

Appendix 1



monmouthshire
sir fynwy

Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

Name of the Officer completing the evaluation
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Please give a brief description of the aims of the proposal

The Public Health (Wales) Act 2017 includes provisions relating to obesity, tobacco and nicotine products, special procedures (acupuncture, body piercing, electrolysis, tattooing), intimate piercing, health impact assessments, pharmaceutical services, and toilets for public use. There are staged commencement dates for the different Parts of the Act which will be enforced/implemented by a variety of organisations.

Officers within the Social Care and Health Directorate (Public Protection - Environmental Health & Trading Standards) require additional authorisation under the Public Health (Wales) Act 2017 in order to enforce the legislation and carry out their duties.

Purpose:

1. To inform Cabinet of changes to the legislation applicable to officers of the Public Protection Division prior to presentation of the report to Council to amend the Council's Constitution to include the Public Health (Wales) Act 2017.
2. To obtain additional authorisation for officers under the above Act.

Of particular note is Part 5 of the Act which relates to intimate piercing. This provision requires that the intimate piercing of children and young people under the age of 18 will be prohibited in Wales. It will also be an offence to make arrangements to perform an intimate piercing on anyone under the age of 18 in Wales.

Name of Service - Environmental Health (Public Protection – Social Care and Health)	Date Future Generations Evaluation form completed 19 th January 2017
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NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc

1. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.


Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	<p>The Act aims to address a number of specific public health concerns, and to create social conditions that are conducive to good health and where avoidable harms can be prevented.</p> <p>Compliance with the legislation is ultimately good for local businesses, their reputation, and the avoidance of enforcement action - whilst improving public health outcomes.</p>	<p>There are no negative impacts envisaged given the support of Welsh Government in highlighting the change of legislation with practitioners.</p>



Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>No adverse effects identified.</p>	<p>No adverse effects identified and many business will already be doing enough to comply with the legislation.</p>
<p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>The purpose of the new law is to protect children and young people under the age of 18 from the potential harm to health which can be caused by an intimate piercing, and to avoid circumstances where children and young people are placed in a potentially vulnerable situation.</p> <p>By setting the prohibition on intimate piercing at the age of 18, the Act's provisions are consistent with other public health age-related interventions, including the law relating to tattooing, the sale of alcohol, tobacco and nicotine inhaling products (such as electronic cigarettes).</p> <p>The raft of resources available to practitioners through Welsh Government and MCC in allowing for successful implementation of the Act should ensure a smooth transition with positive public health</p>	<p>No negative impacts identified.</p>



Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	outcomes. Formal enforcement by our Environmental Health Officers is available under the Act.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	No adverse effects identified	No adverse effects identified
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	A consistent approach to enforcement is being applied across Wales by Environmental Health Departments, fostering responsibility across the sector and improving public health outcomes globally.	For intimate piercing, practitioners will need to comply with the Act – many will already be doing enough and there are no significant additional burdens on business envisaged as a result of the Act. For intimate piercing, the prohibition aims to reinforce existing good practice within the piercing industry. Many practitioners choose not to perform intimate piercings on young people, but because the law does not expressly prohibit it, it was possible for a person under the age of 18 to undergo these procedures. NB -The new law applies to everybody in Wales, not just piercing businesses. Verification of age is not set out in the new law. A piercer could request the following documents to verify the age of the user, which is not seen as onerous: - a passport;

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
		<ul style="list-style-type: none"> - a European Union photo card driving licence; - a photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram; - or any other appropriate document. <p>It is not enough for the piercer to conclude that the young person looks to be over 18. All reasonable precautions must be taken to avoid committing an offence.</p>
<p>A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>No adverse effects identified</p>	<p>No adverse effects identified</p>
<p>A more equal Wales People can fulfil their potential no matter what their background or circumstances</p>	<p>The legislation does not differentiate between age, disability, gender reassignment, race, religion or beliefs, gender, sexual orientation, marriage or civil partnership, pregnancy or maternity.</p>	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term for the future</p> <p>Balancing short term need with long term and planning</p>	<p>The long term aim of the Act is to address a number of specific public health concerns, and to create social conditions that are conducive to good health and where avoidable harms can be prevented. There is a potential for prosecution as a final sanction, however the approach to enforcement shall be in accordance with the Department’s Enforcement Policy and it is expected that by working with our businesses, sustained compliance can be achieved thereby enhancing public health outcomes. Environmental Health are well placed to deliver the intervention given our proven track record of applying a proportionate approach to enforcement. It must be noted however that on investigation of complaints (which will ultimately involve both LA and Police interventions in partnership), the failure to comply with the Act is a criminal offence and there is an unlimited penalty fine if found guilty.</p>	<p>No additional actions to be taken to contribute to positive outcomes</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>We shall collaborate successfully with the businesses/practitioners involved when appropriate and any necessary collaboration that may arise within MCC. We shall function as a co-enforcer with Gwent Police and we shall share intelligence through partnership working, both to enforce the provisions of the Act and improve public health outcomes.</p>	<p>No additional actions to be taken to contribute to positive outcomes</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>We shall support business through the implementation of the Act alongside Welsh Government.</p>	<p>No additional actions to be taken to contribute to positive outcomes</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Preventing non-compliance with the Act shall be achieved by giving practitioners advance notice of the coming into force date for the age restriction on intimate piercing; and via additional support from Welsh Government (e.g. published material) and guidance from MCC Environmental Health / reactive interventions. We have a positive and sustainable working relationship with our practitioners and we shall continue to support them as the Act is implemented.</p>	<p>No additional actions to be taken to contribute to positive outcomes</p>
 <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>No competing impacts.</p>	

3. Are your proposals going to affect any people or groups of people with protected characteristics? **No. The legislation does not differentiate between age, disability, gender reassignment, race, religion or beliefs, gender sexual orientation marriage or civil partnership pregnancy or maternity** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link:<http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The legislation does not differentiate between age, disability, gender reassignment, race, religion or beliefs, gender sexual orientation marriage or civil partnership pregnancy or maternity		
Disability	See above		
Gender reassignment	See above		
Marriage or civil partnership	See above		
Pregnancy or maternity	See above		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Race	See above		
Religion or Belief	See above		
Sex	See above		
Sexual Orientation	See above		
Welsh Language	We are fortunate to have a Welsh language speaker in the team.		

Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? The purpose of the new law is to protect children and young people under the age of 18 from the potential health harms which can be caused by an intimate piercing, and to avoid circumstances where children and young people are placed in a potentially vulnerable situation. Where there are safeguarding issues, Environmental Health will liaise with Gwent Police and any relevant MCC Department to protect vulnerable groups e.g. Social Services. Environmental Health are well placed to deliver any interventions associated with the Act given our proven track record of working successfully with partnership agencies. The Corporate Parenting Strategy shall be consulted when appropriate on a case by case basis and the necessary referrals made to our partner agencies.

4. For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	See above in red		
Corporate Parenting	See above in red		

5. What evidence and data has informed the development of your proposal?

n/a implementation of new legislation.

Research Briefing [17-025](#) (National Assembly for Wales, October 2017)

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

1. There are no significant negative impacts envisaged. Welsh Government are taking the lead on explaining the changes in legislation with practitioners in the first instance. The mode of compliance with the Act as it relates to intimate piercing is not seen as onerous and resources have been provided to support practitioners accordingly.
2. The Act aims to address a number of specific public health concerns, and to create social conditions that are conducive to good health and where avoidable harms can be prevented.

Future work:

1. Alongside Welsh Government, supporting businesses with the implementation of the new Act and the requirements in relation to intimate piercing.
2. Responding to queries from businesses.
3. Investigation of complaints relating to intimate piercing of those under the age of 18.
4. Investigation of complaints associated with arrangements being made for intimate piercing of those under the age of 18.
5. Following any further direction from Welsh Government and the All-Wales Technical Panels (for Health & Safety and Communicable Disease Control) with regard to the implementation and enforcement of the Act.
6. Conducting departmental technical/legal briefings in association with recently published Welsh Government Guidance for enforcement officers. Lead Officers throughout Wales have already undertaken specialist legal training as this relates to intimate piercing and are competent to deliver interventions moving forward.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Team technical/legal briefing – enforcement (Lead Officers have already undertaken legal training regarding the intimate piercing element of the Act.)	At the next team meeting	K Williams / G Dicken / D Thomas	ongoing

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	At each intervention, as necessary – to liaise with PEHO, Head of Public Protection, Gwent Police and Legal.
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9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	<i>e.g. budget mandate, DMT, SLT, Scrutiny, Cabinetetc</i>		<i>This will demonstrate how we have considered and built in sustainable development throughout the evolution of a proposal.</i>