

BROXTOWE BOROUGH COUNCIL
OCCUPATIONAL HEALTH AND SAFETY SERVICE
Policy on Provision of Customer Sanitary Accommodation in Catering
Premises

1.0 Introduction

- 1.1 Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 enables a Local Authority to serve a notice on the owner/occupier of a 'relevant place' requiring the provision of sanitary accommodation including washing facilities for customers. Relevant premises include those providing entertainment, betting shops and premises selling food or drink for consumption on the premises.
- 1.2 Broxtowe Borough Council adopted the Act. Whilst national standards exist for facilities required in larger premises, there is no relevant standard for what facilities should be provided in smaller catering premises even though the power exists to require these facilities.
- 1.3 This policy has been produced to provide consistency in application, improve standards of facilities within the Borough, reduce behaviour which is detrimental on the area (e.g. urinating in the street) and provide clarity to businesses.

2.0 Newly established, converted or modernised catering premises.

- 2.1 All newly established, converted or modernised catering premises must provide separate sanitary accommodation including hand washing facilities for customers in accordance with the relevant British Standard, adequate drainage and sufficient ventilation.
- 2.2 For smaller premises the requirements is as follows;

Number of Covers	Number of W.C.s
Less than 12	Minimum 1 water closet and wash hand basin
12 – 30 covers	Minimum of 1 male and 1 female W.C. and wash hand basin
31 or more	Relevant British Standard BS6465 1994 or successor standard

- 2.3 The facilities should be accessible to wheelchair users.
- 2.4 All facilities are to be accessible from inside the business and be under the control of the management of the business. Public access through food preparation and storage areas will not be acceptable.
- 2.5 Where practicable separate staff facilities should be provided in accordance with relevant health, safety and welfare regulations and staff facilities must be separate where there are 31 or more covers.

The standard of staff facilities must be in accordance with relevant food safety legislation and maintained in good repair and condition.

- 2.6 The ratio of male/female customers will be assumed to be equal (50% male/50% female).
- 2.7 Provision of tables and chairs outside (even on a seasonal basis) will be included in the number of covers calculation. Specific additional permission may be required from Highways, Licensing or Planning to site seating on pavements outside premises.
- 2.8 Advice should be sought from the Building Control regarding accessible sanitary accommodation.
- 2.9 Rooms containing W.C.s should not open directly into areas where open food is handled.
- 2.10 Consultations at the planning stage may indicate that a premises has specified insufficient toilet provision or by virtue of its size cannot accommodate suitable toilet facilities. In this case the applicant will be advised directly and that representations may be made to planning to refuse the application, unless adequate facilities are incorporated into the plans.
- 2.11 Public toilets are not considered to be an acceptable alternative to the provision of customer toilets within the premises due to not being under the control of the proprietor, require access outside and may not be open at the same time as the business.
- 2.12 Premises located within shopping malls may rely on the provision of shared customer toilets if they are inside the mall, open at the same time of the business and there is a contractual agreement in place that facilities will be maintained. In these circumstances, separate staff facilities must be available within the business.

3.0 Existing premises

- 3.1 Existing premises serving food and drink with less than 12 seats will not be expected to upgrade facilities to the requirements outlined in this policy unless; they are refurbished or structurally altered, they mainly provide food for consumption on the premises (regardless of whether they have the correct planning permission), the nature of the business has changed or it is unreasonable to do so.
- 3.2 It is probable that there are premises within the Borough which were in existence prior to the Local Government (Miscellaneous Provisions) Act 1976 which have more than 12 seats but less sanitary facilities than required and where it would be impossible to install additional facilities. These premises will be considered on a case by case basis, but

- 3.3 'Reasonableness' will be determined by assessing issues including the size and layout of the premises, the space available and accessibility of drainage and water supplies etc. Any other constraints such as Listed Building status will be considered. Cost alone will not form the basis of whether it would be reasonable to provide adequate sanitary facilities. Where practicable following refurbishment or structural changes, at least one sanitary facility should be disabled accessible but advice will be sought from Building Control in respect of such a requirement.

4.0 Provision in Takeaway Premises

- 4.1 There is a presumption that customer toilets will be provided in all premises where food is sold for consumption on the premises, even if the main use of the undertaking is a takeaway and the provision is occasional.

5.0 Shared Facilities/Shopping Centres

- 4.1 Shared facilities will only be acceptable when there is full control over the facilities available, they are available at all times the premises are open for the sale of food and drink and are located in close proximity to the outlets where food is consumed – e.g. motorway services where food outlets are concessions of the company operating the services and the public toilets within the same building.

6.0 Exemptions

- 6.1 This policy does not apply to places where members of the public are not invited or facilitated to eat on the premises e.g. takeaways with seats for waiting only. In some cases, it may be requested to provide signage stating that seating is for customers waiting for food orders only. Invitation to eat on the premises includes provision of condiments; cutlery and/or crockery, separate eat in and takeaway prices etc.