

Business Committee BC(2)3-05 (Final minutes)

MINUTES OF MEETING

Date: 25th January 2005 Time: 9 a.m. Venue: Conference Room E

Present: Jenny Randerson (Chair) Jane Hutt, Business Minister Jocelyn Davies, Plaid Cymru Business Manager David Melding, Welsh Conservatives Business Manager Peter Black, Welsh Liberal Democrats John Marek, Deputy Presiding Officer

Dianne Bevan, Deputy 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 Kirsty Williams. The Chair welcomed Peter Black who was representing her in accordance with Standing Order 13.3. Apologies for absence were also received from Paul Silk. The Chair welcomed Dianne Bevan, who was deputising for him.

2. Minutes of the previous meetings

(i) BC(2)1-05 (Final) Tuesday 11th January 2005

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)2-05 (draft) - Tuesday 18th January 2005

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

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

3.1 Paragraph 3.2 Karin Phillips said she would like to defer the paper on timings for subject committee debates, which was due to return to the Business Committee on 1st February, so that it

could be considered by the Panel of Chairs on 22nd February. The Business Committee agreed to return to the issue at its meeting on 1 March.

BC(2)2-05 (draft - 18th January)

3.2 Paragraph 7.2 The Business Minister said she had consulted the Minister for Environment, Planning and Countryside on the timings for the debate on the Horse Passports (Wales) Regulations 2004. She said that the Minister was content with the allocation of 30 minutes for the debate, as there had been extensive discussion of the Regulations in the Environment, Planning and Countryside Committee. Business Managers said that this was a contentious issue and that many Members might wish to speak in the debate. The Deputy Presiding Officer said that, in managing the debate, the Chair would have regard to the number of Members wishing to speak and that the debate could run on.

3.3 Paragraphs 6.4 The Business Minister said that an outline list of the Cabinet's responsibilities following the reshuffle would be circulated shortly. In response to a query, the Minister said that the relevant functions had yet to be delegated from the First Minister.

3.4 Paragraph 9.4 Andrew George said that the next Standing Order 31 ballot had been due to take place on 20th January. However, the Presiding Officer had agreed to defer the ballot on the understanding that the proposed amendments to Standing Order 31 would be considered in Plenary soon.

4. Subordinate Legislation

Orders for consideration

The Contaminants in Food (Wales) Regulations 2005 - BC(2)3-05 (p1)

The Town and Country Planning (Blight Provisions) (Wales) Order 2005 - BC(2)3-05(p2)

The Care Standards Act 2000 (Commencement No. 21) Order 2005 - BC(2)3-05(p3)

The Salmonella in Laying Flocks (Survey Powers) (Wales) Regulations 2005 - BC(2)3-05(p4)

The Diseases of Animals (Approved Disinfectants) (Amendment) (Wales) Order 2005 - BC(2)3-05 (p5)

The Food Safety (General Food Hygiene) (Amendment) (Wales) Regulations 2005 - BC(2)3-05(p6)

The National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc.) (Wales) (Amendment) Regulations 2005 - BC(2)3-05(p7)

The Business Committee recommended the Accelerated procedure for all of the draft Orders. The

Deputy Presiding Officer subsequently determined that none of the Orders need be referred to Subject Committee.

4.1 Members of the Business Committee commented on drafting errors in some of the draft Orders. Alun Jenkins agreed that the errors would be amended.

BC(2)3-05(p1)

4.2 The Chair referred to the Regulatory Appraisal accompanying this draft Order, which said that the option of doing nothing was available to the Assembly. She said that this was not the case because the Regulations implemented an EC Directive. Alun Jenkins said that the option to "do nothing" was included in compliance with Assembly Guidance. The Chair asked if the guidance could be changed so that, in similar circumstances in the future, the Regulatory Appraisal could make it clear that to "do nothing" was not an option. The Deputy Presiding Officer said that the Regulatory Appraisal referred to "National Action Levels" and asked if an explanation could be included about what this meant.

BC(2)3-05(p2)

4.3 Peter Jones referred to the Regulatory Appraisal accompanying this draft Order, which said that "doing nothing is not an option". He said that, in this case, the option of doing nothing, i.e. not introducing the Regulations, was available to the Assembly.

BC(2)3-05(p3)

4.4 The Chair said referred to the Explanatory Note accompanying this draft Order, which listed extensive information about commencement orders made in relation to England, but provided little information about legislation which had been made in relation to Wales. The Deputy Presiding Officer referred to the Explanatory Memorandum accompanying this draft Order which said that the Order would be "made jointly by the Secretary of State for Health and the National Assembly for Wales". He said that the Explanatory Memorandum should explain why the Order was required to be made jointly.

BC(2)3-05(p5)

4.5 The Chair referred to the Cover Sheet, which said that the draft Order came under the "Routine" category. She said that this was not a category which had been agreed by the Committee. Peter Jones referred to paragraph 3 of the Explanatory Memorandum, which said that "All functions under this section of the Act are joint functions of the National Assembly for Wales and the Secretary of State". He said that this was incorrect and that all Animal Health functions had been transferred to the Assembly. The Deputy Presiding Officer referred to paragraph 7 of the Explanatory Memorandum which said that "implementation of the order in Wales has been delayed as the keyed Regulations were not available from Defra until November 2004." He asked why it had been necessary to wait for Defra. The Business Minister said she would report back on this issue. Action: Business Minister

BC(2)3-05(p6)

4.6 The Chair referred to the Explanatory Memorandum accompanying this draft Order, which said that the Regulations in England had come into force on 30 July 2004; in Northern Ireland on 30 July and in Scotland on 7 October. In response to a query, Alun Jenkins said that the delay in bringing the Regulations forward in Wales had been caused by staff shortages in the Food Standards Agency.

(b) Standing Order 29 Subordinate Legislation

BC2(3)-05(8)

4.7 The Committee noted the e-mail notifying Members about the Minister for Health and Social Services' intention to approve Directions to Dental Practice Board for verification of Patient claims and recovery of charges and penalty charges. The Committee noted with approval that the e-mail set out clearly which procedures under Standing Order 29.3 were being disapplied. The Deputy Presiding Officer asked if the reasons for the disapplication of the procedures could be made clearer in the e-mail.

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

(d) Papers for Information

5. Committees

BC(2)2-05(p9)

5.1 The Business Committee considered a paper outlining options for arrangements for the rotation of Regional Committee Chairs for the remainder of the Second Assembly. It was agreed that Business Managers would consult their groups and return to the issues in the Committee's next meeting.

6. Forthcoming Business

BC(2)2-05(p10)

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

The new dental contract was still being negotiated and a debate would be scheduled in due course. In the meantime, the Minister for Health and Social Services would keep the Health and Social Services Committee informed of progress.

A debate on the Auditor General's Report on Waiting Times would be scheduled in due course.

A debate on reducing race related crimes in Wales could be scheduled after the Easter Recess.

There was no intention of scheduling a statement on the 8 ambulances waiting outside University Hospital Wales. A television programme had used footage which had been filmed last October, as part of a programme on binge drinking, and this had caused a false impression.

There was no intention of scheduling a statement on Local Government Indicators in advance of the debate on the Local Government (Best Value Indicators) Wales Order, which had been considered by the Local Government and Public Services Committee on 19 January and would be considered in Plenary in early March.

There was no intention of scheduling a statement on the Health Minister's priorities as debates had been held on the Welsh Assembly Government's health policies on 18 January and the Second Offer Scheme on 26 January.

6.2 Jocelyn Davies referred to her request for a statement on the ambulance services for the University Hospital Wales, following a recent television programme. She said that if the Minister felt that the programme was misleading, the Government should take up the issue with the programme makers. She said that members of the Welsh public could have seen the programme and that a statement could assuage any concerns.

This Week's Business

BC(2)2-05(p11)

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

6.4 The Chair referred to the motion to elect Members to the Audit Committee, which had been scheduled for 25 January, and said that an amendment had been tabled by the Business Minister. She said that the Business Committee should have been consulted on the proposed membership of Committees so that potential problems could be identified. The Business Minister said that the Business Committee had been consulted in accordance with Standing Order 8.4.

Business Managers' Requests

6.5 Jocelyn Davies asked if statements could be made on the costs of free school breakfasts and on the reported job losses at the SONY factory in Bridgend. She asked if a debate could be scheduled on rising Accident and Emergency admissions.

6.6 Peter Black said he supported these requests and also requested a statement on the application of Equal Opportunities policies to ASPB appointments.

6.7 David Melding asked if a debate on the merger of some ASPBs could be rescheduled following the recent debate which had been cut short. He asked if statements could be scheduled on free school breakfasts and on Accident and Emergency provisions. He also asked if an oral statement could be scheduled on the role of a Minister for Children following a recent Written statement.

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 1st February, 8th February and 22nd February.

7. Advice to Assembly on procedures

8. Matters referred from plenary

BC(2)3-05(p13)

8.1 The Business Committee considered a letter from the Presiding Officer relating to a Point of Order raised in Plenary on 19th January. The Chair said that the Point of Order referred to Standing Order 19, which dealt with access to documents, and its status in the light of the new code of practice on access to information and the recent coming into force of the Freedom of Information Act 2000. She said that the Presiding Officer had said in his ruling that Standing Order 19 should be amended to reflect the position following the introduction of the new legislation. It was agreed that a paper exploring the issues would be prepared by APS, in consultation with the Business Unit, and submitted to the Committee on 22nd February. Action: APS and Marion Stapleton

9. Revisions to Standing Orders

BC580-04

9.1 The Business Committee noted the paper on a proposed Standing Order to allow the Assembly to meet in any case of a civil emergency. The Business Minister asked if consideration of this paper could be deferred to allow for further consultation. The Chair said that the paper sought the Committee's views on whether there should be provisions in such a Standing Order to allow Ministers to make legislation without the need to recall the Assembly. Members of the Committee said that it would be desirable to incorporate "sunset clauses" in the proposals. The Deputy Presiding Officer said that there should be a proviso that any legislation made in such circumstances should relate to the emergency. Jocelyn Davies said that the proposals allowed for only a Minister to propose emergency regulations. She said that more flexibility could be desirable and suggested that any Member could move such a motion. In response to a query, Andrew George said that draft Standing Orders would be submitted to the Committee bilingually in future. The Committee agreed to return to this issue on 22nd February.

BC(2)2-05(p15)

9.2 The Business Committee considered and agreed 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 It was agreed that a debate on the proposals would be scheduled as soon as possible.

10. Presiding Officer rulings

10.1 The Business Committee considered an excerpt from the Record of Proceedings of 19 January, which contained a statement by the Presiding Officer responding to points of order relating to the Auditor General's Reports and the Government's responses to them. The Business Minister reiterated her commitment that a debate on the Report in Government time would take place as soon as possible after the end of the Audit Committee process. She suggested that a paper exploring the issues could be prepared by the Business Unit, in consultation with APS and the Audit Committee. The Business Committee welcomed this suggestion. It was agreed that the paper would be submitted to the Committee on 22nd February for consideration. Karin Phillips said that the Audit Committee had brought forward the date for discussing its report to the 21st April. Action: Marion Stapleton

11. Any other business.

11.1 The Business Committee noted a letter from Nick Bourne to the Presiding Officer, which had been circulated in the meeting at the Presiding Officer's request. The Chair said that the letter referred to the debate on the ASPB merger, which had taken place on 19th January, and the availability of a document which might have been relevant. The Business Minister said she would consider the issues which had been raised. The Committee agreed to return to the issue on 8th February.

CHAMBER SECRETARIAT