

National Assembly for Wales / Cynulliad Cenedlaethol Cymru  
[Health and Social Care Committee / Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)  
[Public Health \(Wales\) Bill / Bil Iechyd y Cyhoedd \(Cymru\)](#)

Evidence from Wrexham County Borough Council – PHB 58 / Tystiolaeth gan  
Cyngor Bwrdeistref Sirol Wreccsam – PHB 58

## **Response from Wrexham County Borough Council to Public Health Wales Bill**

### **Part 2: Tobacco and Nicotine Products**

Part 2 of the Bill includes provisions relating to tobacco and nicotine products, these include placing restrictions to bring the use of nicotine inhaling devices (NIDs) such as electronic cigarettes (e-cigarettes) in line with existing restrictions on smoking; creating a national register of retailers of tobacco and nicotine products; and prohibiting the handing over of tobacco or nicotine products to a person under the age of 18.

[This section has been responded to by the Smoke Free Wrexham Partnership Group.](#)

Do you agree that the use of e-cigarettes should be banned in enclosed public and work places in Wales, as is currently the case for smoking tobacco?

[Yes Smoke Free Wrexham agrees.](#)

[Comment from Environmental Health](#) : The use of e-cigarettes, in particular those that have the appearance of traditional cigarettes, undermines enforcement of smoke-free legislation, not only by local authorities but also those that manage smoke-free places. In our view it is appropriate to take a precautionary approach to the risks associated with e-cigarettes in smoke-free places.

What are your views on extending restrictions on smoking and e-cigarettes to some non-enclosed spaces (examples might include hospital grounds and children's playgrounds)?

[Yes we agree with children's playgrounds, we already have Smoke Free playgrounds and Smoke Free school gates in Wrexham, and are working towards smoke free bus shelters. On the whole we believe the enforcement of this works quite well on a voluntary basis as most people are in agreement of not smoking in these areas. In terms of the hospital sites we also agree, but have some concerns about compliance, as current compliance is not good and there needs to be support from the Health Board to implement this effectively e.g. cleaning up cigarette ends, regular monitoring. Work needs to be done to look at current non-compliance before introducing. Perhaps start with staff, then the public. Pharmacotherapy needs to be offered as part of every admission process for a smoking patient. Will this also apply to prisons in the future?](#)

Do you believe the provisions in the Bill will achieve a balance between the potential benefits to smokers wishing to quit with any potential dis-benefits related to the use of e-cigarettes?

Yes at present, until regulated and then this may need to be re-visited. We have concerns about re-normalising particularly with children and young people. We have concerns that the user may claim the device does not contain nicotine and we would have no way of knowing this unless the product was analysed, in these cases the user should be responsible to proving the product does not contain nicotine or a preferable option would be to prohibit all vaping devices regardless of the contents.

Do you have any views on whether the use of e-cigarettes re-normalises smoking behaviours in smoke-free areas, and whether, given their appearance in replicating cigarettes, inadvertently promote smoking?

We totally agree that the use of e-cigarettes re-normalises smoking particularly in children and young people.

Do you have any views on whether e-cigarettes are particularly appealing to young people and could lead to a greater uptake of their use among this age group, and which may ultimately lead to smoking tobacco products?

We have concerns about this especially when flavours are targeted to be appealing to young people. We also have concerns about these devices being tampered with to vape NPS (New Psychoactive substances) and illegal substances. Anecdotal evidence from group members suggests that young people (in this case ages 14 and 17 and their peers) found e cigarettes appealing and believed them to be not harmful to health in any way.

Do you have any views on whether restricting the use of e-cigarettes in current smoke-free areas will aid managers of premises to enforce the current non-smoking regime?

In our opinion at this time e-cigarettes should be treated the same as tobacco products and yes we feel this will most definitely aid managers of premises to enforce.

Do you have any views on the level of fines to be imposed on a person guilty of offences listed under this Part?

We would suggest a fixed penalty fine on a par with littering. There will be issues with enforcement, how will you address these? We would also suggest seizure of the products from under 18's.

Do you agree with the proposal to establish a national register of retailers of tobacco and nicotine products?

Yes we agree, but is there going to be an exemption for NRT products?

Do you believe the establishment of a register will help protect under 18s from accessing tobacco and nicotine products?

We believe this will have a limited impact as it won't stop proxy purchases or purchase of illicit tobacco (where price is affordable to young people).

Do you believe a strengthened Restricted Premises Order regime, with a national register, will aid local authorities in enforcing tobacco and nicotine offences?

This provides an extra incentive, but compliance is already good. Where is the evidence this is the source of supply?

What are your views on creating a new offence for knowingly handing over tobacco and nicotine products to a person under 18, which is legal age of sale in Wales?

We would wholeheartedly support the offence relating to proxy sales to under 18's, this may impact on parental / sibling supply by proxy and retailers. But who will deal with the offence and how will it be enforced?

Do you believe the proposals relating to tobacco and nicotine products contained in the Bill will contribute to improving public health in Wales?

Yes we agree.

### **Part 3: Special Procedures**

Part 3 of the Bill includes provision to create a compulsory, national licensing system for practitioners of specified special procedures in Wales; these procedures are acupuncture, body piercing, electrolysis and tattooing.

This section has been completed in consultation with Environmental Health.

What are your views on creating a compulsory, national licensing system for practitioners of specified special procedures in Wales, and that the premises or vehicle from which the practitioners operate must be approved?

We agree as the existing system is not sufficient to tackle such issues as illegal tattooists. A licensing framework designed to cover a wide range of situations and procedures with more robust and tailored enforcement options is welcomed.

We would be opposed to grandfather rights for existing traders.

Licensing conditions need to cover competence and training in areas such as infection control.

Do you agree with the types of special procedures defined in the Bill?

We agree, but would like it clarifying whether this includes micropigmentation.

What are your views on the provision which gives Welsh Ministers the power to amend the list of special procedures through secondary legislation?

This is a good idea, as new procedures are being developed all of the time. Recent procedures causing us concern include branding, scarification, dermal implants, botox, laser tattoo removal, chemical peels, ink eye injections.

The Bill includes a list of specific professions that are exempt from needing a licence to practice special procedures. Do you have any views on the list?

We have no adverse view on this list.

Do you have any views on whether enforcing the licensing system would result in any particular difficulties for local authorities?

If it is to become a licencing function and minor infringements are heard by licencing committees, this is going to mean more work for licencing teams (and EHOs) but the increase is difficult to quantify at this stage.

May have an adverse affect on the 'good' or compliant members of the trade (as they believe we should focus our resource on 'scratchers' / illegal tattooists).

An increased number of offences will require more capacity for enforcing at a time when we have less capacity.

We need the police to have a power of arrest for key offences to strengthen our enforcement role. Consideration should also be given to higher penalties (with significant fines and perhaps the possibility of a custodial sentence for some offences) to give a greater deterrence effect. Difficulties in gathering evidence due to RIPA restrictions or for activities in domestic premises should be addressed.

The statute of limitations needs to be from date of discovery of the offence (for example when a young person conceals an illegal tattoo).

It is unclear what the arrangements and status will be before those wishing to train to undertake tattooing or other special procedures. How will the framework allow for and deal with trainees/apprentices who have not yet developed the necessary competence to carry out procedures – will they require the close supervision of a licensed individual?

The licensing framework needs to address current anomalies with such situations as tattoo conventions, 'guest' / visiting tattooists, and mobile/temporary services offering special procedures.

Do you believe the proposals relating to special procedures contained in the Bill will contribute to improving public health in Wales?

Yes we agree as it will give us stronger powers to deal with illegal tattooists / 'scratchers'.

We suggest that a requirement to undertake training in infection control which is commensurate to the procedure(s) undertaken should form part of the licensing conditions.

#### **Part 4: Intimate Piercing**

Part 4 of the Bill includes provision to prohibit the intimate piercing of anyone under the age of 16 in Wales.

This section has been completed in consultation with Environmental Health.

Do you believe an age restriction is required for intimate body piercing?  
What are your views on prohibiting the intimate piercing of anyone under the age of 16 in Wales?

We would agree, this is entirely consistent with safeguarding procedures.

Do you agree with the list of intimate body parts defined in the Bill?

We agree with the list, but would suggest that tongue piercing is added to this list due to the severe risks if this is done incorrectly and the reasons for tongue piercings may raise safeguarding concerns.

Do you have any views on the proposals to place a duty on local authorities to enforce the provisions, and to provide local authorities with the power to enter premises, as set out in the Bill?

We agree to make this a duty, but it needs to be sufficiently funded. Our ability to enforce this will be dependent on minors coming forward making a statement and press charges. The local authority regulator relationship with the Police will be important (not least because of the overlap with potential safeguarding issues) and it is requested that the Police also be given power of entry and arrest regarding offences under the Act.

Do you believe the proposals relating to intimate piercing contained in the Bill will contribute to improving public health in Wales?

Yes we agree.

Further comment – it is suggested that individuals wishing to carry out intimate piercings on young people between the age of 16-18 should be required to have a DBS check. It is also suggested that persons licensed to carry out intimate piercings should be over 18.

#### **Part 5: Pharmaceutical Services**

Part 5 of the Bill includes provision to require each local health board to publish an assessment of the need for pharmaceutical services in its area with the aim of

ensuring that decisions about the location and extent of pharmaceutical services are based on the pharmaceutical needs of local communities.

Community Pharmacy Wales will be responding separately to this section.

## **Part 6: Provision of Toilets**

Part 6 of the Bill includes provision to 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.

This section has been responded to by Wrexham County Borough Council's Assets and Economic Development Department.

What are your views on the proposal that each local authority in Wales will be under a duty to prepare and publish a local toilets strategy for its area?

The Public Health Act 1936 gives local authorities a power to provide public toilets. However, it imposes no duty to do so. This lack of compulsion, together with a perception of nuisance associated with managing them, has arguably resulted in a steady decline in the provision of public toilets in recent years in some other local authority areas. It is reasonable to assume therefore that without additional funding from central government it will be problematic to provide enhanced facilities.

Do you believe that preparing a local toilet strategy will ultimately lead to improved provision of public toilets?

Public toilets matter to everybody, regardless of their age, ethnic origin, gender, ability. They are even more important to certain sections of our society, including older people, disabled people, women, families with young children and tourists. Public access to toilets is important for local shops and businesses too. People respond to locations that demonstrate a sense of civic pride, where it is obvious that they are welcomed. Tourists choose their destinations carefully, drawing on their previous impressions, talking to friends and family, looking up feedback on the internet. The work that is being undertaken by this Council and partners links to this. That said, there is no certainty that consultation with the local community, people, businesses, visitors and other interest groups will lead to improved provision of public toilets, - if additional funding is not forthcoming to improve them.

Do you believe the provision in the Bill to ensure appropriate engagement with communities is sufficient to guarantee the views of local people are taken into account in the development of local toilet strategies?

It's important to take local opinion into account when considering toilet provision. That said, national views are also important. It would not be appropriate if consultation didn't consider this. For example, Nationally, many organisations are campaigning for better provision of public toilets. That said and mentioned above, it's difficult to see how this desire can be aligned with dwindling public sector finances.

The British Resorts and Destinations Association (BRADA) highlight the importance of good quality public toilets for tourists and other visitors, who make a crucial contribution to many local economies. The National Organisation of Residents' Association (NORA) points out the negative impact on residents where lack of good provision results in street fouling, an increasing problem because of extended licensing laws. Help the Aged and other groups stress the importance of public toilets to give older people the confidence to leave their homes and to avoid problems arising from isolation and dependency. There is a strong lobby fighting for equal rights for disabled people, including the Changing Places Consortium, which has developed and introduced public toilets that are accessible to severely disabled people.

Clearly, local opinion is important. A lack of clean, accessible and safe toilets impacts on some people more than others. Some people may feel unable or reluctant to leave their homes and visit areas where they fear they will not be able to find a public toilet. Older people (a growing section of the population in our ageing society), mothers, fathers, and carers with young children, disabled people and people with chronic health problems – all need easy access to suitably equipped public toilet facilities. Legislation already exists, - The Single Equality Act 2010 that places additional responsibilities on public authorities in relation to accessible facilities for all Protected Characteristics, specifically for this report; Age, Disability, Sexual Orientation, Gender, Religion and Belief and Pregnancy and Maternity.

Do you have any views on whether the Welsh Ministers' ability to issue guidance on the development of strategies would lead to a more consistent approach across local authorities?

There is already a wealth of strategies in place. The UK Government's Strategic Guide on the provision of public toilets, "Improving Public Access to Better Quality Toilets" was published in March 2008. The guide highlights existing powers at the disposal of local authorities that can be used to improve public access to toilets.

There is a wide range of detailed information and guidance on all areas concerned with the provision of public toilets, including location, design and signage: the Government's strategic guide is a general overview about the provision of public toilets; the BTA has a list of recommendations and a comprehensive website; and British Standards BS8300 and BS6465 both provide codes of practice for the design of sanitary facilities and scales of provision

The British Standard Institute memorandum describes the proposed British Standard BS6465 Part 4, which is based on the current Annex C of BS6465-1:2006, and provides a comprehensive standard for providers of public toilets, which takes into account physical (spatial/geographical) distribution issues, user requirements and design considerations (taking into account the Single Equality Duty 2010) and practical, economic and management issues

What are your views on considering toilet facilities within settings in receipt of public funding when developing local strategies?

Giving access to the public in settings in receipt of public funding has parallels in the now ended Community Toilet Scheme. The CTS scheme enabled local businesses like pubs, restaurants and shops, to work together with the council to make cleaner, safe and accessible toilets available to the public. All the businesses involved in the scheme had to allow non-customers to use their toilet facilities during their normal opening hours. Participating businesses displayed a sticker in the window, showing that the public are welcome to use the toilet facilities without necessarily having to ask or make a purchase. The scheme in Wrexham had a low rate of take up, principally because of the loss of control and the perception of that the premises being vulnerable and open to all.

There was some anecdotal evidence of anti-social behaviour and inappropriate use of facilities caused increased management and cleaning costs as a result of participating. In some cases security of public buildings and buildings in receipt of public funding would be unworkable unless buildings were adapted and modified to allow access without compromising security considerations.

Do you believe including changing facilities for babies and for disabled people within the term 'toilets' is sufficient to ensure that the needs of all groups are taken into account in the development of local toilet strategies?

The needs of all groups should be taken into account within the current legislation taking into account (the Single Equality Duty 2010) and practical, economic and management issues.

Do you believe the proposals relating to toilet provision in the Bill will contribute to improving public health in Wales?

A lack of toilet facilities at the right time in the right place contributes to dirty streets that are unsanitary and unpleasant. A lack of available and appropriate facilities at the right time during the day and night encourages street fouling, and cleaning up the mess is a significant and costly task - especially at the weekend.

## **Finance questions**

What are your views on the costs and benefits of implementing the Bill? (You may want to look at the overall costs and benefits of the Bill or those of individual sections.)

The concept of charging for the use of public toilets needs to be approached with a certain amount of care due to the potential negative impact. However, with the alternative option being closure, reducing costs and increasing income could make charging the only sustainable option. Evidence from other local authorities generally suggests that overall usage will reduce by 50% when a charge is introduced. People may also question about having to 'pay twice' for toilets, once through their 'council tax' and secondly paying again at the door.

Successfully generating revenue will depend on a variety of factors, including the price. The British Toilet Association (BTA) recommends a charge of 20p for most parts of the UK outside of major cities. Tourists, with their relatively low price sensitivity have the potential to provide the most income generation. However, as most toilets are mixed use between visitors and locals, it would be prudent to consider the ratio of users and the alternatives in the area. In general the BTA suggest a charge of 50p, while a mixed use would command a charge of 20p. Whilst the toilets in the Town centre are used extensively by tourists and visitors, introducing a charge of 50p may be a step too far and a 20p charge would probably be far more acceptable.

Where we are creating offences, registers and licencing regimes, this needs to be resourced with ring fenced funding provided to the local authorities

### **Delegated powers**

The Bill contains powers for Welsh Ministers to make regulations and issue guidance.

In your view does the Bill contain a reasonable balance between what is included on the face of the Bill and what is left to subordinate legislation and guidance?

Yes

### **Other comments**

Are there any **other comments** you wish to make about specific sections of the Bill?

Where we are creating offences, registers and licencing regimes, this needs to be resourced with ring fenced funding provided to the local authorities for awareness raising and enforcement.

How are you going to tackle/ensure consistency of enforcement across local authorities?

Do you believe that the issues included in this Bill reflect the priorities for improving public health in Wales?

Yes

Are there any other areas of public health which you believe require legislation to help improve the health of people in Wales

### **Controls on New Psychoactive Substances**