

Provision of Toilets in Food Establishments in Mid Sussex

This document offers guidance on the standards adopted by Mid Sussex District Council for the provision of toilet amenities in food establishments that offer seating or other facilities intended for the use of consumers to consume refreshments. Guidance relates to our adopted policy under Section 20, Local Government (Miscellaneous Provisions) Act 1976. Please note that the information contained in this document is intended for guidance only, and is not a comprehensive statement of the requirements. If more specific information is required, you should seek the full version of the related legislation. Each toilet should be provided with a wash hand basin with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic hand drying facilities.

1. New Premises

Toilets will be required on the following scales for new businesses where seating will be provided for the public (NB where premises provide seating facilities for fewer than 30 persons, the shared use of one toilet will be considered sufficient).

a) Restaurants, Cafes, Fast Food Outlets and Canteens

Fitments	For male public	For female public
Toilets	1 per 100 up to 400. For over 400 add at the rate of 1 per 250 or part thereof.	1 per 50 up to 200. For over 200 add at the rate of 1 per 100 or part thereof.
Urinals	1 per 25 persons	
Wash hand basins	Each toilet should be provided with a wash hand basin with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic hand drying facilities.	

b) Hotels

Fitments	For residential public and staff	For public rooms – for males	For public rooms – for females
Toilets	1 per 9 persons omitting occupants of rooms with toilets en suite	1 per 100 up to 400. For over 400 add at the rate of 1 per 250 or part thereof	1 per 50 up to 200. For over 200 add at the rate of 1 per 100 or part thereof.
Urinals		1 per 25 persons	
Wash hand basins	Each toilet should be provided with a wash hand basin with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic hand drying facilities.		

2. Public Houses, Beer Houses, Wine Bars, Clubs (where alcohol is consumed on the premises)

(NB number of persons frequenting the premises is calculated by assuming 3 persons to 2 square yards of drinking area, excluding fixtures and fittings).

Customer accommodation	Female toilet	Males	
		Male toilet	Urinals
Less than 15	1	1	1
15-100	1	1	1
150	2	1	2
200	2	1	3
250	2	2	3
300	3	2	4
350	4	2	5
Wash hand basins	Each toilet should be provided with a wash hand basin with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic hand drying facilities.		

3. Existing Premises

- a) Toilets to be required on similar scales where seating is provided for the public in existing premises.
- b) Each toilet should be provided with a wash hand basin with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic hand drying facilities.
- c) Each case to be judged on its merits and consideration given to physical limitations of premises themselves to contain such conveniences.

Further Food Safety Information

It is best practice that, wherever possible, toilet facilities for customers should be separate from those intended for staff members. The purpose of this is to reduce the risk of food handlers being introduced to infections that members of the public could bring in, although good personal hygiene and effective hand washing can control the hazard. This principle is strongly recommended in new or substantially refurbished premises which will be served by more than 30 customer seats. In addition, it is specifically detailed in the European Food Law that all toilets must be connected to an effective drainage system, and must not open directly into rooms where food is handled. The latter point requires the use of an intervening lobby with at least 2 doors when the toilet is connected to any food storage, cooking or preparation room, but will also include any restaurant seating or server area.

Frequently Asked Questions

Question	Answer
In a café or restaurant where food is being consumed, can a toilet enter directly into a food area (e.g. kitchen, dining area etc.)	No. Toilets should not lead directly into rooms in which food is prepared or eaten. This means that there should be a lobby with two doors between the lavatory and the food room, and is required by the European Food Law.
If I am building a new restaurant or café with seating, should I provide toilet facilities for people with disabilities?	Toilet facilities should be provided for people with disabilities wherever it is reasonable and practicable. The Council's Building Control Department should be contacted for more specific advice. Tel: 01444 477570
If I am only providing food to be eaten off the premises do I need to provide toilets for customers?	Providing all food is supplied on a take-away basis then toilets would not need to be provided for customers. It should however be remembered that if a toilet is provided it must comply with the legal standards.
Do I need to provide toilet facilities for my staff?	Under the Workplace (Health, Safety and Welfare) Regulations 1992 "suitable and sufficient sanitary conveniences shall be provided at readily accessible places". In most situations this would mean that toilets and wash hand basins must be provided at the premises although there can be exceptions to this (e.g. kiosks with public toilet facilities nearby). Guidance is available regarding the number of toilets that should be provided of each sex.
Does every room containing a toilet have mechanical extract ventilation?	Not necessarily. All rooms where a toilet or urinal is provided must have adequate ventilation to prevent odours entering other rooms. In some circumstances
Does the lobby area between a toilet and the seating area or food handling room need to be provided with mechanical extract ventilation?	No. There is no obligation to provide mechanical extract ventilation in the lobby, however ventilation can be useful in lobbies (especially in cramped small lobbies) to improve ventilation.
I have been to a food premises that does not comply with standards set out in this guide. How are they allowed to get away with this?	This information refers to new and/or substantially refurbished premises. These standards must be achieved in all new premises. Certain exceptions have been made for premises that were operating prior to the introduction of the legislation although wherever practicable these standards are asked for in older premises.

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