

Appendix 2

Response from Belfast City Council to Department of Finance public consultation questionnaire regarding updated building control advice on the fitting of Changing Places Toilets

DRAFT FOR APPROVAL 24 September 2021

The questions below are extracted from the online questionnaire which must be completed with the approved response. Information will be made publicly available, unless we request otherwise, and state a rationale for the information being kept out of the public domain.

The consultation opened on 28 July 2021 and will close on 20 October 2021

Q1 Do you support the proposal to introduce criteria for Changing Places Toilets (CPT) facilities provision (in addition to the current accessible sanitary provisions), in certain buildings through building regulations statutory guidance?

We support the provision of CPT facilities in new buildings and those created by a material change of use for the category of buildings indicated. It is the view of Belfast City Council that a statutory requirement for such a facility would be the best way to ensure maximum provision. Whilst an amendment to technical guidance would be easier for the Department to implement this will allow scope for building owners and their designers to submit justifications for non-provision on the basis of proposed occupancy and detailed use at the design and construction phase. These justifications would have to be considered under the functional regulation which requires 'Reasonable provision'. This may appropriately justify non-provision at the design and construction stage but may not cater for the occupancy and specific use over the life span of the building. Changes to how a building is occupied or used over its lifespan may not re-engage this requirement unless the purpose group of the building changed. In this regard we consider mandatory provision for CPT facilities under Building Regulations to be the preferred option.

In addition, the current guidance contained in Technical Booklet R for accessible toilets is applicable only where toilets are provided for visitors, customers or staff. If no such facilities are provided, then no equivalent accessible facility is required. In terms of how the guidance is written it would appear that a CPT facility is being recommended for compliance irrespective of toilet provision for visitors, customers or staff, however clarity would be required. It would be helpful if the recommendations of paragraph 6.14A as a stand-alone requirement was clearly indicated as independent of paragraph 6.12. For example, the guidance in paragraphs 6.13 and 6.14 would not be applicable unless toilets are provided as per paragraph 6.12. It should be clear and unambiguous that CPT provision in paragraph 6.14A is independent of paragraph 6.12 unlike paragraphs 6.13 and 6.14 if this is the case.

Q2 Do you agree with the defined in scope/relevant types of large buildings commonly used by the public, where a CPT facility should be provided for a new building or where a building is formed by a material change of use?

The scope proposed would appear reasonable and we would have no additional information or evidence to bring in terms of a reduction or increase to scope. However as indicated in Q1 we do consider maximum benefit will be achieved by an amendment to

the regulations to make these facilities mandatory in relevant buildings. Applicants will still have the opportunity to apply for a relaxation or a dispensation of a prescriptive regulation if they have a valid case to make for non-provision. However, provision is likely to more widespread in the relevant scope with a mandatory requirement.

Q3: Do you agree with the set criteria (the building function, its people capacity or gross floor area) for the defined in scope/relevant buildings?

Yes, we would agree with the set criteria and would have no additional information or evidence to bring in terms of changes to this criteria.

Q4: The Department acknowledges that there may be complexities associated with CPT provision in existing buildings undertaking extension or alteration works, but would welcome further views and supporting evidence. Do you agree with the Department on the need for further supporting evidence and can you provide such, regarding CPT retro-fit installation to existing buildings undertaking extension or alteration works?

We have no evidence that would be of assistance in the establishment of triggers or thresholds for extending the provision of this facility to existing buildings. To have maximum impact this is an area which would need to be explored. Threshold combinations have been utilised in other Building Regulations for additional requirements such as floor area of the extension combined with percentage increase in useful floor area of the extended building. However we do not consider that determination of the threshold for application to extensions could be anything other than arbitrary. The application to alterations is likely to be even more problematic with perhaps type/size of the existing development and the estimated cost of alterations being carried out being potential triggers. Extending the recommendations to these categories of work would greatly enhance the provision of CPT facilities in the built environment as opposed to limiting provision to new buildings and those created by material change of use.

Q5: Do you agree with the analysis/principal assumptions, costs and impacts set out in the Part R consultation stage RIA?

Based on our experience of installing Changing Places into a number of premises, we would agree with the information/figures contained within the consultation

Q6: Have you any additional comments on the proposals you wish to provide?

It would be helpful to all industry stakeholders if the technical requirements for a CPT facility was provided in the statutory guidance as opposed to reference to associated documents. This could be reproduced as an additional appendix if necessary.

We welcome the steps being taken to increase inclusion for Changing Places Toilets facilities service users, and their carers. Promoting equality of opportunity is at the heart of the Belfast Agenda, the community plan for the city, and this action will contribute to that aim. In understanding the background to the campaign which has driven this change, there are several relevant points that demonstrate the opportunities we can learn from:

- The campaign for Changing Places Toilets facilities originated in England, gathering momentum with the establishment of a consortium in 2005. They

successfully highlighted the need for such facilities, increasing public awareness and support from big business.

- This consortium has driven through the changes and utilised the findings of organisations such as the Research Institute for Disabled Consumers to highlight the spending power of disabled people, which has become known as the 'purple pound'.
- Statutory guidance under Part M of the Building Regulations in England was amended in 2021 to require CPT facilities in new buildings, and since then the financial challenges to including such facilities voluntarily in existing buildings have been well documented. The Council notes that in July 2021 a £30 million fund was launched to encourage the retrospective installation of these facilities in existing premises which did not come under the scope of the new statutory guidance. This funding is to be distributed through Local Authorities.