



**Government Response to the
Communities and Local
Government Committee Report
on the Provision of
Public Toilets**

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Presented to Parliament by
the Secretary of State for Communities and Local Government
by Command of Her Majesty
January 2009

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INTRODUCTION

The Government welcomes the Select Committee's report on the provision of public toilets and the recognition and support it gives to the action we have taken to improve public access to toilets – primarily through the publication of our Strategic Guide *Improving Public Access to Better Quality Toilets*.

The report reinforces the importance of good quality public toilet provision for all members of society, and recognises the work already undertaken by many local authorities to improve the situation in their areas.

Our Strategic Guide, the first of its kind, is an excellent example of central Government working with a range of national and local stakeholders to make the case for better public toilet provision and show how it can be done. It was supported by several Whitehall departments, showing the extent to which good public toilets are important across a range of policy areas.

All partners have a role to play in providing better toilets. Central Government by removing legal barriers, empowering local government and communities to take positive action, highlighting opportunities and encouraging innovation. Local authorities by stimulating local debate and responding to community concern, and galvanising local partners, including businesses, to take positive action. And communities by being empowered to speak up about local issues that impact on people's lives.

The Strategic Guide attracted good media coverage when it was published in March. We know that local authorities are already using it as a starting point to review public toilet provision in their areas. For example:

- the Guide informed a review by Southend Council, which on 4 November approved a public toilet strategy involving a refurbishment programme for their public toilets, maximising opportunities for promoting public toilets through section 106 agreements, and action to encourage local businesses to offer toilet facilities for public usage during business hours
- using the Guide as a frame of reference, Portishead and North Weston Town Council are considering setting up a Community Toilet scheme for the area.

The Guide generated considerable public interest: we have distributed nearly 1,000 printed copies, and there have been nearly 1,000 downloads from Communities and Local Government's website since March.

Supplementing the Strategic Guide, Communities and Local Government commissioned ENCAMs to develop further detailed guidance, which was published on World Toilet Day in November as *Improving Public Access to Toilets – Guidance on Community Toilet Schemes and SatLav*. This provides practical advice on two initiatives: the London Borough of Richmond-upon-Thames' Community Toilet Scheme and Westminster City Council's SatLav initiative. We would like to thank ENCAMs for their work in preparing this guidance and London Borough of Richmond-upon-Thames and Westminster City Council for their input. There have been nearly 850 downloads of the guidance so far.

Local authorities continue to show interest in Community Toilets Schemes. We are aware of at least 20 schemes in operation, with a further 35 schemes under consideration in areas ranging from district councils such as Southend and Three Rivers to parishes like Staplehurst Village.

We hope that our detailed guidance, coupled with the Committee's report, will spark further interest and local debate about the range of options for providing good quality accessible public toilets in our communities.

RESPONSE TO CONCLUSIONS AND RECOMMENDATIONS

KEY RECOMMENDATIONS FOR GOVERNMENT

Recommendation 26

We feel strongly that the recommendations made in the Government's Strategic Guide should be acted upon by local authorities. For this reason, we recommend that the Government imposes a duty on each local authority to develop a strategy on the provision of public toilets in their areas, which should include consultation with the local community and which should be reviewed annually. The duty of compiling and reviewing a public toilet strategy is a simple requirement that will go a long way towards achieving the right of people who live in and visit this country to have accessible and clean public toilets, wherever they live, work or visit. The way in which local authorities plan and utilise their own strategic plan is a decision for them; the fact that they have a plan should be a duty placed on them by the Government. (Paragraph 103)

We welcome the strong support for our Strategic Guide conveyed in this recommendation, which reinforces our guidance to local authorities and their partners about improving access to public toilets.

The Government considers that decisions about the provision of local services and amenities, such as public toilets, are best made at a local level. Therefore we have devolved powers, resources, and flexibilities to local authority partnerships, while taking concerted action to empower communities so people have more influence over local decisions. We believe that this is the right way to bring about the changes that people want to see in their areas, a better and more sustainable approach than direction from the centre, mandating approaches to particular public services and constraining the ability of councils to respond in ways they think best meet local needs.

We do not believe that compulsion is the only – or in all circumstances the best – way to change behaviour. For example, significant improvements in the quality of parks and urban green spaces have been achieved through Government guidance and sharing of best practice.

Through the Local Government Performance Framework, we are devolving powers and resources to local authority partnerships to enable them to take the action that they consider is needed to improve the delivery of local services. In parallel with this we consider that highlighting the powers available to local authorities, removing barriers to taking positive action, and exemplifying approaches that have worked, is an effective way to achieve improvements in services and local amenities that people want to see.

That was what our Strategic Guide and detailed guidance set out to achieve, and we are already seeing local authorities taking positive action to improve the level and quality of the provision in their areas without placing additional pressure on council tax payers. We believe the Guide and detailed guidance we have published, reinforced by the Committee's report, will encourage further improvements across the country.

Recommendation 2

It appears that the overall number of public toilets has declined in recent years, but the lack of reliable data makes it impossible to know for sure. We recommend that the Government seeks a means of collecting this data, either through requiring local authorities to provide figures from their own areas or by charging the Audit Commission with resuming its collection of accurate information on the provision of public toilets. We appreciate that there are costs associated with this data collection exercise, but it is essential for formulating a public toilet strategy. (Paragraph 13)

The Government is trying to reduce the amount of information that Local Authorities are asked to provide because we want to reduce the burdens placed on them, and so free up their resources to respond to local demands for improved public services. As we highlighted in our Strategic Guide, in order to gain a true picture of public access to toilets, data would need to be collected not only on local authority facilities, but privately-run toilets, and the large array of facilities in public buildings and places of business that are available for public use. Whether this information is provided direct to central government by local authorities, or via the Audit Commission, we consider that it would be an excessive reporting requirement for local authorities and would be difficult to justify.

Nevertheless, there is good evidence that most local authorities provide a good amount of information on their websites about public toilets in their area, and our Strategic Guide made a particular point of stressing the value of public access to local information on public toilets.

Communities and Local Government is supporting a Cabinet Office competition called “Show Us A Better Way”, which aims to find innovative ways of making better use of existing public information. One of the successful ideas aims to improve access to more consistent information on the location and opening times of public toilets in England. This would need common approaches to describing and locating the toilets (to provide easily understood and consistent information). This is in line with the Better Information for Citizens pilots which Communities and Local Government are setting up, where we intend to support and develop good practice already in place in some local authorities, aimed at improving the way citizens can find local services they need.

Recommendation 4

We recommend that there should be standard public toilet signage across the country (possibly using symbols rather than text to allow for universal recognition, irrespective of language). We recommend that the Government and local authorities, in partnership, introduce best practice guidance on a standard approach to public toilet signage. (Paragraph 22)

Both the Strategic Guide and detailed guidance stressed the importance of easily recognisable signage for local services, including public toilets, and some guidance on standard public toilet signage is covered by the Traffic Signs Regulations and General Directioning (TSRED).

The Commission for Architecture and the Built Environment (CABE) – the Government’s advisor on architecture, urban design and public space – has published numerous guides and toolkits, such as CABE Space, which promotes well-designed parks, streets and squares as a crucial part of our towns and cities.

Standardisation of more general public signage is, however, a complex design issue. People have differing requirements and abilities and may interpret signage in different ways. The Building Regulations make reference to requirements in general for signage, and the British Standard BS8300 provides extensive guidance in relation to symbols, locations, tactile signage etc.

OTHER RECOMMENDATIONS

Recommendation 3

We recommend that local authorities provide visible, clear signs for their existing public toilets, detailing such information as opening hours and location. Information about public toilet facilities and locations should also be provided in promotional leaflets for both locals and visitors and on local authorities’ websites. This will also highlight those local authorities that have a high level of toilet provision and those that are lacking in toilet provision, enabling local people to press their local authorities for better provision. (Paragraph 21)

Our Strategic Guide stresses that providing clear information about what public toilet provision is available, including on-street signage, is an important issue for local authorities to consider. Many local authorities provide information on their websites about the facilities available in their areas.

Recommendation 7

We recommend that local authorities ensure that public toilets are taken into account in needs assessments of older people and in supporting the independence of older people. (Paragraph 39)

Recommendation 8

No local authority should use the Disability Discrimination Act as an excuse to close down public toilets for general use. (Paragraph 44)

Recommendation 9

We recommend that local authorities make appropriate provision for disabled public toilets, taking the British Standard relating to the provision of disabled public toilets as their primary guideline. We recommend that local authorities, in planning their public toilet provision, should not neglect provision for severely disabled people, and we encourage them to establish specialist disabled toilets in major centres of population. (Paragraph 45)

Recommendation 10

When local authorities work out ways in which they comply to the Gender Equality Duty in respect of public toilet provision, they should follow the relevant British Standard guidelines, ensuring that their provision covers the needs of women as well as men. We recommend that local authorities aim to provide a ratio of 2:1 public toilet provision in favour of women. (Paragraph 49)

The Government agrees that local authorities should consider all aspects of equality when planning their public services and use appropriate guidance and legislation when doing so. This was a strong theme in our Strategic Guide, and a vital issue in taking positive action to improve access to toilets.

With regard to recommendation 8, we agree that the Disability Discrimination Act should not be used as an excuse to close down public toilets. The Act requires providers of services to make reasonable adjustments to enable disabled people to access the service being provided. If a major structural change is not reasonable, perhaps because it is not practicable, the Act does not require the service to be closed to other service users.

As announced in the Queen's Speech, the Government plans to introduce an Equality Bill in this session of Parliament. Included in that Bill will be the introduction of a new public sector duty – the Equality Duty – which will require all public authorities to give due regard to the need to eliminate discrimination and promote equality across the seven protected grounds – not just race, disability and gender, as now, but also age, sexual orientation, religion or belief and gender reassignment. So a local authority, for instance, when looking at public toilet provision will need to consider how that policy impacts on old people and young people, women, disabled people and other protected groups.

In addition, the National Service Framework (NSF) for Older People, a ten year programme published by the Department of Health in 2001, aims to enable older people to lead healthy and independent lives.

We have been working with the British Standards Institute to review both BS 8300 *Design of buildings and their approaches to meet the need of disabled people – Code of practice* and BS 6465 Part 1, *Sanitary installations – Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances*. The revision of BS 8300 will include expanded guidance on the design and provision of Changing Places facilities for severely disabled people and, once completed, these revised Standards should help designers and building managers provide toilets that better reflect the needs of all their customers and visitors.

Recommendation 11

We welcome the audit of disabled toilet access and the policy review being undertaken by London Underground. (Paragraph 52)

Recommendation 12

We agree with the London Assembly's recommendation that Transport for London, train operating companies and boroughs study how the provision of public toilets in stations and other transport interchanges can be provided, improved, maintained and signposted. We endorse the London Assembly's recommendation that the Mayor should extend his policies to improve public toilet provision, currently in operation for the Underground and surface transport, to those national rail service that come under his control. The Mayor should include the requirement to provide public toilets in any tendering process station upgrades in those national rail services that come under this control. (Paragraph 56)

Recommendation 13

We recommend that local authorities and train operators make full use of the Department for Transport's Access for All Small Scheme funding of £7 million a year to ensure that there are improved, accessible toilet facilities. (Paragraph 57)

Recommendation 14

We recommend that Network Rail carry out an audit of existing public toilets at mainline stations to locate the shortfalls in its public toilet provision. (Paragraph 58)

We also welcome the work that TfL and the Mayor are doing to improve public toilet provision on their public transport services.

The provision of toilet facilities on London's transport services – the Underground, Overground, Buses, Docklands Light Railway and Croydon Tramlink – is of course a matter for TfL and the Mayor, but we understand that they intend to provide accessible toilet facilities where resources permit.

A station remodelling programme on the London Overground network will see accessible toilets provided at some stations, subject to funds being available. Improvements are also planned across the Underground network following the completion of their audit on toilets available. London Underground will shortly be launching a map giving information about toilet facilities across its network.

Nationally, Network Rail is carrying out major refurbishment of the toilets at the 18 stations around Britain that they manage, and this will be done in line with the requirements of the DDA. Facilities at stations not managed by Network Rail come under the responsibility of various train operating companies. DfT have actively encouraged bids from both local authorities and Train Operating Companies (TOCs), for funding under the Access to All Small Schemes funding. As a result 34 local authorities have submitted bids since the scheme started in 2006. More bids for toilet provision have been made in the current round, mostly from TOCs.

Recommendation 15

The ENCAMS toolkit is to be provided to all local authorities and interested parties. We welcome the ENCAMS toolkit, which shares good practice of implementing the Community Toilet Scheme and recommend that all local authorities should incorporate it into their public toilet strategy. (Paragraph 62)

Recommendation 16

We support the Community Toilet Scheme (CTS) initiatives in local authorities, although they are not appropriate everywhere and may provide only a partial solution to the adequate provision of public toilets; the CTS alone cannot cover the needs of every local member of the community. We commend those authorities that have extended their provision of public toilets in this way, but we recommend that such schemes must be supplemented by other types of toilet provision. Local authorities need to be aware of some groups who might feel uncomfortable going into a pub to go to the toilet. The scheme must cover a variety of outlets to ensure that toilet facilities are available for a wide range of users, over a substantial part of the day and night. (Paragraph 72)

Recommendation 17

The signage in CTS schemes need to be extremely clear and welcoming to the public. When local authorities start such a scheme, the initiative should be heavily publicised in the local media; local authorities need to advertise the scheme – as one among other types of public toilet facilities – to local residents, as well as to visitors and tourists. Stating ‘Community Toilet Scheme’ on a window is not enough information to tell the public that those premises’ toilets are open to the general public. (Paragraph 73)

The Government welcomes these recommendations, which reinforce the guidance that Communities and Local Government has published. Practical advice, developed by ENCAMs for Communities and Local Government, was provided in *Improving Public Access to Toilets – Guidance on Community Toilet Schemes and SatLav*, published on 19 November, and Baroness Andrews wrote to all local authority Chief Executives to draw attention to it. As highlighted in the Introduction to this response, there have been nearly 850 downloads of the document so far.

This detailed guidance provides a step by step guide to setting up a community toilet scheme. Drawing on the experience of Richmond-upon-Thames, it highlights the importance of:

- a clear marketing strategy
- good publicity, including adverts in local papers and newsletters, posters and literature in key locations, and regular reviews to maintain the scheme’s high profile
- prominent and distinctive window signs displayed in participating business and complementary on street signage
- utilising other ways of disseminating information, such as on council websites.

We are pleased that the report agrees with us that community toilet schemes should be seen as one of a mix of approaches and that complementary forms of provision should be considered in areas of particularly high demand, such as tourist attractions.

Recommendation 5

We recommend that local authorities can and should exercise existing legislative powers to prevent anti-social behaviour. (Paragraph 32)

Recommendation 6

There is a perception by the general public that unattended public toilets are seen as threatening places, which puts people off using them, which in turn invites more anti-social activity. We recommend that local authorities study the benefits and cost effectiveness of providing attended public toilets, or at least ensuring regular inspections, so that the public regains its confidence in using them. (Paragraph 33)

Recommendation 18

Public toilet provision gained under Section 106 of the Town and Country Planning Act 1990 is to be encouraged. We recommend that local authorities review such agreements regularly to ensure not only that the requirement to build is carried out, but that the toilets are regularly maintained. (Paragraph 77)

Recommendation 19

We recommend that local authorities should make full use of positive letting policies to ensure a greater number of toilet facilities available for the general public. (Paragraph 78)

Recommendation 20

Environmental health officers can use their powers to ensure that public toilets are provided and maintained for public use in relevant commercial premises. We recommend that environmental health officers review plans and licence applications to ensure that adequate sanitary facilities are provided. (Paragraph 79)

Recommendation 21

We recommend that local authorities should encourage establishments selling food and drink for consumption on the premises to provide appropriate toilet facilities for their customers, following relevant British Standards. Local authorities have existing planning, licensing and leasing powers by which they can ensure that more public toilets are provided. These are not being used to their full potential and we recommend that local authorities use such existing powers to ensure the adequate provision of public toilets. (Paragraph 80)

Recommendation 23

There are six National Indicators (NIs) that link to the provision of public toilets: NI 4 (the percentage of people who feel that they can influence decisions in their locality); NI 5 (overall/general satisfaction with local area); NI 138 (satisfaction of people over 65 with both home and neighbourhood); NI 140 (fair treatment by local services); and NI 195 (improved street and environmental cleanliness). If local authorities are treating public toilet provision seriously, they should consider placing the provision of public toilets within one or more of these national indicators. There are a variety of different tools that local authorities can use as a lever to promote public toilets. We recommend that local authorities recognise the value of public toilets and find ways in which to include the provision of public toilets in their duty to support their local community, through, for example, Community Strategies, Local Development Frameworks, Local Area Agreements and Business Improvement Districts. (Paragraph 89)

We welcome these recommendations as they reinforce the advice in our Strategic Guide. The Guide highlighted the powers available to local authorities and showed how they can be used to promote better public access to toilets.

Section 20 of the Local Government (Miscellaneous Provisions) Act 1976, is relevant to Recommendation 21. This gives local authorities powers to require toilets to be provided and maintained for public use in any place providing entertainment, exhibitions or sporting events, and places serving food and drink for consumption on the premises. We understand that this power is rarely used, which was one of the reasons we highlighted it in the Strategic Guide.

Recommendation 22

We recommend that all providers of public toilets consider modern access-control methods as an alternative to traditional turnstiles. (Paragraph 81)

We agree with this recommendation. As service providers under the Disability Discrimination Act 1995, providers of public toilets are under a duty to make reasonable adjustments to enable disabled people to access the service being provided; this would include making adjustments, where it is reasonable to do so, to entrances to toilets.

The Public Lavatories (Turnstiles) Act 1963, which prohibits the use of turnstiles in any part of a public lavatory controlled or managed by a local authority, remains in force. There have been significant advances in 'access control devices' in recent years, such as the paddle barriers in train and underground stations. These allow a fee to be collected whilst not unreasonably inhibiting access.

Recommendation 24

We recommend that local authorities consult their local community if there is the threat of public toilet closure, and that local authorities must demonstrate the case for closing public toilets. Public toilets should be closed only if there is a strong case for it and after extensive consultation. (Paragraph 95)

Recommendation 25

Local authorities should follow the Government's White Paper *Communities in control: real people, real power* and should involve the local community when devising their public toilet strategies. (Paragraph 96)

We are pleased to see that these recommendations reinforce the advice provided in our Strategic Guide, and the support expressed for the Empowerment White Paper.

Communities in control: real people, real power seeks to pass power into the hands of local communities. We will introduce a new 'duty to promote democracy' to help councils promote involvement through clearer information, better trained staff, and more visible councillors in the community. We will also extend the existing duty to involve local people in key decisions, from April 2009, to cover police authorities and key arts, sporting, cultural and environmental organisations.

Empowering communities to influence local decision-making is a vital and continuing process. The Strategic Guide highlighted some areas where 'people power' has proved effective.

We believe that the action we have taken this year, coupled with the Committee's positive endorsement, has helped to raise the profile of public toilet issues and prompt debate in local communities.

Through the actions being taken forward under the White Paper, people should have more opportunities to get their voice heard locally.



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