

MINUTES OF MEETING

**Date:** Tuesday, 22 May 2001

**Time:** 9.00am

**Venue:** Presiding Officer's Conference Room

**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

Paul Silk, Clerk to the Assembly  
David Lambert, OPO Legal Adviser  
Marie Knox, Head of Committee Secretariat  
Andrew George, Clerk to the Business Committee  
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**

None.

**2. Minutes of the previous meeting**

2.1 The Chair said that he was concerned about the recent trend of proposals to make elaborate amendments to the draft minutes. He said that he would welcome suggested amendments when someone wanted to record a specific point which had been missed. However, the purpose of the minutes was primarily to record decisions of the Committee and not to record every aspect of proceedings in detail.

**BC155-01 (final)**

2.2 The minutes were presented to the Committee in their final format. There was one minor amendment. Since there were no other comments they would be translated in readiness for their publication. **Action: Chamber Secretariat**

**BC167-01 (draft)**

2.2 The minutes were presented to the Committee in draft. Some minor amendments were 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 3.4** – The Chair noted that the Panel of Chairs would not meet until 26 June and queried whether it would be helpful for Ministers to discuss the legislative programme directly with subject committee chairs. Marie Knox said that Ministers were already in discussions with chairs over the mechanisms to involve subject committees with the legislative programme. The Minister for Assembly Business confirmed that he would be attending the 26 June meeting to discuss the active involvement of committees in the programming of Assembly legislation directly with chairs. **Action: Chair to report back after 26 June Panel of Chairs meeting.**

**3.2 Paragraph 4.8** – Marion Stapleton noted that there were legal issues which the Minister had needed to refer back to the Office of the Counsel General on The Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001 Order. This had resulted in a delay in the Order being passed on to the Business Unit and subsequently being posted to the Intranet. The Chair said that he would like to see all SIs posted to the Intranet by the Friday lunchtime ten days before they are due to be considered in Business Committee so that Members would have the opportunity to brief fully their Business Managers. Marion Stapleton said that it would be the Business Unit's intention to respect this timetable although there would be occasions when it would not be possible to do so due to pressing commencement dates. The Chair understood this position and hoped that the Business Unit could adopt this practice following the half-term recess.

**3.3 Paragraph 5.3** – Table Office would re-issue the guidance on petitions and forward it to the Deputy Presiding Officer to raise in the Assembly Review of Procedure Group.

**3.4 Paragraph 5.4** – Andrew George circulated a draft new tabling form for Assembly Questions. The Committee agreed to consider this together with the revised guidance on Questions under agenda item 5.

#### **4. Subordinate legislation**

##### **The Education (School Government) (Wales) Regulations 2001 (BC151-01 sent to Business Committee for 8 May meeting)**

**4.1** Nerys Arch reported that it would be possible to incorporate the amendments to be effected by the present Regulations into a copy of the principal regulations. The principal regulations were already available electronically; the "audience" for the regulations is particularly wide; and the regulations are particularly complex. This version would travel with the administrative advice and could be made available on the Internet. She stressed however, that the amended version would be an administrative consolidation. It would not look like a formal SI and would not be legally binding. Nerys Arch informed the Committee that extensive bi-lingual guidance has been issued on the principal regulations. After the present Regulations were made, a letter would be sent to stakeholders providing

guidance on the effect of the amendments. The administrative consolidation could accompany that letter. Consolidated guidance was due to be circulated later on in the year by the policy division. To comply with section 47 of the Government of Wales Act 1998, the administrative consolidation of the Regulations should be available bilingually. Translation would take 20 days of translators' time and 5 days of lawyers' time to check the translation and therefore the full bilingual version wouldn't be ready until September 2001 at the earliest. The provision of legally binding bilingual texts had to take priority. The Committee agreed to the publication of the administrative consolidation of the principal and present Regulations on the Internet subject to the Welsh translation being provided as soon as possible. **Action: OCG to commence consolidation and provide Welsh translation as soon as possible.**

### **Local Government Orders:**

4.2 Referring to the items of Local Government legislation for consideration by the Committee that day, the Chair said that he understood that the subject committees had been consulted on the general principles related to the legislation but had not been able to comment on the detailed proposals within the Orders themselves. He stressed the need to achieve a reasonable balance between the time needed to draft legislation and the time given to the Assembly to scrutinise legislative proposals, bearing in mind the time since the passing of the Local Government Act 2000. The Minister for Assembly Business said that a list of the Orders had been sent to the Local Government Committee giving them the opportunity to consider them in detail if there were any concerns. He felt that the Cabinet had adequately involved the Committee and other Members in the policy formulation at the drafting stage. Nerys Arch said that the consultation process had begun in January and all AMs had received copies of the SIs in order to make representations on their content.

4.3 Nerys Arch said that there would be an opportunity for Members to debate the SIs in plenary on the 19<sup>th</sup> and 21<sup>st</sup> June in a debate on the political structures and ethical framework for Local Government which would be implemented through the Orders. This debate would precede a composite motion to approve all of the Orders together. The Chair said that it was important that Members were able to look at the general principles of the Orders and also to amend individual Orders where necessary. It was subsequently agreed that Members could table motions to take particular Orders out of the composite bundle to consider and vote on individually, leaving the remainder in the composite motion to be voted on collectively.

### **The Transport Act 2000 (Commencement) (No.1) (Wales) Order 2001**

4.4 The Business Committee noted paper BC169-01 that provided advice from Sue Essex, Assembly Minister for the Environment, Planning and Transport on the handling of the above Order. William Graham requested that the Order be sent to the Environment, Planning and Transport Subject

Committee for consideration. Jocelyn Davies requested a full debate in plenary but was happy for the Order to go to committee if time was available. Nerys Arch would advise the Chair out of committee, about the timescale for bringing the Order into force. **The Deputy Presiding Officer subsequently determined that the draft Order should be referred to the Environment, Planning and Transport Subject Committee and prescribed four weeks as the period within which the committee should report on the draft.**

4.5 The Business Committee noted the following papers that provided advice from Edwina Hart, Assembly Minister for Finance Local Government and Communities on the handling of the Orders. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Orders to subject committee and agreed that they should follow the accelerated procedure. **The Deputy Presiding Officer subsequently determined that the Orders need not be referred to a subject committee.**

**The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001** (BC170-01)

**The Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2001** (BC171-01)

**The Local Authorities (Proposals for Executive Arrangements) (Wales) Order 2001** (BC172-01)

**Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001** (BC173-01)

**The Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001** (BC174-01)

**Local Authorities (Proposals for Alternative Arrangements) (Wales) Regulations 2001** (BC175-01)

**The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001** (BC176-01)

**The Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001** (BC177-01)

**The Conduct of Members (Principles) (Wales) Order 2001** (BC178-01)

**The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001** (BC179-01)

**The Conduct of Members (Model Code of Conduct) (Wales) Order 2001** (BC180-01)

**Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001** (BC181-01)

**The Standards Committee (Wales) Regulations 2001** (BC182-01)

**Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001** (BC183-01)

**The Local Commissioner in Wales (Standards Investigations) Order 2001** (BC184-01)

**The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001** (BC185-01)

**The Commission for Local Administration in Wales and Local Commissioner in Wales (Functions and Expenses) Regulations 2001** (BC186-01)

**5. Advice to Assembly on procedures**

5.1 Andrew George introduced paper BC187-01 which contained revised guidance on Assembly Questions. He said that a first draft of the revised guidance had come to the Business Committee in March. The latest draft took account of the many constructive suggestions which had arisen from consultation with Members and their support staff. The most significant change being proposed was to reduce the number of successful questions in the shuffle to 15. This might remove the need to include a tick box on the tabling form for withdrawing questions which had been successful in the shuffle but were unlikely to be reached. If the Committee was content the revised guidance would be submitted to the Presiding Officer before being put to the Assembly for approval. William Graham said that his group was entirely supportive of the review process and the recommendations which had been made.

5.2 Marion Stapleton queried paragraph 2.7 of the Guidance which dealt with answers to written questions. She felt that the expectation that questions would be answered within five working days was too inflexible because there were occasions when Ministers had to return answers for re-drafting. This put additional pressure on officials who often would have to send an interim reply or provide an answer later than the requested day. The Committee felt that it was possible to adopt more flexible procedures within the terms of Standing Order 6.34. It was agreed that the guidance should be revised to explain that the Business Unit would continue to endeavour to answer written questions within five days but Members could nominate a later date on which they would expect an answer. A box for Members to request the date for answer could be included on the tabling form. However, there was no longer a need for a tick-box to withdraw a question which failed to reach the top 15. **Action: Table Office to amend Guidance and tabling form and bring back to Business Committee.**

5.3 The Committee considered Annex 2 which summarised some of the issues which had emerged during consultation on the procedures for questions to the First Minister. Referring to paragraph 8, the Minister for Assembly Business said that the First Minister had always intended to answer questions on contemporaneous questions and welcomed this recommendation. Jocelyn Davies said that Members had found it difficult to word questions under the First Minister's current portfolio and would welcome the opportunity to question him on the full range of Cabinet responsibilities. The Chair noted that questions could be worded in a manner that would allow supplementaries on broader issues and that the Table Office would assist in this area. The Committee supported a proposal from the Minister for Assembly Business that he should discuss the matter with the First Minister.  
**Action: Business Minister to raise issue with First Minister.**

## **6. Committees**

None

## **7. Forthcoming business**

### **This week's business**

7.1 The Committee considered paper BC188-01, which detailed the Assembly's agreed business for the week. The Minister for Assembly Business said that there would be a statement by the First Minister on the situation in relation to the WJEC in addition to the business listed. Jocelyn Davies and William Graham asked the Minister for Business to consider timetabling a debate on the issue as they felt that a statement wasn't sufficient. The Chair noted that statements provided a good opportunity for Members to scrutinise the Cabinet. The Minister for Assembly Business said that he couldn't consider bringing forward a debate on the issue until the outcome of the police investigation into the report was known.

### **Proposed business for the weeks commencing 5<sup>th</sup>, 12<sup>th</sup> and 19<sup>th</sup> June**

7.2 The Committee considered the draft business statement (BC189-01).

7.3 The Committees' advice to the Minister for Assembly Business on his proposed statement about the organisation of the Assembly's business for the weeks commencing 5<sup>th</sup>, 12<sup>th</sup> and 19<sup>th</sup> June was that it should proceed as outlined in the draft business statement, subject to the minor amendments he had outlined.

## **8. Matters referred from plenary**

None

**9. Revisions to Standing Orders**

None

**10. Presiding Officer rulings**

None

**11. Any other business**

None

**CHAMBER SECRETARIAT**