

Business Committee BC(2)29-05 (Final minutes)

MINUTES OF MEETING

Date: 8th November 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 Service

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)27-05 (Final minutes) - Tuesday 18th October 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)28-05 (draft minutes) - Tuesday 1st November 2005

2.2 The minutes were presented to the Committee in draft. An amendment was suggested which would be incorporated before the minutes were submitted to the Committee in final draft.

Action: Chamber Secretariat

3. Matters Arising

3.1 **Paragraph 4.1** The Chair said that amended Regulatory Appraisals for four draft Orders relating to Assembly Sponsored Public Bodies had been prepared and circulated. The Business Minister said that each Regulatory Appraisal had been amended to refer to the specific costs arising from that item of legislation. She said that these versions would be laid alongside the draft Orders in advance of the debates.

3.2 **Paragraph 4.2** Marion Stapleton said that a list of functions to be transferred under The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 would be circulated to Assembly Members by the end of the week.

3.3 **Paragraph 4.3** Marion Stapleton reported back on why there had been a delay in bringing forward The Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2005. She said that a detailed chronology of events had been prepared which she would circulate to members of the Committee.

3.4 **Paragraph 4.7** The Chair said that a letter would be sent shortly to the North Western and North Wales Sea Fisheries Committee about the translation of byelaws.

3.5 **Paragraph 7.2** The Chair said that she had attended a Panel of Chairs meeting to discuss the Business Committee's role in monitoring the implementation and scrutiny of subordinate legislation made under framework powers. She said that the Panel had agreed the process set out in the paper and that the Business Committee and Panel of Chairs would start receiving 4 weekly updates on the progress of legislation with immediate effect.

4. Subordinate Legislation

Orders for consideration

Civil Partnership Act 2004 (Consequential Amendments To Subordinate Legislation) (Wales) Order 2005 - **BC(2)29-05(p1)**

& Report by the Equality of Opportunity Committee - BC(2)29-05(p19)

The Housing Act 2004 (Commencement No 2) (Wales) Order 2005 - **BC(2)29-05(p2)**

The Plant Protection Products (Amendment) Regulations 2005 - **BC(2)29-05(p3)** *Standing Order 25, Section 3*

The Food Labelling (Amendment) (Wales) (No. 2) (Amendment) Regulations 2005 - **BC(2)29-05(p4)**

The Health And Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No. 3) Order 2005 - **BC(2)29-05(p5)**

The Official Feed and Food Controls (Wales) Regulations 2005 - **BC(2)29-05(p6)**

The Representations Procedure (Children) (Wales) Regulations 2005 - **BC(2)29-05(p7)**

& Report by the Health and Social Services Committee - BC(2)29-05(p22)

The Social Services Complaints Procedure (Wales) Regulations 2005 - **BC(2)29-05(p8)**

& Report of the Health and Social Services Committee - BC(2)29-05(p20)

The Business Committee recommended the Standard procedure for BC(2)29-05(p1), BC(2)29-05(p6), BC(2)29-05(p7) and BC(2)29-05(p8). The Committee recommended the Accelerated procedure for BC(2)29-05(p2), BC(2)29-05(p4) and BC(2)29-05(p5). The Deputy Presiding Officer subsequently determined that none of the draft Orders need be referred to Subject Committee.

BC(2)29-05(p1)

4.1 The Chair noted the Report of the Equality of Opportunity Committee on this draft Order. In response to a query, Alun Jenkins confirmed that a Regulatory Appraisal had not been prepared because paragraph 7(v) of the Assembly Guidance on Regulatory Appraisals exempted Instruments made in exercise of statutory powers granted by primary legislation, which did not in any way give the National Assembly discretion as to how those powers should be exercised.

BC(2)29-05(p3)

4.2 The Deputy Presiding Officer noted that this draft Order would be made under Standing

Order 25 (Section 3) and reminded the Committee that it had previously agreed that in future, Explanatory Memorandums accompanying draft Orders under this Standing Order should indicate whether the Orders were required to be made jointly.

BC(2)29-05(p6)

4.3 The Chair said that this draft Order had been notified to the Health and Social Services Committee via its list of forthcoming legislation. She said that the Minister for Health and Social Services had also written to the Chairs of the Environment, Planning and Countryside and the Local Government and Public Services Committees, as they were also relevant to those committees. Members of the Business Committee welcomed this. Jocelyn Davies said that her group wanted to debate this draft Order.

BC(2)29-05(p7) & BC(2)29-05(p8)

4.4 The Committee noted the Reports from the Health and Social Services Committee on these draft Orders. David Melding said that his group wanted to debate the draft Orders. The Business Minister said that they were closely linked and that she would schedule a single debate with separate votes.

(b) Standing Order 29 Subordinate Legislation

BC(2)29-05(p9)

4.5 The Committee noted the e-mail of notification about the Minister for Education and Lifelong Learning's intention to approve a list of external qualifications.

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

BC(2)29-05(p10) & BC(2)29-05(p11)

4.6 The Business Committee noted the letter and e-mail on the use of the Executive procedure for

The Avian Influenza (Preventative Measures)
(Wales) Regulations 2005, and

The Avian Influenza (Preventative Measures in Zoos)
(Wales) Regulations 2005.

Alun Jenkins explained that the necessary functions conferred on the Assembly under the European Communities Designation (No.2) Order 2005, had not yet been delegated by the Assembly to the First Minister and Minister for Environment, Planning and Countryside. However, given the urgency of the circumstances, the functions under the two SIs in question, which would normally be functions of the Assembly, had been conferred directly

on the Minister (Assembly Secretary) so that urgent preventive action could be taken immediately upon the coming into force of the two SIs. He added that a motion to delegate the functions under the Designation (No.2) Order 2005, together with further related functions to be conferred on the Assembly under the Designation (No.3) Order 2005, which would come into force on 14 November 2005, would be put before the Assembly in due course. Members of the Committee said that, although they understood the difficulty of the position, this was not ideal from a procedural point of view. Alun Jenkins said that this course of action had been taken once before, during the foot and mouth crisis. In response to a query, the Business Minister said she recognised that the situation was not ideal and confirmed that this route would only be taken if there was no other option and the need to legislate was urgent.

(d) Papers for Information

BC(2)29-05(p12)

4.7 The Business Committee noted the e-mail of notification from the Minister for Environment, Planning and Countryside about a proposal to confirm the Environment Agency (Limitation of Net Fishing Licences) (Wales) Order 2005 under Standing Order 30.

5. Committees

BC(2)29-05(p13)

5.1 The Business Committee approved the request from the Local Government and Public Services Committee to hold additional meetings on 17 November and 7 December. The Committee noted that the meeting slots were not scheduled but that the Committee was unanimous in its request.

BC(2)29-05(p14)

5.2 The Committee noted the letter of notification from the Environment, Planning and Countryside Committee about an additional meeting on 17 November.

BC(2)29-05(p21)

5.3 The Committee noted the letter from the Chair of the Health and Social Services Committee about committee consideration of the legislation required to implement the new dental contract.

BC(2)29-05(p23)

5.4 The Business Minister introduced a paper on arrangements for subject committees. She said that the paper had been prepared following a review of the current arrangements. She said that the paper contained the following proposals -

The size of each subject committee would be reduced to eight members;

Subject committees would meet fortnightly (alternating Wednesday and Thursdays). There would be no formal provision within the periodic timetable for "additional" subject committee meetings;

The membership of the committees would comprise four Labour members on each committee, two Plaid Cymru members on four committees and one on three committees, two Conservative members on three committees and one member on four committees and one Liberal Democrat member on each committee;

Ministers would be scrutinised on a monthly basis and continue to be committee members for the interim period;

The revised arrangements would run from January 2006 through to May 2007;

Arrangements would be put in place to elect Peter Law to a subject committee in discussion with him (in place of a Labour member).

Kirsty Williams and Jocelyn Davies welcomed the proposals. David Melding said that the proposals meant that the Conservative membership would be reduced on four committees and that his group did not support them. Paul Silk referred to the reduction in the number of committee members to eight and said that there were a number of options to achieve this procedurally. Business Managers said that it would be preferable for the Subject Committees to be re-elected.

6. Forthcoming Business

BC(2)29-05(p15)

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

There was no intention of scheduling a debate on the Electoral Commission's comments on the White Paper, as this was a matter for the Secretary of State for Wales.

The Minister for Social Justice would be making a statement on measures to curb binge drinking in Plenary on the 9th November.

There was no intention to schedule a statement on England's Education White Paper as it focused largely upon reform of the school system in England and none of the proposals applied to Wales. However, there were proposals in the White Paper which could lead to new powers being devolved to Wales in relation to the setting of standards for nutrition in schools. The Minister for Education and Lifelong Learning would be making a statement on this issue on 9th November.

This Week's Business

BC(2)29-05(p14)

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

Business Manager's Requests

6.3 David Melding asked if a statement could be made on Ffilm, the organisation which would be replacing Sgrin.

6.4 Kirsty Williams asked if a statement could be made on the E.Coli outbreak and the closure of Abercynon Infants School. Business Managers supported this request.

Draft Business Statement - BC(2)29-05(p17)

6.5 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 15 November, 22 November and 29 November.

6.6 Jocelyn Davies asked if a statement could be made in the forthcoming weeks on reported deficits in NHS Trust funding.

7. Advice to Assembly on procedures

BC(2)29-05(p18)

7.1 The Committee noted a paper on the publication of legislation under Standing Orders 28 and 29. Peter Jones said that, in accordance with Standing Order 32, the Presiding Officer could prescribe the format for publishing legislation under Standing Order 29, but that the decision about the format for legislation under Standing Order 28 was a matter for the Government. He said that various interested parties (e.g. the Law Society, Government

lawyers) had been consulted on the proposals. It was noted that the Deputy Presiding Officer and Business Minister would be meeting with representatives of the Law society on 9 November to discuss various issues.

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT