

## Business Committee BC(2)11-05 (Final minutes)

### MINUTES OF MEETING

**Date:** 19<sup>th</sup> April 2005

**Time:** 9 a.m.

**Venue:** Conference Room E

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

Jocelyn Davies, Plaid Cymru Business  
Manager  
Kirsty Williams, Welsh Liberal  
Democrats Business Manager David  
Melding, Welsh Conservatives 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

### 1. Apologies & announcements

1.1 The Chair welcomed Andrew Chambers and Kayleigh Driscoll, from Chamber Secretariat, who were observing the meeting for training purposes.\_

## **2. Minutes of the previous meetings**

### **(i) BC(2)9-05 (Final minutes) - Tuesday 15<sup>th</sup> March 2005**

2.1 The minutes were presented to the Committee in their final format. An amendment was suggested which would be agreed before the minutes were translated in readiness for publication.

**Action: Chamber Secretariat**

### **(ii) BC(2)10-05 (draft minutes) - Tuesday 12<sup>th</sup> April 2005**

2.2 The minutes were presented to the Committee in draft. A number of amendments were suggested which would be incorporated before the minutes were translated in readiness for publication.

**Action: Chamber Secretariat**

## **3. Matters Arising**

3.1 **12<sup>th</sup> March: Paragraph 4.7** The Deputy Presiding Officer referred to the e-mail which had been sent to members of the Committee about the Welsh Church (Burial Grounds) Act 1945: amendment to fees payable in respect of burials and the right to erect monuments and gravestones. He said that the e-mail said that "*The Assembly does not have the power to attach any conditions to the giving of its approval or consent and therefore cannot prescribe that the legislation be translated into Welsh, as such it is for the Church of Wales to determine whether the rules are translated into Welsh.*" He added that this appeared to be inconsistent with Section 32 of the Government of Wales Act, which said that "*the Assembly may do anything it considers appropriate to support...the Welsh language.*" Marion Stapleton said that the e-mail reflected legal advice which she had received and said she would report back to the Committee following further consultation on this issue.

**Action: Marion Stapleton**

3.2 **12<sup>th</sup> March - Paragraph 5.4** The Chair said that a letter had been sent to the Panel of Chairs on issues relating to Committee business.

3.3 **12<sup>th</sup> April - Paragraph 4.5** In response to a query, Marion Stapleton said that officials from the Business Unit were in discussions with the legal adviser to the Legislation Committee about separating the guidance from the legislation in the Anti-Social Behaviour: Policies and Procedures - Code of Guidance for Local Authorities and Housing Associations, and other items which might be brought forward under Standing Order 29 in future.

## **4. Subordinate Legislation**

### **Orders for consideration**

The Rights of Re-entry and Forfeiture (Prescribed Sum and Period) (Wales) Regulations 2005 (*Recommended Procedure: Standard*) - **BC(2)11-05 (p1)**

The Commonhold and Leasehold Reform Act 2002 (Commencement No. 3 and Saving and Transitional Provision) (Wales) Order 2005 (*Recommended Procedure : Standard*) - **BC(2)11-05 (p2)**

The Leasehold Houses (Notice of Insurance Cover) (Wales) Regulations 2005 (*Recommended Procedure : Standard*) - **BC(2)11-05 (p3)**

The Landlord and Tenant (Notice of Rent) (Wales) Regulations 2005 (*Recommended Procedure : Standard*) - **BC(2)11-05 (p4)**

The Miscellaneous Food Additives (Amendment) (No.2) (Wales) Regulations 2005 (*Recommended Procedure : Accelerated*) - **BC(2)11-05 (p5)**

The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) (Amendment) (Wales) Regulations 2005 (*Recommended Procedure : Accelerated*) - **BC(2)11-05 (p6)**

The Leasehold Valuation Tribunals (Procedure) (Amendment) (Wales) Regulations 2005 (*Recommended Procedure : Standard*) - **BC(2)11-05 (p7)**

The Service Charges (Consultation Requirements) (Amendment) (Wales) Regulations 2005 (*Recommended Procedure : Standard*) - **BC(2)11-05 (p8)**

The Food Labelling (Amendment) (Wales) Regulations 2005 (*Recommended Procedure : Accelerated*) - **BC(2)11-05 (p9)**

**The Business Committee recommended the Standard procedure for BC(2)11-05(p1) - BC(2)11-05(p4), BC(2)11-05(p7) and BC(2)11-05(p8). The Committee recommended the Accelerated procedure for BC(2)11-05(p5), BC(2)11-05(p6) and BC(2)11-05(p9). The Deputy Presiding Officer subsequently determined that none of the 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.

**BC(2)11-05(p1)**

4.2 The Chair referred to the Cover Sheet and Explanatory Memorandum accompanying this draft Order which said that "*These Regulations prevent a landlord under a long lease of dwelling from exercising a right of re-entry or forfeiture by a tenant to pay an amount...*". She said that this prevention was introduced by the Commonhold and Leasehold Reform Act 2002, and not by the Regulations.

### **BC(2)10-05(p2)**

4.3 The Chair referred to the Cover Sheet and Explanatory Memorandum accompanying this draft Order, which said that the Order commenced various provisions of the Commonhold and Leasehold Reform Act 2002, including "*preventing the right of re-entry or forfeiture of a leasehold property where service charges, ground rent or administration charges (or a combination of these) do not exceed £350...*". She said that the sum of £350 would be introduced by the Regulations, and was not a requirement of the Act. The Deputy Presiding Officer asked if a definition of technical terminology used in the Explanatory Memorandum could be included in the opening paragraphs.

### **(b) Standing Order 29 Subordinate Legislation**

### **BC(2)11-05(p10)**

4.4 The Business Committee noted the e-mail of notification about the Minister for Health and Social Services' intention to approve the Statement of Dental Remuneration.

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

### **BC(2)11-05(p11) & BC(2)11-05(p12)**

4.5 The Business Committee noted the e-mail and letter about the use of the Executive procedure for The Potatoes Originating in the Netherlands Notification (Wales) Order 2005 and The Potatoes Originating in the Netherlands (Revocation) (Wales) Regulations 2005.

### **(d) Papers for Information**

### **BC(2)11-05(p19)**

4.6 The Business Minister introduced draft Guidance for Government Officials on Subordinate Legislation made under Standing Order 29. The Business Minister thanked APS officials for some minor drafting suggestions which had already been provided. The Deputy Presiding Officer said that the document should also advise officials on the need to separate guidance from legislation; and should take account of Standing Order 32.1, which provided for the Presiding Officer to prescribe the form of publication of subordinate legislation not required to be made by statutory instrument. The Business Minister said that she would consider the Committee's suggestions, and submit a final draft of the guidance to the Committee for information in due course.

## **5. Committees**

## **6. Forthcoming Business**

### **BC(2)11-05(p13)**

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

The Minister for Economic Development and Transport had made a statement on the closure of MG Rover on 12 April and that a further statement would be made later that day.

An urgent question on Fallen Stock had been answered by the Minister for Environment, Planning and Countryside on 13 April.

There was no intention of making a statement on the funding of school meals as Members would have the opportunity to debate the issue during the debate on the School Lunches (Prescribed Requirement) (Wales) Order 2005, which was scheduled for consideration in Plenary on 19 April.

There was no intention of scheduling a debate on managing school places in relation to the small schools' policy. She said that the issue was considered in Plenary on 8 March when the Assembly approved the Special Grant Report which dealt with assistance to small schools. The First Minister had also answered questions on the issue in plenary on 1, 8 and 15 March.

There was no intention of making a statement on the security of the postal voting system as it was a non-devolved matter.

6.2 Referring to the response to the request for a statement on the security of the postal voting system, Kirsty Williams said that she felt that the reason which had been given was not satisfactory, as the Assembly frequently discussed issues which were non-devolved. Business Managers said that the postal voting system was a matter of public concern in Wales. The Business Minister said that the Government had no powers in this area, but she would attempt to provide a fuller explanation for Ministers' decisions in future. Jocelyn Davies asked if, in the light of Business Managers' concerns, and as the First Minister had answered supplementary questions on this issue in Plenary on 12 April, the Business Minister could reconsider the request.

## **This Week's Business**

### **BC(2)11-05(p14)**

6.3 The Committee considered this paper, which detailed the Assembly's agreed business for the week. The Business Minister said that the Minister for Economic Development and Transport would be making a statement on the impact of MG Rover closure upon the car component supply chain in Wales later that day. She said that the statement by the Minister for Finance, Local Government and Public Services on the Public Services Ombudsman (Wales) Act, which had been scheduled to take place on Tuesday, would take place on Wednesday. She said that the statement by the Minister for Finance, Local Government and Public Services on Local Government Planning Rationalisation, which had been scheduled for Wednesday, would be postponed.

6.4 In response to a query, Marion Stapleton said that a motion to elect Members to Regional Committees and set the dates of the meetings would be scheduled for Tuesday 26 April. She said that a draft motion would be sent to Business Managers in due course.

#### Business Managers' Requests

6.5 Jocelyn Davies asked if a statement could be made on health targets.

6.6 Kirsty Williams asked if a statement could be made on A & E, with particular reference to the University of Wales Hospital.

6.7 David Melding asked if a debate could be scheduled on the aerospace industry in Wales, with particular reference to DaRa, St Athan. Kirsty Williams and Jocelyn Davies supported this request.

#### Draft Business Statement

6.8 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 26<sup>th</sup> April, 3<sup>rd</sup> May and 10<sup>th</sup> May.

#### **BC(2)11-05(p17)**

6.9 The Business Committee considered a timetable of minority party debates for 2005/2006. The Chair said that all of the debates had been allocated 45 minutes, with the exception of two 30 minute debates on 28<sup>th</sup> March and 4<sup>th</sup> April 2006. The Deputy Presiding Officer said that it was difficult for the Chair to manage 30 minute debates. Kirsty Williams said that such debates had been held in the past. The Committee agreed the timetable until the 28<sup>th</sup> March and agreed to return to the issue of 30 minute debates in its next meeting. The Chair suggested that, in future, minority parties should be able to carry over their allocation from a previous year. It was also suggested that minority parties could, alternatively, borrow from the allocation from the forthcoming year.

#### **BC(2)11-05(p18)**

6.10 The Business Committee considered and approved recess dates for 2005 and 2006. In response to a query, Marion Stapleton said that the Assembly would sit for 33 weeks in 2005. David Melding said that, if the Assembly would be sitting for 33 weeks, consideration should be given to how to use the limited time most effectively.

## **7. Advice to Assembly on procedures**

## **8. Matters referred from plenary**

## **9. Revisions to Standing Orders**

### **BC(2)11-05(p16)**

9.1 Paul Silk introduced a letter from the Presiding Officer about an inconsistency between the Government of Wales Act and Standing Order 8.3. He said that Sections 54(2)(b) and 57(8) of the Act provided that committees should be elected "*so as to secure that, as far as is practicable, the balance of the **parties** in the Assembly is reflected in the membership of the Committee.*" However, Standing Order 8.3 provided that members of committees should be elected "*so as to secure that, as far as is practicable, the balance of the **political groups** in the Assembly is reflected in the membership of each committee.*" Peter Jones said that the Standing Order had no effect in these circumstances. It was agreed that a draft Report proposing changes to Standing Orders would be submitted to the Committee in its next meeting with the view to introducing the changes as soon as possible.

**Action: Secretariat**

## **10. Presiding Officer rulings**

## **11. Any other business.**

11.1 Jocelyn Davies sought clarification from the Business Minister about the membership of the Labour Group in the Assembly following Peter Law's announcement that he intended to stand in the General Election as an independent candidate. Members of the Committee said that a change to group membership could have an effect on Assembly business. The Business Minister said she would report back on the position in the next meeting, with a view to preparing a paper, in consultation with Paul Silk, for consideration in due course.

**Action: Business Minister.**

11.2 The Chair said that she was aware that the House Committee were considering various issues which arose from the proposed separation of the Assembly and the Executive. She said the Business Committee needed to consider the procedural issues and other matters relating to business arising from the proposed separation in due course. The Committee agreed to undertake a preliminary visit to their counterparts in the Bureau in the Scottish parliament before the Summer Recess.

**CHAMBER SECRETARIAT**