

MINUTES OF MEETING

Date: 20th November 2001

Time: 9 a.m.

Venue: Room A3.13

Present: John Marek, Deputy Presiding Officer (Chair)
Andrew Davies, Minister for Assembly Business
Jocelyn Davies, Plaid Cymru Business Manager
Jonathan Morgan, Conservatives
Peter Black, Liberal Democrats

Paul Silk, Clerk to the Assembly
David Lambert, Presiding Office 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
Adrian Green, Chamber Secretariat
Alun Gruffudd, PS/Deputy Presiding Officer
Nerys Arch, Office of the Counsel General (agenda item 4)

1. Apologies & announcements

1.1 The Deputy Presiding Officer welcomed Jonathan Morgan who was representing William Graham in accordance with Standing Order 13.3, prior to the Assembly approving his election to the Business Committee that afternoon. The Deputy Presiding Officer read out a letter from William Graham which expressed his gratitude for the courtesies extended to him during his membership of the Business Committee. It was agreed that the Deputy Presiding Officer should write to Mr Graham to thank him for his contribution to the work of the Committee. **Action: Deputy Presiding Officer**

2. Minutes of the previous meetings**BC318-01 (Final)**

2.1 The minutes were presented to the Committee. The Deputy Presiding Officer drew the Committee's attention to an agreed amendment that had not been incorporated due to an administrative oversight. The minutes would be amended accordingly and referred to the Committee at its next meeting.

Action: Chamber Secretariat

BC326-01 (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 (13th November 2001 - BC326-01)

3.1 Paragraph 3.2 Nerys Arch outlined the reasons for the use of the Executive Procedure for two orders. In the case of the Special (Waste) (Amendment) Regulations, she said that a coming into force date of 1st November had been set for the equivalent regulations in England and it was not thought appropriate to have different arrangements for Wales. However, the Summer Recess meant that there was not enough time for the regulations to follow the normal procedure. Jocelyn Davies asked if the industry had been given sufficient time to comply with the legislation. Nerys Arch said that the regulations had been made at the request of the industry in order to keep pace with present practice. She said that the Import and Export (Foot-And-Mouth) Regulations needed to be in place immediately to implement a European directive on the right to resume exports of certain categories of meat. The Deputy Presiding Officer thanked Nerys Arch for her explanation.

3.2 Paragraph 4.3 It was agreed to consider the Countryside Access (Local Access Forums) (Wales) Regulations 2001 and The Countryside Access (Draft Maps) (Wales) Regulations 2001 under item 4.

3.3 Paragraph 4.7 It was agreed to consider the Environment Protection (Restriction on the Use of Lead Shot) (Wales) Regulations 2001 under item 4.

3.4 Paragraph 5.1 It was agreed to consider a paper outlining a further option for recess arrangements for 2002, under item 5.

3.5 Paragraph 11.1 Andrew George said that he was in communication with William Graham on his specific concerns about the transfer of oral questions. He said that there would inevitably be grey areas and the Table Office was always willing to assist Members in drafting questions. A clear precedent was set whenever a Minister transferred a question. Until then, in cases of doubt, the Table Office would err on the side of Members and allow the question the question to be tabled.

4. Subordinate Legislation

4.1 The Business Committee considered papers BC320-01, BC321-01, BC323-01 and BC328-01 to BC332-01 that provided advice on the handling of the following items of draft subordinate legislation.

- The Countryside Access (Local Access Forums) (Wales) Regulations 2001 (BC320-01)
- The Countryside Access (Draft Maps) (Wales) Regulations 2001 (BC321-01)
- The Environmental Protection (Restriction on Use of Lead Shot) (Wales) Regulations 2001 (BC323-01)
- The National Health Service (General Dental Services) (Amendment) (No.3) (Wales) Regulations 2001 (BC328-01)

- ❑ The Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 2002 (BC329-01)
- ❑ The Education (National Curriculum) (Assessments for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002 (BC330-01)
- ❑ The Plant Protection Products (Amendment) (No.3) Regulations 2001 (BC331-01) *Standing Order 23*.
- ❑ The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) (Amendment) (No.3) Regulations 2001 (BC332-01) *Standing Order 23*.

BC320-01, BC321-01 and BC323-01

4.2 The Deputy Presiding Officer referred to the letter from Sue Essex, Minister for Environment (BC338-01) which clarified why formal regulatory appraisals had not been undertaken on the Countryside Access (Local Access Forums) and (Draft Maps) Regulations 2001 (BC320-01 and BC321-01). He said that the Minister had recognised the Committee's concerns and the letter of clarification was helpful. However, he noted that a statutory duty for the Assembly to make an order didn't necessarily mean that a regulatory appraisal became inappropriate. Paul Silk said that the Office of the Counsel General had circulated revised guidance on regulatory appraisals to Ministers and their officials. The Deputy Presiding Officer welcomed this and asked for it to be issued to Business Managers. **Action: Secretariat**

4.3 In response to a question from the Deputy Presiding Officer, Marion Stapleton said that the proposal that every Explanatory Memorandum should include a recommendation as to whether or not subject committee consideration was appropriate was being implemented, however it might take a little time before the Committee saw the effects.

4.4 The Committee agreed the recommendation that these draft orders should follow the standard procedure and advised the Deputy Presiding Officer that they were content not to send the orders to subject committees. **The Deputy Presiding Officer subsequently determined that these orders need not be referred to subject committees.**

BC328-01

4.5 The Committee considered the recommendation that this order should follow the accelerated procedure. Members of the Committee advised the Deputy Presiding Officer that they were content not to send the draft order to a subject committee. Jocelyn Davies said that her group would like a brief debate. **The Deputy Presiding Officer subsequently determined that the order need not be referred to a subject committee.**

BC329-01 and BC330-01

4.6 Members agreed the recommendation that these draft orders should follow the standard procedure and advised the Deputy Presiding Officer that they were content not to send the orders to subject committees. **The Deputy Presiding Officer subsequently determined that these orders need not be referred to subject committees.**

4.7 BC331-01 and BC332-01

The Deputy Presiding Officer said that the cover sheets should make clear under what section of Standing Order 23 the orders were being made. He said that the orders had been posted to the intranet too late for Assembly Members to have sufficient time to consider them. He asked if they could be put back for a week. Marion Stapleton said that the orders had been posted as soon as they had been received from the Whitehall Department. It would not be possible to delay the Assembly's consideration of the orders because they needed to be laid for 21 days in the UK Parliament before they were made. The Deputy Presiding Officer said that he understood the need for the Assembly to respect Westminster rules but it should be recognised that the Assembly had its own procedures. Jocelyn Davies said that the explanation of the effect of BC331-01 in the cover sheet was difficult to understand. Members agreed and asked for future explanatory memorandums to be written in plain language.

4.8 The Committee considered the recommendation that these orders should be approved by the Assembly without debate. Jocelyn Davies asked for a debate on The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) (Amendment) (No.3) Regulations 2001 (BC332-01). The Minister for Assembly Business said that he was content to agree to the request. Members agreed that the other order (BC331-01) should follow the recommended procedure.

5. Advice to Assembly on procedures

- Paper on options for a procedure for emergency debates (BC305-01)

5.1 The Deputy Presiding Officer said that this paper had been deferred for consideration by party groups and asked for comments. Following discussions the Committee agreed that the second option was favoured and to recommend that option to the Assembly Review of Procedure. **Action: Secretariat to liaise with ARP Secretariat**

- Revised paper on a further option for recess arrangements for 2002 (BC337-01)

5.2 The Minister for Assembly Business introduced the paper. He said that the proposals had arisen from a meeting of Business Managers who had been conscious of the need to find a solution that reflected well on the Assembly. The Deputy Presiding Officer said that his own view was that there were difficulties in coming back after the Summer Recess only to recess again two

weeks later. His personal preference would be for a recess pattern similar to this year. The Committee agreed to defer making a decision until the next meeting to allow Business Managers to consult their groups on a straight choice between the proposal in BC337-01 and option 1 in the previous paper (BC306-01).

- Tabling days for plenary sessions following the Christmas Recess (BC333-01)

5.3 The Deputy Presiding Officer said that it was important to reach a decision on the tabling schedule for oral questions on 8th, 10th, and 15th January. The Committee agreed that the preferred option was to suspend Standing Orders in order to bring forward the tabling of these oral questions to the week commencing 10 December, and asked for the tabling days to be as late as possible in that week. **Action: Table Office to make necessary arrangements and prepare a draft motion to suspend standing orders.**

6. Committees

- Spring Committee Timetable (BC334-01)

6.1 Marie Knox introduced BC334-01 as a paper to note. She drew members' attention to a potential problem that might arise as a result of changes to committee membership by the Conservatives. The consequential timetable clashes could lead to a subject committee having to meet on Thursday afternoons if the Equality of Opportunity Committee and other standing committees were to continue to meet on a Wednesday morning. However, further proposed changes to committee membership were imminent and she would need to take these into account before drawing up a revised committee timetable. Members agreed that the general principle should be that, if Thursday afternoons had to become a regular committee slot, subject committees should sit on Wednesdays and the monthly standing committees should normally sit on Thursdays.

7. Forthcoming business

- This Week's Business (BC335-01)

7.1 The Committee considered paper BC335-01 that detailed the Assembly's agreed business for the week.

7.2 The Minister for Assembly Business said that there would be a number of additional motions for consideration that day to elect committee members. He said that the First Minister was still considering whether he would be making a statement on redundancies at Alcoa. The Deputy Presiding Officer said that he had turned down a request for an emergency question on this subject because he felt that it didn't meet the criteria. However, if the First Minister decided not to make a statement, the time for question No.3 to the First Minister (about job creation) could be extended to allow supplementary questions on the subject. The Minister for Assembly Business said that on

Thursday 22 November there would be an additional motion tabled by the Deputy Presiding Officer to approve the Presiding Office budget.

□ Draft Business Statement (BC336-01)

7.3 The Committee considered the Draft Business Statement (BC336-01).

7.4 The Minister for Assembly Business said that there were no changes proposed to business on 27th November. On Thursday 29th a motion to approve The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England & Wales) (Amendment) (No.3) Regulations 2001 would now follow the standard procedure. On Tuesday 4th December there would be an additional motion to approve the Special Grant Report No.16A - Local Planning Partnership and Participation of Children and Young People.

7.5 Jonathan Morgan asked for consideration to be given to a longer debate on the Structural Reform of the NHS on 27th November. He said that this would be the biggest structural reform in the NHS for 30 years and his party would like to see at least one and a half to two hours scheduled for the debate. The Minister for Assembly Business said that the timings were indicative and he hoped that this request could be accommodated.

7.6 The Deputy Presiding Officer asked the Minister for Assembly Business if he was content for David Lambert to look at the explanatory memorandum being prepared in relation to the motion to delegate the functions of the Travel Concessions (Extension of Entitlement) (Wales) Order 2001. The Minister said that he had no objections. **Action: Marion Stapleton**

7.7 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 Tuesday 27th November, Tuesday 4th December and Tuesday 11th December was that it should proceed as agreed.

8. Matters referred from plenary

None

9. Revisions to Standing Orders

None

10. Presiding Officer rulings

None

11. Any other business

11.1 Jonathan Morgan said that the statement on 15th November 2001 on the NHS reforms had lasted for fifteen minutes. He asked for clarification on the acceptable length of statements and how copies should be distributed to Members. He said that copies of the statement seemed to be available to Labour members and a few others, but it had not been widely circulated. The

Deputy Presiding Officer said that the Presiding Officer had ruled that statements should not exceed 1,000 words or ten minutes. A more detailed written statement could be made available to support the oral statement if necessary. The Minister for Assembly Business said that the Cabinet aimed to make statements available to Business Managers as soon as possible before the start of Plenary in accordance with the Cabinet Protocol.

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