

Public Toilet Provision in small cafés

The adoption of the Local Government (Miscellaneous Provisions) Act 1976 and specifically S.20 of the Act, allows that a Local Authority may serve a notice on an owner or occupier of a 'Relevant Place' within its area requiring:

- a) to provide sanitary accommodation of specific kinds and number, in a specified time;
- b) to maintain and clean such items;
- c) to provide and maintain a proper supply of such things for use in connection with the appliances as are specified (this may include hot and/or cold water);
- d) to make the facilities available to the public, if required to, free of charge.

'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.

In adopting S.20 of the 1976 Act Hastings Borough Council (along with other adoptees) has put in place the following sanitary standards for 'small cafes' and restaurants.

Category	MALE				FEMALE		
	Numbers	WC	Urinals	WHB	Numbers	WC	WHB
A	15 or less (M & F)	1 WC and 1 WHB					
B	1 - 50	1	-	1	1 - 50	1	1
	51 - 100	1	1	1	51 - 100	2	1
	101 - 200	1	2	2	101 - 200	3	2
	200 +	+ 1 per extra 100*	Extra urinal may be substituted for WC when 2 WCs have been provided	+ 1 per extra 100*	200 +	+ 1 per extra 100*	+ 1 per extra 100*

Unless there is evidence to the contrary it is considered that the numbers will be 50% male/female

Where category 'A' refers to small cafes with seats for 15 or less and category 'B' refers to 'refreshment houses', including those with a table or supper licence – now more correctly referred to as a premises licence.

Within Hastings, these standards are applied only where there are tables **and** chairs (seats for waiting customers in takeaways are ignored) and that they are **within** the premises (tables and chairs outside are ignored).

Other legislation

Food Safety – The 'General Requirements For All Food Business Operators' stipulates in Annex II of Regulation EC 852/2004 that 'An adequate number of flush lavatories are to be available and connected to an effective drainage system. This

provision is mandatory as a staff facility. Common facilities for staff and public are permissible.

Health and Safety – The 'Workplace (Health Safety and Welfare) Regulations 1992 require that 'Suitable and sufficient sanitary conveniences shall be provided at accessible places' This is again a staff provision. However, there is a 'last resort' derogation that the facilities can be available at an accessible premises nearby (staff provision only).

The Disability Discrimination Act 1995 (Civil legislation not enforced by the Local Authority) must be considered by the proprietor in respect of any facilities provided.

An application for derogation to the above standards may be made in writing stating the reasons why those standards cannot be met. Any request for derogation will be considered on its merits.