

# Institute of Licensing Consultation Response

Welsh Government - Special Procedures Consultation  
Public Health (Wales) Act 2017

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK with 12 regions including Wales, Scotland, Northern Ireland and 9 regions in England. IoL membership is broad with just under 5,000 members across public regulatory, private and industry practices, and our objectives are to raise the professionalism of licensing in all sectors across all public regulatory licensing regimes.

We support the comments made by LEP which are set out in the response from Environmental Health Wales (EHW) and the Directors of Public Protection Wales (DPPW). Much of our response relies on this EHW/DPPW response.

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Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: [N/A](#)

Please return this form to reach the Welsh Government no later than **19 April 2023**. The email address for responses or queries is:

[SpecialProceduresMailbox@gov.wales](mailto:SpecialProceduresMailbox@gov.wales)

This form can be downloaded or the online response questionnaire accessed from the Welsh Government website here:

1.	Do you agree with our proposals to mandate the form and content of a special procedure licence and the premises/vehicle approval certificate within regulations? Is there anything else that should be included in the format of these documents?
	YES

	<p>IoL supports the proposals for a mandated form and content for special procedure licences and the premises / vehicle approval certificates. This will provide a consistent licensing approach across Wales, where the current registration and byelaw system is inadequate and inconsistent.</p> <p>Our members within the Licensing Expert Panel (LEP) hold significant experience on the application of these principles, in particular on the handling and determination processes. LEP would advocate via Regulations statutory forms for both licences and certificates to ensure consistency across Wales.</p> <p>IoL supports the suggestion from the LEP that a separate paper licence and photo ID card should be issued, similar to Personal licences issued under the Licensing Act 2003 (LA2003). The photocard would be more portable and could be shown to all clients before any procedures are undertaken.</p> <p>We note the points raised by LEP members about the practical issues with the requirements of S59(4) of the Act which requires that each premises/vehicle are identified in the special procedures licence. We support the LEP view that a 'personal' practitioner's licence should allow holders to work anywhere in Wales.</p> <p>LEP members recommend consideration of a Summary Licence for display in licensed premises or vehicles in addition to the full Licence. The full Licence could include a plan of the premises similar to the provisions under the LA2003. This works well under LA2003, with the plan forming part of the licence, and any changes to the premises layout etc., requiring a minor or major variation to the licence.</p>
2.	<p>Do you agree with our proposal to make regulations about further provision (as set out in paragraph 4.13)?</p>
	<p>We support the proposal to make regulations on the matters set out in 4.13, and we note the intention that model/example forms will be included in the next consultation alongside details of the draft regulations.</p>
3.	<p>Do you agree that nine months is a sufficient transition period? If not, what should it be?</p>
	<p>IoL support LEP members response that 9 months is the minimum transition period which will be required. A longer transition period may be appropriate given the likely scale of work to bring existing and new practitioners, premises and vehicles within the new licensing regime.</p> <p>The experience with the transition under the LA2003, was that many existing licence holders made their application towards the end of the transition period, resulting in an overwhelming volume of applications to be processed in a relatively short time. A 'cut-off' date within the transition period for applications to be submitted would be helpful in allowing time for applications to be processed and granted prior to the transition period ending.</p> <p>LEP members have expressed concerns in relation to the transition and the need for detailed information, including:</p> <ul style="list-style-type: none"> <li>- Changes to IT provision, internal procedures within LA's, Engagement Events, Creation of a new work stream every 3 years are all concerns expressed by LA colleagues.</li> </ul>

	<ul style="list-style-type: none"> <li>- Guidance on clarity of transition also needed. For example the status of existing registrations, their applicability, and time periods of how and when to apply under the new regulations.</li> <li>- <b>“Creation of a Bow Wave of work”</b> - The two biggest resourcing concerns regarding implementation of the new scheme is firstly that the majority of applications will be made at the end of any deadline. Secondly that there will be a bulk of renewals 3 years later. This makes it difficult for the authority to commit resources on an annual basis for what is a 3-year cycle for the majority.</li> <li>- Timely Receipt of Applications</li> <li>- The final factor to consider is the gap between the publishing of the final version of the regulations (and the guidance) and the time for the application to be submitted. Practitioners will need certainty of the conditions before they can start to complete their application. This will need to be at least 3 – 4 months.</li> <li>- Publicity will need to be circulated by Welsh government to ensure widespread knowledge of the commencement of the scheme and who it applies to.</li> <li>- It will be necessary to ensure that the application and accompanying documents must be entirely complete before an application is deemed to have been made.</li> </ul> <p>The availability of Level 2 Infection Prevention and Control courses may impact upon practitioners’ ability to apply in time. Welsh Government must ensure that there is enough capacity to process both existing and new applicants.</p> <p>Local Authorities have not been provided with any additional funding to assist with the implementation of this new scheme nor to support practitioners through the transition period with any queries they may have.</p> <p>Local Authorities are already under significant pressure as result of recovery work post Covid-19 pandemic and are also facing substantial future budgetary pressures. This is in addition to ongoing recruitment challenges for appropriately experienced / qualified officers. Due to the specialist nature of this work, it requires experienced officers in this field to undertake the inspection and assessing the competency element of this scheme. Many Local Authorities do not have Officers whose work is dedicated solely to the skin piercing etc regulation. Therefore, the time period for transition needs to be longer than 9 months and supported by additional funding from Welsh Government to <b>employ and train dedicated staff</b> or to backfill those staff being released from normal duties to facilitate the delivery of the additional workload to process new applications.</p>
4.	Do you agree that the proposed minimum age for applicants for special procedure licences is appropriate?
	YES. 18yrs is considered to be a suitable age.
5.	Do you agree with the proposed licensing criteria for special procedure licences and the supporting documents listed? Are there other documents applicants should supply?
	We agree with the proposed criteria and list, and support the comments made through LEP:

	<p>Current Omissions</p> <p>The licensing criteria for special procedures for practitioners should also cover that:</p> <ul style="list-style-type: none"> <li>the person needs to ‘meet all required standards as set out in the mandatory conditions’</li> </ul> <p>This is currently specified for the premises application but not the person. Para 11.11 states that ‘The premises or vehicle meets all the required standards as set out in the mandatory conditions’.</p> <p>Some panel members identified that there may be work needed on two key areas:</p> <ul style="list-style-type: none"> <li><b>Treatment/special procedure indemnity insurance</b> may be difficult for individuals to demonstrate at the application stage. Some insurance companies will only cover those that are already registered/licenced, therefore, they will be unable to obtain this at the application stage, particularly if they are a first-time applicant. Therefore, Welsh Government need to engage with the insurance sector to ensure that this requirement is achievable for first time applicants.</li> <li><b>Satisfactory level of competence to perform the special procedure-</b> it is not clear how this can be demonstrated on an application form/supporting documentation. A definition of “competence” would also be needed- does this refer to infection prevention and control when undertaking the procedure or, for example in the case of tattoo artists, their artistic ability? If competence is to be assessed, this should only be in relation to infection, prevention and control and being able to undertake procedures safely. Artistic ability is subjective; therefore, this isn’t something that can or should be a deciding factor.</li> </ul>
6.	<p>Do you agree with the proposal that applicants should evidence their competence in the special procedure(s) they wish to perform? If you agree, how should that be demonstrated, and what documentary evidence should be produced?</p>
	<p>We support the views of LEP members who feel that the competency referred to/cited within the consultation is that of IPC control and delivering safe procedures, and <b>not</b> the quality, therapeutic, aesthetic or artistic capability of the practitioners. <b>It is considered essential that this is clearly communicated to industry and the public.</b></p> <p>As such the assessment of competency should be by an Officer via a visit to the practitioner at the premises to determine whether they are able to demonstrate safe and hygienic set up practices. There is no other forum to assess this competency and the passing of a Level 2 course will not provide this certainty.</p> <p>LEP note that applicants can be required to provide evidence of training or apprenticeship, but there may be issues where recognised training is not available, and also that training courses are widely variable and do not have benchmark criteria.</p> <p>Going forward National templates could be developed via CIEH/WLGA/PHW/LA’s or task groups as to what competency is (self-assessment) which could include an apprenticeship scheme too but this would need to be turned round prior to the implementation of the regulations.</p> <p>If competence is to be assessed, this should only be in relation to infection, prevention and control and being able to undertake procedures safely. Artistic ability is subjective; therefore, this isn’t something that can or should be a deciding factor.</p>

	<p>Competency will need to be assessed (or verified) during physical inspection of the person/premises/vehicle. Qualitative questions could result in inconsistent assessment by differing LA's across Wales. Defining the key competency assessment criteria to be applied by Officers is essential for consistency when Officers are reviewing applications or undertaking on site assessments. This is important to ensure that practitioners are not applying to Local Authorities where they feel there may be a lower threshold is being applied when it comes to assessing competency in comparison to a neighbouring authority where they may have been refused.</p> <p>The above is also important when considering any appeals that may be made as a result of being refused a licence on competency grounds. There needs to be a clear and transparent standard that is being applied.</p> <p>Also, for trainee practitioners, it would be unreasonable to expect them to demonstrate the same level of competence when this is the reason they are undertaking their training and applying for the trainee rather than the full licence. There needs to be a baseline standard for trainees that is the minimum requirement prior to the commencement of training.</p> <p>Possible sources to help demonstrate practitioner competency may include:</p> <ul style="list-style-type: none"> <li>- IP&amp;C training, practical experience and log-book.</li> <li>- NVQ, HND, Degrees, Vocational Qualifications in relevant subject areas</li> <li>- Maintained CPD (events, conventions, trade body subscriptions etc.)</li> <li>- Counter-signed by a mentor/college/professional</li> </ul>
7.	<p>Do you agree that the current descriptions of relevant offences are sufficient? If not, why?</p>
	<p>The requirement for licensing authorities to satisfy themselves about the fitness and propriety of an applicant for a licence is something which licensing authorities are experienced in through other licensing regimes including LA2003, hackney carriage and private hire and other licensing regimes.</p> <p>We agree with the current list and note the provision for amendment to the list via Regulations. We also note that Welsh Government will provide guidance to licensing authorities on assessing fitness and propriety where applicants have a relevant offence.</p> <p>Other areas which could be considered include:</p> <ul style="list-style-type: none"> <li>- supply of drugs</li> <li>- Convictions under Local Government (Miscellaneous) Provisions Act - this will be applicable to persons/premises currently registered under the existing scheme,</li> <li>- Modern Day Slavery and trafficking offences. As the Act includes the ability for additional procedures being included in the mandatory scheme it is possible that these may capture sectors with links to this, for example nail bars</li> <li>- Coercive behaviour Offences</li> </ul>
8.	<p>Do you agree with the principle of this proposal that regulations should be made to limit the exemptions on members of the listed professional bodies in section 60?</p>
	<p>We support the principle of this proposal.</p>

9.	Do you agree with the principle of this proposal that regulations should be made under section 69 to apply exemptions to premises at which exempt members of these professional bodies will practise?
	<p>We agree with the principle of the proposal that regulations should be made under section 68 to apply to exemptions to certain premises. We support the proposal to exempt any National Health Service setting or privately regulated healthcare service regulated by HIW, and the assertion that any other setting would require a premises approval certificate even if the individuals operating at the setting hold personal exemptions.</p> <p>LEP members submit that HIW regulated premises should not be automatically exempted, but instead should be required to apply for the exemption and should be included on the National Register as 'exempt premises', including the reasons or rationale setting out why they are exempt. LEP members suggest that the exemption may need to be re-issued every 3 years and a charge should be applied for this.</p>
10.	Do these exemption principles for individuals and premises adequately protect the safety and health of the client?
	<p>We support LEP members in that any profession considered for exemption should have an equivalent level of scrutiny by their professional body as the proposed special procedures mandatory licensing regime</p> <p>This is especially important in relation to DBS requirements - only professions/professional bodies that require their members to have an up-to-date DBS should be considered.</p> <p>We support the proposal to exempt any National Health Service setting or privately regulated healthcare service regulated by HIW, and the assertion that any other setting would require a premises approval certificate even if the individuals operating at the setting hold personal exemptions.</p>
11.	Do you agree with the principle of this proposal that the statutory registered HCPC named professions of chiropodists/podiatrists; physiotherapists; prosthetists/orthotists should be exempt? Are there other professions on this register that should have an exemption?
	We support the principle of this proposal.
12.	Do you agree with the principle of the proposal that members of voluntary registers accredited by the PSA should not be exempt?
	We agree that members of voluntary registers should not be exempt.
13.	Do you have any comments on the example mandatory licensing conditions for all special procedures as set out in Annex D1?
	We support the comments made by LEP which are set out in the response from Environmental Health Wales (EHW) and the Directors of Public Protection Wales (DPPW).

	<p>Licence conditions are often a subject of debate and discussion across many licensing regimes. It is our experience that conditions are much more effective where they are clear, concise and kept to a minimum wherever possible. LEP members have expressed concern that the current list may be too long and complicated, and that consideration should be given to re-wording and consolidating the conditions to make them clearer and to reduce the size and nature of the conditions. IoL strongly supports this, and we would be happy to work with Welsh Government to assist in reviewing the current list.</p>
14.	<p>Do you agree the specific mandatory licensing conditions at Annex D1 are proportionate to the risks presented by each type of special procedure?</p>
	<p>YES.</p>
15.	<p>Do you agree that the creation of a trainee licence is a proportionate way of dealing with trainees on regulated courses and apprentices following regulated and unregulated apprenticeships?</p> <p>If you don't agree, how should they be dealt with?</p>
	<p>YES. Consideration could be given to making provision for trainees to vary to a full licence within the 3-year period subject to the individual supplying all the supporting documentation and meeting all of the requirements for a full licence. Consideration should also be given to requiring that any treatments undertaken under a trainee licence should be appropriately supervised and recorded.</p> <p>There is confliction between points 9.4, and 9.13 in addition to D1 (conditions) Section 7 point 3. This also creates inequality between regulated college and private sectors. It should be a level playing field and the special procedure has to be controlled consistently across the board. Numbers in college would be greater than those in the private sector for supervision. A trainee is a trainee wherever they are having tuition.</p>
16.	<p>Do you agree that the minimum age for a practitioner to perform any of the special procedures should be 18?</p>
	<p>Yes.</p>
17.	<p>Do you agree that the minimum age for a client to obtain any of the special procedures (notwithstanding the proposed exceptions listed) should be 18?</p>
	<p>YES.</p>
18.	<p>Do you agree that the outlined obtaining of consent and accompaniment by a parent/guardian for procedures for people under 18 where not otherwise prohibited provides sufficient safeguards?</p>
	<p>Yes. We support LEP members views that there should be a prescribed format for the written consent for parent/guardian to be completed and proof of identification must be required for both the parent / guardian and person under 18.</p>

19.	Do you agree that 16 is an appropriate age for a person to obtain a piercing of the eyebrow, lip, nose or ear cartilage without parental/guardian consent?
	We support LEP member views that 16 is an appropriate age for a person to obtain ear cartilage piercings without parental / guardian consent, but that there are potential issues for other facial piercings without parental / guardian consent.
20.	Should piercings to any other part of the face be permitted from the age of 16? If so, why?
	Not without parental/guardian consent.
21.	Do you agree that prohibiting the tattooing of eyeballs in the tattooing licensing conditions is sufficient to prevent this from being performed by licensed practitioners?
	We support LEP members that this practice should be prohibited unless undertaken in a fully controlled medical environment for defined illnesses, disease and conditions.
22.	Is the proposal to require in licensing conditions that practitioners discuss the impact of facial and other visible procedures with clients and record the discussion sufficient to address the concerns?
	<p>LEP members stress that this must not be a tick box exercise or disclaimer/waiver signing process. This needs to be a legitimate check that the client understands the possible hazards, health effects, associated ill health if their chosen procedure goes wrong and any life long and irreversible nature of some of the procedures offered.</p> <p>It is important that the longevity and both physical, welfare, mental health impacts outlined. A standard document for the 4 procedures for this could be developed and issued by WG/PHW/WLG for use by practitioners.</p> <p>A sliding scale of the level of checks could be implemented via guidance e.g. if it's the first procedure – a more thorough and considered discussion, for subsequent procedures a less detail could be considered (just the key points). A cooling off period is also cited by some LA's.</p> <p>Whilst this should be included in the guidance and strongly encouraged as best practice, it is not felt that this should be a licensing condition specifically targeting facial tattoos.</p> <p>The assessment for any procedure should require the practitioner to consider the person's ability to provide consent. This should form part of any safeguarding training that is required.</p> <p>"Other visible procedures" should be defined</p>
23.	Do you agree with the proposed definition for 'object' as it applies to body piercing?
	IoL agrees with the proposed definition for object as it applies to body piercings, noting that this would cover anything which is not considered to be jewelry.



24.	Do you agree that prohibiting the use of a scalpel or similar bladed instrument in the body piercing licensing conditions is sufficient to prevent body modifications that extend beyond a body piercing procedure?
	<p>IoL supports the LEP response that if the intent is to avoid body modification, it must be clear, and cite that intent. CEDP Panel agree that body modification using a blade should not be included by these regulations.</p> <p>Scalpel or blade use may occur in some cosmetic/skin piercing situations/premises where an object has been placed into the skin and then an issue arises with that object (e.g. dermal anchors). The scalpel or blade may be necessarily used to remove that item. In feedback sessions in one LA this was specifically cited as a societal need. The feedback at that session should be considered by WG and clarity on application and objective of this point made.</p>
25.	Do you agree with the proposed approval criteria for premises/vehicle approval applications and the supporting documents listed? Are there other documents applicants should supply?
	<p>IoL supports the views from LEP that the current list is relevant but that the following should also be considered:</p> <ul style="list-style-type: none"> <li>• Vehicle insurance (Business)</li> <li>• MOT Status</li> <li>• Photo of the vehicle</li> <li>• Mobile vehicles should also provide gas/electrical safety certificate depending on what they use.</li> <li>• Water on a mobile must be potable water.</li> <li>• No mention of cleaning water containers</li> <li>• No mention of drainage on mobiles</li> <li>• Do mobiles have to have a toilet? Or just access to one somewhere?</li> <li>• Photograph of premises.</li> <li>• The max number of special procedure practitioners should be stated.</li> <li>• Accurate plan</li> </ul> <p>Section 11.1 states that the person applying for the premises license will be subject to approval criteria which must be met for the application to be approved and the premises will be subject to mandatory approval conditions once the approval certificate has been granted. This is misleading as the approval conditions must be met <b>prior</b> to the certificate being granted.</p> <p>Section 11.3 &amp; 11.4 – should include ‘part of premises’ as this is how most microbladers work i.e. within hairdressing salons and beauty studio’s. <i>Premises owners do not want the responsibility for the skin piercing activities or would want to pay for Level 2 training or DBS checks, so are unlikely to continue to rent out rooms in the future. As a result availability of work space will become an issue for the microblading trade. This could be resolved by the operator who leases a room having the option to apply for the premises license, as well as the premises owner.</i></p> <p>It is unclear who would be the apply for the Approval Certificate for the following businesses:</p> <ul style="list-style-type: none"> <li>• Businesses owned by national/international companies (e.g., Claire’s Accessories, Superdrug, Blue Banana)- would it be a named person within the Company or a named person working on that premises?</li> </ul>

	<ul style="list-style-type: none"> <li>Name of person carrying on the business- who would this be in the case of Limited companies or large National/International companies. Would it be the Limited Company or a named person within that Organisation, for example Company Secretary? As a Local Authority, it is unclear to us who we should be accepting applications from and issuing premises approval certificates to in these instances.</li> <li>There is no consistency in terms used within the consultation document to explain who the premises approval certificate will be issued to- “responsible person”, “person carrying on the business”, “person who is responsible” are all terms used. This is confusing and a clear definition is needed on who the premises approval certificate will be issued to, and a single term used. Local Authorities need to be clear in whom they are holding account when formal action is being considered.</li> </ul> <p>If the applicant for these businesses would be someone who is based off site/ at head office, then it is questioned as to what would be the benefit of them having a Level 2 award in infection, prevention and control for special procedures qualification.</p> <p>Public Liability Insurance</p> <p>With regards to the proof of valid public liability insurance or similar insurance arrangements, this would need to specifically cover the undertaking of special procedures- these are sometimes not included in public liability insurance.</p> <p>Please also see specific response to Question 5 for more information in relation to this.</p> <p>Documentary Evidence:</p> <ul style="list-style-type: none"> <li>The proposed approval certificate includes a photograph of the premises. It is suggested that this be supplied as part of the documentary evidence (if agreed this is to be on the final approval certificate)</li> <li>The Applicant should also state the number of workstations within the premises on the application form</li> <li>An accurate plan is appropriate but the requirement to supply a ‘to scale’ plan may be too onerous on a lot of businesses and may be an additional hidden cost as part of the application process. Consideration should be given as to how to support the provision of this if it is included and guidance as to what would be acceptable.</li> </ul>
26.	Do you agree that holders of trainee special procedure licences should not be able to apply for a premises/vehicle approval certificate in their own right or be nominated as the person in charge of a premises on an application?
	YES. Trainee practitioners should not be permitted to hold premises or vehicle approval certificates or be nominated in charge of a premises or vehicle.
27.	Do you agree with the proposals about appealing against the refusal of an application for premises and vehicle approvals as set out in paragraph 11.19?
	IoL supports the proposed appeal process which provides that the appeal will be firstly to the magistrates’ court and ultimately the Crown Court. This is in line with other licensing regimes.

28.	Do you agree that the approval certificate should also include the name of the responsible person and the maximum number of workstations in that premises/vehicle?
	YES. IoL supports that approval certificates should include this information. The identification of the 'responsible person' is critical and the role of the responsible person should be clearly defined, and the term used consistently within guidance etc. Guidance should also make it clear if an individual can be named as the responsible person on more than one premises or vehicle approval certificate.
29.	Do you have any comments on the example mandatory premises/vehicle approval conditions set out in Annex D2?
	We support the comments made by LEP which are set out in the response from Environmental Health Wales (EHW) and the Directors of Public Protection Wales (DPPW).  Licence conditions are often a subject of debate and discussion across many licensing regimes. It is our experience that conditions are much more effective where they are clear, concise and kept to a minimum wherever possible. LEP members have expressed concern that the current list may be too long and complicated, and that consideration should be given to re-wording and consolidating the conditions to make them clearer and to reduce the size and nature of the conditions. IoL strongly supports this, and we would be happy to work with Welsh Government to assist in reviewing the current list.
30.	We propose that we make regulations under section 70 of the Act relating to the variation and renewal process for premises approval certificates to make them consistent with the variation and renewal process for special procedure licences. Do you agree?
	YES.
31.	Should temporary approvals for premises and vehicles be subject to the same mandatory approval conditions as all premises and vehicles? If not, what specific mandatory approval conditions (if any) should apply to temporary approvals for premises and vehicles?
	Yes, it is agreed that the same mandatory approval conditions should apply. The reasoning behind this scheme is to minimise the risk of infection associated with these procedures. Therefore, regardless of whether it is a temporary event, lesser standards should not be accepted.
32.	Do you agree that requiring the same licensing criteria for a temporary special procedure licence as for a three-year licence is proportionate?
	YES . We support this in principle subject to the comments made by LEP which are set out in the response from Environmental Health Wales (EHW) and the Directors of Public Protection Wales (DPPW), including the potential issues around convention events where practitioners from other countries are likely to attend.

33.	Do you think that it is proportionate for an event organiser applying for a temporary premises approval certificate to meet the same approval criteria as for a three-year premises approval certificate?
	<p>YES</p> <p>An Event organiser may not need a DBS or Level 2 IPC course if they are just the Organiser- if they are undertaking procedures then this will be covered in their practitioner licence</p> <p>However, the premises where the event is being held, should meet the same standards as for the premises approval certificate.</p>
34.	Do you agree that all premises/vehicles linked to temporary events/exhibitions must be approved by the local authority? If not, why not?
	<p>YES.</p> <p>LEP members note that for larger events and conventions, this places a significant additional burden on the host Local Authority. For vehicles, it is suggested that if the vehicle is already approved by a Local Authority in Wales, then it does not need to be re-approved for the temporary event (similar to food registration process for mobile traders). The LA where the temporary event is taking place could inspect the vehicle and deal with contraventions, but approval not required.</p> <p>For vehicles not based in Wales attending a temporary event in Wales, for example festivals, processing an approval certificate is unlikely to be feasible under the current proposals as a LA Officer would be unable to carry out the inspection until the event.</p> <p>In relation to temporary premises approval certificates, completing the process from a Local Authority perspective will prove difficult. Paragraph 11.18 states that the premises will be visited by an Officer prior to an Approval Certificate being issued. In paragraph 13.8 it states that application needs to be made no later than 56 days before the event is due to commence - apart from the physical structure, it would not be possible for a full inspection to be undertaken by an Officer to ensure that it meets the mandatory approval conditions.</p> <p>With regards to the 56 days, will it be possible for Local Authorities to accept applications outside of this at their own discretion. For example, if the initial application is rejected due to missing mandatory documents etc.</p>
35.	Should all premises/vehicles linked to temporary events/exhibitions be subject to mandatory approval conditions?
	YES.
36.	Do you agree further information should be set out within a temporary approval certificate (as suggested in paragraph 13.12)? What other information should be required (if any)?
	<p>YES.</p> <p>The start and end date of the temporary approval should be clear on the certificate along with details of the responsible person and the maximum number of workstations permitted in the premises / vehicle.</p>

37.	Do you agree that the fees in relation to licence application fees should be determined in the way outlined in paragraphs 15.3 and 15.4?
	<p>IoL supports the provision of regulations governing the fee setting procedures in the absence of any provision to make provision for statutory fees. We support the LEP view that all application forms and fee setting procedures should be ALL WALES standardised.</p> <p>In addition, guidance should clearly set out the expectations of local authorities in relation to premises visits / inspections and any proposals to mandate training or qualifications for licensing authority officers as both will have significant impacts when considering the fees.</p>
38.	Do you agree that the fees in relation to premises/vehicle approval application fees should be determined in the way outlined in paragraphs 15.5 and 15.6?
	<p>IoL supports the provision of regulations governing the fee setting procedures in the absence of any provision to make provision for statutory fees. We support the LEP view that all application forms and fee setting procedures should be ALL WALES standardised.</p> <p>In addition, guidance should clearly set out the expectations of local authorities in relation to premises visits / inspections and any proposals to mandate training or qualifications for licensing authority officers as both will have significant impacts when considering the fees.</p>
39.	Do you agree that the regulations should make provision on how local authorities should determine the amount of fee charged to a licence or premises/vehicle approval holder under section 76 in the way outlined in paragraphs 15.7 – 15.9?
	YES – please refer to responses to previous questions.
40.	Do you agree with our proposal regarding recovery of section 76 unpaid fees in the way outlined in paragraph 15.10?
	Fees should all be covered during the initial fee and paid during the application.
41.	<p>We would like to know your views on the effects that the mandatory licensing scheme for Special Procedures in Wales would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.</p> <p>What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</p>
	No Comment

42.	<p>Please also explain how you believe the proposed mandatory licensing scheme for Special Procedures in Wales could be formulated or changed so as to have:</p> <ul style="list-style-type: none"> <li>• positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and</li> <li>• no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.</li> </ul>
	<p><b>No Comment</b></p>
43.	<p>We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.</p>
	<p>IoL welcomes the opportunity to respond to the consultation and to support the submissions from the DPPW. We would reiterate the importance of clear guidance, consistent standards, and clear, concise, enforceable conditions.</p> <p>We fully support the need for the proposed licensing scheme as a replacement for the existing registration scheme. This is essential to protect public health. However, there is concern that the RIA underestimates the resource implications for local authorities in implementing the scheme.</p> <p>The proposals will introduce much more stringent and detailed application processes and compliance responsibilities. It comes at a time when local authorities are under extreme pressure to cut budgets, including reducing staff resources, and this is alongside a skills shortage where experienced and recruitment of skilled staff is more challenging than ever.</p> <p>It is also the case that businesses are facing extremely testing times currently, particularly in light of the energy crisis and cost of living generally. Many businesses are struggling with reduced customer numbers as a result of people being more careful financially, in addition to the pressures of increased rent and bills. The new regime will represent further increased costs to businesses at a difficult time.</p> <p>We note as well the comments made by LEP members which are set out in the response from Environmental Health Wales (EHW) and the Directors of Public Protection Wales (DPPW).</p> <p>The Institute of Licensing would be happy to work with the Welsh Government in taking this forward.</p>