



Llywodraeth Cymru
Welsh Government

The Provision of Toilets in Wales: Local Toilets Strategies

Statutory Guidance
June 2018

**Part 8 of the Public Health (Wales) Act 2017:
Provision of Toilets**

GUIDANCE ON PROVISION OF TOILETS IN WALES: LOCAL TOILETS STRATEGIES

Audience: Local authorities; community councils; premises owned, occupied or funded by public authorities which maintain toilet facilities; highways authorities; privately owned premises which maintain toilet facilities; and local and national bodies in Wales with an interest in the provision of toilets for public use.

Overview: This document provides guidance for local authorities on duties and powers introduced under Part 8 of the Public Health (Wales) Act 2017 which places a duty on local authorities (as defined in section 124 of the Public Health (Wales) Act 2017) to prepare and publish a local toilets strategy for its area.

Action

required: Local authorities must have regard to this statutory guidance.

Further

information: Enquires about this document should be directed to:

Health Protection Policy and Legislation Branch,
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Additional

copies: This document and further information can be accessed from the Welsh Government website at:
<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

Related

documents: Technical Guidance: National Map of Toilets Identified in Local Toilets Strategies
<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

Public Health (Wales) Act 2017
<http://www.legislation.gov.uk/anaw/2017/2/contents/enacted>

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MINISTERIAL FOREWORD

The Cabinet Secretary for Health and Social Services:

The Welsh Government's cross-cutting strategy, *Prosperity for All: the national strategy*¹ was published on 19 September 2017. Prosperity is not just about material wealth, it is about everyone having a good quality of life and living in strong, safe communities. This can only be delivered if all parts of the government and public sector combine their forces and work together, with a focus on the areas where a difference can be made.

Whilst the strategy establishes the government's priorities it is far more than a list of actions. It represents a new way of working, one that recognises the challenges faced today, the Wales we want for the future and the steps that need to be taken to make it a reality. At the heart of the strategy is a recognition that public services and voluntary sector partners want to work together towards common objectives, to focus on the needs of people, at all stages of their lives and in all parts of Wales.

To deliver *Prosperity for All*, the whole public service must therefore work more effectively and better direct their energy and resources. Local government is an important partner in delivering this agenda and every opportunity to remove barriers between different services and organisations must be taken. Achieving the ambitions for Wales will require a different relationship not just between the Welsh Government and local government, but also between organisations themselves. It is only through closer working, on a consistent regional basis, that the resilience and responsiveness of services can be maintained in the future. This is particularly important if we are to realise the full potential of the Wellbeing of Future Generations Act 2015 and focus public services.

Provision of, and access to, toilets is an issue that affects public health. Accessible, clean toilets that are well located in places such as town centres, parks, promenades, cycle trails and walking routes can help encourage people to take exercise and stay more physically active. This has clear health and economic benefits. Conversely, toilets that are poorly designed, inadequately maintained and inappropriately located can create an atmosphere of neglect that discourages use. A lack of adequate toilet facilities can impact on a person's physical and mental health, as well as affecting the wider environmental health of the population.

Toilets for public use matter to everybody and remain a high-profile issue. They are, however, even more important to certain groups within society, including older people, people with disabilities, people with particular needs (including certain medical problems), women, children and young people and their families. These groups can be disproportionately affected by poor provision, for example, poor provision is understood to have particular negative impacts on older people, as some may be less likely to leave their homes without having confidence that adequate facilities will be available to them.

¹ <https://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

This can contribute to increased social isolation and inactivity, as well as affecting people's ability to maintain independence and dignity in later life.

To deliver a strategic approach to the provision of toilets across Wales, the Public Health (Wales) Act 2017 requires local authorities to publish a local toilets strategy for its area.

Strategies will be built around the principles of co-production, with local authorities required to engage with a broad range of potential providers and users. Upon review of their strategies, local authorities are required to publish a statement of progress. A self policing approach will provide transparency to council members and the communities they represent, on the actions taken to progress the provision of toilets across Wales.

This guidance aims to support local authorities to lay a solid foundation for the provision of toilet facilities for public use in Wales, one that is sustainable, both in the short term and for future generations.

I would like to extend my thanks to everyone who assisted in the drafting of this guidance.

A NOTE ON TERMINOLOGY

In this guidance we use the following terms for different types of toilet facility:

Toilet(s): we use this to mean a toilet facility that the general public can use that may be in public or private ownership, within a variety of premises and which does not require the user to be a customer or make a purchase.

Traditional public toilet(s): by this we mean a purpose-built toilet facility in local authority ownership or control provided for use by the public. Some quotes in the text from legislation etc. use the term 'public toilet', and in these cases we have not included the word 'traditional'.

Gender neutral toilet(s): we use this expression in this document to mean a toilet that is not designated for exclusively male or female use, but can be used by anyone. This type of toilet may previously have been termed 'unisex'.

Changing Place(s): these are fully accessible toilets with a height adjustable changing bench, a hoisting system, a peninsular toilet, and enough space for a person with a disability, his/her wheelchair and two carers.

Standard accessible toilet(s): these are specially designed cubicles in separate-sex toilets or a self-contained gender neutral toilet. These may also be known as 'disabled toilets'.

INTRODUCTION

The Public Health (Wales) Act 2017 ('the Act') received Royal Assent on the 3 July 2017. The Act brings together a range of practical actions for improving and protecting health. Part 8 of the Act introduces provision of toilets and specifically local toilets strategies.

INTENDED EFFECT

The aim of Part 8 is to ensure each local authority (LA) in Wales assesses the needs of its community in relation to toilets, and then takes a strategic and transparent approach to best meet that need. This process will enable a broader consideration of options available for providing toilets for use by the public, ranging from traditional stand-alone public toilets through to toilets in private ownership. This is intended to help address the current challenges regarding the provision of public toilet facilities within communities, which have often relied upon traditional stand-alone facilities that have been in decline in recent years due to LA financial pressures.

The intended effect of Part 8 is not to prevent local authorities from taking decisions which they need to take during the course of their activities, which may include decisions to close a traditional public toilet or building when appropriate to do so. Instead, the intended effect is to improve the planning of provision so that any such decisions are taken within the overall context of meeting their communities' identified needs. A strategic approach will also help to mitigate any negative impacts of changes to provision.

REQUIREMENTS

To achieve this, the Act places a duty on each LA in Wales to prepare and publish a local toilets strategy for its area. The Act provides that a strategy must include an assessment of the community's need for toilets, including changing facilities for babies and changing places facilities for people with disabilities. The strategy must also provide details of how the LA proposes to meet the identified need. There is no requirement for the strategies to be presented to the Welsh Government for approval, as the strategies should be subject to LAs' existing scrutiny structures and public scrutiny.

The duty to prepare a strategy does not in itself require LAs to provide and maintain public toilets themselves, but they are required to take a strategic view across their area on how these facilities can be provided and accessed by their local population. In doing so it is envisaged that LAs will consider a full range of options for making facilities available to the public. By way of example, if a toilet is not available at a park but a LA identifies a need for one, then the LA should consider different ways of meeting that need. This could be by the LA directly providing the facility, or by the LA working with a private business within or near to the park to make their facilities freely available to the public.

The Act's provisions on local toilets strategies are ultimately intended to benefit all those living in and visiting Wales. Accordingly, the provisions seek to ensure that appropriate engagement with local communities takes place as part of the development of the strategies, and that the process takes place, as well as with visitors and commuters, in a manner which is both transparent and supports local accountability.

LAs are therefore required to consult with a wide range of interested parties on their draft strategies and to publish their final strategies so that they are available to all. In order to further support local accountability, the Act provides a clear framework to govern the timescales for the production of strategies. The Act requires, within six months of a strategy or strategy review, the preparation and publication of interim progress statements. These statements will review the period of two years since the publication of the strategy or two years since the last review of the strategy, and will report on the steps the LA has taken since the strategy's publication.

In order to provide LAs with the flexibility to respond to changing circumstances, LAs are able to review the strategies at any time. The Act also provides for a mandatory review period, which is intended to align with the cycle for LA elections and local plans provided for in other legislation, in order to both reduce unnecessary bureaucracy and ensure a coherent approach to planning at local level. The importance of ongoing engagement with local communities is upheld within these provisions, through a requirement for any revised strategy to be published.

In recognition of the importance of ensuring that the needs of different groups of people across their communities are considered through local toilet strategies, the Act explicitly provides that the term 'toilets' includes changing facilities for babies and changing places facilities for persons with disabilities.

For clarity, the Act also repeals and restates existing LA powers to provide public toilets.

PURPOSE OF GUIDANCE

There are numerous considerations relevant to LAs in preparing, reviewing, consulting and publishing their strategies and so the Act requires Welsh Ministers to issue guidance on this matter.

LAs are required to have regard to this guidance and to read it in conjunction with the Act.

This guidance is not intended to replace other good practice guidance on the provision of toilet facilities.

STATUS OF GUIDANCE

This is statutory guidance issued under section 113(7) of the Act. All LAs in Wales must have regard to the guidance pursuant to section 113(11).

THE DUTY ON LOCAL AUTHORITIES

This guidance should be read in conjunction with the Act.

Part 8 of the Act deals with strategies and places the following duties on a LA:

- to prepare and publish a strategy before the end of the period of one year beginning with 31 May 2018 (section 113(1));
- to include an assessment of need and steps to be taken to meet that need (section 113(2));
- to review the strategy which includes a requirement to publish a statement of what steps have been taken following the last published strategy and to revise and publish any revisions considered necessary (section 113(3), (5) and (7));
- to publish interim progress statements (section 114);
- to consult any person they consider to be interested in the provision of toilets in their area before publishing the strategy (section 115); and
- to provide those persons with a draft copy of the strategy (section 115(2)).

REVIEW AND REVISION OF THIS GUIDANCE

The Welsh Government will keep this guidance under review and will revise and update it as necessary and appropriate.

TIMETABLE

The Act provides specific timescales that must be followed in relation to the preparation and review of LA strategies. The statutory timetable must be followed, even if an LA decides, for operational reasons, to voluntarily publish a review or update the strategy document between key reporting points in the statutory timetable.

- The latest date for publication of the LA toilet strategy is **31 May 2019**.
- The LA must prepare an interim progress report setting out the steps taken in line with their strategy every two year period commencing from the date of the last published strategy. The interim progress report must be published within six months of the end date of the two year period.

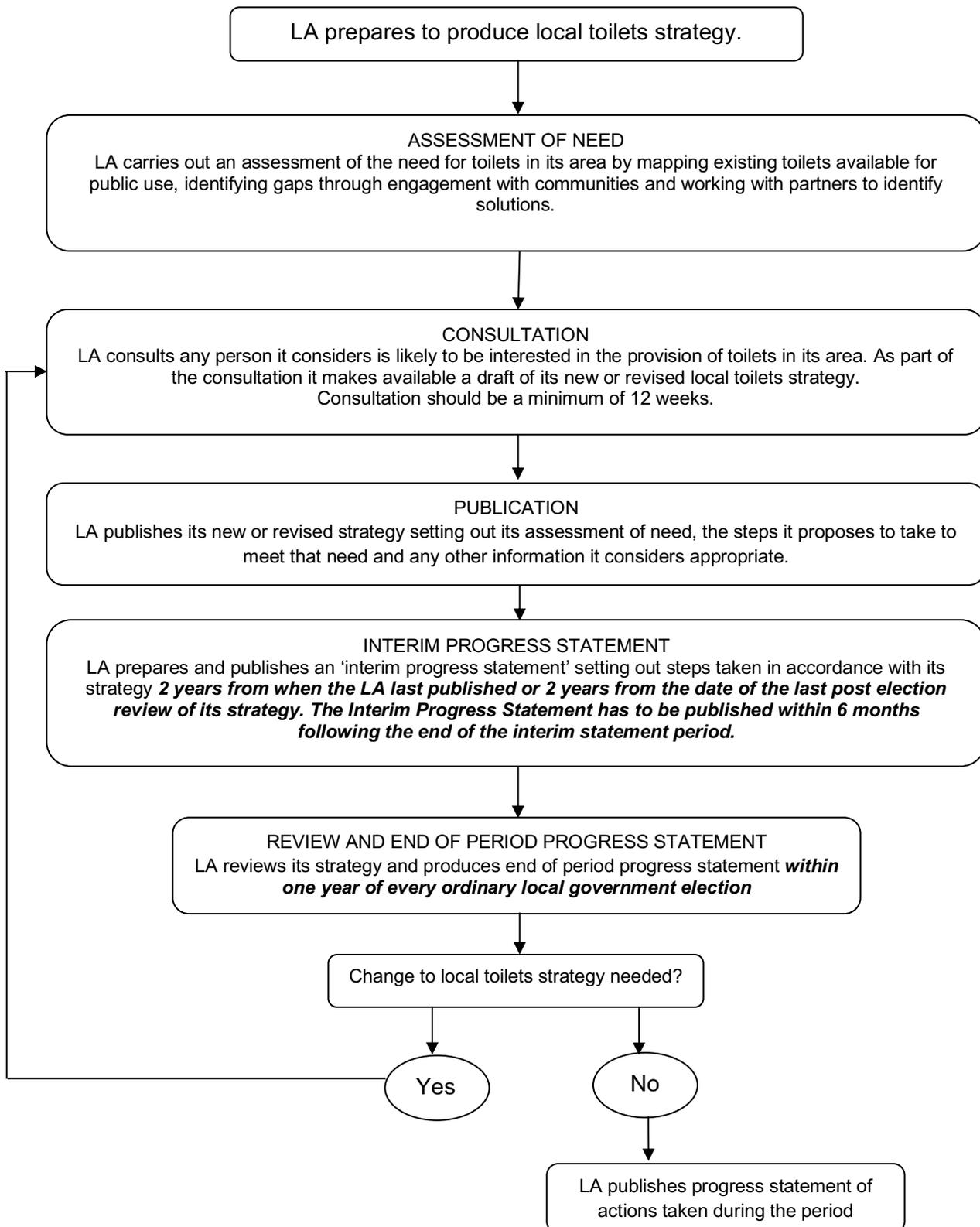
EXAMPLE: If a LA published its first toilet strategy on the 4 February 2019 then it will need to undertake a review of the strategy covering the period 4 February 2019 - 4 February 2021 (two year period from date of publication) and publish the interim progress statement before 4 August 2021 (six months from the last date of the period).

- A LA must also review the local toilet strategy within a year of each ordinary election for its area. The next election date in Wales is Thursday 5 May 2022 so the latest date for review is 4 May 2023. If no changes are made to the strategy following the post election review then the LA must publish an interim progress statement covering a two year period commencing from the date of the last election.

EXAMPLE: Following the 2022 election a LA completes review of the strategy on the 5 November 2022 and makes no changes to the strategy. The LA must prepare an interim progress report for the period of 22 November 2022 – 22 November 2024 (two years period from the date of the last review) and publish the statement before 22 May 2025 (six months after end of period)

- A LA may review its strategy at any time following which it must publish a statement of the steps which it has taken in accordance with the strategy. If following a review a LA decides to revise the strategy it must publish the revised strategy and then prepare an interim progress report covering the two year period commencing from the date of publication.

THE LOCAL TOILETS STRATEGY PROCESS



WAYS OF WORKING DIFFERENTLY

The Well-being of Future Generations (Wales) Act 2015 ('WFG Act') aims to improve the social, economic, environmental and cultural well-being of Wales. It makes those public bodies, such as LAs, Local Health Boards, Public Health Wales NHS Trust and the Welsh Government think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. It means these public bodies must do what they do in a sustainable way.

Public bodies need to make sure that when making their decisions they take into account the impact they could have on people living their lives in Wales in the future.

To make sure we are all working towards the same vision, the WFG Act puts in place seven well-being goals². Together they provide a shared vision for the public bodies listed in the WFG Act to work towards.

The WFG Act puts in place a 'sustainable development principle' which tells public bodies how to go about meeting their duty under that Act. The principle is made up of five ways of working that public bodies should follow when carrying out sustainable development. These are:

- looking to the **long term** so we do not compromise the ability of future generations to meet their own needs;
- taking an **integrated** approach;
- working with others in a **collaborative** way to find shared sustainable solutions;
- **involving** a diversity of the population in the decisions affecting them; and
- acting to **prevent** problems from occurring or getting worse.

Following these five ways of working will help us work together better, avoid repeating past mistakes and tackle some of the long-term challenges we are facing.

Local Authorities in Wales must apply the five ways of working when preparing, reviewing, consulting on and publishing their strategies.

² A prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language, a globally responsible Wales.

DOS AND DON'TS

LAs in Wales **should** undertake the development of their strategies by:

- keeping in mind provision of appropriate toilet facilities to address the current and future needs of the whole of the population, looking out in particular for areas where the existing toilet provision might be at risk of being lost or reduced at some point in the future, acting pre-emptively to prevent this occurring and actively looking for opportunities to increase provision;
- taking every opportunity to talk to the public and representative groups about the challenges they face in accessing local toilet facilities, listening to their concerns and seeking their views and involvement in identifying, and delivering potential solutions;
- working actively with internal and external delivery partners including public and private sector partners in order to benefit the delivery of desired outcomes;
- pursuing long-term, enduring solutions to any gaps in toilet provision; and
- seeking to manage toilet provision at the same time as achieving other, related outcomes;

LAs in Wales **should not** undertake the development of their strategies **by**:

- seeking only short-term solutions to gaps in toilet provision (other than for temporary events);
- seeking to manage provision of toilet facilities separately from the pursuit of other, related outcomes such as better infrastructure planning, active travel routes, safer roads, healthier lifestyles and more resilient communities;
- deciding what's best, and informing the public only after it's all been settled;
- trying to do it all on their own; or
- waiting for the loss or breakdown of provision before starting to do something about it.

1. PREVENTION

WFG: acting to **prevent** problems from occurring or getting worse

Access to public toilets:

- **80 % of respondents do not find it easy to find a public toilet**
- **78 % of respondents found that their local public toilets are not open when they need them**

Age UK – Nowhere To Go 2006³

1.1 Undertaking the full process for strategies set out in this guidance is intended as a prevention scheme to address the challenges facing LAs in providing traditional public toilets. A strategy needs to be more than a piece of paper. It needs to set out the issues and identify creative solutions to improve the provision of toilets for public use. Strategies need to be scrutinised, reviewed and updated to ensure they are making a difference.

1.2 The key prevention aims of a local toilets strategy are to:

- identify key toilet facilities in a location;
- identify facilities at risk of being lost to a location, and ways to preserve their use;
- identify alternative provisions if facilities must close;
- identify additional facilities that can be brought into wider use to supplement existing facilities or as a replacement for those that have been lost; and
- identify opportunities for creating new facilities to modern, inclusive specifications.

Your long-term goal for strategies should be twofold – to achieve an increase in public access to toilets, both in specific hotspots and more widely outside of main centres of population, so as to achieve the greatest public health benefit across Wales.

RATIONALE FOR CHANGE

1.3 The necessity for LA strategies has come about because the current system governing provision and access to toilets for has not met the public's need. There are a number of factors that have contributed to this:

³ [http://www.ageuk.org.uk/documents/en-gb/for-professionals/research/nowhere%20to%20go%20public%20toilet%20provision%20\(2007\)_pro.pdf?dtrk=true](http://www.ageuk.org.uk/documents/en-gb/for-professionals/research/nowhere%20to%20go%20public%20toilet%20provision%20(2007)_pro.pdf?dtrk=true)

- the provision and maintenance of traditional public toilets in Wales is at the discretion of LAs with no national guidance or co-ordination, meaning provision in Wales varies considerably from one LA area to another⁴;
- the provision and maintenance of traditional public toilets in Wales is a considerable cost to LAs and is not always sustainable, as a consequence, provision is declining and toilets are under threat of closure across Wales;
- access to information at street level on toilets available for public use is poor across Wales and opportunities to provide information online are not being maximised;
- best use is not being made of toilets within private buildings (for example by way of public facilities grants) and public buildings, for example those in public libraries, community and town halls, sports centres and museums;
- poor planning around opening hours and signposting is limiting access and use;
- many traditional public toilets are old and often poorly designed, inadequately maintained and poorly located, which can create an atmosphere which attracts vandalism, criminal damage and anti-social behaviour; and
- community toilet schemes have declined despite the funding from the former Public Facilities Grant Scheme having been transferred to LAs via the Revenue Support Grant.

DRAFTING THE STRATEGY

When drafting the strategy, LAs are required to include (as set out in section 113 of the Act):

- ***a completed assessment of need for toilets available for use by the public in their area;***
- ***a statement setting out the steps which the LA proposes to take to meet this need; and***
- ***any other information which the LA consider appropriate.***

1.4 These three components should be included by a LA when publishing their strategy. The assessment of need, when completed, will form a key part of a LA strategy.

1.5 The strategy should include the findings of the assessment of need activities that have taken place. This includes:

- the considerations given to the requirements of the general population;

⁴ legal provisions are set out in Annex A of this guidance.

- the needs identified for particular user groups;
- the condition and usage of existing facilities;
- the considerations given to identifying facilities not currently in general public use; and
- the identification of any gaps in current provision.

PROPOSALS FOR EXISTING FACILITIES

- 1.6 This includes those facilities in LA ownership, previously identified under community toilet schemes, and those facilities that have previously been subject to asset transfers. LAs should explain the opportunities they have identified as part of the assessment of need process, to meet the demand for toilet provision within their area and should set out any need they have identified for the upgrading, refurbishment or closure of existing facilities.

PROPOSALS FOR ADDITIONAL FACILITIES

- 1.7 Where a gap in provision has been identified, LAs should explain the gap and set out proposals for addressing it. This could include, for example, the creation of facilities at new locations, additional facilities within high usage areas, or specialised facilities for particular user groups. LAs should also explain what future opportunities they may have identified to include provision for toilets for public use within planning proposals and leasing arrangements.
- 1.8 Any proposals should be informed by the findings of the assessment process.
- 1.9 A sum of £9,000 per LA was transferred to LAs by the Welsh Government into the Revenue Support Grant with the intention that they would continue to run community toilet schemes that were previously grant funded under the Community Facilities Scheme.
- 1.10 To facilitate transparency for the public and elected members, it is considered good practice that funding allocated to any proposals should be clearly set out within the strategy.

A NOTE ON TYPES OF FACILITY AVAILABLE IN AN AREA

- 1.11 When seeking out and engaging participation from owners of different types of premises, LAs should endeavour to secure a mix of toilet types and accessibility within the same area wherever possible, to allow for the equality of access to toilets if all types cannot be provided in one premise. It is acknowledged, however, that this may not always be possible, depending on what premises are in an area and fully accessible toilets and baby changing facilities particularly are not always readily available. A toilet with limited access or facilities is better than no toilet at all if there is no other option. The LA should then identify gaps in provision in their local toilet strategy that can be

addressed over time. Existing toilets should not be closed or taken out of existing toilet schemes because they cannot provide a full range of facilities.

REQUIREMENTS OF THE EQUALITY ACT 2010

1.12 The Equality Act 2010 requires public bodies when providing services or facilities to make reasonable adjustments to allow a person with a disability to overcome any disadvantage of access. In the case of access to toilets, this may involve providing an auxiliary aid (such as information on opening times or charges in large print or Braille), or making adjustments to the physical features of a building (for example by providing a ramp at the entrance to a building where steps exist, wider doorways and larger cubicles for access by wheelchair users). The Equality Act requires service providers to do what is “reasonable” in all the circumstances, which could depend on a range of issues:

- how practicable the changes are;
- if the change would overcome the disadvantage people with disabilities experience;
- the size of the organisation;
- how much money and resources are available;
- the cost of making the changes; and
- if any changes have already been made.

1.13 It may not be possible to make physical changes such as those outlined above to older buildings, in which case it would be unreasonable to close them to all the population because they could not be adapted. In these circumstances, consideration could be given to providing an accessible alternative close by.

1.14 If LAs are in any doubt about the application of the requirements of the Equality Act to any of their proposals, they should consult their own legal departments for advice.

1.15 It should also be remembered that certain premises may effectively be off limits for some members of the community, for example, toilets in premises that have an age restriction would exclude children and young people.

CONSULTATION

LAs are required to undertake a consultation on their proposed strategy, with any person that it considers is likely to be interested in the provision of toilets available for public use in its area before it publishes its strategy - section 115(1)(a) of the Act.

- 1.16 LAs must consult any person they consider likely to be interested in the provision of toilets in its area when it reviews its strategy.
- 1.17 LAs must make available the draft strategy which it proposes to publish to each person it proposes to consult.
- 1.18 LAs should refer to the Involvement section of this guidance for ways in which to consult on their proposed strategy.
- 1.19 LAs are encouraged to issue their proposed strategies for a 12 week public consultation to allow sufficient time for information to be disseminated in the community and respondents to discuss and formulate their responses.

SCRUTINY

- 1.20 Before the strategy is considered finalised for publication and to ensure that it is adopted, LAs should arrange for the proposed strategy to be scrutinised and adopted according to their internal processes. LAs should include in their strategies information for the public on how the strategy will be scrutinised in future and progress measured.

INTERIM PROGRESS STATEMENTS

- 1.21 A LA must publish an interim progress statement, which provides an update on the actions being taken since the publication of their strategy. The interim progress statement must cover:
 - the time period that the progress statement is covering;
 - a reiteration of the action points in the strategy that is being reported upon;
 - an update on the progress which the LA has taken in addressing the actions identified in their strategy, to include actions completed; actions in progress and actions yet to be progressed;
 - an explanation of any outstanding or ongoing actions;
 - a review of the timescale within which the LA intends to meet any outstanding actions;
 - any issues identified that need in-depth consideration at the next formal review point;
 - a statement of the next date the strategy will be formally reviewed; and
 - any other information which the LA consider appropriate.
- 1.22 The interim progress statement must cover a two year period beginning on the last published strategy date (“the statement period”), and must be published within six months from the last day of the two year period.
- 1.23 A LA must also review the local toilet strategy within a year of each ordinary election for its area. If no changes are made to the strategy following the post election review then the LA must prepare an interim progress statement

covering a two year period commencing from the date of the last election and publish this within six months of the end of the statement period.

REVIEW PROCESS

- 1.24 It is important that LAs provide a mechanism by which feedback from the public on the strategy and on toilet facilities can be encouraged, monitored and collated. Complaints and compliments received can be utilised to monitor the effectiveness of the strategy and to inform the review process. The feedback received should be summarised within the review document, and any commentary by the LA noted.
- 1.25 When a LA reviews its strategy and considers that a change is needed it should revise and consult on proposed changes before publishing an updated version. The statutory review and updating process set out in the Act intends to ensure that strategies are regularly revisited to ensure they always meet the need of their local population, but it is not envisaged that they will be completely rewritten each time. Page 11 sets out the process for LAs to develop and review their LA strategies.

REVIEW PROCESS:

Following publication of a strategy, the LA may review the content at any time, but it must review the content after each ordinary local government election. This review must be published no later than one year from the date of the election.

INTERIM PROGRESS STATEMENTS:

An LA must prepare an interim progress statement covering the two year period from the date of the last published strategy or from the date of the last post election review. The progress statement must be published within six months of the end of the two year period under review.

2. LONG-TERM THINKING

WFG: looking to the **long term** so we do not compromise the ability of future generations to meet their own needs

Strategies drawn up to pursue compliance with Part 8 of the Act should look for permanent, long-term solutions wherever possible, not just for quick fixes resulting in provision for the short term. When prioritising measures, long-term demand forecasting is just as important as understanding the current level of public usage.

2.1 In all aspects of long term planning, careful consideration should be given to Future Trends reporting⁵ and population projections⁶.

STRATEGIC THINKING

2.2 LAs need to take a strategic/longer-term view about:

- funding the provision of toilets, including exploring the possibilities of advertising and sponsorship from private companies, charging for use and grant schemes to encourage appropriately located private businesses to make their toilets available for public use;
- planning the provision of toilets, including securing provision of toilets through the planning process – particularly new developments;
- working with adjoining LAs on the provision of toilets, looking at a wider geographical area including travel routes and sites of significance;
- working with community and town councils and local communities around the maintenance and provision of traditional public toilets, including community asset transfers; and
- the design and location of toilets, including considering existing provision within public buildings across Wales and how best these could be made more accessible to the public.

WIDER BENEFITS

2.3 The lack of toilets use in places where people may otherwise take exercise, such as parks and promenades, can contribute to physical inactivity. Physical activity is essential for the health of all members of society but particularly for older people as it can help to maintain independence.

⁵<http://gov.wales/statistics-and-research/future-trends>

⁶<https://stats.wales.gov.wales/Catalogue/Population-and-Migration/Population/Projections/Local-Authority>

- 2.4 In addition, the absence of toilets can exclude people who need regular access to toilet facilities from economic activities, such as shopping, which they would otherwise be undertaking, preventing them from engaging in the local economy. This can increase social isolation and lead to loneliness (especially amongst older people or people with disabilities). Poor provision can also impact on tourism, the economy and use of public amenities.

POPULATION NEED

96% of respondents to a survey conducted by Crohn's and Colitis UK stated that each local authority in Wales should have a duty to create and publish a local toilets strategy. Of these:

- **40% said they supported this due to their need for urgent and frequent access to toilets;**
- **38% cited the significant health benefits and peace of mind that would come from better access to toilets;**
- **16% felt it was necessary due to the increasing incidence of local traditional public toilets being closed.⁷**

- 2.5 In Wales we have a higher percentage of older people than anywhere in the UK. Conditions such as incontinence, urgency and prostate problems tend to be more common as we get older which can lead to a need for more regular access to toilet facilities. Older people rely on toilets and many older people feel unable to take advantage of local amenities without having confidence that toilets are available. The Older People's Commissioner for Wales has highlighted the need for access to toilets by older people, and the impact a lack of provision can have on their health⁸.

- 2.6 There are over eleven million people with a limiting long term illness, impairment or disability in Great Britain⁹ and the prevalence of disability rises with age.

- 2.7 Standard accessible toilets meet the needs of some people with disabilities but not all. The Changing Places Consortium¹⁰ campaigns on behalf of those people who cannot use standard accessible toilets. This includes people with profound or multiple disabilities and their carers, as well as many other people with disabilities and people with long term serious health conditions. They need Changing Places toilets which are publically accessible with enough space and appropriate equipment, including a height adjustable adult changing bench and a hoist. Changing Places are currently not mandated in planning requirements,

⁷ <http://www.senedd.assembly.wales/documents/s57528/PHB%2038%20Crohns%20and%20Colitis%20UK.pdf>

⁸ [http://www.olderpeoplewales.com/en/news/news/14-03-](http://www.olderpeoplewales.com/en/news/news/14-03-31/Commissioner_strongly_welcomes_proposals_to_improve_access_to_public_toilets_in_Wales.aspx)

[31/Commissioner_strongly_welcomes_proposals_to_improve_access_to_public_toilets_in_Wales.aspx](http://www.olderpeoplewales.com/en/news/news/14-03-31/Commissioner_strongly_welcomes_proposals_to_improve_access_to_public_toilets_in_Wales.aspx)

⁹ <https://www.gov.uk/government/publications/disability-facts-and-figures/disability-facts-and-figures#fn:1>

¹⁰ <http://www.changing-places.org/>

but provision of these specialised facilities must not be overlooked, as the definition of a toilet in the Act includes ‘changing places for disabled persons’.

- 2.8 Many of the units surveyed each year by the British Toilet Association fall well below the current Equality Act 2010 standards. Ostomy users, persons with restricted mobility issues and wheelchair users often struggle with incorrect fittings in accessible toilets and the lack of specified provision.
- 2.9 Children, young people and families need access to suitable facilities, including baby changing facilities. Traditionally, these may have been provided only in women’s toilets, which would present a problem for men who care for children.
- 2.10 Gender is also an issue in terms of toilet provision; despite women making up more than half of the UK population, and with a higher proportion of older people being women, there is more provision for men, primarily because of the smaller space that urinals take up. Historically, the ideal ratio of 1 male facility to 2 female facilities has not been delivered, which results in insufficient provision for women. In addition, during the consultation for the Welsh Government Action Plan to Advance Equality for Transgender People, consultees identified that the issue of toilet provision is of concern to the Transgender community.¹¹
- 2.11 The expansion of the night-time economy, and changes in working patterns, has led to a requirement for toilets to be available on a 24 hour basis every day. The needs of transport workers, delivery workers, emergency service representatives and others who work outdoors or travel from place to place or at irregular times are also often overlooked in the provision of toilets.
- 2.12 Whilst certain groups may have specific needs, access to toilets is a cross cutting issue as all groups in society rely on adequate toilet provision to go about their daily lives.
- 2.13 LAs must be careful to strike a balance between all the requirements of their communities, to ensure that by addressing the needs of one group, an unintended detrimental consequence is not created for other groups.

LAs should consider their populations need in detail in order to allow their local toilets strategies to best meet the need for accessible toilets in their area.

¹¹ <http://gov.wales/docs/dsjlg/publications/equality/160314-transgender-action-plan-en.pdf>

3. POLICY INTEGRATION

WFG: taking an *integrated* approach

“Toilet provision needs to be mainstreamed into strategic urban policy, transportation policy and urban design considerations”.

Dr Clara Greed, Code of Practice for Toilets, 2015

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- 3.1 **Prosperity for All, the National Strategy**¹³, sets out how the Welsh Government will deliver for Wales during the current Fifth Assembly term, and sets out long-term foundations for the future. This strategy makes a number of key commitments, (including those relating to health and well-being), places those commitments in a long-term context, and sets out how they fit with the work of the wider Welsh public service to lay the foundations for achieving prosperity for all. It acknowledges that *how* we deliver is just as important as *what* we deliver, and in order to make a real difference to people’s lives, we need to do things differently and involve people in shaping the services they use every day.
- 3.2 Decisions about toilet provision should form part of each LA’s strategic planning, taking into account varying needs at regional, district and local level. **Development plans** should ensure consideration is given to opportunities for the long-term provision of public facilities within proposed developments and the demand for toilets available for public use associated with them. They should also ensure consideration is given to the long-term benefits that toilet provision may have on people using and visiting proposed developments.
- 3.3 City centres, transport hubs, recreation and tourist hot spots will often be priority areas for toilets. Consideration should also be given to requirements for toilets in areas identified as Business Improvement Districts¹⁴.
- 3.4 LAs must follow the requirements of the **Welsh Language Measure 2011** and related regulations, their Welsh Language policies and their compliance notices, ensuring that the Welsh language is treated no less favourably than the English language when pursuing the engagement, communication, publicity and dissemination activities set out in this guidance. If LAs are in any doubt as to whether any aspect of the Measure and Regulations apply to any proposed activity, they must seek advice from their legal department and consult the guidances issued by the Welsh Language Commissioner’s Office¹⁵.
- 3.5 There are a range of Welsh Government policies that require strategies and plans at a local level. The challenge is to build on and add value to these rather

¹² www.researchgate.net/publication/228916130_A_Code_of_Practice_for_Public_Toilets_in_Britain

¹³ <http://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

¹⁴ <http://gov.wales/topics/housing-and-regeneration/grants-and-funding/business-improvement-districts/?lang=en>

¹⁵ <http://www.comisiynyddygydraeg.cymru/English/Organisations/Pages/InformationForOrganisations.aspx>

than to undermine or duplicate them. In some cases, explicit cross references will be appropriate. The local toilets strategies should acknowledge this.

3.6 Key policies are as follows:

- Health and Equality Impact Assessments;
- Local Wellbeing Plans;
- Population Needs Assessments;
- Local Development Plans;
- Local Transport Plans;
- Active Travel routes and maps; and
- Partnership for Growth.

3.7 **Health Impact Assessments (HIA)** offer a systematic yet flexible means of taking health into account as part of decision-making and planning processes. When developing a strategy, LAs should use the HIA process as an integral part of the needs assessment process to promote broad consideration of how a range of factors associated with a proposed action or decision in relation to local toilet provision will impact on population health at a local level. The assessment will provide a view to maximising positive impacts and help to eliminate or mitigate negative effects. Further information, screening tools and resources on HIA are available on the Wales Health Impact Assessment Support Unit's (WHIASU) website¹⁶.

3.8 Updated guidance will also be available to reflect new regulations about the use of HIA by public bodies in Wales, which will be made under the Act.

¹⁶ <http://www.wales.nhs.uk/sites3/home.cfm?orgid=522>

Case Study

In response to Welsh Government's proposals that LAs should prepare local toilet strategies, the Isle of Anglesey County Council undertook a prospective Comprehensive Health Impact Assessment (HIA). The intention was to trial this by examining the specific circumstances found on Anglesey using the WHIASU Practical Guide (2012) (www.whiasu.wales.nhs.uk).

The HIA considered the views of various Public Health experts and stakeholders through both direct communication and a half-day rapid HIA participatory workshop (which engaged older people, parents with young children, tourists, the provider service and community representatives). This resulted in a number of negative and positive health effects being identified and various issues scoped-in for further assessment, including:

- vulnerable Groups such as older people, individuals on low incomes, homeless people, people with certain medical conditions and tourists;
- lifestyles impacts such as dehydration in individuals, (particularly amongst older people and drivers) who reduce fluid intake in order to avoid toilet stops;
- social and community issues such as isolation and loneliness amongst older people including those with disabilities, who are reluctant to go out because of a lack of public toilets to meet their needs;
- environmental issues such as street fouling, particularly along A55(T);
- economic issues such as impacts on tourists and peripatetic workers; and
- impacts on services such as reduction in amenities, alternative provision by private businesses and use of IT.

These issues were refined by further discussions with three separate focus groups: postal workers, haulage and a coach/bus company (all of which employed a peripatetic workforce), as well as telephone interviews with organisations responsible for maintaining the A55(T) and another that works on behalf of homeless people. The outcome of these assessments, when considered in terms of the community profile and literary evidence, resulted in a number of recommendations.

The HIA identified that there may be unintended consequences when a LA closes public toilets. These can range from impacts on the tourism economy (e.g. retaining Seaside Awards) to the provision of services for the homeless. HIA enables a LA to ensure that decisions on public toilet closures are not taken in isolation and when closures are approved, suggests methods of mitigating or even negating the impacts.

3.9 Equality Impact Assessments (EqIAs) enable an organisation to consider the effects of its decisions, policies or services on different communities, individuals or groups, particularly in relation to those most vulnerable in society.

3.10 EqIAs provide a systematic way of ensuring that legal obligations are met and are a practical means of examining new and existing policies and practices to determine what impact they may have on equality for those affected by the outcomes.

3.11 EqlAs involve:

- anticipating or identifying the consequences of this work on individuals or groups of service users/employees;
- making sure that any negative impact is eliminated or minimised, and
- maximising opportunities for promoting positive impact.

3.12 A Toolkit¹⁷ has been developed to help organisations consider the effects that decisions, policies or services have on people with a protected characteristic. Assessing impact across a broad range of characteristics (not just those required by law), helps organisations to embed equality and human rights and assist them in the delivery of their services. It is therefore suggested that an assessment is made at the start of the assessment of need process.

3.13 **Local Well-being Plans (LWP):** Each Public Services Board (PSB) must assess the state of economic, social, environmental and cultural well-being in their areas. The assessment must consider the state of well-being of the people in the area as well as the communities which comprise the area.

3.14 Welsh Government guidance¹⁸ on the preparation of an assessment of local well-being and a LWP states:

Relevant Welsh Government policy frameworks such as the revised Child Poverty Strategy¹⁹ and the Tackling Poverty Action Plan²⁰ can help Boards assess the needs of children in poverty. Similarly, the Welsh Language Strategy²¹ may help boards assess the needs of Welsh-speakers and Welsh-speaking communities, and wellbeing indicators for older people²² can assist the boards in identifying the needs of older people in the community.

3.15 The assessment of the well-being of people in each area may be useful in preparing the assessment of need for the provision of toilets. The LA assessments of the community's need for toilets could then itself prove useful in the preparation of future assessments of local well-being.

3.16 PSBs are then required to prepare and publish a LWP, informed by their assessment of local well-being. The LWPs will set out how the PSB intends to work together to improve the economic, social, environmental and cultural well-being of its area by setting local objectives which will maximise the contribution made by the board to achieving the well-being goals.

3.17 **Population Needs Assessments:** Population Needs Assessments are required under the Social Services and Well-being (Wales) Act 2014. LAs and Local Health Boards must jointly carry out an assessment of the population to

¹⁷ <http://www.equalityhumanrights.wales.nhs.uk/equality-impact-assessment-toolkit>

¹⁸ <http://gov.wales/docs/desh/publications/161111-spsf-3-collective-role-en.pdf>

¹⁹ <http://gov.wales/topics/people-and-communities/people/children-and-young-people/child-poverty/?lang=en>

²⁰ <http://gov.wales/topics/people-and-communities/tackling-poverty/taking-forward-tackling-poverty-action-plan/?lang=en>

²¹ <http://gov.wales/docs/dcells/publications/122902wls201217en.pdf>

²² <http://www.olderpeoplewales.com/en/news/news/15-03->

[19/Wellbeing Indicators for Older People.aspx#.VYqVr9JFDcs](http://www.olderpeoplewales.com/en/news/news/15-03-19/Wellbeing_Indicators_for_Older_People.aspx#.VYqVr9JFDcs) – Published by the Older People's Commissioner for Wales. This is an advisory document that PSBs may find useful.

find out the care and support needs in an area. The assessments must also set out the range and level of services required to meet those needs²³. The information in these assessments may be useful in preparing the assessment of need for the provision of toilets.

- 3.18 **Local Development Plan (LDP):** Informed by the **Wales Spatial Plan**²⁴, every local planning authority in Wales must prepare a LDP for its area. The LDP is the development plan for each county or county borough council and each National Park, superseding the Unitary Development Plan or any other existing development plan. LDPs provide the proposals and policies to control development of the local area for the next 15 years. Planning Policy Wales stresses the presumption in favour of sustainable development. LDPs should be based on prudent use of resources, a clear understanding of the economic, social and environmental needs of the area and any constraints on meeting those needs. The process of developing the LDP may well provide insight, evidence and solutions that can be used by LAs in the development of their strategies.
- 3.19 **Place Plans:** The Planning (Wales) Act 2015 enables Local Planning Authorities in Wales to work with communities to create Place Plans²⁵. These are planning documents prepared and led by communities to assist residents to shape the finer detail on developments within their local area. Place Plans will need to be in conformity with the LA's Local Development Plan, and will become a non-statutory document to be adopted by the Council as Supplementary Planning Guidance.
- 3.20 **Local Transport Plan:** The Transport Act 2000, as amended by the Transport (Wales) Act 2006, introduced a statutory requirement for local transport authorities to produce a Local Transport Plan every five years and to keep it under review. The most recent plans describe the key transport issues relevant to the LA and set out specific priorities for the LA to deliver in the five year period 2015 to 2020, and medium and longer term aspirations up to 2030. The LA strategies should take the key transport issues identified and priorities for delivery into consideration.
- 3.21 Information on current and future transport trends is regularly updated and provided by Welsh Government Statistics and Research, available at:
- <http://wales.gov.uk/statistics-and-research/?topic=Transport&lang=en>.
- 3.22 LAs should also have regard to section 114 of the Highways Act 1980, which gives LAs the power to provide public conveniences for users of their roads in proper and convenient situations on or under land adjoining, or in the vicinity of, the highway or proposed highway²⁶.

²³ <http://gov.wales/topics/health/socialcare/act/population/?lang=en>

²⁴ <http://gov.wales/topics/planning/development-plans/wales-spatial-plan/?lang=en>

²⁵ <http://www.planningaidwales.org.uk/place-plans-from-concept-to-reality/> - sponsored by WG Planning

²⁶ <http://www.legislation.gov.uk/ukpga/1980/66/section/114>

3.23 **The Active Travel (Wales) Act 2013 (2013 Act):** The 2013 Act is considered to be a world first - and makes it a legal requirement for LAs in Wales to map and plan for suitable routes for active travel, and to build and improve their infrastructure for walking and cycling every year. It creates new duties for highways authorities to consider the needs of walkers and cyclists and make better provision for them. It requires both the Welsh Government and LAs to promote walking and cycling as a mode of transport. Section 2(8) of the 2013 Act defines a range of features as related facilities for the purposes of the Act, including public toilets. Section 8 of the statutory Design Guidance provides more detail and includes guidance on toilets at 8.4.²⁷ This guidance provides:

'The Act requires two maps to be produced, the existing routes map and the integrated network map. The existing routes maps will show the routes within the designated areas that are suitable and appropriate for making active travel journeys. These routes could be on road, shared, segregated, or traffic-free. They can be for walkers or cyclists, or both. They will also show crossing points and the facilities that exist to support active travel on these routes, including cycle shelters/parking/storage and public toilets.

Any facilities shown on the existing routes map must be publicly available, but they do not necessarily have to be "free" to use (e.g. coin operated toilets). Facilities only available to selected groups, such as toilet facilities in a members-only gym, should not be included.'

3.24 The statutory guidance is available on the Welsh Government website²⁸.

3.25 The work already undertaken by LAs in relation to the 2013 Act will be valuable in supporting the development of the LA strategies.

3.26 **Partnership for Growth** is the Welsh Government strategy for tourism up to 2020. One of the key focuses of this document is 'place building' as it recognises that successful tourism destinations are those that provide a high quality environment for the visitor. It also recognises that facilities provided for visitors can also be used by the communities in which they are located and can help to generate local income and jobs. **Partnership for Growth** states:

'It will be important to improve the visitor appeal of tourism destinations throughout Wales. Destination Management is a simple concept which involves a partnership approach to managing places. Tourism infrastructure such as way-marking, signposting, car parking, beach management, toilets, tourist information and litter collection are often only noticed when they are sub-standard but they can often be the difference between a satisfied and an alienated visitor.'

3.27 LAs may wish to note that information on tourist experience (day visitors, UK visitors and overseas visitors) is regularly updated and provided by Welsh Government Statistics and Research.²⁹

²⁷ <https://beta.gov.wales/active-travel-design-guidance>

²⁸ <https://beta.gov.wales/active-travel-statutory-guidance-local-authorities>

²⁹ available at: <http://gov.wales/statistics-and-research/?topic=Tourism&lang=en>

3.28 An extract from the Welsh Government Day Visitors Survey 2016 demonstrates how important the availability of public toilets is to this area:

'While Wales scores very highly overall among day visitors as a place to visit, the study does highlight some areas where the experience could be enhanced and differences in opinion across visitors to different areas of the country. The quality and availability of public transport, the cleanliness and availability of public toilets, shopping and Wales' accessibility for people with a disability all scored lower than 8 in 10, suggesting there is room for improvement on all these dimensions. '

3.29 **Destination Management Plans**³⁰ can be used by LAs to look strategically at how they attract visitors to destinations and ensure they enjoy their visit. Not all LAs have Destination Management Plans at present, but LAs preparing their local toilet strategy should make contact with their local tourism team to discuss.

3.30 Guidance on a collaborative approach to destination management is in preparation and can be accessed on the Business Wales website³¹.

3.31 **Tourism Amenity Investment Support** is funding targeting amenity projects in the tourism sector in Wales. Funding is available to public, third sector and not for profit organisations³² with the aims of developing quality sustainable tourism facilities; adding value to visitor experience and delivering quality, innovation and a sense of place.

³⁰ <https://businesswales.gov.wales/dmwales/>

³¹ <https://businesswales.gov.wales/tourism/working-together>

³² <https://businesswales.gov.wales/tourism/finance#guides-tabs--4>

Case Study: Tourism Amenity Investment Support

Vale of Glamorgan Council – refurbishment of car park and toilets at Dunraven Bay

The Vale of Glamorgan Council's Destination Plan objectives for Dunraven Bay include developing a prosperous visitor economy. With the main beach car park and the car park to the Heritage Coast Centre in a poor state of repair, the local authority proposed a range of works to upgrade the basic infrastructure of the area to help improve the visitor appeal.

The works include resurfacing the car parks for the main beach and at the side of the Heritage centre and the resurfacing of the public forecourt to the front of the Heritage Coast Centre, and refurbishment works to the external toilet block and shower/wet room.

The works will ensure that parking space is maximised with adequate areas for disabled access/ parking; improved traffic flow and safe pedestrian walkways, and improved access and a direct route onto the Wales Coastal Path.

The refurbishment of the external toilet block at the Heritage Coast Centre; will include the fitting of energy efficient hand dryers and energy efficient light systems. The works to the shower/wet room will ensure that it complies with disability access regulations and that it is fit for use by all.

This new wet changing area will enable community groups and third party commercial organisations the opportunity to develop their product offer and help develop the site as a focal point for outdoor water based activities.

4. **INVOLVEMENT**

WFG: involving a diversity of the population in the decisions affecting them

- 4.1 The local population and key stakeholders are more likely to feel their needs have been considered sufficiently if they have been part of the process, increasing their value of ownership of the strategy. This is particularly important when LAs consider the assessment of need.

MANAGING EXPECTATIONS

- 4.2 LAs will need to manage messaging about what they are setting out to achieve from the start of the process. LAs will need to emphasise that this is the start of a long term process, and will need to be clear about what they can and cannot do in respect of directly providing toilets. It should be emphasised that the primary purpose of the strategy is to improve everyone's access to toilets in their day to day lives through better use of existing resources.
- 4.3 It should be emphasised that not all existing toilet facilities need to remain, especially if there are better alternatives and not all potential facilities within buildings can be made accessible to the public. Using existing resources will also mean that not every toilet brought into public use is likely to be fully accessible to everyone due to building limitations and what is proportionate to change to make the toilet fully accessible but a much wider range of available toilets will benefit all.

Local communities should be involved from the outset in the development of strategies. LAs should not wait until the strategies exist in draft form before seeking their input.

- 4.4 LAs should produce their strategies by engaging with:
- key delivery partners such as Town and Community Councils;
 - third sector and community volunteer councils and fora, social enterprises and housing associations;
 - local businesses and private landowners;
 - individuals who are dependent on the provision of toilet facilities for public use, including children and their parents, older people, people with disabilities, carers and care workers, rough sleepers, outdoor and travelling workers and those who commute to the area;
 - representative groups, including for example, the British Toilet Association, Age Cymru, Crohn's and Colitis UK, Alzheimer's Society and Disability Wales amongst others;

- the Children’s Commissioner and Older People’s Commissioner for Wales;
- public sector partners, including the police and ambulance service; NHS providers and bodies such as Community Health Councils, patient groups and Social Care providers;
- the National Trust and National Parks Authorities;
- Visit Wales and local tourism bodies; and
- local Trade Unions.

ASSESSMENT OF NEED – ENGAGEMENT WITH STAKEHOLDERS

- 4.5 A key part of the development of a LA strategy is the ‘assessment of need’ that each LA must make. This involves undertaking a review of the existing provision, identifying gaps and finding opportunities to increase the toilet provision within their local area.
- 4.6 LAs should not undertake this assessment of need in isolation. Early involvement of the local community and key stakeholders (as identified above) in this assessment is pivotal to the ultimate success of each strategy. This is particularly true where LAs are seeking to involve business owners in opening up their toilet facilities for wider public use.
- 4.7 LAs should engage with their communities to ensure the assessment of need accurately reflects the behaviours and requirements of the local and visiting population. This should be achieved via a range of approaches and a number of possibilities are set out below:
- Steering/ Focus groups;
 - Feedback received from the public;
 - Workshops;
 - Events;
 - Exhibitions;
 - Public meetings;
 - Social media;
 - Online content and e-mails;
 - Newsletters;
 - Local newspapers; and
 - Surveys and questionnaires.
- 4.8 The above examples are not an exhaustive list: LAs should use the method(s) of engagement which will best obtain the views of their population, and bear in mind that different groups may need different methods, e.g. online surveys may not be accessible to all population groups, and different times of day and locations may yield different results. LAs should, however, make every effort to

engage with those within their population who are more likely to rely on access to toilets, such as rough sleepers, people living with long-term health conditions, those attending local support groups (such as people with disabilities or those people with specific medical conditions), older people, parents and carers for young children and carers for people with additional needs. Third sector groups can be particularly helpful in this regard.

- 4.9 LAs should also consider engaging social groups and clubs who may require access to toilets.

ASSESSMENT OF NEED – WHAT TO CONSIDER

Section 113(8)(a) of the Act requires that this guidance makes provision about the assessment of need for toilets available for use in the vicinity of sites and in connection with events that are of particular significance or of cultural, sporting, historic, popular or national interest.

- 4.10 When producing the assessment of need, LAs should consider a range of factors, including:

- an assessment of the local population, including age, gender and additional health needs;
- an assessment of the gender balance of the current provision;
- an assessment of locations, including popular destinations and distance between facilities;
- an assessment of availability and accessibility, opening hours, usage charges, access for people with disabilities, Changing Places and baby changing facilities;
- an assessment of the condition of existing facilities;
- consideration of seasonal variations, including local events and seasonal population growth;
- consideration of social factors such as, whether facilities are a target for abuse and anti-social behaviours or perceived to be in a dangerous location;
- consideration of future requirements, including local development plans;
- consideration of statistics in relation to population statistics³³; deprivation measures³⁴ and projections for demographics³⁵ such as older people, children, benefit claimants³⁶ etc.
- analysis of current usage, including popular times, population assessment, transient visitors, such as van and lorry drivers, or those on coaches and buses,

³³ <https://statswales.gov.wales/Catalogue/Population-and-Migration/Population>

³⁴ <http://wimd.wales.gov.uk/>

³⁵ <https://statswales.gov.wales/Catalogue/Population-and-Migration/Population/Projections>

³⁶ <https://statswales.gov.wales/Catalogue/Community-Safety-and-Social-Inclusion/Welsh-Index-of-Multiple-Deprivation/WIMD-Indicator-Analysis>

- analysis of the reasoning behind usage or lack of use, including consideration of any feedback received;
- analysis of running costs of facilities; including management and maintenance;
- analysis of limitations, including opening hours and cost; and
- regional/national infrastructure and trunk roads, working with other LA's to ensure suitable toilet provision along these routes.

4.11 The above examples are not an exhaustive list: LAs should consider any additional factors they feel relevant to their assessment of their community's needs. LAs should also take into account plans and strategies they have already produced, such as Ageing Well Plans.

4.12 Additionally, LAs should consider any relevant legislation and standards such as the Equality Act 2010³⁷ and the BSI business standards BS 6465 (*BS 6465-4:2010 Sanitary installations. Code of practice for the provision of public toilets*) which provides recommendations and guidance intended for those responsible for the surveying, assessing, planning, commissioning, designing, managing and use of public toilets³⁸ and BS 8300 Standard for the provision of accessible toilets.

CRITERIA FOR DETERMINING TRANSPORT ROUTES AND SITES OF PARTICULAR SIGNIFICANCE

'Particular significance' is defined for this guidance as follows: significant transport routes such as trunk roads and motorways and other places that have high levels of footfall such as cultural and sporting events, as well as sites of a historic or national importance.

4.13 These could be places that a lot of people use, visit or pass through on a regular basis, for special events or on a seasonal basis. It may also cover the whole range of places from internationally recognised tourist destinations through to small places of importance within their localities. The following places are suggested examples of routes and sites of significance, but this is not an exhaustive list:

- Bus, rail stations, active travel routes, airports and other termini;
- Coach stops, car and bike parks and other stopping places on cross-country routes;
- Shopping destinations, both urban and rural;
- Significant buildings and other structures, for example, those of historical significance;
- Towns or landscapes;

³⁷ www.legislation.gov.uk/ukpga/2010/15/contents

³⁸ <http://shop.bsigroup.com/ProductDetail/?pid=000000000030177389>

- National Parks, Country Parks, National Trust properties; gardens and other open spaces;
- Places of cultural significance – such as Eisteddfodau, agricultural show-grounds, museums and places associated with historical and cultural figures;
- Music, art and other annual festivals and sporting events;
- Sports stadia and grounds, locations associated with outdoor and indoor sports;
- Theme parks, animal parks and other recreational destinations;
- Beaches, coastal towns and areas such as coastal paths.

4.14 If a LA strategy proposes the provision of toilets sited on or under land adjoining, or in the vicinity of, a highway or proposed highway (including bridges and tunnels), the relevant highway authority must consent to the provision of the toilets. If the LA is also the relevant highway authority no consent is required.

4.15 LAs are best placed to judge what routes and areas are considered significant within their own areas both on a permanent and seasonal basis and during short term events. The Local Authority Events Safety Advisory Group of each LA can also make recommendations to event organisers on the provision of toilets.

4.16 When determining the need, location and numbers for toilets that may be required at the different types of sites listed previously, the following criteria should be taken into consideration:

The location of the destination

- Is it in an urban or rural setting?
- Are there existing toilet facilities at the location?
- Are they adequate to meet anticipated demand?
- Are visitors likely to have travelled long distances (therefore needing toilet facilities on arrival)?

The type of venue/destination

- Are there existing toilet facilities at the destination?
- Are they adequate to meet anticipated demand?
- Are additional facilities required for particular events?
- Where are toilets sited at the destination in relation to parking and the venue itself?
- Are toilets needed in more than one place at the destination if it is a large site and visitors will be moving around?

The duration of the event/demand at the location

- Is it a one-off event, or is there constant demand?

- How many people visit the destination on average per day in the season/off season (if different)?
- What are the times people are likely to visit? Does demand change over 24 hours or over the course of the week – or both?

The demographic of the visitors

- Are visitors generally of mixed population (i.e. a mix of gender, age, etc.)?
- Are particular demographics likely to be attracted to the destination (e.g. people with babies/small children; older children; older people, people with disabilities)?

The types of toilet facilities that will be required

- Permanent or temporary?
- Appropriate ratio of male/female (1 male: 2 female is recommended) or gender neutral toilets?
- Baby changing facilities (needed in both male and female toilets if gender neutral toilets not provided)?
- Accessible for use by people with disabilities?
- Changing Places facilities required?

Whether food and/or drink is provided at the location

- What is the anticipated consumption of food and/or drink based on anticipated peak numbers?

Access to services

- Can the sewage and water systems cope with peak times of usage?
- What level of servicing/cleaning of toilet facilities is required based on anticipated usage?
- Distance of parking places from toilets?

Whether visitors are able to stay for extended periods

- Will visitors stay for extended periods (i.e. more than a few hours)?
- Will visitors be able to camp or park caravans and stay overnight?

4.17 One-off events may need different requirements to those usually provided in particular destinations, according to all of the criteria above.

4.18 'Events' should also be interpreted as 'destinations'.

DETERMINING NUMBERS OF TOILETS REQUIRED

- 4.19 Tables of ratios for providing toilet facilities in a range of settings can be found in guidances such as the Purple Guide to Health, Safety and Welfare at Music and Other Events³⁹ and BS6465: Parts 1-4 Codes of Practice for Sanitary Installations.
- 4.20 BS6465- Part 4:2010 – the Code of Practice for the Installation of Public Toilets is intended to guide LAs in respect of the provision of traditional public toilets. However, the document contains valuable information in making assessments of need of the population for toilet provision, assessing where toilets should be located, and sets out how a toilets strategy should be prepared. The document also contains useful technical information that can be applied in relation to assessing footfall, mileage and numbers of toilets to be provided, and information on the design and technical specification of facilities of all types.
- 4.21 There are no specific ratios in respect of the number of toilets that should be provided for people with disabilities. The British Standards document BS6465-4:2010 “Code of Practice for the Installation of Public Toilets”⁴⁰ suggests that around 18% of the population have disabilities. This document also suggests that for new toilets:
- If only one toilet is provided, it should be a gender neutral enlarged accessible cubicle;
 - In toilet blocks, at least one gender neutral enlarged accessible cubicle should be provided and in addition to this, at least one enlarged toilet cubicle should be provided within separate-sex provision;
 - Where there are four or more cubicles in separate-sex toilet provision, at least one enlarged cubicle should be provided; and
 - In areas with heavy use, an additional Changing Place should be provided.
- 4.22 It should be noted that enlarged cubicles intended for use by people with disabilities can be preferred by people without disabilities for a number of reasons, the increased space allowing adults to assist children or to allow ease of movement not available in the standard cubicles. The increased privacy can also be required by members of the Transgender community. Consideration should therefore be given to providing additional enlarged cubicles if practicable.
- 4.23 The Changing Places Consortium provides guidance on where Changing Places should be situated and the facilities required.⁴¹

³⁹ <https://www.thepurpleguide.co.uk/>

⁴⁰ <https://shop.bsigroup.com/ProductDetail?pid=00000000030177389>

⁴¹ http://www.changing-places.org//install_a_toilet.aspx

5. **COLLABORATION**

*WFG: working with others in a **collaborative** way to find shared sustainable solutions*

- 5.1 For strategies to be effective, LAs must undertake their planning collaboratively with both internal and external partners. If all departments within LAs do not take part-ownership of the strategy process, it is less likely to be successful.
- 5.2 LAs should work with Community and Town Councils, other LAs, public bodies, third sector organisations commercial and private entities, when making the assessment of need, to identify toilet facilities that could be brought into general public use.
- 5.3 The collaborative involvement of others is also applicable when considering toilet provision along routes that cross boundaries such as coastal paths, walking trails, active travel routes and large areas of countryside that attract visitors.

REGIONAL WORKING

- 5.4 Whilst each LA is required to develop and adopt its own strategy, it may be desirable in some circumstances for LAs to work together on a regional rather than an individual LA basis wherever it makes sense to do so. Regional working should enable a greater focus on preventing declining provision and improving standards of toilets, and help bring about better outcomes for people and communities in both the short and the long term. It offers practical benefits in terms of economies of scale, removing duplication, reducing complexity, simplifying activity, ensuring consistency, and building workforce resilience in a policy area which is often too dependent for delivery on small numbers of staff. It should also help to identify, at an early stage, situations where provision in a LA may be adversely affected by land use or transport decisions made in a neighbouring LA, and to pursue cross-border solutions to shared problems, including sustainability.
- 5.5 It may be desirable in some circumstances for LAs to work with a National Park Authority where there is a common interest in toilet provision related to particular attractions or infrastructure within their area or that cross from one LA area to another (for example, active travel routes). However, it should be noted that the requirements of the Act only apply to Wales, and do not extend to England.

WORKING WITH COMMUNITY AND TOWN COUNCILS

- 5.6 Community and town councils should be considered as key delivery partners as they are uniquely placed to help build resilience and renewal in areas through understanding communities' strengths and assets, and actively engaging local

people and local business to help identify and meet local ambitions and needs. They may already be managing toilets on behalf of LAs, or have undertaken asset transfers. LAs should work with community and town councils to utilise their knowledge of their communities' needs, as well as in respect of the consideration of community-based assets such as public conveniences.

- 5.7 Where funding has been applied for in relation to the refurbishment of community buildings, such as under the Lottery or other grants, LAs should consider at the planning stage whether it is appropriate to make provision for toilets within a new planning application. Additionally, community groups and others when applying for such funding should be encouraged to consider including accessible toilets for public use within their proposals.
- 5.8 Community asset transfers of existing buildings (either purpose built traditional public toilets or other buildings that have toilets that can be brought into wider use) may be an appropriate mechanism for some communities, and this should be considered carefully with any community council, community group or third sector organisation that expresses an interest. The Welsh Government provides guidance on its website on how transfers may be achieved, which includes the document 'Community Asset Transfers in Wales – A Best Practice Guide'.⁴²
- 5.9 When considering transfers of this type, however, future proofing must be built into arrangements to ensure that the new owners cannot close the toilets, change the use of the building or otherwise terminate the agreed access to toilets. This is particularly important if the asset in question is a purpose-built traditional public toilet block.

⁴² <http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/?lang=en>

Case Study - Village Toilets Llansannan, North Wales

In 2009 the community council in the village of Llansannan held a community wide appraisal to understand the needs, wants and aspirations of residents. It transpired that the issue many people were concerned about was the threatened closure of the village's public toilets.

To try to stop this action, the village began negotiations with Conwy County Borough Council to take over the ownership of the toilet facilities. However, there were a number of overheads that the community council would need to take on – chiefly raising the funds to pay the annual rates (£1800). So the village decided to register as a limited company with charitable status, 'Menter Bro Aled', which would make them eligible for grants and for discounts on the rates. They successfully applied for a 100% rate rebate and negotiated £4000 from the local authority towards restoring the toilet facilities to a working standard, a sign of Conwy Council's support for this local initiative.

Village activists who were involved in the building trade provided many of the necessary skills for the restoration of the building, and work was carried out on a voluntary basis. Cleaning of the toilets is also voluntary by the landlady of the local pub.

The toilets have been in local ownership for a year now and there has been no anti-social behaviour, despite concerns about graffiti. The toilets are used extensively especially by delivery and service drivers, as well as walkers and other tourists passing through. Word has spread of the toilets to other areas and it has become a 'toilet to be seen'. It is considered an important element in attracting visitors to the village shops and services.

In light of this experience of taking over the toilets, Menter Bro Aled are now looking at other community-based initiatives.

WORKING WITH OTHER LA DEPARTMENTS PUBLIC AND THIRD SECTOR BODIES

5.10 LAs should include toilets which are within publicly owned, occupied, or funded premises; for example this may include museums, historic sights, leisure centres, transport stations, national parks and low level security government buildings. LAs should also consider making links with hospitals, health centres and GP surgeries. LAs should first consider the buildings they own and occupy themselves or lease out to others as to whether there are toilets that can be brought into wider public use, for example in council offices (particularly those the public visit for council transactions), leisure centres, libraries and other

such premises. Where councils own buildings but intend to lease them out, consideration should be given to including access to toilets by the public as a condition of the lease wherever appropriate.

EXAMPLE: the LA owns a disused gate house building in a park. It is planned to refurbish and lease it as a café. A clause is added to the lease that the lessees must allow members of the public other than customers to use the toilets inside the café without restriction when the café is open. This arrangement returns toilet facilities to the park, and allows for the toilets to be effectively 'supervised' during opening hours.

Case Study: Refashioning toilet blocks in Pembrokeshire

In Pembrokeshire the council identified a number of facilities where a reduced provision would provide adequate facilities and not have a detrimental impact on members of the public. In these instances certain toilet blocks were 'down-sized' by closing the separate ladies and gents and retaining a single, gender neutral facility with disabled access. The cost of running these facilities was passed to community councils with an initial parachute payment. The space created by downsizing has been offered to the community councils for them to generate an income, such as through renting as a store. This has happened at a number of locations and contributes to the running costs for the remaining gender neutral toilet. This model ensures a sustainable service and generates more local involvement and responsibility.

- 5.11 Where publicly accessible premises are owned by persons other than LAs (for example government offices, commercial complexes, universities and colleges, premises run by third sector organisations), LAs are required to consult with, and gain the consent of, the owners/occupiers of the relevant premises before it can include toilets in those buildings within their strategy.
- 5.12 It should also be borne in mind that third sector organisations, although willing to help, may be reliant on voluntary workers or have other limitations on what they can provide. LAs are encouraged to work with the owners of these premises to seek their agreement to making their toilet facilities available to the wider public.

COMMUNITY ASSET TRANSFERS

- 5.13 We know that traditional services such as public buses, toilets, libraries and community/ day centres are being increasingly challenged due to the reductions in frontline services budgets. However, good practice already exists across Wales, where new approaches such as community asset transfer, empowering town/community councils and social enterprises to take on responsibilities for managing buildings/facilities are being embraced.

- 5.14 Welsh Government guidance⁴³ has been produced to support a step-change in enabling communities to play a more active role in service design and delivery. It helps organisations to be better equipped to undertake community asset transfers and so develop a thriving and sustainable long-term use for property assets and services in communities across Wales. However, such transfers must be considered carefully to ensure that any proposal is sustainable in the long term.
- 5.15 It is crucial that good practice is shared and that smart, innovative and cost-effective models are adopted. A range of good practice, including in relation to public toilets, can be found on the good practice website⁴⁴.

WORKING WITH THE PRIVATE SECTOR

- 5.16 LAs should consider extending community toilet schemes where they are still running, or reviving such schemes where they have been discontinued. Guidance on management of a community toilet scheme can be found in a later section of this guidance under the heading ‘Good Practice and Guidance’.
- 5.17 LAs should consider the limitations placed on the use of toilets in the private sector, which could include restricted access as a result of limitations of the building structure and the business opening hours.
- 5.18 LAs in Wales have the freedom to utilise monies set aside in the Revenue Support Grant, following the transfer of the Public Facilities Grant Scheme funding. Many privately owned premises and businesses may be amenable to allowing wider public use of their toilet facilities and this should be investigated by the LA. LAs can be assured that to name and publicise the opening times of the premises identified (and therefore the toilets therein) as part of the scheme as a whole is good practice. This has the sole purpose of informing the public of facilities available to them, and therefore should not be interpreted as “advertising” or “showing favouritism”. Businesses cannot expect, however, that LAs will promote their facilities in any other context or ahead of non-commercial premises as a “reward” for participating in the scheme or as a condition of securing their participation.

Community Toilets Schemes – Good Practice Guidance

- 5.19 In England, the Department of Communities and Local Government published its strategic guide, *Improving Public Access to Better Quality Toilets*⁴⁵, on 6 March 2008. Amongst other things, the guide highlighted some innovative approaches taken by local authorities to public toilet provision, although it did

⁴³ <http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/best-practice-guide/?lang=en>

⁴⁴ <http://www.goodpractice.wales/home>

⁴⁵ <http://webarchive.nationalarchives.gov.uk/20120919231747/http://www.communities.gov.uk/publications/localgovernment/guidancetoiletschemes>

not prescribe what approaches they should take. Local authorities are best placed to determine the mix of approaches most suitable to their area, and this guidance is intended to support them in making that decision.

- 5.20 This guidance is primarily intended for local authorities and partnerships wishing to explore the feasibility of setting up a Community Toilet Scheme. It provides an overview of the Community Toilet Scheme developed by the London Borough of Richmond-upon-Thames, as well as a step-by-step guide on how to set up a similar scheme.
- 5.21 The toolkit includes a case study of the SatLav text messaging service operated by Westminster City Council, which makes use of mobile phone technology to help the public locate their closest accessible toilets.
- 5.22 LAs are recommended to consider this guidance when seeking delivery partners in local businesses and other organisations, as it contains practical information on establishing and maintaining a successful Community Toilet Scheme.
- 5.23 Any discussions with potential delivery partners must cover all aspects of the management of toilets, including dealing with anti-social behaviour, and the health and safety aspects of management of waste from drug use or sexual behaviour. A problem reduction guide is available from the British Toilets Association on dealing with these types of issues⁴⁶. Any agreements should include consideration of future maintenance.
- 5.24. It is good practice (though not a requirement under the wider proposals in this document) for LAs to inspect the facilities of any potential community toilet scheme delivery partners, and to undertake spot checks on those that have signed up. The latter is particularly important if a payment has been made for participation, to ensure that they are continuing to allow access to the facilities they have agreed to provide.

ALL PREMISES TYPES

- 5.25 There are no specific types of premises exempt from consideration on the face of the Act. However, local circumstances and sensitivities presented by particular premises may necessitate exceptions from inclusion in the strategy. Participating owners of buildings should not be expected to allow access to toilets on their premises outside their usual opening hours unless a specific agreement is made.

⁴⁶ http://www.btalooos.co.uk/?page_id=307

Security: LAs are not required to consider referring to toilets in buildings which, in their opinion, should not be made available for public use on security grounds. For example, LAs are not required to consider public access to toilets in prisons, or those buildings which require a high level of security, such as government buildings.

Safeguarding children and vulnerable adults: LAs are not required to consider public access to toilets in schools or other buildings such as residential premises for children or vulnerable adults. However, local circumstances may permit the use of toilets in these types of premises. For example, a school building that is also open for wider community activities, or can be opened during school holidays.

Any such proposed use should be given consideration on a case by case basis.

RADAR NATIONAL KEY SCHEME

- 5.26 The Royal Association for Disability and Rehabilitation (RADAR) operates a National Key Scheme⁴⁷ whereby toilets designed for people with disabilities can be locked to prevent damage and misuse and keys provided to people with disabilities to allow them access to the facilities. The scheme is operated on a UK national basis, and toilet owners are asked to join the National Key Scheme to provide the standard locks and the keys for users.
- 5.27 A range of LAs, other public and third sector organisations and commercial companies are members of the scheme, and toilet facilities can be found in a range of premises of all types. RADAR has published a scheme guidance document, which can be purchased from them. A list of RADAR key toilets is also published by region.⁴⁸
- 5.28 LAs should consider this provision when developing their local toilet strategies.
- 5.29 The solutions put forward in this guidance are suggestions to increase public access to toilets. It should be noted that the options set out here for increasing availability of toilet facilities are suggestions of avenues that LAs could and should explore. Those that can ultimately be taken up will differ between LAs according to local circumstances. It is not suggested that it is feasible to provide all of these solutions in each LA, only that they should be considered.

⁴⁷ <https://nks.directenquiries.com/nks/page.aspx?pageid=10&tab=National+Key+Scheme&level=2>

⁴⁸ <https://nks.directenquiries.com/nks/search.aspx?st=nks&tab=RADAR+Accessible+Toilets&where=wales&level=1>

6. PUBLICATION AND DISSEMINATION

- 6.1 One of the purposes of the strategy is to help prevent the kinds of health and well-being issues as discussed elsewhere in this document. To help achieve this and for a strategy to be successful, and its preventative intention to be effective, it is essential that it is publicised and the provision of toilets for public use is made known to as wide a public as possible. The success of the strategy is dependent on members of the public and owners of facilities fully understanding the principles of the scheme and recognition of any signage or publicity materials.
- 6.2 LAs should publish and publicise their first strategy no later than 31 May 2019. LAs are not required to submit their published strategies to the Welsh Government. LAs are accountable to their councillors and residents for the publication of their strategy, completion of identified actions and subsequent interim statements.
- 6.3 On publication, LAs should consider engaging again with the people they worked with in developing the assessment of need to disseminate the strategy. This could be done with the request that it be shared further with any networks individuals or groups may have access to. Third sector organisations and others should be encouraged to promote the message of the availability of toilets and to address any reluctance to access toilets that are not traditional public toilets. All participants in the process of the assessment of need and delivery plans can play a part in this process of culture change.
- 6.4 LAs should also consider how the wider public could be made aware of the strategy, and similar methods to those used for engagement with communities should be used. As a minimum, the strategy should be published in a prominent place on the website of each individual LA and publicised in any relevant LA maintained newsletters. Additional publicity approaches to ensure the information reaches as many people as possible, both residents and visitors, should also be considered.
- 6.5 The Dewis Cymru (www.dewis.wales) website is a resource that brings together local information on social services, health and wellbeing services in one place. A number of LAs already post their information to this site. These are Isle of Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire, Wrexham, Bridgend, the Vale of Glamorgan, Cardiff, Rhondda Cynon Taf, Merthyr Tydfil, Blaenau Gwent, Caerphilly, Torfaen, Monmouthshire and Newport. It is being rolled out across other parts of Wales. LAs should post information about their toilets on this website as well as on their own.

PUBLICITY MATERIALS

- 6.6 Any publicity materials should be available in both downloadable and printed formats to ensure the information reaches as many people as possible, both residents and visitors. Any materials produced should be published in both

Welsh and English, and should also be made available in other formats (such as Braille) on request. Information should be published in a prominent location on the LA website. Printed versions could be distributed via visitor centres, libraries and other well attended venues. Consideration should also be given to the need for necessary street signage.

- 6.7 To assist LAs with the publicising of information on the location of toilets, and help the general public identify the provision of toilets for public use, both locally and nationally, the following tools have been developed.

TOILET MAP DEVELOPMENT

- 6.8 The development of a national toilet map for Wales will provide the public both locally and nationally with a resource that they can use to see the availability of toilets in an area they intend to visit. This will be developed by utilising data provided by LAs, in existing mapping tools, to Welsh Government. The map, utilising the data, will be presented in Welsh and English on the Welsh Government's Lle data mapping website⁴⁹. The data collected will also be made available to third parties who will be able to use it to develop their own maps and apps. The Welsh Government does not intend to develop its own app as it is considered that third party developers are better placed to do this utilising the Welsh Government data and there are already apps of this kind in use.

- 6.9 To deliver this, under section 141 of the Local Government Act 1972, LAs should make an open dataset available to the Welsh Government, containing information consisting of the location and specified characteristics of the toilets they identify under their local toilets strategies. Full details on the data required and how it will be collected are provided in a separate **technical guidance** document.

- 6.10 LAs are asked to post details about their toilets to the Dewis Cymru website, and it is hoped that eventually the data collected for the Lle mapping can be cross referenced with the Dewis website. This is still being developed and further advice will be given once the mapping process is underway.

NATIONAL LOGO

- 6.11 We know that a national recognised scheme has many benefits, therefore it is considered desirable to advertise provision of toilets for public use in a consistent way. A logo can be used as signage, for example displayed in windows of premises that have consented to allow their toilet facilities to be used by the public. It can also be contained within printed materials to identify those premises.

⁴⁹ <http://lle.gov.wales/home>

6.12 A logo has been designed for this purpose and will be released for use at a later date. When released, it would be helpful if LAs adopt and publicise it, so that residents and visitors will readily recognise it wherever they are in Wales. Although its use is not mandated within the Act, we recommend that LAs incorporate the logo as part of their awareness raising of toilets for public use.

6.13 Full details on the logo and its suggested use will be provided at **Annex B**.

LEGAL PROVISIONS

Sections 113 to 115 of the Act have been covered in the main body of this guidance.

This annex covers sections 116 to 118 of the Act which restate or replace various legal powers that LAs already have. This annex also covers other legislation of relevance to the provision of toilets for public use.

Section 116(1) provides that a LA may provide toilets in their area for use by the public. This section restates the power that LAs previously had under section 87 of the Public Health Act 1936. Section 116(1) essentially means that the provision and maintenance of toilets in public places is at the discretion of LAs who have power to provide public conveniences, but are under no duty to do so.

Section 116(2) provides that LAs must have regard to their own strategy when deciding to exercise their discretionary power to provide toilets, and of what type. Section 116(3) provides definitions relevant to section 116(2).

Section 116(4) provides that a LA may not provide toilets on or under land adjoining, or in the vicinity of a highway or proposed highway unless the LA is the highway authority or has the consent of the highway authority. Section 116(6) provides definitions relevant to section 116(4).

Section 116(5) provides that a LA may charge for the use of any toilets they may provide.

Section 117(1) provides LAs that provide toilets with the power to make byelaws as to the conduct of people using or entering those toilets.

Section 117(2) reserves the right of a community council to make byelaws in relation to toilets provided by them, in which case their byelaws take precedence over any byelaws made by the county or county borough council under section 2 of the Local Government Byelaws (Wales) Act 2012.

Section 118 and Schedule 4 of the Act deals with consequential amendments to the Public Health Act 1936; Highways Act 1980 and the Local Government Byelaws (Wales) Act 2012.

The following legislation is also of relevance when considering the development of the local toilets strategies.

Local Government Act 1972, section 123

A LA may dispose of its property however it wishes to do. In circumstances where LA property is being leased to a private party for the property's use as, for example, a café, the LA may exercise its section 123 power to insert a condition into the lease agreement to the effect that the new occupier/s of the premise would be required to make the toilet facilities available for use by the public.

Local Government (Miscellaneous Provisions) Act 1976, section 20

A LA has power under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 to require toilets to be provided and maintained for public use in any place providing entertainment, exhibitions, sporting events and places serving food and drink for consumption on the premises.

Highways Act 1980, section 114

Where the LA is the authority for a highway they may provide public sanitary conveniences (including toilets) in proper and convenient situations and may manage such conveniences.

Town and Country Planning Act 1990, Section 106

In limited circumstances, a LA, in their capacity as local planning authorities, may use powers under s.106 of the Town and Country Planning Act 1990 to make an agreement with a developer for the provision of toilets for public use as part of an approved development.

Local Government Act 2000, section 2

A LA may do anything which it considers is likely to achieve the promotion or improvement of the well-being of its area. This may include entering into grant agreements with the operators of commercial premises in order to require such operators to allow public access to the toilet facilities at the premises.

Equality Act 2010

The Equality Act 2010 covers a wide range of duties and responsibilities that LAs should have regard to in relation to people with protected characteristics and the provision of services and facilities.

Other powers

LA Environmental Health Officers can review plans and licence applications and object that an application does not meet the requirements of relevant British Standards relating to sanitary facilities.

Other tools

The **British Standard BS6465-1:2006** *Code of Practice for the design of sanitary installations and scales of provision of sanitary and associated appliances* can be used to secure an appropriate level of provision, design quality and accessibility for toilets in new buildings and those undergoing major refurbishment.

The **British Standard BS 8300:2009+A1:2010** Code of Practice for the design of buildings and their approaches to meet the needs of people with disabilities.

Leasing conditions can also be useful for providing access to additional toilets for public use. When letting council properties, LAs could consider including clauses within the lease to allow the public access to toilets on the premises when appropriate.

NATIONAL TOILET LOGO

To be provided.

USEFUL REFERENCES

Assessment Tools

Assessments of Local Wellbeing – Common data set

<http://www.dataunitwales.gov.uk/SharedFiles/Download.aspx?pageid=30&mid=64&fileid=95>

Welsh Index of Multiple Deprivation

<http://gov.wales/statistics-and-research/welsh-index-multiple-deprivation/?lang=en>

Wales Census Data

<http://gov.wales/statistics-and-research/census-population/?lang=en>

Future Trends Data

<http://gov.wales/statistics-and-research/future-trends>

Population projections

<https://statswales.gov.wales/Catalogue/Population-and-Migration/Population/Projections/Local-Authority>

Transport Trends

<http://wales.gov.uk/statistics-and-research/?topic=Transport&lang=en>

Disability Figures

<https://www.gov.uk/government/publications/disability-facts-and-figures/disability-facts-and-figures#fn:1>

Tourism Statistics

<http://gov.wales/statistics-and-research/?topic=Tourism&lang=en>

Welsh Language Commissioner - Guidance for Organisations

<http://www.comisiynyddygyymraeg.cymru/English/Organisations/Pages/InformationForOrganisations.aspx>

Welsh Health Impact Assessment Support Unit

<http://www.wales.nhs.uk/sites3/home.cfm?orgid=522>

Equality Impact Assessment Toolkit

<http://www.equalityhumanrights.wales.nhs.uk/equality-impact-assessment-toolkit>

Population Needs Assessment

<http://gov.wales/topics/health/socialcare/act/population/?lang=en>

Wales Spatial Plan

<http://gov.wales/topics/planning/development-plans/wales-spatial-plan/?lang=en>

Place Plans

<http://www.planningaidwales.org.uk/place-plans-from-concept-to-reality/>

Destination Management Plans

<https://businesswales.gov.wales/dmwales/>

Business Wales Tourism Pages

<https://businesswales.gov.wales/tourism/working-together>

Tourism Amenity Investment Support

<https://businesswales.gov.wales/tourism/finance#guides-tabs--4>

Policy Guidance

Prosperity for All

<https://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

Wellbeing of Future Generations Act and Toolkit

<http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

Older People's Strategy for Wales

<http://gov.wales/docs/dhss/publications/130521olderpeoplestrategyen.pdf>

The Importance and Impact of Community Services in Wales – Older People's Commissioner Report 2014

http://www.olderpeoplewales.com/en/Publications/pub-story/14-02-25/The_Importance_and_Impact_of_Community_Services_within_Wales.aspx

Equality and Human Rights Impact Assessments Guidance – Older People’s Commissioner

http://www.olderpeoplewales.com/en/Publications/pub-story/16-02-16/Section_12_Guidance_Equality_and_Human_Rights_Impact_Assessments_Scrutiny.aspx

Preparing Local Wellbeing Plans for Public Services Boards – Older People’s Commissioner

http://www.olderpeoplewales.com/en/Publications/pub-story/16-10-05/Preparing_Local_Wellbeing_Plans_Guidance_for_Public_Services_Boards.aspx

Engagement and consultation with older people – Older People’s Commissioner Guidance

http://www.olderpeoplewales.com/en/Publications/pub-story/14-07-01/Best_Practice_Guidance_for_Engagement_and_Consultation_with_Older_People_on_Changes_to_Community_Services_in_Wales.aspx

Wellbeing Indicators for Older People

http://www.olderpeoplewales.com/en/news/news/15-03-19/Wellbeing_Indicators_for_Older_People.aspx#.VYgVr9JFDcs

Transgender Action Plan

<http://gov.wales/docs/dsilg/publications/equality/160314-transgender-action-plan-en.pdf>

Local Wellbeing Plans

<http://gov.wales/docs/desh/publications/161111-spsf-3-collective-role-en.pdf>

Child Poverty Strategy

<http://gov.wales/topics/people-and-communities/people/children-and-young-people/child-poverty/?lang=en>

Tackling Poverty Action Plan

<http://gov.wales/topics/people-and-communities/tackling-poverty/taking-forward-tackling-poverty-action-plan/?lang=en>

Welsh Language Strategy

<http://gov.wales/docs/dcells/publications/122902wls201217en.pdf>

Active Travel (Wales) Act 2013, Statutory and Design Guidance

<http://www.legislation.gov.uk/ukpga/1980/66/section/114>

<https://beta.gov.wales/active-travel-design-guidance>

<https://beta.gov.wales/active-travel-statutory-guidance-local-authorities>

Practical Guidance

Changing Places information and guidance

<http://www.changing-places.org/>

Blue Flag Scheme (includes criteria for toilet provision)

<https://www.keepwalestidy.cymru/blue-flag>

Welsh Health Impact Assessment Support Unit

<https://whiasu.publichealthnetwork.cymru/en/>

Community Asset Transfer guidance and resources

<http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/?lang=en>

Community Toilets Scheme Guidance

<http://webarchive.nationalarchives.gov.uk/20120919231747/http://www.communities.gov.uk/publications/localgovernment/guidancetoiletschemes>

The Purple Guide to Health, Safety and Welfare at Music and Other Events

<https://www.thepurpleguide.co.uk/>

The Green Guide (Safety at Sports Grounds)

<http://www.safetyatsportsgrounds.org.uk/publications/green-guide>

HSE Resources – Event Safety

<http://www.hse.gov.uk/event-safety/index.htm>

Miscellaneous Information

<https://www.livingstreets.org.uk/media/1794/overcoming-barriers-and-identifying-opportunities-for-everyday-walking-for-disabled-people.pdf>

[The London Plan: Social Infrastructure Section S6 on Public Toilets](#)

Business Improvement Districts

<http://gov.wales/topics/housing-and-regeneration/grants-and-funding/business-improvement-districts/?lang=en>

Code of Practice for Public Toilets in Britain

www.researchgate.net/publication/228916130_A_Code_of_Practice_for_Public_Toilets_in_Britain

Just Can't Wait card scheme

<https://www.bladderandbowel.org/help-information/just-cant-wait-card/>

Mobile toilet facilities for people with disabilities

<https://www.mobiloo.org.uk/>