

MINUTES OF MEETING

Date: 12th June 2001

Time: 9-00 a.m.

Venue: Room A3.13

Present: John Marek, Deputy Presiding Officer (Chair)
Andrew Davies, Minister for Assembly Business
Jocelyn Davies, Plaid Cymru 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 (agenda item 6)
Andrew George, Clerk to the Business Committee
Marion Stapleton, PS/Minister for Assembly Business
Nerys Arch, Office of the Counsel General (agenda item 4)
Wayne Cowley, Fees Office (agenda item 7).
Adrian Green, Chamber Secretariat
Alun Gruffudd, PS/Deputy Presiding Officer

1. Apologies & announcements

1.1 The Deputy Presiding Officer reported that William Graham had sent his apologies but had not nominated a substitute to attend the Committee.

1.2 The Deputy Presiding Officer stated that he would not be available to attend next week's meeting and asked Kirsty Williams if she would be content to Chair the meeting in his absence. Kirsty agreed.

2. Minutes of the previous meeting

BC190-01 (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 publication.

Action: Chamber Secretariat

BC198-01 (draft)

2.2 The minutes were presented to the Committee in draft. Amendments were suggested to paragraphs 6.1 and 8.1. It was agreed that these would be incorporated into the final version and presented to the Committee at its next meeting. **Action: Chamber Secretariat**

3. Matters arising (BC198-01)

3.1 **Paragraph 3.3** paper on amendments to the revised guidance on Assembly Questions and the tabling form. This was taken at item 5.

3.2 **Paragraph 3.4** The Minister for Assembly Business reported that he had discussed the paper about revised procedures for First Minister question time with the First Minister who would be considering the proposals while abroad.
ACTION: Minister for Assembly Business to report back.

3.3 **Paragraph 6.1** Marion Stapleton informed the Committee that the plenary debate on Regional Committee reports would be timetabled for the first week back following the Summer Recess. The date proposed is Thursday 18th October.

3.4 **Paragraph 8.1** The Minister for Assembly Business reported that he would bring forward proposals for dealing with the revocation motion tabled by Glyn Davies in respect of The Prescribed Waste (Wales) Regulations 2001 (NNDM 663). **ACTION: Minister for Assembly Business to report back.**

4. Subordinate legislation

4.1 Nerys Arch reported that progress had been made on the English language consolidation of the Education (School Government) (Wales) Regulations 2001 and that these regulations would be considered in plenary on Tuesday (19th June). She stated that the Welsh language version would be prepared once the English draft was available. The Deputy Presiding Officer expressed concern that members should clearly understand what they are being asked to approve. He asked whether consideration of the regulations could be postponed. Marion Stapleton stated that the regulations needed to be in place by 1st September and delaying until the consolidated version became available would probably mean the regulations would have to be made under the Executive procedure. Jocelyn Davies said that it was her understanding from what Nerys Arch had previously said that the consolidated version would only be available following the debate. She felt that the use of the Executive procedure should be avoided even if members didn't have the benefit of the consolidated version. Kirsty Williams agreed with this view.

4.2 The Deputy Presiding Officer agreed that under the circumstances this would be preferable but hoped that every effort would be made to avoid this situation occurring in the future.

4.3 The Business Committee considered papers BC200-01 to BC204-01 which provided advice on the handling of five pieces of draft subordinate legislation. The papers were submitted in the names of Jane Davidson, the Assembly Minister for Education and Lifelong Learning, Carwyn Jones, the Assembly Minister for Agriculture and Rural Affairs and Jane Hutt, the Assembly Minister for Health & Social Services. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the recommendations not to send four of the draft orders listed below to subject committees:

The Deputy Presiding Officer subsequently determined that the following four orders need not be referred to a subject committee:

- ❑ **The Education (Change of Category of Maintained Schools) (Wales) Regulations 2001** (BC 200-01) *Accelerated Procedure*
- ❑ **The Education (Foundation Body) (Wales) Regulations 2001** (BC 201-01) *Accelerated Procedure*
- ❑ **The Learning Skills Act 2001 (Commencement No. 4) (Wales) Order 2001** (BC 202-01) *Accelerated Procedure*
- ❑ **The Agriculture Subsidies (Appeals) (Wales) Regulations 2001** (BC203-01) *Standard Procedure*

4.4 The Committee considered The Care Standards Act 2000 (Commencement No.6) (Wales) Order 2001. The Deputy Presiding Officer pointed out that the draft order had only been posted to the intranet on 4th June thereby falling foul of the Committee's agreed deadline of 10 days prior to plenary consideration. He suggested that if time permitted it should be deferred until next week. Marion Stapleton said that she would need to discuss with the Legislation Committee whether this would be possible.

ACTION: Marion Stapleton to consider bringing forward next week.

5. Advice to Assembly on procedures

5.1 The Committee considered the draft paper on the Revision of Guidance for Assembly Questions (BC208-01).

5.2 The Deputy Presiding Officer asked for views on the timescale for answering written questions and whether it would be appropriate to allow members to specify a date for answer. The Minister for Assembly Business said that the Cabinet was prepared to provide answers within 8 working days of the day on which a question was tabled (option (b) in the paper). The Deputy Presiding Officer suggested that if 8 working days is adopted, presumably, answers could be provided sooner and members could ask for answers on specific days. The Minister for Assembly Business agreed that both of these would be possible. Paul Silk said that something would need to be included in the paper indicating that the Cabinet had agreed to this change.

ACTION: Table Office to prepare a revised draft guidance paper.

6. Committees

6.1 The Committee considered a paper requesting a second additional meeting of the Culture Committee. The purpose of the additional meeting is to hold a discussion with the National Museum of Wales on its consultation on the display of art and to discuss the final report of the NMW's quinquennial review. As this fell both outside the agreed timetable for Assembly committee business and the Committee's own timetable for additional slots, the views of

the Business Committee were sought. The proposal was to hold the meeting on Thursday 19th July.

6.2 The Deputy Presiding Officer asked Marie Knox in view of the proposed date being the day before the Assembly is to rise for Summer Recess, whether the Culture Committee had unanimously agreed to hold this meeting. Marie Knox reported that that was her understanding from the Clerk of the Culture Committee.

7. Forthcoming business

This week's business

7.1 The Committee considered paper BC207-01 which detailed the Assembly's agreed business for the week.

7.2 The Minister for Assembly Business gave details of the business for the day which reflected a move to a situation where policy debates would increasingly be held around legislation. He reported that Jane Hutt the Minister for Health & Social Services would make a statement about support for carers. She would then move a composite motion to approve the draft legislation followed by a motion to approve the related special grant report. He hoped that members would see this proposal for dealing with business in plenary as a genuine way of improving the way business is handled. He said that he believed that this would help to enhance the public perception of the Assembly's role as a legislature.

7.3 Jocelyn Davies expressed concern that the use of statements as opposed to debates meant that members were disadvantaged and not afforded the same opportunities of effective participation particularly when no provision for tabling amendments existed as was the case with motions for debates. She asked for further clarification. The Minister for Assembly Business replied that statements would be used to initiate policy, which was what was being proposed for that afternoon's business. He explained that he accepted the points made but felt that more debates around legislation were the appropriate way forward.

7.4 The Deputy Presiding Officer stated that it would be necessary to ensure procedural clarity: for example, a statement could not "incorporate" a composite motion.

The Draft Business Statement

7.5 The Minister for Assembly Business said that he had reported in last week's business statement that there would be a motion on 19th June to amend the Special Grant Report No 7. However, following legal advice, it was considered that rather than amend the Special Grant Report No 7, there should be an entirely new special grant report. The motion on 19th June will therefore now be to approve Special Grant Report No 13. This is effectively the same as the no. 7 report but extends local authorities' ability to pay business rate relief to those affected by the foot and mouth disease until the

end of July instead of the end of June. No additional money is being made available.

7.6 The Deputy Presiding Officer stated that William Graham had asked for additional time for this as a number of members of his group had indicated that they wished to speak in the debate. Jocelyn Davies suggested that a member of her party would also wish to participate in the debate. The Deputy Presiding Officer suggested that with this demand it might be sensible to allow around 20 minutes. **ACTION: Minister for Assembly Business to make appropriate arrangements.**

7.7 The Minister for Assembly Business reported that on Tuesday 26th June time would be made available for the Secretary of State for Wales to make a statement about the contents of the Queen's Speech. This would follow the format of the previous year. He said that the debate on Wales and the European Union would be moved from Tuesday 26th June to Wednesday 27th June and would follow the debate on Wales and the World.

Slots in Plenary to discuss financial matters (BC206-01)

7.8 The Committee considered a paper from Wayne Cowley (Fees Office).

7.9 The Deputy Presiding Officer referred to the likelihood of a motion to adopt a revised determination on Members' salaries and allowances and suggested that this should not be controversial and could hopefully be disposed of within around 2 minutes. He asked the Minister for Assembly Business for urgent consideration to be given to dispose of the No Named Day motion he had tabled on behalf of the House Committee to elect Eleanor Burnham as a Trustee of the Members' Pension Scheme in place of Christine Humphreys on Thursday. **ACTION: Minister for Assembly Business to bring forward for Thursday's Plenary.**

7.11 The paper also referred to a minor change to Standing Order 3 which is required to allow the Assembly to make allowances available to party groups under section 34A of the Government of Wales Act. The date suggested for plenary consideration is 5th July. The need for a debate in accordance with S.O 19 on the budget for the Presiding Officer was also considered, the suggested date being 19 July; the Presiding Office budget must be considered no later than 20 September. **ACTION: Minister for Assembly Business to make appropriate arrangements.**

CHAMBER SECRETARIAT