

Business Committee BC581-04 (Final)

MINUTES OF MEETING

Date: 7th December 2004 Time: 9 a.m. Venue: Conference Room E

Present: Jenny Randerson (Chair) Karen Sinclair, Business Minister Jocelyn Davies, Plaid Cymru Business Manager David Melding, Conservative Business Manager John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly Peter Jones, Counsel to the Assembly Parliamentary Service Andrew George, Clerk to the Business Committee Marion Stapleton, Assembly Business Unit Karin Phillips, Members' Research and Committee Services Alun Jenkins, OCG (Agenda Item 4) Marc Wyn Jones, Business Committee Secretariat Catherine Morris, PS to the Deputy Presiding Officer

1. Apologies & announcements

1.1 Apologies for absence were received from Kirsty Williams. Apologies for absence were also received from Peter Black, who had intended to represent her in accordance with Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC552-04 (Final) Tuesday 23rd November 2004

2.1 The minutes were presented to the Committee in their final format. The Business Minister referred to paragraph 7.3(vii) and reiterated her concerns that the minutes did not reflect her recollection of discussions. The Committee considered the Business Minister's comments, but no amendments were agreed. The minutes would be translated in readiness for publication. Action: Chamber Secretariat

(ii) BC566-04 (Draft) Tuesday 30th November 2004

2.2 The minutes were presented to the Committee in draft. Some amendments were agreed which would be incorporated before the minutes were translated in readiness for publication Action: Chamber Secretariat

3. Matters Arising

BC566-04 - Tuesday, 30th November

3.1 The Business Minister said that she was concerned about the accuracy of Business Committee minutes and that the presentation was not always clear. The Chair said that she was content with the style and format of the minutes. The Deputy Presiding Officer said that the numbering convention for Business Committee papers could sometimes be confusing, especially when papers were resubmitted to the Committee with a new number. The Chair asked the Secretariat to consider these issues and report back to the Committee in its next meeting.

3.2 Paragraph 11.1 The Chair had asked the Secretariat to make enquiries relating to a House Committee meeting held outside family-friendly hours on 23rd November. The Chair referred to a letter from the Clerk to the House Committee, which had been circulated, and which said that the meeting had been adjourned from its original date of 18th November after it had been formally inquorate after "the Chair took the view that there was insufficient time for Members to digest fully and consider the contents between the circulation of the last of the papers on 12th November and the meeting planned for 18th November. " The Deputy Presiding Officer said that under other circumstances, the meeting would have been held in family-friendly hours. The Chair said that, although permission to hold the meeting did not need to be sought, it had become a convention that the Business Committee was consulted where Committee meetings were to be held outside normal hours. However, it was accepted that the House Committee did not need to consult because it had executive functions.

4. Subordinate Legislation

Orders for consideration

The Plant Health (Amendment) (Wales) Order 2005 (BC568-04)

The Public Audit (Wales) Act 2004 (Commencement No. 1) Order 2005 (BC569-04)

The Business Committee recommended the Accelerated procedure for BC568-04 and the Standard procedure for BC569-04. The Deputy Presiding Officer subsequently determined that neither of these Orders need be referred to Subject Committee.

BC568-04

4.1 The Chair referred to the Explanatory Memorandum accompanying this draft Order, which said that there had been delays in obtaining a final version of the Order from Defra and that it had taken until November "for the Order to be amended to reflect the Welsh position". She asked why there had been a delay in receiving the final draft. Marion Stapleton said that officials had pushed to receive the final draft of the regulations as early as possible. The Chair asked in what way the Order needed to be amended to reflect the Welsh position. Alun Jenkins said that the Regulations had been adapted to fit the Welsh template. The Chair referred to the list of consultees for this draft Order and asked if NFU Cymru had been consulted. Marion Stapleton said she would confirm whether this was the case.

Action: Marion Stapleton

BC569-04

4.2 The Committee noted a letter about this draft Order from the Chair of Audit Committee to the Minister for Finance, Local Government and Public Services which had been circulated in the meeting. The Chair said that there remained a lack of clarity about the provisions relating to Freedom of Information. Marion Stapleton said that she would report back on this issue. The Deputy Presiding Officer referred to the Explanatory Memorandum, which said that "the Commencement Order extends to both England and Wales although in most cases the practical effect of the Act will be felt only in Wales" and asked for clarification about the effect the Act would have in England. Alun Jenkins said he would provide details on this issue. Business Managers said that, following clarification of these points, they would be content for the draft Order to follow the Accelerated procedure. Action: Marion Stapleton, Alun Jenkins

(b) Standing Order 29 Subordinate Legislation

BC570-04

4.3 The Business Committee considered the amendment Directions to Local Health Boards and NHS Trusts to fund implementation of NICE technology appraisal guidance. The Chair said that there was no indication in the Memorandum accompanying the directions about why it was considered that a Plenary debate was required. Marion Stapleton said that similar directions had been issued the previous year and Members had indicated that they would have preferred a debate in Plenary. She said that the Directions had been included on the list of forthcoming legislation provided to Subject Committees. Business Managers said they were content for the directions to be made without a Plenary debate. Marion Stapleton said that a revised e-mail of notification would be sent to Members in due course. The Deputy Presiding Officer asked how legislation not made by statutory instrument was being catalogued. Marion Stapleton said that the legislation was published on the Internet and Intranet. The Chair said that, although the legislation was published on the website, it was not necessarily easily accessible. The Chair suggested that the Committee should return to this issue in January.

BC571-04

4.4 The Business Committee noted the e-mail of notification about the Minister for Social Justice and Regeneration's intention to approve the Housing Revenue HRA (Bridgend County Borough Council) direction 2004. Members of the Committee commented that the format of this e-mail was clear, and that the information about the procedures of Standing Order 29.3 which were being disapplied was comprehensive.

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

(d) Papers for Information

BC572-04

4.5 The Business Committee noted the e-mail of notification about the Minister for Environment, Planning and Countryside's proposal to confirm Salmon and Migratory Trout Net License 2005-2008. The Deputy Presiding Officer noted that the e-mail said that "revenue of £120,000 from net licences nationally in 2003 contributed 0.01% of the total expenditure" and asked if the reference to nationally meant Wales or the UK. Alun Jenkins confirmed that the reference was to Great Britain.

4.6 The Business Committee noted the e-mail of notification about the Minister for Environment, Planning and Countryside's intention to confirm the Rod Fishing Licence duties 2005-2008.

5. Committees

5.1 Karin Phillips informed the Committee that joint meetings of the Welsh Affairs Committee and the Audit Committee had been arranged for 13th January and 17th January to scrutinise the Public Service Ombudsman (Wales) Bill.

BC574-04

5.2 The Committee noted the letter from the Chair of Health and Social Services Committee about the Committee's consideration of forthcoming legislation.

BC575-04

5.3 The Committee noted the paper from the Education and Lifelong Learning Committee about the Minister for Education and Lifelong Learning's intention to make subordinate legislation under Standing Order 29.5 to allow Howell's School, Cardiff, to amend its admission arrangements. In response to a query, Marion Stapleton said that an e-mail notifying all Members of the intention to make the legislation would be circulated in due course.

6. Forthcoming Business

BC576-04

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

A debate on the Second Offer scheme was scheduled for 26 January and the debate on Mental Health would be scheduled at the earliest opportunity after the February half term recess.

There was no intention to schedule a debate on Waiting times, in the light of the forthcoming debate on the Second Offer scheme.

There was no opportunity to schedule a statement on screening services before the Christmas recess, but further options would be discussed with the Minister for Health and Social Services in due course.

A statement on the Creative Industries strategy had been issued on 23 November and there was no intention to schedule an oral statement before the Christmas recess. However, a debate on the Strategy was scheduled for 2 February.

There was no intention to schedule a debate on the No Named Day motion tabled by Rhodri Glyn Thomas on the future provision of paediatric neurosurgery in Wales.

This Week's Business

BC577-04

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

Business Managers' Requests

6.3 Jocelyn Davies asked if statements could be made on the transfer of the Bay and Harbour Authority to Cardiff City Council; and on the review of Bridgend Health Services. Business Managers supported the latter request.

6.4 David Melding asked if a statement could be made on future transport plans in Wales following reports in the media of an announcement made by the Minister for Economic Development and Transport. The Chair said that Peter Black had relayed to her his wish to also make this request. The Business Minister said that a written statement was being issued. David Melding also asked if a statement could be scheduled on implications for Local Health Boards following announcements relating to the Assembly Sponsored Public Bodies' merger.

Draft Business Statement

6.5 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 11th January, 18th January and 25th January.

6.6 The Committee welcomed the debates on the Assembly Sponsored Public Bodies merger and the Second Offer Scheme, which had been scheduled for 19th January and 26th January respectively.

6.7 David Melding referred to the statement on CAP Reform Implementation which was scheduled for 18th January and said that the statement could require more than the normal 30 minutes.

7. Advice to Assembly on procedures

BC579-04

7.1 The Business Committee noted the paper from Table Office on tabling days for Plenary meetings following the Christmas Recess, and which would be sent to Members later that day.

7.2 The Committee considered a paper on a proposed Standing Order providing for the Assembly to meet in any case when emergency regulations which relate wholly or partly to Wales are made under Section 20 of the Civil Contingencies Act 2004. Jocelyn Davies said that, under the proposals, only a Minister could propose a motion and asked if this could be widened to enable other Members to do so. The Business Minister said that she would like to consult officials about the proposals. The Chair suggested that the Committee should return to this issue on 18th January following consultation with groups and others.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT