HEALTH AND SPORT COMMITTEE

AGENDA

20th Meeting, 2010 (Session 3)

Wednesday 2 June 2010

The Committee will meet at 10.00 am in Committee Room 4.

1. **Decision on taking business in private:** The Committee will decide whether to consider its work programme in private at future meetings.

2. **Subordinate legislation:** The Committee will consider the following negative instrument—

   The Sports Grounds and Sporting Events (Designation) (Scotland) Order 2010 (SSI 2010/199).

3. **European matters** The Committee will consider matters relating to the European Commission’s forward work programme.

4. **Petitions:** The Committee will consider the following petitions—

   Petition PE1272 by Randolph Murray regarding the provision of out-of-hours GP cover in remote and rural areas;
   Petition PE953 by Ms Jean Gall, on behalf of the Scottish Association of Sleep Apnoea, regarding the health problems associated with Obstructive Sleep Apnoea;
   Petition PE966 by Robert A Lambert, on behalf of Glenrothes Community Action Group, regarding the lack of investment in swimming pools, the Sportscotland ‘Ticking Time Bomb’ report published in 2000 and the goal to “increase and maintain the proportion of physically active people in Scotland”;
   Petition PE990 by Derek Rosie and Colin McCall, on behalf of Penicuik Community Education Association, regarding the provision of community leisure facilities and the proposed closure of Ladywood and Queensway Community Leisure Centres and the Jackson Street Community Learning Centre facilities in Penicuik; and
   Petition PE1041 by Leslie James Trotter, regarding the standard of facilities and pitches used by all community-based sports clubs.
5. **Scrutiny of revenue allocations to NHS boards (in private):** The Committee will consider the contents of a revised draft report on its scrutiny of revenue allocations to NHS boards.

Douglas Wands  
Clerk to the Health and Sport Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5212  
Email: douglas.wands@scottish.parliament.uk
The papers for this meeting are as follows—

**Agenda Item 2**
Note by the clerk
SSI 2010/199

**Agenda Item 3**
Note by the clerk

**Agenda Item 4**
Note by the clerk
**Agenda Item 2  2 June 2010**

**Health and Sport Committee**

20th Meeting, 2010 (Session 3), Wednesday, 2 June 2010

Abridged Subordinate Legislation Briefing

<table>
<thead>
<tr>
<th>Name</th>
<th>Deadline</th>
<th>Motion to Annul</th>
<th>Purpose</th>
<th>Drawn to attention by Subordinate Legislation Committee (SLC)?</th>
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<tr>
<td><strong>The Sports Grounds and Sporting Events (Designation) (Scotland) Order 2010</strong> (SSI 2010/199)</td>
<td>21 June</td>
<td>No</td>
<td>This Order consolidates, with amendments, the previous Sports Grounds and Sporting Events (Designation) (Scotland) Orders. The principal purpose of the instrument is to designate the home grounds of Turriff United FC, The Haughs, Formartine United FC, North Lodge Park and Strathspey Thistle FC, Seafield Park, for the purposes of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995. Part II imposes certain restrictions on the sale and consumption of alcohol at designated grounds for designated sporting events.</td>
<td>The SLC had no comments to make on this instrument.</td>
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</table>

Where instruments have been drawn to the Committee’s attention, the relevant extract from the SLC report is given as an annex to this paper. If members have any queries or points of clarification on the instrument which they wish to have raised with the Scottish Government in advance of the meeting, please could these be passed to the Clerk to the Committee as soon as possible.
Background

Previous consideration of European matters
1. The Committee last considered European matters at its away day in August 2009, when members were briefed by the Parliament’s European Officer, Ian Duncan, in the context of recent elections to the European Parliament. Members agreed to keep a watching brief on developments at EU level through the European Officer’s work.

European Commission
2. Each year, the European Commission produces a detailed work programme for the year ahead, outlining legislative proposals (directives, regulations etc.) and non-legislative proposals (action plans, green papers, recommendations etc.). Conventionally the programme is the product of a dialogue both within the EU institutions, the Presidency trio and with member states that begins with the publication of an Annual Policy Strategy.

3. The Commission Work Programme (CWP) for 2010 departs from this convention in two ways. For the first time, the CWP provides a multi-annual overview of the work the Commission intends to undertake during its entire mandate, i.e. through to 2014. Secondly, the CWP 2010 is based in large part upon the Political Guidelines for the Next Commission by Commission President, José Manuel Barroso.

European and External Relations Committee
4. At its meeting on Tuesday 20 April, the European and External Relations Committee (“EERC”) began its consideration of the CWP for 2010-14. In keeping with previous years, the Committee agreed to consult subject committees on the CWP, with a view to identifying the EU policy and legislative proposals within devolved areas that will potentially have a significant impact on Scotland.

5. The European Officer has prepared an analysis of the CWP which sorts the Commission’s proposals by individual committee remits. The material relevant to the remit of the Health and Sport Committee is attached at Annexe A. This includes tables showing the overall breakdown by subject committee remit of issues of interest for (a) 2010 and (b) 2011-14.

6. In seeking the Committee’s response, the EERC requests that the Committee identify the EU issues in which it may wish to engage during 2010 and what form this engagement might take. It has also indicated that it would be helpful if the Committee could identify those issues that it would regard as being likely priorities through to 2014. The issues identified in the responses

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received will form the basis of the European Officer’s work in Brussels, where he will track issues that have been highlighted and will continue to provide regular updates to subject committees in the fortnightly Brussels Bulletin.

7. To assist this process, the European Officer, Committee clerks and SPICE have met to discuss the Commission’s proposals and any implications for the work of the Committee.

**Timetable**

8. The European and External Relations Committee requested that responses be received in time for it to consider subject committees’ responses at its meeting on 1 June. Owing to its consideration of its draft report on the Alcohol etc. (Scotland) Bill, the Health and Sport Committee was not able to meet this timetable. However, it is not the only subject committee to be in this position and clerks to the EERC have indicated that the EERC will consider a second batch of subject committee responses to complete the process.

**Content of the CWP**

(a) 2010

9. As the briefing in Annexe A shows, no proposals relevant to the Health and Sport Committee’s remit are expected to emerge in 2010.

(b) 2011-14

10. Proposals are expected on—

- an eHealth action plan;
- implementation of the sport provisions of the Treat of Lisbon;
- Pandemic preparedness;
- Revision of the tobacco products directive.

11. Under the Treaty of Lisbon, sport and sports policy is now an area where the EU has supporting competence. The European Officer has, separately from the briefing in the Annexe, drawn the Committee’s attention to the fact that, on 8 April 2010, the European Commission launched an online consultation on Strategic Choices for the Implementation of the New EU Competence in the Field of Sport. The European Officer has supplied the following briefing on the consultation—

“\[The Commission is expected to publish a Communication on sport in summer 2010, which will include proposals for its implementation and the establishment of a framework for political co-operation.\]

In order to prepare the communication, the Commission has launched an on line consultation, with a closing date of 1 June 2010. The questionnaire solicits the views of the public on the priorities for an EU sport strategy as well as addressing specific issues including
governance, volunteering, equal opportunities, doping and the physical and moral integrity of sports people.

A draft decision on the EU’s sports programme and budget is also expected to be agreed this summer by the Education, Youth and Culture Council."

**Recommendation**

12. It is suggested that the Committee agree either—

- to respond to the EERC to the effect (a) that, although there are no proposals relevant to the Committee for 2010, all four of the proposals expected to emerge from 2011 to 14 are likely to be priorities for the successor committee(s) in the third session of the Parliament and (b) that, therefore, the Committee requests that the European Officer keep a watching brief on these issues over the remaining months of this session with a view to attending the Health and Sport Committee to brief it on relevant intelligence, in order to inform its legacy paper; or

- any alternative course of action proposed by members.

Douglas Thornton
Senior Assistant Clerk
**Table 1: EU Issues of importance to Scotland that will progress in 2010**

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<tr>
<th>Nature</th>
<th>Title</th>
<th>Likely date of publication</th>
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<td><strong>Economy, Energy &amp; Tourism</strong></td>
<td>安阳</td>
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<td>Directive (s)</td>
<td>European Digital Agenda</td>
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<td>Communication</td>
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2 June 2010

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<td>Rural Affairs &amp; Environment</td>
<td>A multiannual plan for the stock of haddock distributed in EC waters of ICES zones Vb and Via (West of Scotland and North of Ireland)</td>
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<td>New post-2010 EU biodiversity policy and strategy</td>
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<td>Transport, Infrastructure &amp; Climate Change</td>
<td>Analysis of practical policies required to implement a 30% EU emission reduction and assessment of situation of energy intensive industries</td>
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<td>White paper</td>
<td>Future of the transport</td>
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### Table 2: EU Issues of importance to Scotland that will progress 2011–14

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<td><strong>Economy, Energy &amp; Tourism</strong></td>
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<td>Directive (amendment)</td>
<td>Revision of the Tobacco Products Directive</td>
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HEALTH & SPORT

No proposals expected to emerge in 2010.

Proposals to emerge 2011 – 2014

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<tr>
<th>Nature</th>
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| Communication | **eHealth Action Plan**  
The Commission has already undertaken significant preparatory work in the area of eHealth. The proposed Action Plan will cover the years 2011 – 2015, and lay out the targets and the operational steps required to roll out interoperable electronic health records and telemedicine services. |
| Communication | **Implementation of the sport provisions of the Lisbon Treaty**  
The Lisbon Treaty (article 182) extends EU competence to cover sport. The communication will make proposals for the implementation of this new competence, including the establishment of... |
of a framework for political co-operation.

**Pandemic preparedness**
The EU has already taken a lead role in responding to the various pandemics (e.g. swine flu, avian flu). This initiative will support the effectiveness and efficiency of European healthcare system and help co-ordinate member state reaction to pandemics.

Cont’d
**Revision of the Tobacco Products Directive**
Substantial developments in tobacco product regulation have taken place that necessitate the update of the Directive. Particular emphasis will be placed on measures to target young people and vulnerable groups. The proposals will emerge in December 2011.
Health and Sport Committee
20th Meeting, 2010 (Session 3), Wednesday, 2 June 2010

Note on petitions

Introduction

1. This paper provides an update on petitions currently referred to the Health and Sport Committee and invites the Committee to agree what action it wishes to take on each.

PE1272 – Out-of-hours GP cover

2. PE1272—Petition by Randolph Murray calling on the Scottish Parliament to urge the Scottish Government to ensure that there is adequate provision for out-of-hours GP cover in all remote and rural areas in Scotland—was lodged with the Parliament on 7 September 2009.

3. On 16 September 2009, the Committee agreed to undertake a short inquiry into out-of-hours healthcare provision in rural areas. At its meeting on 2 December 2009, the Committee agreed to take the petition into account as part of the inquiry.


For decision

5. The Committee is invited to consider whether it wishes to—

   (a) close petition PE1272 on the basis that the Committee considered the issues it raised as part of its inquiry into out-of-hours healthcare provision in rural areas; or

   (b) propose and agree an alternative approach.

PE953 – Obstructive Sleep Apnoea

6. PE953—Petition by Ms Jean Gall, on behalf of the Scottish Association of Sleep Apnoea, calling on the Scottish Parliament to urge the Scottish Executive to increase awareness, promote the proper diagnosis and treatment and provide sufficient resources, including adequately funded sleep centres, to tackle the health problems associated with Obstructive Sleep Apnoea.

7. The Committee considered the petition at its meeting on 2 December 2009 and agreed to write to the responsible Scottish agencies, the Scottish Intercollegiate Guidance Network (SIGN) and NHS Quality Improvement Scotland to seek an update on the review of SIGN guideline 73. The Committee also agreed to write to the UK Medical Research Council and the UK Department of Transport on the subject of obstructive sleep apnoea.
8. On 8 January 2010 the Committee received a response from the UK Department for Transport stating that the Department expected to publish new research into fatigue risk management in the first half of 2010. On 2 February 2010 the Committee received a joint response from NHS QIS and SIGN which stated that, following work to assess the need for a formal review, including consideration of the latest evidence on the subject, SIGN had concluded that a review of SIGN guideline 73 was not required at this time.

9. On 19 February 2010 the Committee received a reply from the UK Medical Research Council outlining two research studies the Council is currently undertaking with the Churchill Hospital in Oxford on the effectiveness of Continuous Positive Airway Pressure (CPAP) in the treatment of obstructive sleep apnoea.

10. The result of the first of these CPAP studies, called MOSAIC, is expected to be published in late summer 2010. The second study, called PREDICT, is not expected to report until 2013. Copies of all responses are attached in the annex to this paper.

For decision

11. The Committee is invited to consider whether it wishes to—

(a) write to the UK Department for Transport and the UK Medical Research Council seeking more detailed information about the various research studies due to report in 2010 and inform the petitioner of the result of these studies; or

(b) propose and agree an alternative approach.

Sports facilities

12. On 18 March 2008, the Public Petitions Committee agreed to refer three petitions (PE966, PE990 and PE1041) to the Health and Sport Committee to take forward as part of its pathways into sport inquiry.

13. These petitions referred to the provision of various sporting facilities, including swimming pools and other community sports facilities. The content of the petitions is set out below.

14. PE966—Petition by Robert A Lambert, on behalf of Glenrothes Community Action Group, calling on the Scottish Parliament to consider and debate the lack of investment in swimming pools in Scotland, what action is being taken to address the Sportsotland “Ticking Time Bomb” report published in 2000 and how the goal to “increase and maintain the proportion of physically active people in Scotland” is being met.

15. PE990—Petition by Derek Rosie and Colin McCall on behalf of Penicuik Community Education Association, calling on the Scottish Parliament to urge the Scottish Executive to review the provision of community leisure facilities across Scotland, given for example the proposed closure of Ladywood and
Queensway Community Leisure Centres and the Jackson Street Community Learning Centre facilities in Penicuik.

16. PE1041—Petition by Leslie James Trotter, calling for the Scottish Parliament to urge the Scottish Executive to take the necessary steps to ensure that facilities and pitches used by all community-based sports clubs are of a standard befitting a leading European nation.

Referral process
17. Unfortunately, it appears that the transfer of these petitions between the clerks to the Public Petitions Committee and Health and Sport Committee did not take place as expected. It has come to light only recently that the Health and Sport Committee did not receive the referral. As a consequence, these three petitions remain open.

18. In light of this case, the process for referral of petitions from the Public Petitions Committee to subject committees has been reviewed by the clerks in order to prevent a recurrence.

Pathways into sport and physical activity
19. The Committee agreed at its meeting on 1 October 2008 to consider similar issues raised by other petitions (PE789, PE1037 and PE1138) around provision of local ice rinks and other sports facilities as part of the community facilities element of the Committee's pathways into sport and physical activity inquiry.

20. The Committee’s report included the following paragraphs that are relevant to petitions PE966, PE990 and PE1041—

[Paragraphs 217 to 221]

The Committee considers that the poor condition of ageing existing facilities is of equal importance to the number of new facilities. It is clear to the Committee that the research from sportscotland and the AGS report shows that substantial investment is required to upgrade indoor and outdoor facilities across Scotland.

It is disappointing to note that, according to sportscotland, only a minority of local authorities currently have sports facilities strategies. As of May 2008, 14 local authorities had completed pitch strategies, with a further six underway; five local authorities had completed facilities strategies with a further seven underway.

Furthermore, sportscotland’s evidence was that few local authorities consider the full stock of facilities in the local area, including those that are held in the commercial and voluntary sector.

The Committee considers that a facility strategy is a key component of a local sports strategy. The Committee reiterates its earlier recommendation that each community planning partnership should have a sports strategy, which includes an implementation plan. This
strategy should include a facilities component that covers specific, timed actions and local indicators by which performance can be appropriately monitored.

Scottish Government response
21. The Scottish Government responded to the Committee’s recommendations as follows—

Sports facilities
The Scottish Government supports the Committee’s conclusion and in working with Local Authorities and sportscotland in the development of sports strategies will encourage that these take cognisance of the importance of the availability of quality playing and training surfaces.

sportscotland is committed to the provision of quality outdoor sports pitches across Scotland. As mandatory consultees within the Planning and Open Space policy sportscotland strives to negotiate high-quality replacement provision for pitches affected by development for the benefit of sport in Scotland.

The Scottish Government, in partnership with sportscotland, will encourage Local Authorities to consider the importance of the availability of quality playing and training surfaces in the development of sport strategies.

sportscotland has produced various guidance on the planning and design of sports facilities including specific guidance related to sports pitch strategies.

The Scottish Government is developing the proposals for the Community Sport Hubs network in line with the emerging 2014 Legacy Plan that will make it easier for people to engage in physical activity and sport utilising the range of built facilities and open space available across Scotland.

For decision
22. The Committee is invited to consider whether it wishes to—

(a) close petitions PE966; PE990 and PE1041 on the basis that the Committee considered these issues as part of its inquiry into pathways into sport and physical activity; or

(b) propose and agree an alternative approach.

Dougie Wands
Clerk to the Committee
02 February 2010

Mr Sean Wixted
Assistant Clerk to the Health & Sport Committee
The Scottish Parliament
T3.80
Edinburgh
EH9 1SP

Dear Mr Wixted,

Petition PE953

Thank you for your letter of 15 December 2009 seeking information about the possible update of SIGN guideline 73 on the management of obstructive sleep apnoea / hypopnoea in adults.

We have undertaken additional work to assess the need for a formal review of the guideline at this time. This concluded that there is no evidence that recommendations in the original guideline are wrong or potentially harmful. Much of the latter evidence reinforces the original recommendations, but is unlikely to change them.

There are several issues that are not addressed in the original guideline, including APAP, melatonin, oral appliances and preferred diagnostic strategies. However, for most of these topics there is no strong evidence and consequently there can be no strong recommendations. The exception is melatonin, where there is clear evidence that it is of no benefit in sleep apnoea.

On this basis, SIGN Council do not feel that a review of SIGN 73 is required at this time. Like other extant guidelines the need for review will be considered on an annual basis.

I hope this information is useful for the deliberations of the Health and Sport Committee.

Yours sincerely,

[Signature]

Dr. Frances Elliot
Chief Executive, NHS QIS

Cc Sara Twaddle, Director SIGN
From the Parliamentary
Under Secretary of State

Christine Graham MSP
Convener
Health & Sport Committee
T3.60
Scottish Parliament
Edinburgh
EH99 1SP

Department for
Transport

Great Minster House
76 Marsham Street
London SW1P 4DR
Tel: 020 7944 2566
Fax: 020 7944 4309
E-Mail: paul.clark@dft.gsi.gov.uk
Web site: www.dft.gov.uk
Our Ref: PC/031209/09

06 JAN 2010

Dear Christine,

Thank you for your letter dated 15 December enclosing a public petition on Obstructive Sleep Apnoea and asking about research we have commissioned reviewing fatigue risk-management systems.

We expect to publish this research in the first half of 2010.

PAUL CLARK
Dear Ms Grahame,

I am writing in response to your letter of 15th December to Prof Darbyshire; I apologise for the delay in doing so.

We are currently collaborating in two multi-centre sleep apnoea studies with Churchill Hospital Oxford. The first of these, MOSAIC, assesses whether use of CPAP can reduce a risk score for cardiovascular events. That study will be analysed in the next few months, results expected late summer 2010.

The second study is about to begin. PREDICT assesses whether the benefits associated with CPAP in younger populations are applicable in patients over the age of 65. That is not likely to report until 2013.

Please let me know if I can provide you with any further information.

Yours sincerely,

AJ Nunn
Associate Director
MRC Clinical Trials Unit