

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
MONDAY 3RD SEPTEMBER 2007

Review of the Provision of Sanitary Facilities

OPEN	
RESPONSIBLE OFFICER:	Head of Planning Health and Environment
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APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To propose updated standards of provision of sanitary accommodation in premises where Wyre Forest District Council has an enforcement role.

2. RECOMMENDATION

The Committee is asked to RECOMMEND to Cabinet :

- 2.1 **Tables 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 of British Standard Sanitary Installations BS 6465 – 1:2006 Part 1 set out in Appendix 1 be adopted as the Council's standard for provision of sanitary facilities in premises where the Council has an enforcement role.**

The Committee is asked to RECOMMEND to Cabinet to RECOMMEND to Council:

- 2.2 **Authority be delegated to the Head of Planning, Health and Environment and Environmental Health and Licensing Manager to exercise discretion to deviate from the British Standard in small premises holding less than 20 persons when they deem it to be appropriate.**
- 2.3 **The Scheme of Delegation to Officers contained in the Council's Constitution be amended to include the delegation at 2.2 above.**

3.0 BACKGROUND

- 3.1 The Council first applied standards for the provision of sanitary accommodation in 1982. These standards applied to places of entertainment under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.

- 3.2 The standards were last revised in 2002 and were based on the British Standard for Sanitary Installations.
- 3.3 The standards have secured improvement in sanitary provision in the District but the British Standard has now been revised.
- 3.4 In the circumstances, it is felt that the full British Standard should now be used. However, it is not proposed to make this implementation retrospective as this may be too onerous for some proprietors. Instead, it is proposed that the British Standard will apply to all new and substantially altered premises. The Head of Planning, Health and Environment and Environmental Health and Licensing Manager should also have delegated powers to deviate from the British Standard for small premises holding less than 20 persons where it is deemed appropriate (where compliance would be difficult due to lack of space etc).

4. KEY ISSUES

THE BRITISH STANDARD

- 4.1 BS 6465 – 1:2006 sets standards of provision of sanitary accommodation in eleven different types of premises. These are set out in tables. It is proposed that only those tables where the Council is the enforcing authority will be adopted.

LEGISLATION

- 4.2 It is proposed to apply Tables 7 and 10 under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 in relevant places.
- 4.3 A relevant place is defined as a place:-
 - (a) used for the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise.
 - (b) used for the sale of food or drink to members of the public for consumption at the place.
 - (c) used as a betting office.
- 4.4 Section 20 provides that a local authority may by a notice served on an owner or occupier of a relevant place in the area of the authority, require him:-
 - (a) to provide, before the expiration of a period specified in the notice and in such positions at the place as are so specified, sanitary appliances of such kinds and numbers as are so specified.
 - (b) to maintain and keep clean the appliances to the reasonable satisfaction of the authority;

(c) to provide and maintain a proper supply of such things for use in connection with the appliances as are so specified (which may be or include cold water or hot water or both) and

(d) to make the appliances and things available for use by members of the public resorting to the place and, if the notice so requires, to make them so available free of charge.

- 4.5 Notices may be served where an occasional event is going to take place. For example, the use of a field for a pop concert is one such occasional use which could justify the serving of a notice if adequate provision had not been made.
- 4.6 Any person served with a notice other than in respect of an occasional event or events has a period of six weeks from the date of service of the notice to appeal to the County Court on the grounds that a requirement of the notice is unreasonable and/or it would have been fairer to serve on some other person who is the owner or occupier of the premises concerned. A person served with a notice in respect of an occasional event has no right of appeal as such, but he may raise all or any of the matters covered by the foregoing grounds of appeal by way of a defence to any prosecution taken against him for breach of the notice.
- 4.7 It is proposed to apply Tables 4 and 9 under the Health and Safety at Work etc. Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992 as the Council's standards to assist in enforcement of the legislation.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from this report.

6. LEGAL AND POLCY IMPLICATIONS

- 6.1 There are no legal and policy implications arising from this report.

7. CONCLUSION

- 7.1 Adoption of the new British Standard will bring the Council into line with the current best practice.

8. CONSULTEES

- 8.1 Head of Legal and Democratic Services.

9. BACKGROUND PAPERS

- 9.1 British Standard BS 6465-1:2006 Part 1