

MINUTES OF MEETING

Date: 10th January 2006
Time: 9.30 a.m.
Venue: Conference Room C

Present: Jenny Randerson (Chair)
Jane Hutt, Business Minister
Jocelyn Davies, Plaid Cymru Business Manager
Lisa Francis, 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

1. Apologies & announcements

2. Minutes of the previous meetings

(i) BC(2)32-05 (Final minutes) - Tuesday 29th November 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)33-05 (draft minutes) - Tuesday 6th December 2005

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

Action: Chamber Secretariat

3. Matters Arising

4. Subordinate Legislation

(a) Orders for consideration

Education (Determination of Admission Arrangements) (Wales) Regulations 2006 - **BC(2)01-06(p1)**

Education (Objections to Admission Arrangements) (Wales) Regulations 2006 - **BC(2)01-06(p2)**

Education (Variation of Admission Arrangements) (Wales) Regulations 2006 - **BC(2)01-06(p3)**

New School (Admissions) (Wales) Regulations 2006 - **BC(2)01-06(p4)**

& Report of the Education and Lifelong Learning Committee – **BC(2)01-06(p7)**

The Education Act 2002 (Commencement No. 8) (Wales) Order 2006 - **BC(2)01-06(p5)**

The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2006 - **BC(2)01-06(p6)**

The Approval Of Codes Of Management Practice (Residential Property) (Wales) Order 2006 - **BC(2)01-06(p8)**

The Business Committee recommended the Standard procedure for all of the draft Orders. The Deputy Presiding Officer subsequently determined that none of the draft Orders need be referred to Subject Committee.

4.1 The Chair referred to the proposed changes to legislation procedures in the Government of Wales Act and asked if the documents accompanying draft Orders could indicate which procedure it was envisaged the legislation would follow under the post-2007 arrangements. The Committee agreed that this would help to increase Members' awareness of how the new regime might work. Marion Stapleton said she would look into the practicalities of implementing this suggestion.

BC(2)01-06(p1), BC(2)01-06(p2), BC(2)01-06(p3), BC(2)01-06(p4) & BC(2)01-06(p7)

4.2 The Business Committee considered these draft Orders and an associated report of the Education and Lifelong Learning Committee, which said that the Committee had recommended approval of the draft Regulations without amendment.

BC(2)01-06(p5)

4.3 The Chair referred to the paragraph in the Explanatory Memorandum on financial implications and asked if the information could be made clearer.

BC(2)01-06(p8)

4.4 Peter Jones referred to Article 3 of the draft Order, which said that *“The approval of the Rent Only Residential Management Code...which was given by the Approval of Codes of Management Practice (Residential Property) Order 1996 is withdrawn.”* He asked why the Management Code, and not the Order itself, was being revoked. Alun Jenkins said he would report back on this issue. The Deputy Presiding Officer asked if the associated Management

Code would be made available in Welsh. Marion Stapleton said the Code was not produced by the Government, but she would report back on this issue.

Actions: Alun Jenkins and Marion Stapleton

(b) Standing Order 29 Subordinate Legislation

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

BC(2)1-06 (p12) & BC(2)1-06(p15)

4.5 The Business Committee noted the e-mail and letter about the use of the Executive procedure for The Avian Influenza (Preventative Measures in Zoos) (Wales) (No2) Regulations 2005 and The Avian Influenza (Preventative Measures in Zoos) (Wales) (No2) Regulations 2005. Members of the Committee noted that the letter said that, on 21 June 2004, the Cabinet agreed to give the Minister for Environment, Planning and Countryside the authority to use the Executive procedure in relation to emergency legislation concerning the control of animal diseases. Peter Jones referred to Standing Order 24.27, which said that "*the Assembly Cabinet may determine that, in the particular circumstances, and in relation to one or more Orders*", the Executive procedure should be used. He said that there was a question about whether the Cabinet could delegate this power to a Minister indefinitely. Alun Jenkins said that the Government had taken legal advice before delegating the power. The Committee agreed to return to this issue in its next meeting. The Deputy Presiding Officer noted that debates on the Regulations were scheduled for the 31 January and said that the timetable would have allowed the Regulations to follow the normal procedures.

BC(2)1-06(p13) & BC(2)1-06(p16)

4.6 The Business Committee noted the e-mail and letter about the use of the Executive procedure for The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2005.

BC(2)1-06(p17)

4.7 The Business Committee noted the letter about the use of the Executive procedure for The Food Hygiene (Wales) (No 2) Regulations 2005. It was noted that the Regulations provided for the application of a series of five EU Commission measures relating to food hygiene, but there had been a delay because the measures had yet to be published in the Official Journal of the European Communities.

BC(2)1-06(p18)

4.8 The Business Committee noted the letter on the use of the Executive procedure for The Foot and Mouth Disease (Wales) Order 2006 and the Foot and Mouth Disease (Control of Vaccination) (Wales) Regulations 2006. It was noted that a Plenary debate on the Regulations had been postponed from 10 January until 31 January because of a delay in receiving final drafts of the legislation from Defra. Kirsty Williams said that the Environment, Planning and

Countryside Committee had scrutinised an earlier draft of the Foot and Mouth Disease (Control of Vaccination) (Wales) Regulations 2006 and said that it would be appropriate for the Committee to be notified if any changes had been made in subsequent drafts. Kirsty Williams referred to the consultation process and asked if such letters could include information about where the results could be found.

(d) Papers for Information

BC(2)01-06(p14)

4.9 The Business Committee noted the e-mail about the Minister for Social Justice and Regeneration's intention to confirm the City and County of Cardiff (Land Fronting 64 Heritage Park And Car Parking Space, St.Mellons, Cardiff) (Supplementary) Compulsory Purchase Orders 2005.

5. Committees

BC(2)01-06(p19)

5.1 The Committee considered the paper on the selection of public appointments panel members for subject committees. The Committee agreed to return to this issue in its next meeting following consultation with groups.

6. Forthcoming Business

BC(2)33-05(p9)

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

- A statement on the Chancellor of the Exchequer's pre-budget statement and its implications for Wales had not been scheduled, as the issues had been discussed during the debate on the final budget on 7 December.
- The First Minister had made a statement on 7 December on the EU Council Meeting/European Budgets discussions and the implications for Wales.
- The Minister for Economic Development and Transport had responded to an urgent question on the possible job losses within the Trinity Mirror Group on 6 December. There was no intention to schedule a debate on the media market in Wales.
- The Minister for Health and Social Services had issued a written statement on NHS Trust Finances on 11 November.
- There was no intention to make a statement on the Report of the Turner Commission, as this was not a devolved matter. However, she would discuss the issue further in the new term.
- A debate on the Wales Bill would be scheduled early in the new year.

- A debate on the poverty gap in Wales would be scheduled early in the New Year.
- There was no intention of scheduling a statement on the rehabilitation centre for sex offenders located on Ynys Mon, as this was not a devolved matter.

This Week's Business

BC(2)01-06(p10)

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

6.3 The Business Minister said that no motions to approve The Foot and Mouth Disease (Wales) Order 2006 and The Foot and Mouth (Control of Vaccination) (Wales) Regulations 2006 had been tabled. She said that the debates had been scheduled for 10 January, but would be postponed until 31 January or 1 February.

Business Manager's Requests

6.4 Business Managers asked if a debate could be scheduled on the Arts Council for Wales. They said that this was a very important issue and that a statement by the Minister for Culture, Welsh Language and Sport would not be sufficient under the circumstances and that they could not support the draft Business Statement until a debate was scheduled, preferably for the following week.

Draft Business Statement - BC(2)01-06(p11)

6.5 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 17th January, 24th January and 31st January.

6.6 Business Managers noted that a debate on the Government of Wales Bill was scheduled for 31st January. The Business Minister said it was intended that the first Plenary in the new Chamber would take place on that date. Business Managers said that the timetable for consideration of the Bill should not be affected by other factors and an earlier debate was preferable.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

10. Presiding Officer rulings

11. Any other business.

11.1 The Business Minister circulated draft Terms of Reference for a

Committee on the Government of Wales Bill. The Business Minister said that, if Business Managers were content, a motion to suspend Standing Orders could be taken tomorrow in order to bring forward a motion to establish the Committee. It was agreed that Business Managers would discuss the proposals with the Business Minister out of Committee. Business Managers said it would be preferable if scrutiny of the Bill in the Assembly took place in three stages – an initial debate; scrutiny by a Bill Committee; and a final debate in Plenary at the end of the process. The Business Minister indicated that a debate would need to be scheduled to discuss the Government's response to the Bill Committee's recommendations.

CHAMBER SECRETARIAT