

# Report on the Consultation Conducted by Belfast City Council into the Draft Changing Places Toilet Policy

April 2024

## **1. Introduction**

A motion proposed by Councillor Ross McMullan calling for the introduction of a Changing Places Toilets Policy for Belfast City Council was referred to the SP&R Committee by the Council on 1 September 2021. The Committee adopted the motion and agreed that a report be brought back to Committee providing details on how it would be facilitated, resourced, and managed.

An update report was brought to the Disability Working Group in February 2023 summarising the motion and the proposed approach. A Changing Places Toilet Policy officer working group met regularly and their input has helped inform the various factors which the policy must consider including how it will be facilitated, resourced, and managed.

Following further updates a final draft Policy was endorsed by the Disability Working Group in October 2023 and then approved by the Strategic Policy and Resources Committee to go out to public consultation.

The draft Policy went out to public consultation on 19<sup>th</sup> January for a period of twelve weeks. The findings of the consultation are included in Section 3 of this report.

## **2. Draft Changing Places Toilet Policy**

The draft policy sets out Belfast City Council's approach and commitment to providing Changing Places Toilet facilities in public places within council facilities and across the council area.

Changing Places Toilets (CPTs) meet the needs of people with profound and multiple learning disabilities as well as people with other physical disabilities such as spinal injuries, muscular dystrophy and multiple sclerosis. These specialised toilet facilities make public places and spaces accessible and inclusive for everyone, including children, adults and older people with complex needs or mobility issues. Where they are not provided, people are changed on a toilet floor, which is dangerous, unhygienic and undignified. Without them, people may be excluded entirely from certain public spaces.

Installing Changing Places Toilet facilities is a practical step through which public bodies can demonstrate that they are taking positive action to promote equality of opportunity for disabled people, as outlined in the Disability Equality Duty.

### 3. Responses from the online consultation questionnaire

In total there were 90 responses to the survey. Respondents were asked to what extent they agreed or disagreed with the draft Changing Places Toilet Policy.

To what extent do you agree or disagree, with the Council's approach as laid out at Section 4 in the policy?	Definitely agree	Somewhat Agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree	Total
Respondents*	54	13	6	6	10	89
<b>Percentage</b>	<b>60.8</b>	<b>14.6</b>	<b>6.7</b>	<b>6.7</b>	<b>11.2</b>	<b>100</b>

\*1 person skipped the question

The statistics above show that most respondents (75.4%) agreed with the draft Changing Places Toilet Policy, with a smaller percentage (17.9%) disagreeing.

#### Key themes in the survey responses

A detailed examination of the comments received revealed a number of common themes:

1. More Changing Places Toilet facilities needed.
2. Clean Toilets required.
3. Single Sex Changing Places Toilet facilities.
4. Dual Language signage for Toilets.
5. Accessing current Changing Places Toilet facilities.
6. Legal duties/wording of draft Policy.

#### 1. More Changing Places Toilet facilities needed – comments.

*“More of these toilets are needed along with other toilets as the facilities in Belfast City Centre are a disgrace.”*

*“As a disabled person myself, I agree very strongly with this proposal as I personally find it can be very difficult at times using a public toilet which has limited space for a wheelchair or rollator.”*

*“Toilet facilities need to be available for all people, including disabled people.”*

*“More facilities needed so people can participate in activities.”*

*“As a parent of a severely disabled child. This is so needed. A standard disabled bathroom is not big enough. By the time you get a wheelchair, them, and yourself in. My child has some mobility but sometimes it isn't the best. I've had to change nappies on the ground which isn't hygienic. My child is 15 years old. So, using a changing table is easier for them and me.”*

*“We have a child who is a full-time wheelchair user, and it is very hard to find suitable changing toilet facilities for us. This adds greatly to the planning of days out.”*

*“Not enough locations.”*

## **2. Clean Toilets required – comments.**

*“Not enough clean toilets or proper changing areas.”*

*“City need clean toilets.”*

*“The toilet facilities in Belfast are at best, woeful. I mean for the general public too. It puts people off going into the town centre because really, the only toilets are the ones with sliding doors in the street and everything in them is soaking. We need a state of the art facilities that includes everyone so they can be wheeled into/walk into.”*

*“We need public toilets that are clean and safe, the one in Botanic Park is disgraceful. We need public toilets in the town that open at 8 in the morning.”*

*“Belfast Healthy Cities works to make Belfast a clean, safe physical environment. Thus we recommend understanding changes that can be made to improve the safety and perceived safety of the area in which these changing facilities are located to make sure they are safe, comfortable and accessible. Examples of ways to improve areas to decrease anti-social behaviour and improve the overall quality of these locations includes, more greening projects, frequent cleaning, better lighting (inside and outside changing rooms), and other infrastructure to improve safety. By making sure both the inside and outside of these changing room locations are safe, clean and comfortable, it would be arguably make them more accessible, improve maintenance and use.”*

*“Management and maintenance - Likewise, the paragraph on “Management and maintenance” fails to mention that these CPTs will be provided alongside other public toilets (male, female & accessible) that have or will similarly have cleaning, checking and maintenance regimes in place. The addition of a CPT represents a minor addition to existing or required management and maintenance. Any and all items of Council equipment require maintenance, checking and repair procedures, from kettles and cooking equipment in staff rooms and community hub kitchens, photocopiers and computers in offices, gym and sports equipment in leisure and sports centres etc. It would be unreasonable and inequitable to regard the minor extension of standard cleaning & maintenance regimes and repair of equipment that is essential to provide safe and dignified toileting to disabled people as in any way begrudged or overly burdensome in comparison to all other Council equipment and facilities.”*

### **3. Single Sex Changing Places Toilets – comments.**

*“Do not agree with same sex areas or areas where children will be.”*

*“Single sex changing facilities should be preserved in order to prevent safeguarding issues arising particularly in parks and playgrounds.”*

### **4. Dual Language signage for Toilets – comments.**

*“There is no mention in the draft of the Irish Language. All Changing Places Toilets and associated spaces should carry full dual-language English-Irish signage, including main signs, emergency signage and health and safety signage, in line with the BCC languages strategy and the European Charter for Regional Minority Languages.”*

*“There is no reference at all to bilingual signage and I would strongly urge the Council to ensure that any future policy sets out clearly that all signage, from directional, informational, warning, both internal and external, are bilingual. As I understand, the Council are working towards an Irish Language policy and as such, policies such as these should be future-proofed and in keeping with Council’s obligations under the European Charter for Regional or Minority Languages.”*

*“Once again, there is no reference to bilingual signage. I would strongly encourage Council to ensure all signage, directional, informational, warning (both internal and external) are bilingual (Irish/English).”*

*“In an era of incoming Irish Language legalisation, I feel that all signage in public spaces operated by Belfast City Council should include bilingual (Irish/English) signage.”*

## **5. Accessing current Changing Places Toilet facilities – comments**

*“There is a legal requirement to provide suitable facilities and yet there are still inaccessible buildings never mind toilets. The provision of CPT should be compulsory in every public building. Existing toilets for able bodied can be reappropriated for the space required on ground floors and abled bodies can use facilities on other floors. Whilst the radar key doors are also good to stop non-disabled people using and abusing the CPT, it is extremely annoying that you have to track down staff to open the toilets if you don’t have a key with you. Abled bodied don’t have to ask for their toilets to be opened!”*

*“Definitely agree, this needs to be carried out ASAP, there is three sets of toilets and changing facilities in my local park, not one of them open.”*

*“In addition, we encourage policymakers to also consider how these facilities will be accessed such as will they remain open all hours, or key or code access be required. Should the facilities need key or code access, we suggest taking into account needing a system to ensure that they are available to all users, including those both living in the council areas as well as visitors, in an easy and time efficient manner that does not negatively impact users or accessibility.”*

## **6. Legal duties/wording of draft Policy – comments**

*“The use of the words ‘strive to’ is unacceptable and this should be changed to ‘commit to’ The word ‘strive’ places no obligation on the Council to achieve anything in relation to the list that follows on, thereby rendering this ‘Policy’ document practically meaningless. First bullet point – the first point on the list which the Council will only strive to do is ‘provide as required Changing Places facility in every new large building development in which the public will have access to its services and where public toilet provision is available for other (in accordance with Building Regulations Part R).’ Firstly, it is both highly offence and completely inappropriate for the Council to place any equivocation on fulfilling its mandatory statutory obligations to meet the minimum standards of the NI Building Regulations. The recent amendment to NI Building Regulations to include Changing Places Toilets (CPTs) under defined thresholds, represents hard won toileting rights for disabled people, and it is not for the Council to decide to disapply those rights in any circumstances.”*

*“A CPT requirement, which is prescribed in NI Building Regulations, would clearly meet the threshold for a reasonable adjustment under the Disability Discrimination Legislation because how could it not be reasonable to comply with minimum statutory requirements? Secondly, the Council should be aiming to go beyond the minimum requirements of the Building Regulations by committing to provide a CPT in al new build development which the public will have access to. The Disability Discrimination (NI) Order 2006 (2006 Order) places new duties on public authorities when carrying out their functions to have regard to the need: to promote positive attitudes towards disabled people and to encourage participations by disabled people in public life. It is clear that the extension of the Disability Discrimination Act in this way imposes further duties and expectations on the public sector not to discriminate against disabled people across the whole range of its public activities.”*

*“Second bullet point – the second point on the list of what the Council will strive to do is ‘make every effort to include Changing Places facilities when we extend or refurbish a council-owned building where it is reasonable to do so’. This point in itself includes three equivocations (underlined). It is difficult to see how any disabled person or carer could include a CPT under this Policy document proposal. This statement is so heavily equivocated as to be completely meaningless. It is always reasonable to provide a new CPT in an extended or extensively refurbished public community building availing of public money and what would be unreasonable is disabled children and adults to be lying on disgusting public toilet floors within community buildings that have been subject to extensive refurbishment or extension. Whilst there may be particular refurbishment projects where there may be an extraordinary significant insurmountable technical or cost barrier, perhaps in a historical building, the omission of a CPT must only be permitted in exception circumstances, and this should be stated in these clear terms under this policy point. A lesser standard disabled changing facility should also be considered too as an alternative in these particular circumstances, as these too are suitable for registration with the Changing Places Consortium.”*

*“Third Bullet Point – the third point on the list of what the Council will strive to do is ‘review where such Changing Places facilities could be installed on the council estate for example playgrounds and parks.’ The carrying out of this review should be an absolute commitment and not a ‘strive to’. There is no reason why this review couldn’t be carried out. Secondly the point does not go on to state what happens with the information following the review. The Council should go on in the policy document to commit to a rolling programme of addressing the CPT deficit and toilet need identified. What use is a review that isn’t linked to any programme of action?”*

*“Fourth Bullet Point - Comments The fourth point on the list of what the Council will strive to do is ‘when organising a large public event, consider if it can take place at a venue that already has a changing places toilet or include a mobile/portable facility, if a permanent Changing Places toilet is not available.’ Again, it should be an absolute commitment to provide a changing places toilet at ALL large events in this policy document and not a strive to consider. I understand that other Councils such as Mid & East Antrim and Causeway Coast and Glens Councils have committed to the following actions under their Changing Places Policies for large and small events providing changing places toilet facilities at all large scale public events and events funded by Council, moving smaller events to venues where there already is a changing places facility where practical and advertising small events beforehand so that people who may wish to attend and require a CPT can be accommodated where feasible. The Belfast City Council policy for large and small scale events should be no less favourable for disabled people than what other Councils have determined reasonable provision for same.”*

*“Fifth Bullet Point - The fifth point on the list of what the Council will strive to do is ‘require organisers of all large-scale public events (for example concerts and festivals) on council property to make reasonable adjustments to ensure that customers have access to either a fixed or portable Changing Places facility as part of the design.’ It is entirely unacceptable that this policy would only apply to large scale events on Council property. A large-scale event that is funded by Council using public money should have to provide a CPT whether it is located on Council property or not. This is certainly what is applied in other Council areas where, for example Dalfest & Stendhal Festivals and NW200 are all required to provide CPTs as a condition of Council funding. Disabled people and carers no longer accept being denied safe, dignified and hygienic toileting arrangements at large events. As Belfast is our capital city, many of the large-scale events will be regionally significant*

*appealing to people from all over Northern Ireland. Disabled people expect and demand the same access to safe, dignified, hygienic and convenient toileting arrangements that everyone else enjoys. Notably in September 2020, the Equality Commission for Northern Ireland supported a disabled changing places toilet user in two cases that year alleging disability discrimination in respect of the non-provision of suitable toilet facilities because as a changing places toilet user he was unable to use the toilet facilities provided at events - see The Equality Commission report at link [Access to toilets key independence for disabled people \(equalityni.org\)](#) Belfast City Council should not be funding the potential discrimination of disabled people either on or off Council property.”*

*“Background to Changing Places Toilet Policy - The policy points in this draft document are insufficient in respect of providing clear unequivocal commitments to address the significant and serious adverse impact on disabled people and carers caused by a lack of CPTs in public community buildings, as described in the ‘Background to Changing Places Toilet Policy.’ It is factually incorrect to state that the Building Regulations Statutory Guidance that came into effect on 30th June 2022 applies to buildings constructed after this date. It is my understanding that it is the date on which the building control application was submitted that determines whether the new CPT requirements will apply. A building constructed today where the Building Control application was submitted prior to 30th June 2022, can be constructed without a CPT, although this would clearly be unacceptable for any new large publicly funded community development.”*

*Benefits for the council and others - In the section “Benefits for the Council and Others” considers the topic of Compliance. It is my understanding that the recent changes to the Building Regulations shifts the dial in relation to the consideration of reasonable adjustments under Disability Discrimination legislation in respect of CPTs. If it is considered reasonable under statutory guidance to provide a CPT at certain building or premises capacity or size thresholds, then this will inform an assessment of reasonableness where disabled people consider that they have been treated less favourably than others and discriminated against due to denial of safe and dignified toileting options. Prior to the Building Regulation amendments there would have been no statutory guidance references against which to assess the reasonableness of CPT provision. Furthermore, Customer Benefits are described but the Council fails to consider potential recruitment and employee benefits as a new employee may be a changing places toilet user. The presumption that changing places toilet users will always be ‘passive’ customers rather than people who can be employed by the Council to enhance the skills and diversity of Council staff is unacceptable. I know a number of changing places toilet users who are employed or could benefit from a changing places toilet in their place of employment.”*

*“Existing Provision - The paragraph on ‘Existing Provision’ states that ‘it should be accepted that not all building or locations will require a Changing Places facility to be provided. We will also take into account the availability of any other CPT facilities or whether an alternative facility is within walking distance.’ This is inequitable policy as the availability of other public toilets are not taken into account in relation to the provision of toilets for other people. Non-disabled people are not required to leave the building they are attending in search of a nearby toilet within “walking distance”. What does the Council consider walking distance, or more appropriately, wheeling distance, to be? Will the accessibility of the “walking distance” route even be checked? Would a requirement to cross a major road be considered acceptable? If changing places toilet users are entitled to use a blue badge parking bay providing the benefit of short distance routes into a building, how then would it be*



*considered reasonable to direct a severely disabled person and carers hundreds of metres out of said building to find a toilet? Changing places toilet users should be provided an equitable standard of conveniently accessible toileting. Why should a changing places toilet user, like a severely disabled wheelchair user child, have to be taken out in the pouring rain or ice and snow to access toileting? Why should a changing places toilet user attending a course or seminar have to spend their breakout times leaving the building to access toileting rather than enjoying any food or drink on offer or having opportunities to socialise or network?"*

*"Cost and Investment Priority - The paragraph on 'Cost and Investment Priority' states that other considerations to installing a CPT will include maintenance and security costs. All Council facilities and equipment have maintenance and security costs. It is unlikely that a CPT would ever be provided on a standalone basis in an area that had no other public toilets, buildings, facilities, or Council equipment. A CPT should not be considered any differently or any more burdensome on the public purse than any other toilet or Council facility or item of equipment that staff or members of the public require. Furthermore, this section fails to mention that over a number of years funding has been available specifically for Access and Inclusion improvements which can be used to fund new CPTs (mobile and permanent). Recently Causeway Coast and Glens Borough Council purchased two new mobile facilities for Council events with Departmental funding from DfC and DAERA. This section should include a commitment to make funding applications at every available opportunity/funding release to aim to fund and expand provision of Council CPTs and other accessibility improvements at significantly reduced or zero cost to Council."*

*"Events Organised by external organisers -Large scale outdoor events - Finally, the 'Events organised by external organisers - Large scale outdoor events' is entirely unacceptable, should it relate to larger numbers or people being needed to achieve the threshold. It is unclear in what way this discretionary determination may be implemented, and this requires clarification. It would clearly be absolutely unacceptable and abhorrent if Council, at its discretion, arbitrarily decided to increase the 5,000 people threshold, for the sole purpose of denying disabled people a changing places toilet at said event which the Council acknowledges that lack of CPTs results in disabled people being changed on a toilet floor which is dangerous, unhygienic and undignified or them being excluded entirely. I would again direct the Council to consider the Equality Commission report on the two cases that they supported in relation to a changing places toilet user being denied changing places toilets at two separate large events."*

### 3.2 Use of Council facilities.

Respondents were asked to provide answers on how often they would use council facilities.

The responses were:

	Never/don't use	A few times a year	Once a month	Once a week	Daily	Total
Community Centres	22	29	10	20	8	89
Leisure Centres	18	33	5	23	9	89
Parks	6	13	10	32	27	89
Playgrounds	37	14	10	16	10	89

\*1 respondent skipped this question.

Most of the respondents (66%) used the Parks at least once week.

### 3.3 Encountered any issues accessing toilet or changing facilities.

Respondents were asked to provide answers on whether they or someone they care for or someone they have been with, ever encountered any issues accessing toilet and changing facilities.

The responses were that 60.2% had encountered issues. 39.8% had encountered no issues.

Comments from those who had encountered issues:

*"I have a son who is disabled and requires care and a standard disabled toilet isn't big enough sometimes for him to even turn his wheelchair in."*

*"Falls Park in particular is very short of suitable facilities and facilities in general."*

*"Some facilities are out of use on some occasions."*

*“I have MS which made me incontinent. My main issue was gaining access to toilet facilities when I can clean myself appropriately and have room to put on clean clothes. There is a lack of these facilities, and it is good to hear that these facilities will be/are available as it means I will be able to return to shopping in Belfast City Centre.”*

*“Disabled toilets at Ormeau Park have been locked when the park is open.”*

*“Parks and playground toileting facilities are inadequate in general.”*

*“As mother to a severely disabled child who requires changing places toilets, our family is excluded from attending events and using community facilities due to the lack of changing places toilets. The lack of changing places toilets in community buildings and facilities prevent disabled children and adults and carers from being full and active citizens with many choosing to not participate due to lack of safe, dignified, hygienic and convenient changing places toilet facilities. Further opportunities to provide greater socialising, employment, education, health and wellbeing and public participation events and forums for disabled people are stymied by the lack of fully inclusive community buildings available within the Council area. Lack of changing places toilets is a barrier to participation and opportunity for disabled people, older people and carers.*

### **Other comments in relation to our Equality Screening**

*“We appreciate policymakers including a public consultation process and ensuring that The Disability Advisory Panel have a say. As Community engagement needs to be at the forefront of policy consultation, we strongly recommend that when completing the public consultation process the equality screening be taking into consideration, for example we recommend policymakers meet directly with residents, carers, medical professionals, as well as those living with a disability. These groups are those who are impacted by availability and quality of facilities, who will be using these facilities and have important knowledge on the topic areas. Meeting with these groups will allow policymakers, to better understand how this policy will impact them, what locations need changing rooms and what infrastructure needs to be in place. It is important to meet directly with those affected and work based on their needs. Additionally, when choosing who to meet with it is important to have direct representation from hard-to-reach groups, especially those often left behind and who have a unique perspective. This includes women, the elderly, disabled, minority groups and economically disadvantaged.*

*Also, adolescents and children have a voice but are often left out of consultation processes. The Belfast Healthy City process used in engaging children in the design of the built environment can also be used for this policies consultation process – examples of engagement techniques with children can be used from below publication.*

[https://www.belfasthealthycities.com/sites/default/files/publications/19042%20-%20HC%20Engaging%20Children%20%28Print%29\\_0.pdf](https://www.belfasthealthycities.com/sites/default/files/publications/19042%20-%20HC%20Engaging%20Children%20%28Print%29_0.pdf)

*In relation to question 13 regarding using this policy to help disabled people be actively able to participate in society, we recommend considering asking questions in relation to what areas of society these groups are missing out on due to lack of facilities and prioritising these locations first. For example, through public consultations policymakers may find a number of young people living with a disability may be unable to use their local park due to the lack of available changing facilities, thus prioritising improving facilities within this park over other locations may become a key need for policymakers. We also recommend looking at other groups who may benefit from use of these facilities such as the elderly, who may not have a carer or disability but are aging and could benefit from different infrastructure in public toilet facilities. As well as an increase in the number of public toilets available for use. Thus, these changing rooms could also have a positive influence on active aging and allow elderly individuals to participate more in society.”*

#### **Other comments in relation to our Rural Needs Impact Assessment**

*We encourage policymakers to make sure public consultations, surveys, questionnaire etc. be completed directly with involvement from those living in rural areas of Belfast. These areas would have their own set of unique needs, and facility locations which may be similar or different to urban areas. Thus, it would be important to make sure these unique needs are understood and being considered when developing this policy. Similarly, to urban area plans this policy would also have an opportunity to have an indirect impact on inequalities faced by groups within rural areas as well as lessen any gaps that may exist between rural and urban areas, especially in terms of placemaking, accessibility, inclusivity, and public infrastructure.*

#### **4 Written submissions**

Over the course of the consultation period the Council received two written responses to the survey from Christine McClements, a parent of a severely disabled child and Tourism Northern Ireland.

Both submissions can be read in full in Appendix 1 (Christine McClements) and 2 (Tourism Northern Ireland).

#### **5 Survey Report**

The full survey report can be read in full in Appendix 3.

## 6 Conclusion

75.4% of the respondents agreed with the contents of the draft Changing Places Toilet Policy. 39.7% of the respondents have a disability and 57.5% were carers/dependents.

There are comments for the Members Disability Working Group and CTP Working Group to consider in the draft Changing Places Toilet Policy:

- Page 4. Should the Policy state that 'the Council will commit to', instead of 'the Council will strive to provide as required a Changing Places facility in every large building.
- Add a commitment to roll out a programme of addressing the Changing Places Toilets deficit and toilet needs being identified.
- Consider making it a commitment for large events being organised by external organisers/promoters to provide CPT facilities.

The above suggestions will be reviewed before a finalised draft Changing Places Toilet Policy brought to CMT. The Members Disability Working Group will review and comment on the finalised draft Changing Places Toilet Policy before it is brought to the SP&R committee.