

MINUTES OF MEETING

Date: 5th October 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, Conservatives
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 and Jonathan Morgan. The Chair welcomed Peter Black and David Melding who were representing them both respectively in accordance with Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC416-04 (Final) Tuesday 21st September 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) BC433-04 (Draft) Tuesday 28th September 2004

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

Action: Chamber Secretariat

3. Matters Arising

BC416-04 - Tuesday, 21st September

3.1 **Paragraph 3.4** The Chair referred to the papers on arrangements for

Regional Committees and on restructuring Assembly Business, which were due to be considered by Business Committee in the meeting. Karin Phillips said that she was awaiting responses from Regional Committee Chairs before submitting the paper on arrangements for Regional Committees. It was agreed that the paper would be submitted to the Committee for its meeting on 19th October. The Business Minister said that there were a number of issues in the paper on restructuring Assembly Business which were yet to be resolved. It was agreed that the Business Minister should aim to submit the paper to the Business Committee on 2nd November.

Action: Business Minister and Karin Phillips

BC433-04 - Tuesday, 28th September

3.2 **Paragraph 7.1** The Chair said that a letter about the Business Committee's consideration of the review of the Subordinate Legislation Protocol would be sent to interested parties later that day.

4. Subordinate Legislation

(a) Orders for consideration

The Care Council for Wales (Specification of Social Care Workers) (Registration) Order 2004 (BC435-04) *Recommended Procedure: Accelerated*

The Local Authorities (Goods and Services) (Public Bodies) (Wales) Order 2004 (BC437-04) *Recommended Procedure: Accelerated*

The Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2004 (BC438-04) *Recommended Procedure: Accelerated*

The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations (BC439-04) *Recommended Procedure: Accelerated*

The Business Committee recommended the Accelerated procedure for BC435-04, BC437-04, BC438-04 and BC439-04. The Deputy Presiding Officer subsequently determined none of these Orders need be referred to Subject Committee.

BC435-04

4.1 The Deputy Presiding Officer noted that the Explanatory Memorandum accompanying this draft Order referred to abbreviations and acronyms, such as "*FP*" (Finance Programme) and "*BEL*" (Budget Expenditure Line). However, the documents contained no definitions of these terms. It was agreed that, in future, the full text of abbreviations or technical terms should be provided in parentheses on the first occasion they were used.

BC437-04

4.2 The Chair referred to the paragraph on enabling powers in the Explanatory Memorandum which accompanied this draft Order, which said that the powers had been "*conferred on the Assembly*." Peter Jones said that

this was incorrect because the powers had been transferred to the Assembly. The Deputy Presiding Officer noted that this draft Order was very local in nature and asked why it was intended to make it under Standing Order 24. Alun Jenkins said that this was a general power which could be used to make legislation which was specific to particular areas.

BC438-04

4.3 The Chair referred to the Regulatory Appraisal accompanying this draft Order which said that "*costs could be highly substantial*". However, no detail had been included as to the nature of the costs. It was agreed that the Regulatory Appraisal would be revised to include the additional information. The Committee noted that the members of the Health and Social Services Committee appeared to have been consulted individually during the consultation with stakeholders.

BC439-04

4.4 The Chair said that the paragraph on enabling powers in the Explanatory Memorandum which accompanied this draft Order was incorrect. Peter Jones said that the powers had not been "*conferred on the Assembly*", but transferred to the Assembly. The Deputy Presiding Officer said that the Cover Sheet, which said that the draft Order came under the "Wales Only" category, was incorrect and should say that the draft Order came under the "Matching Whitehall" category.

(b) Standing Order 29 Subordinate Legislation

BC440-04

4.5 The Business Committee noted the e-mail of notification about the Minister for Social Justice and Regeneration's intention to approve Local Substance Misuse Action Plans in Wales: Guidance Notes for Completion 2005-2008. Peter Jones said that there were doubts as to whether the Guidance constituted legislation and, consequently, whether the Guidance was required to be made under Standing Order 29. The Committee noted that the Social Justice and Regeneration Committee had not been consulted about the intention to approve the Guidance and asked if legislation made under Standing Order 29 could be included on the list of forthcoming legislation provided to subject committees. Marion Stapleton confirmed that this was the intention.

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

(d) Papers for Information

BC441-04

4.6 The Business Committee noted the letter from the Chair of the Local Government and Public Services Committee about forthcoming legislation

selected by the Committee for further scrutiny.

5. Committees

6. Forthcoming Business

BC442-04

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

- There was no intention to make a statement on speculation that there could be job losses at the Krupp Camford Pressing Plant in Llanelli as no announcement had been made.
- There was no intention to schedule a debate on the removal of public telephones in rural areas as this was a non devolved matter.
- There was no intention to make a statement on the future funding of the Children's Hospital for Wales as options for the next phase of development were still being considered.
- The Minister for Health and Social Services had made a statement on Community Hospital Cover on 5th October in response to an urgent question.
- There was no intention to make a statement on Council Tax rebanding and revaluation as this was a matter for detailed consideration and scrutiny by the Local Government and Public Services Committee. The Business Minister said that transitional legislation would be brought forward for debate in Plenary in due course.

6.2 David Melding 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 said that there appeared to be a policy anomaly in the nominations put forward by different bodies representing Local Government.

This Week's Business

6.3 The Committee considered paper BC443-04, which detailed the Assembly's agreed business for the week.

6.4 The Business Minister said that a motion to suspend Standing Orders to bring forward a motion to elect Kirsty Williams as Chair of Standards Committee would be tabled later that day. She said that, if the Presiding Officer was content, it was intended that the motions would be moved later that day. Business Managers were content with this proposal.

6.5 The Chair referred to the debate on the notice of dissatisfaction about the Minister for Finance, Local Government and Public Services` intention to

make the Scarweather Sands Offshore Wind Farm Order 2004, which was scheduled to take place later that day. Members of the Business Committee made queries regarding the procedural position; the implications if the motion was carried or defeated and whether Members' contributions in this debate could prejudice future contributions to proceedings relating to this issue, should the motion be carried. The Clerk said that the Presiding Officer had e-mailed all Members to advise them 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 be made or not. Business Managers asked if the Minister for Finance, Local Government and Public Services could clarify any outstanding issues during the debate.

6.6 Jocelyn Davies asked if a statement could be made on orthopaedic waiting times.

6.7 Peter Black asked if a statement could be made on the use of agency nurses in hospitals in Wales and if a debate could be scheduled on General Practitioners in Community Hospitals.

6.8 David Melding asked if a statement could be scheduled on cross-border working in the NHS.

6.9 Jocelyn Davies referred to the Assembly's consideration of the draft Business Statement, which took place each Tuesday in Plenary. She noted that if at least ten Members objected to the Business Statement, one Member from each group had the opportunity to respond to the statement and make requests for items of business to be scheduled. However, whereas the Business Minister replied to the requests from the opposition groups' representatives, she did not always respond to the requests from the Labour group's representative.

Draft Business Statement

6.10 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 12th October, 19th October and 2nd November.

6.11 The Chair referred to a change to the indicative timings which had been allocated for questions to Ministers. The Committee noted that Ministerial questions had, in the past, been allocated 20 minutes, but the allocation had increased to 30 minutes on Wednesday 6th October, and had been decreased to 20 minutes on Wednesday 13th October. Members of the Committee noted that there was an inconsistency in the number of questions answered by Ministers during question times. It was also noted that some Members' supplementary questions could be more succinct. The Deputy Presiding Officer said that the timings were indicative and that the Presiding Officer always sought to ensure that a satisfactory number of questions were answered. The Business Minister said that a lack of certainty about the length of question times meant that it was difficult to plan and manage business effectively. David Melding asked if there was any intention of decreasing the

notice period for tabling oral questions. The Business Minister said that the paper on restructuring Assembly Business would address these issues.

BC445-04

6.12 The Business Committee noted the revised paper on the proposed timetable for Minority Party debates. The Deputy Presiding Officer noted that the Conservatives had been allocated a 30 minute debate on 12th April 2005 and said that, if this was the case, there would be insufficient time to call speakers from other opposition groups during the debate. It was suggested that the timings of the Conservative group's debates could be revised to avoid this. David Melding said he would consult his group on this issue. It was agreed that the timetable would be resubmitted to the Committee once this issue had been resolved.

Action: Marion Stapleton

BC446-04

6.13 The Business Committee considered and agreed the proposed Recess Dates for 2004/2005. The Committee noted that the Assembly would be sitting for 33 weeks. It was agreed that the information would be published as soon as possible.

Action: Secretariat

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT