

MINUTES OF MEETING

Date: Tuesday 16th January 2001
Time: 9.00am
Venue: Presiding Officer's room (A3.13)

Present: John Marek, Deputy Presiding Officer (Chair)
Andrew Davies, Minister for Assembly Business
Jocelyn Davies, Plaid Cymru Party Business Manager
William Graham, Conservative Party Business Manager
Kirsty Williams, Liberal Democrat Party Business Manager

John Lloyd, Clerk to the Assembly
David Lambert, OPO Legal Adviser
Andrew George, Clerk to the Business Committee
Marion Stapleton, PS/Minister for Assembly Business
Craig Stephenson, Chamber Secretariat
Alun Gruffudd, PS/Deputy Presiding Officer
Marie Knox, Head of Committee Secretariat (agenda item 6)
Nerys Arch, Office of the Counsel General (agenda item 8)

1. Apologies & announcements

1.1 None.

2. Minutes of the previous meeting**BC345-00 (final)**

2.1 The minutes were presented to the Committee in their final format. Since there were no further comments they would be translated in readiness for publication. **Action: Chamber Secretariat**

BC350-00 (draft)

2.2 The minutes were presented to the Committee in draft. Since there were no comments, they would be presented at the next meeting in their final format. **Action: Chamber Secretariat**

3. Matters arising (BC350-00)

3.1 **Paragraph 3.1** - Marion Stapleton said that a paper proposing revisions to the Standing Orders to recognise "Ministers" would be ready for next week's meeting. **Action: Marion Stapleton**

3.2 **Paragraph 3.4** - Marie Knox said that the National Audit Office (NAO) had expressed some concerns over the draft Standing Order revision on the Audit Committee. The proposals suggested by the NAO were being

considered and a paper would be submitted to the Committee as soon as possible. **Action: Committee Secretariat**

4. Matters referred from plenary

4.1 The Committee considered paper BC08-01 which had been prepared following a point of order made in the Plenary session on 11th January. At present, Standing Orders did not allow amendments to motions proposing debates on reports submitted by subject committees. The Deputy Presiding Officer said that the paper proposed a two-stage process for the consideration of subject committee reports:

- a standard motion for the Assembly to take note of a committee report which would not be subject to amendment. This motion would simply enable the Assembly to debate the report
- the possibility of other motions (which would be subject to amendment) which would propose how the Administration should take forward or respond to the recommendations or other contents of the report.

4.2 Kirsty Williams felt that it was not appropriate to amend motions which invited the Assembly to take note of an agreed Committee report. However, there would be other occasions where committees would want the Executive to take action on a report and it might be appropriate to seek to amend these motions. The Minister for Assembly Business said that the Executive would always consider and respond to reports, even if they were only instructed to take note of them. He was, therefore, reluctant to reopen the whole debate again. Jocelyn Davies pointed out that the Executive did not have to consider a report if it did not want to and the proposal in the paper would address this. However, she was concerned to avoid a situation in which the Business Committee was continually revising the Standing Orders to address problems as they arose. The Minister for Assembly Business agreed that the Standing Orders should not be revised too often and was content with the arrangements as they currently stood.

4.3 The Deputy Presiding Officer said that a clear distinction could be made between Committee reports which were presented for the Assembly to note and those which called for some kind of executive action and it would be possible for Standing Orders and procedures to reflect that distinction. He invited David Lambert and the Secretariat to consider the matter further and report back. **Action: David Lambert/Chamber Secretariat**

5. Advice to Assembly on procedures

5.1 The Committee considered paper BC02-01 which provided proposals to improve the presentation and usefulness of the Plenary agenda. The Presiding Officer and Deputy had approved the changes. William Graham wanted to discuss the proposals with his group. Other Business Managers

were content with the proposal. **Action: William Graham to discuss with his group**

6. Committees

6.1 The Committee considered and agreed paper BC03-01 - a request from the Education and Life-Long Learning Committee for an additional meeting on Thursday 8th February 2001.

7. Forthcoming business

This week's business

7.1 The Minister for Assembly Business said that no statements were planned for the Plenary session that afternoon. However, two statements were planned for Thursday 18 January. The Minister for Assembly Business would be making a statement on the Information Age Consultation paper and Edwina Hart on progress with the new building.

7.2 Jocelyn Davies was concerned about the lack of business on Thursday morning. The Minister for Assembly Business said that he had allocated time for the two planned statements. However, in the light of the concerns expressed by Business Managers, he made a commitment to include planned Cabinet statements on future draft business statements. The Committee welcomed this proposal. The Minister for Assembly Business disagreed with William Graham and Jocelyn Davies that planned Cabinet statements should be replaced by debates. The Deputy Presiding Officer pointed out that a Minister delivering a statement would probably be under more scrutiny than if they were proposing a motion for debate.

7.3 The Committee considered the draft business statement (BC10-01). The Minister for Assembly Business outlined some minor changes.

Proposed business for the weeks commencing 22nd & 29th January and 5th February 2001

7.4 The Committee's advice to the Minister for Assembly Business on his proposed statement about the organisation of the Assembly's business for the weeks commencing 22nd and 29th January and 5th February 2001 was that it should proceed as outlined in the draft business statement.

7.5 William Graham expressed his concern about the lack of planned business for Thursday 25 January and Tuesday 30th January. Jocelyn Davies said that Plaid Cymru was prepared to move its minority party debate from the 1st February to 25th January if that would assist with the management of business. The Minister for Assembly Business thanked her for this offer and said that he would contact her later.

7.6 The Minister for Assembly Business asked Business Managers to consider ideas to mark St David's Day on 1st March and International Women's Day the following week. **Action: Business Managers**

8. Subordinate legislation

The Education (National Curriculum)(Key Stage 3 Assessment Arrangements)(Wales)(Amendment) Order 2001

8.1 The Business Committee noted paper BC04-01 that provided advice from Jane Davidson, Assembly Minister for Education on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Accelerated procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Education (Individual Pupils' Achievements)(Information)(Wales) (Amendment) Regulations 2001

8.2 The Business Committee noted paper BC05-01 that provided advice from Jane Davidson, Assembly Minister for Education on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Accelerated procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The National Health Service (General Medical Services)(Amendments) (Wales) Regulations 2001

8.3 The Business Committee noted paper BC06-01 that provided advice from Jane Hutt, Assembly Minister for Health and Social Services on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Standard procedure. **The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Education (Education Standards Grants)(Wales) Regulations 2001

8.4 The Business Committee noted paper BC09-01 that provided advice from Jane Davidson, Assembly Minister for Education on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Accelerated procedure.

The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.

Notification to Members of Forthcoming Subordinate Legislation

8.5 The Deputy Presiding Officer explained his concerns about the information available to Members and to the public about subordinate legislation which was either before the Assembly for consideration or which had been made. The publication of subordinate legislation which is not otherwise published was the responsibility of the Presiding Officer and Members and the public should be able to access easily information about all subordinate legislation.

8.6 David Lambert explained the current information available about subordinate legislation on the Assembly's Intranet and Internet sites. It appeared that:

- each site contained different aspects of the information which in total did not give a complete and clear picture of either draft or made Assembly subordinate legislation;
- there were two different methods of presenting the information, either in list form or by reference to months which had to be searched individually to ascertain the information held in relation to the particular month;
- nowhere was there a list of draft statutory instruments laid before the Assembly;
- there was no list of made general statutory instruments other than by reference to the HMSO website list. This list did not necessarily show subordinate legislation before it came into force;
- no list was necessarily comprehensive;
- the mixture of listings of subordinate legislation, orders and circulars was confusing.

He also drew attention to circulars which contained subordinate legislation but which had the appearance of a circular and were probably not listed as subordinate legislation and this needed to be considered.

8.7 The Minister for Assembly Business agreed to consider the matter.

Action: Minister for Assembly Business

9. Revisions to Standing Orders

9.1 The Committee considered and agreed paper BC07-01 on proposed revisions to Standing Order 3 to enable the House Committee to discharge fully its functions in respect of determinations on salaries, allowances and pensions. The report of the Business Committee would be prepared for agreement at next week's meeting.

9.2 Craig Stephenson said that some minor consequential changes to Standing Order 6 were necessary to take account of changes to the Table Office's opening times and the split-up of Standing Order 22. These would

also be included in the Business Committee's report. **Action: Craig Stephenson**

10. Presiding Officer rulings

10.1 None.

11. Any other business

11.1 None.

CHAMBER SECRETARIAT