

MINUTES OF MEETING

Date: 9th March 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, Liberal Democrats
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

1.1 Apologies for absence were received from Kirsty Williams. The Chair welcomed Peter Black who was representing her under Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC112-04 (Final) Tuesday 24th February 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) BC139-04 (Draft) Tuesday 2nd March 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 (BC139-04 - 2nd March 2004)

3.1 **Paragraph 4.4** The Chair said that there had been a discrepancy in figures contained in the Explanatory Memorandum and Regulatory Appraisal accompanying The National Health Service (Performers Lists) (Wales) Regulations 2004 (BC124-04). Marion Stapleton confirmed that the figures in

the Regulatory Appraisal were the correct ones and should have been reproduced in the Explanatory Memorandum.

4. Subordinate Legislation

(a) Orders for consideration

The Education Act 2002 (Commencement No.4 and Transitional Provisions) (Wales) Order 2004 (BC141-04) *Recommended Procedure: Accelerated*

The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004 (BC142-04) *Recommended Procedure: Accelerated*

The National Assistance (Sums for Personal Requirements) (Amendment) (Wales) Regulations 2004 (BC143-04) *Recommended Procedure: Accelerated*

The Local Authorities (Capital Finance and Accounting) (Wales) (Amendments) Regulations 2004 (BC144-04) *Recommended Procedure: Accelerated*

The Education (School Performance Information) (Wales) Regulations 2004 (BC145-04) *Recommended Procedure: Standard*

The Education (Pupil Information) (Wales) Regulations 2004 (BC146-04) *Recommended Procedure: Standard*

Adoption Support Services (Local Authorities) (Wales) Regulations 2004 (BC147-04) *Recommended Procedure: Standard*

The Non-Domestic Rating (Miscellaneous Provisions) (Amendment) (Wales) Regulations 2004 (BC148-04) *Recommended Procedure: Accelerated*

The Milk Development Council (Amendment) Order 2004 (BC149-04) *Standing Order 23, Section 3*

The Anti-Social Behaviour Act 2003 (Commencement No.1) (Wales) Order 2004 (BC150-04) *Recommended Procedure: Standard*

The Pigs (Records, Identification and Movement) (Wales) Order 2004 (BC151-04) *Recommended Procedure: Accelerated*

4.1 The Committee noted that Welsh versions of the majority of the draft Orders had not been submitted to the Committee. The Committee also noted that there were inconsistencies relating to target dates for the making of the draft Orders in the documents accompanying several of the draft Orders.

BC142-04

4.2 The Chair referred to paragraph 11 of the Explanatory Memorandum, which said that the Health and Social Services Committee had proposed three amendments to the Regulations. The Chair said that the Cover Sheet accompanying this draft Order said that the intention of the Regulations was to "increase the capital limits for means testing in line with inflation from £12,250 and £20,000 to £13, 500 and £20,500 respectively". Members of the Committee noted that there was a discrepancy between these figures and asked Marion Stapleton for further clarification.

Action: Marion Stapleton

BC144-04

4.3 In response to a query, Alun Jenkins said that the Minister had concluded that it had not been reasonably practicable to produce a Welsh version of these Regulations as the principle Regulations had been available in English only. The Deputy Presiding Officer said that this should not be treated as a precedent. The Deputy Presiding Officer said that there was an inconsistency in the Explanatory Memorandum, which said that "there are no additional costs for the Assembly", and the Regulatory Appraisal, which said that the regulations "should not result in additional costs" and that "there may be initial set up costs". The Deputy Presiding Officer asked for clarification on this issue.

Action: Marion Stapleton

BC148-04

4.4 The Chair said that this draft Order had been considered by the Local Government and Public Services Committee on 22nd October and asked if the draft Order had been changed in the meantime. Marion Stapleton said that she would seek clarification on this issue. Members of the Committee noted that the Regulatory Appraisal said that "the Assembly is holding a 12-week joint consultation" and asked when the consultation exercise was due to end. Business Managers asked for further clarification and for the draft Order to be resubmitted to the Committee in its next meeting.

Action: Marion Stapleton

BC149-04

4.5 The Chair said that the Business Committee had considered this draft Order on 2nd March and had sought clarification on whether the FUW and NFU Wales had been involved in the consultation process. Marion Stapleton confirmed that neither organisation had been consulted and said that a copy of the draft Order had been sent to the FUW for comment following the previous Business Committee meeting. Jocelyn Davies said that there should have been adequate consultation in Wales. Marion Stapleton said that she had requested that the FUW and NFU Wales should be included on DEFRA's list of consultees in future. Business Managers said that they wished to debate the Regulations.

BC150-04

4.6 Peter Black asked for further clarification about the costs arising from the making of this draft Order. Marion Stapleton agreed to report back on this issue in the Committee's next meeting.

The Business Committee agreed the recommended procedures for BC141-04, BC144-04 - BC146-04 and BC150-04 - BC151-04. The Business Committee recommended the standard procedure for BC142-04 and BC143-04. The Business Committee recommended the accelerated

procedure for BC147-04. The Deputy Presiding Officer subsequently determined that none of these draft Orders need be referred to subject committee.

(b) Standing Order 27 Subordinate Legislation

BC158-04

4.7 The Business Committee noted the e-mail from Cabinet Secretariat notifying Members of the Minister for Environment, Planning and Countryside's intention to approve the Local Authority Environmental Regulation of Industrial Plant - Fees and Charges Scheme for 2004-05.

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

(d) Papers for Information

5. Committees

BC152-04

5.1 The Business Committee noted the letter from the Chair of the Local Government and Public Services Committee about Committee consideration of draft subordinate legislation.

6. Forthcoming Business

BC153-04

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 Chancellor's consultation on tax exemption for second homes.
- the Minister for Economic Development and Transport did not intend making a statement on the withdrawal of P&O ferry services between Wales and Ireland.
- there was no intention to schedule a statement on the reported announcement that the Welsh block grant would be cut to accommodate increases in EU structural funds.
- the Minister for Health and Social Services would not be making a statement on the closure of normal services in Morriston Hospital's Heart Unit.
- there was no intention to schedule a statement on reported allegations against Flintshire County Council.

(ii) This Week's Business

6.2 The Committee considered paper BC154-04, which detailed the Assembly's agreed business for the week.

6.3 The Business Minister said that she would be tabling a motion later that

day to suspend Standing Order 6.12 in order to bring forward a motion to appoint an Independent Adviser under Standing Order 16.3. The Business Minister said that the Minister for Environment, Planning and Countryside was making a statement on GM Crop Commercialisation on Tuesday. She said that the First Minister would be making a statement on the Appointment of a new Counsel General on Tuesday. The Business Minister sought support for a suspension of Standing Orders to allow the order of business to be changed so that statements could be taken at the end of the meeting. Business Managers were not content with this proposal and indicated that if there was a lack of time, they would be content for the meeting to be extended.

6.4 Business Managers asked if a debate could be scheduled on GM crops.

6.5 Peter Black asked if a statement could be scheduled on Airbus and dredging in the port of Mostyn. Jonathan Morgan supported this request.

6.6 Jonathan Morgan asked if a statement could be made on the Children Bill. Business Managers agreed that they would be content with an oral statement in Plenary but that a debate would be preferable. Business Managers said that a debate would need to be scheduled for early May.

6.7 Jocelyn Davies asked if a statement could be scheduled on reported allegations of bullying within the Cardiac Unit at Morriston Hospital. She also asked if a debate could be scheduled on corporate financial support for Education initiatives.

(ii) Draft Business Statement

6.8 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 16th March, 23rd March and 30th March.

7. Advice to Assembly on procedures

BC156-04

7.1 The Business Committee noted the Report of the Business Committee on the proposed timetable for subject committee meetings. The Committee agreed that the report should be laid before the Assembly.

8. Matters referred from plenary

BC157-04

8.1 The Business Committee considered the extract from the Record of Proceedings about the length of questions and answers during Ministers' Question Times. The Business Minister said that she was meeting the Presiding Officer and Business Managers in the forthcoming weeks and undertook to raise the issue in that meeting.

9. Revisions to Standing Orders

BC91-04 & BC159-04

9.1 The Business Committee considered a paper from the Business Minister on proposed revisions to Standing Order 29. Members of the Committee made several suggestions and the Business Minister agreed to consider them before resubmitting a revised paper to the Committee.

10. Presiding Officer rulings

11. Any other business.

11.1 The Deputy Presiding Officer said that a new voting system had been introduced in the Chamber and would become operational after further testing.

CHAMBER SECRETARIAT