Welsh Government – Responding to the consultation

Listening to you: Your health matters

Public Health White Paper – Consultation Responses

We want your views on our proposals in the Public Health White Paper.

Your views are important. We believe the new legislation will make a difference to people’s lives. This White Paper is open for public consultation and we welcome your comments. The consultation will close on 24 June 2014.

This form provides all the consultation questions included in the White Paper. To help us record and analyse the responses, please structure your comments around these questions. You do not need to comment on all questions nor do you need to use this form to respond to the consultation. You are welcome to submit your response in a format that suits you.

The proposals are presented under a number of themes; you do not need to answer every question on every theme, only those that you wish to comment upon. The list below may be helpful for ease of navigation:

Chapter 2: Tobacco and electronic cigarettes
- Tobacco Retailers' Register Q1 – Q5
- Electronic Cigarettes Q6 – Q11
- Smoke-free Open Spaces Q12
- Internet sales of tobacco Q13 - Q14

Chapter 3: Alcohol
- Minimum Unit Pricing Q15 – Q20

Chapter 4: Obesity
- Nutritional Standards Q21 – Q23

Chapter 5: Building Community Assets for Health
- Better planning and delivery of public health services through community pharmacy Q24 – Q32
- Toilets for public use Q33 – Q35

Chapter 6: Regulation for Health
- National Special Procedures Register Q36 – Q45

Chapter 7: Next Steps Q46 - Q47

The Welsh Government will run a series of engagement events across Wales on the White Paper during the consultation period. Details of these events and how to attend will be made available on the consultation webpage when available.

Please submit your comments to PHBill@wales.gsi.gov.uk by 24 June 2014. If you have any queries on this consultation, please email the address above.
Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 allows the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

If you would prefer that your details are not published, please tick here □

Name: Dr A D Dwarakanath FRCP Edin, Secretary
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Please select one of the following:
- Academic/Research bodies
- NHS Organisations
- Health related organisations
- Local Government
- Advisory Bodies
- Third Sector Organisations
- Representative Groups
- Private sector organisations
- Private individuals
- Other (groups not listed above) Medical Royal College □

□
Chapter 2: Tobacco and electronic cigarettes

Tobacco Retailers’ Register

**Question 1**
Do you agree with the proposal to create a tobacco retailers’ register for Wales under the terms outlined above?

| Yes X | No □ |

*Please provide comment:*

**Question 2**
Do you consider that the creation of such a register will (i) assist in attempts to reduce under age sales of tobacco products, and (ii) assist in the enforcement of the display ban?

| i) assist in the attempts to reduce under age sales |
| Yes X | No □ |
| ii) assist in the enforcement of the display ban |
| Yes X | No □ |

*Please provide comment:*

In Scotland a register has been in force since April 2011, with the registration scheme giving a wider range of tools to trading standards in terms of enforcement of these issues.

**Question 3**
Do you consider the proposed fee structure to be reasonable? Please suggest
an alternative if not.

Yes □ No □

Please provide comment:
No particular comment.

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**Question 4**

Do you consider the proposed enforcement and penalty arrangements for the tobacco retailers’ register to be appropriate? If not, could you please provide us with your suggestions?

Yes □ No □

Please provide comment:
No particular comment.

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**Question 5**

Are there any other features of a tobacco retailers’ register that we should consider?

Yes □ No □

Please provide comment:
No particular comment.
Electronic Cigarettes

Question 6
Do you consider that the use of e-cigarettes in enclosed and substantially enclosed public places (including work places) undermines and makes more difficult the enforcement of the current ban on smoking in such places?

Yes X

No □

Please provide comment:

Question 7
Do you consider that the widespread use of e-cigarettes in enclosed and substantially enclosed public places (including work places) normalises the act of smoking and acts as a gateway to the use of conventional tobacco products?

Yes X

No □

Please provide comment:

Question 8
Do you have any evidence or practical experiences to support your views in relation to questions 6 and 7? If so we would be grateful to receive such evidence or receive details of such experiences.

Yes X

No □
The College commends the following briefing from ASH Scotland which addresses these points:

http://www.ashscotland.org.uk/media/6093/E-cigarettesbriefing.pdf

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**Question 9**

Do you consider legislation would assist in the enforcement of the existing Smoke-Free requirements and reinforce the message that smoking is no longer the norm? Please provide evidence to support your answer, if available.

- Yes  □
- No  □

*Please provide comment:*

At present individual public and private sector bodies are responsible for creating and implementing their own policies on e-cigarette use. As evidence on e-cigarettes grows, it may be appropriate in future for legislation to be considered in controlling their use in terms of the Smoke-Free requirements.

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**Question 10**

In considering such a proposal, should the ban on the use of e-cigarettes in enclosed and substantially enclosed public and work places be subject to the same exemptions and penalties as conventional tobacco products?

- Yes  □
- No  □

*Please provide comment:*

This is likely to be the most effective and enforceable option.
Question 11
What other measures, if any, should the Welsh Government be considering in relation to e-cigarettes?

Please provide comment:
No particular comment.

Smoke-free Open Spaces

Question 12
Do you consider that voluntary smoking bans in hospital grounds, school grounds and children’s playgrounds are sufficient, or are these areas where Welsh Ministers should consider legislating? Can you provide any evidence for your view?

Yes, voluntary bans are sufficient □
No, Welsh ministers should consider legislating X

Please provide comment:
All Scottish hospitals must have completely smoke-free grounds by April 2015i and we would encourage Wales to follow this direction. We are also very supportive of the Glasgow 2014 Commonwealth Games being 'smoke-free' with tobacco controls to be introduced at all of its competition venuesii.

Internet sales of tobacco

Question 13
Do you consider there is a problem with persons under 18 receiving delivery of tobacco products which have been ordered online by an adult? Please provide evidence to support your response, if available.

Yes □
No □
Question 14

Is this an area where the National Assembly for Wales should consider strengthening the existing legislative framework to make it an offence to deliver tobacco products to a person that is under the legal age of tobacco products (which is currently 18)?

Yes ☐  No ☐

Please provide comment:

No particular comment.
Chapter 3: Alcohol

Minimum Unit Pricing

Question 15
Given the evidence base and public health considerations, do you agree that the Welsh Government should introduce a Minimum Unit Price for alcohol?

Yes X  No □

Please provide comment:

The College has been at the forefront of raising awareness about alcohol-related harm and was instrumental in establishing the medical advocacy body, Scottish Health Action on Alcohol Problems (SHAAP).

We strongly support the introduction of minimum unit pricing, and provide further information on this in our answer to question 17.

Question 16
Do you agree that a level of 50 pence per unit is appropriate? If not, what level do you think would be appropriate?

Yes □  No □

Please provide comment:

Please see response to question 18.

Question 17
Do you agree that enforcing Minimum Unit Pricing for alcohol would support the reduction in alcohol related harms? Please provide evidence to support your answer, if available.

Yes X  No □
Please provide comment:

The College is a founding member of the Scottish Heath Action on Alcohol Problems (SHAAP) which aims to influence public health policy through raising awareness of the dangers of excessive consumption. SHAAP has been at the forefront of College efforts to achieve legislation on minimum pricing in Scotland. Further information on the work of SHAAP is available at http://www.shaap.org.uk/.

More detailed discussion of minimum pricing is available in the SHAAP publication “Getting the Price of Alcohol Right” (October 2010).

There is now a large body of scientific evidence providing an irrefutable link between the price of alcohol, the level of consumption and, in turn, the level of alcohol-related harm. This is one of the most researched areas of alcohol policy.

In the UK, while the price of alcohol has decreased dramatically in real terms in recent decades (alcohol was 66% more affordable in 2009 than in 1987), alcohol consumption has doubled.

It is clear that, if wishing to reduce alcohol-related harm, consumption has to decrease and the most effective mechanism of achieving this is to increase the price of alcohol. Various approaches to increasing price have been tried around the world, including taxation. However, research has shown that where a blanket levy is applied to all forms of alcohol (ranging from the low-cost to premium products), drinkers were found to have simply changed their brand choices from expensive to cheaper drinks (often with a higher alcohol volume). This research also highlighted that a greater decrease in consumption was obtained when cheaper drinks were targeted.

Minimum pricing should not be seen as a policy measure which will tackle every form of alcohol abuse. It would focus on the lowest cost products favoured by the heaviest drinkers and would therefore provide an effective method of targeting this group without penalising the wider population.

Question 18
Do you think any level of Minimum Unit Pricing set by the Welsh Government should be reviewed and adjusted over time? Please provide evidence to support your answer, if available.

Yes X
No □
Please provide comment:

The level at which a minimum price should be set is a political decision involving the benefit of reducing alcohol-related mortality and harm and the acceptability to the Welsh people. A minimum price should be set at a level the evidence indicates will reduce the burden of harm from alcohol use. Setting an appropriate level requires an analysis of the alcohol market, consumption and expenditure patterns and health and crime data. If this measure is introduced, it is important that the impact of minimum unit pricing is evaluated and outcomes are audited.

Question 19
As the Welsh Government cannot legislate on the licensing of the sale and supply of alcohol, what enforcement and/or penalty arrangements do you think should be in place to introduce Minimum Unit Pricing for alcohol in Wales?

Please provide comment:

No specific comment.

Question 20
Do you think there are other measures that should be pursued in order to reduce the harms associated with excessive alcohol consumption?

Yes X  No □

Please provide comment:

Introduction of minimum pricing should be matched by provision of alcohol counselling and intervention services as part of a comprehensive strategy.
Chapter 4: Obesity

Nutritional Standards

**Question 21**
Do you agree that nutritional standards should be introduced in the settings we are proposing, that is, pre school settings and care homes?

- Yes X
- No □

*Please provide comment:*

**Question 22**
Do you think there are any other public sector settings that should be considered in relation to mandatory nutritional standards?

- Yes X
- No □

*Please provide comment:*
Primary and secondary schools and hospitals would also benefit from mandatory nutritional standards.

**Question 23**
Do you think there are other practical steps we could take to contribute to this issue?

- Yes □
- No □
Please provide comment:

Education and advice around nutritional standards should be widely available.
Chapter 5: Building community assets for health

Better planning and delivery of public health services through community pharmacy

**Question 24**
Do you agree community pharmacies can play a stronger role in promoting and protecting the health of individuals, families and local communities as part of a network of local health care services?

| Yes □ | No □ |

*Please provide comment:*

No specific comment.

**Question 25**
Do you agree with the proposal to require Local Health Boards to complete periodically an assessment of the pharmaceutical needs of its population?

| Yes □ | No □ |

*Please provide comment:*

No specific comment.

**Question 26**
In respect of question 25 what are your views on such assessments being completed as a discrete part of their assessment of local health and wellbeing needs?
Question 27
Please comment on what information you think Local Health Boards should incorporate in its pharmaceutical needs assessment and the frequency with which such assessments should be updated.

Please provide comment:
No specific comment.

Question 28
In respect of question 27, do you think that using the Local Health Board’s assessment of pharmaceutical needs will be sufficient for this or are there other factors that need to be considered?

Yes □  No □

Please provide comment:
No specific comment.
Question 29
Do you consider that it is appropriate for applications to provide pharmaceutical services to be determined on the basis of the contribution that all the services they propose might make to address local health needs?

Yes □  No □

Please provide comment:

No specific comment.

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Question 30
Do you agree with the proposal to allow Local Health Boards to invite community pharmacies in their area to provide specified services to meet identified pharmaceutical needs and, where those pharmacies are unable to do so adequately, invite additional pharmacies to become established in order to provide pharmaceutical services? If you disagree please explain your reasons.

Yes □  No □

Please provide comment:

No specific comment.

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Question 31
Do you agree that where pharmacies are not adequately providing services, a range of measures, which could include sanctions against pharmacies for breaches of terms and conditions of service, should be available to Local Health Boards to support improving quality and consistency? What other measures should be available to Local Health Boards?

Yes □  No □
Question 32
Are there any other specific areas where this approach could be adopted in order to improve public health at a community level?

Yes □   No □

Please provide comment:
No specific comment.

Toilets for public use

Question 33
Should a duty be placed on local authorities to develop a strategy for the provision of and access to toilets for public use in their area?

Yes □   No □

Please provide comment
No specific comment.
### Question 34
If a duty were to be put in place, should this duty be addressed through the single integrated planning process?

| Yes □ | No □ |

*Please provide comment*

No specific comment.

### Question 35
Are there any other impacts in relation to this proposal on which you would like to comment?

| Yes □ | No □ |

*Please provide comment:*

No specific comment.
Chapter 6: Regulation for health

A National Special Procedures Register

Question 36
Do you feel that the current information, regulation, and enforcement in relation to cosmetic piercing, tattooing, semi-permanent skin colouring, acupuncture and electrolysis protects the public effectively?

Yes □ No □

Please provide comment

No specific comment.

Question 37
Do you have any evidence of harm caused by cosmetic piercing procedures (and in particular intimate cosmetic piercing of young people) under the Current system? Id so, what?

Yes □ No □

Please provide comment

No specific comment.

Question 38
Do you think there should be a National Special Procedures Register? If no, why not?

Yes □ No □
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*Please provide comment*

No specific comment.

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**Question 39**

Do you think any other procedures should be included on the Register? If yes, what other procedures?

| Yes □ | No □ |

*Please provide comment*

No specific comment.

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**Question 40**

Do you think the Welsh Government should be able to amend the Register in the future to include or remove procedures? If not, why not?

| Yes □ | No □ |

*Please provide comment*

No specific comment.
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Question 41
Should the registration fee be set locally or nationally?

Locally □
Nationally □

Please provide comment
No specific comment.

Question 42
How frequently should practitioners and businesses need to re-register?

Frequency □

Please provide comment
No specific comment.

Question 43
Do you agree that registration should include a ‘fit and proper persons’ test? If yes, what criteria do you feel should be part of this test?

Yes □
No □

Please provide comment:
No specific comment.
Question 44
Do you agree with the minimum requirements set out for pre and post consultation? If not, please provide details of the suggested content

Yes □ No □

Please provide comment:
No specific comment.

Question 45
Do you agree that local authorities should be responsible for administering and enforcing these proposals? If not, who should?

Yes □ No □

Please provide comment:
No specific comment.
Chapter 7: Next steps

Question 46
We want to ensure that a Public Health Bill is reflective of the needs of citizens in Wales. We would appreciate any views in relation to any of the proposals in this White Paper that may have an impact on a) human rights; b) Welsh language; or c) the protected characteristics as prescribed within the Equality Act 2010. These characteristics include gender; age; religion; race; sexual orientation; transgender; marriage or Civil Partnership; Pregnancy and Maternity; and disability.

Please provide comment:

No specific comment.

Question 47
Do you have any other comments or useful information in relation to any of the proposals in this White Paper?

Yes □ No □

Please provide comment:

No specific comments.

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iii Alcohol: price, policy and public health, Scottish Health Action on Alcohol Problems, 2007
iv Alcohol Policy in the WHO European Region: current status and the ways forward. World Health Organisation Factsheet WURO/10/05, September 2005
v Changing Scotland’s Relationship with Alcohol: a discussion paper on our strategic approach, Scottish Government, June 2008
vi Alcohol Statistics Scotland 2011, Information Services Division, 2011
vii Calling time: the nation’s drinking as a major health issue, Academy of Medical Sciences, March 2004.