

MINUTES OF MEETING

Date: 11th December 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, Conservative Business Manager
Peter Black, Liberal Democrats

Paul Silk, Clerk to the Assembly
David Lambert, Presiding Office Legal Adviser
Chris Reading, Committee Secretariat (agenda item 6)
Andrew George, Clerk to the Business Committee
Marion Stapleton, Assembly Business Unit
Adrian Green, Chamber Secretariat
Alun Gruffudd, PS/Deputy Presiding Officer
Alun Jenkins, Office of the Counsel General (agenda item 4)

1. Apologies & announcements

1.1 The Deputy Presiding Officer welcomed Chris Reading who was deputising for Marie Knox.

2. Minutes of the previous meetings

(i) 27th November 2001 - BC346-01 (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

(ii) 4th December 2001 - BC355-01 (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 presented to the Committee at its next meeting.

Action: Secretariat

3. Matters Arising (4th December 2001 - BC355-01)

3.1 **Paragraph 3.1** Following discussion, the Committee agreed that there should be a three-week Christmas Recess in 2002 as outlined in Option 1 of BC306-01. It was agreed that this should be announced as soon as possible.

Action: Secretariat

3.2 The Deputy Presiding Officer said that early consideration should be given to the recess arrangements for Easter 2003 and the period leading up to the Assembly elections on 1st May 2003. He suggested that a minimum of four weeks would be desirable. Paul Silk said that the Assembly should not sit during the main campaigning period. The Minister for Assembly Business said that he would consider this issue with his colleagues. **Action: Minister for Assembly Business**

3.3 **Paragraph 3.2** Jocelyn Davies said that she had received a letter from the Minister for Assembly Business about her request for a debate on subordinate legislation on devolved matters.

3.4 **Paragraph 4.4** Marion Stapleton said that the Minister for Assembly Business had written to Business Managers about the reasons for the use of the Executive procedure for the Health & Social Care Act (Commencement No.1) (Wales) Order 2001 & the Preserved Rights (Transfer of Responsibilities to Local Authorities) (Wales) Regulations 2001. The Deputy Presiding Officer said that he had not seen a letter giving details of the reasons for the use of the Executive procedure in the case of the Farm Enterprise Grant and Farm Improvement Grant (Wales) Regulations which came into force on 30th November. The Cabinet had agreed to use the Executive procedure for these regulations in April. Marion Stapleton said that the Minister for Assembly Business would be writing to Business Managers later that day about these regulations. The Deputy Presiding Officer asked if he would also receive a copy of the letter in his capacity as Chair of the Business Committee. The Minister for Assembly Business said that he would consider the request.

3.5 The Deputy Presiding Officer said that the Business Committee had a role to ensure that there were adequate reasons for the use of the Executive procedure because orders were normally considered by the Committee. The Minister for Assembly Business said that there was no provision in Standing Orders for the Committee to scrutinise use of the Executive procedure. Members could table a motion to revoke an order which had been made under the Executive procedure. Jocelyn Davies said that this had been tried once and on that occasion the Government failed to find time for a debate. The Deputy Presiding Officer said that the Business Committee needed to be sure that proper use was being made of the Executive procedure in order to protect Members' interests and allow effective scrutiny. The Minister for Assembly Business said that the Executive procedure was used only when it was necessary.

3.6 **Paragraph 6.2** The Minister for Assembly Business said that the Finance Minister had withdrawn her request for the Local Government and Housing Committee meetings on 30th January and 6th March 2002 to be moved.

4. Subordinate legislation

- The Education (School Day and School Year) (Amendment) (Wales) Regulations 2002 (BC357-01).

4.1 The Business Committee considered paper BC357-01 which provided advice from Jane Davidson, Assembly Minister for Education & Lifelong Learning on the handling of the above draft regulations.

4.2 The Deputy Presiding Officer said that he was pleased to see provision on the cover sheet included the date that the order had been posted to the intranet. He looked forward to seeing information in the New Year about consultation with subject committees prior to Business Committee consideration; and a recommendation as to whether or not it was desirable for the legislation to be considered by a subject committee after consideration by the Business Committee.

4.3 Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft order to a 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.**

5. Advice to Assembly on procedures

None

6. Committees

- Request from the Education & Lifelong Learning Committee (BC358-01)

6.1 The Committee considered and agreed the request from the Education and Lifelong Learning Committee to hold an additional meeting on the afternoon of Thursday 7th February 2002.

7. Forthcoming business

- (i) This Week's Business (BC359-01)

7.1 The Committee considered paper BC359-01 which detailed the Assembly's agreed business for that week.

7.2 The Minister for Assembly Business said that in addition to the planned business, there would be a statement from the Minister for Finance, Local Government & Communities on Thursday 13th December on the Public Private Partnership and the Private Finance Initiative.

7.3 Jonathan Morgan repeated his previous request for a statement by the First Minister about the Economic Development portfolio. The Minister for Assembly Business said that there was nothing to add to what had already been said by the First Minister in plenary.

- (ii) Draft Business Statement (BC360-01)

7.4 The Committee considered the Draft Business Statement (BC360-01).

7.5 The Minister for Assembly Business said that there were a number of changes to the Draft Business Statement. On Tuesday 8th January 2002, there would be a motion to elect a planning decision committee. A number of statements would also be made as well as other changes. He said that full details of the changes to the business would be given as soon as possible. The Deputy Presiding Officer said that he was concerned that full information about the first meeting after the recess was not available in the Draft Business Statement. Members needed to be able to prepare. The Minister for Assembly Business said that he would give Members as much notice as possible.

7.6 Jocelyn Davies said that Pauline Jarman had been successful in the ballot to introduce subordinate legislation under Standing Order 29. The motion had to be tabled before the end of term. However, she had not yet received the information from the Office of the Counsel General which would enable the library to help her to prepare the cost benefit analysis which had to be tabled five days before the motion was debated. She asked for more time to prepare the analysis. Marion Stapleton said that she doubted whether this was possible within the timescales which would apply to the debate.

7.7 Jonathan Morgan asked if time would be found to debate David Melding's motion on the publication of Members' allowances. The Minister for Assembly Business said that the issue was under consideration by the House Committee. The Deputy Presiding Officer said that the House Committee had taken the view that this was a matter for individual Members to decide.

7.8 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 8th January, Tuesday 15th January and Tuesday 22nd January 2002 was that it should proceed as outlined.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business

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