

MINUTES OF MEETING

Date: 9th December 2003
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) BC475-03 (Final) Tuesday 25th November 2003

2.1 The minutes were presented to the Committee in their final format. An amendment was suggested which would be incorporated before the minutes were translated in readiness for publication.

Action: Chamber Secretariat

(ii) BC485-03 (Draft) Tuesday 2nd December 2003

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 3.4** Marion Stapleton reported back on The National Health Service (Primary Care) Act 1997 (Commencement No.1) (Wales) Order 2003 (BC459-03). She said that the Assembly did not have the powers to make the Order. The Business Committee said that, due to time constraints, they were content for the Department of Health to make this draft Order, and asked for the power to be transferred to the Assembly so that it could make Orders arising from the Act in future. Marion Stapleton said she would report back to

the Business Committee and the Health and Social Services Committee on progress. Members of the Committee requested a paper from Marion Stapleton including details of any other Acts whose powers had not been transferred to the Assembly.

Action: Marion Stapleton

3.2 Paragraph 4.1 Marion Stapleton referred to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 and said that 5 copies of the map had been deposited in the Assembly library. The Deputy Presiding Officer said that as the Order applied equally to areas of Wales and England, two maps of equal validity should be available in the Assembly Library and the Library in DEFRA.

3.3 Paragraph 11.1 Marion Stapleton confirmed that an Order had been submitted to the Health and Social Services Committee without the Regulatory Appraisal. She said that the draft Order would be resubmitted to the Subject Committee along with the Regulatory Appraisal. The Clerk asked Officials to ensure that Subject Committees were sent the Regulatory Appraisals in future.

3.4 Marion Stapleton circulated a paper on Government responses to Committee reports. Members of the Committee suggested some amendments. The Committee agreed to return to the issue in the first meeting following Christmas recess.

4. Subordinate Legislation

(a) Orders for consideration

Road Traffic (Permitted Parking Area and Special Parking Area) (County of Carmarthenshire) Order 2004 (BC487-03) *Recommended Procedure: Accelerated*

The Pig Carcase (Grading) (Amendment) (Wales) Regulations 2004 (BC488-03) *Recommended Procedure: Accelerated*

The Health and Social Care Act 2001 (Commencement No.6) (Wales) Order 2004 (BC489-03) *Recommended Procedure: Accelerated*

The Organic Farming Scheme (Wales) (Amendment) Regulations 2003 (BC490-03) *Recommended Procedure: Accelerated*

BC488-03 & BC489-03

4.2 The Chair said that the references to consultation with subject committees in the Explanatory Memorandums accompanying both these draft Orders said that the draft Orders had not been included on the list of forthcoming legislation. However, the subject committees had been notified of the draft Orders by way of Ministerial Reports.

BC490-03

4.3 The Chair said that this draft Order had been considered in Business

Committee on 25th November and deferred because of a lack of clarity in the Regulatory Appraisal about the costs arising from the Order. The costs had now been clarified.

The Business Committee agreed the recommended procedures for BC487-03 - BC490-03.

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

BC493-03

4.4 The Business Committee noted the letter on the use of the Executive procedure for The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2003. The Chair said that Standing Order 22.27(iv) was not being disapplied and a debate on the Regulations would take place in Plenary on 9th December. The Deputy Presiding Officer asked if the Environment, Planning and Countryside Committee had considered the Regulations. The Business Minister said that the Committee was content. The Deputy Presiding Officer asked if, in future, the outcome of consultation with the relevant Subject Committee could be included in the letter.

BC494-03

4.5 The Business Committee noted the letter on the use of the Executive procedure for The African Swine Fever (Wales) Order 2003. The Chair said that Standing Order 22.27 (iv) was not being disapplied and a debate on the Order would take place in Plenary on 10th December. The Chair said that although the Order was being made jointly with DEFRA, there were no Parliamentary procedures under the Animal Health Act 1981. Therefore, the Order was not required to be made under Standing Order 23, Section 3.

(c) Papers to note;

5. Committees

BC498-03

5.1 The Business Committee noted the letter from the Chair of Environment, Planning and Countryside Committee about its consideration of subordinate legislation.

BC499-03

5.2 The Business Committee agreed the request from the Social Justice and Regeneration Committee for two additional formal meetings.

BC500-03 & BC501-03

5.3 The Committee noted the paper on Committee scrutiny of legislation. The Chair said that the paper had been agreed by the Panel of Chairs and that it outlined best practice for subject committees.

BC502-03

5.4 The Committee noted the letter from the Chair of the North Wales Regional Committee, which outlined her approach to evaluating the Committee's pilot evening meeting, to which the Business Committee had agreed a request on 23rd September. The Chair of the Business Committee said that the Chair's evaluation would be submitted to the Business Committee early next year.

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 -

- (i) The Business Minister said that the Minister for Culture, Sport and Welsh Language would be making a statement on the National Botanic Gardens of Wales on Wednesday, 10th December.
- (ii) The Business Minister said that there was no intention to schedule a debate on Match Funding for Objective 1. She said that Minister for Economic Development and Transport reported regularly to the Subject Committee on this issue and that members of the Committee could scrutinise the Minister in that forum.

(ii) This Week's Business

6.2 The Committee considered paper BC495-03, which detailed the Assembly's agreed business for the week.

6.3 The Business Minister said that the following Orders, which had been scheduled for debate on Tuesday 9th December, would be withdrawn.

- The Dog Fouling (Fixed Penalty) (Wales) Order 2003
- The Litter (Fixed Penalty) (Wales) Order 2003

6.4 Jocelyn Davies asked if the First Minister could make a statement on Councillor Jeff Jones' letter to him about the Clywch inquiry. Jonathan Morgan said he supported this request. Jocelyn Davies asked if a debate on the Clywch Report would be scheduled in the new year. The Business Minister said she would relay the request to the First Minister.

6.5 Jonathan Morgan asked if a debate could be scheduled on the Assembly Government's position regarding tuition fees. Jocelyn Davies said she supported this request. The Business Minister said she would relay this request to the Minister.

6.6 Jocelyn Davies asked if a debate could be scheduled on High Level Teaching Assistants. The Business Minister said she would relay this request to the Minister.

(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 13th January, 20th January and 27th January.

6.8 Karin Phillips said a motion to set up an ad hoc committee to consider the Public Audit (Wales) Bill was scheduled for 13th January. She asked to be notified as soon as possible if Business Managers proposed to put forward nominations which were different to the membership of the previous Public Audit (Wales) Bill ad hoc Committee.

7. Advice to Assembly on procedures

BC497-03

7.1 The Business Committee noted the paper on the procedures for submitting urgent questions.

BC385-03

7.2 The Chair said that she had requested that the paper on the structure of the budget debates be included on the agenda so that the Committee could review the arrangements, following the debate on the final budget on 2nd December. Members of the Business Committee said that, in future, more time should be made available for budget debates. The Deputy Presiding Officer said that almost all Assembly Members who requested to speak were called during the course of the two debates. Business Managers said that only a limited number of their Members had requested to speak due to the lack of time; had there been more time available, more Members would have put forward requests. The Committee agreed that, in future, the debate on the final budget could be allocated 1.5 to 2 hours.

BC503-03

7.3 The Business Committee noted the excerpt from the Guidance on Written Questions. The Chair said that Marion Stapleton was preparing a paper on this issue for consideration early next year. Jocelyn Davies said that Alun Ffred Jones had been waiting for six weeks for a response to a question to the Minister for Economic Development. The Business Minister said that this was due to an administrative error and that such delays were rare. Jonathan Morgan said that the Guidance said that a holding answer would be sent "*in rare cases*", but he said that Members were often sent holding replies. The Deputy Presiding Officer asked if Marion Stapleton's paper could refer to any statistics about individual Ministers' use of holding replies to written questions.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT