

HEALTH COMMITTEE

Tuesday 7 December 2004

Session 2

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HEALTH COMMITTEE

29th Meeting 2004, Session 2

CONVENER

*Roseanna Cunningham (Perth) (SNP)

DEPUTY CONVENER

*Janis Hughes (Glasgow Rutherglen) (Lab)

COMMITTEE MEMBERS

*Mr David Davidson (North East Scotland) (Con)

*Helen Eadie (Dunfermline East) (Lab)

*Kate Maclean (Dundee West) (Lab)

*Mr Duncan McNeil (Greenock and Inverclyde) (Lab)

*Shona Robison (Dundee East) (SNP)

*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*Dr Jean Turner (Strathkelvin and Bearsden) (Ind)

COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)

Paul Martin (Glasgow Springburn) (Lab)

Mr Stewart Maxwell (West of Scotland) (SNP)

Mrs Nanette Milne (North East Scotland) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Colin Fox (Lothians) (SSP)

CLERK TO THE COMMITTEE

Simon Watkins

SENIOR ASSISTANT CLERK

Tracey White

ASSISTANT CLERK

Roz Wheeler

LOCATION

Committee Room 2

Scottish Parliament

Health Committee

Tuesday 7 December 2004

[THE CONVENER *opened the meeting at 14:01*]

Items in Private

The Convener (Roseanna Cunningham): I bring the meeting to order. I apologise if the sunlight is causing difficulties, but I am advised that we cannot close the blind behind me so there is not much that we can do about it.

Item 1 is consideration of whether to discuss items 4 and 5 in private. Item 4 is consideration of the committee's draft stage 1 report on the Prohibition of Smoking in Regulated Areas (Scotland) Bill. If members agree to discuss item 4 in private, I suggest that they also agree that subsequent consideration of the draft report be in private. I invite comments.

Shona Robison (Dundee East) (SNP): There is a strong argument for discussing item 4 in public so that the public can understand the thinking behind the committee's deliberations about what we do and why we do it. People should be able to understand the logic behind the report.

Mr David Davidson (North East Scotland) (Con): I agree that that applies to the final stage of our discussions. However, before the committee reaches that stage it must get through an awful lot that is open to negotiation and argument. I would be sympathetic to a suggestion to discuss the final draft of the report in public, but at this stage the report is far from finished.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I have always said that we should hold as much of our business as possible in public. I see nothing wrong in principle with considering a stage 1 report in an open meeting. I am conscious that I have been the only member to take that position on previous occasions, so I welcome members' conversion.

The Convener: Are you moving that we consider item 4 in public?

Mike Rumbles: I always want to discuss matters in public.

The Convener: Mike Rumbles and Shona Robison have commented and David Davidson has expressed a view that runs counter to theirs, so if no one else wants to comment there will be a division. Would members who are in favour of taking item 4 in private please show that? I think that David Davidson intends to vote.

Mr Davidson: I am sorry, convener—thank you for your help. I was thinking about a different meeting.

The Convener: There will be a division.

FOR

Davidson, Mr David (North East Scotland) (Con)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Maclean, Kate (Dundee West) (Lab)

AGAINST

Robison, Shona (Dundee East) (SNP)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

The Convener: The result of the division is: For 3, Against 3, Abstentions 0.

In the circumstances, I exercise my casting vote in favour of the status quo, which is that we normally discuss draft reports in private.

Item 5 is consideration of options for evidence gathering, including a proposed fact-finding visit to Ireland, in relation to the proposed health bill. I think that it has been the committee's practice to consider such matters in private. Do members want to comment?

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I am not fussed one way or the other. I do not mind whether we discuss item 5 in private or in public. We do not have anything to hide.

Mike Rumbles: If there is any question whether we should take an item in private or in public, the presumption in standing orders is to discuss the item in public unless there is a vote to discuss it in private.

The Convener: I merely pointed out that it has been standard practice to discuss such items in private, especially if there is to be discussion about evidence gathering.

Janis Hughes (Glasgow Rutherglen) (Lab): I was going to make the same point. The committee has always discussed such matters in private.

The Convener: Does Mike Rumbles want to formalise his suggestion that we discuss item 5 in public?

Mike Rumbles: No, because the question should be whether we agree to discuss the item in private.

The Convener: That is the question. Do you want to formalise your opposition to our discussing the item in private?

Mike Rumbles: If I am the only member who is opposed to discussing item 5 in private, I will not press the matter to a vote.

The Convener: Okay. Item 5 will be discussed in private.

Proposed Abolition of NHS Prescription Charges (Scotland) Bill

14:06

The Convener: Item 2 is consideration of a draft proposal for a member's bill on the abolition of national health service prescription charges. A paper has been circulated to members, which explains that the context for the item is the change in how Parliament deals with proposals for member's bills.

Colin Fox has lodged a draft proposal for a member's bill

"to abolish all NHS charges for Scottish prescriptions".

The draft proposal was not accompanied by a consultation, but Colin Fox provided a statement of reasons, which indicates that a consultation took place outwith the timescale that our revised procedures set out. The draft proposal and the statement of reasons have been referred to the Health Committee for consideration and the committee must decide whether it is satisfied with the statement of reasons. At this stage we will not consider the principles or content of the proposal. I thank Colin Fox, and David Cullum from the non-Executive bills unit, for coming to the meeting. They will answer questions that members might have.

Mike Rumbles: You indicate in the statement of reasons that a consultation took place and you provide a list of the 34 respondents to the consultation. I have read through the material that you provided to the Health Committee and it struck me that the consultation generated only one response from a member of the public, although you received responses from the usual suspects. I would have thought that for the consultation to be effective there should have been more responses from the general public. How many responses from the public would you expect such a consultation to receive? Does the fact that you received only one such response indicate that people are not aware of your proposal?

Colin Fox (Lothians) (SSP): The consultation exercise was driven by the advice that I received from NEBU. The consultation was advertised on Parliament's website and there was quite a lot of press interest in the proposal. A press conference was held and the proposal received extensive coverage in the *Daily Record*, the *News of the World*, the *Edinburgh Evening News* and on the BBC—it received coverage throughout the country. Many people got in touch to express views on the proposal, although they did not do so by answering the 15 questions in the consultation

document. A teletext poll was carried out when the consultation exercise was launched and 89 per cent of respondents to the poll support the proposal. I understand your point about the number of people who answered the 15 thorough questions in the consultation, but a significant number of members of the public contacted my office after hearing about the proposal via the various news networks.

Mike Rumbles: Your paper says that only one individual responded to the consultation. Is that correct? Are there other responses that are not mentioned on your list?

Colin Fox: The list is of the responses to the consultation document. It is correct to say that only one such response was received from a member of the public. However, numerous people responded to stories in the press. For example, a story in the *News of the World* generated 42 e-mail responses. Those respondents did not answer the 15 questions in the consultation document; they addressed the general proposal.

Mr Davidson: This is a technicality, but I have looked closely at the list of organisations that were asked to respond to the consultation; the Scottish Pharmaceutical General Council, which represents all community pharmacies in Scotland, does not appear to be on the list. In your statement of reasons you say that the consultation paper was sent to "pharmacies". Were all pharmacies and retail and community pharmacists contacted? That is not reflected in the list and no commercial body is listed.

Colin Fox: If it would help, I can supply the list of pharmaceutical bodies that were sent the consultation document.

Mr Davidson: The list that you provided for the committee does not appear to include the Scottish Pharmaceutical General Council, which represents pharmacies in Scotland and negotiates with the Government on terms, conditions and everything else. The National Pharmaceutical Association is on the list, but it is a United Kingdom body and it is a different animal.

Colin Fox: The opportunity to respond to the consultation was available through the Scottish Parliament website and my website. I would have thought that the fact that some pharmaceutical bodies were responding was sufficient to alert all such organisations to the consultation exercise that was taking place.

The Convener: According to the list, the Royal Pharmaceutical Society and the Royal Pharmaceutical Society of Great Britain were consulted.

Mr Davidson: The Royal Pharmaceutical Society of Great Britain is the registration and

professional body. It has nothing to do with the commercial aspects of community pharmacy.

Kate Maclean (Dundee West) (Lab): The Association of the British Pharmaceutical Industry Scotland is also on the list.

Mr Davidson: The ABPI represents drug manufacturers in the industrial sector. I am being a bit picky, but there should be clarity at this stage—

The Convener: To be fair, we can mop up any gaps that we identify if the proposal reaches stage 1.

Dr Turner: Am I right in saying that the Royal College of General Practitioners is not on the list of respondents? I might have read the list too quickly and missed something.

The Convener: Before Colin Fox answers that, I point out that whether an organisation responded or not is entirely a matter for that organisation. Colin Fox cannot answer for that; he was responsible only for the decision on which organisations to consult.

Dr Turner: We have been given a list of respondents.

The Convener: Yes, but Colin Fox could not control who responded.

Dr Turner: Who put the list together? How can we know whether it is complete?

The Convener: As I understand it, it is a complete list of respondents to the consultation. Colin Fox could not control whether an organisation chose to respond.

Dr Turner: I understand that, but I was wondering whether the list is correct and the Royal College of General Practitioners did not respond.

Colin Fox: The list is comprehensive. It is a complete list of all the organisations that responded to the consultation.

Dr Turner: Thank you. That is what I wanted to know.

The Convener: Do other members want to ask questions?

Helen Eadie (Dunfermline East) (Lab): I am sorry for arriving late. I was at the Edinburgh Tram (Line One) Bill Committee meeting this morning, which was followed by another meeting.

Is it correct to say that in Wales there will be a phased withdrawal of prescription charges?

The Convener: That question is on the subject matter of the draft proposal, which is not for the committee to discuss today.

Helen Eadie: I suspected that that might be the case.

The Convener: We must consider only whether sufficient consultation was carried out on the proposal so that Colin Fox need not initiate another consultation process under the new rules. If there are no further comments or questions, is the committee content for the draft proposal to go forward?

Members indicated agreement.

The Convener: I thank Colin Fox and David Cullum for coming. That ends the public part of the meeting.

14:14

Meeting continued in private until 15:38.

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