

Business Committee BC(2)25-05 (Final minutes)

MINUTES OF MEETING

Date: 4th October 2005

Time: 9.30 a.m.

Venue: Conference Room C

Present: Jenny Randerson (Chair)
Jane Hutt, Business Minister

Jocelyn Davies, Plaid Cymru Business
Manager

David Melding, Welsh Conservatives
Business Manager

Kirsty Williams, Welsh Liberal
Democrats Business Manager

John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly

Andrew George, Clerk to the Business
Committee

Marion Stapleton, Assembly Business
Unit

Karin Phillips, Members' Research and
Committee Services Peter Jones,

Counsel to the Assembly Parliamentary
Service

Alun Jenkins, DLS (Agenda Item 4)

Marc Wyn Jones, Business Committee
Secretariat

Catherine Morris, PS to the Deputy
Presiding Officer

Apologies & announcements

2. Minutes of the previous meetings

(i) BC(2)23-05 (Final minutes) - Tuesday 20th September 2005

2.1 The minutes were presented to the Committee in their final format. As there were no comments, they would be translated in readiness for publication.

Action: Chamber Secretariat

(ii) BC(2)24-05 (draft minutes) - Tuesday 27th September 2005

2.2 The minutes were presented to the Committee in draft. As there were no comments, they would be translated and submitted to the Committee in final draft.

Action: Chamber Secretariat

3. Matters Arising

BC(2)24-05(draft Minutes)

3.1 **Paragraph 3.2** - The Chair said that she had written to the Chief Executive of the North Western and North Wales Sea Fisheries Committee to relay the Business Committee's concerns about the lack of a Welsh version for the North Western and North Wales Sea Fisheries Committee Byelaw 9.

4. Subordinate Legislation

Orders for consideration

The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 - **BC(2)25-05(p1)**

The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 - **BC(2)25-05(p2)**

National Health Service (Appointment of Consultants) (Wales) (Amendment) Regulations 2005 - **BC(2)25-05(p4)**

The Local Authority (Non-Agency Adoptions) (Wales) Regulations 2005 - **BC(2)25-05(p5)**

Local Authorities (Prescribed Fees) (Adoptions With a Foreign Element) (Wales) Regulations 2005 - **BC(2)25-05(p6)**

The Local Authority Adoption Service (Wales) Regulations 2005 - **BC(2)25-05(p7)**

The Beet Seed (Wales) Regulations 2005 - **BC(2)25-05(p8)**

The Seed (Registration, Licensing And Enforcement) (Wales) Regulations 2005 - **BC(2)25-05(p9)**

The Vegetable Seed (Wales) Regulations 2005 - **BC(2)25-05(p10)**

The Cereal Seed (Wales) Regulations 2005 - **BC(2)25-05(p11)**

The Business Committee recommended the Standard procedure for BC(2)25-05(p2), BC(2)25-05(p5), BC(2)25-05(p6), BC(2)25-05(p7) and BC(2)25-05(p11). The Committee recommended the Accelerated procedure for BC(2)25-05(p1), BC(2)25-05(p4), BC(2)25-05(p8), BC(2)25-05(p9) and BC(2)25-05(p10). The Deputy Presiding Officer subsequently determined that none of these Orders need be referred to Subject Committee.

4.1 Members of the Committee suggested a number of amendments to clarify the papers accompanying these items of legislation. It was agreed that the papers would be amended accordingly.

4.2 The Deputy Presiding Officer suggested that the target date for submission of several of these draft Orders to the Legislation Committee should be deferred. He said that there would not be sufficient time for the Committee to fully consider the draft Orders.

BC(2)25-05 (p2)

4.3 The Chair referred to paragraph 17 of the Explanatory Memorandum accompanying this draft Order, which said that the Regulations "*were notified to the Equality of Opportunity Committee on 22 September 2005*". The Chair suggested that these Regulations were of wide-ranging interest and could be notified to all Subject Committees and the House Committee. The Business Minister welcomed this suggestion and said she would write to Subject Committee Chairs and the Chair of House Committee to notify them of the Regulations. The Deputy Presiding Officer noted that this draft Order came under Standing Order 26 and asked if, in future, the Cover Sheets for such legislation could indicate whether or not they had been scrutinised by a subject committee.

BC(2)25-05(p8) - BC(2)25-05(p11)

4.4 The Chair referred to the paragraphs in the Explanatory Memorandums accompanying these draft Orders which referred to the provision of Welsh versions, which said that the Orders are "*due to be made in English only, this reflects their size, complexity and the level of resource needed to translate them.*" The Chair said that the lack of resource or the complexity of the draft Orders, if taken alone, were not sufficient reasons not to provide Welsh versions. However, the draft Orders were technical in nature and aimed mainly at the small seeds industry rather than the general public or public voluntary bodies.

4.5 David Melding said that the Explanatory Memorandums accompanying these draft Orders, with the exception of The Cereal Seed (Wales) Regulations 2005, said that

individual Members of the Environment, Planning and Countryside Committee had been consulted by letter. He said that the Committee should have been consulted as a single entity.

4.6 David Melding said his group would like to debate The Cereal Seed (Wales) Regulations 2005.

(b) Standing Order 29 Subordinate Legislation

Teacher Training Incentive Scheme - BC(2)25-05(p12)

4.7 The Chair referred to the Explanatory Memorandum accompanying the scheme, which said that the Minister for Education and Lifelong Learning had determined that the provisions in Standing Order 29.3 relating to subject committee and legislation committee consideration would be disapplied. However, *"the Minister has determined that the scheme should be considered in Plenary to give Members the opportunity to debate it"*. David Melding said that it was not good practice to disapply the provision for subject committee consideration but to hold a debate in Plenary. Marion Stapleton said that the Minister had only recently been notified that the scheme fell under the ambit of subordinate legislation and would be subject to Standing Order 29 procedures. She said that attempts had been made to delay the introduction of the scheme to allow time for it to follow the normal procedures but this had not been possible. Jocelyn Davies suggested that the Committee could look at the provisions of Standing Order 29 and whether any amendments to the Standing Order were required. The Committee agreed to return to this issue after the half-term recess. The Deputy Presiding Officer asked if the title of the legislation could be amended to indicate that this was Welsh legislation and the year in which it would be made. He also asked if the Cover Sheet could indicate whether or not a Welsh version of the legislation was available.

(c) Orders made under the Executive Procedure; Papers to note.

(d) Papers for Information

5. Committees

BC(2)25-05(p13)

5.1 The Committee noted the letter from the Chair of the Local Government and Public Services Committee about Committee consideration of forthcoming legislation.

6. Forthcoming Business

BC(2)25-05(p14)

6.1 The Business Minister responded to requests from Business Managers and said that -

There was no intention to schedule a debate on the postponement of the Council Tax Revaluation as the Assembly Government has already complied with legislation and the revaluation exercise had been completed in Wales.

An urgent debate had been held on the e-coli outbreak in schools in South Wales on 28 September and a motion to establish an ad hoc Committee to consider the terms of reference for an inquiry to be held into the recent E. coli outbreaks in Wales would be debated on 5 October.

There was no intention to schedule a debate on the funding of NHS Community Hospitals as the issue would be covered in the "Designed for Life - 10 year Strategy for Health and Social Care" debate, which was scheduled to take place later in this session.

This Week's Business

BC(2)25-05(p15)

6.2 The Committee considered this paper, which detailed the Assembly's agreed business for the week.

6.3 The Business Minister said that the motion to approve the Avian Influenza and Newcastle Disease (Contingency Planning) (Wales) Order 2005, which had been scheduled for 4th October, would now take place on 11 October and that a Plenary debate would take place. She said that the motion to approve The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, which had been scheduled for Wednesday, would be deferred until 11 October. In response to a query, Marion Stapleton said that the Regulations had been deferred because officials had received advice that references to the Strategic Rail Authority should be removed from the Regulations, as it was soon to be wound up. An amended version of the Regulations would be laid shortly.

Business Manager's Requests

6.4 Kirsty Williams asked if debates could be scheduled on NHS waiting times and on the WDA merger. She indicated that she would be content if a statement was made on these issues. Business Managers supported these requests.

BC(2)25-05(p19)

6.5 The Business Committee considered the paper on a proposed structure for the debates on the budget. David Melding said that principal speakers should be allowed 10 minutes to speak. The Business Committee said that it was important to be flexible and that all available time should be used for the debate. The Deputy Presiding Officer said he would relay the Committee's views to the Presiding Officer.

Draft Business Statement - BC(2)25-05(p16)

6.6 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 11 October, 18 October and 1 November.

6.7 Jocelyn Davies asked if debates could be scheduled on Communities First and on the outcome of the Free School Breakfasts pilot. She also asked if a statement could be made on recent reports in the media about the Government's carbon emissions target.

6.8 David Melding asked when a debate on looked after children, which had appeared previously on the draft business statement, would take place. The Business Minister said she would report back.

7. Advice to Assembly on procedures

BC(2)25-05(p17)

7.1 Paul Silk introduced a paper providing advice on any difficulties created by Standing Orders so far as the exercise of powers under the Inquiries Act 2005 by the Plenary Assembly is concerned. He referred to a motion to establish an ad hoc committee to consider the terms of reference for an inquiry to be held into the recent E. coli outbreaks in Wales. He said that an amendment to the motion had been tabled which would restrict the committee to considering the terms of reference for an inquiry only under the Inquiries Act 2005. Jocelyn Davies said that it would be preferable for the powers under the Act to be delegated to the Committee. The Committee agreed to return to this issue following further consultation. Paul Silk said that the issue of who would fund an inquiry would also need further consideration.

8. Matters referred from plenary

9. Revisions to Standing Orders

9.1 The Business Committee considered and agreed a Report of the Business Committee on proposed amendments to Standing Order 23. A Plenary debate on the amendments would be scheduled in due course.

10. Presiding Officer rulings

11. Any other business.