

CEREDIGION COUNTY COUNCIL

Report to:	Licensing Committee (Non-Statutory Committee)
Date of meeting:	28 October 2024
Title:	Public Health (Wales) Act 2017 – Special Procedure Licensing
Purpose of the report:	To seek approval from Members to set an appropriate fee structure and scheme of delegated authority for the Public Health (Wales) Act 2017 in respect of special procedure licensing.

Background

A new licensing scheme for 'Special Procedures' will be introduced by Welsh Government in November 2024 (expected to be 29th November 2024), under Part 4 of the Public Health (Wales) Act 2017.

'Special procedures' are defined in the Public Health (Wales) Act 2017 as acupuncture (including dry needling), body piercing, electrolysis and tattooing (including semi-permanent make-up). These are non-surgical aesthetic or therapeutic procedures involving perforation of an individual's tissue, skin or mucous membrane and insertion of needles, jewellery, objects or permanent/semi-permanent ink or pigments. These procedures are therefore capable of causing harm to human health.

Part 4 of the Act sets out the requirements for a mandatory licensing scheme for practitioners carrying out 'special procedures' in Wales. The intention of the new licensing scheme is to improve and sustain standards of infection prevention and control in the special procedures industry and assure the safety and health of clients and practitioners alike.

Section 76 of Part 4 of the Public Health (Wales) Act 2017 allows local authorities that have issued a Special Procedures Licence or an Approved Premises Certificate to charge a fee. The amount of fee to be charged by a local authority is to be determined having had regard to the costs incurred or expected to be incurred by the authority.

New Licensing Fees

Regulations made under the Act require that fees in relation to special procedures licences be set by the local authority having regard to the costs incurred by the local authority or expected to be incurred by the local authority in connection with dealing with applications under the Regulations.

To ensure a consistent fee structure could be adopted across the whole of Wales, a set of nationally-agreed fees for the special procedure licensing regime has been calculated by the Special Procedures Implementation Group ("SPIG"), a group of lead/specialist environmental health and licensing officers from each of the Welsh local

authorities, and endorsed by Directors of Public Protection Wales (DPPW), a group that represents the 22 local authority regulatory services in Wales.

The licensing fees are based on the principles of cost recovery and can be adjusted where a deficit or surplus is identified which is in accordance with case law.¹

As required by legislation, these fees will collectively be reviewed after one year from implementation and at the end of each subsequent three-year period.

Total fees for practitioners and premises are divided into application fee and compliance fee which is payable once the application has been granted. The application fee covers the cost of processing the application, inspection and issuing documentation. The compliance fee is a reasonable contribution to the running of the licensing scheme, advising licence holders, following up complaints, additional inspections, and ongoing support.

Each local authority is required to approve fees as per the following table.

Table 1. All-Wales Special Procedures Fees (from November 2024 – March 2026)

Licence Type	New	Renewal
Special Procedures Licence - (3yr licence)	£203 (£159 Application / £44 Compliance)	£189 (£148 Application / £41 Compliance)
Approved Premises Certificate - (3yr licence)	£385 (£244 Application / £141 Compliance)	£345 (£204 Application / £141 Compliance)
Other Fees		
1. Special Procedure Licence – Variation (Add Procedure)		£131
2. Special Procedure Licence - Variation (Change of Detail)		£26
3. Special Procedure Licence – Replacement Licence		£13
4. Temporary Special Procedure Licence		£92
5. Approved premises / Vehicle – Variation (Add Procedure)		£189
6. Approved Premises / Vehicle – Variation (Structural Change)		£189
7. Approved Premises / Vehicle – Change of Detail		£26
8. Approved Premises / Vehicle – Replacement Certificate		£13
9. Approved Premises / Vehicle Temporary Approval (Ancillary Event)		£385

¹ R(on the application of Hemmings(t/a Simply Pleasures Ltd) and others) v Westminster City Council [2015].

10. Approved Premises / Vehicle – Approval (Convention / Main Purpose)	£680
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Delegate Authority

In order to deal efficiently with applications and enforcement, it is proposed that the powers listed below be delegated to the Corporate Lead Officer for Policy, Performance and Public Protection and that this officer be deemed authorised for the purposes of Sections 98 to 107 and shall have the power to nominate any supplementary officers as appropriate:

- Section 61(1) - Power to designate an individual performing a special procedure to be licensed.
- Section 65(2) – Power to issue a refusal notice for a special procedure licence
- Section 65(3) - Power to issue a Special Procedures Licence where all the applicable licensing criteria is met.
- Section 66(3&6) – Power to issue a refusal notice for a special procedure licence (in case of a relevant offence)
- Section 67 - Power to renew a Special Procedures Licence where all the applicable licensing criteria is met.
- Section 68 – Power to issue a revocation notice for a special procedure
- Section 70(1) - Power to issue an approval certificate for a premises or vehicle.
- Section 70(1) - Power to renew an approval certificate for a premises or vehicle.
- Section 70(1) - Power to refuse an approval certificate for a premises or vehicle.
- Section 72(4) - Power to take reasonable steps for bringing a voluntary termination notice to the attention of appropriate persons.
- Section 77(2) - Power to issue a stop notice.
- Section 78(1) - Power to issue a remedial action notice in respect of a Special Procedures Licence.
- Section 79(1) - Power to issue a remedial action notice in respect of an Approved Premises Certificate.
- Section 80(2) - Power to issue a completion certificate in respect of a Special Procedure Licence or an Approved Premises Certificate.
- Section 97 - Power to carry out enforcement action and consultation in respect of intimate piercing.
- Schedule 3 Paragraph 15(3) - Power to issue a warning notice

Recommendation(s):

1. That Members consider the content and implications of the report and recommend to Cabinet that the Corporate Lead Officer be authorised under The Public Health (Wales) Act 2017 so that officers within Public Protection can utilise delegated powers to carry out their duties.
2. That Members consider the content of the report and recommend to Cabinet that the proposed fee structure as set out in the table above be approved.

Reason for recommendation:	<ul style="list-style-type: none"> • The Public Health (Wales) Act 2017 will place a statutory duty on local authorities in Wales to administer and enforce the special procedures licensing scheme. • To ensure that the Local Authority can fulfil this statutory obligation efficiently, an appropriate fee structure and scheme of delegated powers is required to be adopted.
Policy Framework:	The statutory functions delivered by Environmental Health and Licensing are a fundamental element of Public Protection policy framework.
Corporate Priorities	<p>Boosting the economy, supporting businesses and enabling employment</p> <p>Also Creating caring and healthier communities</p>
Finance and procurement implications:	Within budget as the fees have been calculated to cover additional costs.
Service Area	Policy, Performance and Public Protection
Statutory Powers:	Public Health (Wales) Act 2017
Background Papers:	None
Corporate Lead Officer:	Alun Williams (Policy, Performance and Public Protection)
Reporting Officer:	Anne-Louise Davies (Trading Standards & Licensing Manager) and Edward Dumbrill (Senior Environmental Health Officer)
Date:	4/9/2024
Appendices	None