

MINUTES OF MEETING

Date: Tuesday 27th February 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
Nerys Arch, Office of the Counsel General (agenda item 4 via video link)

1. Apologies & announcements

1.1 None.

2. Minutes of the previous meeting**BC39-01 (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**

BC55-01 (draft)

2.2 The minutes were presented to the Committee in draft. A minor amendment was suggested which would be incorporated into the final version and presented to the Committee at its next meeting. **Action: Chamber Secretariat**

3. Matters arising

3.1 **Paragraph 3.2** - Business Managers had been asked to provide their groups' views on sitting on the forthcoming General Election polling day. Jocelyn Davies said her group suggested that it should be "*business as usual*" while the Liberal Democrat and Conservative groups felt that the Assembly should not sit. The Minister for Assembly Business said that the First Minister

had written to party leaders about this and the consensus had been that Plenary business should be moved to another day. Jocelyn Davies would put that proposal to her group and felt that it should not cause a problem. It was agreed that the issue would be discussed at the next meeting. **Action: Jocelyn Davies to discuss with her group**

3.2 **Paragraph 3.5** - The Deputy Presiding Officer said that he and the Presiding Officer had discussed the issues concerning procedures following Cabinet statements. They had concluded that the matter could best be resolved by meeting Business Managers. The Deputy Presiding Officer said that the paper prepared for the Presiding Officer by officials should be circulated to Business Managers for information since it contained factual information about procedures to date and could provide a starting point for the discussion. **Action: Chamber Secretariat**

3.3 **Paragraph 3.4** - It was noted that Marion Stapleton had provided timing details for Brian Hancock's Standing Order 29 order to Jocelyn Davies.

3.4 **Paragraph 4.12** - Marion Stapleton provided information about subordinate legislation made by the Executive procedure. She agreed to forward the list to Business Managers for information. It was noted that Business Managers and the relevant party spokesperson were notified by Email of orders being made under the Executive procedure and the reasons for doing so. The Deputy Presiding Officer was satisfied that the procedure provided Members with an opportunity to scrutinise subordinate legislation following the Executive procedure and asked that the Presiding Office be copied into future notifications. Jocelyn Davies said that she would like to see the titles of forthcoming orders as detailed in paper BC54-01 (considered by the Committee on 13th February). This would enable Business Managers to look at which orders were following which procedures. The Minister for Assembly Business would discuss this with his Cabinet colleagues and the matter would be discussed in two to three week's time. **Action: Minister for Assembly Business to discuss with Cabinet colleagues and consider providing a list to Business Managers; Marion Stapleton to forward list of forthcoming and recently passed subordinate legislation made by the Executive procedure**

3.5 **Paragraph 8.1** - It was noted that copies of Cabinet statements were now being Emailed to Members in the Chamber.

3.6 **Paragraph 9.1** - The Committee noted that during the recess, the Report of the Business Committee on revising Standing Order 12 had been laid in the Table Office and the associated motion had been tabled. The item would be moved in Plenary on Thursday 1st March.

4. Subordinate legislation

The NHS (Penalty Charge)(Wales) Regulations 2001

4.1 The Business Committee noted paper BC58-01 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 (following a request by Jocelyn Davies for a debate on the draft order).

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

The NHS (Payments by Local Authorities to Health Authorities) (Prescribed Functions)(Wales) Regulations 2001

4.2 The Business Committee noted paper BC59-01 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 Accelerated procedure.

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

The Beef Labelling (Enforcement)(Wales) Regulations 2001

4.3 The Business Committee noted paper BC60-01 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 (following a request by Jocelyn Davies for a debate on the draft order).

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

The Housing (Preservation of Right to Buy)(Amendment)(Wales) Regulations 2001

4.4 The Business Committee noted paper BC61-01 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 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.

4.5 Following an enquiry by William Graham, the Deputy Presiding Officer confirmed that Winston Roddick, Counsel General, was not yet in a position to present a paper to the Committee. He noted that David Lambert and Office of the Counsel General were discussing a possible procedure to enable the

Presiding Officer to meet his responsibilities for publishing all Assembly legislation not made by statutory instrument.

5. Advice to Assembly on procedures

5.1 None.

6. Committees

6.1 None.

7. Forthcoming business

This week's business

7.1 The Minister for Assembly Business outlined proposals for Plenary business that week. The need to make a Cabinet statement on the Foot and Mouth disease outbreak had necessitated the movement of some items of business to the Thursday plenary session. Business Managers had been notified about the proposals the previous week and it was agreed that the Chair and the Clerk of the Business Committee would also be notified in future. **Action: Marion Stapleton**

7.2 Given Jocelyn Davies' concern about the lack of time for Members to consider the Extensification Payment Regulations 2001 which the Minister proposed to move later that day under a procedural motion, Marion Stapleton agreed to provide Members with a brief summary. **Action: Marion Stapleton**

7.3 Business Managers were also concerned about arrangements for the debate on the NHS Strategy which was being reintroduced on Thursday. There was a general feeling that the usual rules of debate should apply so that Members would be allowed to speak only once. The Deputy Presiding Officer said that some 7 or 8 Members had been waiting to speak during the postponed debate. Additional speakers would need to be alerted within political parties. He said that it would be helpful to know in advance of the session which Members would be speaking. **Action: Business Managers**

7.4 The Minister for Assembly Business said that he had just received notification that MAFF was making an urgent order to prevent the public from using footpaths on farms. The Assembly would be making a similar order by the Executive procedure. The Minister also advised that Bertie Ahern would be addressing the Assembly on 1st March after the short debate.

7.5 The Committee considered the draft business statement (BC62-01).

Proposed business for the weeks commencing 5th, 12th and 19th March 2001

7.6 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 5th, 12th & 19th March was that it should proceed as outlined in the draft business statement.

7.7 It was proposed to reschedule Janice Gregory's postponed short debate on the 20th March. The Deputy Presiding Officer asked if this could be brought forward. **Action: Minister for Assembly Business to consider**

8. Matters referred from plenary

8.1 The Committee considered paper BC57-01 - an extract from the Plenary session on 15th February where William Graham had raised a point of order on the ability to table oral questions to the Minister for Assembly Business on his co-ordinating responsibilities for Information Communication Technology. The Minister said that this was already being considered. It was agreed that officials should prepare a paper for the Committee's consideration since a revision to the Assembly's Standing Orders would be required. **Action: Chamber Secretariat**

8.2 The Minister for Assembly Business was concerned about the timing of business in Plenary on 15th February. He expressed particular concerns in relation to the following points:

- Time wasted in Plenary responding to points of order which had received full responses in the Business Committee.
- The Committee spent time discussing indicative timings for each item of business on the draft business statement. However, he did not feel that these were adhered to by the Chair of the Plenary meeting. For example, he was concerned that the debate on Tir Mynydd had been scheduled to run for 15 minutes but it had been allowed to run for 30 minutes.
- Sticking more closely to the indicative timings would reduce the need to move procedural motions to extend Thursday morning plenary sessions.
- The Business Committee had agreed that Thursday morning plenary sessions could be extended to 1.30pm if necessary. It was not helpful, therefore, if subject committees arranged meetings which commenced before 2.00pm.

8.3 The Deputy Presiding Officer was concerned that the short debate had had to be postponed on the 15th of February and felt that back-benchers' rights should be protected. Kirsty Williams was concerned that conflicting advice had been offered to the Plenary session since one back-bencher had lost his short debate to make way for a debate on Corus whereas another had been able to postpone hers. The Deputy Presiding Officer confirmed that a short debate could be postponed but could not replace the following week's short debate. He said that the Chair would always have regard to the indicative timings in the draft business statement but Cabinet statements and points of order would move business back. It was important to balance the indicative timings against the flexibility to manage the demand from Members to speak during questions, statements and debates.

8.4 Kirsty Williams said that all Members needed to be more disciplined in their approach to Plenary business. Members should be prepared to sit in

Plenary until 1.30pm if it was necessary. However, it was frustrating if the flexibility had been curtailed in order to accommodate a committee meeting arranged for 1.00pm.

8.5 William Graham said that his group was content to extend business in either of the weekly Plenary meetings. He felt that the issue of timings was entirely a matter for the Chair and that it had not been necessary for an additional statement on Corus in Plenary on 15th February. The Minister for Assembly Business said that the Administration had made a commitment to feed back details to the Assembly on Corus as information became known. He felt that Members expected statements of this kind.

8.6 Jocelyn Davies felt that it was unfair for the Minister to criticise the chairing of the Plenary meeting and opposition groups because a large number of Labour Members had taken part in the debate on public appointments after the Minister had requested that other parties should put forward one speaker only. The Minister for Assembly Business felt that it was unreasonable to abide by the agreement which he perceived had been broken by the Conservative group. Jocelyn Davies felt that opposition groups should not be blamed when unscheduled Government business altered the agenda.

8.7 In summary, the Deputy Presiding Officer said that the Chair would try to keep to the timings but that they would need the co-operation of Members and the flexibility to extend or adjourn items if necessary. He hoped that Business Managers could convey this message to their groups and asked committees not to arrange meetings which would prevent the Thursday Plenary sessions extending to 1.30pm.

9. Revisions to Standing Orders

9.1 None.

10. Presiding Officer rulings

10.1 None.

11. Any other business

11.1 The Deputy Presiding Officer informed Members that the House Committee had laid a new determination on Assembly Members' allowances in the Table Office. It would come before Plenary for approval shortly.

11.2 The Committee thanked John Lloyd, Clerk to the Assembly, for his advice and services to the Business Committee and wished him well on his retirement.

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