



Public Health (Wales) Bill: Consultation Response

The Association of Directors of Public Health (ADPH) is the representative body for Directors of Public Health (DPH) in the UK.

It seeks to improve and protect the health of the population through collating and presenting the views of DsPH; advising on public health policy and legislation at a local, regional, national and international level; facilitating a support network for DsPH; and providing opportunities for DsPH to develop professional practice.

The Association has a rich heritage, its origins dating back 160 years. It is a collaborative organisation working in partnership with others to maximise the voice for public health.

ADPH formerly provided a submission on the Public Health (Wales) Bill in September 2015, which can be [accessed here](#). This document therefore contains an update on relevant areas, and should be read alongside our original submission.

Part 2: Tobacco and Nicotine Products

- **Re-state restrictions on smoking in enclosed and substantially enclosed public and work places, and give Welsh Ministers a regulation-making power to extend the restrictions on smoking to additional premises or vehicles.**
- **Place restrictions on smoking in school grounds, hospital grounds and public playgrounds**

As stated in our previous submission ADPH supports the proposals to restate restrictions on smoking in public places, give Welsh Ministers the power to extend the restrictions to additional premises or vehicles and place restrictions on smoking in school grounds, hospital grounds and public playgrounds. Smoking accounts for approximately 5,450 deaths every year in Wales and it is estimated that 14,500 young people a year take up smoking.¹ These proposals will be vitally important for helping to bring down smoking levels within the population.

In our most recent ADPH policy survey we asked respondents to give their thoughts on smoking bans. About 90% of respondents thought that smoking should be banned in parks, in sports and leisure facilities and stadiums, and at public events aimed at families. 88% of respondents thought that smoking should be banned in the immediate vicinity of schools and colleges.²

¹ Public Health Wales NHSTrust/Welsh Government: Tobacco and health in Wales (June 2012): p33. Available at [http://www2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/61c1e930f9121fd080256f2a004937ed/509486bfd300fdef80257a29003c3c67/\\$FILE/Eng%20Smoking%20Report%20LowRes.pdf](http://www2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/61c1e930f9121fd080256f2a004937ed/509486bfd300fdef80257a29003c3c67/$FILE/Eng%20Smoking%20Report%20LowRes.pdf) (accessed 29 April 2014)

² Association of Directors of Public Health, Policy Survey 2016 Results Report. Available here: <http://www.adph.org.uk/wp-content/uploads/2016/11/The-Association-of-Directors-of-Public-Health-Survey-Results-Report-2016.pdf> [accessed 12 December 2016]

- **Provide for the creation of a national register of retailers of tobacco and nicotine products.**

ADPH agrees with the proposal of establishing a national register of retailers of tobacco and nicotine products. Such a register could strengthen the tobacco control agenda in Wales and the proposal is in line with the Tobacco Control Action Plan for Wales. A recent survey in England showed that nearly half of young smokers (44%) reported being able to purchase tobacco from retail premises despite the ban on the sale of tobacco products to those under the age of 18.³

- **Provide Welsh Ministers with a regulation-making power to add to the offences which contribute to a Restricted Premises Order (RPO) in Wales.**

ADPH agrees with the proposal to provide Welsh Ministers with a regulation-making power to add to the offences which contribute to a Restricted Premises Order (RPO) in Wales.

- **Prohibit the handing over of tobacco and/or nicotine products to a person under the age of 18.**

ADPH agrees with the proposal to make it an offence for anyone knowingly handing over tobacco and nicotine products to a person under 18. As stated previously it is vital that measures are taken to reduce the number of young people taking up smoking and thereby reduce the amount of smoking-attributable morbidity and mortality among the Welsh population.

Part 3: Special Procedures

- **Provide for the creation of a mandatory licensing scheme for practitioners and businesses carrying out 'special procedures', namely acupuncture, body piercing, electrolysis and tattooing;**

ADPH welcomes the introduction of a compulsory national licensing system for practitioners of specified 'special procedures' in Wales and that the premises from which the practitioners operate these procedures must be approved.

We would also like this Bill to go further by requiring those registering to undertake such procedures to meet national standardised training where criteria of competency will have been met, hygiene standards, and age requirements and by ensuring that they have no criminal background that would make them unsuitable to undertake special procedures. We would advise that registration should include mandatory proof of identity of the practitioner.

Whilst we agree with the special procedures defined, this Bill also presents an opportunity to regulate the administration of the following procedures: body modification (to include stretching, scarification, sub-dermal implantation/3D implants, branding and tongue splitting), injection of any liquid into the body e.g. botox or dermal fillers, dental jewellery, chemical peels, and laser treatments such as used for tattoo removal or in hair removal.

³ HSCIC (2013). Smoking, drinking and drug use among young people in England in 2012. Available online at: <http://www.hscic.gov.uk/catalogue/PUB11334> [accessed 25th June 2015]

Part 4: Intimate Piercing

- **Introduce a prohibition on the intimate piercing of persons under the age of 16 years**

As stated in our original submission we support the introduction of a ban on the intimate piercing of those aged under 16 years as relates to those body parts defined in the Bill. This will aid in protecting the public and ensure a clear and consistent message across Wales. We would recommend that the list of intimate body parts includes tongue piercing because of the risks associated, including infection, chipped teeth, blood poisoning, tongue swelling and blood loss which may cause a risk to someone's airways.

Part 5: Health Impact Assessments

- **require Welsh Ministers to make regulations to require public bodies to carry out health impact assessments in specified circumstances**

ADPH supports this proposal and is pleased to see its inclusion within the Bill. This may represent a key mechanism by which to achieve 'health in all policies' and firmly spreads the message that public health is everybody's business. We recognise that HIA already takes place across Wales and are supported by the Welsh Health Impact Support Unit. This legislation would take a welcome step further by making HIAs mandatory in certain circumstances. We would recommend that the use of HIAs is proportionate to the policy being considered and takes into consideration the resources available to the body required to carry them out.

Part 6: Pharmaceutical Services

- **change the arrangements for determining applications for entry onto the pharmaceutical list of health boards (LHBs), to a system based on the pharmaceutical needs of local communities;**

ADPH is pleased that the Bill recognises the role that pharmacists can play in improving the health of the public. Pharmacies have been shown to be effective at delivering enhanced services such as smoking cessation, harm minimisation in substance misuse, flu vaccination, and emergency hormonal contraception.⁴⁵ We believe the legislation proposed in the Public Health (Wales) Bill will encourage existing pharmacies to adapt and expand their services in response to local needs. Local Health Boards should have a stronger role in planning pharmaceutical services in their areas.

Part 7: Provision of Toilets

- **require local authorities to prepare a local strategy to plan how they will meet the needs of their communities for accessing toilet facilities for public use; and**

While the preparation of a strategy would provide clarity at the local level, resources are needed to provide adequate toilet facilities. The duty on local authorities within the Bill is that they "may provide toilets in its area for use by the public" and it is important that the financial strain already placed on local government services is recognized. We believe that any additional duties placed on local authorities should be adequately funded.

⁴ Brennan N. (2012). Education programmes for patients. Community pharmacy public health campaign report. Available online at: <http://www2.nphs.wales.nhs.uk:8080/pharmaceuticalphtdocs.nsf/61c1e930f9121fd080256f2a004937ed/6767e0d54074f12680257a48004ee581?OpenDocument> [accessed 25th June 2015]

⁵ Fajemsin F (2013). Community pharmacy and public health SPH. Available online at: <http://www.sph.nhs.uk/sph-documents/community-pharmacy-and-public-health-final-report/?searchterm=community%20pharmacy> [accessed 25th June 2015]

Part 8: Miscellaneous and General

- enable a 'food authority' under the Food Hygiene Rating (Wales) Act 2013 to retain fixed penalty receipts resulting from offences under that Act, for the purpose of enforcing the food hygiene rating scheme.

ADPH supports this new offence as food standards can make an important impact on public health. Maintaining food standards can inform and influence the public's perception of what foods are considered acceptable and healthy. This is particularly true of food standards in health settings such as hospitals.

We would welcome the extension of the Welsh Government's Health Promoting Hospital Vending Directive into other public sector settings such as local authority premises including leisure centres and community centres. We feel that there is also a need to introduce food standards into the wider private sector.