

HEALTH COMMITTEE

Wednesday 18 June 2003
(Morning)

Session 2

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HEALTH COMMITTEE

2nd Meeting 2003, Session 2

CONVENER

*Christine Grahame (South of Scotland) (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)

*attended

THE FOLLOWING ALSO ATTENDED:

Carolyn Leckie (Central Scotland) (SSP)

WITNESS

Tom McCabe (Deputy Minister for Health and Community Care)

CLERK TO THE COMMITTEE

Jennifer Smart

SENIOR ASSISTANT CLERK

Peter McGrath

ASSISTANT CLERK

Graeme Elliot

LOCATION

Committee Room 3

Scottish Parliament

Health Committee

Wednesday 18 June 2003

(Morning)

[THE CONVENER *opened the meeting at 09:30*]

The Convener (Christine Grahame): Good morning. I convene the second meeting in session 2 of the Health Committee.

I give the apologies of Helen Eadie and Dr Jean Turner, who will not manage to attend the committee this morning.

Interests

The Convener: As Mike Rumbles was not at the previous meeting, I ask him to declare any interests.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I have no interests on the register of interests, but I would like it to be known that my wife is a state registered chiropodist who has her own practice in Banchory—that lovely town in royal Deeside, which is at the centre of my constituency.

The Convener: That is perhaps more information than we need, but never mind. I welcome Mike Rumbles to the committee. I think that, like myself, you were not on the Health and Community Care Committee before. We are all novices, bar two.

Items in Private

The Convener: I propose that we discuss items 4, 5 and 6 in private. The reason why I request that the committee agree to discuss the items in private is that we will discuss the selection of witnesses. As individuals might be named and discussed, it would not be appropriate to take the items in public.

Mike Rumbles: I think that that is an eminently sensible approach to take, but I would like to raise a point, and I think that this is the appropriate point at which to raise it, as it affects items 4, 5 and 6, under which we will consider the taking of evidence.

The proposed approach seems an odd way to proceed. The usual procedure is for a committee to ask for written evidence, especially if that can be done over the summer, and, once it receives the written evidence, to consider whom it wants to call before the committee to explain or expand upon the written evidence that has been given. Currently, we will be shooting in the dark in considering whom we think we should call to give oral evidence. We should proceed by first considering the written evidence.

The Convener: We will also discuss from whom we might seek written evidence. It is invidious if people's names come up in public and we then decide, for perfectly good reasons, that it would not be appropriate to take evidence from them. That is the reason for having the discussion in private. Names are bandied around and for that reason I have in the past considered it inappropriate to discuss such matters in public—it is up to other committee members to decide on this occasion. The situation is completely different once we have called for evidence.

Mike Rumbles: I am not sure that you follow what I am saying. I am not disagreeing with your suggestion. It is eminently sensible that we do not discuss individual names in public. I am asking whether there is any reason to take the item in private session because I am not sure that we should be at that stage yet.

The Convener: I am advised that because of the timetable we have to be at that stage. We are doing it this way round because of when the various pieces of legislation will be introduced.

Mike Rumbles: But we are calling for written evidence over the summer.

The Convener: In certain cases.

Our problem is that we cannot take oral evidence over the summer. Do you have a huge problem with our proposed course of action? All that we will do is discuss which witnesses we might want to ask to appear before the committee.

Do you agree that there are difficulties if we discuss witnesses in public?

Janis Hughes (Glasgow Rutherglen) (Lab): I understand the point. I do not think that Mike Rumbles is questioning whether we should discuss proposed witnesses in private.

The Convener: Excuse me. The clerk is trying to speak to me; I cannot listen to two people at once.

Janis Hughes: The normal practice on the committee has been to take a decision on written and oral evidence at the beginning of consideration of a piece of legislation. That does not mean that when the written evidence comes in we cannot pursue it as oral evidence if it becomes apparent that it raises a new piece of information or a matter of particular interest.

It is good that we are starting at this early stage so that we do not lose the couple of months over the summer. I understand what Mike Rumbles is saying, but I do not think that our approach precludes deciding later to take oral evidence from someone from whom we had not previously agreed to take evidence.

The Convener: That is what I hoped I was saying, but obviously I was not doing so.

Shona Robison (Dundee East) (SNP): I follow the logic of what Mike Rumbles is saying. In theory the approach that he suggests might be the best way to proceed, but there are timetable concerns and there are certain people who will always be called to give evidence—they are probably the ones we will discuss later. If an organisation that is not one of the best-known ones gives us written evidence that suggests that there is more to be probed, we would come back to the issue—as we have done on the committee before—and ask the organisation concerned to give oral evidence. Generally though, some witnesses, from a variety of professional organisations, will always be called to give evidence.

The compromise is that we call the obvious witnesses whom we would call anyway, but then consider the written evidence and call people from whom we think it would be interesting to hear more.

The Convener: I am obviously not firing on all cylinders today. We are discussing a first swathe; that will not preclude others from giving evidence. The practice in the other committee that I was on was that if others whom we had not thought of in the trawl wrote in to give evidence, it was for the committee to decide whom it wanted to call to give evidence thereafter.

Mike Rumbles: That is why I am raising the issue now. I do not have an axe to grind but we should, if we can, stick to the procedure as a

matter of course. If we are going to have an investigation or take evidence, it is good practice to put out a call for written evidence. I do not see the point of calling the usual suspects to a committee meeting. I speak as a new member of the Health Committee; I do not know who the usual suspects are, so I do not have an axe to grind. However, I believe that as a matter of procedure, we should get the written evidence from organisations first, because that might be all we need. The whole point of people coming to the committee to give oral evidence is to probe them on the evidence that they have given to us.

The Convener: That is right. I do not know about the rest of the committee, but I prefer to get written evidence in any event and anything else is supplementary or provides further clarification. Our approach certainly does not preclude other people from giving oral evidence. I will have to watch myself, as Mike Rumbles is an ex-Standards Committee man.

Do members agree to take items 4, 5 and 6 in private?

Members indicated agreement.

Subordinate Legislation

Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (Scotland) Order 2003 (SSI 2003/260)

The Convener: I ask members to consider the paper on subordinate legislation. It is not a numbered paper—the clerk and I are getting used to each other's methods.

Carolyn Leckie (Central Scotland) (SSP): The papers have not been circulated to me, because I am not a member of the Health Committee. All I have been able to get is what I have downloaded from the Parliament's website.

The Convener: That is correct.

Carolyn Leckie: Is it possible to have copies of the papers circulated to me?

The Convener: I do not want to create special circumstances for anybody in the Parliament. The position is that what is on the public website is what is available to other MSPs. You have the public papers. All the other documents are papers that the committee has decided are private. The paper that we are considering is in the public domain.

Carolyn Leckie: I will need to check that out.

The Convener: You can get the paper now, if you have not downloaded it. It is certainly in the public domain.

Carolyn Leckie: Has it not been the practice in previous committees that when MSPs who are not committee members attend, especially when they show a special interest, the convener has been able to exercise discretion in the distribution of papers?

The Convener: I have been the convener of only one committee, but I never gave out private papers to anyone who was not a member of the committee.

Mike Rumbles: Is there not a difference between members having copies of private papers and having a copy of a Scottish statutory instrument?

The Convener: The SSI is in the public domain.

Mike Rumbles: Does Carolyn Leckie have a copy of the SSI, convener?

Carolyn Leckie: I have a copy of it.

The Convener: The SSI is our only paper for this agenda item.

Carolyn Leckie: I intend to attend committee meetings as regularly as possible. Some stuff might be sensitive, but I need to check what the

normal protocols are for private papers. I am not certain that it is entirely necessary to withhold all of them.

Kate Maclean (Dundee West) (Lab): Rather than take an ad hoc decision, I suggest that the Procedures Committee or the Conveners Group should discuss the issue. If there is to be a policy on the issue, it should be consistent for all the committees of the Parliament.

The Convener: It is against the standing orders of the Parliament for me to provide Carolyn Leckie with private papers. The standing orders need to be changed for me to do so.

Kate Maclean: The Procedures Committee could consider that point.

The Convener: Yes. Conveners do not have the discretion to circulate private papers other than to committee members.

Carolyn Leckie: May I ask for all the papers that are not private to be circulated to me?

The Convener: That is the case. All public papers are in the public domain—they are available electronically and should be produced quite early in the week that we meet. If Carolyn Leckie wants paper copies, I have no problem with that. She can also have copies of supplementary papers, should those be issued, but I cannot circulate private papers to her.

I suggest that we move on to debate the item. I welcome Tom McCabe in his new role as Deputy Minister for Health and Community Care. I ask the minister to speak to and move motion S2M-117, after which members may speak for or against the motion.

The Deputy Minister for Health and Community Care (Mr Tom McCabe): I will take a few minutes to preface my remarks. I welcome Christine Grahame to her new role as convener and wish her all the best in that role. I also express the hope that, over the months and years to come, I can work constructively with the committee on a variety of issues that will crop up over that period. The Executive is committed to working in as constructive and open a fashion as possible with all the committees of the Parliament. I assure the committee that I will do my best to ensure that those objectives are achieved over the months to come.

That said, I will move on to the subject of today's debate, which concerns an emergency order banning the harvesting of king scallops in waters in part of Scapa Flow in the Orkney isles. As most people know, the order has been triggered as a result of amnesic shellfish poisoning being found at levels that are above the action levels set by the European Union.

The Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (Scotland) Order 2003 is a measure to address issues of consumer safety and public health. Shellfish that contain high levels of the toxin can cause illnesses in humans, which can range from nausea, vomiting and headaches to short-term memory loss, and—in extreme instances and if enough toxin is ingested—even death.

That is a brief outline of the current position. I know that members are aware of many of the issues. I am assisted this morning by two officers of the Food Standards Agency Scotland, Chester Wood and Martin Reid.

I move,

That the Health Committee, in consideration of the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (Scotland) Order 2003 (SSI 2003/260), recommends that the order be approved.

The Convener: Thank you, minister. The Subordinate Legislation Committee considered the instrument and, although it has not issued its written report yet, the committee's oral report is that it has no comment to make.

Mr David Davidson (North East Scotland) (Con): How many deaths from amnesic shellfish poisoning have been recorded in the United Kingdom?

The Convener: We know the answer to that question.

Mr McCabe: None, so far. Thankfully, no deaths have been recorded since monitoring began in 1999 until the present time.

Mr Davidson: We do not disagree with you on the matter—the committee is concerned about health. Can you tell the committee how many deaths or serious illnesses due to food poisoning have occurred as a result of consumption of fish products that are not covered by the instrument?

Mr McCabe: I do not have that information to hand, but I can obtain it from my department and write to the member.

Mr Davidson: Why does the Executive think that the instrument has to be enforced? The measures will cause tremendous damage to a local industry and there appear not to be serious health concerns.

Mr McCabe: Mr Davidson makes a large presumption in his last point. The Executive is applying the measures as a result of a European Union directive; we are legally obliged to monitor properly toxin levels in these shellfish. It is an assumption to say that the Executive is overreacting; we do not know what the position would be if the monitoring did not take place.

Scientific evidence suggests that ingestion of the toxins can be extremely dangerous. It also

suggests that, in extreme situations, ingestion can lead to death. In those circumstances, we would always want to take the precautionary approach. In any event, we want to comply with our obligations under the European Union directive.

09:45

The Convener: I ask the minister to reply to David Davidson through the committee so that the response can be circulated to committee members.

Mr McCabe: I am more than happy to do that.

The Convener: The question is—

Carolyn Leckie: I have a supplementary question for the minister. How many deaths from amnesic shellfish poisoning have been recorded in the European Union?

Mr McCabe: I will ask the officials for assistance.

The Convener: I am sorry, but the protocol for this type of debate is for officials to speak through the minister.

Mr McCabe: I am sorry, convener. I did not know that.

I am informed that there have been no recorded deaths in the European Union. In a recent debate on the subject in the Parliament, we mentioned that we were aware of four recorded deaths in Canada as a result of the consumption of mussels.

Mike Rumbles: May I ask a question, convener?

The Convener: Another line of questioning seems to have opened up. Please continue, Mike.

Mike Rumbles: The questioning so far seems to have concentrated on deaths, yet the purpose of the order is to avoid death. Can the minister tell the committee whether there have been any instances of illness caused by amnesic shellfish poisoning?

The Convener: I assume that Mike Rumbles is referring to recorded illness and not to people sitting at home feeling ill.

Mike Rumbles: I assume that that is why the order is before us.

Mr McCabe: A body of scientific evidence tells us that people will become very ill if they ingest enough of the toxin. We know that food poisoning is a condition that is significantly under-reported, which makes it difficult to gather accurate statistics.

The Convener: The question is, that motion S2M-117 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Grahame, Christine (South of Scotland) (SNP)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

AGAINST

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

ABSTENTIONS

Robison, Shona (Dundee East) (SNP)

The Convener: The result of the division is: For 5, Against 1, Abstentions 1.

Motion agreed to.

That the Health Committee, in consideration of the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (Orkney) (Scotland) Order 2003 (SSI 2003/260), recommends that the order be approved.

The Convener: Before we move into private session, I thank the minister for his brief appearance before the committee. I am sure that we will see each other at greater length from now on.

Mr McCabe: Thank you, convener—no doubt we will.

09:48

Meeting continued in private until 10:34.

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