

HEALTH COMMITTEE

Tuesday 19 April 2005

Session 2

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HEALTH COMMITTEE

11th Meeting 2005, Session 2

CONVENER

*Roseanna Cunningham (Perth) (SNP)

DEPUTY CONVENER

*Janis Hughes (Glasgow Rutherglen) (Lab)

COMMITTEE MEMBERS

*Helen Eadie (Dunfermline East) (Lab)

*Kate Maclean (Dundee West) (Lab)

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

*Mrs Nanette Milne (North East Scotland) (Con)

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)

Mary Scanlon (Highlands and Islands) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Bill Butler (Glasgow Anniesland) (Lab)

CLERK TO THE COMMITTEE

Simon Watkins

SENIOR ASSISTANT CLERK

Tracey White

ASSISTANT CLERKS

Merrin Thompson

Roz Wheeler

LOCATION

Committee Room 5

Scottish Parliament

Health Committee

Tuesday 19 April 2005

[THE CONVENER *opened the meeting at 14:00*]

Items in Private

The Convener (Roseanna Cunningham):

Good afternoon. I have received apologies from Shona Robison, who is attending the Scottish Trades Union Congress conference in Dundee. If no other apologies have been notified, I will proceed.

Item 1 on the agenda is to consider taking items 5 and 6 in private. Item 5 is to allow members to consider options for the handling of an upcoming proposed inquiry. It will involve various matters, including discussion of potential venues. Item 6 is the continuation of consideration of the draft stage 1 report of the Smoking, Health and Social Care (Scotland) Bill. Does the committee agree that those two items be taken in private?

Members *indicated agreement.*

Subordinate Legislation

Mental Health (Fee Payable to Designated Medical Practitioners) (Scotland) Regulations 2005 (SSI 2005/175)

Mental Welfare Commission for Scotland (Prescribed Persons) Regulations 2005 (SSI 2005/176)

Mental Welfare Commission for Scotland (Authorised Persons) Regulations 2005 (SSI 2005/205)

Mental Health (Provision of Information to Patients) (Prescribed Times) (Scotland) Regulations 2005 (SSI 2005/206)

14:01

The Convener: Item 2 is consideration of subordinate legislation. The committee is asked to consider the four negative instruments shown on the agenda. The Subordinate Legislation Committee had no comment to make on any of these. I have received no comment from any member. Are we agreed that the committee does not wish to make any recommendation in relation to any of the four instruments?

Members *indicated agreement.*

Proposed Direct Elections to National Health Service Boards (Scotland) Bill

14:02

The Convener: Item 3 on the agenda is consideration of the proposed Direct Elections to National Health Service Boards (Scotland) Bill. I welcome Bill Butler to the committee. He intends to lodge a member's bill to require that the members of health boards be directly elected. The committee requires to consider whether adequate consultation has been undertaken in respect of this proposal. We have already done this with the Abolition of NHS Prescription Charges (Scotland) Bill. There is a paper, including a statement of reasons by Bill Butler, who is in attendance to answer any questions that members might have. Do members have any questions?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Of the 160 responses Bill Butler received, he identified that 44 were from individuals. However, 51 of the responses are categorised as "not given". What does that mean?

Bill Butler (Glasgow Anniesland) (Lab): It means that, unfortunately, the senders did not put their names and addresses on the responses. Therefore, that is the way they are itemised on the list of respondents, as has happened with other member's bill proposals.

Mike Rumbles: Would it not be normal to list such responses as individual responses?

Bill Butler: The problem is that some of those responses might refer to organisations that have forgotten to include a name and address. I was advised that the category to be employed was that of "not given".

Mike Rumbles: I understand that. However, I am pursuing the point because it strikes me that if an address was not included, the sender must have been writing in a personal capacity. Therefore, one would assume it was an individual response. I would have thought it would strengthen Bill Butler's hand to have more of the responses categorised as individual responses.

Bill Butler: I agree. Obviously, one would think it would strengthen the proposal to have more individual responses. However, I refer the member to my two previous answers.

The responses that we received covered a wide range of organisations, including NHS boards, health councils, health interest groups, MSPs, MPs and community groups. The non-Executive bills unit told me that the number of responses to the consultation was slightly above average for a member's bill proposal. Although we would have

loved to have had the number of responses that the Executive got to the smoking proposals, that was not feasible, so we will have to make do with what we have got, which is a wide range of responses.

Mike Rumbles: You got 16 responses from local authorities, which you say in your note includes individual responses from councillors. How many local authorities responded and how many individual councillors responded? How does the figure break down?

Bill Butler: About three quarters were local councils and one quarter were individual councillors. That is a rough and ready approximation, but I think that it is reasonable. Some of the council responses were not from the whole council. For example, Glasgow City Council's response was from a number of councillors who responded to the council secretary's call for responses.

The Convener: Does "Political" mean political parties or branches or MSPs or a mixture of all three?

Bill Butler: It means branches and various other component parts of political parties. MSPs are included in that category, as are MPs.

The Convener: So it includes MSPs, MPs, branches, constituency associations and things like that.

Bill Butler: Yes.

The Convener: Are there any other questions on the consultation process?

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): I have the same question on "Academic" and "Religious". There was one academic response, but were there many responses within that?

Bill Butler: No. As far as I remember, it refers to a university teaching hospital, but I can check on that for you. That is all it was—I do not mean that that is all it was; I mean that that is what it was restricted to, and it was very welcome indeed.

The Convener: Are there any other questions from members? If not, we now require to decide whether we are satisfied with the statement of reasons provided. I stress that this decision is not in any way connected to our view on the principles of the bill. It is simply in respect of the statement of reasons. Are we satisfied with the statement of reasons given?

Members indicated agreement.

The Convener: Thank you, Bill.

Bill Butler: Thank you, convener, and the committee for that decision and for your time.

Annual Report

14:08

The Convener: Item 4 is consideration of the committee's draft annual report for 2004-05. Does any member wish to ask a question, make a comment or suggest any changes to the draft?

Mike Rumbles: Paragraph 12, on meetings, states that the committee met 29 times in the year and that

"Of these meetings, 16 were partly in private."

That is, the majority of the meetings that we had were partly in private. We should not lose sight of the fact that we should try to minimise that as far as we can. It is not helpful if the majority of our meetings have items in private. If possible, we should group future private items so that the majority of meetings are not held partly in private in the coming year.

The Convener: I hear what you say, but of course what you suggest is not always possible, because items come up that we then have to deal with, for example consideration of draft reports, which most people accept must be taken in private. I fail to see how we could deal with them if they were clumped together. At every meeting it is open to members to object to all or part of the proposal to take items in private. There are always good reasons for having such a proposal on the agenda. We always have a mind to ensure that we keep to a minimum what is dealt with in private and this committee works hard to ensure that its meetings are in public in the main. Although over half the meetings might have been held partly in private, in some of those cases, the time in private was a small proportion of the meeting time.

Are there any other comments?

Mr Duncan McNeil (Greenock and Inverclyde) (Lab): Mike Rumbles mentioned a principle that we all agree with—that we should maximise our openness. However, we should not lose our thrust here, or the opportunity to say that the committee has engaged extensively with communities in town and community halls on dark nights all over Scotland, including the islands. Probably one of the most successful participation events in the history of the Parliament took place a couple of weeks ago. We need to keep that up front, but neither should we hide the fact that certain situations prevent our meeting in public. For example, we need to be able to discuss freely what witnesses to call and similar things. We all accept the principle of openness and we do a lot to encourage participation throughout Scotland.

The Convener: That is well said. We appear to be quite constrained by the format of the annual

report. When I saw the report today, my immediate reaction was to ask whether we could not make more of some of the work that we have done. However, it seems that we have to use a format for what we want to say, even down to the kinds of headings that are permitted. That is a bit of an issue. We have done the best that we can in the context of that constrained format to make sure that people are clear about the work that the committee has done.

Dr Turner: I was going to say something similar to what Duncan McNeil said, so it is not worth saying it all again. Really and truly, we have tried hard to incorporate the public by going out and about. They have been extremely appreciative of that and have said so.

The Convener: We will see whether we can beef up the introductory paragraph in the report to make some of Duncan McNeil's suggested qualitative statements, which are a good idea. Is everybody happy with that?

Members indicated agreement.

Mike Rumbles: Everybody accepted that the one full committee meeting that we held outwith Edinburgh at Stonehaven was a great success. I would like the committee to go to other parts of Scotland where we can make an impact.

The Convener: We plan to discuss that idea. If no one wants to make further comments or suggestions for change, can I assume that, with that change to the introductory paragraph, the committee agrees the report?

Members indicated agreement.

The Convener: I should make the point that not only is the annual report prepared to a standardised format, there is also a set word limit, which does not allow us too much in the way of flights of rhetoric.

That ends the public business, which emphasises the point that Mike Rumbles made earlier. I point out that it is entirely due to the speed and efficiency with which the first part of the meeting was chaired. I ask that the room be cleared and the sound system switched off.

14:14

Meeting continued in private until 15:19.

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