



# **Toilet Provision in Premises Open to the Public**

**11 Sep. 14**

**Version 1.50**

## Contents

<b>Contents</b> .....	<b>2</b>
<b>Executive Summary</b> .....	<b>3</b>
<b>Scope</b> .....	<b>3</b>
<b>Policy Statement</b> .....	<b>4</b>
<b>Roles and Responsibilities</b> .....	<b>11</b>
<b>Equality Impact Analysis</b> .....	<b>11</b>
<b>Review Process</b> .....	<b>11</b>
<b>Distribution and Amendment</b> .....	<b>11</b>
<b>Document Information and Version Control</b> .....	<b>12</b>

## Executive Summary

The Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to

- specify requirements for toilets, and associated facilities, to be made available for use by members of the public using a variety of premises and
- to make them available free of charge.

A policy was formally adopted by the Council on 11 October 2004. Some of this policy has been superseded by the publication of a new British Standard 6465 (1:2006+A1:2009) and also by the national adoption by local authorities of a different standard for takeaway food businesses, with limited seating, following a court case in Newcastle-upon-Tyne.

This updated policy (see Appendices 1 and 2 below) takes those changes into account while allowing existing premises, to which Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 applies, to retain their present level of sanitary appliance provision until they undergo significant changes e.g. extension or alteration to provide more customer seating.

## Scope

This policy applies to all premises to which Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 applies i.e.

- i. a place normally used for the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise;
- ii. a place normally used for the sale of food or drink to members of the public for consumption at the place;
- iii. a place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for either of the above uses;
- iv. a betting office;

## Policy Statement

This policy will take effect from 24 September 2014.

1. All existing premises to which Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 applies, are allowed to retain their existing level of sanitary appliance provision unless they have undergone significant changes, e.g. extension or alteration to provide more customer seating, since 11 October 2004
2. All premises to which Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 applies, are to be informed at planning/building regulations approval stage by the Environmental Health or other NNDC Departments (should they become aware) that they will be required to provide free to use sanitary appliances for their customers. *These must be to at least the level specified in the Modified Standards for Provision of Sanitary Appliance table (see below), or appendices 1 or 2, as appropriate..*
3. If it would be impractical to apply these standards to existing premises due to circumstances such as limited size of premises, situation or usage, an appeal for relaxation or exemption may be made in writing. The Environmental Health Department's District Officer, Team Manager and Environmental Health Manager would review this appeal.
4. All new premises, to which Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 apply, which the Council find at an initial inspection, will be required to provide free to use sanitary appliances for their customers. *These must be to at least the level specified in the Modified Standards for Provision of Sanitary Appliance table (see below) or appendices 1 or 2, as appropriate.*
5. Food premises that are predominately takeaway are allowed up to 10 seats without having to provide free to use sanitary appliances for their customers. This is because the Local Government (Miscellaneous Provisions) Act 1976 does not apply to such premises as they are not "relevant places" as described in the regulations. The definition of the latter is *"a place normally used for the sale of food or drink to members of the public for consumption at the place"*.
6. The wash hand basins provided must be supplied with hot and cold or appropriately mixed warm water, and soap for washing hands.
7. It is acceptable for customers to share accommodation provided for staff if it is not practical to provide separate facilities and the level of provision is sufficient to meet the level required with the number of staff and customers combined.

<b>Modified Standards for Provision of Sanitary Appliances in smaller Restaurants, Cafes, Canteens and Fast Food Outlets only.</b>		
1-25 customer seats	1 WC (shared)	1 wash basin
26-50 customer seats	1 WC male	1 wash basin
	1 WC female	1 wash basin
For 51+ customer seats see table in appendix 1 below.		

## Appendix 1

A Local Authority, under the provision of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976, may, by service of a Notice on the owner or occupier of

- i. a place normally used for the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise;
  - ii. a place normally used for the sale of food or drink to members of the public for consumption at the place;
  - iii. a place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for either of the above uses;
  - iv. a betting office;
- a. Require him/her to provide, before the expiration of a period specified in the Notice and in such positions at the place as are so specified, sanitary appliances of such kinds and numbers as are so specified;
  - b. Maintain and keep clean the appliances to the reasonable satisfaction of the Authority;
  - c. Provide and maintain a proper supply of such things for use in connection with the appliances as are so specified (which may be or include cold water, or hot water, or both); and
  - d. Make the appliances and things available for use by members of the public resorting to the place and, if the Notice so requires, to make them so available, free of charge.

The Local Government (Miscellaneous Provisions) Act 1976 does not specify the level of provision of sanitary appliances that would be required but British Standard BS 6465-1:2006+A1:2009 does consider this and the levels required for different types of premises are shown in the tables below.

<b>General Workplaces – Male and female staff</b>		
<b>Sanitary appliances for female staff, and for male staff where urinals are not installed.</b>		
<b>Number of persons at work</b>	<b>Number of WCs</b>	<b>Number of wash basins</b>
1 – 5	1	1
6 – 15	2	2
16 – 30	3	3
31 – 45	4	4
46 – 60	5	5
61 – 75	6	6
76 – 90	7	7
91 – 100	8	8
Above 100	8, plus 1 WC and wash basin for every unit or fraction of a unit of 25 persons.	

<b>General Workplaces – Male staff only</b>			
<b>Alternative scale of provision of sanitary appliances for use by male staff only.</b>			
<b>Number of males at work</b>	<b>Number of WCs</b>	<b>Number of urinals</b>	<b>Number of wash basins</b>
1 – 15	1	1	1
16 – 30	2	1	2
31 – 45	2	2	2
46 – 60	3	2	3
61 – 75	3	3	3
76 – 90	4	3	4
91 – 100	4	4	4
Above 100	4, plus 1 WC urinal and wash basin for every unit or fraction of a unit of 50 males.		

<b>General Workplaces</b>	
<b>Notes</b>	
(a)	The likely gender ratio of the workforce should be taken into account when determining the number of persons requiring sanitary provision.
(b)	Where unisex toilets are provided, WCs should be in self-contained toilets with full height walls and doors.
(c)	Where there are a large number of customers, or other building users using the toilets: toilets for staff should be in addition to, and separate from, toilets for other users.
(d)	Staff in permanent stationary workplaces in buildings should not have to walk more than 100m or travel up or down more than one floor to use the sanitary facilities.
(e)	Sanitary facilities for disabled people should be provided in accordance with appendix 2.

## Buildings Used for Public Entertainment

Appliances	Males	Females
WC	In single-screen cinemas, theatres, concert halls and similar premises without licensed bars: 1 for up to 250 males plus 1 for every additional 500 males or part thereof.	For single-screen cinemas, theatres, concert halls and similar premises without licensed bars: 2 for up to 40 females 3 for 41 to 70 females 4 for 71 to 100 females plus 1 for every additional 40 females or part thereof.
Urinal	In single-screen cinemas, theatres, concert halls and similar premises without licensed bars: 2 for up to 100 males plus 1 for every additional 80 males or part thereof	
Wash basins	1 per WC and in addition 1 per 5 urinals or part thereof	1 plus 1 per 2 WCs or part thereof
Bucket/cleaner's sink	Adequate provision should be made for cleaning facilities including at least one cleaner's sink	
Note 1	In the absence of more reliable information it should be assumed that the audience will be 50% male and 50% female.	
Note 2	In cinema-multiplexes and similar premises where the use of facilities will be spread through the opening hours the level of provision should normally be based upon 75% of total capacity and the assumption of equal proportions of male and female customers. (For single-screen cinemas 100% occupancy is assumed.)	
Note 3	Where buildings for public entertainment have licensed bars, facilities should also be provided in accordance with the table for public houses and licensed bars, based upon the capacity of the bar(s) and assuming equal proportions of male and female customers.	
Note 4	Attention is drawn to the necessity to provide facilities for the disposal of sanitary dressings.	
Note 5	Attention is drawn to the Workplace (Health, Safety and Welfare) Regulations 1992.	
Note 6	For toilets for disabled people see clause 6 of BS 6565-1:1994.	

## Hotels

Type of Accommodation	Appliances/Facilities	Number Required	Remarks
Hotel with en-suite accommodation	En-suite	1 per residential guest bedroom	Containing bath/shower, WC and wash basin
	Staff bathroom	1 per 9 residential staff	
	Bucket/cleaner's sink	1 per 30 bedrooms	At least 1 on every floor
Hotels and guest houses without en-suite accommodation	WC	1 per 9 guests	See 5.1
	Wash basin	1 per bedroom	
	Bathroom	1 per 9 guests	Containing: Bath/shower, wash basin and additional WC
	Bucket/cleaner's sink	1 per floor	
Tourist hostels	WC	1 per 9 guests	See 5.1
	Wash basin	1 per bedroom or 1 for every 9 guests in a dormitory	
	Bathroom	1 per 9 guests	Containing: Bath/shower, wash basin and additional WC
	Bucket/cleaner's sink	1 per floor	
Note 1	For staff toilets attention is drawn to the Workplace (Health, Safety and Welfare) Regulations 1992.		
Note 2	For toilets for disabled people see clause 6 of BS 6465-1:1994.		
Note 3	Attention is drawn to the necessity to provide facilities for the disposal of sanitary dressings.		
Note 4	For provision of facilities associated with buildings used for public entertainment, restaurants and licensed bars – see the appropriate table.		

## Restaurants, Cafes, Canteens and Fast Food Outlets

Appliances	For male customers	For female customers
WC	1 per 100 up to 400 males. For over 400 males, add at the rate of 1 per 250 males of part thereof	2 per 50 up to 200 females. For over 200, add at the rate of 1 per 100 females or part thereof
Urinal	1 per 50 males	
Wash basin	1 per WC and in addition, 1 per 5 urinals or part thereof	1 per WC
Bucket/cleaner's sink	Adequate provision should be made for cleaning facilities including at least one cleaner's sink.	
Note 1	In the absence of more reliable information it should be assumed that the customers will be 50% male and 50% female.	
Note 2	Attention is drawn to the Workplace (Health, Safety and Welfare) Regulations 1992.	
Note 3	Attention is drawn to the need to provide facilities for disposal of sanitary dressings.	
Note 4	For establishments with licensed bars see also the appropriate table.	
Note 5	For toilets for disabled people see clause 6 of BS 6465-1:1994.	
Note 6	Modified Standards for Provision of Sanitary Appliances in smaller premises as table below	
<b>Modified NNDC Standards for Provision of Sanitary Appliances in smaller premises</b>		
1-25 customer seats	1 WC (shared)	1 wash basin
26-50 customer seats	1 WC male 1 WC female	1 wash basin 1 wash basin



## Public Houses and Licensed Bars

WC	1 for up to 150 males plus 1 for every additional 150 males or part thereof	1 for up to 12 females plus 1 for 13 to 30 females plus 1 for every additional 25 females or part thereof
Urinal	2 for up to 75 males plus 1 for every additional 75 males or part thereof	
Wash basin	1 per WC and in addition 1 per 5 urinals or part thereof	1 per 2 WCs
Bucket/cleaner's sink	Adequate provision should be made for cleaning facilities including at least one bucket/cleaner's sink.	
Note 1	Occupancy should be calculated at the rate of 4 persons per 3 m <sup>2</sup> of effective drinking area (EDA).	
Note 2	In public houses a ratio of 75% male customers to 25% female customers may be assumed. In many other situations a ratio of 50% male to 50% female may be appropriate.	
Note 3	For provision of toilets for employees and staff see the appropriate table.	
Note 4	For the provision of toilets for disabled people see clause 6 of BS 6465-1:1994.	
Note 5	Public houses with restaurants should provide facilities as for licensed bars but restaurants should have additional separate toilets in accordance with the appropriate table.	
Note 6	Public houses with public music, singing and dancing licences should be as for licensed bars. The licensed area for public music, singing and dancing should be separated for calculation of occupancy and the provision of toilets should be in accordance with the appropriate table.	

## Swimming Pools

Appliances	For Bathers	
	Male	Female
WC	2 for up to 100 males plus 1 for every additional 100 males or part thereof	1 per 5 females for up to 50 females plus 1 for every additional 10 females or part thereof
Urinal	1 per 20 males	
Wash basin	1 per WC and in addition 1 per 5 urinals or part thereof	1, plus 1 per 2 WCs or part thereof
Shower	1 per 10 males	1 per 10 females
Note 1	Toilets should be provided for staff in accordance with the appropriate table.	
Note 2	Toilets should be provided for spectators in accordance with the appropriate table.	
Note 3	Attention is drawn to the need to provide facilities for the disposal of sanitary dressings.	
Note 4	In this table it has been assumed that the ratio of swimmers using the pool(s) will be 50% male and 50% female.	
Note 5	For the provision of toilets for disabled people see clause 6 of BS 6465-1:1994.	

## **Appendix 2 – Toilets for disabled people**

A2.1 In buildings other than private dwellings, toilet provision for disabled people should be as follows:

- a) Where there is only one toilet in a building, it should be an enlarged wheelchair-accessible unisex type.
- b) At least one wheelchair-accessible unisex toilet should be provided at each location where sanitary facilities are provided for the use of staff, customers, and visitors to a building.
- c) At least one ambulant accessible WC cubicle for ambulant disabled people should be provided in separate-sex toilet accommodation.
- d) Additionally to item c), where there are four or more WC cubicles (in addition to the unisex facility), one larger WC cubicle 1200mm wide, for people who need extra space, should be provided in both male and female separate sex toilets.
- e) In toilet areas serving a large number of visitors, such as large sports stadiums and shopping centres, the provision of one enlarged wheelchair accessible unisex toilet capable of including an adult changing bench should be considered.

A2.2 Provision of an accessible toilet can count as part of the overall WC provision for the building.

A2.3 Size, layout and fittings in the toilets for disabled people should be in accordance with the recommendations of BS 8300. Attention is drawn to:

- a) The Royal Association for Disability and Rehabilitation (RADAR) operates a key scheme that can be used to ensure that only disabled people can use the facilities for disabled people in public toilets.
- b) Disability Discrimination Act 1995: Code of practice – Rights of access – Goods, facilities, services, and premises [28] which is helpful in determining requirements for disabled people in existing premises.

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The master copy of this document, a record of review and decision making processes will be held by Environmental Health in their QMS. All documentation will be available for audit as necessary.

This policy will be available to all staff and Members on the corporate document register on the intranet.

## **Roles and Responsibilities**

Environmental Health will be primarily responsible for implementing and enforcing the standards contained in the policy as follows;

- Operational Officers in Environmental Health will comment on plans seen during consultations and on information that comes to light during inspections and investigations. They will enforce the standard as laid down in the policy, if necessary through the use of notices served under The Local Government (Miscellaneous Provisions) Act 1976

All other departments, e.g. Planning and Building Control, will be responsible for referring matters that the policy may impact upon to Environmental Health.

## **Equality Impact Analysis**

The equality impact assessment has been carried out and is contained in the associated documents.

## **Review Process**

The policy will be reviewed in the light of external changes to the British Standard or case law that indicates it may need revision. A full review will be done every 3 years.

## **Distribution and Amendment**

The policy will be posted on <http://www.northnorfolk.org/> and notification sent to Planning and Building Control immediately following its' approval.

The policy will be implemented immediately following approval.

## Document Information and Version Control

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1.50	Alan Dixon	Proposed policy amendments following changes to British Standard and case law	15 September 2014