

Business Committee BC(2)12-05 (Final minutes)

MINUTES OF MEETING

Date: 26th 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

2. Minutes of the previous meetings

(i) BC(2)10-05 (Final minutes) - Tuesday 12th April 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)11-05 (draft minutes) - Tuesday 19th April 2005

2.2 The minutes were presented to the Committee in draft. An amendment were suggested which would be incorporated before the minutes were translated in readiness for publication.

Action: Chamber Secretariat

3. Matters Arising

3.1 **19th April: Paragraph 3.3** Marion Stapleton said that Government legal advisers had held preliminary discussions about issues relating to the translation of the Welsh Church (Burial Grounds) Act 1945: amendment to fees payable in respect of burials and the right to erect monuments and gravestones. She said that the initial view was that the Government could not use Section 32 of the Government of Wales Act to impose a requirement to translate legislation on the Church in Wales. The Business Minister said she and her Cabinet colleagues would be encouraging organisations to translate legislation into Welsh voluntarily. Marion Stapleton said she would report back on this issue when definitive legal advice had been provided.

3.2 **19th April - Paragraph 11.1** The Business Minister reported back on the implications for Committees of a recent change to Group membership. She said that she would be meeting Peter Law in order for her to make arrangements to fulfil her obligation under Standing Order 8.4 (to secure "*for each Member to be proposed for election to a Committee other than a Regional Committee*"). She added that she was also meeting Business Managers to discuss the issue and that further consultation would be needed before coming to a view. It was suggested that officials from APS should prepare a paper outlining the issues for submission to the Committee on 10th May. The Deputy Presiding Officer said that the paper should look separately at the implications for the membership of the Panel of Chairs and Committees. He said that the Panel of Chairs issue could be resolved easily and quickly if the Government relinquished one of its Chairs.

Action: Karin Phillips

4. Subordinate Legislation

Orders for consideration

The Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (Wales) Regulations 2005 - **BC(2)12-05 (p1)**

The TSE (Wales) (Amendment) Regulations 2005 - **BC(2)12-05 (p2)**

The Feeding Stuffs (Establishments and Intermediaries) (Amendment) (Wales) Regulations 2005 - **BC(2)12-05 (p3)**

The Smoke Flavourings (Wales) Regulations 2005 - **BC(2)12-05 (p5)**

The Business Improvement Districts (Wales) Regulations 2005 - **BC(2)12-05 (p6)**

The Adoption Agencies (Wales) Regulations 2005 - **BC(2)12-05 (p7)**

The Home-Grown Cereals Authority (Rate of Levy) Order 2005 (*Standing Order 25, Section 3*) - **BC(2)12-05 (p8)**

The Business Committee recommended the Standard procedure for BC(2)12-05(p1), BC(2)12-05(p6) and BC(2)11-05(p7). The Committee recommended the Accelerated procedure for BC(2)12-05(p2), BC(2)12-05(p3) and BC(2)12-05(p5). 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)12-05 (p8)

4.2 The Deputy Presiding Officer asked what effect this legislation would have in Wales. Marion Stapleton said she would report back on the issue.

Action: Marion Stapleton

(b) Standing Order 29 Subordinate Legislation

BC(2)12-05(p9)

4.3 The Business Committee noted the Pharmaceutical Services (Advanced and Enhanced Services) (Wales) Directions 2005. The Chair said that the documents supporting these Directions contained no explanation for the reasons why the different procedures under Standing Order 29.3 were not being applied. Marion Stapleton said she would ensure that this information was clearer in future.

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

(d) Papers for Information

BC(2)12-05(p10)

4.4 The Business Committee noted the Regulatory Reform (Fire Safety) Order 2005.

5. Committees

5.1 The Business Committee approved the request from the Equality of Opportunity Committee to move a formal meeting from 5th May to 12th May.

6. Forthcoming Business

BC(2)11-05(p12)

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

There was currently no intention of scheduling a statement on A & E issues at University Hospital Wales.

There was no intention of scheduling a statement on the security of the postal voting system. She said that the conduct of the general election lay with the Electoral Commission, the UK Government and its Department of Constitutional Affairs therefore the Assembly had no powers to intervene in the voting process. However, the Minister for Finance, Local Government and Public Services had agreed to issue a written statement on proposals to establish an all-Wales elections planning group intended to work with other stakeholders to encourage best practice in all elections in Wales.

A debate on the Aerospace Industry in Wales was scheduled for 11th May.

6.2 David Melding thanked the Business Minister for scheduling a debate on the Aerospace Industry in Wales.

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 it was intended that obituary tributes would be paid to Gwynfor Evans at the beginning of Tuesday's meeting. She said that the statement

by the Minister for Culture, Welsh Language and Sport on the Historic Environment, which had been scheduled for Tuesday, would take place on Wednesday. She said that the Minister for Health and Social Services would be making a statement on health on Wednesday.

Business Managers' Requests

6.4 David Melding asked if a debate could be scheduled on Council Tax rebanding. Kirsty Williams supported this request.

6.5 Jocelyn Davies asked if debates could be scheduled on small schools policy and on funding for school places. Kirsty Williams supported these requests.

6.6 Kirsty Williams asked if a debate could be scheduled on the Lyons review.

Draft Business Statement

6.7 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 3rd May, 10th May and 17th May.

7. Advice to Assembly on procedures

BC(2)12-05(p15)

7.1 The Business Committee considered a paper on 30-minute Minority Party Debates. It was agreed that, in future, the annual allocation of time for minority party debates could be arranged in the context of the four years of an Assembly. This would allow parties to carry over any remaining time from one year to the next, or to "borrow" time from the forthcoming annual allocation. This would avoid having 15 or 30 minutes of minority party debate time left over at the end of each year.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC(2)12-05(p16)

9.1 The Business Committee considered a draft Report of the Business Committee on proposed amendments to Standing Order 8.3 to correct an inconsistency between the Government of Wales Act and Standing Order 8.3. The Committee agreed to return to this issue on 10 May to allow time for further consultation._

BC(2)12-05(p17)

9.2 Paul Silk introduced a paper on proposals to amend Standing Order 19 in the light of the Freedom of Information Act. He said that the paper had been produced following consultation between APS and Government officials and that the principal outstanding issue was whether or not all of the exemptions under the Freedom of Information Act should be included in the amended Standing Order. He said that this would clarify whether Assembly Members and members of the public would have different rights of access to information. Business Managers said that further information about the practical implications was needed and asked if a paper could be circulated outlining examples of the types of information which might be exempt. Paul Silk said that any examples could only be hypothetical. The Committee agreed that a paper should be circulated out of Committee and that it would return to the issue in its meeting on 17 May.

Action: Paul Silk

BC(2)10-05(p23)

9.3 The Business Committee considered a paper on proposed amendments to Standing Orders relating to Committees. The Chair said that the paper dealt with two issues - the removal of the requirement for Committee Members to indicate the reason for a substitution; and the establishment of scrutiny sub-committees. The Committee agreed the proposed amendments relating to Committee substitutions. The Business Minister said that the proposals relating to scrutiny sub-committees were more complicated and needed further consideration. She said that the Health and Social Services Committee had recently set up a scrutiny sub-committee and it would be preferable to consider the proposals in the light of the sub-committee's progress. The Committee agreed to return to this issue in due course.

Action: Secretariat

10. Presiding Officer rulings

11. Any other business.

11.1 The Chair referred to a paper by Paul Silk on proposed amendments to Standing Orders relating to the Civil Contingencies Act 2004, which had been considered by the Committee in its meeting on 22 February. In response to a query, the Business Minister said that further consultation had been undertaken and that comments would be fed back to Paul Silk shortly.

CHAMBER SECRETARIAT