



# Public Health (Wales) Act 2017

2017 anaw 2

## PART 8

### PROVISION OF TOILETS

#### *Local toilets strategies*

#### **113 Local toilets strategies: preparation and review**

- (1) A local authority must prepare and publish a local toilets strategy before the end of the period of one year beginning with the date on which this section comes into force.
- (2) A local toilets strategy must include—
  - (a) an assessment of the need for toilets in the local authority's area to be available for use by the public,
  - (b) a statement setting out the steps which the local authority proposes to take to meet that need, and
  - (c) any other information which the local authority considers appropriate.
- (3) A local authority must carry out a review of its local toilets strategy after each ordinary election held for its area under section 26 of the Local Government Act 1972 (c. 70); and each review must be carried out before the end of the period of one year beginning with the date of the election.
- (4) A local authority may, in addition to a review required by subsection (3), carry out other reviews of its local toilets strategy.
- (5) When a local authority reviews its local toilets strategy it must publish a statement of the steps which it has taken in accordance with the strategy during the period—
  - (a) beginning with the date on which the strategy was last published, and
  - (b) ending with the date on which that review commenced.
- (6) When a local authority reviews its local toilets strategy and considers that a change is needed, it must—

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- (a) revise the strategy, and
  - (b) publish the revised strategy.
- (7) The Welsh Ministers must issue guidance to local authorities about the matters which they should take into consideration when—
- (a) preparing a local toilets strategy,
  - (b) reviewing a local toilets strategy,
  - (c) consulting on a local toilets strategy under section 115, or
  - (d) publishing a local toilets strategy.
- (8) Guidance issued by the Welsh Ministers under subsection (7) must make provision about —
- (a) the assessment of the need—
    - (i) for toilets to be available for use by users of highways and active travel routes;
    - (ii) for toilets to be available for use by users of other sites and facilities that, having regard to criteria set out in the guidance, are facilities of particular significance for transport;
    - (iii) for toilets to be available for use in the vicinity of sites and in connection with events that, having regard to criteria set out in the guidance, are of particular significance or of cultural, sporting, historic, popular or national interest;
    - (iv) for toilets located in premises that are publicly funded (whether wholly or in part) to be available for use by the public,
  - (b) promoting public awareness of toilets available for use by the public, and
  - (c) collaboration between local authorities.
- (9) In subsection (8) “highway” has the meaning given by section 328 of the Highways Act 1980 (c.66).
- (10) For the purposes of subsection (8), a route is an active travel route if it is shown as an active travel route on the map most recently prepared by a local authority under section 3 of the Active Travel (Wales) Act 2013 (anaw 7).
- (11) A local authority must have regard to any guidance issued under subsection (7).
- (12) For the purposes of this Part “toilets” includes—
- (a) changing facilities for babies, and
  - (b) changing places for disabled persons.

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**Commencement Information**

**II** S. 113 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

**114 Local toilets strategies: interim progress statement**

- (1) A local authority that has published a local toilets strategy under section 113 (whether pursuant to a review of the strategy, or otherwise) must prepare and publish an interim progress statement in accordance with this section.

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- (2) A local authority that has reviewed its local toilets strategy under section 113(3) but not revised it must prepare and publish an interim progress statement in accordance with this section.
- (3) An interim progress statement is a statement of the steps that the authority has taken in accordance with its local toilets strategy during the period (the “statement period”) of 2 years beginning with the date on which—
  - (a) in the case of a requirement imposed by subsection (1), the authority last published that strategy;
  - (b) in the case of a requirement imposed by subsection (2), the authority last reviewed that strategy.
- (4) A local authority must publish its interim progress statement no later than six months after the last day of the statement period.
- (5) The Welsh Ministers must issue guidance to local authorities about the matters which they should take into consideration when preparing an interim progress statement; and a local authority must have regard to any guidance issued under this subsection.

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**Commencement Information**

**I2** S. 114 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

## **115 Local toilets strategies: consultation**

- (1) A local authority must consult any person it considers is likely to be interested in the provision of toilets in its area that are available for use by the public before it publishes its local toilets strategy under—
  - (a) section 113(1), or
  - (b) section 113(6)(b).
- (2) As part of the consultation, the local authority must make available to each person consulted under subsection (1) a draft local toilets strategy.

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**Commencement Information**

**I3** S. 115 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

### *Local authority power to provide public toilets*

## **116 Local authority power to provide public toilets**

- (1) A local authority may provide toilets in its area for use by the public.
- (2) A local authority must have regard to the relevant local toilets strategy when determining—
  - (a) whether to provide toilets under subsection (1), and
  - (b) the types of toilets to be provided.
- (3) For the purposes of subsection (2), the relevant local toilets strategy is—

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- (a) in the case of a county or county borough council (“a principal council”), the local toilets strategy most recently published under section 113 by that council, and
  - (b) in the case of a community council, the local toilets strategy most recently published under section 113 by the principal council of the area in which the community council is situated.
- (4) A local authority may not provide toilets under subsection (1) on or under land adjoining, or in the vicinity of, a highway or proposed highway unless—
- (a) the local authority is (or in the case of a proposed highway, will be) the highway authority for that highway, or
  - (b) the local authority has obtained the consent of the highway authority for that highway, or (in the case of a proposed highway) of the authority that will be the highway authority for that highway, to provide such toilets.
- (5) A local authority that provides toilets under this section may charge fees for the use of those toilets.
- (6) In this section—
- “highway” (“*priffordd*”) has the meaning given by section 113(9);
  - “local authority” (“*awdurdod lleol*”) includes a community council.

#### Commencement Information

**I4** S. 116 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

### 117 Power to make byelaws in relation to toilets

- (1) A local authority that provides toilets under section 116 may make byelaws as to the conduct of persons using or entering them.
- (2) Where a community council makes byelaws under subsection (1) in respect of toilets provided by it, the byelaws (if any) made under section 2 of the Local Government Byelaws (Wales) Act 2012 (anaw 2), in relation to those toilets by the county or county borough council of the area in which the community council is situated, are of no effect during the currency of the byelaws made by the community council.
- (3) For the purposes of this section “local authority” is to be read in accordance with section 116.

#### Commencement Information

**I5** S. 117 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

### 118 Consequential amendments

For amendments consequential on this Part, see Schedule 4.

#### Commencement Information

**I6** S. 118 in force at 31.5.2018 by S.I. 2018/605, art. 2(a)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/949, art. 3 by [S.I. 2017/967 art. 2](#)