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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation Document

# Statutory Guidance for Local Authorities: Local Toilets Strategies

Public Health (Wales) Act 2017 Part 8: Provision of Toilets – Local  
Toilets Strategies

Date of issue: 10 January 2018  
Action required: Responses by 4 April 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

**Overview** This consultation seeks views on the draft Statutory Guidance for Local Authorities on duties and powers introduced under Part 8 of the Public Health (Wales) Act 2017. This Act places a duty on Local Authorities in Wales to prepare and publish local toilets strategies for their areas.

**How to respond** All responses to this consultation must complete the enclosed questionnaire, which is also available as a downloadable document here:

<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

Responses should be submitted to:

E-mail: LocalToiletsStrategy@gov.wales

Post: Health Protection Policy and Legislation  
Public Health Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

**Further information and related documents** **Large print, Braille and alternative language versions of this document are available on request.**

The Public Health (Wales) Act 2017:

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

Draft statutory guidance for local authorities and separate technical guidance document:

<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

This consultation document is also online:

<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

**Contact details** For further information:

Health Protection Policy and Legislation  
Public Health Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

email: LocalToiletsStrategy@gov.wales

telephone: 03000 253240

**Data protection** How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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## Ministerial Foreword

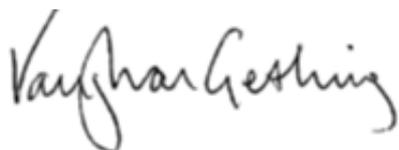
Access to toilets for public use is an issue that affects the health, dignity and quality of people's lives. There are public health and environmental costs to the wider community of not providing adequate toilet facilities. Accessible, clean toilets that are well located in places like parks, promenades, cycle trails and walking routes help encourage people who may need regular toilet access to take exercise and stay more physically active. They can also help encourage people out of their cars and back on to more sustainable forms of travel.

The Public Health (Wales) Act 2017 includes provisions aimed at improving the planning and provision of toilets available for use by the public. The Act places a duty on each local authority in Wales to prepare and publish a local toilets strategy for its area. This strategy must include an assessment of the community's need for toilets, including changing facilities for babies and changing places for disabled persons, as well as details of how the local authority proposes to meet that need.

The duty to prepare a local toilets strategy will not in itself require local authorities directly to provide and maintain public toilets, but will require them to take a strategic view across their authority on how these facilities can be provided and accessed by their local population. Whilst public toilets are often seen as stand alone facilities, there are also a wide range of facilities in both public sector and private sector buildings which are potentially available to the public, which, through creative thinking and partnership working, could be brought into wider use. As a government, we are aware of the financial pressures facing local authorities in Wales and so through local toilets strategies, we seek to encourage local authorities to improve planning, make better use of existing facilities and find creative solutions rather than building new and costly facilities.

Under the Public Health (Wales) Act, the Welsh Ministers are required to provide guidance for local authorities on how they are to prepare, consult on and publish their local toilets strategies, and to provide guidance on the matters they should be considering when undertaking these tasks.

The key purpose of this consultation is to seek views on the draft Statutory Guidance for Local Authorities on Local Toilets Strategies. We want to ensure that it is fit for purpose and assist Local Authorities in providing benefits to society, the economy, and the environment thereby contributing across Wales' well-being goals. I very much value your opinion and encourage you to submit your views; I look forward to hearing what you have to say on this important matter. This consultation will close on 4 April after which we will reflect on the feedback before determining a preferred approach. We will publish a summary of the consultation responses later in 2018.



Vaughan Gething AM  
Cabinet Secretary for Health and Social Services

## **Executive Summary**

- Under Part 8 of the Public Health (Wales) Act 2017, local authorities in Wales are required to prepare and publish local toilets strategies for their area.
- The Act also requires the Welsh Ministers to provide guidance for local authorities on how they should undertake this duty, and the matters they should consider when preparing their local toilets strategies.
- The Welsh Government has prepared a draft version of the guidance for local authorities, and would now like to consult the public on its contents.
- This document sets out the details of this consultation and asks a number of questions about the draft guidance. The Welsh Government would like the public to respond to these questions to give their views, and a response form is provided.
- At the close of this consultation, we will consider the responses received with a view to making improvements to the draft guidance to ensure it is as helpful as possible for local authorities.
- We will then publish the final version of the guidance and issue it to local authorities. They will then use it when undertaking the work on preparing and publishing their local toilets strategies.

## **Background to this Consultation**

Poor toilet provision has regularly been raised as an important public health issue by stakeholders and in reports produced by organisations such as Help the Aged and by the National Assembly for Wales' Health and Social Care Committee.

It is recognised that due to increasing demands on diminishing budgets, local authorities are finding it increasingly difficult to fund provision of traditional public toilets. Although local authorities have in the past provided public toilets, there is no legal requirement for them to do so. There is, however, a continuing need by the public to access toilets outside the home.

In November 2013, a discussion took place in plenary on the provision of public toilets. It was acknowledged that the provision of public toilets should remain a priority and the including provisions within legislation was a potential way of achieving this.

The White Paper consultation on the Public Health Bill held in 2014 outlined a series of practical and pioneering legislative proposals including a proposal to place a duty on each local authority to develop a strategy on the provision of and access to toilets for public use in their area. The proposal had been purposefully developed to cover a wider range of facilities potentially available to the public, rather than traditional public toilet facilities alone.

The Public Health (Wales) Act 2017 ('the Act') gained Royal Assent on the 3 July 2017. The Act brings together a range of practical actions for improving and protecting health across a range of subjects. Part 8 of the Act deals with the provision of toilets, and places a duty on local authorities to develop local toilets strategies.

The requirements of Part 8 of the Act acknowledge the principles that the public needs to access toilets outside their home, and that there are existing toilet facilities in both public and private ownership that could and should be brought into wider public use in addition to any public toilets provided by local authorities. Local toilets strategies are therefore about encouraging local authorities to make the best use of existing available facilities and seek creative partnerships to encourage the opening up of toilets that the public may be unaware are there, or feel obliged to be a customer to use. The Act does not expressly require local authorities to provide and maintain traditional public toilets.

During the passage of the Public Health (Wales) Act, the Welsh Ministers made a commitment that key stakeholders would be invited to assist in the drafting of the Statutory Guidance. Welsh Government officials therefore invited representatives of those bodies who gave evidence to the National Assembly about the provision of toilets at the Committee stage to comment on the draft of the Statutory Guidance as well as representatives of local authorities. The following organisations were involved in this exercise:

- Welsh Local Health Board Directors of Public Health
- Crohn's and Colitis Society
- The Older People's Commissioner for Wales
- Chartered Institute of Environmental Health Wales
- Directors of Public Protection Wales
- The Royal College of Physicians Wales
- The British Medical Association Wales
- The British Toilets Association
- Welsh Health Impact Assessment Support Unit of Public Health Wales
- Welsh Local Government Association

Representatives of local authorities in Wales.

## **The Statutory Guidance on Local Toilets Strategies**

The Act places a duty on the Welsh Ministers to provide guidance to local authorities. The Act sets out a number of different issues that must be covered in the guidance to assist local authorities in complying with the duties set out. As the guidance will be issued under section 113 (7) of the Act, it will be statutory guidance, which means that all local authorities in Wales must take account of it.

The draft Statutory Guidance document is aimed at local authorities and discusses a range of technical and strategic matters they should take into consideration when preparing, reviewing, consulting upon or publishing a local toilets strategy. The aim is to ensure that each local authority uses the guidance to assist them with following the principles of strategic, long-term planning, engaging with their populations to develop creative and sustainable solutions to the provision of publicly accessible toilets and taking a considered and transparent approach to best meet that need.

We have set out the draft Statutory Guidance document according to the five ways of working that public bodies should follow when carrying out sustainable development activities under the Wellbeing of Future Generations (Wales) Act 2015. What this means is explained further within the document itself.

We have also published a Technical Guidance document about the mapping of toilets in Wales to provide an all-Wales toilets map using local authority data. Because of its technical nature, this document does not form part of this consultation. We have published it to show the intention to undertake this mapping in partnership with local authorities and to demonstrate the information that will be collected. Local authorities have already commented on this Technical Guidance Document.

The draft Statutory Guidance and the Technical Guidance can be found on the Welsh Government consultation page here:

<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

The draft Statutory Guidance should be read in conjunction with Part 8 of the Public Health (Wales) Act 2017, which can be found on this link:

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

## Questions we would like to ask you

The draft Statutory Guidance is intended primarily for local authorities to use when undertaking their duties under the Act. As local authorities will be the lead organisations in the preparation of local toilets strategies, we would specifically like to receive responses from their representatives.

However, the purpose of the local toilets strategies is to take a strategic approach to public toilet provision and make the best use of existing resources. The solutions to better public toilet provision are not only within the local authorities control and therefore collaborative working will be essential. There are therefore implications for other organisations and businesses, as well as representative groups and members of the public who are the ultimate users of any toilet facilities identified. We would therefore like to engage as widely as possible and would encourage anyone with an interest in the provision of toilets for public use to respond to this consultation.

The following questions ask for your opinions on different aspects of the draft Statutory Guidance and whether any amendments could be made to enhance its clarity or content. You are invited to make your responses to us on the form provided at the back of this document, which can be completed in hard copy and sent to us by post, or can be downloaded from the webpage for this consultation and emailed to us:

<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

**PLEASE NOTE:** The requirements of the Public Health (Wales) Act Section 8 were decided and agreed by the National Assembly for Wales and are now law. This consultation therefore cannot revisit the requirement that each local authority should produce a local toilets strategy, what it should contain as set out on the face of the Act, or its statutory timetable.

**Question 1: Is the process for consulting, preparing, publishing and reviewing a local toilets strategy clear?**

**Question 2: Is there enough guidance on longer term thinking to shift the focus towards finding sustainable solutions?**

**Question 3: Is there enough guidance on integration to enable the mainstreaming of toilets for public use within wider local policies?**

**Question 4: Is there enough guidance on involvement to allow for the needs of the local and visiting population to be properly assessed?**

**Question 5: Is there enough guidance on collaboration to enable partnership working and encourage shared solutions?**

**Question 6: Is there enough guidance on prevention to focus local toilet strategies to prevent problems from occurring or getting worse?**

**Question 7: Are there any significant gaps in the current draft guidance?**

**Question 8: Is the design of the National Toilet Logo fit for purpose?**

**Question 9: We would like to know your views on the effects that the *Statutory Guidance on Provision of Toilets in Wales: Local Toilets Strategy* would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.**

**What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

**Question 10: Please also explain how you believe the draft *Statutory Guidance on Provision of Toilets in Wales: Local Toilets Strategy* could be formulated or changed so as to have:**

- **positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and**
- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

## **What will happen next**

We welcome comments on this consultation document until 4 April 2018, after which date we will consider all responses received.

Following this consideration, advice and recommendations will be put to the Cabinet Secretary for Health for consideration. This will include any amendments that should be made to the draft Statutory Guidance as a result of this consultation.

We will publish the details of the responses received and any revisions approved by the Minister in due course. The final version of the Statutory Guidance will be published on the coming into force date of the requirements of Part 8 of the Public Health (Wales) Act 2017. This has not yet been finalised but is likely to be in May 2018. The published document will be made available to local authorities on that date.

## Annex A - Consultation Distribution List

### Representative Organisations

CSSIW	TUC Cymru
Care Council for Wales	UNITE
Disability Wales	UNISON
Equality and Human Rights Commission	The Business Centre
Wales Council for Deaf People	Wales Tourism Alliance (WTA)
WCVA	Welsh Language Commissioner
National Federation of Womens Institutes	Older Peoples Commissioner
Merched y Wawr	Children's Commissioner
Association of Convenience Stores	West Cheshire & North Wales Chamber of Commerce
British Beer and Pub Association	Welsh Retail Consortium
British Retail Consortium	Age Cymru
British Hospitality Association	RNIB Cymru
British Institute of Inn keeping	RNID - Action on Hearing Loss Wales
British Independent Retailers Association	Llamau
British Federation of Small Businesses	Shelter Cymru
Care Forum Wales	Wallich Centre
CBI Wales	Changing Places
Chamber Wales	British Institute of Learning Disabilities
Council for Economic Renewal	Bladder and Bowel UK
Development Trusts Association Wales	Learning Disability Wales
Federation of Small Businesses – Wales	CAIS
Food and Drink Federation (FDF)	Mind
Forum for Private Business	Welsh Retail Consortium
GMB	Welsh Senate of Older People
Governors Wales	British Liver Trust
National Caterers Association (NCASS)	Children in Wales
The Law Society	Institute of Rural Health
Public and Commercial Services Union (PCS)	National Park Authorities
Pupil Voice Wales	Sport Wales
South Wales Chamber of Commerce	Maindee Unlimited
Trading Standards Institute Wales	Crohns and Colitis UK
	British Toilet Association

### Government/Local Government

Chief Executives of Local Authorities in Wales	Wales Heads of Trading Standards
Welsh Local Government Association (WLGA)	Chartered Trading Standards Institute
Directors of Public Protection Wales	Natural Resources Wales
Local Government Regulation	Public Services Boards
Local Authority Caterers Association	One Voice Wales
Office of Fair Trading	Society of Local Council Clerks

Sustainable Wales  
Public Service Ombudsman Wales  
Wales Heads of Environmental Health

Local Development Plan officers  
Wales Audit Office (WAO)

### **Health**

Chief Executives, Medical Directors and  
Nurse Directors of:  
Abertawe Bro Morgannwg University  
Health Board  
Aneurin Bevan Health Board  
Betsi Cadwaladr University Health Board  
Cardiff & Vale University Health Board  
Cwm Taf Health Board  
Hywel Dda Health Board  
Powys Teaching Health Board  
Velindre NHS Trust  
Welsh Ambulance Service Trust  
Community Health Councils

Welsh Physiotherapy Leaders Advisory  
Group  
Chartered Society of Physiotherapists  
College of Occupational Therapists  
Royal College of Nursing  
General Medical Council  
NHS Confederation  
Nursing and Midwifery Council  
LHB Directors of Public Health  
Royal College of Physicians  
Royal College of GPs  
BMA  
WHIASU

### **Public Health**

Public Health Wales  
Association of Directors of Public Health  
Faculty of Public Health

CIEH Wales  
Local authority leads for public toilets  
Welsh Combined Centres for Public Health

### **Transport**

Sustrans  
Ramblers Cymru  
Active Travel Board  
Transport Focus  
Confederation of Passenger Transport  
Bus Users Cymru  
Community Transport Association

## Annex B - Consultation Response Form

# Statutory Guidance for Local Authorities: Local Toilets Strategies

Please return this form to reach the Welsh Government no later than **4 April 2018**. The email address for responses or queries is:

LocalToiletsStrategy@gov.wales

Postal responses should be sent to:

Health Protection Policy and Legislation  
Public Health Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Telephone contact for enquiries: 03000 253240.

This form can be downloaded from the Welsh Government consultation webpage here:

<https://consultations.gov.wales/consultations/local-toilets-strategies-statutory-guidance-local-authorities>

<b>Your name:</b>	
<b>Organisation (if applicable):</b>	
<b>Email Address:</b>	
<b>Telephone Number:</b>	
<b>Your address:</b>	

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be anonymised, please tick here:

<p><b>Question 1: Is the process for consulting, preparing, publishing and reviewing a local toilets strategy clear?</b></p>
<p><b>Question 2: Is there enough guidance on <u>longer term thinking</u> to shift the focus towards finding sustainable solutions?</b></p>
<p><b>Question 3: Is there enough guidance on <u>integration</u> to enable the mainstreaming of toilets for public use within wider local policies?</b></p>
<p><b>Question 4: Is there enough guidance on <u>involvement</u> to allow for the needs of the local and visiting population to be properly assessed?</b></p>
<p><b>Question 5: Is there enough guidance on <u>collaboration</u> to enable partnership working and encourage shared solutions?</b></p>
<p><b>Question 6: Is there enough guidance on <u>prevention</u> to focus local toilet strategies to prevent problems from occurring or getting worse?</b></p>
<p><b>Question 7: Are there any significant gaps in the current draft guidance?</b></p>
<p><b>Question 8: Is the design of the National Toilet Logo fit for purpose?</b></p>
<p><b>Question 9: We would like to know your views on the effects that the <i>Statutory Guidance on Provision of Toilets in Wales: Local Toilets Strategy</i> would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.</b></p> <p><b>What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</b></p>
<p><b>Question 10: Please also explain how you believe the draft <i>Statutory Guidance on Provision of Toilets in Wales: Local Toilets Strategy</i> could be formulated or changed so as to have:</b></p> <ul style="list-style-type: none"> <li><b>positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and</b></li> </ul>

- **no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.**

**Question 11: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**

**Please enter here:**