

# **HEALTH AND COMMUNITY CARE COMMITTEE**

Tuesday 18 March 2003  
(*Afternoon*)

Session 1

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## HEALTH AND COMMUNITY CARE COMMITTEE

### 13<sup>th</sup> Meeting 2003, 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) (Ind)

\*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)

#### COMMITTEE SUBSTITUTES

Brian Adam (North-East Scotland) (SNP)

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD)

Mr Tom McCabe (Hamilton South) (Lab)

Ben Wallace (North-East Scotland) (Con)

\*attended

#### CLERK TO THE COMMITTEE

Jennifer Smart

#### SENIOR ASSISTANT CLERK

Peter McGrath

#### ASSISTANT CLERK

Graeme Eliot

#### LOCATION

Committee Room 2



## Scottish Parliament

### Health and Community Care Committee

*Tuesday 18 March 2003*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:03*]

### Items in Private

**The Convener (Mrs Margaret Smith):** Good afternoon and welcome to the 13<sup>th</sup> meeting in 2003 of the Health and Community Care Committee. The first agenda item is to agree to discuss in private item 4—which is about consideration of possible action on the hepatitis C issue—and item 5, which is consideration of our draft response to the Office of Fair Trading report, “The control of entry and retail pharmacy services in the UK”. Discussion of those items in private will allow full discussion of possible options. Is it agreed that we will do so?

**Members** *indicated agreement.*

## Subordinate Legislation

**National Health Service  
(Charges for Drugs and Appliances)  
(Scotland) Amendment Regulations 2003  
(SSI 2003/130)**

**National Health Service  
(General Dental Services) (Scotland)  
Amendment Regulations 2003 (SSI  
2203/131)**

**Miscellaneous Food Additives  
(Amendment) (Scotland) Regulations 2003  
(SSI 2003/132)**

**Natural Mineral Water, Spring Water and  
Bottled Drinking Water (Amendment)  
(Scotland) Regulations 2003 (SSI 2003/139)**

**NHS Scotland (Transfer of Officers)  
Regulations 2003 (SSI 2003/153)**

**The Convener:** The Subordinate Legislation Committee has offered no comments on the instruments, no members' comments have been received and no motion to annul has been lodged, so the recommendation is that the committee make no recommendation on the instruments. Is that agreed?

**Members** *indicated agreement.*

**Fish Labelling (Scotland) Regulations 2003  
(SSI 2003/145)**

**Regulation of Care  
(Registration and Registers) (Scotland)  
Amendment Regulations 2003 (SSI  
2003/148)**

**Regulation of Care  
(Requirements as to Care Services)  
(Scotland) Amendment Regulations 2003  
(SSI 2003/149)**

**Regulation of Care  
(Requirements as to Limited Registration  
Services) (Scotland) Regulations 2003 (SSI  
2003/150)**

**Regulation of Care  
(Application and Provision of Advice)  
(Scotland) Amendment Order 2003 (SSI  
2003/151)**

**Regulation of Care (Fees) (Scotland) Order  
2003 (SSI 2003/152)**

**Health Education Board for Scotland  
Amendment Order 2003 (SSI 2003/154)**

**Adults with Incapacity  
(Management of Residents' Finances)  
(Scotland) Regulations 2003 (SSI 2003/155)**

**National Assistance  
(Assessment of Resources) Amendment  
(No 2) (Scotland) Regulations 2003 (SSI  
2003/156)**

**National Health Services (Dental Charges)  
(Scotland) Regulations 2003 (SSI 2003/158)**

**The Convener:** The Subordinate Legislation Committee has concerns about the instruments, so it is suggested that the Health and Community Care Committee continue consideration of the instruments until its meeting of 25 March 2003—which is next week—by which time the Subordinate Legislation Committee's report will be available. I will e-mail members with a list of the 10 instruments concerned to ensure that members are aware of them. Is that agreed?

**Members** *indicated agreement.*

## **Petitions**

**Greater Glasgow NHS Board  
(Consultation) (PE453)**

**Fife NHS Board  
(Right for Fife Business Plan) (PE498 and  
PE499)**

**The Convener:** Item 3 is on petitions about national health service consultations. Members will recall that we took evidence from witnesses on changes in the national health service in Fife and Glasgow. Members have copies of letters from Malcolm Chisholm—the Minister for Health and Community Care—the Dunfermline Press Group and Letitia Murphy.

The committee must decide what to do with the petitions at this stage. We may either take no further action on the petitions, or we may correspond further with the petitioners, the Executive or any other person. However, the fact is that we would not get responses before Parliament's dissolution. We could also refer the petitions back to the Public Petitions Committee with a recommendation that the petitions be reallocated to our successor committee.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** We have been considering the petitions for a considerable time; away back, we appointed a reporter on the situation in the Greater Glasgow NHS Board. We must acknowledge that the Scottish Executive has moved significantly on the issue; the minister's letter details the lengths to which his department has gone to address the issues that the petitions raise. I move that we take no further action on the petitions and that we consider the matter closed.

**Mary Scanlon (Highlands and Islands) (Con):** This is an unusual situation in that I would recommend a different course of action if Parliament were not dissolving soon. However, I seek clarification on whether the petitioners have been given a copy of the minister's eight-page letter.

**The Convener:** They have.

**Mary Scanlon:** Have the petitioners from Fife been given a copy of the 11 March submission to Fife NHS Board, which was a comprehensive report?

**The Convener:** We are not sure, but we do not think that the Fife petitioners received a copy of that report.

**Mary Scanlon:** I am minded to support what Margaret Jamieson suggests, but only if the petitioners are given full and up-to-date information. If the petitioners remain dissatisfied,

they could lodge another petition in the next Parliament. I do not think that we should judge whether a petitioner should be satisfied with the ministerial response, neither can we judge whether the petitioners should be satisfied with what Fife NHS Board has done. We must give the petitioners information about the health board's position and let the petitioners judge that.

**Bill Butler (Glasgow Anniesland) (Lab):** Mary Scanlon has made the point—a good one—that I intended to make. At this stage, I think that what Margaret Jamieson moved is the only sensible action that the committee can take.

**The Convener:** Is it agreed that we bring the matter of the petitions to a close at this stage?

**Members** *indicated agreement.*

**The Convener:** We will also clarify Mary Scanlon's point about the 11 March submission.

That concludes the public part of the meeting.

14:10

*Meeting continued in private until 14:47.*





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