

## Report of the Portfolio Holder for Community Safety

**REVISED POLICY ON THE PROVISION OF CUSTOMER SANITARY ACCOMMODATION IN PREMISES SELLING FOOD AND DRINK**1. Purpose of report

To advise Members of, and seek approval for, a revised policy on sanitary accommodation (toilet) provision in premises selling food and drink.

2. Recommendation

**The Policy Overview Working RECOMMENDS to Cabinet to RESOLVE that the relaxation on the number of toilets required in smaller premises providing food and drink for consumption on the premises be approved.**

3. Detail

Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) empowers local authorities to require sanitary facilities to be made available for the use of the public in “relevant places” defined under the Act including “*places used for the sale of food and drink to members of the public for consumption at the place*”. The Act gives the local authority the power to require the owner/occupier to provide sanitary accommodation of specific kinds and number, in a specified time. ‘Relevant Place’ includes a place which is used or is proposed to be normally used for the sale of food or drink to members of the public for consumption at that place.

Broxtowe Borough Council Officers have been applying the guidelines contained in a policy developed in the 1990s, which attempts to reduce the burden on smaller food businesses from providing toilet numbers as required in the British Standard but ensuring they have adequate provision for customers. The existing policy is attached at appendix 1. However, due to planning relaxations on business to convert premises and a case which was progressing in respect of the provision of toilets in premises with some takeaway provision, in recent years’ officers have only been recommending good practice or the British Standard requirements but not felt able to pursue situations where no provision has been made, even when pre-conversion advice had been provided.

Very few complaints are received from the public about this issue but they do occur and potentially disproportionately affect parents of young children, the elderly and those with health conditions if inadequate facilities are unavailable. Whilst enforcement action is likely to be rare, it is felt that the situation in Broxtowe should be regularised, so that businesses, individuals and officers are all clear about what is expected and that enforcement action based on an approved policy (and a staged approach as defined by our corporate enforcement policy) could be applied if appropriate. The proposed revised policy is attached at appendix 2 and a change table is included at appendix 3.

Within Nottinghamshire, none of the other authorities have policies on this issue, but simply refer to the relevant British Standard.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with operational costs being contained within existing budgets.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The legal implications are sufficiently covered in the body of the report and policy.

6. Human Resources Implications

The comments from the Head of Human Resources were as follows:

No comments

7. Union Comments

The comments from the union were as follows:

No comments

8. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

9. Climate Change Implications

The comments from the Climate Change Manager were as follows:

No comments

10. Equality Impact Assessment

An Equality Impact Assessment is not required as it is a relaxation of an existing policy.

11. Background Papers

None.