the content of the statement, the allocated time might not be enough. The

Deputy Presiding Officer said that, if enough Members wished to question the statement, the item would be allowed to continue for 45 minutes. David Melding said that a debate on the Final Budget was scheduled later in the meeting and asked if a motion to extend the meeting would be proposed if time was short. The Business Minister said that it was likely that the meeting could be extended.

Business Managers' Requests

6.4 Jocelyn Davies asked if a statement could be made on NHS Waiting Lists. David Melding supported this request. Jocelyn Davies referred to a No Named Day Motion on paediatric neurosurgery which had been tabled by Rhodri Glyn Thomas and asked if there was an intention to schedule a debate.

6.5 David Melding asked if a statement could be scheduled on screening services in the NHS. Peter Black and Jocelyn Davies supported this request.

6.6 Peter Black asked if a statement could be scheduled on the Government's Creative Industries Strategy. Jocelyn Davies supported this request.

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 7th December, 11th January and 18th January.

6.8 The Deputy Presiding Officer referred to the motion to delegate the functions of The Housing Act 2004 to the First Minister, which was scheduled to take place on 7th December. He said that the Housing Act had yet to be published and therefore Members would not have had sufficient opportunity to consider the Act before the debate. The Business Minister said that she was aware of this and that it was possible that the debate would be postponed until a later date. The Deputy Presiding Officer suggested that, if necessary, a motion delegating some, rather than all of the functions could be tabled.

6.9 Jocelyn Davies referred to the debate on the Second Offer scheme, which had been postponed from 24th November because the Plaid Cymru Minority Party debate on 25th November had been on issues relating to the Health Service, and asked if an alternative date had been found. The Business Minister said that the debate would take place before the half-term recess in February. Business Managers said that they were concerned about the circumstances in which the debate had been postponed and asked if the Government intended to withdraw other debates in future if Minority Party Debates dealt with similar issues. David Melding said that it was unsatisfactory that the Government felt that it could be scrutinised effectively by way of Minority Party debates on general subjects. The Chair said that minority parties had an entitlement to propose subjects for debate in their own time and that this should not affect Government business.

6.10 The Chair asked if a date had been fixed for a debate on Assembly Sponsored Public Bodies. The Business Minister said that a date had yet to be decided on. Jocelyn Davies said she anticipated that there would be a high demand from Members wishing to speak and asked if more than 60

minutes could be allocated to the debate.

6.11 Paul Silk referred to the motion to delegate the functions of the Civil Contingencies Act 2004, which was scheduled for 11th January. He said that Party Leaders had discussed this issue and that a paper on a proposed Standing Order to reconvene the Assembly in the case of a civil emergency would be submitted to the Committee for its next meeting. Action: Paul Silk

7. Advice to Assembly on procedures

BC562-04

7.1 The Business Committee considered the paper containing statistics on Ministerial Question Times. The Chair said that the Presiding Officer had previously ruled that questions and answers should be succinct. She said that it was generally evident that long supplementary questions from Members led to long Ministerial answers. Business Managers agreed that effective scrutiny was in everyone's interest and that it was the responsibility of all Members, Party Leaders and Ministers to ensure that Question Times were effective. It was agreed that a copy of the paper should be sent to the Presiding Officer and that members of the Committee should relay the Committee's conclusions to all concerned.

BC563-04

7.2 The Chair referred to the extract from the Record of Proceedings, which contained a Point of Order from Jonathan Morgan about the allocation of time for debates. She said that the Presiding Officer, in his reply, had expressed the view that timings should be more realistic. Peter Black referred to debates on Subject Committee reports and said that the allocated time should be protected in some way. The Deputy Presiding Officer said that there was more demand to speak in some debates on Committee reports compared with others. The Chair said that the number of speakers put forward by her group for each debate was dictated by the amount of time which had been allocated. Paul Silk said that it would be possible to protect the debates in a number of ways including via a convention agreed in Business Committee. The Chair asked if he could produce a paper exploring the issues. Action: Paul Silk

7.3 The Chair said that the Presiding Officer had said that 10 minutes was not sufficient time for debates on legislation. She noted that, in the draft Business Statement, some debates on legislation were now being allocated 20 minutes. The Business Minister agreed to produce a paper exploring the issues including timetabling subject committee debates. Action: Business Minister

8. Matters referred from plenary

9. Revisions to Standing Orders

BC564-04

9.1 The Business Committee considered a paper on a proposed Standing Order for the establishment

and operation of a Committee for the scrutiny of the First Minister. The Committee agreed to return to consult their groups and return to this issue in its meeting on 11 January.

10. Presiding Officer rulings

11. Any other business.

11.1 Jocelyn Davies queried why it had been necessary to hold a House Committee meeting at 5.30pm on 25th November and said that the Business Committee should have been consulted as the meeting was outside the Assembly's family-friendly working hours. The Chair asked the Secretariat to make inquiries with the House Committee Secretariat on this issue in advance of the next Business Committee meeting. Action: Secretariat

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