

Northumberland County Council

Public Protection Service

Operating Guidance on the provision of Toilets for Customers in Catering Premises (February 2012)

1. Introduction

- 1.1. This operating guidance has been produced to ensure there is adequate provision of toilets for customers use in catering premises in Northumberland.
- 1.2. Experience has shown that whilst some premises place this high on their agenda others ignore this amenity to the detriment of their customers, who are residents of the County or visitors to the area. Although the council has power to require toilets in these premises, there is no relevant national standard for what facilities should be provided in small scale catering premises.
- 1.3. Supporting local businesses, encouraging tourism and promoting health are very important to the County Council. This guidance supports these objectives and will lead to an improved standard of toilet facilities in catering premises, benefiting not only the local customers but also ensuring a better 'visitor experience'.
- 1.4. This guidance contains a reference standard to ensure that a consistent approach is taken in the requirement of toilet provision in premises where the Local Government (Miscellaneous Provisions) Act 1976 applies.
- 1.5. Where existing toilet provision falls short of the standard in this operating guidance, the operator of a premises will be expected to upgrade toilet provision at the earliest opportunity, for example as part of planned refurbishment. Where no refurbishment is planned an operator will be encouraged to make an application for Building Regulation approval for additional facilities within 18 months of being informed of the deficiency and complete all works to meet the standard within a further 18 months.

2. The Northumberland standards on the provision of Toilets for Customers in Catering premises

The following numerical standards will apply. In all cases a ventilated lobby must be provided between any W.C. and a room where open food is handled.

2.1. All newly established, converted or modernised catering premises

- 2.1.1. All newly established, converted or modernised catering premises must provide separate sanitary accommodation, including hand washing facilities, for both male and female customers within the premises in accordance with

BS6465, except in the case of premises providing less than 50 seats for customers where the standard will be 1 W.C, with wash hand basin, per sex.

2.1.2. Advice should be sought from the Building Control Section regarding the provision of sanitary accommodation and the requirements of the Disability Discrimination Act.

2.1.3. In the absence of more reliable information, it will be assumed that the customers will be 50% male and 50% female. Where this is not the case the number of facilities required may be varied accordingly.

2.2. In premises providing less than 20 seats for customers

2.2.1. Where there are less than 20 seats and the physical dimensions are such that it would be impossible to house separate toilets for each sex, the minimum standard will be one unisex W.C, plus wash hand basin, to be accessible to all customers including disabled persons.

2.3. In very small premises providing less than 10 seats for customers

2.3.1. There will be a presumption that toilet facilities will be provided.

2.3.2. The minimum standard will be one unisex W.C, plus wash hand basin, to be accessible to all customers including disabled persons.

2.3.3. However, it is recognised that this may not be practicable in very small premises. In exceptional circumstances where;

- the physical dimensions make it impracticable to house the toilets and provide space for customers, *and*
- the main use of the premises is predominantly retail, or takeaway with the provision of ancillary seating not of the sort likely to encourage anyone to stay for any period of time, e.g. sandwich bar or coffee bar, then;

2.3.4. it will be acceptable for no toilet provision for customers to be made.

2.4 Relaxation of standards.

2.4.1 Where the owner of the business can demonstrate that the standards required by the policy cannot be met due to planning restrictions, e.g. in a listed building, then an application shall be made to the Public Protection service for consideration of a relaxation of these standards. Each case shall be considered on its own merits and assessed in relation to the long term objectives of this operating guidance.

3. Access

3.1. All facilities must be accessible from within the business and be under the control of the management of the business. Public access through a kitchen or food preparation area will not be acceptable.

4. Staff toilets

4.1. Separate provision shall be made for staff for their exclusive use unless fewer than 50 seats are provided for customers, when separate provision shall be encouraged.

5. Enforcement

5.1. Toilet provision will be checked in the following ways:

- in the course of routine food hygiene or other inspection of the premises
- as a result of a complaint from a member of the public
- as part of a specific monitoring exercise

5.2. Where existing toilet provision falls below the stated standard in this policy the Public Protection service may serve a statutory notice requiring adequate provision to meet the standard in the timescale stated in paragraph 1.5 above. Failure to comply with a statutory notice will be dealt with in accordance with the Council's Corporate Enforcement Policy.

Appendix 1 Legislation

The Local Government (Miscellaneous Provisions) Act 1976

The Local Government (Miscellaneous Provisions) Act 1976 empowers Local Authorities to require sanitary facilities (including wash hand basins with hot and cold water etc) to be made available for the use of the public in 'relevant places'.

'Relevant places' are defined in the Act and include;

- Places used for entertainment, exhibitions or sporting events
- Place used for the sale of food or drink to members of the public for consumption at the place
- A betting office

The standard of provision required can be determined by reference to the appropriate British Standard (BS6465, Part 1:1994) but this does not apply well to catering premises providing fewer than 50 seats for customers.

The Disability Discrimination Act.

The provision of sanitary accommodation should take into account the requirements of the Disability Discrimination Act.

Where any alterations or new construction is proposed to a building then advice should be sought from the Building Control section of the Public Protection service.