

MINUTES OF MEETING

Date: Tuesday 1st May 2001

Time: 9.00am

Venue: Room A3.10

Present: Kirsty Williams, Liberal Democrat Party Business Manager
(Chair)

Andrew Davies, Minister for Assembly Business

Jocelyn Davies, Plaid Cymru Party Business Manager

William Graham, Conservative Party Business Manager

Paul Silk, Clerk to the Assembly

David Lambert, Presiding Office Legal Adviser

Andrew George, Clerk to the Business Committee

Marie Knox, Head of Committee Secretariat

Marion Stapleton, PS/Minister for Assembly Business

Alun Gruffudd, PS/Deputy Presiding Officer

Nerys Arch, Office of the Counsel General (agenda item 4)

1. Apologies & announcements

1.1 Apologies for absence were received from the Deputy Presiding Officer. Kirsty Williams had agreed to chair the Committee in accordance with Standing Order 13.4

2. Minutes of the previous meeting

BC 111-01 (final)

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 their publication. **Action: Chamber Secretariat**

BC 119-01 (draft)

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

3. Matters arising

3.1 **Paragraph 3.1** – Marie Knox said that the provisional agreement to hold an additional plenary meeting on 27 June (if a General Election took place on 7 June) remained the least disruptive option in terms of re-arranging committee business. Members were content with this proposal. **Action: Marie Knox to put arrangements in place if necessary.**

3.2 The Chair noted that the matters arising under **paragraph 3.2** and **paragraph 3.4** would be taken under agenda item 5 together with paper BC141-00.

3.3 **Paragraph 3.5** – The Minister for Assembly Business said that he had sent a note to Cabinet colleagues on observing courtesies when undertaking Ministerial visits to constituencies. Jocelyn Davies noted that the Code of Conduct for Ministers already stated that these courtesies should be extended to both constituency and regional AMs, and, it is her view, the Committee's discussions had been a waste of time. The circulation of the note would now resolve this matter.

3.4 **Paragraph 9.1** – Marion Stapleton noted that the Business Committee report on the revision to Standing Orders 6.3 and 6.26 (Oral Questions to Minister for Assembly Business) had been laid. The motion had been prepared and would be tabled for resolution on 17 May. The first set of oral questions to the Minister for Business would take place on 21 June. **Action: Cabinet Secretariat**

4. Subordinate legislation

The Care Standards Act 2000 (Commencement No3) (Wales) Order 2001

4.1 The Business Committee noted paper BC121-01 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 Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Potatoes Originating in Egypt (Amendment) (Wales) Regulations 2001

4.2 The Business Committee noted paper BC122-01 that provided advice from Carwyn Jones, Assembly Minister for Rural Affairs on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The NHS (Charges for Drugs and Appliances) (Amendment) (Wales) Regulations 2001

4.3 The Business Committee noted paper BC123-01 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 Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Care Council for Wales (Appointment, Membership and Procedure) Regulations 2001

4.4 The Business Committee noted paper BC124-01 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 Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Homegrown Cereals Authority Levy (Variation) Scheme (Approval) Order 2001

4.5 The Business Committee noted paper BC125-01 that provided advice from Carwyn Jones, Assembly Minister for Rural Affairs on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Welsh Language Schemes (Public Bodies) Order 2001

4.6 The Business Committee noted paper BC126-01 that provided advice from Jenny Randerson, Assembly Minister for Culture and Sport on the handling of the above Order. Nerys Arch noted that the intended procedure for this Order was the Standard procedure and not the accelerated procedure as noted on the cover sheet. Members of the Business Committee therefore advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Inspection of Education and Training (Wales) Regulations 2001

4.7 The Business Committee noted paper BC127-01 that provided advice from Jane Davidson, Assembly Minister for Education and Lifelong Learning on the handling of the above Order. Members of the Business Committee agreed that it should follow the standard procedure.

4.8 Jocelyn Davies asked whether there was scope for the Order to be considered by the Education committee before a full debate in plenary. Nerys Arch said that she would check whether this was possible or not, taking account of the time-scale for making the Order. She would also inquire into Marion Stapleton's query whether or not Assembly Members had been included in the consultation process for the Order. **Action: Nerys Arch to**

check whether there is scope for the draft Order to be considered by subject committee and check extent of consultation and report back before next week's meeting.

The Education (Publication of Draft Proposals and Orders) (Further Education Corporations) (Wales) Regulations 2001

4.9 The Business Committee noted paper BC128-01 that provided advice from Jane Davidson, Assembly Minister for Education and Lifelong Learning on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.

The Housing Grants (Additional Purposes) (Wales) Order 2001

4.10 The Business Committee noted paper BC129-01 that provided advice from Edwina Hart, Assembly Minister for Finance, Local Government and Communities on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.

The Housing Renewal Grants (Amendment) (Wales) Regulations 2001

4.11 The Business Committee noted paper BC130-01 that provided advice from Edwina Hart, Assembly Minister for Finance, Local Government and Communities on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.

The Housing Renewal Grants (Prescribed Forms and Particulars)(Amendment) (Wales) Regulations 2001

4.12 The Business Committee noted paper BC131-01 that provided advice from Edwina Hart, Assembly Minister for Finance, Local Government and Communities on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.

The Relocation Grants (Forms of Application) (Amendment) (Wales) Regulations 2001

4.13 The Business Committee noted paper BC132-01 that provided advice from Edwina Hart, Assembly Minister for Finance, Local Government and Communities on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.

The Contaminated Land (Wales) Regulations 2001

4.14 The Business Committee noted paper BC133-01 that provided advice from Sue Essex, Assembly Minister for the Environment on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.

4.15 The Chair queried the meaning of “Consultation with the EPT Committee” in paragraph 6 of the explanatory memorandum. She felt that a letter sent to the Committee which had not been responded to did not constitute proper consultation as opposed to a debate on the Order in committee or at least the inclusion of the Order as a substantive item on the agenda of that Committee. It was agreed that, in such instances, the cover sheets should record the consultation with subject committee as “no” in future to avoid the danger of misleading Business Managers. **Action: Nerys Arch to note for future cover sheets.**

The Common Agriculture Policy (Wine)(Wales) Regulations 2001

4.16 The Business Committee noted paper BC134-01 that provided advice from Carwyn Jones, Assembly Minister for Rural Affairs and Communities on the handling of the above Order. Members of the Business Committee agreed that it should follow the standard procedure. **The Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

4.17 The Chair asked Nerys Arch for clarification whether all Welsh producers were included in the criteria for “Specified Regions” under the terms of the Regulations and whether there was a danger that some producers would be unfairly excluded from the quality wine register. Nerys Arch would seek to clarify and report at next meeting. **Action: Nerys Arch to report back on criteria for “Specified Regions” under the terms of the Regulations.**

The National Health Service (General Dental Services) (Amendment) (Wales) Regulations 2001

4.18 The Business Committee noted paper BC135-01 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 Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Meat (Enhanced Enforcement Powers) (Wales) Regulations 2001

4.19 The Business Committee noted paper BC136-01 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 Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

The Home Grown Cereals (Rate of Levy) Order 2001

4.20 The Business Committee noted paper BC143-01 that provided advice from Carwyn Jones, Assembly Minister for Rural Affairs on the handling of the above Order. Members of the Business Committee advised the Chair 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 Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

4.21 Nerys Arch noted that the volume of subordinate legislation coming to the Committee would remain high for the next 2-3 weeks, with possibly as many as 20 Orders to be considered in one meeting. However, she hoped that time could be saved by grouping Orders for consideration. The Chair stressed the difficulty that Business Managers faced in consulting Members on the scrutiny of subordinate legislation and asked whether more notice could be given to Business Managers of Orders that were due for submission to Business Committee. Nerys Arch said that the OCG would make every effort to give as much notice as possible to Business Managers of forthcoming subordinate legislation. The Minister for Assembly Business added that some Ministers had undertaken to bring forward a programme of proposed legislation to their subject committees so that Members could be aware of proposals at the earliest opportunity. He said that he would discuss with Cabinet colleagues the possibility of implementing this as common practice. **Action: Minister for Assembly Business to discuss with Cabinet**

5. Advice to Assembly on procedures

5.1 The Committee considered paper BC171-01 and agreed with the proposition to discontinue the practice of posting documents to the Chamberweb for composite motions, which are not subject to debate.

5.2 The Committee considered paper BC138-01 which proposed a convention for numbering bullet points within motions. The Business Managers agreed to implement the convention on a trial period over the next term. **Action: Secretariat to inform Members and their support staff.**

5.3 Marion Stapleton introduced paper BC141-00 which was presented in response to concerns raised before Easter about the management of the publication of Assembly subordinate legislation. She hoped that the reconfiguration of the information on the Intranet about subordinate legislation was more user-friendly and that it clearly set out each stage of the procedure for Orders under Standing Order 22. Jocelyn Davies welcomed the new configuration. She felt that the hyperlink by e-mail to the Business Unit in order to make representations would improve the scrutiny process. She said that it would be a further improvement if the site recorded whether or not each Order had already been to a subject committee for consideration. William Graham also welcomed the improvements and asked if the Business Unit would consider further comments were they to arise. Marion Stapleton said that the Business Unit would be pleased to consider proposals for further improvements. She said that she would relay the Committee's comments to the Business Unit and OCG.

5.4 David Lambert said that he would have accumulated, by the end of August, a comprehensive list of subordinate legislation to be published in accordance with the requirement of Standing Order 30. Marion Stapleton noted that the Counsel General was conducting an audit of subordinate legislation procedures in concurrence with this work and would present a report to Business Committee. The Minister for Assembly Business noted that he has regular meetings with the Counsel General over these issues and hoped that the recent improvements in the presentation of information about subordinate information showed that significant progress was being made in this very complex area.

6. Committees

The Committee considered paper BC 144-01 and agreed to approve the proposal for an additional meeting of the Culture Committee on 24 May.

7. Forthcoming business

This week's business

7.1 The Committee considered paper BC139-01, which detailed the Assembly's agreed business for the week. The Minister for Assembly Business notified the Committee that the business for the afternoon's plenary had changed considerably. The statement by the Minister for Rural Affairs on the update of the Foot and Mouth Disease impact would remain and he would also be giving a statement on GM crop trials in Pembrokeshire. There would

be a statement by the Minister for Health on the Tuberculosis outbreak in Newport in response to an urgent question.

7.2 The proposed statement by the Minister for Finance Local Government and Communities (in response to an urgent question) on the retention of Asylum seekers in Cardiff prison, would be taken on Thursday. The proposed statement from the Minister for Education and Lifelong Learning on training opportunities for the Corus workforce who would be made redundant, would also be taken on Thursday.

7.3 Marion Stapleton explained that the motion for the election of Eleanor Burnham to Committee was erroneous and had been withdrawn. A further motion would come forward next week. The Minister for Assembly Business said that he proposed to move the debate on the Health and Social Services Committee report on the Philips inquiry to a later date due to time constraints. He would also be talking to Janice Gregory about moving her short debate to Thursday as the Minister responding would be absent for this afternoon's plenary.

7.4 Marion Stapleton noted that the Statement for Operating Aids would not be taken on Thursday. William Graham asked when the debate on the Special Grant report would be forthcoming. The Minister for Business said that he would find time for the debate within the next fortnight and gave his assurance that there would be a timeslot of more than 20 minutes for the debate.

7.5 The Minister said that the Plaid Cymru Minority Party debate on the Barnett Block Grant, deferred from 5 April, would also be taken on Thursday. In response to William Graham's query, Jocelyn Davies said that the Plaid Cymru amendment tabled for the Minority debate was not an amendment to change the purpose of the motion but in response to recent developments on the topic. The Committee agreed that Members should closely monitor amendments being tabled to motions in order to judge whether further amendments were necessary.

Proposed business for the weeks commencing 8th, 15th and 22nd May 2001

7.2 The Committee considered the draft business statement (BC140-01).

7.3 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 8th, 15th and 22nd May was that it should proceed as outlined in the draft business statement.

8. Matters referred from plenary

None

9. Revisions to Standing Orders

9.1 The Committee considered paper BC142-01 on the Explanatory note in Support of the motion to revise Standing Order 23, Section 3. It was agreed that the provision of an executive procedure for subordinate legislation made under that section should extend to 30th June 2001. They were also mindful that there might be the need in future to extend the provision to a later date.

Action: Chamber Secretariat

10. Presiding Officer rulings

None.

11. Any other business

CHAMBER SECRETARIAT