

# **HEALTH AND SPORT COMMITTEE**

Wednesday 20 June 2007

Session 3

£5.00

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## HEALTH AND SPORT COMMITTEE

### 1<sup>st</sup> Meeting 2007, Session 3

#### OLDEST COMMITTEE MEMBER

\*Ian McKee (Lothians) (SNP)

#### COMMITTEE MEMBERS

\*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

\*Ross Finnie (West of Scotland) (LD)

Karen Gillon (Clydesdale) (Lab)

\*Christine Grahame (South of Scotland) (SNP)

\*Lewis Macdonald (Aberdeen Central) (Lab)

Michael Matheson (Falkirk West) (SNP)

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

#### COMMITTEE SUBSTITUTES

\*Joe FitzPatrick (Dundee West) (SNP)

\*attended

#### CLERKS TO THE COMMITTEE

Karen O'Hanlon

Simon Watkins

#### SENIOR ASSISTANT CLERK

Douglas Wands

#### ASSISTANT CLERK

David Simpson

#### LOCATION

Committee Room 4



# Scottish Parliament

## Health and Sport Committee

*Wednesday 20 June 2007*

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 10:00*]

### Interests

**Ian McKee (Oldest Committee Member):** Good morning and welcome to the first meeting of the Health and Sport Committee in the third session of the Scottish Parliament. This is the second committee that I have had the honour of convening in two days. I ask members to turn off any mobile phones and pagers. Apologies have been received from Michael Matheson. Karen Gillon is stuck in traffic and hopes to come later. I welcome Joe FitzPatrick, who is substituting for Michael Matheson.

In accordance with section 3 of the code of conduct for MSPs, I invite members to declare any interests that are relevant to the remit of the committee.

I acknowledge the interests that I have declared for the "Register of Interests of Members of the Scottish Parliament". I am not certain whether this is a declarable interest, but I worked for several years as a paid adviser to the Association of the British Pharmaceutical Industry. That stopped five years ago and I have received no remuneration from that organisation since then.

**Christine Grahame (South of Scotland) (SNP):** I have no interests to declare.

**Ross Finnie (West of Scotland) (LD):** I have no interests to declare.

**Lewis Macdonald (Aberdeen Central) (Lab):** I have no interests to declare.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I do not think that I need to declare this, but I am a member of Unison.

**Joe FitzPatrick (Dundee West) (SNP):** I confirm that I am substituting for Michael Matheson. I have no interests to declare.

**Mary Scanlon (Highlands and Islands) (Con):** I have nothing to declare.

# Convener

10:01

**Ian McKee:** The Parliament has agreed that only members of the Scottish National Party are eligible for nomination as convener of the committee. I seek nominations for the post of convener.

**Ross Finnie:** I nominate Christine Grahame.

**Mary Scanlon:** I second that.

**Ian McKee:** One nomination has been received.

*Christine Grahame was chosen as convener.*

**The Convener (Christine Grahame):** Thank you very much for that nomination. I look around the table at colleagues with some trepidation, as there are a few heavyweights around—I am not referring to physical weight, of course. I look forward to a robust committee, and I have high regard indeed for the committee members.

Before we move to item 3, I suggest that we hold weekly meetings. I have looked at the legacy paper of the previous committee, which had a pretty heavy workload. I recommend that we hold weekly meetings with a 10 am start. Can members agree to that?

**Lewis Macdonald:** I spoke to Karen Gillon this morning while she was in a traffic jam. She said that a 10:15 start would be a good deal more convenient for her and asked me to put that proposition to the committee.

**The Convener:** Is the committee content with a 10:15 start?

**Members indicated agreement.**

## Deputy Convener

10:03

**The Convener:** Item 3 on the agenda is the choice of a deputy convener. Members have before them a note from the clerks that sets out the procedure for selecting a deputy convener. It is similar to the procedure that was used to select me as convener. The Parliament has agreed that only members of the Scottish Liberal Democrats are eligible to be chosen as deputy convener of the Health and Sport Committee. I invite nominations for the position.

**Lewis Macdonald:** I nominate Ross Finnie.

**The Convener:** I second that. One nomination has been received.

*Ross Finnie was chosen as deputy convener.*

**The Convener:** Congratulations, Ross. I hope that the fact that you have chosen not to sit next to me does not augur anything.

## Work Programme

10:04

**The Convener:** Item 4 on the agenda is our approach to developing a work programme. Members have substantial paperwork on the previous committee's legacy paper and the sports issue that is now tied into the committee's remit. Before I ask for brief comments, I refer members to page 10 of the briefing pack, which contains a breakdown of the percentages of time that the previous Health Committee spent on various activities, as a steer for what we can do. I cannot find page 10. I am told that it is in the green paper. Have all members located it? It shows the percentage of time that the Health Committee in the previous session spent on various things. I ask members to look at that, and also at the list of anticipated legislation on page 23.

I open the meeting for members to discuss the work programme and briefly give their views. The legacy paper is substantial and it contains a lot of interesting stuff—too much, frankly.

**Ross Finnie:** It is evident that we will not come to a decision today. We need time to reflect on the legacy paper and we need to meet to discuss the various options.

The list of activities in the legacy paper is interesting. There is no doubt that our activities will be different because we are in a different situation. During the next few weeks, the convener will decide when the committee will meet and we will consider how to shape the committee's work to take account of the different situation that we are in now that we have a Scottish National Party Government. I do not mean that critically—it is a fact of life.

I wonder whether it would be helpful to ask the Cabinet Secretary for Health and Wellbeing to come to our meeting next week and set out her views—in broad terms—so that during the recess, as we consider our work programme, we have a better feel for what will be a completely different schedule of activities. We cannot interrogate the cabinet secretary at this stage, but she might be able to help the committee. It would be silly to spend the summer thinking, "We will do this and that," only to discover that the cabinet secretary has a different schedule in mind.

**The Convener:** Indeed. You anticipated what I was going to say. It would be useful to have a meeting before the recess for that very purpose. It would be useful to get the Cabinet Secretary for Health and Wellbeing or the Minister for Public Health and the Minister for Communities and Sport so that we get a steer on the forthcoming legislation and issues. I agree with Ross Finnie—it

would be useful to hear from the cabinet secretary so that we do not prepare a work programme only to be presented with legislation that we had not anticipated.

**Malcolm Chisholm:** You hit the nail on the head. We need to know what legislation is forthcoming. It would be interesting to have a conversation with the cabinet secretary or the ministers, but the key thing that we need to know in order to decide on our work programme is what legislation is forthcoming—in so far as they can tell us that—and roughly when it will be referred to the committee. We could find that out through correspondence. I am not averse to having a conversation with the ministers, but I am open-minded about whether we need to do that next week. The important thing is to get the information about the legislation in one way or another.

**Mary Scanlon:** I understand that there will be five bills, including one on no-fault compensation in the national health service, which is likely to be complex. Given the time that the Health Committee in the previous session spent on bills, I am concerned that we allow enough time to consider the legislation. I would like to know the timetable and remit for the forthcoming bill on public health. I am not sure whether it will be a review or a complete update, but public health is one of the major health issues in Scotland. Before we agree to hold any inquiries or to do anything else, I would like to know the extent of the Executive's intentions for the public health bill.

**The Convener:** We could write to the minister and simply have a note to the committee, if members agree, although we are required to meet next week in any event. I am in your hands.

**Lewis Macdonald:** I would be interested to know what the agenda for next week might contain if it did not involve an appearance by the minister. I put it in those terms because the briefing that we have had from the clerks suggests that the substantial decisions that we will need to make about the work programme should be made separately. I like the idea of an away day that will give close consideration to that in a slightly less formal format than in a meeting of the committee. If it is the committee's view that we should determine our work programme in that context, the question is, what would we be doing next week other than hearing from a minister?

**The Convener:** I can answer that. There are four negative instruments which, if we did not consider them, would come into force without our seeing them. That would not be good practice. I will read them all out—I ask members to bear with me. They are the Spreadable Fats (Marketing Standards) (Scotland) Amendment Regulations 2007 (SSI 2007/303), the Health Protection Agency (Scottish Health Functions) Amendment

Order 2007 (SSI 2007/316), the National Health Service (Charges for Drugs and Appliances) (Scotland) Amendment Regulations 2007 (SSI 2007/317) and the Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007 (SSI 2007/325).

If we were to consider those and have a minister before us or consider a note from the minister at a short meeting, it would give us something substantive to do, but it would also give us a steer before the away day, to which I will come later. The last time that I did this job, the away day was when we really got down to discussing what the committee's agenda would be over the next period. The minister, who was Malcolm Chisholm, and the junior minister both came to speak to the Health Committee on its away day to manage the workload.

We could have a very brief meeting next week—say from 11 o'clock to 12 o'clock—to deal with the subordinate legislation. Do we want ministers to appear before the committee or do we simply want to consider a note from them?

**Mary Scanlon:** It would be helpful to have the minister here at the outset. Most of us are new to the committee. It is quite a change and there has not been just a continuation of the previous Government. It would be helpful in every way to have a discussion with the minister before we set out our work programme.

**The Convener:** That is absolutely fine. We will write to the cabinet secretary.

**Lewis Macdonald:** I am happy to support that but, in writing to the minister, it is important that we state that are looking for something that will help us to determine our work programme—in other words, the timetabling of legislation that Mary Scanlon mentioned.

**The Convener:** I am sure that the cabinet secretary's staff will read the *Official Report* of the meeting—or will be listening even as we speak.

**Lewis Macdonald:** I share your confidence.

**The Convener:** We have agreed what we are doing next week.

I also advise members that, before 17 September, we have to consider an affirmative instrument on raising from 16 to 18 the age at which tobacco products can be purchased. That is a significant measure to be dealt with by subordinate legislation. Would members consider it appropriate to take evidence from the usual suspects—the relevant bodies, including the minister—before we debate the instrument?

**Malcolm Chisholm:** It is an important measure, but I do not think that it is proving to be particularly controversial. I may be wrong about that, but my

impression is that everybody supports it. Therefore, it is not particularly urgent to hear lots of evidence on it.

**Ross Finnie:** I understood that there were some serious misgivings among those who serve on the Scottish Youth Parliament. That is extraordinary, but nonetheless it is a fact, so it might be not unimportant to hear their view at least. I am not aware of the substance of that view, but I was given to understand that there were misgivings.

**The Convener:** Perhaps we could ask for some written evidence, but I do not know whether we would have it in time to make a decision on taking oral evidence. If some groups are satisfied, we would not need to speak to them but, if others have issues with the instrument, we could call them before us. What are members' views?

10:15

**Lewis Macdonald:** What do you know of the timetable?

**The Convener:** We have to consider and take a view on the instrument before 17 September. I am advised that after we return from the summer recess, we will have just two meetings before that date.

**Simon Watkins (Clerk):** We could circulate the consultation material submitted to the Executive. Members could look at that and then take a view on whether they want to call for evidence.

**Lewis Macdonald:** That sounds sensible.

**The Convener:** So we will see whether anyone wants to make submissions before we take a view.

**Ian McKee (Lothians) (SNP):** We need to see any submissions and then decide—it might well be that we do not need to do much more with the matter.

**Lewis Macdonald:** Some of those who were mentioned, including the Scottish Youth Parliament, were consulted by the Executive.

**The Convener:** That is important. There might be enforcement issues as a result of the instrument. Although I do not know much about it, I take it that it will create a criminal offence. In addition to enforcement issues there will be evidential and corroborative issues. It is sometimes the little things that we miss that cause trouble later. We will ask for written submissions and we will take a view—

**Simon Watkins:** We can circulate the submissions that have already been made to the Executive as part of the consultation, including one from the Scottish Youth Parliament.

**The Convener:** Are there any others? Did the Scottish Youth Parliament send in a submission?

**Simon Watkins:** Yes, it did.

**The Convener:** Let us talk about the away day. I hasten to add for the record that it will not be fun and parlour games; it will be a work day. I assume that members have fixed their holidays. Suggested dates are 28 and 29 August, which will be just before we come back, so I anticipate that most members will be available at that time. I ask members to check their diaries before we convene next.

I ask you to give the clerks lists of any issues that you want us to consider at the away day so that briefing papers and an agenda can be prepared. We will hear evidence from the minister next week, which will give us something of a steer; then we will hear ideas from members. I hope that we will pick up issues from the legacy paper, in which there are some excellent suggestions. The clerks will issue a note of some suggestions for the away day for your comments after today's meeting. We will have those suggestions before our next meeting. Are members content with that?

**Members indicated agreement.**

**The Convener:** I ask members to consider a paper that suggests options for places where we might have our away day. I ask for your answers and any other suggestions that you might have. However, bear it in mind that we have finite resources and that the heavy hand of freedom of information legislation is on our shoulders whenever we breathe. That is pretty much it, I think.

**Mary Scanlon:** Sorry for coming in late, but when you mentioned topics for consideration, it reminded me that I would like to discuss the Howat report—although I appreciate that this committee is not the place to do that. However, perhaps when the minister comes to the committee next week she will be able to give us an idea of when the budget will be available for us to scrutinise. I think that I am right in saying that it will be introduced in September. I do not want us to miss the opportunity to scrutinise the budget.

**The Convener:** I note the remarks in the legacy paper—they would be corroborated by many other committees—about the budget process not always being satisfactory for committees. We note your comments too.

**Malcolm Chisholm:** I was on the Finance Committee for the last three months of the previous session. One of the recommendations in that committee's legacy paper was that subject committees should consider appointing a budget adviser, because it was mindful that the budget was an area into which subject committees had not been able to go in great detail. Perhaps that can also be considered at the appropriate time.



**The Convener:** Yes. When I chaired a previous Health Committee, we had a budget adviser who gave us difficult questions to ask the ministers and explained to us what lines of figures really meant. That was very useful. I notice that the previous Health Committee made considerable use of advisers, which is a worthy pursuit. We can put consideration of the principle of appointing a budget adviser on next week's agenda and talk about the details later.

That concludes the meeting. The date and time of our next meeting is Wednesday 27 June at 10:15. Thank you for being gentle with me at this first meeting.

**Ross Finnie:** We will tell Karen Gillon that she missed only five minutes.

*Meeting closed at 10:20.*



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