

Toilet Provision in Premises Open to the Public

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Executive Summary

The general requirement to provide an adequate number of flush lavatories connected to an effective drainage system in food premises is made under [Regulation \(EC\) No. 852/2004](#). There are other requirements at any place which is normally used, or is proposed to be normally used, for the sale of food or drink to members of the public for consumption at the place under section 20 of [The Local Government \(Miscellaneous Provisions\) Act 1976](#). This 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 and amended on 11 September 2014 to take into account 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.

It became apparent that further clarification was required on the specific issue of access to toilets via lobbies and the impact of the [Equalities Act 2010](#). The latter imposes a duty on businesses to take reasonable steps where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled. In the case of access to sanitary accommodation this means that reasonable provision must be made for disabled people to toilets provided for customer's use.

The other main influences on the provision and design of public toilet facilities in food premises are [The Building Regulations 2010](#) and the associated approved documents.

This updated policy includes that clarification 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 [Regulation \(EC\) No. 852/2004](#) and Section 20 of [The Local Government \(Miscellaneous Provisions\) Act 1976](#) applies i.e.

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

Policy Statement

This policy will take effect from 04 October 2016

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 facilities are to be accessible via the internal layout of the building. *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.

Modified Standards for Provision of Sanitary Appliances in smaller Restaurants, Cafes, Canteens and Fast Food Outlets only.		
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
For 51+ customer seats see table in appendix 1 below.		

8. Lobbies

The basis for a general requirement to provide an intervening space (lobby) between a lavatory and a food room is “British Standard 6465-1:2006 Sanitary Installations”. It states; “All toilets in food business premises should be separated by a lobby from food eating or preparation areas”.

Further, Regulation (EC) No. 852/2004 Annex II, Chap. I, Paragraph 3, states; “Lavatories are not to open directly into rooms in which food is handled”.

8.1 Toilets entering rooms where open food is handled

A lobby is required where a toilet would, without a lobby, enter a room where open food is handled unless other factors in this section provide an acceptable reason not to enforce. These factors might be infrequent use of a toilet intended for disabled persons only, or a considerable distance between the toilet and the open food handling area. Note that many cafes and restaurants operate kitchens that are wholly or partially open to the customer area and this will make the composite space one food handling room (see 8.4 below).

8.2 Toilets entering rooms where only wrapped food is handled

A lobby is required where a toilet would, without a lobby, enter a room where wrapped food is handled unless other factors in this section provide an acceptable reason not to enforce. These factors might be infrequent use of a toilet intended for disabled persons only, or a considerable distance between the toilet and the food handling area. A lower risk exists where only wrapped foods are handled and this will proportionately affect the factors to be considered.

8.3 Toilets entering rooms that are seating areas

When a customer accepts food in the seating area of a café or restaurant food is being handled in the course of a food business to that point, after which it is the responsibility of the customer. Food law does therefore apply as the food is taken to the customer, albeit for a relatively short time. Additionally, BS6465 requires a lobby in these circumstances. The level of this risk will be assessed by Officers. If the risk is obvious, or if the seating area is also part of the area where food is prepared or displayed by staff, a lobby is required. Otherwise, the requirement for a lobby between the toilet and seating could reasonably be made as a recommendation only.

8.4 Toilets predominantly for use by disabled people only

Where a toilet cubicle is used infrequently because it is intended for the use of disabled persons only, the degree of food safety risk should be considered against the inconvenience caused to the disabled person trying to gain access to the toilet. Sometimes it **may** be acceptable not to enforce the requirement under food safety law for a lobby if the food safety risk is shown to be low. Where the use of an Equalities Act compliant toilet is shared and as a result that use is frequent, for example in a restaurant with up to 25 customers and only one toilet, the factors in support of such a relaxation are **not** likely to be adequate. Other factors such as those listed below will be relevant before finalising a decision.

8.5 Toilets entering large spaces where food is handled some distance away

A lobby is required where a toilet would, without a lobby, enter a room where open or wrapped food is handled unless there is an acceptable reason not to enforce such as the distance between the toilet and the food handling area. There will be other factors to take into account such as those considered in this section including whether the toilet is only intended for occasional use by disabled people.

On the basis of distance alone, where a toilet with no lobby is located 20 metres from an area where open food is handled and there is no food in the intervening area, then it could be reasonable not to enforce.

A lower risk exists where only wrapped foods are handled and it might be reasonable in those circumstances for a lesser distance to give sufficient reason not to enforce the requirement for a lobby.

8.6 Toilets with special ventilation measures within the room containing the WC or urinal

Ventilation within a room containing a WC or urinal is normally expected to achieve 3-6 air changes per hour. Ventilation rates in excess of this, to deliberately create negative pressure taking air away from a food room, may be a factor to take into consideration when deciding if a lobby is necessary. Of greatest importance is whether the door movement (the opening and the closing, in either direction) in these circumstances still causes a significant amount of air to move into the food room.

8.7 *Summary of General Principles for the provision of lobbies for toilets associated with food rooms (see table on next page)*

8.7 Summary of General Principles for the provision of lobbies for toilets associated with food rooms

Situation		General Requirement
Toilets entering rooms, that are not seating areas, where open or wrapped food is handled		Lobby is required
Toilets entering rooms that are seating areas	Premises in which <ul style="list-style-type: none"> the seating area is also part of the area where food is prepared by staff (i.e. open food is prepared or displayed behind counter) and toilet is not intended for the use of disabled persons <i>only</i> 	Lobby is required
	Infrequent use of a toilet intended for disabled persons only, and / or a considerable distance between the toilet and the food handling area** (for example large pub / restaurant)	Lobby may not be required but is always recommended (nb also consider privacy of users and effectiveness of ventilation)
	Premises in which wrapped food is handled behind counter, the food is stored behind a screen and toilet is used frequently (e.g. some coffee outlets)	Lobby may not be required but is always recommended (nb also consider privacy of users and effectiveness of ventilation)
*open food; does not include drinks for the purposes of this discussion **food handling area; in this context this means where staff handle food not the seating area		

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.

General Workplaces – Male and female staff		
Sanitary appliances for female staff, and for male staff where urinals are not installed.		
Number of persons at work	Number of WCs	Number of wash basins
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.	

General Workplaces – Male staff only			
Alternative scale of provision of sanitary appliances for use by male staff only.			
Number of males at work	Number of WCs	Number of urinals	Number of wash basins
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.		

General Workplaces	
Notes	
(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		

Modified NNDC Standards for Provision of Sanitary Appliances in smaller premises			
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

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 ² 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) [The Equality and Human Rights Commission](#) website contains guidance that may be helpful in determining requirements for disabled people in existing premises.

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

Document Name	Toilet Provision in Premises Open to the Public
Document Description	Toilet Provision Policy
Document Status	Current
Lead Officer	Alan Dixon
Produced by (service name)	Environmental health
Relevant to the services listed or all NNDC	Environmental health, Planning, Building Control
Approved by	Nick Baker, Corporate Director 
Approval date	24 September 2014
Type of document	Code/Guidance/Plan/Policy/Procedure/Protocol/Service Level Agreement/Strategy
Equality Impact Assessment details	Current/Required/Not required
Review interval	Every 3 years
Next review date	December 2018

Version	Originator	Description including reason for changes	Date
1.50	Alan Dixon	Proposed policy amendments following changes to British Standard and case law	15 September 2014
2.00	Alan Dixon	Proposed policy amendments following realisation that further clarification is required on the specific issue of access to toilets via lobbies and the impact of the Equalities Act 2010.	04 March 2016