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Guide to Toilet Provision in restaurants, cafes and fast food outlets	Authorised By:	Paul Brookes Public Health and Protection Services Manager

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Guide to Toilet Provision in restaurants, cafes and fast food outlets

1. Background.

Under the Local Government (Miscellaneous Provisions) Act 1976 the Council has the power to require the provision of sanitary facilities in relevant places which includes places used for "the sale of food or drink members of the public for consumption on the premises".

The Local Government (Miscellaneous Provisions) Act 1976 does not specify the numbers of sanitary facilities to be provided and therefore for guidance Local Authorities refer to British Standard BS 6465: Part 1: 2006 Sanitary installations.

In premises where food and/or drink is sold to the public for consumption on site, there must be an adequate number of toilets and hand wash facilities for customer use.

This is a guide for food businesses to use when setting up a new business, making alterations, increasing seating provision either inside or outside a premises or dealing with customer complaints.

Officers of the Food and Health & Safety Team carry out routine inspections of food premises and will also investigate complaints from businesses or members of the public in relation to new and existing premises. If facilities are found to be inadequate, Officers may serve legal Notices on the business to require additional facilities.

If it would be impractical to apply these standards to existing premises due to circumstances such as limited size of premises, situation or usage, an appeal for relaxation or exemption may be applied for in writing to the Public Health and Protection Services Manager, Chelmsford City Council who will consider the appeal.

2. Matters for consideration.

The number of public toilets that a food business requires is based on the number of seats provided for customers. For bars, pubs and clubs, there is a different calculation which takes different matters into account includes standing room. This guide may not be appropriate for assessing toilet provision for these types of businesses who should refer directly to the British Standard on sanitary provision.

For other There are a number of issues to be considered. These are:

2.1 Small Premises.

BS 6465 states "A minimum requirement in all but very small establishments is one wash basin and WC for each sex." There is no definition of a very small establishment and therefore it is proposed that this level be set at 24 covers (seats) or below and the standard of provision for small

establishments be 1 unisex WC and washbasin accessible to all customers including disabled persons.

Food premises that are predominately takeaway are allowed up to 10 seats without having to provide free to use sanitary appliances for their customers. The seating provided is incidental to the business and the arrangement need to be such that they do not encourage customers to stay on the premises for long periods. A staff toilet must still be available

2.2 Existing Businesses (before 1976 to 2004).

It is probable that there are premises within the district which were in existence prior to the Local Government (Miscellaneous Provisions) Act 1976. It is therefore proposed that where such premises have 25 or more covers (seats) and providing there is one wash basin and WC for each sex or two separate unisex WC's and washbasins then this should be deemed adequate. Any significant alterations to the premises or additions to seating provision since 2004, however should have to have regard to this guidance in considering additional toilet provision.

It is envisaged that there may be some exceptions to this in some premises where it is impossible to install additional facilities. It is to be noted that the purpose of this policy is to improve standards of sanitary facilities within the district not to penalise food businesses and therefore these exceptions will have to be considered on an individual basis. Requests for consideration of an exemption or relaxation of the application of this guidance must be made in writing to the Public Health and Protection Services Manager.

2.3 Refurbishment of existing premises.

If the food establishment undergoes extension or the toilet facilities are relocated then the premises should be brought up to the standard as specified in the Table 10 BS 6465: Part 1: 2006.

It is envisaged that there may be some exceptions to this in some premises where it is impossible to install additional facilities. These exceptions will have to be considered on an individual basis. Requests for consideration of an exemption or relaxation of the application of this guidance must be made in writing to the Public Health and Protection Services Manager.

2.4 Shopping Malls.

Where provision is made within shopping malls for customer toilets, it is acceptable for a restaurant or café to rely on these facilities, provided they are available throughout the opening hours of the café/restaurant, and do not involve an outdoor walk.

2.5 Public Conveniences.

Public conveniences are not considered to be an acceptable alternative to the provision of customer toilets as they do not form part of the establishment and would inconvenience customers especially in inclement weather and are not under the control of the food business operator.

2.6 Outdoor Seating.

Outdoor seating is to be included in the calculation of the number of customers.

2.7 New Premises.

It is proposed that all newly built food premises and new conversions to food establishments with 25 or more covers should comply with the standards laid down in Table 10. BS 6465: Part 1: 2006 Sanitary Installations (annex 1). Those establishments which are unable to comply with these standards should be deemed unsuitable.

NB. It should be noted that any recognised deficiencies in sanitary accommodation cannot be supported on planning grounds as reasons for rejecting applications. A situation may arise where planning permission is granted and a notice then served. It is proposed that the Planning Department be made aware of this and a standard phrase outlining our policy be included on any planning permission.

2.8 Staff Toilets.

All workplaces require staff toilets to comply with the Workplace (Health Safety and Welfare) Regulations 1992. In food premises it is vitally important that these facilities are maintained to a high standard, and so it should be recommended to food businesses that staff toilets not be shared with the public. In small establishments (up to 25 seats), where a high degree of control can be exercised and it would generally be acceptable for shared use to occur.

3. Lobbies

The basis for a general requirement to provide an intervening space (lobby) between a lavatory and a food room is "British Standard 6465-1:2006 Sanitary Installations". It states; "All toilets in food business premises should be separated by a lobby from food eating or preparation areas". Further, Regulation (EC) No. 852/2004 Annex II, Chap. I, Paragraph 3, states; "Lavatories are not to open directly into rooms in which food is handled".

3.1 Toilets entering rooms where open food is handled

A lobby is required where a toilet would, without a lobby, enter a room where open food is handled unless other factors in this section provide an acceptable reason not to enforce. These factors might be infrequent use of a toilet intended for disabled persons only, or a considerable distance between the toilet and the open food handling area. Note that many cafes and restaurants operate kitchens that are wholly or partially open to the customer area and this will make the composite space one food handling room (see 3.4 below).

3.2 Toilets entering rooms where only wrapped food is handled

A lobby is required where a toilet would, without a lobby, enter a room where wrapped food is handled unless other factors in this section provide an acceptable reason not to enforce. These factors might be infrequent use of a toilet intended for disabled persons only, or a considerable distance between the toilet and the food handling area. A lower risk exists where only wrapped foods are handled and this will proportionately affect the factors to be considered.

3.3 Toilets entering rooms that are seating areas

When a customer accepts food in the seating area of a café or restaurant food is being handled in the course of a food business to that point, after which it is the responsibility of the customer. Food law does therefore apply as the food is taken to the customer, albeit for a relatively short time. Additionally, BS6465 requires a lobby in these circumstances. The level of this risk will be assessed by Officers. If the risk is obvious, or if the seating area is also part of the area where food is prepared or displayed by staff, a lobby is required. Otherwise, the requirement for a lobby between the toilet and seating could reasonably be made as a recommendation only.

3.4 Toilets predominantly for use by disabled people only

Where a toilet cubicle is used infrequently because it is intended for the use of disabled persons only, the degree of food safety risk should be considered against the inconvenience caused to the disabled person trying to gain access to the toilet. Sometimes it may be acceptable not to enforce the requirement under food safety law for a lobby if the food safety risk is shown to be low. Where the use of an Equalities Act compliant toilet is shared and as a result that use is frequent, for example in a restaurant with up to 25 customers and only one toilet, the factors in support of such a relaxation are not likely to be adequate. Other factors such as those listed below will be relevant before finalising a decision.

3.5 Toilets entering large spaces where food is handled some distance away

A lobby is required where a toilet would, without a lobby, enter a room where open or wrapped food is handled unless there is an acceptable reason not to enforce such as the distance between the toilet and the food handling area. There will be other factors to take into account such as those considered in this section including whether the toilet is only intended for occasional use by disabled people. On the basis of distance alone, where a toilet with no lobby is located 20 metres from an area where open food is handled and there is no food in the intervening area, then it could be reasonable not to enforce. A lower risk exists where only wrapped foods are handled and it might be reasonable in those circumstances for a lesser distance to give sufficient reason not to enforce the requirement for a lobby.

3.6 Toilets with special ventilation measures within the room containing the WC or urinal

Ventilation within a room containing a WC or urinal is normally expected to achieve 3-6 air changes per hour. Ventilation rates in excess of this, to deliberately create negative pressure taking air away from a food room, may be a factor to take into consideration when deciding if a lobby is necessary. Of greatest importance is whether the door movement (the opening and the closing, in either direction) in these circumstances still causes a significant amount of air to move into the food room.

Version No	Creation Date	Changes Made	Changes Authorised by	Date of Change
2	July 2020	Revision of previous guidance to include exemption for takeaway premises with up to 10 seats and guidance on lobbies / intervening space	Jane Smith / Paul Brookes	18 th June 2013

Annexe 1.

Table 10. Restaurants, cafes, canteens and fast food outlets.

Appliances	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	-
Wash Basin	1 per WC plus 1 per 5 urinals or part thereof.	1 per WC
Bucket or Cleaner's sink	Adequate provision should be made for cleaning facilities including at least one cleaners sink.	

Where unisex toilets are provided, WCs should be in self-contained toilets with full height walls and doors. Provision should be in accordance with 5.3.3.

In the absence of more reliable information it should be assumed that the customers will be 50% male and 50% female.

In the case of works or office canteens, the scale of provision, as stated in table 10, may be reduced proportionally where there are readily accessible workplace facilities close to the canteen.

Establishments with up to 25 seats should provide as a minimum one wheelchair accessible unisex toilet which may be used by both staff & customers.

Sanitary facilities for staff in establishments with more than 25 seats should be in addition to an separate from sanitary facilities for customers & should be in accordance with clause 6.4

Note: Attention is drawn to the Workplace (Health, Safety and Welfare) Regulations 1992. See also table 4 and annex A.

Sanitary facilities for disabled people should be provided in accordance with clause 7

All toilets in food business premises should be separated by a lobby from food eating or preparation areas in accordance with 5.2.1.

The toilets for kitchen & serving staff should be conveniently situated in relation to the kitchen & the servery
A washbasin may need to be provided in the kitchen and in other food preparation areas

Note attention is drawn to the Food Safety and Hygiene (England) Regulations 2013

Attention is drawn to the need to provide facilities for the disposal of sanitary dressings.
For establishments with licensed bars see also table 11. (BS 6465: Part 1: 2006)