

Cumbria Food Liaison Group

Sanitary Accommodation in places of Refreshment – cafes, restaurants and retail / takeaway premises

1.0 Introduction

On 14 September 1995, the Cumbria Food Liaison Group agreed a set of standards for sanitary accommodation in places of refreshment. The standard was adopted by the six Cumbrian authorities under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.

There is a need to review the standard in light of revised guidance set out in British Standard BS 6465 and changes such as the closure of some public toilets, the increase in pavement cafes, an increase in the number of takeaway / retail premises offering the option to 'eat at the premises', and changes in food hygiene, disability discrimination and building regulations.

2.0 Background

The Local Government (Miscellaneous Provisions) Act 1976 empowers Local Authorities to require sanitary facilities to be made available for the use of the public in 'relevant places', defined under the Act as including:

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

The standard set out in Table 10 (copied at Appendix 1) of BS6465-1:2006-1+A1:2009 refers to the minimum provision of sanitary appliances for restaurants and other places where seating is provided for eating and drinking. However, this standard does not apply well to small catering premises, in particular those providing fewer than 50 seats for customers, which is typical of the many small cafes and similar premises which exist in the local area. As such the proposed new standard of provision put forward in this report varies to the British Standard.

The proposed new standard will be applied to all new premises, newly converted premises and those undergoing substantial refurbishment (for example subject to alteration, refitting, upgrading, extension or change of use). It will also apply to premises seeking a pavement licence for the first time. Section 7 applies to existing premises that rely on toilets not in their control e.g. public toilets. Given that the new standard does not vary significantly from the previous 1995 standard applied to small cafes and similar premises, it is expected that the vast majority of existing premises, established since 1995 will already comply anyway. Whilst it is expected that provision will be made in accordance with the new standard at all applicable premises, discretion may be used

by local authorities where local circumstances and / or sensitivities apply, provided the justification is noted.

Toilets must be separated from rooms where food is handled or served by an intervening space. Ventilation of this intervening space is encouraged, in addition to the ventilation in the WC compartment. However, where the toilet is wheelchair accessible, it is recognised that the provision of an intervening space is not always practicable. As an alternative, it will be acceptable for no intervening space to be provided subject to the facility being effectively ventilated i.e. a continuous running fan, or at least a 15 minute overrun, achieving at least three air changes per hour. The provision must be to the satisfaction of the Building Control Officer.

The provision of sanitary accommodation should take into account the requirements of the Equality Act 2010. Facilities for disabled people must be provided in new or altered premises. These facilities are taken into account when determining total provision. Facilities for the disabled should also be provided in other premises where this is reasonable or practical. Where any alterations, change of use or new construction is proposed to a building, advice must be sought from the Building Control Officer.

3.0 The Proposed Standard

Cafes, restaurants and retail / takeaway premises – serving food and drink for consumption at the premises

The following minimum standard will apply:

| No of Seats | Ladies | Gents | Comment |
|---------------------|---------------------|---|--|
| Up to 25 seats | | | As a minimum 1 unisex toilet plus 1 whb to be accessible to all customers (including disabled persons) |
| 26 to 50 seats | 1 wc plus 1 whb | 1 wc plus 1 whb | |
| 51 – 100 seats | 2 wc's plus 2 whb's | 2 wc's plus 2 whb's (alternatively 1 urinal, plus 1 wc plus 2 whb's) | |
| 101 seats and above | | | Provision to be made in accordance with BS6465 Table 10 (see Appendix 1) |

4.0 Pavement Cafes

Please note that a licence is likely to be required to place tables and chairs on the pavement from the highway authority (Cumbria County Council). In addition planning permission may also be required.

Provided toilet facilities are already available for customer use, it will not be necessary to provide additional sanitary facilities for the extra seats provided outside of the premises subject to there being a maximum of ten additional seats. Where more than ten additional seats are provided, additional sanitary facilities must be provided in accordance with the requirements set out in this report (see above Table).

5.0 Retail / Takeaway Premises

Recently it has become increasingly common to find a small number of seats provided for customer use at premises that sell food retail as a takeaway food. Where the nature of the business is predominantly take-away, the premises may not be a 'relevant place' for the purposes of the Act. It is therefore necessary to consider the primary use of the establishment, the size of the establishment, the number of patrons visiting the establishment and the number of seats provided. The Planning Use Classes Order information may help to decide whether an establishment is classed as a takeaway or café, but is only one factor to consider.

Sanitary facilities in accordance with the above Table will be required in such premises except in the following circumstances (all of which must apply):

- the main use of the premises is predominantly retail or takeaway and the provision of seating is ancillary and not of the sort likely to encourage anyone to stay for any significant length of time, for example a sandwich bar or coffee bar; and
- consumption at the premises tends to be the exception rather than the rule; and
- less than 10 seats are provided for customers.

If any of the above three bullet points do not apply then sanitary facilities must be provided in accordance with the above Table.

6.0 Staff Toilets

The legal requirement to provide staff sanitary accommodation is contained within The Workplace, Health, Safety and Welfare Regulations 1992.

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

7.0 Closure of facilities not in the control of the business e.g. Public Toilets

It is possible that some existing cafes/restaurants may be affected by the closure of public toilets or toilets not in their control (e.g. neighbouring business). In a small number of instances, generally prior to the introduction of the previous standards in 1995, a few small cafes were allowed to make use of nearby public toilets (or access to toilets not in their control), rather than provide toilets at their premises. In the event of these facilities closing or becoming unavailable, any café/restaurant that relied on these public facilities (and takeaway premises that do not meet the exemption in Chapter 5.0) will have to make alternative arrangements to meet the standard detailed in Chapter 3.0. Where staff also made use of the public facility, it will be necessary for alternative provision to be provided for staff at or suitably close to their premises of work.

8.0 General Requirements

In the absence of more reliable information, it will be assumed that the customers will be 50% male and 50% female when determining the number of facilities required.

Hot and cold water or hot water at a suitably controlled temperature must be maintained to each wash basin. Soap and drying facilities must also be supplied.

All installations must be properly connected to the drainage system to the satisfaction of the Council.

Suitable provision for the disposal of sanitary dressings should also be provided.

The sanitary provision should be easily accessible to customers and must not be accessed via the kitchen or other food preparation area.

The sanitary provision must be available to customers at all times when the establishment is open for business.

If the establishment is part of the local Toilet Scheme, whereby members of the public, who are not customers, can make use of the establishments toilets, this will need to be taken into account when deciding on the number of toilets required.

Appendix 1

BS6465-1:2006 + A1:2009 Table 10

Minimum provision of sanitary appliances for restaurants and other places where seating is provided for eating and drinking

| Sanitary appliance | For male customers | For female customers |
|---------------------------|--|---|
| WC | 2 for up to 150 males; plus 1 for every additional 250 males or part thereof 2 for up to 50 males if urinals are not provided | 2 for up to 30 females; Plus 1 for every additional 30 females up to 120, plus 1 for every additional 60 females or part thereof |
| Urinal | 1 per 60 males or part thereof up to 120 males; Plus 1 for every additional 100 males or part thereof | - |
| Washbasin | 1 per WC, plus 1 per 5 urinals or part thereof | 1 per WC |