

Toilets and compliance with the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 (as amended) and the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (as amended)

This information has been developed by a cross sector group looking to reduce risk for licensed premises operating during the current pandemic and so ensure the safety of the public, premises staff and officers and provide clarity for all involved.

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Following on from our document in relation to off-sales, a further issue has been identified to us in relation to premises that are currently providing off-sales.

The question is: are premises permitted to allow their customers to use their toilets?

It does not appear that there is anything that precludes this.

Regulation 4 (1a) (i) refers to business closure, and relates to closure of the premises or any part of the premises in which food and drink are sold for consumption on those premises.

As such, provided the layout of the premises is suitable, this would appear to allow toilets to be opened, subject to relevant risk assessment.

It has also been noted that the opportunity for premises to reopen their toilets may help deal with some of the anti-social behaviour that has been seen in towns and cities. It is something we would suggest is discussed at a local level with the Licensing Authority, and local Police Licensing and the Premises.

If the Authorities feel that opening of certain toilets would support the promotion of the Licensing Objectives it would seem appropriate and in accordance with the principle of partnership to engage in dialogue with the premises as a first step as each case will turn on its own facts.

There can be no immediate obligation placed on premises to open their toilets, as there may be circumstances whereby the risk assessment determines that, on balance, it is not safe to do so.

Businesses may wish to contact their local authority for advice and guidance.

Guidance for businesses offering takeaway services has also been produced by the Government and can be found here:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

Please note that this document does not constitute legal advice but is the group's considered opinion of the matters contained within.