

THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

Transcript of the Public session of the Council meeting held on Thursday 24 July 2008

[NB: Decisions in square brackets and narrow type are taken from the unconfirmed minutes of Council and therefore are subject to amendment].

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PUBLIC BUSINESS

COUNCIL MEETING

Present

President	Mr Steve Churton
Vice-President	Mr M Astbury
Mr S Acres	Ms S Agha
Mr G Alexander	Mrs M Allan
Professor N Barber	Mrs C Brown
Mr David Carter	Dr B Curwain
Mrs D Drury	Dr C Duggan
Dr P Entwistle	Mr J Gentle
Mrs L Jacobs (until 08/87)	Mr R Jobling
Mr J Jolley	Mr A Kershaw
Mrs S Kilby	Ms Y Liddell
Professor B Michell	Ms A Moore
Mr D Simpson	Mr D Thomson

Mr Steve Churton, the President: Good afternoon Council. We are moving into public business of the Council meeting. For the record, I offer congratulations to Beth Taylor, Sandra Melville and Marc Donovan on their appointments to the Chairs of Relative Boards. **(Applause)**

1. Apologies for absence

For the record, I have apologies today from Andrew Gush, Sylvia Hikins, Jane Ramsey, Marcia Saunders, Keith Wilson and Marc Donovan, whom Peter Jones is standing in to represent. Lorna [Jacobs] will have to leave early, as will Martin [Astbury].

2. Declaration of interests

I remind members to declare interests at the beginning of the relevant agenda item.

3. Minutes of the public part of the meetings of Council held on 21 May and 3 and 4 June 2008

Just to point out that it is not Council's usual practice to take minutes at formal meetings held on strategy days but because of the long gap between the May and June meetings and the October meeting, it was decided to bring minutes to this meeting for approval. We have been notified of two issues for accuracy, if I could ask you to mention those, Averil.

Ms Averil Ridgway, Head of Secretariat: In fact there are three; another came up yesterday. If you would note, Council, that I will amend the minutes to what I read out now. David Thomson was present at the public business and the confidential business of Council. On the minute of the election of President on 3 and 4 June, voting for the first round ballot will be accompanied by a footnote stating that this was a post-meeting note, inserted into the minutes for information.

On the election of the additional member of Council to work with the officers, there are a few corrections to: *“Mr Gerald Alexander was seconded by Mr Andrew Gush and Mr David Thomson was nominated by Mr David Carter and seconded by Mrs Sylvia Hikins.”* I will make those changes now.

The President: Thank you, Averil. Are Council content to accept the minutes on that basis? **(Agreed)**

[Council resolved that the minutes of the public business parts of the meetings held on 21 May 2008 and 3 and 4 June 2008 be received and agreed as a correct record. **21 May 2008:** Add to those present – Mr D Thomson; **4 June 2008: Minute 08/72** The results of the first round ballot for the election of President to have a footnote indicating that the inclusion of the voting was a post meeting note for information and Mr Gerald Alexander was nominated by Mr John Jolley and seconded by Mr Andrew Gush; Mr David Thomson was nominated by Mr David Carter and seconded by Ms Alison Moore.

4. Matters arising from the public part of the meetings of council held on 21 May and 3 and 4 June 2008

The President: There are no matters arising.

Professional leadership matters.

5. Allocation of lay and pharmacy technician members to the English Regions

Mr John Gentle: This came about because initially there was there is a problem between regional allocation of members to regions. Not all Council members are evenly distributed around the country. On one or two occasions, Council members were covering two or three regions some distance from where Council members live. So that is one aspect of the paper, to try and use the lay membership of Council to fulfil some of the potential gaps we have. There is a secondary reason which I was in favour of. Particularly at this time, I thought it might be pertinent if lay members played the fuller role in engagement with regions and ditto with the branches, as I expect there will be branch invitations that flow from attendance at regional regions. But to put lay members in contact, on a more direct basis, with some of the activists around the country will maybe work in two ways. It will help the activists to understand the role of the lay members and what goes on at Council, but also those lay members to talk to members. As John Hanlon responded in saying that the only pharmacists that lay members often meet are not the normal ones; i.e. those who are on Council and might not necessarily be representative of the wider membership.

So there are two aspects here. One is to fulfil the remit of Council members in regular attendance at regional meetings, which allows a two-way flow of information from the regions to Council upwards, and to inform the membership more directly about the kind of things that happen at Council, and the whys and the wherefores than looking at the minute or the transcript on the web. That is basically it.

The President: Would anybody like to comment on this?

Mr John Jolley: I would like to support this motion, in that I think it is an excellent idea that the regions do have contact with Council members. There are many areas where information can be most effectively communicated to regional committee meetings. The only thing I would raise -- and there is a comment in the papers -- regarding payment of attendance allowances. It is certainly my experience -- and I have been representative on two regional councils for a number of years -- that I have chosen not to claim attendance allowances for the simple reason that other members of the Regional Committee do not get attendance allowances. I think it is iniquitous that the chosen few from Council go down and get attendance allowances plus travel expenses, when the rest of the Committee are purely getting travel expenses. I would certainly recommend that we do not pay attendance allowances, and that we regard this very much as the duties and responsibilities of a Council member in order to effectively communicate Council policy to the regions.

Mr Douglas Simpson: I support the idea of Council members going to regions. I have always gone to my region all the time I have been on Council and have only missed one

meeting. I do in fact claim an attendance allowance. I thought it the norm to claim an attendance allowance. If I disappear off to Tonbridge Wells on a Wednesday night, when I could be doing plenty of other things, like rehearsals with my operatic society. I claim my attendance allowance, but you do not have to claim yours if you do not want to. I feel the regions do value this kind of contact and get an enormous amount from the Council member turning up, and I get an enormous amount as a Council member from turning up myself, so it is a two-way thing.

The President: I think it is fair to say we can leave it to individual member's discretion as to whether they claim their attendance allowance.

Mrs Margaret Allan: On that basis, can I understand what we are talking about and actually what the cost implications would be? On what basis are we coming up with those cost implications? Is it based on the fact that probably people will not claim their attendance allowances, or is it based on the fact that we expect them to? If we are saying they can claim it, then we should base our expectations on the full amount.

Mr Patrick Stubbs, Head of Marketing: The calculation is if everybody who was to attend every meeting was to claim at a maximum of £100 per meeting, the cost would be £8,000. In the case at the moment, I think last year what was actually claimed for this attendance was about £1,000. So even if only one member were to attend, we estimate the cost would be about £4,000 if they all claimed the maximum. So the worst case scenario is in the paper.

Mrs Sue Kilby: I think this is part of a larger issue. It is not just about claiming the cost for attending this meeting. It is the amount of time certain members of Council are spending on Council business. Unfortunately, the only way we are reimbursed at the present time is by a daily allowance. If you are presenting at a meeting where you are having to produce your own slides, doing your own work and having to spend a lot of time doing that, you are putting back a token effort. I would love it to be sorted out another way, because I take what John says and I think it is unreasonable in many cases for us to claim to attend the meetings. But there needs to be some system where certain members, if they are spending a large amount of time undertaking Council business outside of Council, there is some way of recognising that. I think it is part of a larger issue. I know I am not alone in that, but I guess all the Chairs, and probably all the Boards as well, are in that position.

Mrs Lorna Jacobs: I was going to pick up on the actual wording, where it says: "*Attendance allowance, if it has been agreed by the office.*" Could I clarify, if one of us is allocated to a region and there is a regional meeting, do we take it that that then is agreed, or do we phone the office to agree the individual date?

The President: We take it as agreed, do we not? **(Agreed)**

Mr Ray Jobling: Just a practical point. Do we wait to hear from them, or do we issue contact with our region?

Mr John Gentle: I think if you look on page 3/3, there is a proposed allocation of Council members to areas. In terms of attendance, if you look at the Chiltern Region, again because of the geography of where people live, if six Council members attended, it is not envisaged that all six members would attend the regional meetings in the Chiltern area. If you take one of the ones I am allocated to -- Steve Acres, myself and the President are allocated to that region -- I suspect the President may find it an extra drain on his time and may not be able to attend all those meetings, so me and Steve would be allocated. If the region wanted two of us to go, one being a non-pharmacist and one being a pharmacist, then I would be prepared to go. But it is not envisaged that all the members would go every time in terms of finance. In terms of contact, the Regional Secretary will be told which members of Council have been allocated to the Region and they will inform those Council members when those meetings are and then some kind of arrangements as to who is going between the Council members.

The President: Can I take it Council agrees with this recommendation? **(Agreed)**

[Council agreed to allocate lay and pharmacy technician members of the Council to the Society's 11 Regional Committees in England.]

Regulatory Matters

6. Welsh Language Scheme

Mrs Margaret Allan: I have not worked personally on this, so I will read the brief I have been given to make sure I get this accurate. This has come to Council because it is an RPSGB-wide responsibility that we have to produce this paper, this Welsh Language Scheme. So although the work has been done at the Welsh Board, it has to be looked at across the board, which is why it is coming to Council. If I explain, it is the Welsh Language Act which established the principle that in the conduct of public business in Wales, the Welsh and English language should be treated equally. It is a legal requirement, so we do not have a choice about it, and it is a real requirement around the delivery of services. It is irrespective of where those services are developed. Therefore, because they are developed here, you still have to be able to have a Welsh language scheme.

As I say it is now legally required. The Welsh Language Board has approved the scheme that we have put forward to them. What has been presented to you is the 12th draft, so there has been a lot of back and forth and tweaking. I need to make it clear that if, at this point, Council wants to make changes, any changes you make will have to go to the Welsh Board, back through that process and then come back again. Therefore I am saying that unless you have got anything major to change, if you do change things it will prolong the process. The Welsh Language Board is not unrealistic in what they are asking of us. It strives for the gold standard but accepts that we are in an evolutionary process here, so they do not expect everything to be in place at day one, but we are evolving to a gold standard. Perhaps the Society should also be using this as a stepping stone to look at language awareness as a general thing across the organisation, as part of their bigger picture for customer service delivery. That is all I want to say. I do not know if any of my Welsh colleagues wish to add anything?

Mr Peter Jones: I just add that it formalises what we do already in the Board. There is no onus on us to do any more than we currently do. I do not think there are any huge costs or changes to the way we work involved.

Mr Martin Astbury, the Vice-President: Since Margaret said Welsh colleagues, I will jump in as well. **(Laughter)** It is wholly appropriate that the regulator follows through with this. If it is a must, we can look again when we come to the professional body, but it is a must for now.

The President: We do not need a debate, do we? Is that agreed? **(Agreed)** (i)? **(Agreed)** ii? **(Agreed)**

[Council noted i. the draft Scheme, and approved ii. its submission to the Welsh Language Board.]

7. Consideration of cases for non-referral to the Investigating Committee

Mr David Carter: I have pleasure in presenting this paper 08/07/69 for consideration today. The paper is an amendment paper to previous Council paper, 08 06/C/81, which was agreed at the last meeting of Council, and which concerned, as you will recall, cases that were suitable for non-referral to the Investigating Committee. Following Council's agreement of that previous paper, there was a meeting in the Fitness to Practise Directorate to consider and model some of the examples. At this point the Fitness to Practise Directorate recognised a few of the points which were needed for clarification to ensure fairness and transparency in the consideration of cases suitable for dismissal by the non-referral route. To ensure that stakeholders are not under any misunderstanding as to the type of case suitable for non-referral, and the way that such cases will be handled by the Society in the future. The paper is brought today following deliberation of the Law & Ethics Committee on 15 July, on the advice of the Fitness to Practise Directorate. The specific issues relate to (iii), (iv) and (vi) of the original paper. In essence, the Law and Ethics Committee recommends the six bullet points before you. We have in the room Sarah Billington, the Chief inspector, and Rebecca McMahon here to answer technical questions any Council members may have.

The President: Seema, do you have anything to add?

Ms Seema Agha: No.

The President: Any questions on the paper? **(None)** Can we agree (i)? **(Agreed)** (ii)? **(Agreed)** (iii)? **(Agreed)** (iv)? **(Agreed)** (v)? **(Agreed)** (vi)? **(Agreed)** Thank you very much.

[Council agreed i. to amend the wording of recommendation (iii) of Council paper 08.06/C/51 to include within the scope of a single one-off dispensing error the supply of a date-expired medicine, where there was no evidence of deliberate intent on the registrant's part to supply a date-expired medicine; ii. to amend the wording of recommendation (iv) of Council paper 08.06/C/51 to replace the term: "the Inspector's investigations" with: "the Society's investigations"; iii. to approve the addition to recommendation (iv) of the wording "by the Society, if any" after the phrase "the advice provided"; iv. to confirm that the Fitness to Practise Directorate had a discretion to categorise allegations which did not fall within one of the specific "Examples" listed within Appendix 1, Box 2 of Council paper 08.06.C/51 as being suitable for non-referral; v. the amended wording for cases suitable for non-referral as outlined in appendix 1; vi. the suggested approach to handling cases which involved more than one allegation against a registrant, where at least one of the allegations fell within the criteria for non-referral to the Investigating Committee: (1) If there were multiple allegations against a registrant, and one or more of those allegations fell within the criteria for non-referral, but at least one other allegation did not fall within those criteria, the whole case would be referred to the Investigating Committee; (2) If there were multiple allegations against a registrant, and each of those allegations would individually fall within the criteria for non-referral, the approach taken would vary depending on whether the allegations were supported by evidence, as set out below:
(a) If there was evidence to support only one of the allegations, the case would proceed down the non-referral route; If there was evidence to support more than one of the allegations, all the allegations would be referred to the Investigating Committee. The rationale for that was that each additional allegation which was supported by evidence amounted to: "evidence of other misconduct that would form the basis of a complaint", which was one of the factors stated in Council paper 08.06/C/51 as being likely to result in referral.]

8. PRLOG meeting 17 September 2008

The President: This is for report from Jeremy on the PRLOG meeting of 17 September.

Mr Jeremy Holmes, the Chief Executive & Registrar: As Council will know, we usually submit three updates to each PRLOG meeting covering the implementation of the P&PTO, the development of the future professional body and business continuity of regulation, and we usually bring those papers to Council for approval prior to submission to PRLOG. Now up until yesterday, we thought we would not have a Council meeting at the right time prior to the PRLOG meeting on 17 September. So I was going to seek Council's permission to have the President sign off those papers for submission to PRLOG. We do have the option now of a possible early September meeting. It is very tight, if that meeting is on 4 September, because we do have to get the papers to the Department of Health two weeks before the PRLOG meeting, so it would be rather tight, if there were any substantive changes at a Council meeting on 4 September. I am also conscious that if we do go for a Council meeting on that date, we will have a very full agenda, particularly if we want to spend time on the White Paper and we want to invite Keith Ridge and potentially Nigel Clarke as well. My preference is still to seek Council's agreement to the President's sign-off of the papers. But we do have that option, if the Council prefers it, to use part of the meeting on 4 September. **(Agreed)**

[Council agreed to delegate approval of the three update papers for the PRLOG meeting on 17 September 2008 to the President.]

Organisational matters.

9. Appointment of a lay Council member.

The President: We stay with Jeremy for this. It is item 70.

The Chief Executive & Registrar: Council will remember our previous discussions on this matter. Can I draw your attention to paper 70? Before we go to the action required, can I

pick out some of the key points of background? In paragraph 1.2, you will remember back in April, Council expressed a strong view that the vacancy left by John Hanlon's departure should not be filled. We wrote to the Privy Council, and they replied saying they believed an appointment should be made, principally because leaving it vacant would run counter to their current policy, and leaving it vacant until the GPhC was formed would be too long a time, particularly as there still is not absolute certainty on the start up date for the GPhC. So they have effectively instructed us to make an appointment. If we are going to make an appointment, the first port of call is: are there any available and suitable candidates already known to the Appointments Commission. The Commission said there are not any, so we have to advertise.

Section 2 of the paper discusses some of the criteria that we might use. 2.1 and 2.2 are pretty straightforward. 2.3 is very important, in that it should be a person living or working wholly or mainly in Scotland. So I would emphasise section 2.3. 2.5 were the additional criteria that were discussed previously. Council may wish to specify one or several of those additional criteria, but it is very clear that the Scottish criterion is paramount, because that is part of the requirement from the Privy Council.

Can I take you to section 4? If we were to advertise this, it is not a cheap exercise. The advertising cost in the national press is probably £10,000 or thereabouts, but we do have access to the Appointment Commission's website. If we go now to action required, in addition to agreeing any additional criteria in the recruitment exercise, we also need to consider whether the vacancy should be advertised in the national press, or on the Public Appointments website or both in sequence. We could put it on the website first, and perhaps advertise in the Scottish press, because of the Scottish requirement. Then, if we do not have appropriate candidates through that route, then to consider further advertising. That would be a sequential process that would manage our costs. I would be very grateful for Council's consideration of those.

Professor Bob Michell: I would like to speak very plainly about this. The Council has already given its view. The Privy Council (or rather the Department of Health) seeks to override it. As a lay member of Council, and having been a lay member for five years or more, my honest opinion, if I were on oath, as to whether the appointment of this additional lay member would contribute anything whatsoever to our regulatory or public protection functions, my answer (on pain of being shot for being wrong) would be: *nothing whatsoever at all – the square root of zero*. So pharmacists are being asked to pay through their subscription for something which, in my view as a lay member, contributes absolutely nothing, except safeguarding the beliefs of the Department of Health. This is nonsensical. It is not as if we are a permanent regulator; we are in transition towards ceasing to exist. Because we are in transition it is all the more important that the lay members are up to speed on where we have come from and where we are going to. To be blunt, if the Society were to spend money on this, it would be an appalling waste of resources. The only circumstances in which I would vote for this would be if the Department of Health were to recognise that they wanted it, we do not and they would be prepared to pay the full costs, including the induction costs.

Mr Gerald Alexander: Can I intervene with a point of order? What is missing from the paper is any allusions to the supplemental Charter of 2004, section 8. It says: *"Within the control, direction of management and policies and affairs of the Society should be vested in the Council. The Council should be constituted to consist of 17 registered pharmacists, one pharmacist appointed by the heads of schools, two technicians."* Then it says: *"10 persons appointed by our Privy Council."* Then it says: *"On the application of the Society pursuant to special resolution, our Privy Council may by order vary the composition of Council provided there should be no more than 35 members in total."*

So the Privy Council have the discretion to vary the composition of the Council. I do not know whether we asked for that varying of composition of the Council in the letter that we wrote to the Department of Health. If we did not, may I respectfully suggest that a letter goes back to the Department of Health (the Privy Council) suggesting that we vary the composition of the Council in the period of time between now and the time when the Society separates to a regulator and to a professional body?

I know that the arguments are there, but it is quite clear in the Charter that it is not within our gift to say whether we should have eight, nine or ten. It is the discretion of the Privy Council. So we really do not have any say in this. It is purely down to Government whether there are 10 members of the Privy Council. We can amend the numbers, we can suspend or remove Council members, but we cannot do anything about Privy Council nominees. All I would suggest is that, given those arguments, it is within their discretion and gift. I think it is entirely reasonable to put some of the points that Bob has alluded to now in relation to the costs. I suppose if it is within their gift, then if it is their gift perhaps we should provide the cost. That would seem reasonable.

The President: Can I ask Jeremy to respond?

The Chief Executive & Registrar: I think Elaine may be able to help us here on the Charter.

Mrs Elaine Mulingani, Governance Co-ordinator: Picking up on the point about section 8 of the Charter, the Society could make their request to the Privy Council in pursuit of a special resolution; that is, if we had gone to the membership, with two-thirds of a majority vote of the membership voting by whatever method we would choose. And of course we have gone to the Privy Council and asked them if they would consider not appointing this person and they said they would not consider that.

Mr Gerald Alexander: So you cannot do it the other way around. You get the agreement of Government first and then go to special resolution and then go back to the Government and say "*We will go with Council to 29*" Is that not a reasonable route?

Mrs Elaine Mulingani: Are you suggesting we go to the membership to take a vote on this?

Mr Gerald Alexander: It could be done by a SGM. It is for the membership to know that such a meeting was to be called. I do not know how much less it would cost.

Mrs Lorna Jacobs: Do we know how much it costs to advertise in the Scottish press rather than the national press? If we must have a Scottish member, it seems silly to go to the cost of the national press. I suppose it is a question if we become assertive with the Privy Council, we are talking that clearly nobody is going to advertise in August. We will not have anybody in post until January. It is a major task for any lay person to get up to speed with all the different things that are on-going. If we are talking about a shadow GPhC, we are talking of six months before then – actually, there will be so little time for a lay person to be up to speed and active, I would urge, if we can politely press our case with the Privy Council again.

The Chief Executive & Registrar: Those arguments are very powerful, but we have made them and we have made them quite strongly. The problem we have is that the Privy Council wants to stick with the way they see the letter of the provision. But also they do not have 100 percent confidence in the January 2010 date, and they do not want to be compromised. If that slips by six months and we find it is two years from now, they do not want the finger pointed at them.

The President: On the specific question of the cost in the Scottish media...?

The Chief Executive & Registrar: The Scotsman is £4,250 -- I assuming this is rate card -- and the Glasgow Herald is £5,500, so we could probably go lower than that. That is the order of magnitude. We might not need to do both.

Ms Seema Agha: I think the whole handling of the lay member issue should have been looked at by proper legal advice; maybe independent advice. I said that at the time, and the whole thing of vacancies looked at in the round; the consequences of a vacancy before we were even asked to vote on it, because there is also a governance issue. Perhaps, if one was making a legal -- an expert on the Charter, would go back to say at the time that the Charter was drawn up, it was not envisaged that there would ever be two bodies. So in making submissions, you say: is there power to make a discretion, because we are in unique times?

The proportionality of it and making stronger representations around the different position that we are in. You say you put a strong – and I do not say you did not, but did you get legal advice to help you make those submissions to the Privy Council in those terms?

The Chief Executive & Registrar: No, we did not get legal advice.

Ms Seema Agha: But I think it is important, because you are dealing with a Charter. You are dealing perhaps with somebody else perhaps looking at it and looking at other mechanisms for giving you those stronger arguments.

The Chief Executive & Registrar: We were conscious of cost, I should say.

Ms Seema Agha: Well, it is a proportionality, because if you actually win your legal argument, you may not have to go to appointing someone. It is about being robust and doing it procedurally right as well.

Mrs Sandra Melville, Chairman, Scottish Pharmacy Board: Could I bring in a Scottish debate? I am playing catch-up, as you know. The Scottish Pharmacy Board did not have a problem with leaving that situation vacant. I think it is important to Council to remind people of that. We did not have a problem with the decision not to appoint a Scottish lay person, because of the short period of time and the costs and everything. It appears that we do not have a choice, and maybe we are going to challenge that. But actually from the Scottish point of view, the main issue, or the main point we would like to put across, is the application of the additional criteria from the point of view that this might be discriminatory and deter applicants. If it does not apply to the other members, it should not apply to the Scottish member. That is our point of view. Whatever you decide about the problem of appointing, if you want to appoint, you have to appoint, but there should be no additional criteria applied.

Mr Alan Kershaw: I think whatever the niceties maybe of what we can do with the Charter and what we cannot, it is politically inconceivable, I think, that ministers will accept doing away even temporarily with one of the positions designated to one of the countries. If this were one of the six or so which are not allocated to a particular country, then the position might be different. But to say that one country has no lay representation, whatever the merits of the case -- and I am as uncomfortable about this as anybody else -- I simply do not think it will wash. We are probably banging our head against the wall with that one. Even if it were possible to get the resolution, and so on, to appear to have allocated a place to Wales and allocated a place to England, then the others, to take the one away from Scotland; whatever we think, I do not think ministers would do that in a political sense. I do not think it is a battle we will win, like it or not. The question is whether it is worth the fight. I fear the risk of incurring expense delay and opprobrium is not worth the candle. but I do not want to appear to be defeatist on this. But whatever we should do should be under protest.

Mr David Thomson: This is not just any lay member; it is a lay member from Scotland.
(Laughter) It is quite important. With that cultural emphasis, I propose we proceed through the most cost-effective process, which may be the website. If the likely applicant is active in seeking this type of position, they would be looking at the website anyway, so I think we could be confident in attracting an appropriate person.

Mr Ray Jobling: I think, going back to what Alan was saying, ministers would not want to be seen to do this – particularly at the present time. This is not the time to play fast and loose with the whole business of Scotland. I think if we have protest, it will fail. We made our point. I am conscious of the cost and I think the website will be the cheaper option, and we should go with that. But just to come back to the point. It is the regulatory body for pharmacy in Scotland. The deadline may slip and may slip significantly, but surely we cannot have a situation where a regulatory body, which is supposed to have lay participation, does not have representation from Scotland when it is provided for and we are seeking to step aside from that. I would urge that we go ahead with it, but conscious of the cost and keeping the cost down. I agree with the point about setting special conditions, peculiarly as it would appear -- although that was not where it started -- on the Scottish lay member.

Ms Alison Moore: A lot of what I was going to say has been said already. If we decide that we have to go with this, I would agree that we need to do it quickly. Surely the longer it takes to recruit somebody, the less useful they will be. If we have to do it, do it quickly. Get it done and then we will have somebody there who will be of use. At the risk of sounding a little schizophrenic -- on the other hand, if we decide we are going to try to argue the case more strongly with the Privy Council, I suggest we get verbalised somewhere in there the opinions of the other lay members. because It might look to the Privy Council that it is the pharmacists who are saying, "We don't want any more lay people," whereas that is not the argument. It is the lay members who have made the strongest arguments here.

The President: Phillida, did you have a new point?

Dr Phillida Entwistle: Bob has said exactly what I wanted to say. There are two different levels of instruction, we are now told, because in the paper it said that an appointment should be made. Jeremy tells us that he was instructed. They are different levels of activity. I would like to make sure, was this an instruction or was it strong advice?

My second question is about the additional criteria. If we had to go down this road -- and I hope we do not -- if we did, should we be including criteria on issues which are devolved to Scotland, when they are actually being asked for as an **(Inaudible)** to this whole Council.

The Chief Executive & Registrar: On the first point, I do not think the Privy Council used the words *instructed*, but that is effectively what it means. They declined our argument and said they are not prepared to accept a vacancy. Therefore, you have to make an appointment. So it is, in effect, an instruction, although they did not use that word. To challenge that, which may be possible, would cost time, money and effort and my own view is that we probably have got more important things to devote our attention to.

As far as criteria is concerned, the additional criteria that are in paragraph 2.5 date back some time. I think I take a pragmatic view here, which is let us fill this vacancy with a lay member from Scotland in the most cost- efficient and resource-light way that we can. The additional criteria may work against that, so I think I would take a pragmatic view and make sure it is a lay member from Scotland.

The President: Can I suggest that we close off the criteria question, first of all? Can we agree not to include the additional criteria? **(Agreed)**

Mr John Gentle: When you say additional criteria, these are criteria that have been around for a while. They are the standard criteria we have already used.

The President: 2.5. There are different criteria to the core criteria. Let us concentrate whether we go with that.

Dr Brian Curwain: I think it is probably not a fight worth spending our time, energy and money doing. Therefore a cost-effective answer is what we should seek -- I am trying to think of implications, assuming the time for the new body does not slip. If it does not slip, then this person will not be in post until about the end of year. They may want to have a longer interest in one of the new bodies. If they want to be part of the new shadow Council, essentially they are only going to be here for six months. My concern is are we going to get anybody who will want to be bothered to come for such a short time unless we can say, *Well, actually, if you want to transfer to the new shadow Council...*, to make that quite explicit, so someone will think they will have a few years to provide their services.

Mr David Thomson: Just a point on procedure and timescale. Scotland will return to work next month. The August month is not a holiday period. We could start the process quite quickly. That should not be seen as a handicap. The other issue is the message this is giving out externally, that we are appearing to hold back the appointment of this. That is not the case, but it will be perceived as such. It will give the wrong political message and that may come back to haunt us. Bear that in mind, and perhaps come to a conclusion and decide appropriately.

Mr John Gentle: I think under normal circumstances, the Privy Council's comment here that they believe that the appointment should be made is the correct one. But these are not normal circumstances. I think there are many complexities surrounding this case, and one or two comments from the Privy Council. In 1.2, for instance, it talks of the Trust Assurance and Safety paper, where the Government aims to move to at least professional and lay parity. Now that has never been the Government's aim for this body. **(Inaudible)** ... presumably they would be seeking to appoint six lay members, so there were 15 lay members. It is not the case, and it never has been. It has never been the Government's intention, so I would find it difficult that has put upon us now. Also I think it feels like a double whammy between a rock and a hard place when, as Jeremy pointed out, at the Trans Com meeting on 7 July, the time-scales for Trans Com's deliberations are as tight as a drum, because of Privy Council meetings in July. So, on the one hand, we are being forced to do things quickly because of Privy Council deadlines with Trans Com. But on the other hand, the Privy Council appear now to be hinting that perhaps we need to do things on the basis that the Government timetables will slip. So because they do not trust their own timetable in one respect, it is going to be a longer appointment. In the other respect, they do trust the timetable, so we have to do things quicker. That is frustrating.

We would be too long without a full compliment of lay members, it says at 1.2. Well, what is too long and how long could we possibly go? Brian pointed out a period of effectively six months may be what the appointment is for. In terms of cost, the costs in here are extremely conservative, because there are no costings for the training that the lay member would have to undergo in terms of staff time and cash. There are no costings for the attendance allowance that will be paid to the said lay member over the 12 month period, their travel and accommodation costs which, from Scotland, would be high. So I think the cost of this appointment it is nearer the mark of 50K. If you work on 50 day's Council business, you are looking in about the region of 50K of what it is going to cost. It sort of puts into perspective whether we spend £5,000 on the Scotsman, or £5,000 somewhere else, because the actual cost is going to be 10 times that. So this will be a significant cost.

In terms of the representation in Scotland, as Sandra has pointed out, and as Rose Marie Parr pointed out at the time, there is no query from the Scottish Board about this. The political ramifications to Scotland would be nil, and it would be down to the Scottish Board to explain the situation. And I am sure explaining to a bunch of Scotsmen why we are trying to save £50,000 would not be a problem. **(laughter)** It seems to me that the Privy council are being disingenuous with their reasons here. I think the best course of action for us to take perhaps may be to write back and explain to them that because of the unusual nature of this appointment, bearing in mind the timescale and the situation we are in in the wider political area, and because of the complexities in the case, that we would like to take some time to consider how we act in this matter, in terms of how we are going to go about it. [114 words removed for accuracy.] I find this rather strange. I do find it a complex and unusual matter. I think we should respond to them, saying that we agree in principle with their decision to appoint a lay member and we would like to take some time to make a decision, which may be between 18 days and 18 months. **(Laughter)**

The President: Three more comments and then we will reach a conclusion.

Mrs Margaret Allan: What happens if we do not appoint? What happens if we advertise and we do not find anybody suitable? Is that acceptable for the Privy Council. We can say there are no suitable applicants out there?

The Chief Executive & Registrar: I think there is a difference between trying and failing and not trying.

Mrs Margaret Allan: That is what I meant. Trying, but not finding.

The Chief Executive & Registrar: My own view is that they would just ask us to persist.

Mrs Elaine Mulingani: I would imagine that they would do so and they would continue to put pressure on -- I do not know. If that is what you are suggesting, if we tried to fill the vacancy and failed.

Mr Douglas Simpson: We are heading for a battle that we cannot win. If we attempt to fight this one, we might prejudice our chances in other battles that we really must win, on things like pension funds. We are **(Inaudible)** We have no powers to vary the Charter, no orders, no votes from members. We cannot make any appointments to the shadow body either, because we have no powers to do that. I think we just have to go ahead and make this appointment. There is no point in fighting over this one.

Mr Martin Astbury: I agree with everything that John said, but for pragmatic reasons that Doug just mentioned, I suggest we pay for advertising on the website and see if that bears fruit and do not pursue anything else apart from that.

The President: I hear all the arguments. I think it is right that it is a complex and unusual situation. I think we are between a rock and a hard place on this one. I think we need a pragmatic solution. I favour the solution that we should advertise the vacancy, but in the most cost-effective manner starting with the website. Do people agree with that? **(Agreed)**

[Council agreed that no additional criteria be applied in the recruitment exercise to fill a vacancy arising in the Council's lay membership; and that the vacancy be advertised on the public appointments website in the first instance.]

10. Schedule of Council and Committee meetings, 2009

Ms Averil Ridgway: The timetable before you takes account of the Officers group views on realigning the Council meetings. So you will have six, two-day Council meetings next year and no strategy days. Strategy will be covered on the Committee session of the Council meetings. I put this forward for your comment and approval. There is one mistake which I would like to correct, which is the March President's briefing which has the wrong time. We will sort that out.

Mr John Jolley: I would totally support the leaner structure for meeting arrangements during the course of the year in that this is part of a very necessary cost containment. I do however question the Officers group decision to cancel various standing Committees earlier this month. I would like to know what was the reason, because the cancellation of those committees did in fact cause quite a bit of concern and confusion. There are certainly various issues which remain outstanding, which should have been resolved by this time.

The President: I would like to make it clear that the Officers did not cancel the standing committees. The chairs of those committees took the decision to cancel those committees.

Mr John Jolley: That is not necessarily what I understand from what I have heard, although I am not a Chair of the Committee.

The President: Could the Chairs here confirm that?

Dr Brian Curwain, Chairman, Science Committee: I confirm that the cancellation of the Science Committee was made by the Chairman.

Mrs Lorna Jacobs, Chairman, Governance Committee: I can confirm that the decision was mine as Chair of Governance Committee.

Mrs Sue Kilby: I find it an unfortunate suggestion that there is to be no further scheduled strategy days. There is an awful lot going on. There will be an awful lot more going on. I find it really quite extraordinary to think that we could have all that strategy making done in 12 hours, over 12 months; two hours on six occasions. We have already built up matters we are not discussing in terms of the White Paper, and in terms of poly clinics. And there will be other things, and they probably will come thicker and faster next year. I think we have absolutely to build in time for that free-ranging discussion.

Ms Averil Ridgway: I think one of the ideas was that it would not just necessarily be a two-hour Committee session; that the Committee session could expand, if need be, with formal meetings getting more precise in how we deal with matters and moving on quickly. We could strike a balance.

Mr John Gentle: I would like to make a comment about the timing of the Council guest night. It has always been viewed really as a sort of reward for the persistence for those of us with partners (husband, wives, boyfriends whatever else) and has traditionally been held in December. They are brought here and have dinner for what they have to put up with; the amount of time the Council member spends on Council business. It was moved from December last year to March -- a decision taken at the October Council meeting I believe because, frankly, it was seen as opportune as to highlight a Council dinner for guests, at the time we took the decision to put the fees up. It was moved essentially for political reasons. I do not see any reason why in future the guest night should stay in March. On my understanding, it is far more suitably placed in December. It is the right time of year, if you are bringing people down to London -- a bit of Christmas shopping thrown in, etcetera -- it seems to me the guest night should be moved back to where it has been. It is better timing. It will have more effect and will be seen as a greater reward to those spouses and partners involved.

The President: Thank you, John. We will come back to that. Any more points on the earlier matter?

Mr Alan Kershaw: I agree entirely with the sentiment. The reason I am comfortable with the proposal we have got is that over time, the strategy days have increasingly had Council meetings become part of them, and the distinction between the two has become very unclear. So it is probably best to deal with that straight and regard it all as Council meetings. We could record that we plan to have strategy sessions on particular subjects, as we are about to plan for September, when necessary. It is actually quite difficult to see when they might be, given the uncertainties of the next 18 months. If we can record that we want that option, and we want the occasional full-day meeting, where we are able to discuss big issues as appropriate. I would be more comfortable if they were not in the schedule, because they would probably have to be rescheduled to meet other timetables. If that would meet the point, it might avoid the situation where we have to change dates later.

Mrs Lorna Jacobs: Can I come back on one point Alan made about the potential for confusion between strategy days and Council days. I think there is literally potential for confusion in that some matters have been discussed at strategy days/committees that should come to a formal Council meeting. I think we have to be aware of that to ensure that all our fiduciary duty matters are in proper Council meetings.

Mr Gerald Alexander: It is the issue of Officers group and the issue of cost. It seems to me that paper (i) talks of the Officers Group took a view on costs into consideration. I understand that, but it seems to take the decision on the basis of priority of debate that should take place in the implementation committees. I think we should give that some consideration. The other issue is that if a Chair does decide in the future to perhaps curtail or postpone or cancel a committee, it would be very reasonable and courteous of the Chair to notify members of the Council who sat on that committee, to ask them whether they wished to bring any substantial items to that agenda. This was not done in the most recent of cancellations. I want to remind Council of the Council Governance Handbook, which says the first meeting of the year for each of the relevant Council Committees one-year action plan for a previous year will be viewed alongside the report of the previous year and the action plan should be agreed for the following 12 months.

So having cancelled two major implementation committees, we have missed that opportunity and that will not now take place until later in the year and I regret that.

Mr David Thomson: Just to support the schedule that is there, and also to emphasise the role that the Boards can play in handling a lot of the work that Council traditionally has been able to discuss, recognising the new way of working that is put pushing some of these items to the Boards to take place.

Mrs Sue Kilby: Obviously December 2009 in theory will be our last Council meeting. It may not in practice, because we are supposed to be forming into the new professional and regulatory body in January. Picking up what John said, we may want to have some sort of dinner to thank members of staff in our transition, and maybe also members of family who have been supportive over that period of time. We need to think of that. It may not actually happen, because there may be a delay in the timetable, but people see this and they may want to know that we did value and consider the members of staff. We may want to look in a slightly different way than we have before. That is the first issue.

The other issue is that I was obviously subject to the cancellation of RMC. It would have been nice to have understood what happened at RMC, never having gone to one, and it would have been a good introductory session for the new Chairs to have attended that. We could have had it in a slightly more informal way than perhaps normal, although I cannot say how it is normally managed. It would have given us more time to get up to speed with what is happening. That is now delayed until September, when the next one is scheduled. That is the first thought; that it is difficult, if you cancel the first meeting. It means we are effectively three or four months behind in getting up to speed.

Dr Catherine Duggan: I have two minor points. Firstly, mainly to have a couple of proposed strategy days slotted in, which people could put in pencil in their diaries, given the fact that we discussed yesterday that we might have to slot in an emergency meeting in September anyway. That was my second point. When will we have a decision on that, as we are heading into holiday period today?

The President: Hopefully today. Can I try and pull together the conversation? What I am detecting is that there is some sympathy to the view that John expressed, that we should hold the guest night in December. Can we agree that? **(Agreed)** We need to be responsive to the need for flexibility on our strategy discussions. Are we comfortable that we try and put two days in the diary and hold them for potential strategy days?

Mr John Gentle: President, when you were summing-up there, there is another point to support what Gerald said. Particularly with paper 72 that has come to us today, the cancellation of one meeting has meant that a paper that should have been routed through a committee meeting on the way to Council has come direct to Council. With regard to cancellation of things, there might be points that, had the Committee members been asked and opinions sought, might have made things smoother all round. So simply to ask the Committee members and ask them whether they think the meeting is worthwhile to go ahead. That might be a worthwhile conclusion to take from this discussion as opposed to just a comment.

Ms Beth Taylor: I was going to suggest for completeness, given the fact that each of the Boards have two working groups, why we do not either incorporate or append those meetings ... **(Inaudible)** as I believe they are known sufficiently in advance. When planning things like Liaison Group you need to be able to look at the totality of the meetings and to plan it.

Mr Martin Astbury: Just for information, I do not agree with December time for guest night, for a number of reasons, but I will go with whatever the decision is on Council. If you are going to move the April one -- fine, you can move it on the Council calendar, but the April guest night dinner there is actually December 2008 guest dinner, So you will presumably have one this December.

The President: Yes. Do we need to agree anything else?

Ms Averil Ridgway: Could be clear on the guest night? Guest night in December 2008? **(Agreed)** Nothing in April and something in December 2009? **(Agreed)** And two extra days somewhere in the year pencilled in

The President: Pencilled in and responsive to the need for flexibility to have some more days if we need them.

[Council agreed the schedule of Council and committee meetings for 2009, with the above amendments.]

11. GB-wide public affairs and communications

The Chief Executive & Registrar: This arose from a brief discussion at the Appointments Panel meeting and subsequent discussions at the Officers group relating to the Public Affairs Planning Group, which currently comprises Chairs of Education, Governance, Law and Ethics and Science Committees and the Chairs and Secretaries of the English, Scottish and Welsh Pharmacy Boards as well.

There has been some tension around the Public Affairs Planning Group, and its remit was discussed by the Governance Committee back in February, but no decision was reached on the proposed new remit. More significant in that discussion was the relationship between the PAPG, the National Boards and Council. It became increasingly clear that that dynamic was not working effectively. Alongside that, there has been considerable discussion and interest in the way in which the National Boards relate to each other on communications issues and the way in which they work alongside Council on communications issues.

So if we go section 2 called *The Way Forward*, we give some consideration to the National Board Liaison Group which, as you know, comprises Officers, Chairs and Vice-Chairs of the Boards supported by myself and the National Directors. Within that, we gave consideration to the devolution protocol, which says that the group is responsible for facilitating ways of working under protocol, and in particular methodology for dealing with and signing off on work or issues that are within existing Council policies but affect more than one country. If we are intent on smart subsidiarity, as recommended in the Clarke Report, it seems to me that public affairs and communications ought to be considered at that level, which will include the National Boards sharing country-specific ideas and initiatives between, and ensuring that GB issues are properly identified and understood. So the proposal is that Public Affairs and Communications brief be taken into the Liaison Group, and we may consider an alternative name for the Liaison Group, and that attendance by Chairs of relevant committees who have particular interest in a communication in the agenda -- that is to say, education, governance, law and ethics or science -- should be encouraged. We believe that can be done under the existing devolution protocol, and it meets our objective of more streamlined, more efficient, more effective working. We would, in that situation, have the Liaison Group meeting more frequently, but disband the Public Affairs Planning Group. That is the protocol which is reflected in the action under item 6.

Mrs Lorna Jacobs: Comment has been made about the fact that this paper might have gone to Governance Committee before it came here. I would wish to clarify first that there is no requirement for it to have gone to Governance first. There was a Governance Committee meeting planned, and it seemed convenient to get views of the Governance Committee, if they were meeting. It was my decision to cancel that meeting because there was not sufficient, in my view, to form a full meeting and I think everyone has seen the email I sent round. What was asked for was view prior to this meeting, and I have received comments on that PAPG paper from Marcia from a governance perspective. I also had comments -- do you have them, Jeremy? -- from Beth, Sandra, Mark and Sue Kilby and Brian. These have come to me because I was asking for comments from the Governance Committee, so I have a copy of them. It probably does not make sense for me to read them out, but it makes more sense for those people to make them themselves. What I would suggest is that on the basis of those comments, it seemed to me rather than throwing the PAPG out completely and shoving it all to Liaison Group, actually if we were to have the liaison group as it is meeting -- because I think there is a general view that to bring the chairs of Education, Science and so on into the Liaison Group would change its nature completely and not be appropriate.

However, if at the end of that Liaison Group, you could have a large Liaison Group, so the two met on the same day back to back, as it were. So you had the Liaison Group and the Liaison Group Plus, and the Liaison Group Plus then dealt with the public affairs bit that that might meet the comments from the Chairs of the Board. But I leave them to make their own views.

Mr Douglas Simpson: Just a question. I have sat on the Public Affairs Group as a Chair of Law and Ethics, and a fair amount of time was spent on parliamentary work. We got reports from parliamentary advisers and that kind of thing. It was bit one-sided; we never got reports of Parliamentary advisers in Scotland or Wales. How would that be fitted in? Also, we used to get European reports as it was a public affairs group as well as public relations group. I am a bit concerned about how that would be handled. The third aspect, I used to chair Law and Ethics. When legislation was going through I had an enormously difficult job to get a handle on this legislation. How would that be handled? How would new public affairs/liaison group? Would chairs have a bigger role in handling the passage of legislation as a result of changes? I am just asking questions really.

The Chief Executive & Registrar: If I can respond to that, the contribution from Wales and Scotland as well as England on Parliamentary matters and public affairs in the strict sense. It is a very good point and that is a good argument for it moving closer to the Liaison Group, if not becoming part of the Liaison Group, so it is not detached from what the Boards are doing. Increasingly, those kinds of public affairs issues are national in sense of England, Scotland and Wales, and I think this proposal would recognise that rather than keeping it as some kind of separate exercise. I agree with you.

As far as complex issues out of a Committee like Law and Ethics are concerned, I think it is for the specialist Committee to grapple with those issues and communication out-turn from that is what we are proposing should be folded into the Liaison Group -- not the dealing with the issues themselves, but just how the resolution of the Committee is communicated and any lobbying we have to do around that.

Dr Brian Curwain: I suppose I make a generic case here about the loss of the voices of the various Committees on the public affairs agenda-setting exercise. It is all very well to be asked to come when there is something relevant on the agenda, but I would think the Science Committee and the Education Committee, and so on, would want to have input to the agenda -- particularly at this time. I cannot really offer a comment on whether adding the Chairs of those Committees to the Liaison Group would alter its dynamic in a negative sort of way. I do not quite see why it should, or quite what the problem is. So my position is that I do not mind disbanding the PAPG at all, but I do think it is a voice for the Committee that we have discussed on the Public Affairs Group and quite simply that.

Mrs Sandra Melville: Really in terms of the Scottish Pharmacy Board, obviously it is mirrored in the response from Wales and Beth's response is more diplomatic ... **(Inaudible)** which we do not want the dynamic or remit of the group to change. Perhaps we could have a pragmatic solution in having either a report from the PAPG group or, as Lorna said before she left, a standing item on the agenda that deals with that remit either at the beginning or the end of the meeting, but something that does not detract from the main business of the Liaison Group. It could be incorporated at some time.

Mrs Sue Kilby: I think the thing is the Liaison Group deals with issues in one way and has a set remit. The Planning Group deals with issues in a different way. I think public affairs and communications is a very important function of the Society, and it is even more important in the way we are going forward. I think it is absolutely essential to get the key Chairs feeding in. There are huge issues around education that I am interested in feeding both into the public affairs agenda and also about the communications agenda, both from the regulatory perspective and also from the profession side. I would like somebody there to support me in the professional side for education. It is not an add-on, or bolt-on thing to the back of the Liaison Committee. If it is done and managed appropriately -- and this may be the problem where it has not been managed effectively. It will be quite time-consuming, because into this we also have European legislation to come through.

If we are putting a Council member through a PGEU, then actually the person ought to be present, so that we can pick up what is happening at a European level. Because I can assure you that a lot of the work on the regulatory side, especially for education, is very much at a European level. So we need to have that fed into the mix. We need to come out with a top level strategy around communications; what are the priorities; what are the areas of campaigns and who are the audience we are focusing on? I come back to what our key message is in certain areas. That will be time-consuming to cover all the areas that we need to cover, and it is not just a bolt-on item to the Liaison Group at the moment. The Liaison Group has a set piece of work that they need to do.

Mr Gerald Alexander: It is my understanding that National Boards have a responsibility for involvement in action matters and practice issues, bringing them together, even with the President and Vice-President and others for the Liaison group only four times a year might not be enough for public affairs, as far as the Society is concerned. My concern is that the Council still has over-arching responsibility for GB matters and regulatory and EU matters. It may be that this is the right way forward. I cannot remember how many times the Public Affairs Planning Group used to meet. I think more than four times a year.

The President: Six.

Mr Gerald Alexander: How you constitute it -- obviously you need input from Chairs, and you need it from Chairs of National Boards, but you must make sure that the outpourings from the Society and Council, that actually the voice of public affairs actually comes from the Royal Pharmaceutical Society of Great Britain. I know we are in a de-merger situation, and I know that in a year or so, whatever that might be, the public affairs issue will be restricted to matters of the professional body, and they will not really touch regulatory matters. But I think bringing it all together and bringing it all together properly that is important thing. I am not entirely convinced that what is suggested in the paper is the best way. So first of all, I have already picked a hole in four times a year. I do not think that will be enough, because if you are going to have oversight of public affairs, then you do need an oversight of public affairs. I think maybe just a slight tweaking here and there and I am sure it will come together, but we must not forget that the Society still has this over-arching responsibility, and it needs to get its message out, which involves being a regulator -- at least for the time being.

Mr Peter Jones: The Welsh Board supported the advice and communication from public affairs last year to have a strategic overview. I do not believe combining it with the Liaison Group is the answer. I do not think it would do justice to either group. We have not had the opportunity to talk about this on the Boards at all at this stage. I know what Jeremy just said about ... **(Inaudible)** But if we could have two separate meetings on the same day, because one of the things I have to add is that in each of the Boards it is the Vice-Chairman who looks after the public affairs. The main Chairs and the Vice-Chairs come along to the Liaison Meetings, so it would be appropriate to hold them on the same day, but I do not think they should combine at this stage.

Dr Catherine Duggan: I think actually my comments follow on. You have two distinct functions, but it is like a Venn diagram with the overlaps in the middle. I was thinking about the two issues that are here. Maybe it is because of the discussions over the previous days that make us think like that. But the issues that the National Boards, the EPB, WPB AND SPB could have a broader group: the GBPB. But then I thought that is something like us at the Pharmaceutical Society. But you see what I mean; it is GB-wide issues. Then, although we have public affairs which might be different, there will be commonality. So you need somewhere where they can sit. Additionally, we made mention yesterday about our networks we feed into and the need at this point for the membership to see that we are maybe tapping into those networks, be it networks, associations or special teams, or whoever everybody is in touch with. Maybe reconvening these two groups to have some responsibility for communications outside, as well as internally, would be a useful win-win. Jeremy's slide yesterday said about the outward and inward stuck in my head. There needs to be ... **(Inaudible)**

Ms Beth Taylor: There are a lot of things I want to say on this. The first is that Peter is right in saying Boards have not had chance to discuss this. We did, at Jeremy's request, consult with members electronically and get a view. And we each synthesized a view which I think really matched very well across the three Boards. I had understood that that would go to Jeremy and would be part of the information for the paper today. In a way, it is a shame that that is not available for people to see, as that I believe would set out clearly where the Boards are coming from, because the email I sent said could we let Jeremy have our views. I must be one of the few who has been to all the meetings of the Liaison groups of the PAPG in the last year, because I was Vice-Chair. Perhaps Peter has as well. I think the important point -- and I would supported what was said earlier -- is that the purpose of the two meetings are slightly different. There is an important difference. The Liaison group is what it says on the tin: It is about liaison. It is about the Boards and Council working together in a correct way, following the devolution protocol, and talking around issues where that needs to be debated. I think the PAPG has a very valuable role in co-ordinating the activity that is going on across the UK-wide and within countries. But there are actions that come from that meeting which are more operational and they are not from Liaison Group. I think it is important to see that putting them together in one meeting maybe quite challenging. Certainly from the comments we have received, the English Board would prefer to look at a two-part meeting, to keep the distinction between the two parts and they can be left on the same day or whatever arrangement is pragmatic.

The last comment is quite an important one. It is that the reference in the paper -- and Jeremy has repeated it -- the Governance Committee having perceived difficulties about how the Boards and the Council are working together was not a view shared by the Boards. That was a comment that came from the Governance Committee. It was not something that the Boards had explicitly referred to and the process was that the Boards had all supported the paper on the formation of a formal communications group which had gone to Governance. So we were in agreement. We were in agreement with PAPG and we were in agreement across the Boards. To be honest, we were quite surprised when that was not progressed. For whatever reason, we are where we are now, but this issues as been batted around for a long time, and in the paper that we submitted, we supported the case for change. We basically have said *Let's reshape the two groups so that we have something that works for the remaining period when we need this kind of group and would support many of the things that have been said*. But we are not supportive of just merging the two groups into one, as originally put in the paper.2.

Mr John Gentle: Following on from what Beth just said, let us say that the decision from Governance Committee decision was not unanimous at the time. I think this Society and organisation as a Council has its critics over much of what it does, and generally speaking what it does, in terms of probity and organising things, it does it exceptionally well. People may criticise what it does, but what it does not do as well. But this paper, and the genesis of this paper, and how it has arrived here today is not its finest hour. This has been going on since February when the PAPG reassignment ... **(Inaudible)** I would say this has come here today with some undue haste and I would question why there is this undue haste. Lorna is not here, which is a little unfair, I suppose. But Lorna commented that there was no obligation to send this paper to Governance. That is true, there was no obligation, but it was clearly intended to go to Governance, and Governance have been dealing with this issue for some time. Why it could not have waited until the next Governance Meeting and the next Council Meeting I do not really know. It seems to me that the safety the Council members have when arriving at decisions -- and Marcia is not here. Marcia is fond of calling this body a high level strategy body and fond of commenting that we should not be dealing with minor detail. That is what happens when papers like this skip committees, because the Council members here have to have faith that the Committee has gone through it, and has taken all of the relevant evidence. I think we are bordering on unsafe ground by discussing this paper and allowing the decision without that Committee scrutiny. And particularly since the papers -- probably very relevant papers from the Boards -- have not been seen by the Council members today, and would have been seen by the Governance Committee, I assume. But none of the comments made by Sue Kilby and others have been shared with us today.

I think it really is bordering on unsafe ground for us to discuss a paper where much of the evidence that has been submitted in lieu of the committee meeting has not been seen by the people who have been asked to vote on it, the committee have not had the chance to scrutinise it. I am not generally happy about it not happening. I think, bearing in mind that the Boards appear not to favour this decision, that is a very strenuous pointer for us to ask the Officers to look again. I, for instance, am a little unsure, as to if the constitution of the Liaison Group is not that significantly different to the constitution from the PAPG, why the PAPG was not allowed to just alter its remit and carry on as it was. I think most people, and the Boards included, would have probably been happy with that from the comments earlier on. I am not happy about voting on (i) and (ii) here, and supporting this paper. I do not see why it cannot be put back into the normal route for papers. I am unsure why we have to do this now. If this has been going for so long, why can it not wait until autumn?

Ms Beth Taylor: Just to say, I think the reason why it cannot wait is *because* it has been going on so long. I think neither the Liaison Group nor Communications can function as well as we want them to be while the situation continued. It is a great shame it could not be resolved at the February Governance meeting one way or the other. The paper John is asking to see, and the paper that sums up all of the things that the Boards wanted to say was the original one that went to the February Governance Meeting that outlined the proposal for forming a communications group. I think that is set out very well; where we were coming from; what we wanted to achieve and how we were going to get there. The one thing it did not do was reduce the number of Committees. I was hoping today that we would come up with a pragmatic way of bringing these two groups together in a two-part way which would meet the needs of all of us. I would hope that is still possible, because I think further delay will mean issues in GB-wide influence will be delayed and the way that Boards functions maybe delayed as well.

The Chief Executive & Registrar: That was a very helpful debate. Can I make four points? First, I have comments from the Board Chairs and Marcia and Sue. There are some very supportive points. For example, you made the point, Beth, that you think PAPG should be disbanded. I think there is a very strong sense running through these comments that we need to resolve this issue. The current format is not working as well as it might. The resolution of folding the communications brief into the Liaison Group is perhaps at one end of the spectrum and there may be slightly softer resolutions available, such as a two-part meeting. But I agree with Sue that communications are so fundamental, we cannot treat it as a bolt-on. The Liaison Group has a responsibility to attend to communications and public affairs issues. I would not want to see a huge gap between the conventional Liaison Group agenda and a communications agenda. I think the two sit side by side, even if we did it as a two-part meeting. The issue of Council oversight of GB-wide issues is a very important point, but the Liaison Group does have all the officers on it. So we charge officers with the Council responsibility for the GB-wide issues. Lastly, are we doing this with undue haste? (John's point) You know I am not a great fan of process, and okay; there might have been opportunities to take it through Governance, the Governance Committee meeting was cancelled, consulted with Lorna. I think we have to take a bold step here. We have been talking about reducing bureaucracy, streamlining our operation, having our Committee structures more fit for purpose and indeed more cost efficient. I think we have -- in the horrible phrase -- to *walk the talk*; we really have got to do it. Here is a very neat specific example where we have two groups, neither of which is firing on all cylinders. We need to find a way of them working better. My suggestion was fold one into the other, but there may be a more relevant suggestion, which is a two-part meeting, but we do have to grasp the nettle.

Dr Brian Curwain: I wanted to pick up some of the points that have been made by suggesting that both groups should meet four times a year on the same day. Having had the arguments, I see that we maybe folded into one is not...

The President: There are some nods to that. Thank you for that suggestion.

Mr John Jolley: Can I ask if reference has been made to a survey. In 2006, we spent a great deal of money employing an organisation called City Group Public Affairs and they actually examined the whole process of how we should go about establishing this system. It seems to me, from the discussion that has taken place, we certainly cannot approve, or there would be a disadvantage in accepting, the paper in its current format. I would like to suggest that if this paper has not been referred back, perhaps we give the office a chance to revisit this. Because there are certain recommendations, which I certainly have not seen sight of having been carried out, because they actually provide a road map for how to go about this process. It might save a lot of time and anguish if we were to revisit this, and to say nothing about getting value money from the report.

Mrs Sue Kilby: Right, okay. I totally agree with Jeremy. We need to come to a decision now. Communications and public affairs is too important to wait until the next meeting to have another decision and then set up another meeting in three months' time. We have already cancelled one public affairs meeting. However it is managed, whether it is managed as a two-part meeting or whether it is one meeting, I am not that bothered, but what I am keen to see is that we have an opportunity to put into communications and public affairs process and that starts from today, and that we get some meetings set up and we do not just leave it another quarter before we go anywhere.

Professor Bob Michell: I understand we are going to hurry this through, but I entirely share John's view. It is not really an issue of procedure whether it should or should not have gone to Governance. The issue is that there had been important input from colleagues and we are totally unaware of what those inputs were. For that reason, I am not going to vote on this in either direction.

Ms Alison Moore: I was going to ask is there any reason why a decision cannot be made today that then is sent to Governance? So everyone is looking for a two-part meeting -- fine. If there is a problem with that, can it still not go to Governance ... **(inaudible)** to make the decision, start things going, so work is not stopped, but some review can be held at the Governance meeting and the process still continues?

The President: I think we have spent long enough on this one, as we only have 10 or 15 minutes to go. I hear what you say and I think there is some general unease around the room in terms of process. There is diversity of view. I do have sympathy with the view that we have not got responses from all the people who have been asked to comment. I also hear the view that maybe we should do a back-to-back arrangement on this as an interim, and see how we go. I can see a few nodding heads to that. Can I suggest, in the interests of expediency. If you like, that we ask for the comments that have been submitted to be circulated, so everybody sees them; that Officers go back round the loop one more time to give some more consideration, having had the benefit of this discussion and that we bring this back again, ideally to the meeting that we are going to talk about in a moment on 4 September, so we do not have a long protracted period before we make a decision. Can we get agreement to that? **(Agreed)**

[Council agreed i. that the comments received from Governance Committee members, NPB Chairmen and Committee Chairmen should be circulated to all Council members for information, ii. that the Officers would give the matter further consideration, and iii. that a proposal would be brought to the Council meeting to be held on 4 September 2008 for decision.]

12. Appointments of Council members

The Chief Executive & Registrar: We have four items on the paper although item (iv) we will withdraw for reasons I will explain. The first item is the member of the Revalidation Advisory Group. Officers agreed to appoint Sue Kilby to the group, and Council is asked to note that appointment.

The second item is the Society's representative on CHRE. Because of the President's other commitments on dates of their meetings, the Officers agreed that the Vice-President should attend on his behalf. Council is asked to ratify that decision. The third item is the Council's sponsor for the Armed Forces.

The Transcript of the public meeting of the Council is not the formal record of the meeting. The formal record comprises the papers presented to the meeting and the minutes as subsequently approved. The policy of the RPSGB is actively debated at the meeting. The views expressed in the transcript do not necessarily represent the Society's agreed policy.

Council is asked to agree the appointment of Steve Acres as sponsor.

The fourth item is PTECO. In the charter for PTECO there is no requirement for retirement by the trustees, and currently therefore we do not technically have two vacancies. We have written to two Council members in question, Hemant Patel and Jonathan Buisson. We are waiting to hear. But we do not have to make appointments, as there are not technically vacancies. So we propose bringing that back later in the year. So action on item 4 is not necessary today.

The President: Can I ask Council to note (i)? **(Agreed)** (ii)? **(Agreed)** (iii)? **(Agreed)**

[Council **noted** the appointment of Mrs Sue Kilby to the Council's Revalidation Advisory Group; **ratified** the decision of the Officers that the Vice-President, Mr Martin Astbury, should attend the CHRE Council meetings as the President was unavailable on the scheduled dates, and **agreed** the appointment of Mr Steve Acres as Council sponsor for the Armed Forces.]

13. Any other Business

13 (a) General Pharmaceutical Council Order, paper 79

Mrs Elaine Mulingani: As you know, the Department of Health are ... **(Inaudible)** to establish the GPC. We put this paper in for AOB because Dawn Primarolo made a ministerial statement last Thursday to say that the Government plans to consult on this order over the summer. We do not know exactly when. But we do know that the Health and Social Care Bill received Royal Assent on Monday. This paper will appear for consultation any day now, in which case Council will have to agree the Society's response to the consultation at the October meeting. In the paper we are asking you how you would like to organise the way you write that response to the consultation.

The President: There are three questions. Council is asked to give consideration, first of all, to note the DH's plans to issue the Order for public consultation in summer 2008. Can we note that? **(Agreed)**

Point 2 is that the Section 60 Consultation Response Working Group will be reconstituted as set out in appendix 1, for the period between publication of the draft order and the Society responding to that order. **(Agreed)** In terms of the agreement on membership of the group my understanding is that Seema [Agha] and David [Thomson] have agreed to sit on that group. Thank you very much. Could we have expressions of interest, please, of other people to sit on that group by 30 July? Are you content for myself as President to select and allocate those people? **(Agreed)** Thank you very much Elaine.

[Council **noted** i. the Department of Health's plans to issue this Order for public consultation in summer 2008; and **agreed** ii. that the s60 Consultation Response Working Group be reconstituted as set out in the paper for the period between the publication of the draft Order for consultation and the Society responding to the public consultation on this Order; and iii. that Ms Seema Agha and Mr David Thomson, Council members on the s60 Consultation Response Working group continue to server on the reconvened group; iv. that Council members be invited to submit expressions of interest in membership of the group, including as chairman and deputy chairman; v. that the President should consider the expressions of interest and make the appointments to the working group.]

Items 14, 15 and 16 are for noting.

14. Council member fees and allowances

[Council **noted** the decisions agreed by the Council in June 2008, which had been circulated at paper 08.06/C/74.]

15. British Pharmaceutical Conference

[Council **noted** the report on the future strategy for BPC, which had been circulated at paper 08.06/C/75.]

16. Report of the Returning Officer: election 2008

[Council **noted** the report of the Returning Officer, which had been circulated at paper 08.06/C/76.]

Professor Bob Michell: Have we finished AOB?

The President: I beg your pardon, Bob. There is one more item, which is paper 80, which has been circulated this afternoon concerning the commitment we gave yesterday.

Professor Bob Michell: I have not seen it.

The President: It is titled *Council engagement in pharmacy in England. Building on the strength for the future*. This is really just following on the commitment we talked about yesterday to provide an opportunity for White Paper debate. It is not for noting. It is for agreement. It says to note, but really it is for agreement. Are we agreed? **(Agreed)** Thank you very much.

Professor Bob Michell: I still have an item of AOB. First of all, I would like to say that I enjoyed this morning; that was fine. However, the Government has expressed keenness to see better team-working within the NHS, different health professions. Going back to Gerald's time at Officers, I am sure he will recall, as John will, I suggested a suitable topic for a strategy day would be to assemble some high-ranging representatives from community pharmacy, PCTs, prescribing nurses, etcetera, to look at the possible dimensions of team-working rather than silo working: *we are all rivals*. It would have been very timely, if we could have gone on to this -- and my concern is that this was scheduled as an item at the July strategy meeting. It is minuted in Officers' minutes. It did not happen. We have missed the boat.

The President: You have raised that already, Bob, out of Committee.

Professor Bob Michell: But I have not had an answer.

The President: I wrote to you to say it was a genuine oversight and we did not consider it for the agenda, and we would put it on a future strategy day agenda, as soon as we could.

Professor Bob Michell: No, your letter to me said you were still looking into how it happened, but you thought it must be a genuine oversight. I do not understand how a perfectly clear action point on an Officers group decision, taken less than two months ago, could be subject to a genuine oversight -- not without due care and diligence, it could not be.

Ms Averil Ridgway: I would check back on the minutes and the list of outstanding items coming up to strategy days. It was originally scheduled for the April strategy day.

Professor Bob Michell: The minute of 31 March shows clearly the last decision on matters was to schedule it for a July strategy day. I agree it was postponed from April.

Ms Averil Ridgway: And we started to get an agenda to cover it in April, which was overtaken by events.

Professor Bob Michell: The point is the minute clearly records it as being a topic for July strategy days which have been concluded. There is no ambiguity about it.

The President: As I understand your concern, Bob, I have apologised for the oversight and we will get it on the agenda. That is my commitment.

Professor Bob Michell: I repeat my comment: Too late, too late, too late. We are over-concerned with in-house domestic working, and insufficiently concerned with issues which are of great importance to your members, pharmacists, and the people we particularly represent, the public in general and patients at large. To be honest, it is not satisfactory.

The President: I agree that it is important, Bob, and we will deal with it. I understand what you say and I hear what you say. Items 14, 15, and 16 are for noting.

Mr John Jolley: With regards item 14, as I discussed earlier...

The President: We will come to it in confidential business, if we have may, John.

Mr John Jolley: By noting this, do we accept all the provisions?

The President: We accept the provisions in the note, certainly, and we will come to the point you made to me this morning in confidential because, the original discussion was held in confidential business.

Mr John Jolley: Providing we have a clear understanding that the three-month rule will not apply to this in its totality.

The President: We have a small amount of confidential business.

Council proceeded with Confidential Business