

NON-CONFIDENTIAL



## **Borough of Tamworth**

20 March 2012

Dear Councillor

You are hereby summoned to attend a **meeting of the Council of this Borough** to be held on **TUESDAY, 27TH MARCH, 2012** at 6.00 pm in the **COUNCIL CHAMBER - MARMION HOUSE**, for the transaction of the following business:-

### **AGENDA**

#### **NON CONFIDENTIAL**

- 8 Petition - Outcome of Fluoridation Petition (To Follow)** (Pages 1 - 20)  
(Report of the Chair of Community & Wellbeing Scrutiny Committee)

Yours faithfully

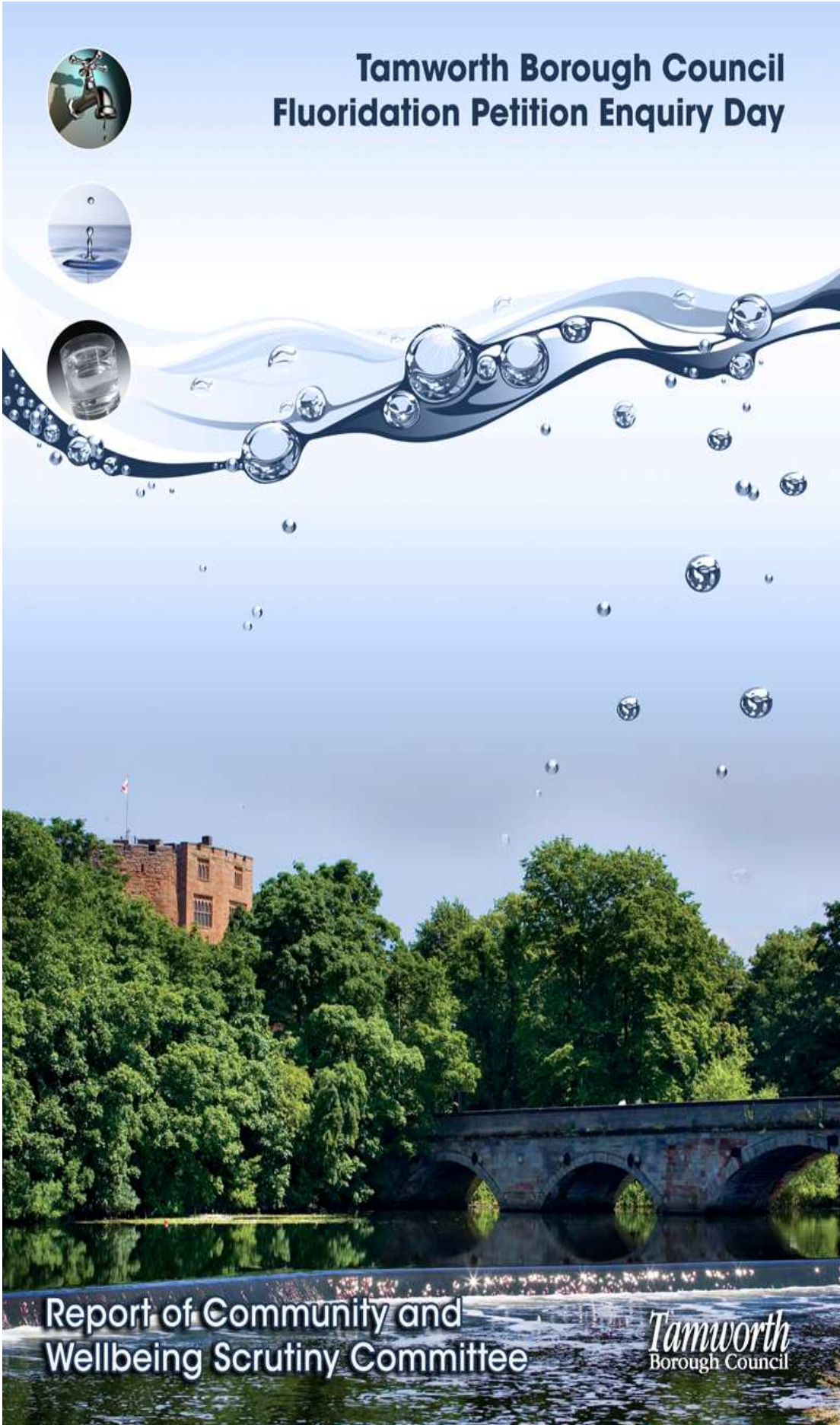
A handwritten signature in black ink, appearing to read 'A. Oost', enclosed in a circular scribble.

**CHIEF EXECUTIVE**

*People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail [committees@tamworth.gov.uk](mailto:committees@tamworth.gov.uk) preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.*

Marmion House  
Lichfield Street  
Tamworth

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## **Introduction**

**by**

**Chairman of Community & Wellbeing Scrutiny**

**Councillor Ken Gant**



### **Fluoridation of the Water Supply in Tamworth**

Following what was perceived as a refusal to scrutinise the supply of fluoride in Tamworth's water supply a Mrs. Joy Warren, a resident of Coventry presented a petition collected by Councillor Chris Cooke to Council on 12<sup>th</sup> July 2011. Council accepted the petition and referred the issue of fluoridation to the Community Wellbeing Scrutiny Committee for consideration as requested by the petitioners. As one of the options available and given the considerable public interest evidenced by the petition the Committee took the view that in order to properly scrutinise this issue that a full day Scrutiny was required. The Inquiry Day took place on Monday 20<sup>th</sup> February 2012.

It was also agreed by the Committee that the Inquiry Day would be facilitated by an expert from the Centre for Public Scrutiny. The support was provided by Mrs. Brenda Cook an experienced expert advisor who had provided similar support to a review of fluoridation in Rotherham. The Committee is committed to operating in accordance with the principals of good governance, fairness and transparency.

The Inquiry Day was planned to enable members of the Committee to hear evidence from four partners, to ask appropriate questions and seek clarification on any issues. Regrettably, a representative of South Staffordshire Water, was unable to attend. However a written statement was provided which was read out on the day. All partners were asked to use as a focus the York Review of 2000. <http://www.york.ac.uk/inst/crd/fluores.htm>

The day proceeded with an introduction from myself, the Facilitator then explained the process that would be followed. The role of the Committee was to objectively consider the presentations from the partners, the information from South Staffordshire Water and the York Review which was our benchmark (which had been distributed at an earlier date to the committee members).

The Committee was of the opinion that the matter of fluoridation should be scrutinised as thoroughly as was possible considering the time and resources available to us.

On behalf of the Community & Wellbeing Scrutiny Committee I would like to thank all those who have helped us to form our recommendations. The partners who gave much time, effort and benefit of their years of expertise to the Committee on the day. The helpful written information, and the assistance from Brenda Cook who facilitated the day with efficiency and professionalism. Thanks must also go to Councillor Chris Cooke who brought about through his diligent efforts this Inquiry Day, the first of its kind at Tamworth Borough Council, an innovative accomplishment. However no thanks would be complete without mention of the continuous support and hard work of the Tamworth Borough Council officers without whom the Committee would have floundered in this task.

A handwritten signature in black ink, appearing to read 'K. Gant', with a long, sweeping arrow-like stroke extending from the end of the signature towards the upper right.

Councillor K. Gant  
Chairman  
Community & Wellbeing Scrutiny Committee

## The wording of the Petition

### **FLUORIDATION PETITION TO TAMWORTH COUNCIL**

#### **CONCERNS:**

We, the undersigned petitioners, are concerned –

1. That Tamworth Council's Community & Well-being (*Health*) Committee have refused to scrutinize the issue of the fluoridation of Tamworth's drinking water.
2. That in reaching the decision to refuse to scrutinize the issue we understand statements were made that it was not an issue that Tamworth Council was entitled to scrutinise – whereas in 2003 Water Act and 2005 Fluoridation Consultation regulations makes it very clear that Councils like Tamworth are statutory consultees in the fluoridation issue and so actually have a duty to consider the matter.
3. Mostly our concern is on health issues for us from the ongoing poisoning of our water supplies in Tamworth to levels of toxicity 60 times greater than the toxicity of lead allowed in our water.

#### **ACTION REQUESTED**

We ask that Tamworth Council, as a Statutory Consultee, commission further investigation into the matter by the Community & Well-being Scrutiny Committee – with requests for reports from and invitations to scrutiny meetings for the relevant partners – with a view to formulating recommendations on policy and to provide an informed response for when the Council is eventually consulted on the matter (*which should have been before now!*).

## **Statutory Position explained**

The bodies with Statutory Responsibility for water fluoridation are the NHS Strategic Health Authorities. The scheme serving Tamworth was approved in the early 1980's, it is not a new scheme. In the early 1980's the legislation would be the Water Act 1973 which was substantially replaced by the Water Act 1989 and has been further consolidated by the Water Act 2003. For Fluoridation, in particular there was no primary legislation until the Water Fluoridation Act of 1985, which was subsequently incorporated into The Water Industry Act of 1991 and then consolidated within the Water Act 2003. The schemes for Staffordshire were agreed prior to the development of specific primary legislation.

The legislation was not retrospective when it was enacted. It related to the decision making process around new schemes that had not been agreed when the legislation came into force. Schemes in South Staffordshire (which includes Tamworth) were consulted upon and agreed prior to the first specific primary legislation which was the Water Fluoridation Act 1985.

Consultations prior the 1985 Act coming into force were often more extensive than required by the subsequent legislation.

In other words, the bodies with statutory responsibility for water fluoridation – currently NHS Strategic Health Authorities – are required to give notice to local authorities when they consult formally on proposals for new fluoridation schemes. However, the scheme serving Tamworth and the rest of South Staffordshire, including Lichfield and Burton on Trent, was consulted on during the early 1980's and implemented in the mid-1980s. The scheme is not therefore a *new* scheme.

There are however other regulations (secondary legislation) imposing controls covering various aspects of water quality on the responsible authorities such as the Fluoridation of Water Supplies Regulations 2005.



## **20<sup>th</sup> February 2012 – The Inquiry Day**

At the Inquiry Day, led by Brenda Cook, Councillors Ken Gant, Maureen Gant, Jeremy Oates, Gerry Pinner, Andrew James, John Faulkner, Richard McDermid, and County Councillor Michael Oates were present. The Petition organiser Joy Warren along with her speakers Dr. Peter Mansfield and Dr. Tony Lees and the Partner speakers Dr. John Morris and Professor Michael Lennon attended.

Brenda Cook, the Facilitator, indicated that she would produce a report containing a summary of the evidence lead and make suggestions on the issues that arose for the Committee, who would reconvene for deliberations to assist their recommendations. The report is produced at pages 7 to 14 of this document.

In addition 14 members of the public attended, 4 other elected members of Tamworth Borough Council and 3 officers.

Members of the public were invited to record questions and comments on paper and post into a box provided. A total of 16 forms were completed, mostly comments arising from the speakers present. The questions, which related to the statutory position and clarification of the fluoridation process are answered respectively at page 4 and at pages 12-13 of this report.

**Tamworth Borough Council Community and Wellbeing Scrutiny  
Committee**

**Fluoridation Inquiry Report**

This report has been written for members of Tamworth Borough Council Community and Wellbeing Scrutiny Committee. It provides a summary of the evidence heard at an inquiry day into the effect of fluoridation on the local water supply. It also makes suggestions for how the Committee might reach a view on the question whether the Committee would support the current practice of fluoridation of the water supply if it were consulted on this question, based on the evidence heard.

**Introduction**

The inquiry was undertaken as a result of Tamworth Borough Council receiving a petition requesting that it undertake an investigation into the fluoridation of the local water supply. The water supply has been fluoridated since the late 1980's. Following discussions within the Council, it was agreed that the Community and Well-being Scrutiny Committee would hold an inquiry day to consider the different views and evidence offered. It was also agreed that the inquiry day would be supported by an expert adviser from the Centre for Public Scrutiny. The support was provided by Brenda Cook, an experienced expert adviser who has provided similar support to a review of fluoridation in Rotherham.

The inquiry day was planned to enable members of the Committee to hear evidence from four witnesses and to ask appropriate questions. A fifth witness, representing South Staffordshire Water, was unable to attend and provided a written statement which was read out on the day. All witnesses were asked to focus on the key issues referred to in the petition, i.e. the health issues relating to fluoridation of the water supply, with a view to formulating recommendations to the full Council and ultimately to enabling the full Council to agree a view on water fluoridation that would provide an informed response should the Council be consulted on fluoridation of the water supply in the future.

When all evidence had been presented, the presenters were asked to summarise their key points and Members of the Committee provided with a

final opportunity to ask questions. Questions were recorded for South Staffordshire Water, and a written request made for clarification.

### **Scrutiny process**

Following an introduction from the Committee Chair, the Adviser explained process of the inquiry and introduced the issues. She outlined the role of the Committee in objectively considering the evidence that would be presented to them and then deliberating on the issues in order to agree a view that could be recommended to the wider Council. She recommended that the committee members apply the Centre for Public Scrutiny four core principles of overview and scrutiny, which have been established to help people understand the most important qualities of scrutiny and accountability. These are:

1. providing constructive 'critical friend' challenge
2. amplifying the voices and concerns of the public
3. led by independent people who take responsibility for their role
4. aimed at driving improvement in public services.

The adviser also explained to members of the public that whilst they were unable to participate in the meeting per se, they could record questions and comments on paper and 'post' these in a ballot box provided at the side of the public gallery. These would be considered by the Members after the meeting and if any of the questions had not been answered the speakers would be asked to provide answers in writing. Following a request from the first two speakers, the Committee Chair agreed that they should be heard in reverse order.

The speakers were each invited to present their information and evidence and were allocated 30 minutes per presentation.

### **Summary of presentations and evidence**

Each of the presenters provided a PowerPoint presentation which outlined their evidence in either opposition or support of the fluoridation of the water supply in south Staffordshire.

**a) *Dr Peter Mansfield***

Dr Mansfield is a retired GP and has conducted independent research into the effects of fluoride. He used examples of individual patients that he had treated as well as evidence from research. His overall conclusion was that fluoride is a poison and that it has a cumulative effect on the body.

*Dr Mansfield made the following key points:*

1. fluoride is a poison;
2. fluoride naturally occurs in other sources in addition to water, which means that most people consume too much fluoride;
3. there is no known safe lower limit for fluoride;
4. half the fluoride consumed is absorbed into bones;
5. much of the research relied on to support the policy for fluoridation is flawed;
6. more research is needed on the effects of fluoride in different parts of the body;
7. no consideration has been given to the difference between artificial and natural fluoride
8. there is no need for any community to add fluoride to the water supply at its own expense.

**b) Dr Tony Lees**

Dr Lees was a dentist for over 50 years, practicing in a non-fluoridated part of the country that was next to an area that was artificially fluoridated. His presentation focussed particularly on the effect of fluoride on teeth and in particular the cost and treatment of dental fluorosis.

*Dr Lees made the following key points:*

1. fluoridated water is an unlicensed medicinal product that is promoted as a 'cost effective' method of treating dental decay in children<sup>1</sup>;
2. there is no epidemic of bad teeth that needs to be treated;
3. of the 1000 children born every year in Tamworth, 125 will develop fluorosis which is an unacceptable dental disfigurement;
4. the cost of treating fluorosis through veneers outweighs the cost savings to the NHS by preventing dental decay;
5. adding fluoride to the water supply is promoted because policy makers are failing to prevent excessive sugar consumption;

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<sup>1</sup> the definition of a medicine used is *a substance administered with the intention of creating bodily change*

6. if fluoride is a medicine, we have the right to refuse being given it (as stated in the NHS Constitution and European Convention on Human Rights and other policies).

Both Dr Mansfield and Dr Lees made the point that fluoride naturally exists in the environment and in many foodstuffs and they stated that there was no evidence that the benefits of fluoridation of the water supply outweighed the costs.

**c) Dr John Morris**

Dr Morris is a part-time public health dental consultant for the Staffordshire cluster of PCTs, Assistant Director of Commissioning, and works part-time as a dentist in Staffordshire. His presentation focused on the data about dental health in Tamworth and South East Staffordshire and the benefits of fluoridation.

*Dr Morris made the following key points:*

1. public health statistics show a number of benefits attributed to water fluoridation in Tamworth and SE Staffordshire
  - less tooth decay
  - less toothache
  - fewer fillings
  - fewer extractions
  - fewer general anaesthetics
2. dental health in Tamworth is better than in comparable areas in other parts of the country;
3. there are regular surveys of school children within the PCT cluster area to monitor the situation;
4. there is no evidence of an 'epidemic' of fluorosis as a result of water fluoridation;
5. there is no evidence that water fluoridation has a negative impact on hip fractures, cancer of the bone or death;
6. water fluoridation is not a substitute for the need to reduce sugar consumption;
7. water fluoridation reduces tooth decay.

**d) Professor Michael Lennon OBE**

Professor Lennon was a member of the Advisory Board for the York systematic review of fluoridation and a Member of the Medical Research Council working group on fluoridation. He is also Chair of the British

Fluoridation Society. Professor Lennon explained the history of water fluoridation and the evidence of its impact.

*Professor Lennon made the following key points:*

1. original US studies showed that a natural fluoride concentration of 1ppm in water gives substantial reduction in tooth decay with limited impact on dental fluorosis;
2. it is estimated that worldwide a total of 370,000,000 people are supplied with fluoridated water;
3. evidence indicates that fluoride reduces tooth decay;
4. most cases of dental fluorosis in people born in the UK are undetectable except by an expert;
5. there is no evidence that water fluoridation is associated with cancers or cancer mortality;
6. tooth decay is related to social deprivation, and water fluoridation is therefore helpful in preventing tooth decay in socially deprived communities.

**e) *Written report from Mike Turrell, South Staffordshire Water***

As no representative from South Staffordshire Water was able to attend the inquiry day, a written report was received and read out following the four presentations. The report explained:

1. that extensive consultation about fluoridation was undertaken in the late 1970's and early 1980's by the West Midlands Regional Health Authority and the relevant Area Health Authorities in South East Staffordshire.
2. The process lasted 3 years and included extensive media coverage, a demographically representative opinion survey and active engagement of the Community Health Councils who were charged with representing the views and interests of patients and the public.
3. Following the consultation, South Staffordshire Water agreed to implement fluoridation across its supply network and entered into the necessary legal agreements.
4. This activity occurred before the 2003 Water Act and other legislation cited in the petition.
5. There is currently no duty to consider the matter of fluoridation after its implementation.
6. With regards to any health issues, as an organisation that was born out of a direct need to safeguard the community from harmful, untreated drinking water back in 1857, South Staffs Water would not poison the supplies.

7. South Staffordshire Water necessarily takes advice from health organisations (West Midlands SHA) and the Drinking Water Quality Regulator (Drinking Water Inspectorate).

Members of the Committee considered the report and identified the following issues for clarification:

- a) the need to understand the process of adding fluoride;
- b) clear explanation about how South Staffordshire Water maintains and monitors the levels of fluoride;
- c) information about the health and safety processes for use of the chemicals;
- d) information about how much fluoride is added and the maximum amount there is in the water supply per litre;
- e) how much it would cost to stop adding fluoride to the water for Tamworth (and whether this would be possible);
- f) how much naturally occurring fluoride is in the water supply;
- g) what percentage of the fluoride (i.e. Hexofluoric salicic acid) is contaminated with other waste product substances? What are these contaminants?
- h) Whether the organisation is satisfied with safety procedures, training of operatives etc, when putting fluoride into the water

The following response has been provided:

- i. Fluoride is dosed into the drinking water after any other treatment process. The manner in which it is dosed is fully compliant with the 'Code of Practice on Technical Aspects of Fluoridation of Water Supplies 2005'. The Code can be found on the DWI (Drinking Water Inspectorate) website. The Code also identifies monitoring requirements; permissible concentrations added to the water; health and safety considerations; and training, which the Company follows in its entirety.
- ii. The Strategic Health Authority funds **all** fluoridation activity and as such audit, along with the Quality Regulator (the DWI), the whole process to ensure compliance with the Code. The code identifies that the amount of fluoride added to the water is around 1 mg/l. This level is allowed to fluctuate between 0.8 to 1.2 mg/l, but it is the norm to sit at 1.0 mg/l. In one area of the Company there is a natural fluoride level of 1.0 mg/l. All other waters have insignificant quantities of fluoride.
- iii. To stop dosing fluoride would cost the SHA a significant amount of money (maybe £millions) due to the depreciation costs of the equipment over many years.
- iv. There is no contamination of the hexafluorosilicic acid whatsoever. The product is 'food grade', which complies with any and all BS:EN accredited standards.

- v. The Company is entirely satisfied with **all** aspects of fluoridation.

### **Summing up**

Having heard the evidence presented, the presenters were provided with an opportunity to sum up and to answer the points raised by each other.

*Presenters on behalf of the petitioners: Dr Mansfield and Dr Lees*

The following statements were made to the committee:

- Studies don't show evidence of cancers as a result of fluoride because usually they are not looked for properly in the research;
- Whilst there may be some benefits in reducing dental decay from water fluoridation, fluorosis as a side effect should not be dismissed;
- We should question who has the power to mass medicate the population;
- We should be aware that fluoridation blinds people to other health messages and should ask why most countries have stopped fluoridation programmes;
- Other sources of fluoride should be considered.

*Presenters supporting fluoridation: Dr Morris and Professor Lennon*

The following statements were made to the committee:

- There is no evidence that water fluoridation is poisoning the population and causing harm;
- The decision to fluoridate the water was taken following extensive consultation and with strong local support from all parts of the community;
- It is ethical to undertake an intervention that benefits the whole population;
- The real problem of tooth decay is poor diet.

### **Key issues for the Committee to consider in reaching its view**

The issue of water fluoridation can be emotive and complicated. Members of the Community and Well-being Scrutiny Committee need to remain objective and focus on the issues of importance for their constituents, the questions raised by the petition, and their role as scrutineers.

To ensure that all participants have an equal access to knowledge and understanding of the issue of fluoridation, it is recommended that Members of the Committee consider the evidence that they received prior to the inquiry, at the inquiry day, and provided for clarification by the presenters in response to the inquiry and base their view and recommendations on this. If individual



councillors are contacted by people lobbying for a particular view, there is a risk that not all Members will have the same information and that the outcomes of discussions may be unduly influenced by pressure from outside the Committee.

To enable objective scrutiny, members of the Committee may find it helpful to consider the evidence that they have heard against the following questions:

1. Do the members of the Committee have a clear understanding of the arguments for and against water fluoridation?
2. Are there any issues that need further clarification, and if so how will this be achieved?
3. If no further clarification is required, what are the benefits of water fluoridation to the people of Tamworth?
4. If no further clarification is required, what are the risks or costs of water fluoridation to the people of Tamworth?
5. On balance, and taking into account the comments you may have heard from local people, can you reach a view taken on behalf of the Committee on the benefits and risks/costs of water fluoridation in Tamworth?
6. Do you have any recommendations for the future? (These might include the need for more local public information about fluoridation provided by the NHS, dental health promotion, research or other issues). If you are making recommendations, who are they for?

### **Conclusion**

The inquiry day on 20 February provided a balanced and transparent opportunity for the arguments and evidence for and against water fluoridation in Tamworth to be discussed by the Community and Well-being Scrutiny Committee. On the basis of the information received and discussed, at its next meeting the Committee should be able to reach a shared view and make recommendations both to the Council and to external partners.

**Brenda Cook**  
Centre for Public Scrutiny  
6 March 2012

## Deliberations

On 20 March 2012 the Community & Wellbeing Scrutiny Committee Councillors Ken Gant, Jeremy Oates, Maureen Gant, Andrew James, John Faulkner and County Councillor Michael Oates reconvened to deliberate and discuss the Inquiry Day, assisted by the report produced by Brenda Cook, the Code of Practice on Technical Aspects of Fluoridation of Water Supplies 2005 (see background papers) and all the comments posted on 20 February by the attendees.

The Committee at this stage had increased their understanding of the issue of fluoride in the water supply and recommendations were reached unanimously.

They considered recommendations on whether:

- The current practice of fluoridation of the water supply continue;
- The Council should if it were consulted on the practice of fluoridation of water supply respond.

In addition the Committee were of the view that any further research undertaken and known to the Strategic Health Authority is passed onto the Council. And that the Strategic Health Authority publicises information on the benefits of fluoride added to the water supply as it affects the local area.

This was based on members being better informed in relation to fluoride in the water supply resulting from the information in the York report, the presentations made on the day and information from South Staffordshire Water. The members considered that they had enough information to make a decision on the petition as presented to Council on 12 July 2011.

The benefits of fluoridated water were evidenced in the talks by Dr. John Morris and Prof Michael Lennon. The information from Dr Peter Mansfield and Dr Tony Lees was not supported by the figures provided by the Strategic Health Authority eg, the cost of dental care as a result of fluoride was stated to be £1,500,000 a year yet the figures from the Strategic Health Authority indicated that dental health is better in Tamworth than in comparable areas in other parts of the county. Whilst there was no clear understanding of risk from fluoride being added to drinking water mainly due to the lack of research and possibly an inability to measure exactly a whole lifestyle set of parameters where one party had and the other did not have fluoride added to their water, there was evidence to support the dental health benefits.

As a result the Committee formulated the following views:

- There was no evidence on the alleged effects of the retention of fluoride relating to individuals from the addition of fluoride to the water supply
- Individual exposure to fluoride is not only affected by the addition of fluoride to drinking water but from other sources such as food
- The information on the effects and cost of dental fluorosis did not correlate with the facts provided by the Strategic Health Authority
- South Staffordshire Water have robust checks in place to ensure that fluoride levels in the water are consistent and maintained at safe levels
- There is no hexafluorosilicic acid added to the drinking water
- More research needs to be taken into the claims of alleged serious health risk from the fluoridation of the water supply
- From the information available the current dental health benefits are apparent
- Sugar ingestion from food and drink products and poor diet are a bigger risk to health than fluoride in water.

## RECOMMENDATIONS

1. According to the Community & Wellbeing Scrutiny Committee recommend that the Council should the Strategic Health Authority or their successor be required by legislation in the future to consult on the fluoridation of drinking water that Tamworth Borough Council respond accordingly and actively encourage the community to do likewise.
2. Request the Strategic Health Authority to publicise information for circulation on the benefits from fluoride being added to the water supply particularly in so far as it affects the local area and
3. Request the Strategic Health Authority commissions further research into the effect of fluoridation and keeps the Council informed in relation thereof.
4. Support the fluoridation of the water supply in Tamworth given the advantages to dental health.

## **Background papers**

1. York Review <http://www.york.ac.uk/inst/crd/fluores.htm>
2. Minutes of the Meeting of 20<sup>th</sup> February 2012 – concluded on 20<sup>th</sup> March 2012.

<http://democracy.tamworth.gov.uk:9071/documents/g284/Public%20minutes,%2020th-Feb-2012%2010.00,%20Community%20and%20Wellbeing%20Scrutiny%20Committee.pdf?T=11>

3. Presentations, Information from South Staffordshire Water & Code of Practice on Technical Aspects of Fluoridation of Water Supplies 2005

<http://democracy.tamworth.gov.uk:9071/mgAi.aspx?ID=1357#mgDocuments>

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