

Business Committee BC(2)6-05 (Final minutes)

MINUTES OF MEETING

Date: 22nd February 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 Kirsty Williams, Welsh Liberal Democrats Business Manager 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

2. Minutes of the previous meetings

(i) BC(2)4-05 (Final minutes) Tuesday 1st February 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)5-05 (draft minutes) - Tuesday 8th February 2005

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

3. Matters Arising

BC(2)3-05 (Tuesday, 25th January)

3.1 Paragraph 8.1 The Chair said that it had been agreed that a paper exploring issues relating to Standing Order 19 in the light of the Freedom of Information Act would be submitted to the Committee on 22nd February. She said that Marion Stapleton and Paul Silk had requested that the paper be deferred for two weeks to allow for further consultation with officials. The Committee was content with this proposal. Action: Marion Stapleton and Paul Silk

3.2 Paragraph 9.1 The Chair said that the Committee had agreed to return at this meeting to the issue of a proposed Standing Order to allow the Assembly to meet in any case of a civil emergency. Paul Silk said that he hoped to submit a paper to the Committee very shortly. Action: Paul Silk

3.3 Paragraph 10.1 The Chair said that it had been agreed that a paper exploring issues relating to the Auditor General's Reports and the Government's responses to them would be submitted to the Committee on 22nd February. The Business Minister referred to the Auditor General's recent report on the NHS and said that it would be considered by the Audit Committee in the first instance in accordance with the normal procedures. She said that a Plenary debate on the report would be scheduled after Easter. Jocelyn Davies said she understood that Ministers could not comment on the reports themselves until the normal procedures had been completed, but that this did not prevent them from commenting on issues raised in the reports. The Business Minister said that it was natural that issues raised in reports by the Auditor General would be discussed by the Assembly. In response to a query, the Business Minister said she would remind Cabinet colleagues of the issue.

BC(2)3-05 (Tuesday, 8th February)

3.4 The Chair referred to the debate on The Horse Passports (Wales) Regulations 2005, which had taken place on 8th February. She said that there had been some confusion among Members because the structure of the debate had been more complicated than usual because a number of amendments had been tabled to both the motion to approve the principle and to the Order itself. She said that in future, Assembly Members would be notified in advance about the way such debates would be structured. Business Managers said that a consistent approach was important. The Chair also said that an amendment to the Order itself had been deselected by the Presiding Officer and reminded Business Managers that Table Office could provide advice to Members on the content of amendments if given enough notice.

4. Subordinate Legislation

Orders for consideration

The Animals and Animal Products (Import and Export) (Wales) Regulations 2005- BC(2)6-05 (p1)

The Marketing of Fruit Plant Material (Amendment) (Wales) Regulations 2005 - BC(2)6-05 (p2) -
WITHDRAWN AND NOT DISCUSSED

The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2005 - BC
(2)6-05 (p4)

& Report by the Health and Social Services Committee - BC(2)6-05(p17)

The Public Audit (Wales) Act 2004 (Commencement No. 2 and Transitional Provisions and Savings)
Order 2005 - BC(2)6-05(p5)

The Care Standards Act 2000 (Relevant Registers of Social Workers) Regulations 2005- BC(2)6-05

(p6) Standing Order 25, Section 3

The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005 - BC(2)6-05(p7)

The Business Committee recommended the Accelerated procedure for BC(2)6-05 (p1); BC(2)6-05 (p5) and BC(2)6-05(p7). The Committee recommended the Standard procedure for BC(2)6-05(p4). The Deputy Presiding Officer subsequently determined that none of the Orders need be referred to Subject Committee.

4.1 The Deputy Presiding Officer informed the Committee of a number of drafting errors in the papers accompanying these items of legislation. It was agreed that the papers would be amended accordingly.

BC(2)5-05 (p4)

4.2 The Business Committee considered this draft Order and noted the report by the Health and Social Services Committee on its consideration of the Order. The Business Minister referred to Annex A of the Explanatory Memorandum, which had the title "Minutes of Health and Social Services Committee on 2 February in relation to this instrument". She said that the annex actually contained a synopsis of the minutes rather than the minutes themselves. Alun Jenkins said that the Minister for Health and Social Services had determined, in accordance with Section 66(4) of the Government of Wales Act and Standing Order 24.2, that it was inappropriate and not reasonably practicable in the circumstances for the draft to be in both languages.

BC(2)5-05(p5)

4.3 The Chair said that this draft Order had not been considered by the ad hoc Committee which had been established to discuss the Public Audit (Wales) Bill. Jocelyn Davies asked if it was possible to refer legislation arising from the Bill to the Audit Committee. Paul Silk confirmed that consideration of draft legislation was outside the Audit Committee's terms of reference as set out in Standing Order 12, and that another ad hoc committee would have to be established. The Chair suggested that, where appropriate, the Local Government and Public Services Committee could consider legislation arising from the Bill.

(b) Standing Order 29 Subordinate Legislation

BC2(6)-05(p8)

4.4 The Business Committee noted the e-mail of notification about the Minister for Social Justice and Regeneration's intention to approve The Disposals Levy (Deduction) (Amendment) (Wales) Determination 2005.

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

BC(2)6-05(p9)

4.5 The Business Committee noted the e-mail of notification about The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) (Amendment) Regulations 2005.

BC(2)6-05(p10)

4.6 The Business Committee noted the letter of notification about The Central Rating List (Wales) (Amendment) Regulations 2005. The Chair asked why the notification requirement in Standing Order 24.2 had been disapplied. Alun Jenkins said that the draft Regulations had yet to be finalised. It was noted that the Regulations were scheduled to be debated in Plenary on 1st March.

(d) Papers for Information

BC(2)6-05(p11)

4.7 The Business Committee noted The Public Audit (Wales) Act 2004 (Transfer of Property, Rights and Liabilities of the Audit Commission for Local Authorities and the National Health Service in England and Wales) Order 2005 & The Public Audit (Wales) Act 2004 (Transfer of Property, Rights and Liabilities of the Comptroller and Auditor General) Order 2005, which were due to be considered by the Assembly under Standing Order 26. The Chair asked if, in future, a Cover Sheet could be submitted alongside such Orders. The Committee noted that a Regulatory Appraisal had not been prepared. Alun Jenkins said that the decision was a matter for the Secretary of State, and was subject to the guidance relating to Regulatory Impact Assessments.

5. Committees

BC(2)3-05(p9) & BC(2)5-05(p12)

5.1 The Business Committee considered a revised paper on arrangements for Charing Regional Committees and draft Guidance relating to those arrangements. Kirsty Williams and David Melding reiterated that they had been content with the arrangements in the First Assembly. The Committee agreed to return to the issue on 1st March. The Chair suggested that Business Managers should meet to discuss the issue informally prior to the meeting.

BC(2)6-05(p13)

5.2 The Business Committee noted the letter from Chair of Environment, Planning and Countryside Committee about Committee consideration of forthcoming legislation.

BC(2)6-05(p18)

5.3 The Business Committee considered and approved a request from the Social Justice and Regeneration Committee to hold an additional meeting on 10th March.

6. Forthcoming Business

BC(2)4-05(p11)

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

The Minister for Health and Social Services had answered an urgent question on Accident and Emergency pressures in District General Hospitals throughout Wales in Plenary on 8th February.

A debate on the Clywch Inquiry was scheduled time for 16th March.

There was no intention to schedule a statement on capping Local Government and Police Authorities at this point. The Minister for Finance, Local Government and Public Services had issued a written statement on this issue to members on 3rd February and had written to the Chair of the Local Government and Public Services Committee setting out the draft principles on which she was consulting unitary and police authorities. The consultation was due to end on 17th February and she would not wish to anticipate the outcome of the consultation. The next stage would be to consider the responses to consultation and, if necessary, seek the formal agreement of the Assembly in Plenary to the principles.

A debate on the OFCOM Report was scheduled for 8th March.

This Week's Business

BC(2)4-05(p15)

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

6.3 David Melding said that the indicative time of 45 minutes was insufficient for the debate on the Chief Medical Officer's Report later that day. He said that the Assembly should consider meeting on Thursday mornings so that adequate time could be devoted to debates on these types of report. Business Managers agreed that there should be a review of the use of Plenary time more generally.

6.4 David Melding said that it was unfortunate that the ballot winner had not tabled a topic for the short debate on Wednesday and that another Member had been unable to do so instead. The Business Minister said that she would be informing her group that she was unhappy with the situation and that she had no intention of encouraging Members not to table topics for Short Debates in order to accommodate more Government business. Business Managers thanked her for this assurance.

Business Managers' Requests

6.5 Jocelyn Davies requested a statement on angiogram services in north Wales hospitals and a debate on public services in rural areas. Kirsty Williams requested a written statement on products

containing Sudan 1 dye. David Melding requested debates on managing school places; the effect of the hunting ban on the Welsh economy; and Technical Advice Note 8: Renewable Energy.

Draft Business Statement

6.6 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 1st March, 8th March and 15th March.

7. Advice to Assembly on procedures

8. Matters referred from plenary

9. Revisions to Standing Orders

BC(2)5-05(p17)

9.1 The Business Committee considered a paper on proposed amendments to Standing Orders relating to the Assembly's standards of conduct arrangements. The Business Minister said that her group was content with the proposed amendments to Standing Orders but she had some issues which she wanted to clarify about the Standards of Conduct Committee's complaints procedure which had been attached to the paper for information. It was agreed that the Business Minister would discuss these issues with the Chair of the Standards Committee separately. Business Managers said that they hoped that the Business Minister's concerns would not jeopardise Assembly approval of proposals which had been agreed unanimously by the Standards Committee.

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT