

Toilet provision in food premises

This is a guide for food business to use when setting up a new business, making alterations or dealing with customer complaints.

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 washing facilities for customer use.

Officers of the Food 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.

What the law and official guidance requires

Local Government (Miscellaneous Provisions) Act 1976

This Act enables Harrogate Borough Council to require owners of relevant businesses to provide adequate sanitary conveniences, including washing facilities for customers. A “relevant place” is defined as “A place used for the sale of food or drink to members of the public for consumption at that place”. The Act does not specify how many sanitary appliances are adequate; each case must be individually assessed.

Where officers are of the opinion that sanitary conveniences are not sufficient, they may serve a legal Notice to require additional facilities to be provided.

Workplace (Health, Safety and Welfare) Regulations 1992

Irrespective of whether customer toilets are required, under the above Regulations an employer must provide suitable and sufficient sanitary conveniences for employees whilst at work. One toilet and one wash hand basin must be provided for up to 5 staff in the workplace at any one time. It is preferable for staff toilets to be separate from customer toilets, but where they are shared, the number of toilets may need to be increased to ensure the staff can use them without undue delay.

British Standard 6465-1: 2006

This standard sets out the “minimum provision of sanitary appliances for restaurants and other places where seating is provided for eating and drinking”. It is used by Building Control officers where premises are being altered or are new build and require Building Regulation Approval.

Applying the British Standard may be disproportionate to the numbers of customers and an unreasonable burden for the business operator. They require a minimum of 4 toilets and 4 wash basins.

With the growth in “Café Culture” and serving of light lunches, the number of small “relevant” premises has increased. They may include coffee shops, hot food and sandwich shops and takeaways. These are often smaller units where there is limited space to incorporate toilets. For this reason, we have developed guidance specifically for these smaller businesses.

Recommended standard for the provision of toilets in small catering businesses

NB. This is only applied where premises are not required to go through the Building Control application process.

The flow chart attached explains the application of the standard.

Where appropriate, the standard allows for the staff facilities to be shared with customers providing that staff welfare and food hygiene requirements are not compromised.

Customer seats	Customer toilets	Staff toilets
1-20 customers and staff in total	1 unisex toilet (see note 5 below)	Shared with customers
21-49 customers	1 male and 1 female toilet	1 for 1-5 employees; 2 for 6-25 employees (on site at any one time)

Conditions applicable to the standard

This standard is to be used only where Building Regulation Standards are not enforceable.

1. The number of seats should include any that are outside the premises i.e. with street café licence.
2. Takeaway premises with no seating for customers to eat their food do not need to provide customer toilets.
3. Where premises are within a shopping centre, it is acceptable for customers to use facilities provided by the shopping centre only if they are accessible at all trading hours.
4. Where there is 1 unisex toilet, the design should take into account the needs of the disabled and the requirements of the Disability Discrimination Act, where it is reasonable to do so.
5. All toilets may be unisex providing they have full height walls and doors.
6. Premises with 50 or less seats should provide wash basins in equal numbers to toilets.
7. In exceptional circumstances only – where there are 10 or less seats, the premises can operate without a customer toilet. A staff toilet must still be available. This exemption should be at the discretion of the Food, Licensing and Occupational Safety Manager and should only be agreed where:-
 - there is insufficient space available to install a toilet in an area which customers can access;
 - installing a toilet would compromise food safety or health and safety laws;
 - business is mostly on a takeaway basis and seats provided are incidental to the business. Seating arrangements need to be such that they do not encourage customers to stay on the premises for long periods.

For further information on food safety please contact:

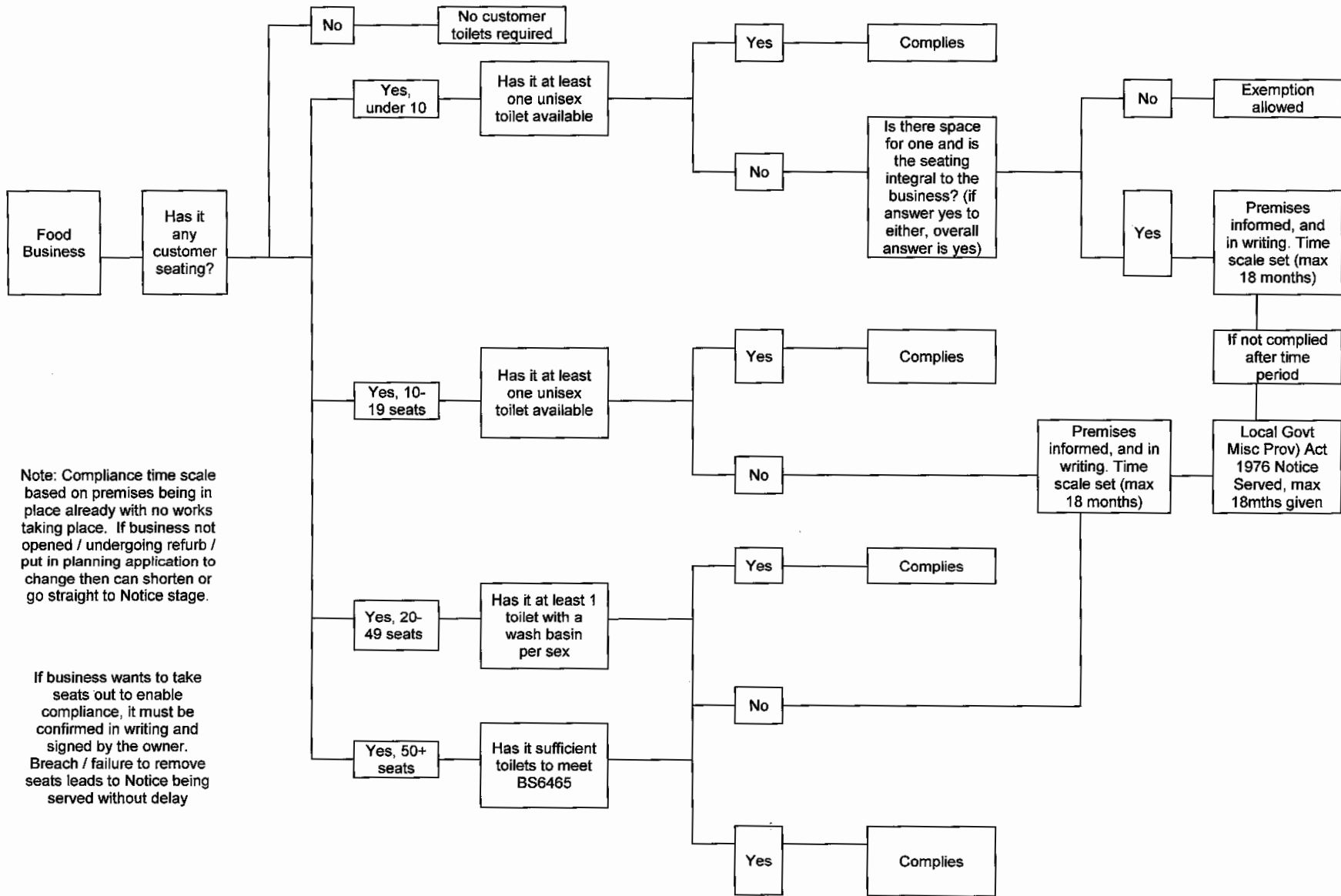
Safer Communities

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Customer Toilet Compliance Chart



Note: Compliance time scale based on premises being in place already with no works taking place. If business not opened / undergoing refurb / put in planning application to change then can shorten or go straight to Notice stage.

If business wants to take seats out to enable compliance, it must be confirmed in writing and signed by the owner. Breach / failure to remove seats leads to Notice being served without delay