

Cabinet
Council

20th November 2012
4th December 2012

Name of Cabinet Member:

Health and Community Services, Cllr Mrs Lucas

Director Approving Submission of the report:

Joint Director of Public Health

Ward(s) affected:

ALL

Title:

Council response to Government Consultation on the arrangements for consideration of proposals on the fluoridation of drinking water.

Is this a key decision?

No

Executive Summary:

The Health and Social Care Act 2012 introduced a number of organisational changes including the transfer of local public health responsibilities to local authorities. The Act also transfers the responsibility for proposing fluoridation schemes and conducting consultations on such schemes from Strategic Health Authorities, which will be abolished from 2013, to local authorities.

In order to introduce the relevant regulations to facilitate new arrangements the Government has published 'Healthy Lives, Healthy People: Consultation on the arrangements for consideration of proposals on the fluoridation of drinking water'.

The consultation document includes proposals for the participation in initial decision-making on a fluoridation proposal; suggested arrangements for joint committees of local authorities where these might be necessary; decision-making processes (including consultation and ascertaining opinion) and proposals for how the variation, termination and maintenance of fluoridation schemes might be administered.

These proposals are of particular interest for Coventry, given that the City currently benefits from the fluoridation of drinking water. The outcome of this consultation will determine what steps if any the Council will need to undertake to maintain a fluoridation scheme in the future.

Recommendations:

Cabinet is requested to recommend that Council approve the consultation response.

Council is requested to approve the consultation response.

List of Appendices included:

Appendix 1 Draft response to the consultation on arrangements for making decisions on fluoridation proposals.

Background papers:

None

Other useful documents

Department of Health consultation document 'Healthy Lives, Healthy People: Consultation on the arrangements for consideration of proposals on the fluoridation of drinking water' can be found on the Department of Health website:

<https://www.wp.dh.gov.uk/publications/files/2012/09/Consultation-on-the-fluoridation-of-water.pdf>

Draft Joint Health and Wellbeing Strategy for Coventry (includes reference to the current fluoridation of Coventry's drinking water and support for its continuation). Accessed via:

http://www.coventry.gov.uk/downloads/file/6349/draft_joint_health_and_wellbeing_strategy

Supplementary Briefing for Coventry City Council on Water Fluoridation prepared by Jonathan Iloya BDS, MBA, MPH, FDS (DPH) RCSEd, Consultant in Dental Public Health NHS Coventry, presented to the Health and Social Care Scrutiny Board 20th January 2012

[http://modern.gov.coventry.gov.uk/Data/Health%20and%20Social%20Care%20Scrutiny%20Board%20\(Scrutiny%20Board%205\)/201201251430/Agenda/04%20-%20Petition%20-%20Water%20Fluoridation.pdf](http://modern.gov.coventry.gov.uk/Data/Health%20and%20Social%20Care%20Scrutiny%20Board%20(Scrutiny%20Board%205)/201201251430/Agenda/04%20-%20Petition%20-%20Water%20Fluoridation.pdf)

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 4th December 2012

Report title: Council response to Government Consultation on the arrangements for consideration of proposals on the fluoridation of drinking water.

1. Context (or background)

1.1 The Department of Health (DH) is consulting on the arrangements which will be made for consulting on and introducing new drinking water fluoridation schemes, and mechanisms for reviewing varying or terminating existing ones. Strategic Health Authorities currently have these powers, and from April 2013 when they are abolished, the powers will pass to local authorities.

2. Options considered and recommended proposal

2.1 Fluoride is a natural mineral found in many foods and water supplies. It is added to drinking water in many parts of the world to reduce teeth decay. The consultation document is not specifically about the perceived benefits or disadvantages of fluoridated drinking water, rather it concerns the way local authorities would consult on and introduce new schemes, and correspondingly how they will consult and take decisions on proposals to remove fluoride from water supplies.

2.2 The Government is proposing a complex process that includes a role for Public Health England in holding a database of evidence and research on fluoridation, and a central role for Health and Wellbeing Boards in determining assessment of the health needs of local communities and developing local strategies for improvement. The consultation document proposes that the Secretary of State for Health makes a final decision on introducing, varying or terminating a fluoridation scheme when he is satisfied that a proposal is operable, efficient and affordable, and that the legal requirements in relation to decision-making have been observed by the proposing local authority.

2.3 The consultation document requests responses to 43 specific questions regarding the Government's proposals for the new arrangements. Appendix 1 includes a proposed detailed City Council response to each question.

Participation in initial decision-making on a fluoridation proposal

2.4 The document proposes that local authorities making a fluoridation proposal need first to satisfy themselves and the Secretary of State that it is practical and affordable to introduce a scheme. This would include liaison with the local water provider, and any other local authorities affected by the proposal. The proposals also emphasis the central role for Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies. The need for any fluoridation plans to be included within these documents is a consistent message within the document.

2.5 There will be a defined role for Public Health England in collecting evidence on fluoridation and acting in an advisory role. Local Authorities will need to obtain specific advice from the local director of Public Health in formulating a proposal.

Committee membership and procedures

2.6 Where a proposal spans more than one authority area the Government proposes the establishment of joint decision-making committees, and in the case of single applications sub-committees to exercise fluoridation functions. These would be expected to be a mixture of councillors, professionals and other stakeholders. In the case of decisions by multiple authorities it is proposed that a formula be developed to weight the responses of the respective authorities based on the population set to be affected by the introduction of a scheme.

- 2.7 Health and Wellbeing Boards have a significant role to play in issues like fluoridation and the document suggests that best practice will be for any decision-making to be based on either sub-committees or joint sub-committees of these Boards. The Council will have powers to delegate decision-making on this issue to its Health and Wellbeing Board if it chooses to do so.

Fluoridation decision-making, the consultation procedure and assessing public opinion

- 2.8 The Government is planning to place a series of requirements on local authorities to consult on proposals and these seem mostly consistent with good practice. Issues relating to the Equality Act 2010 are important and local authorities will be required to consider the different implications for vulnerable groups and make specific efforts to include them in consultations.
- 2.9 It is important to specifically highlight vulnerable children from socially disadvantaged backgrounds as most likely to benefit, and some way should be found for their views or those of their parents/carers to be incorporated in consultations.
- 2.10 In order for local authorities to have flexibility to decide what is best for their area on a case-by-case basis the Government are not proposing specific mechanisms or requirements in assessing public opinion. They do however suggest that in reaching a decision proposals should have regard to some minimum defined assessments, for example public opinion, the contents of the JSNA, the weighting of health arguments against other considerations.
- 2.11 In making joint decisions regarding a proposal to fluoridate it is proposed local authorities should be required to obtain 'super-majorities'. It is suggested this might be two-thirds or 67% of the decision-making committee. This would be weighted by population affected by fluoridation proposals and would ensure that new schemes would only be introduced with wide ranging support for them.

Variation, termination and maintenance of fluoridation arrangements

- 2.12 Coventry is a City with a fluoridated drinking water supply; therefore the DHs proposals for varying, maintaining or indeed terminating fluoridation schemes will be of particular interest to the City Council.
- 2.13 It is envisaged that the power to vary or terminate a scheme will be vested in the Secretary of State, and that in normal circumstances he will only exercise this power following a properly constituted request from a local authority. The proposal does however allow a fail-safe option that in the event of a significant risk of potential danger to health is identified then the Secretary will be able to suspend or terminate fluoridated supply.
- 2.14 At present minor variations in boundaries of fluoridation schemes do not need formal consultation. The proposal is for this to continue and that only a local exercise be undertaken to inform those who might be affected. The establishment of formal decision-making processes would not be required.
- 2.15 The DH are consulting on whether or not local authorities might be required to consult on the maintenance of existing arrangements, it is suggested at specific intervals, perhaps after 20 years. It is worth noting that no other major public health intervention, or indeed any other local authority initiative involves consultations imposed by law at specific intervals.
- 2.16 In the late 1970s and early 1980s there was considerable and wide-ranging consultation and public discussion prior to the introduction of fluoride into Coventry's drinking water supply. This measure was backed by the then Area Health Authority (similar to the PCT),

the Community Health Council (which represented patients and carried out public engagement) and the City Council before being implemented by the Strategic Health Authority.

- 2.17 It would appear reasonable for local authorities to have the flexibility to consult on the maintenance of fluoridation, particularly if the public health evidence changed and failed to justify the continued intervention, however unless this was the case there would seem to be little value in routine consultation.
- 2.18 Should a local authority be persuaded that it wished to consult on the termination of a fluoridation scheme, the DH are proposing that the same process as for new applications should apply. This would include a decision-making body being created to consider the evidence, a consultation exercise and full consideration of the health outcomes of such a measure.
- 2.19 Whilst it is recommended that the Council's response questions the need for consultations on the maintenance of existing arrangements, it is proposed that should this be insisted upon, a minimum period between consultations be set at 20 years. Further this should include as a starting point the handover of existing schemes inherited from the local NHS in April 2013.

3. Results of consultation undertaken

- 3.1 These consultation responses are from Coventry City Council and therefore wider consultation has not been undertaken.

4. Timetable for implementing this decision

- 4.1 The consultation document requests responses by November 27th, therefore following Cabinet a draft response will be provided to the DH pending formal approval of a response at the 4th December Council meeting.

5. Comments from Director of Finance and Legal Services

- 5.1 Financial implications
There are no direct financial implications arising from this report. The outcomes of the consultation document may place the City Council under a duty to undertake a periodic public consultation exercise on whether or not fluoride continues to be added to Coventry's drinking water.
- 5.2 Legal implications
There are no direct legal implications following this report. However, following the outcomes of the consultation, the decision making processes which arises will need to be replicated in the Council's constitution.

6. Other implications

- 6.1 The City Council has outstanding commitments to reduce health inequalities in the City. Currently the fluoridation of Coventry's drinking water supply makes a significant contribution to reducing dental health inequalities across the City and any potential removal of fluoridation would have a negative impact on health inequalities, particularly for young children from disadvantaged neighbourhoods. The proposals which this report comments on do however place the City Council in a strong position to influence any variations or termination of the scheme.

6.2 How is risk being managed?

There is no risks to the organisation emanating from this consultation response, however should the Government introduce regulations which place requirements on the City Council a further report will be produced which will incorporate appropriate risk assessment.

6.3 What is the impact on the organisation?

There are no direct implications for the organisation from this report, however the following the conclusion of the consultation the Government will introduce regulations which may place additional requirements on the City Council

6.4 Equalities / EIA

Equality considerations and impact assessments are included within the Government proposals. A separate Equality and Consultation analysis is not required.

6.5 Implications for (or impact on) the environment

As this report relates solely to the Council response to the Government consultation there are not considered to be any environmental implications from this report.

6.6 Implications for partner organisations?

There are no direct implications for partner organisations from this report.

Report author(s):

Peter Barnett
Health Development Service Manager
Community Services Directorate

Tel: 02476 831145

Email: peter.barnett@coventry.gov.uk

Jonathan Iloya
Consultant in Dental Public Health
NHS Coventry / Public Health

Tel: 02476 832868

Email: Jonathan.Iloya@coventrypct.nhs.uk

Enquiries should be directed to the above persons.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Lara Knight	Governance Services Officer	Finance and Legal	25 th October	25 th October
Names of approvers for submission: (officers and members)				
Finance: Diane Jones	Lead Accountant (Community Services)	Finance & Legal	25 th October 2012	30 th October 2012
Legal: Julie Newman	Solicitor, CLYP and Adults Manager	Finance & legal	25 th October	26 th October
Director: Jane Moore	Joint Director of Public Health	Public Health / Chief Executives	25 th October	30 th October
Director: Brian Walsh	Director of Community Services	Community Services	25 th October	25 th October
Colin Green	Director Children, Learning and Young People	Children, Learning and Young People	25 th October	25 th October
Simon Brake	Assistant Director Policy and Performance	Community Services	25 th October	25 th October
Member: Cllr Ann Lucas	Cabinet Member	Health and Community Services	25 th October	5 th November

This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

Appendices – Appendix 1: Proposed consultation response.