



# **The Provision of Toilets in Wales: Local Toilets Strategy**

## **Draft Statutory Guidance January 2018**

Part 8 of the Public Health (Wales) Act 2017

## **The Provision of Toilets in Wales: Local Toilets Strategy**

### **Draft Statutory Guidance**



## **GUIDANCE ON PROVISION OF TOILETS IN WALES: LOCAL TOILETS STRATEGY**

**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,  
Public Health Division,  
Health and Social Services Group,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ  
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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: (to be added)

## GLOSSARY OF TERMS

Term	Explanation
Act	Public Health (Wales) Act 2017 <sup>1</sup> .
Active travel route	An active travel route shown on the map most recently prepared by a local authority under Section 3 of the Active Travel (Wales) Act 2013.
LA	Local Authority. This includes Community Councils when considered in relation to sections 116(3), 117 and 124 of the Act.
HIA	Health Impact Assessment.
Highway	As defined in Section 328 of the Highways Act 1980.
Strategy	Local Toilets Strategy made pursuant to section 113 of the Act.
Toilet(s) available for public use	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. We use this expression to differentiate from 'traditional public toilet'.
Traditional public toilet	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'.
WFG Act	Well-being of Future Generations Act 2015 <sup>2</sup>

<sup>1</sup> <http://www.legislation.gov.uk/anaw/2017/2/contents/enacted>

<sup>2</sup> <http://www.legislation.gov.uk/anaw/2015/2/contents>

## **INTRODUCTION**

The Public Health (Wales) Act 2017 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 improve planning of provision of toilets available for use by the public by ensuring each local authority 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 new and creative solutions. This is intended to address the current challenges regarding the provision of these facilities within communities.

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 certain facilities 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 the community needs which they have identified. This will also mitigate the impacts of changes to provision.

### **REQUIREMENTS**

To achieve this, the Act places a duty on each local authority in Wales to prepare and publish a local toilets strategy for its area. The Act provides that this strategy must include an assessment of the community's need for toilets, including changing facilities for babies and changing places facilities for disabled persons.

The strategy must also provide details of how the local authority proposes to meet the identified need. There is no requirement for the strategies to be presented to the Welsh Government for approval, as instead there is an expectation that the strategies will be subject to local authorities' existing scrutiny structures.

The duty to prepare a local toilets strategy does not in itself require local authorities directly to provide and maintain public toilets, but will require them 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 local authorities will consider a full range of options for making facilities available to the public. An illustration of this process is if a public toilet is not available at a park but a local authority identifies a need for one, then the local authority should consider different ways of ensuring that the need is met. This could be by the local authority directly providing the facility, but equally could be met in other ways, such as the local authority working with a private business within or near to the park to make their facilities available to the public.

The Act's provisions on local toilets strategies are ultimately intended to benefit local communities across Wales. Accordingly, the provisions seek to ensure that appropriate

engagement with communities takes place as part of the development of the strategies, and that the process takes place in a manner which is both transparent and supports local accountability.

Local authorities are therefore required to consult with interested parties on their draft strategies and to publish their final strategies so that they are available to be viewed. Whilst the Act does not prescribe the format of the consultation process, it is expected that local authorities will take an inclusive approach in order to ensure appropriate engagement across their communities.

In order to further support local accountability, the Act provides a clear framework to govern the timescales for the production of local toilet strategies. The Act requires the preparation and publication of interim progress statements which will be published around two years after the local toilets strategy or the strategy's review, and will report on the steps the local authority has taken since the strategy's publication.

In order to provide local authorities with the flexibility to respond to changing circumstances, local authorities 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 local government elections and local plans provided for in other legislation, in order to both reduce unnecessary bureaucracy and ensure a coherent approach to planning at community 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 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 disabled persons.

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

## **PURPOSE OF GUIDANCE**

As it is recognised that there are numerous considerations relevant to local authorities in preparing, reviewing, consulting and publishing their strategies, the Act requires Welsh Ministers to issue guidance on this matter.

Local authorities are required to have regard to the guidance produced.

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 the date on which this section comes into force (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 copy of the strategy before publication (section 115).

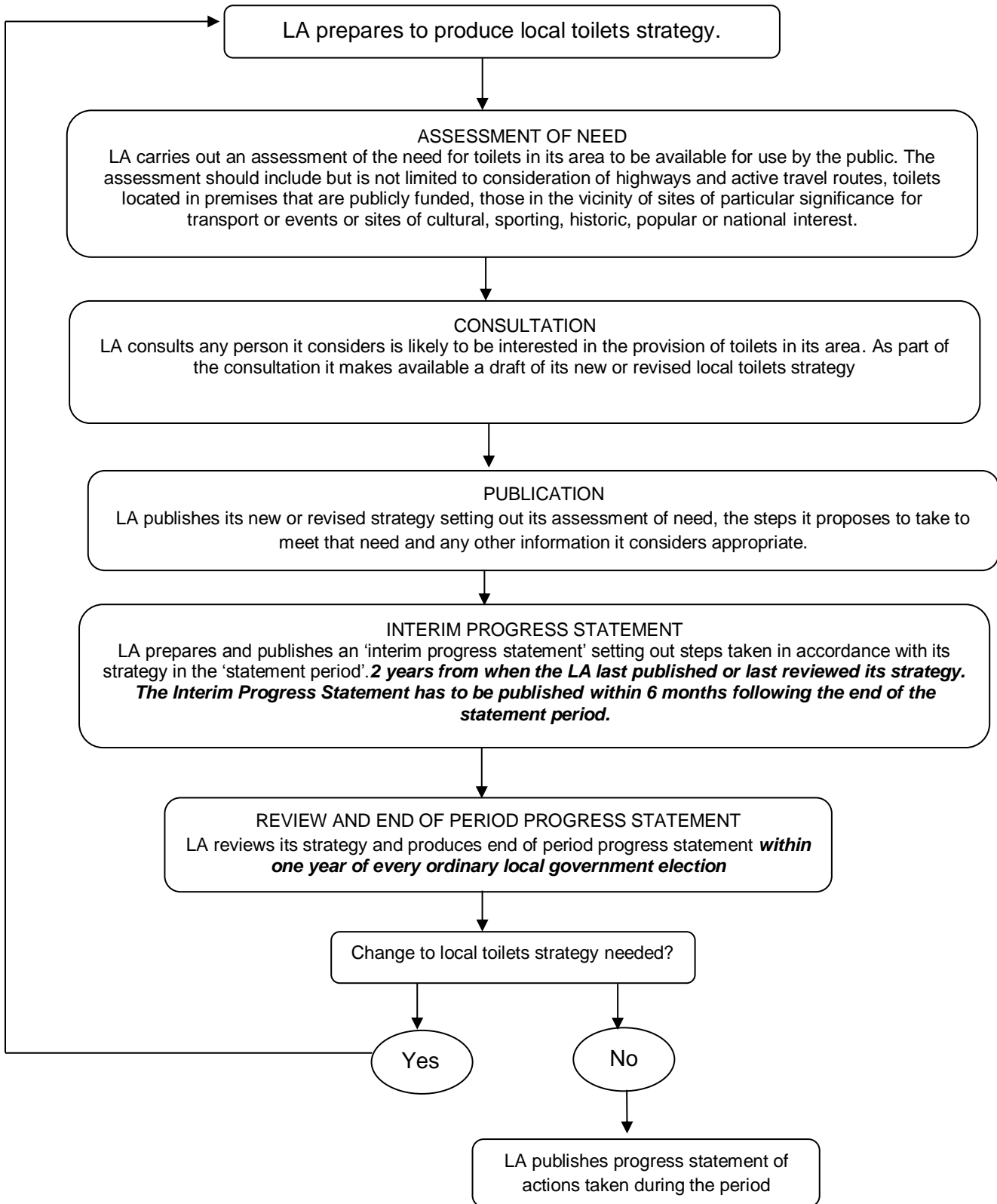
## **TIMETABLE**

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.

A LA must prepare and publish their first strategy before the end of the period of one year beginning on [date to be confirmed].



## 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 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 goals<sup>3</sup>. 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.***

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<sup>3</sup> 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 for other than 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;
- letting the experts decide 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.

## **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.***

There is a risk of pressures on LA budgets leading to short term decisions taking priority over the long term needs for provision of toilets for public use. A major barrier preventing people from using toilets for public use is that they are often not located in places where people need them, such as in train, bus and transport terminals and in parks.

Opening hours are an important factor and restricted opening hours can prohibit people from using public toilets. For people with mobility issues, or those who find themselves with a greater urgency when they need the toilet, arriving at a toilet only to find it shut can be very distressing.

Regular opening hours and very clear signposting with publicised opening times are therefore essential.

## **RATIONALE FOR CHANGE**

The current system governing provision and access to toilets for public use has not met the public's need. There are a number of factors:

- 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 another<sup>4</sup>;
- the provision and maintenance of traditional public toilets in Wales is a considerable cost to LAs and is not 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;

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<sup>4</sup> legal provisions are set out in Annex A of this guidance.

- 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 previously provided under the former Welsh Government Public Facilities Grant Scheme funding have declined since the funding was transferred to LAs via the Revenue Support Grant.

***Our 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.***

## **STRATEGIC THINKING**

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

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

## **WIDER BENEFITS**

The lack of toilets for public 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.

In addition, the absence of toilets for public use 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 or disabled people). 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.<sup>5</sup>**

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 for public use and many older people feel unable to take advantage of local amenities without having confidence that toilets for public use are available. The Older People's Commissioner for Wales has highlighted the need for access to toilets for public use by older people, and the impact a lack of provision can have on their health<sup>6</sup>.

There are over eleven million people with a limiting long term illness, impairment or disability in Great Britain<sup>7</sup> and the prevalence of disability rises with age.

Standard accessible toilets meet the needs of some disabled people but not all. The Changing Places Consortium<sup>8</sup> campaigns on behalf of those people who cannot use standard accessible toilets. This includes people with profound and multiple learning disabilities and their carers, as well as many other disabled people 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.

Many of the units surveyed each year by the BTA 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.

<sup>5</sup> <http://www.senedd.assembly.wales/documents/s57528/PHB%2038%20Crohns%20and%20Colitis%20UK.pdf>

<sup>6</sup> [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)

<sup>7</sup> <https://www.gov.uk/government/publications/disability-facts-and-figures/disability-facts-and-figures#fn:1>

<sup>8</sup> <http://www.changing-places.org/>

Children, young people and families need access to suitable facilities, including baby changing facilities. These should be provided in both male and female toilets.

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. 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 Trans community.<sup>9</sup>

Whilst certain groups may have specific needs, access to toilets for public use is a cross cutting issue as all groups in society rely on adequate toilet provision to go about their daily lives. 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.

In all aspects of long term planning, careful consideration should be given to Future Trends reporting<sup>10</sup>.

**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.**

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<sup>9</sup> <http://gov.wales/docs/dsijg/publications/equality/160314-transgender-action-plan-en.pdf>

<sup>10</sup> <http://gov.wales/statistics-and-research/future-trends>

## **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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**Prosperity for All, the National Strategy**<sup>12</sup>, sets out how the Welsh Government will deliver for Wales during the current 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.

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.

City centres, transport hubs, recreation and tourist hot spots will often be priority areas for toilets for public use. Consideration should also be given to requirements for toilets in areas identified as Business Improvement Districts<sup>13</sup>.

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

Key policies are as follows:

- Health Impact Assessment;
- Local Wellbeing Plans;
- Population Needs Assessments;
- Local Development Plans;

<sup>11</sup> [www.researchgate.net/publication/228916130\\_A\\_Code\\_of\\_Practice\\_for\\_Public\\_Toilets\\_in\\_Britain](http://www.researchgate.net/publication/228916130_A_Code_of_Practice_for_Public_Toilets_in_Britain)

<sup>12</sup> <http://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

<sup>13</sup> <http://gov.wales/topics/housing-and-regeneration/grants-and-funding/business-improvement-districts/?lang=en>



- Local Transport Plans;
- Active Travel routes and maps; and
- Partnership for Growth.

**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 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) website<sup>14</sup>.

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 Public Health (Wales) Act 2017.

***LA officers should work with health and public health professionals to integrate local provision of toilets for public use to reduce health risks and inequalities in affected communities.***

**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.

Welsh Government guidance<sup>15</sup> 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 Strategy<sup>16</sup> and the Tackling Poverty Action Plan<sup>17</sup> can help Boards assess the needs of children in poverty. Similarly, the Welsh Language Strategy<sup>18</sup> may help boards assess the needs of Welsh-speakers and Welsh-speaking communities, and wellbeing indicators for older people<sup>19</sup> can assist the boards in identifying the needs of older people in the community.*

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 local authority assessments of the community's need for toilets could then itself prove useful in the preparation of future assessments of local well-being.

<sup>14</sup> <http://www.wales.nhs.uk/sites3/home.cfm?orgid=522>

<sup>15</sup> <http://gov.wales/docs/desh/publications/161111-spsf-3-collective-role-en.pdf>

<sup>16</sup> <http://gov.wales/topics/people-and-communities/people/children-and-young-people/child-poverty/?lang=en>

<sup>17</sup> <http://gov.wales/topics/people-and-communities/tackling-poverty/taking-forward-tackling-poverty-action-plan/?lang=en>

<sup>18</sup> <http://gov.wales/docs/dcells/publications/122902wls201217en.pdf>

<sup>19</sup> [http://www.olderpeoplewales.com/en/news/news/15-03-](http://www.olderpeoplewales.com/en/news/news/15-03-19/Wellbeing_Indicators_for_Older_People.aspx#.VYqVr9JFDcs)

[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.

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.

**Population Needs Assessments (PNA):** PNAs 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 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 needs<sup>20</sup>. The information in these assessments may be useful in preparing the assessment of need for the provision of toilets.

**Local Development Plan (LDP):** Informed by the **Wales Spatial Plan**<sup>21</sup>, 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 strategy.

**Local Transport Plan (LTP):** The Transport Act 2000, as amended by the Transport (Wales) Act 2006, introduced a statutory requirement for local transport authorities to produce a LTP 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.

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>.

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 highway<sup>22</sup>.

**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

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<sup>20</sup> <http://gov.wales/topics/health/socialcare/act/population/?lang=en>

<sup>21</sup> <http://gov.wales/topics/planning/development-plans/wales-spatial-plan/?lang=en>

<sup>22</sup> <http://www.legislation.gov.uk/ukpga/1980/66/section/114>

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.<sup>23</sup> 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.'*

The statutory guidance is available on the Welsh Government website<sup>24</sup>.

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

**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.'*

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.<sup>25</sup>

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

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<sup>23</sup> <https://beta.gov.wales/active-travel-design-guidance>

<sup>24</sup> <https://beta.gov.wales/active-travel-statutory-guidance-local-authorities>

<sup>25</sup> available at: <http://gov.wales/statistics-and-research/?topic=Tourism&lang=en>

*‘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. ‘*

A general comment that *‘the public toilets need to be improved’* was received from an ‘overseas visitor’ at the end of the Welsh Government Overseas Visitor 2016 questionnaire.

## **INVOLVEMENT**

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

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 the LA comes to consider the assessment of need.

***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.***

LAs should produce their strategies by engaging with:

- individuals who are dependent on the provision of toilet facilities for public use, including children and their parents, older people, people with disabilities, rough sleepers, and those who commute to the area;
- representative groups, including for example, the British Toilet Association, Age Cymru, Crohn's and Colitis UK, and Disability Wales amongst others;
- the Children's Commissioner and Older People's Commissioner for Wales;
- local businesses and private landowners;
- public sector partners, including the police and ambulance service; NHS providers, Social Care providers.
- the National Trust and National Parks Authorities;
- Visit Wales;
- Community and Town Councils;
- local Trade Unions; and
- voluntary organisations and community groups.

### **ASSESSMENT OF NEED – ENGAGEMENT WITH STAKEHOLDERS**

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.

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.

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 can be achieved via:

- Steering/ Focus groups;
- Workshops;
- Events;
- Exhibitions;
- Public meetings;
- Social media;
- Online content and e-mails;
- Newsletters;
- Local newspapers; and
- Surveys and questionnaires.

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. LAs should, however, make every effort to engage with those within their population who are more likely to rely on access to toilets for public use, such as rough sleepers, people living with long-term health conditions, those attending local support groups (such as disabled people or those people with specific medical conditions), older people, parents and carers for young children and carers for people with additional needs.

LAs should also consider engaging social groups and clubs who may require access to toilets for public use.

## **ASSESSMENT OF NEED – WHAT TO CONSIDER**

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 disabled people, 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;
- analysis of current usage, including popular times, population assessment, transient visitors, such as van and lorry drivers, or those on coaches and buses,
- analysis of the reasoning behind usage or lack of use;
- analysis of running costs of facilities; including management and maintenance;
- analysis of limitations, including opening hours and cost.
- regional/national infrastructure and trunk roads, working with other LA's to ensure suitable toilet provision along these routes.

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.

Additionally, LAs should consider any relevant legislation and standards such as the Equality Act 2010<sup>26</sup> 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 toilets<sup>27</sup> and BS 8300 Standard for the provision of accessible toilets..

## Visitor Attractions

The Health and Safety Executive provides guidance and the management of events within the Purple Guidance to Health, Safety and Welfare at Music and Other Events. This includes guidance on the ratio of provision of toilets per head of attendees<sup>28</sup>.

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

## 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.***

<sup>26</sup> [www.legislation.gov.uk/ukpga/2010/15/contents](http://www.legislation.gov.uk/ukpga/2010/15/contents)

<sup>27</sup> <http://shop.bsigroup.com/ProductDetail/?pid=00000000030177389>

<sup>28</sup> [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)

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;
- 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.

If a LA strategy proposes the provision of toilets for public use 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.

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.

When determining the need, location and numbers for toilets that may be required at the different types of sites listed above, 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 unisex toilets?
- Baby changing facilities (ideally needed in both male and female toilets if unisex 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?

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

‘Events’ should also be interpreted as ‘destinations’.

A standard ratio for providing toilet facilities can be found in the Purple Guide<sup>29</sup> and is reproduced here:

	Female toilets	Male toilets
<b>Events with a gate time of less than 6 hours duration opening</b>	1 per 100	1 per 500 Plus 1 urinal per 150
<b>Events with a gate time of 6 hours or more, with little or no alcohol or food served</b>	1 per 85	1 per 425 Plus 1 urinal per 125
<b>Events with a gate time of 6 hours or more with alcohol and food served in quantity</b>	1 per 75	1 per 400 Plus 1 urinal per 100
<b>Campsites at major events, (emphasis from urinal to WC for males)</b>	1 per 75	1 per 150 Plus 1 urinal per 250

There are no specific ratios in respect of the number of toilets for people with disabilities that should be provided. The British Standards document BS6465-4:2010 “Code of Practice for the Installation of Public Toilets”<sup>30</sup> suggests that around

<sup>29</sup> <https://www.thepurpleguide.co.uk/>

<sup>30</sup> <https://shop.bsigroup.com/ProductDetail?pid=00000000030177389>

18% of the population have disabilities. This document also suggests that for new toilets:

- If only one toilet is provided, it should be a unisex enlarged accessible cubicle;
- In toilet blocks, at least one unisex enlarged accessible cubicle should be provided and in addition to this, at least one 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.

BS6465-4:2010 – 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.

## **COLLABORATION**

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

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.

LAs should consider opportunities to work with Community and Town Councils, other LAs, public bodies, commercial and private entities, when making the assessment of need, to identify toilet facilities that could be brought into general public use, for example roads, active travel routes, natural attractions and other public resources.

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**

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 a declining provision and standards of toilets for public use, 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.

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**

Community and town councils 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. 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.

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 public 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.

## **WORKING WITH OTHER LA DEPARTMENTS, PUBLIC BODIES AND THE PRIVATE SECTOR**

LAs should include in its consideration of toilets in its area those 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.

Where publicly accessible premises are owned by persons other than LAs (for example government offices, commercial complexes), 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.

LAs should consider the limitations placed on the use of these, which could include restricted opening hours, access charges, and, where applicable, the requirement to use or purchase goods or services before access. 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.

LAs should consider the impact that public access may have on any premises included within a strategy, for example in relation to additional noise, maintenance requirements or potential for nuisance to those who work or live in such premises. LAs may wish to consult community or town councils on the potential impact of bringing toilets in local premises into wider public use through being included within the strategy.

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. 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 the following section on Good Practice and Guidance.

In addition, 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 may wish to consider with owners of premises whether a nominal charge should be put in place for use of toilet facilities, to reimburse those owners for additional maintenance and provision of supplies. This may also address the reluctance to use

a facility if the person is not otherwise a customer of the premises. LAs may also wish to consider the power they have to charge for the use of traditional public toilets.

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.

***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.***

## **GOOD PRACTICE – GUIDANCE AND SHARING**

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.

Welsh Government guidance<sup>31</sup> 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.

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 website<sup>32</sup>.

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<sup>31</sup> <http://gov.wales/topics/people-and-communities/communities/community-asset-transfer/best-practice-guide/?lang=en>

<sup>32</sup> <http://www.goodpractice.wales/home>

## Community Toilets Schemes – Good Practice Guidance

In England, the Department of Communities and Local Government published its strategic guide, *Improving Public Access to Better Quality Toilets*<sup>33</sup>, on 6 March 2008. Amongst other things, the guide highlighted some innovative approaches taken by local authorities to public toilet provision, although it did 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.

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.

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.

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.

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<sup>33</sup><http://webarchive.nationalarchives.gov.uk/20120919231747/http://www.communities.gov.uk/publications/localgovernment/guidancetoiletschemes>

## **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 2006<sup>34</sup>*

The necessity for LA strategies has come about because of the issues highlighted on page 13. 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.

## **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.***

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.

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

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<sup>34</sup> [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)



## PROPOSALS FOR EXISTING FACILITIES

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

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.

Any proposals should be informed by the findings of the assessment process.

## 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.***

LAs are also required to consult any person they consider likely to be interested in the provision of toilets available for public use in its area when it reviews its strategy – (section 115(1)(b) of the Act).

For each person consulted, LAs must make available the draft strategy which it proposes to publish, (section 115 (2) of the Act).

LAs should refer to the Involvement section of this guidance for ways in which to consult on their proposed strategy.

## SCRUTINY

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.

## REVIEW PROCESS

When a LA reviews its local toilets strategy and considers that a change is needed it should revise and publish 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. Page 9 sets out the process for LAs to develop and review their LA strategies.

***Following the first publication of the strategy, the LA may review its content at any time, however it must undertake a review no later than 12 months after each subsequent ordinary local government election. Each subsequent strategy is subject to the same requirements as the initial strategy, as covered within this guidance.***

***Section 114 of the Act, requires that LAs produce an interim progress statement which must be published no later than two years after the LA last published their strategy, or reviewed their strategy.***

***The interim progress statement must be published no later than six months after the last day of that two year period (as set out in Section 114(3)).***

***This is separate to any other optional reviews a LA may undertake during the review period. The interim progress statement must cover the actions taken by the LA during the period since the last version of the strategy was published.***

These requirements effectively mean a LA will be required to develop and publish a toilets strategy roughly every four or five years, and produce an interim progress statement every two years. It is intended that this process will ensure a LA strategy is updated but does not envisage it being completely rewritten each time.

## **INTERIM PROGRESS STATEMENTS**

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;
- to include an explanation into outstanding or ongoing actions;
- a review of the timescale for which it 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.

The interim progress statement should be undertaken within a two year period from the last published strategy date, and then must be published within six months from the last statement period.

## **PUBLICATION AND DISSEMINATION**

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.

LAs should publish and publicise their first strategy no later than [date to be confirmed].

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 or links individuals or groups may have access to.

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.

## **PUBLICITY MATERIALS**

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. These materials could be presented as a list or downloadable leaflet. Information should be published in a prominent location on the LA website showing location, opening times and type of facilities available of all toilet facilities identified. 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.

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, a set of tools have been developed.

## **TOILET MAP DEVELOPMENT**

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 website<sup>35</sup>. 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.

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.

## **NATIONAL LOGO**

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.

A logo has been designed for this purpose and 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.

Full details on the logo and its suggested use are provided at **Annex B**.

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<sup>35</sup> <http://lle.gov.wales/home>

## 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 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 disabled people.

**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**

### **USAGE**

As explained on page 37, the use of the toilet logo is not mandated within the Act. However, it would be helpful if LAs voluntarily incorporate the logo as part of their awareness raising of toilets for public use.

The “national” logo is intended to be used primarily as a sign in a window or on a door at premises, to advertise the availability of a toilet for the public to use. These premises could be any type of shop or public building (such as a library, town hall etc.) who have agreed to allow public access to their toilet facilities. It is not intended to replace existing signage using internationally recognised symbols for toilets, e.g. the disabled toilet symbol, but to be used to supplement this signage.

As each toilet identified for public use may be different at each premises identified, to avoid having a custom sign for each premises, the decision was made to make a logo to represent the availability of a toilet for public use, and for existing signage to represent the types of toilet available and any other facilities, such as baby changing.

LAs are not expected to replace existing street signage to toilet facilities.

LAs can print and distribute the signs to participating premises if the logo is adopted by the LA. Criticisms of previous community logos have been that they are not big enough and not well publicised locally, so have failed in their purpose. For this reason, we would recommend that the signs are printed as A5 as a minimum, and that it should be publicised widely.

It is desirable, therefore, that LAs, when preparing any publicity materials to promote the availability of toilets they have identified in their local toilets strategies, explain what the logo means when it is seen in a window.

A smaller version of the logo without wording has also been provided so it can be reproduced in leaflets, maps, local papers etc. This will be particularly important to publicise what the logo means, for both locals and visitors.

### **THE DESIGN**

The design has been developed so that it is readily recognised as promoting toilet facilities without relying on traditional male/female/disabled toilet signage. This is to ensure maximum flexibility of use across differing types of facilities, and as stated above, is not intended to replace existing signage to indicate male/female/disabled facilities but to be used alongside it.



The design has been set at A5 as an appropriate size for window/door signage, and is available in both landscape and portrait formats to allow maximum flexibility for display in available space. The design is available in two forms: one with and one without a blank strip at the bottom. This strip is to allow a LA or business to include their logo/s if desired.

The logo has been designed to meet disability requirements in respect of contrast and colour and the toilet symbol has been drawn from visual vocabulary systems to be understandable to those with learning disabilities and also by those who do not read either Welsh or English, whilst displaying a basic bilingual message. For these reasons, and to ensure consistency, it is requested that the wording and colour are not altered, nor are window/door signs to be provided less than A5 in size. It is also requested that no additional wording should be included in the blank strip at the bottom (other than simple logos) that could detract from the intended simple message of the sign. The bilingual wording must not be altered.

Data files for logos are available from the Welsh Government.

#### A5 WINDOW/ DOOR SIGNS:



**SMALL LOGO FOR USE IN LEAFLETS ETC.**



## 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>

### Policy Guidance

#### 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](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](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](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](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)

## **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 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>