

# **HEALTH AND COMMUNITY CARE COMMITTEE**

Wednesday 27 March 2002  
*(Morning)*

Session 1

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## HEALTH AND COMMUNITY CARE COMMITTEE

### 9<sup>th</sup> Meeting 2002, Session 1

#### CONVENER

\*Mrs Margaret Smith (Edinburgh West) (LD)

#### DEPUTY CONVENER

\*Margaret Jamieson (Kilmarnock and Loudoun) (Lab)

#### COMMITTEE MEMBERS

\*Bill Butler (Glasgow Anniesland) (Lab)

Dorothy-Grace Elder (Glasgow) (SNP)

\*Janis Hughes (Glasgow Rutherglen) (Lab)

\*Mr John McAllion (Dundee East) (Lab)

\*Shona Robison (North-East Scotland) (SNP)

\*Mary Scanlon (Highlands and Islands) (Con)

\*Nicola Sturgeon (Glasgow) (SNP)

\*attended

#### WITNESSES

James Douse (Scottish Executive Environment and Rural Affairs Department)

Kate Kerr (Scottish Executive Environment and Rural Affairs Department)

#### CLERK TO THE COMMITTEE

Jennifer Smart

#### SENIOR ASSISTANT CLERK

Peter McGrath

#### ASSISTANT CLERK

Michelle McLean

#### LOCATION

Committee Room 4



## Scottish Parliament

### Health and Community Care Committee

Wednesday 27 March 2002

(Morning)

[THE CONVENER opened the meeting at 10:01]

### Items in Private

**The Convener (Mrs Margaret Smith):** Good morning, everybody. Welcome to this morning's Health and Community Care Committee meeting. We have received apologies from Dorothy-Grace Elder.

Agenda item 1 is a suggestion that items 4 and 5 should be discussed in private. Agenda item 4 is consideration of a draft report on fuel poverty and agenda item 5 on the budget process will include consideration of possible witnesses. Is it agreed that we will discuss those items in private?

**Members indicated agreement.**

## Subordinate Legislation

### Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment Regulations 2002 (SSI 2002/87)

**The Convener:** We move on to agenda item 2, which is subordinate legislation. I suggest that we deal with the third instrument first, because officials are here to deal with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Amendment Regulations 2002 (SSI 2002/87). Do any members of the committee want to make any points about the regulations?

**Mary Scanlon (Highlands and Islands) (Con):** Are our visitors satisfied that the imported meat meets the hygiene and inspection standards that apply in this country? Are they satisfied that hygiene, processing and inspection in our country are adequate for reaching the quality standards that we expect?

**James Douse (Scottish Executive Environment and Rural Affairs Department):** I will first apologise, because I represent animal health and welfare, which has no input into the legislation that is under discussion. The general subject of import controls is being examined by the Department for Environment, Food and Rural Affairs and SEERAD. We will come up with a consolidated policy and we will examine imports, particularly post foot-and-mouth disease. If you want a more substantial reply, I can provide one in consultation with my colleagues at the Food Standards Agency Scotland.

**Mary Scanlon:** Are you saying that you are pressing a matter of concern?

**James Douse:** Yes.

**Mary Scanlon:** Thank you.

**The Convener:** It would be helpful to the committee if you could provide us with a response in writing. I appreciate that the reason you were called to the committee this morning was because a member had intimated that they had specific questions that were of relevance to you. Unfortunately, the member concerned is not with us this morning so we cannot ask the questions that she intended to ask.

**Mary Scanlon:** Could I ask for a response to the second point that I raised?

**James Douse:** Sorry. What was your second point?

**Mary Scanlon:** Are you satisfied that the means of processing, hygiene and inspection in Scotland

are up to the standards that you expect?

**Kate Kerr (Scottish Executive Environment and Rural Affairs Department):** As the veterinary adviser I wear two hats, in that I am veterinary adviser to the agricultural department and to the health department in the Food Standards Agency. Within that remit, the structure of inspection is such that the Meat Hygiene Service carries out that function for the Food Standards Agency. The official veterinary surgeon is the person responsible within an abattoir, a cutting plant and a cold store for ensuring that conditions and standards are met that are set by directive and which we have transposed into the fresh meat regulations and poultry meat regulations.

Premises must be licensed under the auspices of the FSA. There are conditions for that, which must be checked. There is a multi-tiered system in that, on a day-to-day basis, the official veterinary surgeon is responsible for overseeing the meeting of all the conditions. He, in turn, is overseen by a principal official veterinary surgeon, who is responsible for an area within Scotland. There are five principal official veterinary surgeons in Scotland. There is another tier in that there is a veterinary meat hygiene adviser who audits the system. Daily checks of premises take place. That is audited at intervals by a POVS and further audited by the veterinary meat hygiene adviser. Those audits are put into the annual report of the Meat Hygiene Service.

**Mary Scanlon:** Is the system adequately policed, monitored and regulated?

**Kate Kerr:** It is very heavily regulated and monitored. Lots of checks and balances exist in the system.

**The Convener:** The Subordinate Legislation Committee has made no comments and no motion to annul has been lodged, so I recommend that the committee make no recommendation in relation to the instrument. Is that agreed?

*Members indicated agreement.*

**The Convener:** I thank Kate Kerr and James Douse for coming along this morning. We will receive more information from you in writing.

**National Assistance  
(Sums for Personal Requirements) (Scotland)  
Regulations 2002 (SSI 2002/85)**

**The Convener:** We return to the first instrument under agenda item 2, which is the National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2002 (SSI 2002/85). No comments have been received from members, the Subordinate Legislation Committee has made no comments and no motion to annul has been lodged. I recommend that the committee make no

recommendation in relation to the instrument. Is that agreed?

*Members indicated agreement.*

**National Health Service  
(Optical Charges and Payments) and  
(General Ophthalmic Services) (Scotland)  
Amendment Regulations 2002  
(SSI 2002/86)**

**The Convener:** The second instrument is the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Scotland) Amendment Regulations 2002 (SSI 2002/86). No comments have been received from members, the Subordinate Legislation Committee has made no comments and no motion to annul has been lodged. I recommend that the committee make no recommendation in relation to the instrument. Is that agreed?

*Members indicated agreement.*

**National Health Service  
(General Dental Services and Dental  
Charges) (Scotland) Amendment  
Regulations 2002 (SSI 2002/99)**

**The Convener:** The fourth instrument is the National Health Service (General Dental Services and Dental Charges) (Scotland) Amendment Regulations 2002 (SSI 2002/99). No comments have been received from members. The Subordinate Legislation Committee has asked the Executive to prioritise consolidation of the regulations, as it does from time to time, but no motion to annul has been lodged. The recommendation is that the committee make no recommendation in relation to the instrument. Is that agreed?

*Members indicated agreement.*

**National Health Service  
(Charges for Drugs and Appliances)  
(Scotland) Amendment Regulations 2002  
(SSI 2002/100)**

**The Convener:** The fifth instrument is the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2002 (SSI 2002/100). No comments have been received from members, the Subordinate Legislation Committee has made no comments and no motion to annul has been lodged. The recommendation is that the committee make no recommendation on the instrument. Is that agreed?

*Members indicated agreement.*

## **NHS Education for Scotland Order 2002 (SSI 2002/103)**

**The Convener:** The sixth instrument is the NHS Education for Scotland Order 2002 (SSI 2002/103). No comments have been received from members, the Subordinate Legislation Committee has made no comments and no motion to annul has been lodged. The recommendation is that the committee make no recommendation in relation to the instrument. Is that agreed?

**Members indicated agreement.**

## **Scottish Council for Postgraduate Medical and Dental Education and NHS Education for Scotland (Transfer of Staff) Regulations 2002 (SSI 2002/105)**

**The Convener:** The seventh instrument is the Scottish Council for Postgraduate Medical and Dental Education and NHS Education for Scotland (Transfer of Staff) Regulations 2002 (SSI 2002/105). No comments have been received from members, the Subordinate Legislation Committee has made no comments and no motion to annul has been lodged. The recommendation is that the committee make no recommendation in relation to the instrument. Is that agreed?

**Members indicated agreement.**

## **National Health Service (General Medical Services and Pharmaceutical Services) (Scotland) Amendment Regulations 2002 (SSI 2002/111)**

**The Convener:** The eighth instrument is the National Health Service (General Medical Services and Pharmaceutical Services) (Scotland) Amendment Regulations 2002 (SSI 2002/111). No comments have been received from members. The Subordinate Legislation Committee has made some minor points, which it has raised with the Executive, but no motion to annul has been lodged. The recommendation is that the committee make no recommendation in relation to the instrument.

Is that agreed?

**Members indicated agreement.**

## **Local Government Covenant**

**The Convener:** Agenda item 3 is the covenant between local government and the Scottish Parliament. All relevant subject committees have been asked to examine the document. I bring to the committee's attention the following points that were made by the Enterprise and Lifelong Learning Committee, which states:

"The Committee welcomes the development of the Covenant. It is aware of the creative tension that exists in the relationship between the Parliament and local government in the post-devolution settlement, and believes that the Covenant is a welcome step forward in addressing some of these issues.

The Committee would like to emphasise that it would wish to continue to consult with individual councils as well as COSLA in its work. This is particularly important as COSLA's membership is, of course, not currently comprehensive.

The Committee also recognises that the Parliament's representation of the Standing Joint Conference will need to be carefully elaborated."

The draft document states simply that there will be 16 representatives from Parliament, but it does not elaborate on who those representatives should be. There might be some debate about that representation. I think that the draft document suggests only that the Parliament's representation might consist of 16 conveners. It could be argued that there should be parliamentary representation from outwith committees. I am open to colleagues' comments, which we can feed back to the Local Government Committee.

**Mr John McAllion (Dundee East) (Lab):** First, I would like some information—I do not know whether members can help me. Paragraph 8 on page 3 of the draft document refers to

"The European Charter of Local Self Government."

That paragraph also states that the "principle of subsidiarity" underlies that charter, which the United Kingdom Government has apparently signed. However, to do so runs counter to the principle of Westminster's sovereignty that is enshrined in the Scotland Act 1998. I wonder whether anyone could enlighten me about whether the charter now takes precedence over the principle of Westminster's sovereignty and whether subsidiarity—at last—is here to stay. I hope that that is the case.

I have two other comments. I noticed in the draft document that the Local Government Committee will have reciprocal observer status with the Convention of Scottish Local Authorities. I wonder whether there is scope for other committees having such reciprocal observer status. For example, the Health and Community Care Committee could do so for discussion on such

matters as the joint future and the Mental Health Act 1983. A COSLA representative could come to our committee meetings, and we could be represented at COSLA meetings.

My final comment concerns how we define who should represent Parliament in the standing joint conference. We should have more information about that important issue.

**The Convener:** There is a question about who will have ownership of the choice of Parliament's representatives. Will parliamentary officials or committees make that choice? Could there be a role in that process for business managers, who are linked to parties but whose job it is to ensure that the business of the Parliament gets done? Ownership is important.

We could have an interesting discussion about the subsidiarity issue to which John McAllion referred. I cannot give him a definitive decision on the matter and I do not know whether other members can do so. However, we can ask for clarification on the issue, or at least raise it.

**Mary Scanlon:** I understand that some councils are not members of COSLA. I do not know what the latest membership figure is. An agreement with local government should surely include all local government in Scotland and not only local authorities that are COSLA members.

**The Convener:** The Enterprise and Lifelong Learning Committee also made that point.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** It would be difficult to achieve the inclusion to which Mary Scanlon referred. COSLA's representatives on the standing joint committee will not represent each COSLA member. However, local authorities that are not COSLA members would want direct representation on the standing joint committee. We must be careful about how we deal with that.

John McAllion referred to representation of parliamentary committees on the standing joint conference. There should be a representative from each committee whose work is relevant to work that local government undertakes. That should be the case particularly for relevant matters such as community care. I am not suggesting which committees should be represented, but other committees might not share the Health and Community Care Committee's interest in community care.

**The Convener:** I believe that COSLA has sub-committees on specific issues. We have had contact on community care issues with the chairpersons of COSLA sub-committees. It might be worth investigating what those sub-committees are and assessing whether there might be links between them and parliamentary committees.

There would be links to this committee, which has a strong link to a matter with which local government deals. The Education, Culture and Sport Committee and the Local Government Committee will have similar strong links.

**Nicola Sturgeon (Glasgow) (SNP):** I do not know the answer to the question that Mary Scanlon asked about councils that are not COSLA members, but we must ask it. Currently, Scotland's biggest local authority and its smallest mainland local authority are not COSLA members.

**Margaret Jamieson:** By choice.

**Nicola Sturgeon:** Sorry?

**Margaret Jamieson:** They are not members by choice.

**Nicola Sturgeon:** There are complicated reasons why that is the case, which could be discussed; however, it is a fact that those authorities are not COSLA members. An arrangement that excludes those local authorities would be of dubious worth. I do not know the answer to the problem, but we should raise the question of how those councils' interests will be protected under the arrangement for a standing joint conference.

**The Convener:** The Enterprise and Lifelong Learning Committee emphasised that it wanted to continue to consult individual councils and COSLA. Such a practice would be relevant to this committee in two areas. For example, if a council that was not a COSLA member were doing innovative work, it would be unreasonable if we could not ask the council about that work. For the sake of argument, if Perth and Kinross Council were doing a pilot project on community care, it would be useful for us to talk to the council about that pilot. If a council is outwith COSLA, we must be able to ask that council to give evidence to the committee about what it is doing.

**Mary Scanlon:** Councils that represent in total half the population of Scotland would be excluded from the standing joint conference.

**The Convener:** The second point is that committees sometimes want input from all councils. That is particularly the case with the Local Government Committee on issues such as local taxation. It would cause difficulties if we could not have direct contact with all councils.

**Nicola Sturgeon:** I agree. We must make that point. It would be fine to have an arrangement that does not exclude direct relationships with individual councils. However, I am concerned about institutionalising a relationship with an organisation—COSLA—that represents fewer and fewer of Scotland's local authorities. I am not being political—there is a danger in doing that.



**The Convener:** Would members be happy to sign up to the kind of approach that the Enterprise and Lifelong Learning Committee has taken on the matter, which probably covers the issues that Nicola Sturgeon raised? We must acknowledge COSLA's role, but there should be scope for us to contact councils directly.

**Mr McAllion:** I have a question on a different matter. The standing joint conference will meet twice a year and will normally consider whether the relationship between Parliament and local government is working. However, policy issues might arise during those meetings. I wonder whether Parliament's representation could be ad hoc rather than fixed, according to the subject that was being discussed. For example, if a health subject were being discussed, there could be more health representatives from Parliament; if the subject was education, there could be more education representatives. It is not necessary for the same 16 members always to represent Parliament at the standing joint conference. The choice of who represents Parliament could depend on the conference's agenda.

**The Convener:** I suppose that some members could, to maintain continuity, be our constant representatives at the conference, but perhaps three or four places could be left free to deal with the contingencies, as John McAllion suggested.

**Mr McAllion:** The draft document states that there is scope for special meetings to be called on specific issues. Different committees might have an interest in such issues. It might be better, in that case, for those committees to represent Parliament.

**Bill Butler (Glasgow Anniesland) (Lab):** There must be in-built flexibility in representation. It will be fine if such flexibility exists within the framework that is worked out. I acknowledge the points that Nicola Sturgeon and other members made about the largest and the smallest mainland councils. A covenant is an agreement with all the people; otherwise, it ain't a covenant. We must figure out a mechanism that allows the covenant to be inclusive.

**The Convener:** Is everyone generally happy with that, in principle?

**Members indicated agreement.**

**The Convener:** Great. Thank you. That brings to an end the meeting's public business.

10:18

*Meeting continued in private until 10:37.*



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