

Policy: Provision of Customer Sanitary Accommodation in Catering and Licensed Premises

Author: Adam French
Division: Public Protection/Environmental Health
Date: 10 November 2023
Review Date: 9 November 2028

Contents

1.	Purpose	2
2.	Scope.....	2
3.	Policy	2
3.1	Principles.....	2
3.11	General Principles.....	2
3.12	Existing Premises.....	3
3.13	Small Catering Premises.....	3
3.14	Refurbishment or Alteration of Existing Premises.....	3
3.15	Conversion of an Existing Building into a “Relevant Place”.....	4
3.16	New Premises.....	4
3.17	Shopping Centres.....	4
3.18	Deviation from the Policy.....	4
3.2	Risk	5
3.3	Responsibilities	5
4.	Related Policies, Standards and Guidelines	5
5.	Terms and Definitions	6
6.	Enforcement	6
7.	Review	6
8.	Appendices	7
	Appendix 1	7
9.	Document Attributes	8
	Document Information.....	8
	Document Approval	8
	Document History	8
	Distribution.....	8
	Coverage	8

1. Purpose

The document describes how Broxtowe Borough Council will advise, deal with and ultimately enforce the provision of sanitary accommodation in catering and licensed premises in the Borough. This document builds on, and supersedes Broxtowe Borough Council's previous policy on Provision of Customer Sanitary Accommodation in Catering Premises dated June 1996 (see Appendix 1).

2. Scope

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.

Broxtowe Borough Council adopted the Act. Whilst national standards exist for facilities required in premises (BS 6465-1:2006 +A1:2009. Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances), this is not suited to calculating facilities required in smaller catering premises, even though the power exists to require these facilities.

This updated policy has been produced to provide guidance to aid compliance, place businesses on a level playing field (those that comply with the standard are investing in facilities other businesses are not providing), be more reasonable for smaller businesses and provide a level of consistency on enforcement with respect to the provision of sanitary accommodation at relevant places within the Borough. The policy also provides for a measure of officer discretion, taking into account the size, nature, layout and listed status of existing buildings in the borough.

The policy will apply to new premises, premises undergoing conversion or the alteration of existing premises. The policy will only apply to existing premises should Broxtowe Borough Council receive substantiated complaints, or specific issues arise that warrant requiring additional facilities.

3. Policy

3.1 Principles

3.11 General Principles

1. The assumption of 50% female and 50% male customers shall apply.
2. Where unisex toilets are provided, they must be in self-contained rooms with full height walls and doors.

3. Under the Equalities Act 2010 and Building Regulations, accessible facilities must be provided in new or altered premises where it is reasonable and practicable to do so. Such facilities will be taken into account when determining total sanitary accommodation provision.

4. Sanitary accommodation primarily used by employees can be shared with members of the public in small premises as long as access is not through a food room (a room where food is prepared or stored) and there is no additional hygiene or safety risk from doing so.

5. If a business provides outdoor seating this will be counted when calculating sanitary accommodation provision when the seats fall within the curtilage of the premises and are primarily used by customers of said business.

6. Rooms containing W.C.s must not open directly into areas where open food is handled.

3.12 Existing Premises

This policy will not apply to existing premises unless:

- Broxtowe Borough Council receives substantiated complaints which lead officers to consider serving a Notice for inadequate provision of sanitary accommodation; or
- Any of 3.14 – 3.17 apply.

3.13 Small Catering Premises

- For premises providing up to 25 seats the minimum requirement will be 1 unisex toilet and 1 washbasin. This includes small cafes, restaurants and micro pubs. For **takeaway premises with fewer than 10 seats**, no sanitary accommodation will be expected. This includes “Food on the Go” type premises where fewer than 10 seats are provided. Where a “Food on the Go” type premises also provides 10 or more seats they would be required to follow the other requirements depending on the number of seats provided.
- For premises with between 26 and 40 seats the minimum requirement will be 1 female toilet with a washbasin and 1 male toilet with a washbasin.
- For premises with 41 or more seats, the numbers in the relevant table of the British Standard will be required.

3.14 Refurbishment or Alteration of Existing Premises

Where an existing relevant place is being refurbished, extended or repurposed, it is expected that the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances) are followed.

3.15 Conversion of an Existing Building into a “Relevant Place”

When an existing building is being converted into a “relevant place”, it is expected that the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances) are followed.

These requirements will be highlighted at the planning stage (if required) of the project.

3.16 New Build Premises

For new builds, it is expected that the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances) are followed.

These requirements will be highlighted at the planning stage of the project.

3.17 Shopping Centres

Premises located within shopping malls such as a food court, small cafes and coffee shops may rely on the provision of shared customer toilets if they are inside the mall, open at the same time as 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.

Restaurants and bars located within an enclosed shopping centre must provide sanitary accommodation for their guests in line with the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances). Consideration may be given to reducing this provision if shared customer toilets are located nearby that can be accessed when the business is open.

3.18 Deviation from the Policy

The policy will be applied consistently across the borough. If a business or developer has a justifiable reason why provision of sanitary accommodation cannot meet the required standard, they can apply in writing to request deviation from the policy. The request must explain why minimum standards cannot be met and detail the proposed provision of sanitary accommodation. This request will be considered by the Chief Environmental Health Officer or the Senior Environmental Health Officer taking into account the views of the case officer and those of Planning and the Building Control. Should an exception be made this will be agreed in writing and a copy of the decision retained on the premises' file for future reference. Acceptance of deviation from the policy will be made on a case by case basis only. If significant alterations are subsequently made to the premises, the deviation will be reviewed and additional facilities may be required. Blanket deviations, for example for a new shopping centre, will not be considered.

3.2 Risk

There is a risk to the reputation of Broxtowe Borough Council if the policy is not fairly and evenly applied across the borough. In addition, there could be unwarranted costs to businesses and/or developers should this occur. The Chief EHO and Senior EHO will ensure all officers are sufficiently familiar and trained on the procedure and will oversee implementation.

The introduction of the policy will provide certainty for businesses and developers across the borough when refurbishments, renovations, extensions, re-purposing of buildings and new builds are undertaken. In addition, the inclusion of a deviation from the policy in certain circumstances, will assist businesses and/or developers on those occasions where full sanitary accommodation cannot be provided. The policy provides a method to consider, approve and document such deviations to ensure fairness and consistency.

3.3 Responsibilities

- Individual businesses and/or developers have a duty to comply with relevant legislation and the requirements of this policy, subject to any agreed deviation.
- Public Protection Officers will be responsible for alerting businesses and/or developers to the policy and for ensuring compliance, subject to any agreed deviation.
- Public Protection Officers will be responsible for the investigation of complaints resulting from a perceived or actual lack of sanitary accommodation.
- Public Protection Officers will be responsible for bringing any proposed deviations to the policy to the attention of the Chief EHO/Senior EHO.
- The Chief EHO or Senior EHO will be responsible for reviewing and agreeing any deviation from the policy, or reviewing any appropriate enforcement action required.
- Public Protection Officers will be responsible for ensuring any deviations are communicated to the business and/or developer concerned and for a record to be retained on the premises' file.
- The Senior EHO or Chief EHO will be responsible for the review of the policy and will also ensure officers are consistent in applying the provisions of the policy and associated legislation.

4. Related Policies, Standards and Guidelines

- BS 6465-1:2006 +A1:2009. Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.
- Local Government (Miscellaneous Provisions) Act 1976
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Equality Act 2010

5. Terms and Definitions

“relevant place” means any of the following places—

(a) a place which is normally used or is proposed to be normally used for any of the following purposes, namely—

- (i) the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise,
- (ii) the sale of food or drink to members of the public for consumption at the place;

(b) a place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for any of the purposes aforesaid; and

(c) a betting office.

6. Enforcement

The Public Protection team are responsible for investigating complaints and enforcement of the policy and relevant legislation. Where required, Planning and the Building Control will be consulted.

Any enforcement action taken will be in line with Broxtowe Borough Council's Enforcement Policy.

7. Review

This document will be reviewed every five years or wherever there may be a change of influencing circumstances. Any review will be undertaken by either the Senior EHO or the Chief EHO.

8. Appendices

Appendix 1

**Broxtowe Borough Council's Policy on Provision of Customer Sanitary
Accommodation in Catering Premises – June 1996**

9. Document Attributes

Document Information

Information Type	Document Information
Title	Provision of Customer Sanitary Accommodation in Catering and Licensed Premises Policy
Identifier	Provision of Customer Sanitary Accommodation in Catering and Licensed Premises Policy
File Location	Y drive
Description	Policy for determining provision of sanitary accommodation in catering and licensed premises
Keywords	Policy; Sanitary Accommodation; Relevant Place; Catering and Licensed Premises; Deviation
Format	Microsoft Word
Author	Adam French
Owner	Public Protection
Classification	OFFICIAL
Date Created	2 nd October 2023
Last Review Date	2 nd October 2023
Next Review Date	2 nd October 2028
Date to Dispose	12 months after later version of policy released

Document Approval

Date	Name & Job Title of Approver(s)	Version
3/10/2023	Chief Environmental Health Officer	1b

Document History

Date	Summary of Changes	Version
02/10/23	First Draft	1
03/10/23	Second Draft	1a
10/11/23	More detail in 3.13 following POWG.	1b
XXXX	Policy Issued	1.0

Distribution

Name/Group:

Members of POWG
Cabinet Members

Coverage

Name/Group:

All Staff within Environmental Health and Licensing.

End of Document