

HEALTH COMMITTEE

Tuesday 28 November 2006

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2006.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Tuesday 28 November 2006

Col.

SUBORDINATE LEGISLATION.....	3253
Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing)	
Amendment Order 2006 (draft)	3253
Rice Products (Restriction on First Placing on the Market) (Scotland) Regulations 2006 (SS1 2006/542)	3255
EUROPEAN COMMISSION LEGISLATIVE AND WORK PROGRAMME 2007	3256

HEALTH COMMITTEE

26th Meeting 2006, 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)
*Euan Robson (Roxburgh and Berwickshire) (LD)
*Dr Jean Turner (Strathkelvin and Bearsden) (Ind)

COMMITTEE SUBSTITUTES

Mr Kenneth Macintosh (Eastwood) (Lab)
Dave Petrie (Highlands and Islands) (Con)
Margaret Smith (Edinburgh West) (LD)
Stewart Stevenson (Banff and Buchan) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Kerry Chalmers (Scottish Executive Health Department)
Mr Andy Kerr (Minister for Health and Community Care)
Dr Carole McRae (Health Protection Scotland)

CLERKS TO THE COMMITTEE

Karen O'Hanlon
Simon Watkins

ASSISTANT CLERK

David Simpson

LOCATION

Committee Room 6

Scottish Parliament

Health Committee

Tuesday 28 November 2006

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

Subordinate Legislation

Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Amendment Order 2006 (draft)

The Deputy Convener (Janis Hughes): Good afternoon, and welcome to the Health Committee. We have received apologies from Euan Robson, who will be late.

Item 1 on our agenda is subordinate legislation and we will consider first the draft Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Amendment Order 2006. I welcome the Minister for Health and Community Care, who will speak to the order; his official, Kerry Chalmers; and Dr Carole McRae from Health Protection Scotland.

Among the papers that committee members have for the meeting are a number of documents that provide some background information. In addition to the formal papers for the amendment order, there is a submission from the Chartered Society of Physiotherapy Scotland. As is indicated in the papers, the Subordinate Legislation Committee has considered the amendment order and has no comments to make.

I will ask the minister to speak to the motion, and will then invite members who wish to question the minister to do so. We will then move to the formal debate.

The Minister for Health and Community Care (Mr Andy Kerr): Thank you, deputy convener. I am grateful for this opportunity to explain the amendments to this order, which have been made to ensure that we continue to reduce the risks to public health in businesses that carry out skin piercing and tattooing. The amendments are a result of consultation and discussion with key stakeholders, who include the local authorities who are responsible for implementing the conditions of the amendment order; the professional bodies who undertake the activities; and the leading experts who specialise in infection control and public health. The changes are supported by new evidence and by risk

assessments that have been undertaken to ensure that we continue to protect public health.

The changes are essential to ensure that we effectively manage and reduce the health risks faced by potential clients, specifically from the transmission of blood-borne viruses such as HIV and hepatitis B and C. Included among the changes is the exclusion of registered health care professionals, because the policy intention was to capture people who are not formally trained or regulated. Also included are a reduction in the absolute requirement to wear gloves for acupuncture, which brings the approach into line with normal clinical practice, and a reduction in the conditions for businesses that carry out ear piercing using only hygienic piercing systems. New evidence and risk assessments have shown that infection and hygiene controls were much higher than were needed.

This is an important amendment order. It acknowledges the public health issues in relation to businesses that carry out tattooing and skin piercing in situations in which there is no formal training or guidance on best practice and there are no agreed standards of hygiene or clinical practice and no agreed standards for inspection.

The changes will come into effect from December 2006. We have been working with all those affected by the changes since the start of the year. We are also working closely with all the local authorities in Scotland, to develop a set of national conditions to support implementation. To further support implementation, we are working with Health Protection Scotland and the local authorities to develop guidance, which will be ready by the end of this year.

The Deputy Convener: Do any members wish to question the minister?

Dr Jean Turner (Strathkelvin and Bearsden) (Ind): The cost of licensing ranges from £150 to £500. Why is that? Perhaps I have missed something.

Kerry Chalmers (Scottish Executive Health Department): The amendment order gives local authorities the means to implement the measures and to charge for that. The cost will be different in different local authorities. Some local authorities charge for a yearly licence and some charge for a two-year licence.

Dr Turner: Would it not have been better to have a standard cost?

Mr Kerr: We want to give local authorities a legitimate margin in their regulation function.

Dr Carole McRae (Health Protection Scotland): The range in costs mirrors the range in licences for other local authority services. For example, you will see a similar range in costs of

taxi licences across different local authorities. Licensing departments within local authorities have taken on that role and must deal with a number of different services.

Dr Turner: So a person would be able to phone whichever local authority they are in to find out how much a licence would cost.

Dr McRae: Yes.

The Deputy Convener: There seem to be no further questions. The motion will be that we recommend that the draft amendment order be approved. Does any member wish to debate the amendment order?

Members: No.

The Deputy Convener: I therefore ask the minister to move the motion.

Motion moved,

That the Health Committee recommends that the draft Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Amendment Order 2006 be approved.—[Mr Andy Kerr.]

Motion agreed to.

The Deputy Convener: I thank the minister for attending.

Mr Kerr: Thank you.

Rice Products (Restriction on First Placing on the Market) (Scotland) Regulations 2006 (SSI 2006/542)

The Deputy Convener: We come now to our second piece of subordinate legislation. The Subordinate Legislation Committee considered the regulations this morning.

Karen O'Hanlon (Clerk): The Subordinate Legislation Committee agreed the regulations.

The Deputy Convener: No comments have been received from committee members and no motion to annul has been lodged. Do we agree that the committee does not wish to make any recommendation in relation to SSI 2006/542?

Members *indicated agreement.*

European Commission Legislative and Work Programme 2007

14:06

The Convener (Roseanna Cunningham): I apologise for being a little late this afternoon.

The next item on our agenda is consideration of the European Commission's legislative and work programme for 2007. A letter from the convener of the European and External Relations Committee has been circulated to members, as has a paper containing a number of recommendations. The recommendations are in paragraph 8 of paper HC/S2/06/26/04. Do members want to comment?

Helen Eadie (Dunfermline East) (Lab): I am grateful to the European and External Relations Committee because, as ever, I am interested in what happens at European level. If we do not keep an eagle eye on what is happening in Europe, things can happen at this end that should have been taken note of at an earlier stage.

I agree with the recommendation that we note the proposals and draw them to the attention of the Health Committee's successor committee in our legacy paper. I also agree that we should write to the convener of the European and External Relations Committee, but I suggest a slight modification of that recommendation. In annex C, we are encouraged to consider a proposed white paper on a European Union strategy on diet, physical activity and health. The strategy would consider a number of areas that are relevant to our work in Scotland and we should track that work. The committee has been lobbied about matters such as osteoporosis and the need to build bone density, which are important. As we all know, a person's diet and the amount of exercise that they take have an impact on osteoporosis.

If we do not carefully examine what happens, we might miss opportunities to improve circumstances in Scotland. We all know that osteoporosis is a silent killer—that is not an exaggeration. For that reason, I would like the Parliament to track the white paper. The paper from the clerks makes it clear that although no overarching strategy exists for health, the EU is trying to develop one, which is laudable. We have seen how a strategy for energy has been badly needed. If we do not have one for health, that will present issues for Scotland.

The Convener: Helen Eadie suggests that we modify the second part of the recommendation in paragraph 8 so that it says that we should track the subject matter of annex C, which is the white paper on the European Union's strategy on diet, physical activity and health.

Mrs Nanette Milne (North East Scotland)

(Con): I would rather go with the recommendation that is before us, because I worry about any overarching European strategy. All countries in Europe have problems, but perhaps each country ought to sort out its own problems—that is the subsidiarity issue. At this point, I am reluctant to open the door to an overarching European strategy.

The Convener: I will stop you there. The suggestion is that we track the progress of the white paper, not that we endorse its contents or outcome. I would expect you to want to track the white paper, precisely for the reason that you are giving. If you might not be happy with the work's results, you will want to know what happens.

Mrs Milne: I suppose that there are two ways of looking at the issue.

The Convener: You could ignore it.

Mrs Milne: My concern is that we would be opening a door.

The Convener: Helen Eadie's proposal is that we track the European white paper and keep our eye on where it goes, what happens and what the debates are. At a certain point, you might wish us actively to input into the process, to say no. Alternatively, Helen Eadie might want us to say yes.

Mrs Milne: Given that guidance, the proposal is fair enough.

The Convener: The suggestion is about tracking; it is not about endorsement.

Helen Eadie: Thank you for that, convener. Annex C mentions the impact of doing nothing. As far as I am concerned, doing nothing is not an option.

Dr Turner: I agree with Helen Eadie. It would also be wise to track progress on the community framework for safe and efficient health services. That work is discussed in annex D, which states:

"Patient safety is not ensured by current health systems across Europe; statistics indicate that 10% of hospitalisations involve harm to patients from the care meant to help them."

We would all be interested in that issue, which is examined in detail in annex D.

The Convener: We have a proposal to track the developments that are mentioned in annexes C and D. Do I have any advances on that? I do not think that we have asked for specific issues to be tracked before, so I am not 100 per cent sure what the outcome of asking for tracking will be, but the exercise will be interesting.

Helen Eadie: The value of the paper is that it highlights for all of us the fact that there is no

overarching health policy. I think that we would welcome such a policy.

The Convener: That is a matter for future discussion. Do members agree to recommendation 8(i) as it stands and to recommendation 8(ii), amended to say that we should write to the convener of the European and External Relations Committee to ask that the papers that are mentioned in annexes C and D be tracked?

Members indicated agreement.

The Convener: That ends the committee's public business for today. I ask members of the public who are present to leave and for the sound system to be switched off.

14:14

Meeting continued in private until 15:02.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Thursday 7 December 2006

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

RNID Typetalk calls welcome on
18001 0131 348 5000
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers