

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

MINUTES OF MEETING

Date: 18th January 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 Jonathan Morgan, Welsh Conservatives 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 David Melding. The Chair welcomed Jonathan Morgan who was representing him in accordance with Standing Order 13.3.

2. Minutes of the previous meetings

(i) BC581-04 (Final) Tuesday 7th December 2004

2.1 The minutes were presented to the Committee in their final format. As there were no comments, the minutes would be translated in readiness for publication. Action: Chamber Secretariat

(ii) BC(2)1-05 (draft minutes) - Tuesday 11th January

2.2 The minutes were presented to the Committee in draft. As there were no comments, the minutes would be translated in readiness for publication. Action: Chamber Secretariat

3. Matters Arising

BC581-04 (Tuesday, 7th December)

3.1 Paragraph 3.2 The Chair said that she had been informed that an urgent House Committee meeting was being held on the morning of 20th January. The Deputy Presiding Officer said that, as an executive committee, it was sometimes necessary for the House Committee to meet at short notice.

3.2 Paragraph 7.2 The Business Minister said she had asked to defer the paper on a proposed Standing Order relating to the Civil Contingencies Act 2004, to allow time for further consideration of the issues and for officials to be consulted. It was agreed that the Committee would return to the issue in its next meeting.

BC(1)2-05 (Tuesday 11th January)

3.3 Paragraphs 1.1 The Chair said she had written to Karen Sinclair to thank her for her contribution to the work of the Committee.

3.4 Paragraph 4.1 Marion Stapleton said that further consultation had not been required following changes to the Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2005 as the revised Regulations did not introduce any policy changes from the previous version.

4. Subordinate Legislation

Orders for consideration

The Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) (Wales) Regulations 2005 - BC(2)2-05 (p1)

The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2005 - BC(2)2-05 (p2)

The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2005 - BC(2)2-05(p3)

The Horse Passports (Wales) Regulations 2005 - BC(2)2-05(p4)

The Business Committee recommended the Accelerated procedure for BC(2)2-05 (p1), BC(2)2-05 (p2) and BC(2)2-05 (p3). The Committee recommended the Standard procedure for BC(2)1-05(p4). The Deputy Presiding Officer subsequently determined that none of these Orders need be referred to Subject Committee.

BC(2)2-05(p2)

4.1 The Deputy Presiding Officer said that the information about the consultation process provided in the Explanatory Memorandum and Regulatory Appraisal accompanying this draft Order was inconsistent. Alun Jenkins said that he would ensure that this was corrected. Business Managers said that they were content not to debate this draft Order in Plenary and recommended the Accelerated procedure.

BC(2)2-05(p3)

4.2 The Chair referred to the Regulatory Appraisal accompanying this draft Order, which said that

failure to introduce the Regulations "could lead to criticism". She said that, in fact, failure to introduce the Regulations would be a breach of Section 106 of the Government of Wales Act.

BC(2)2-05(p4)

4.3 The Deputy Presiding Officer said that the Regulatory Appraisal accompanying this draft Order listed the Assembly's two options as implementing the EU Commission Decision or doing nothing. He said that, as doing nothing would be illegal, it was not an option that could be considered and should not have been included. The Chair referred to a Report of the Environment, Planning and Countryside Committee which had been circulated in the meeting and which recommended rejection of the Regulations. The Committee noted that this was a contentious issue and sufficient time would need to be allocated to the debate on the Regulations. The Business Minister said she would consider timings and report back to the Committee in its next meeting. Action: Business Minister

(b) Standing Order 29 Subordinate Legislation

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

BC(2)2-05(p5)

4.4 The Business Committee noted the e-mail notifying Members of the use of the Executive procedure for CAP Single Payment Scheme (Set-Aside) (Wales) Regulations 2005. The Chair said that the e-mail did not set out clearly which procedures under Standing Order 24.27 were being disapplied and asked if, in future, this information could be made clearer.

(d) Papers for Information

5. Committees

BC(2)2-05(p10)

5.1 The Business Committee noted the paper from the Health and Social Services Committee on legislation identified for future scrutiny.

6. Forthcoming Business

BC(2)2-05(p6)

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

There was no intention to make a statement on redundancies at Trelleborg Bonded Seals, Newtown as this was a commercial matter for the company.

There was no intention to schedule a debate on the Gross Value Added figures in advance of the

debate on "A Winning Wales" which would be held later in the year. She said that the Minister for Economic Development and Transport would refer to this issue in the Winning Wales Report to the Economic Development and Transport Committee on 19th January.

The First Minister had made a statement on changes to the Cabinet on 11 January .

The Minister for Environment, Planning and Countryside had made a statement on Flooding in North Wales on 11 January.

The Minister for Health and Social Services would report back to the Health and Social Services Committee as soon as possible on a review of Bridgend Social Services Department following the incident where an elderly disabled woman was left unattended inside a minibus for several hours.

6.2 Jocelyn Davies said that she had requested a statement on the overpayment of tax credits. The Business Minister said that this was a matter for the Inland Revenue but that Huw Lewis, the Deputy Minister with responsibility for communities, was preparing a review on indebtedness which would be considered by the Social Justice and Regeneration Committee on 23rd February. The Minister said that she understood that the review would address this issue.

This Week's Business

BC(2)2-05(p7)

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

6.4 The Business Minister referred to the Business on Tuesday and said that she, and not Edwina Hart, would be making the statement on Mainstreaming Equality in her role as the Minister with responsibility for Equal Opportunities. The Deputy Presiding Officer asked if a list of the Cabinet's functions and responsibilities had been made available following the recent reshuffle. Marion Stapleton confirmed that the information would be made available shortly. The Chair noted that an additional Question Time would be required for the Minister's responsibilities other than for Business.

Business Managers' Requests

6.5 Kirsty Williams reiterated her request for the Minister for Health and Social Services to make a statement on his priorities and for a statement to be made on Local Government Indicators. She also asked if a debate could be scheduled on the Auditor General's report on NHS waiting times. Business Managers supported these requests.

6.6 Jocelyn Davies asked if a statement could be made on issues relating to ambulance services for the University of Wales Hospital in order to meet treatment time targets. She asked if debates could be scheduled on dentistry and on the Government's actions to reduce race crime in Wales.

6.7 The Business Minister referred to the request for a debate on the Auditor General's report on NHS waiting times and said that the Report would be considered by the Audit Committee in the first instance. She said that there would be opportunities to refer to the issues in the Conservative Minority Party debate on Health, which was due to take place later that day, and in the debate on the Second Offer scheme, which was scheduled for 26 January. Business Managers said they understood that the normal procedures had to be followed, but said that they would welcome a commitment for a debate in Government time in due course.

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 18th January, 25th January and 1st February.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

BC564-04

9.1 The Business Committee considered and agreed a paper on a proposed Standing Order to establish a Committee for the scrutiny of the First Minister. It was agreed that the Standing Order should be included alongside other proposed amendments to be considered in Plenary shortly.

BC(2)2-05(p9)

9.2 The Business Committee considered a draft Report of the Business Committee containing proposals to amend the following Standing Orders

Order of Business (Standing Order 6.12) The removal of the requirement for the Assembly to adopt Guidance on Motions and Amendments (Standing Order 6.14) Regional Committees (Standing Order 10) The establishment of a Committee to scrutinise the First Minister Proposals made by AMs for Subordinate Legislation (Standing Order 31)

9.3 The Chair referred to the proposed changes to Standing Orders relating to Regional Committees and said that consideration would need to be given to the date from which the proposed changes should take effect. The Committee agreed that it was desirable to minimise disruption of the Regional Committees' current arrangements. Karin Phillips said she would report back to the Committee on the current arrangements and would present recommendations for the implementation of the proposed changes. Action: Karin Phillips

9.4 The Chair referred to the proposed changes to Standing Order 31 and said that it would be desirable for the changes to take effect before the next ballot was held. She asked Andrew George to

report back on the position in the Committee's next meeting. Action: Andrew George

9.5 The Committee agreed that a bilingual version of the draft Report could be submitted to the Committee in its next meeting.

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT