

Changing Places Toilets

Building Standards Consultation

February 2019



Scottish Government
Riaghaltas na h-Alba
gov.scot

CHANGING PLACES TOILETS – BUILDING STANDARDS CONSULTATIONS

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Responding to this Consultation

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You can view and respond to this consultation online at <https://consult.gov.scot/building-standards/changing-places-toilets>

You can save and return to your responses while the consultation is still open.

Please ensure that consultation responses are submitted before the closing date of **13 May 2019**.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) and send it to:

Thomson Dyer
Building Standards Division
Scottish Government
Denholm House
Almondvale Business Park
Livingston, EH54 6GA

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form along with response. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at

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<http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Michelle Williamson
Building Standards Division
Scottish Government
Denholm House
Almondvale Business Park
Livingston, EH54 6GA

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>).

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review.
- inform the development of a particular policy.
- help decisions to be made between alternative policy proposals.
- be used to finalise legislation before it is implemented.

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While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Respondent Information Form

A copy of the Respondent Information Form for this consultation is included later in this consultation document. This can be filled in manually if required.

Impact Assessment

An interim Business and Regulatory Impact Assessment is provided in support of this consultation and is attached as Annex A. An Equality Impact Assessment is available on the Scottish Government website – a link is provided on the Consultation webpage.

It was determined that the following impact assessments need not be progressed for the topic of this consultation:

- Strategic Environmental Assessment
- Child Rights and Wellbeing Impact Assessment
- Privacy Impact Assessment

Introduction and Background



Example of a Changing Places Toilet © Changing Places Consortium 2019

Introduction

Changing Places Toilets offer larger, supported facilities that address the needs of people for whom current accessible sanitary accommodation is inadequate. These facilities enable people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event.

A network of 187¹ Changing Places Toilets exists across Scotland but there is no current legislation requiring their provision within buildings.

The introduction of regulations to require Changing Places Toilets in defined types of larger new building would increase the provision of such facilities nationally in a proportionate manner.

¹ <http://pamis.org.uk/campaigns/changing-places-toilets/>

Background

Building Regulations

The building standards system in Scotland is intended to ensure that building work on both new and existing buildings results in buildings that meet reasonable standards. The standards are set out in the building regulations, which are intended to:

- secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings,
- further the conservation of fuel and power, and
- further the achievement of sustainable development.

Current requirements for sanitary facilities

Scottish building regulations currently set out requirements for the number and type of sanitary facilities in non-domestic buildings within our [Non-domestic Technical Handbook](#). This is addressed under standard 3.12 (sanitary facilities) and supporting guidance. Numbers are based on the maximum number of persons the building is likely to accommodate at any time, given normal use. Guidance is given on the provision of standard accessible sanitary accommodation as part of overall provision.

The provision of a Changing Places Toilets is not currently required in building regulations. However, guidance to standard 3.12 does include a basic specification for designers to follow when their client elects to provide a Changing Places Toilet. This advice was introduced in October 2013. However, five years on, there is now a drive to do more to further the provision of Changing Places Toilets and better meet the needs of our communities.

What are Changing Places Toilets?

A Changing Places Toilet (CPT) provides sanitary accommodation for people with multiple and complex disabilities who have one or two carers. It offers adequate space for a disabled person when they are not in their wheelchair, as well as their wheelchair and one or two carers; and contains equipment to enable safe and easy use of the facilities, including an adult sized, height adjustable changing bench, a ceiling tracking or a mobile hoist and a peninsular (centrally placed) toilet.

Information on CPTs is published at <http://www.changing-places.org/>.

Why are we consulting?

Aim

Through consultation we are seeking to determine a proportionate and equitable requirement, set through building standards, for the provision of such facilities as part of new development. Such provision would be over and above the current provision of standard and accessible sanitary facilities in buildings.

Development of Changing Places Toilets

The Building Standards Division of the Scottish Government became involved with the work of PAMIS and the Changing Places Consortium in 2008-9 through support for the introduction of guidance on Changing Places Toilets into BS 8300: 2009 ('Design of buildings and their approaches to meet the needs of disabled people. Code of practice'), the UK reference document for delivery of inclusive environments. This publication was the result of several years of work by organisations such as [PAMIS](#) to promote awareness of the need for, and benefit of, such facilities and to assist organisations and building owners in the provision of such facilities on a voluntary basis.

The presence of Changing Places Toilets in a wide range of buildings where members of the public have easy access has, for the past decade, been recommended good practice in the provision of inclusive buildings.

The Changing Places consortium publish a comprehensive resource for organisations who wish to consider the provision of a Changing Places Toilet in a new or existing building. They also maintain a directory of active facilities on their website at: <http://www.changing-places.org/>. At the time of publication there are 187 Changing Places Toilets across Scotland.

Research commissioned by MENCAP in 2016 to update the original 2009 work indicates that there are in the region of 20,000 people in Scotland who directly benefit from the use of Changing Places toilet facilities. The research notes that most users would be persons with developmental disabilities, neurological degenerative conditions and disabilities resulting from aging, illness or injury. There is also a continued increase in age-related conditions within our population. People with such conditions and disabilities are more likely to experience difficulties in mobility and self-transfer and have high continence needs.

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Recognising the benefits that these facilities can offer within our communities, Scottish Ministers are seeking to support provision of CPTs. One means of doing this is to require their provision as part of new development. Building regulations offer an established mechanism for such action.

Building upon current provisions

The good practice advice within BS 8300 is generally implemented within building regulations in Scotland and across the UK for the provision of accessible sanitary accommodation. This is designed around an understanding of a need for additional space and assistive fixtures to enable people to use sanitary facilities safely and without assistance where practicable.

However, this ‘standard’ provision of accessible sanitary accommodation does not adequately address situations where a person will be more reliant upon assistance and one or more carers will be present. Similarly, it does not consider the need for mechanical assistance in the transfer of a person to and from sanitary facilities such as WCs. The Changing Places specification was developed to provide these facilities and offer sanitary accommodation that will meet the needs of people with more complex care needs.

The ‘Changing Places’ specification has proved to be successful where implemented and is delivering significant benefits to users in Scotland and to their families and carers. The presence of a Changing Places Toilet in a building or location enables people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event.

The facility is significantly larger than current sanitary accommodation and is intended to supplement, not replace, such accommodation. This is important to recognise as a single use of a CPT will generally result in a longer period of occupation than a normal accessible toilet.

Current good practice guidance – BS 8300

The good practice guidance within BS 8300 includes recommendations on the types of building within which a CPT should be considered. This list recognises the benefits of provision in buildings that are open to the public, have a managed environment and will generally have consistent opening hours when the facility can be accessed. The list includes

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examples of public and commercial premises, buildings associated with the transport network and larger ‘destination’ buildings.

Extract from BS 8300-2: 2018 (good practice, text is copyright BSI, 2019)

CP toilets should be provided in buildings and complexes such as:

- a) major transport termini or interchanges, e.g. large railway stations and airports;
- b) motorway services;
- c) sport and leisure facilities, including large hotels;
- d) cultural centres, e.g. museums, concert halls and art galleries, and faith centres;
- e) stadia and large auditoria;
- f) large commercial retail premises and shopping centres;
- g) key buildings within town centres, e.g. town halls, civic centres and main public libraries;
- h) educational establishments;
- i) health facilities, such as hospitals, health centres and community practices;
- j) other visitor attractions, such as theme parks, monitored beaches and parks.

Proposals for the introduction of CPTs into building regulations

In developing proposals for introduction of CPTs under building regulations we have considered where, based upon current good practice guidance, a requirement can reasonably be set where development occurs.

In doing so, there was recognition that inclusion of such an addition in larger developments would offer a proportionate initial approach. Discussions by the BSD Working Group, which considered these proposals in 2018, also offered a positive response to a proportionate approach to delivery of these facilities as part of new development. Initial proposals for the introduction of a requirement for Changing Places toilets as part of several types of new development of non-domestic buildings is set out in the next section.

We recognise that the proposed action to increase the number of facilities in new development across Scotland is only part of broader activity that may be needed on an ongoing basis to extend the current network of Changing Places Toilets in Scotland.

Consultation Proposals

Proposed changes to current guidance to standard 3.12.

It is proposed that a requirement for Changing Places Toilets in addition to the current sanitary provision is delivered by the introduction of the following new clause offering guidance on complying with standard 3.12 (sanitary facilities).

3.12.13 Changing Places Toilets

A Changing Places Toilet (CPT) provides sanitary facilities suitable for use by people that have profound and multiple learning disabilities or other conditions and for whom standard accessible sanitary facilities do not meet their needs. Accommodating such a facility within smaller buildings is often not proportionate and also may not be reasonably practicable. In recognition of this, provision of a CPT is sought in larger buildings to which members of the public have access.

New Construction

A Changing Places Toilet (CPT) should be provided on construction of:

- a shopping centre/mall with a gross floor area of 30,000 m² or more;
- a single retail premises with a gross floor area of 10,000 m² or more;
- a place of entertainment or place of assembly with a capacity of 2,000 persons or more;
- a hospital;
- a secondary school providing community facilities; or
- a leisure centre or similar building containing a swimming pool.

Conversion or Extension

Where a Changing Places Toilet (CPT) is not already present within a building, one should be provided where a building in any of the above categories is created by conversion or where such a building is extended such that its gross floor area increases by 25% or more.

Provision of a CPT should be in addition to, not instead of, the provision of standard and accessible sanitary accommodation. A CPT should be located to provide easy access for users, taking into account factors such as security and payment barriers.

Layout and facilities

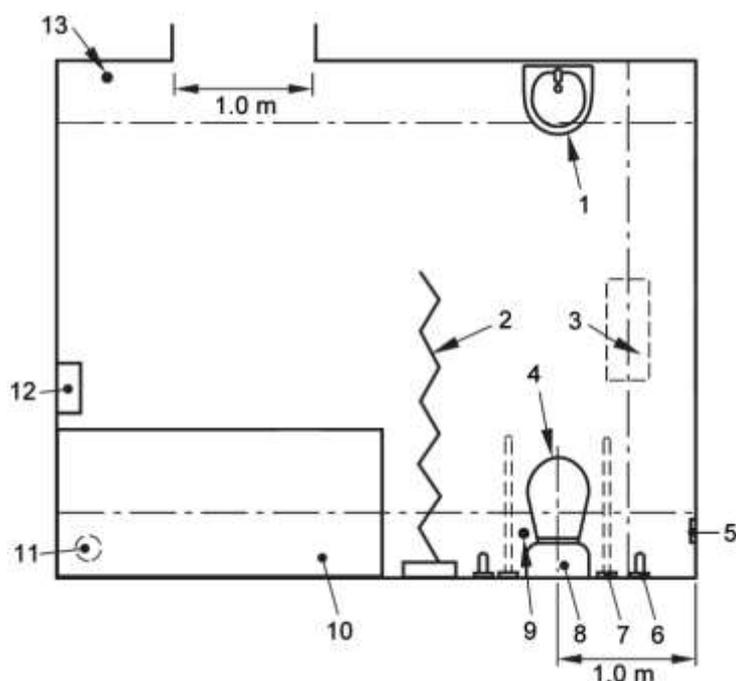
A CPT should provide adequate space to allow a user to be assisted by carers and be a minimum of 3 m wide by 4 m long, a door with a minimum

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clear opening width of 1 m and a minimum ceiling height of 2.4 m. Floor surfaces should have a non-slip finish.

It should include the following sanitary facilities and fixtures:

- a peninsular WC with space either side for the carers;
- a height adjustable wash hand basin ;
- a ceiling-mounted tracking hoist;
- a height adjustable adult sized changing bench (minimum length 1.8 m);
- a retractable privacy screen; and
- within a building that includes other changing facilities for users, such as swimming pools/leisure centres, the provision of a wall-mounted shower and floor drainage.



Key

1. Large power-assisted height-adjustable washbasin
2. Retractable privacy curtain/screen
3. Full room cover tracked hoist system
4. Peninsular WC
5. Alarm reset button
6. Vertical grab rail
7. Drop-down support rails
8. Flat-topped close-coupled cistern providing back rest and colostomy bag changing surface
9. Alarm pull cord
10. Height-adjustable showering/changing bench
11. Floor drain
12. Shower unit with long-reach hose
13. Alarm pull cord

Further information to assist in the planning and delivery of a CPT can be found at the website of the Changing Places Consortium (www.changing-places.org) and within BS 8300-1: 2018.

Responding to the consultation

We welcome your views on the proposals above. Responses can be made online at <https://consult.gov.scot/building-standards/changing-places-toilets>. A copy of the Respondent Information Form and consultation questions are also provided in the next section of this document.

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Respondent Information Form



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Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Group/Org Type (please tick one)

| | | | |
|---------------------------------------|--------------------------|-------------------------|--------------------------|
| Local Authority | <input type="checkbox"/> | Commercial Organisation | <input type="checkbox"/> |
| Professional Body | <input type="checkbox"/> | Voluntary Organisation | <input type="checkbox"/> |
| Contractor/Developer | <input type="checkbox"/> | Housing Provider / RSL | <input type="checkbox"/> |
| Designer/Consultant | <input type="checkbox"/> | NDPB/Agency | <input type="checkbox"/> |
| Academic Body | <input type="checkbox"/> | Advisory Body/Committee | <input type="checkbox"/> |
| Industry Association/ Manufacturer | <input type="checkbox"/> | Other (Please Specify) | <input type="checkbox"/> |

Full name or organisation's name

Phone number

Address

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Consultation questions

Consultation questions are noted here for reference. Please provide your input to the consultation via Citizenspace at <https://consult.gov.scot/building-standards/changing-places-toilets> If unable to access the online consultation, you can use the separate Respondent Information Form (RIF), published alongside this consultation paper and the questions below.

Please note that it is important that, in answering each question, you also provide the reasons for your response. This is essential in understanding your view and greatly assists in developing an overall picture of the issues that relate to the proposals.

Question 1

Do you support the proposal to introduce a requirement for Changing Places Toilets in certain buildings through building regulations?

Yes No

Please set out your reasons for this response.

[Click or tap here to enter text.](#)

Question 2

Do you agree with the proposed circumstances, listed in draft clause 3.12.3 within the consultation document, where a Changing Places toilet should be provided on the construction, conversion or extension of a building?

Yes No

Please set out your reasons for this response.

[Click or tap here to enter text.](#)

Question 3

Are there any other situations where you consider building work should trigger a requirement to provide a Changing Places Toilet?

Yes No

Please set out your reasons for this response.

[Click or tap here to enter text.](#)

Question 4

Please use this question to provide any other commentary or observations you have on the proposal to make provision for Changing Places Toilets through building regulations.

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Click or tap here to enter text.

Annex A – Interim Business and Regulatory Impact Assessment



PARTIAL BUSINESS AND REGULATORY IMPACT ASSESSMENT

CHANGING PLACES TOILETS

AMENDMENT OF THE BUILDING (SCOTLAND) REGULATIONS 2004

BUILDING STANDARDS DIVISION

11 February 2019

Partial Business and Regulatory Impact Assessment

- 1.0 TITLE OF PROPOSAL**
- 2.0 PURPOSE AND INTENDED EFFECT**
 - 2.1 Background**
 - 2.2 Objective & Rationale**
- 3.0 CONSULTATION**
 - 3.1 Within Government**
 - 3.2 Public Consultation**
 - 3.3 Business**
- 4.0 OPTIONS**
 - 4.1 Options proposed**
 - 4.2 Sectors and Groups Affected**
 - 4.3 Benefits**
 - 4.4 Costs**
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- 8.0 ENFORCEMENT, SANCTIONS AND MONITORING**
 - 8.1 Background**
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- 9.0 IMPLEMENTATION AND DELIVERY PLAN**
 - 9.1 Implementation**
 - 9.2 Implementation Period**
 - 9.3 Post-Implementation Review**
- 10.0 SUMMARY**
 - 10.1 Summary of Costs and Benefits Table**
 - 10.2 Recommendation**
- 11.0 DECLARATION AND PUBLICATION**

Business and Regulatory Impact Assessment

1. TITLE OF PROPOSAL

Amendments to the Building (Scotland) Regulations 2004 and Technical Handbook Guidance to introduce Changing Places Toilets as a requirement for certain types of larger buildings under standards 3.12 'Sanitary Facilities'.

2. PURPOSE AND INTENDED EFFECT

2.1 Background

Scottish building regulations set national mandatory building standards for the health, safety, welfare and convenience of persons in and around buildings, furthering the conservation of fuel and power and furthering the achievement of sustainable development. These building standards are supported by guidance contained in the building standards Technical Handbooks. The building regulations apply to new buildings and to buildings being converted, altered or extended.

Building Standards are expressed in functional terms and do not dictate the methods that should be used to meet requirements. The choice of how to comply with the standards lies with building owners and for this purpose Scottish Ministers issue Technical Handbooks containing practical guidance illustrating how the requirements of the Building Standards may be met. The guidance may be relied upon in any proceedings as tending to negative liability for an alleged contravention of the Building Regulations. This does not however preclude the use of alternative approaches provided the designer can satisfy the local authority Verifier that the aim of the Building Regulations is being fulfilled.

2.2 Objective and rationale

Buildings have significant implications for health, safety, the environment and our communities. Through the appropriate application of minimum building standards, set by regulations, the design and construction of Scotland's built environment can benefit all owners, users and people in and around our buildings.

The principle aim and objective of the proposed amendment is to introduce a requirement for Changing Places Toilets (CPTs) in certain types of large new buildings. This supports the government's National Performance Framework, to increase the wellbeing of people living in Scotland through the following National Outcomes: we live in communities that are inclusive, empowered, resilient and safe; and we respect, protect and fulfil human rights and live free from discrimination.

A Changing Places Toilet (CPT) is a larger combined toilet and changing facility with specialist equipment which addresses the needs of people for whom standard accessible toilet accommodation is inadequate or impractical to use.

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They provide a better quality of life for people who have profound and multiple learning difficulties by allowing people to plan activities with confidence around where such facilities are located and when they are open.

In Scotland 1,040,000 people had a long-term activity-limiting health problem or disability². Around 20,000 people can benefit from the additional facilities offered by a CPT where standard accessible toilets do not meet their needs.

PAMIS (Promoting a More Inclusive Society), an organisation working with people with profound and multiple learning disabilities (PMLD) and their families in Scotland, started a UK-wide campaign with the aim of ensuring fully accessible toilets with hoists and changing benches are made available. PAMIS joined forces with other groups to form the UK Changing Places Consortium and has been campaigning for these toilets to be provided by local authorities in all towns and cities across Scotland. These facilities allow people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event.

PAMIS and the Scottish Government worked together to bring CPTs into the 2009 revision of BS 8300, the recognised UK code of practice for the delivery of accessible environments. The provision of CPTs is not currently required through building standards.

However, guidance to Standard 3.12 (Non-Domestic) of the Building Standards Non-Domestic Technical Handbook gives a basic CPT specification for designers to follow when their client elects, on a voluntary basis, to provide a CPT as part of new building work. This specification was introduced in October 2013, following the conclusion of [research](#) from the Building Research Establishment (BRE). However, five years on, there is now a drive to do more to further the provision of CPTs throughout Scotland as voluntary provision has been limited.

3.0 CONSULTATION

3.1 Within Government

Before making or amending the building regulations, Scottish Ministers are required, under section 1(2) of the Building (Scotland) Act 2003, to consult “such persons as appear to them to be representative of the interests concerned”.

Prior to Public Consultation on proposed changes to regulations, this duty is discharged through the development of proposals by a Departmental Working Group, comprising of officials and representatives of industry, together with communication with other parts of Government and representative organisations of the construction industry. This is intended to ensure that proposals are proofed against: cost implications, technical feasibility, flexibility in achieving the desired

² <https://scotland.shinyapps.io/sg-equality-evidence-finder/>

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policy, conflict with other regulatory requirements and the wider societal impact of proposals relative to the occupation and use of buildings.

Prior to Public Consultation, four Building Standards Working Groups were held, between March 2018 and January 2019. These discussed a range of topics including the provision of CPTs and where these might be provided as part of new development.

Regular engagement with colleagues in Directorate for Health has taken place as they work closely with and provide SG funding to PAMIS, the organisation that has been campaigning to increase the number of CPTs throughout Scotland.

Discussion with affected policy areas included Equalities, Schools, Transport, Health and Planning. In November 2018, an amendment at stage 2 of the Planning (Scotland) Bill was made on the subject of Changing Places Toilets

3.2 Public Consultation

In 2017, to help build an understanding of the current delivery of CPTs, all 32 local authority Chief Executives were asked to provide information on the number of CPTs for their geographic area and the rationale for installing them, where known.

The full consultation package is published on the Scottish Government website at <https://consult.gov.scot/>. The consultation period will run from February to May 2019. Requests for printed copies of consultation papers, issued without charge, may be made direct to the Building Standards Division of the Scottish Government.

Proposals to amend the Building (Scotland) Regulations 2004 require to be notified to the European Commission under the provisions of Technical Regulations Directive EU 2015/1535. This Directive seeks to prevent technical barriers to trade and lays down a procedure for the provision of information in the field of technical standards and regulations. A standstill period on further development is imposed by the Directive until after this consultation process is completed.

3.3 Business

Consultation with 6-12 businesses will be carried out during the public consultation period. This proposed change will not impact micro or small businesses as it is proposed that these facilities will only be provided in large premises such as: enclosed shopping malls, large leisure centres, schools and hospitals.

4.0 OPTIONS

4.1 Options proposed

There are three options in the regulatory framework to consider.

- Option 1 – Do nothing;
- Option 2 – Increase awareness of the issues through the introduction of guidance outwith the Building Standards Technical Handbooks;

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Option 3 – Introduce new or amended mandatory standards as required, together with new or amended associated guidance contained within the Building Standards Technical Handbooks.

4.2 Sectors and groups affected

- a) Building users – would benefit from more inclusivity as a result of CPTs being provided.
- b) Building owners/developers – would require to factor the cost of this additional provision into the planning of qualifying large new buildings.
- c) Building operators – would require to maintain the additional facility for use by those who would seek to use it.
- d) Building designers/constructors - All those involved with building design and construction would have to familiarise themselves with the new/amended standards and guidance through training, etc.
- e) Verification - Local authority verifiers would have to train staff in relevant areas of the building standards and associated guidance where the scope has been extended or revised.

4.3 Benefits

The benefits from the provision of Changing Places Toilets are societal, to address a known need within our population and communities. Action through review of building regulations offering a mechanism for the Scottish Government to recognise and signal further change in what provision is expected where development delivers new buildings.

This is considered to be part of a continual review of the processes that define and implement minimum standards applicable to building work. In making provision for the access and use of non-domestic buildings in Scotland, review considers implemented good practice taken from recognised authoritative sources of guidance, including BS 8300-2: 2018 ‘Design of an accessible and inclusive built environment. Part 2: Buildings — Code of practice’.

A further, proportional provision of enhanced sanitary accommodation will enable people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event. As is demonstrated by the current voluntary network of Changing Places Toilets across Scotland and elsewhere in the UK, the need to make provision of such facilities is already recognised and valued by many building operators.

Option 1 – do nothing

The Scottish Government, through the building standards system, is committed to ensuring the health, safety, welfare and convenience of people using buildings through building regulations. Additionally, Scotland’s current learning disability strategy *The keys to life* was launched in 2013. The 10 year strategy sought to consolidate progress made during the life of the previous strategy *The same as you?* which had been launched in 2001. *The keys to life* embraces a human rights approach and included a strong focus on reducing health inequalities.

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This option would not offer a positive response to address the lack of CPTs throughout the country and therefore no benefit to those who would use such facilities.

The Minister for Local Government, Housing and Planning wrote to PAMIS (the organisation promoting action to increase the number of CPTs in Scotland), in May 2018, intimating that provision of CPTs for certain types of large new buildings would be investigated through building regulations. There may be reputational risk from lack of implementation as this proposal is in the public domain, particularly where a measured and proportionate approach can be taken through regulation.

Option 2 – increase awareness through the introduction of guidance outwith the Technical Handbooks

Any benefits gained by the introduction of voluntary guidance would be unlikely to deliver significant additional numbers of CPTs throughout the country. Voluntary guidance within the Technical Handbooks has been in the Technical handbooks since 2013.

More broadly, the work of the Changing Places Consortium continues to assist building operators in the voluntary installation of CPTs in both new build and retrofit of existing premises. Therefore, without a move to mandatory status, the level of take-up is likely to be maintained at the current rate. This option is not considered to meet the objective in respect to the increased delivery of numbers of CPTs.

Option 3 – introduce new or amended mandatory standards as required, together with new or amended associated guidance contained within the Building Standards Technical Handbooks

This will regulate for the provision of CPTs in certain large new buildings and new building work and, as such, will increase the numbers of CPTs throughout the country, albeit this will depend upon decisions to undertake such development in a particular location.

Therefore, CPTs may still not exist where they are needed most and other action, including voluntary or supported provision will still be beneficial. However, this is a limitation of the building standards system which relies upon development taking place. Additional CPTs will therefore only be created where specific building types are developed. The proposed option is targeted at larger projects to deliver the policy in a proportionate manner, relative to suitable building types, development costs and the ease of accommodating larger sanitary facilities within more extensive works.

A key point is that a proportionate approach via requiring CPTs in large new developments can guarantee provision and link this to specific use and access characteristics. The presence of such a requirement in regulations may also be material in the consideration of provision within larger existing buildings of a similar type and size under existing equalities duties.

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4.4 Costs

Option 1 - Do nothing

There are no implementation costs associated with this option.

Option 2 - increase awareness through the introduction of guidance outwith the Technical Handbooks

There are no implementation costs associated with this option.

However, where a person chooses to follow any advice on non-mandatory provision, the likely costs (for provision as part of new development) would be as indicated under option 3 below.

Option 3 – introduce new or amended mandatory standards as required, together with new or amended associated guidance contained within the Building Standards Technical Handbooks

The proposed requirement for CPTs would apply in a targeted and proportionate manner. Such a requirement would only apply to the construction, conversion or significant extension of specific non-domestic building types. Generally these building types would be projects with a build cost of £1 million upwards, with most new building type examples in the range of £10 million plus.

BSD commissioned the Building Research Establishment to undertake research in 2012 on Changing Places Toilets. The research covered the estimated costs for the inclusion of a CPT in different building types and is now updated for Q4 2018. The research concluded that the cost is relative to the type of building. Accordingly, the costs vary and were established as:

- Allowance of £15,000 for external drainage, plumber work and water supply (for all building types)
- Allowance of £13,500 for equipment (for all building types, 2016 figures)
- Cost per square metre of floor area, dependant on building type, examples being:

| | |
|-------------------|------------------------|
| Retail (unit) | £ 1,100 m ² |
| Leisure | £ 1,350 m ² |
| Retail (Mall) | £ 1,650 m ² |
| Education | £ 1,850 m ² |
| Health (hospital) | £ 2,300 m ² |

Based on this research from 2012, the overall capital cost for the proposed additional sanitary accommodation may fall in a range from £41,700 (retail unit) to £56,100 (hospital).

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Cost in operation – It is estimated that annual operational costs, including maintenance, servicing, cleaning and allowance for replacement of equipment (£12,000 - 12 year life) and sanitary facilities (£1,500 - 20 year life) would be approximately £2,500.

Non-domestic work equates to about 20 percent of the total number of building warrant submissions. In 2017/2018 there were 726 building warrants with project values over £1 million. Therefore, it is likely that around 145 projects were non-domestic projects over £1 million. However, as stated in 4.4, the buildings that would require a CPTs are more likely to be larger, higher cost projects which would reduce the application and economic impact considerably. Assuming, a generous estimate, that 1 in five (29) of these jobs are large multi-million pound projects that would require a CPT, the potential cost of implementation (allowing an average of £50,000 per installation) would be in the region of £1.5 million annually. Further data on likely levels of implementation will be sought to inform the final impact assessment.

Cost of new guidance and familiarisation

BSD now produces their technical guidance in-house. Therefore the only cost for producing new guidance is BSD staff costs.

There are approximately 560 building standards professionals in Scotland. The time impact per person should be no more than 4 hours on training and familiarisation. Therefore, based on an average hourly rate of £21.50 per hour (based on £16.50 average hourly wage plus 30% overhead costs), the total one off cost for building standards professionals would be $560 \times 4 \times £21.50 = £48k$.

However, this can be off-set against Continued Professional Development requirements. For example, building standards professionals (verifiers) architects, architectural technologists, energy consultants may incur no additional costs as professional institutions demand at least 25 - 40 hours Continued Professional Development as part of their professional membership criteria.

According to Businesses in Scotland 2018, there are an estimated 20,355 enterprises in Scotland working in the Construction sector. Assuming one person from every enterprise in Scotland spends 1 hour familiarising themselves with the guidance at a rate of £8.75 per hour, the total cost of familiarisation cost would be £178k. Again, for many of these individuals, such activity may form part of mandatory CPD activity where their professional activity includes working to building regulations.

5. SCOTTISH FIRMS IMPACT TEST

As stated in section 3.3, consultation with business will take place during the public consultation period and will be presented within the final BRIA.

5.1 Competition Assessment

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As the proposals will form part national building regulations they will be implemented uniformly throughout the country. It is not envisaged that the means of complying with the building regulations will impact on competition between companies.

Having reviewed the four competition filter questions provided within the Office of Fair Trading guidelines for policy makers on competition assessment we are satisfied that the proposed changes to the building standards and guidance will not impact on competition within the market place.

5.2 Consumer Assessment

By providing CPTs in larger buildings such as retail and other larger buildings accessible to the public, people who benefit from the presence of such facilities will have improved access to the facilities, goods and services offered by such premises where once this was not possible due to the lack of suitable sanitary facilities. This increases access to services for everyone, regardless of their ability and accordingly should offer a small positive change to the number of customers accessing goods and services.

5.3 Test Run of Business Forms

No new forms associated with this proposal are expected.

6.0 DIGITAL IMPACT TEST

The proposal calls for large sanitary facilities in certain types of large new buildings, conversions and large extensions through the building regulations. The policy is not linked to the digital technology and will not impact on businesses in a digital context.

7.0 LEGAL AID IMPACT TEST

It is not expected that there will be any greater demands placed on the legal system by this proposal. Accordingly, it is not considered that there will be any effect on individuals' right of access to justice through availability of legal aid or possible expenditure from the legal aid fund.

The Scottish Government Legal Team has been consulted on this subject.

8.0 ENFORCEMENT, SANCTIONS AND MONITORING

8.1 Background

Monitoring of the provision of CPTs in new buildings would be sought should Option 1 or 2 be implemented. This would be necessary to determine the potential need for further future action to support the delivery of CPTs as part of new development.

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Only Option 3 (regulation) would be subject to enforcement, sanctions and monitoring. This will require amendment to the Building (Scotland) Regulations 2004 and the associated guidance contained within the Technical Handbooks.

All matters relating to enforcement, sanctions and monitoring will be carried out under the existing processes, which form the building standards system in Scotland, as set out under the Building (Scotland) Act 2003. Parties responsible for operation of this system are the 32 Scottish local authorities, appointed as verifiers under the 2003 Act, and the Building Standards Division, on behalf of Scottish Ministers.

8.2 Enforcement and sanctions

Work subject to the Building (Scotland) Regulations 2004 generally requires that a building warrant must be obtained before work can start, unless it is an exempt type, or a type not requiring a warrant.

As CPTs will be in a new building, conversion or large extension, a building warrant is required. On completion of the work for a new building, a completion certificate certifying compliance with the building regulations must be signed and submitted by the 'relevant person' to the local authority. Only if the certificate is accepted by the local authority can such a building can be occupied. The 'relevant person' responsible for the building work is defined in section 17 of the 2003 Act.

Where a building warrant is required, the proposals are subject to scrutiny of the verifiers prior to their granting a building warrant or acceptance of a completion certificate. Local authorities have enforcement powers under the Act to ensure compliance with the approvals and building regulations. Cases of non-compliance can be referred to the Procurator Fiscal and persons found guilty of offences in terms of the Act are liable on summary conviction to a fine not exceeding level 5 on the standard scale. Local authorities can also undertake enforcement work themselves and recover their costs from the building owner.

9.0 IMPLEMENTATION AND DELIVERY PLAN

9.1 Implementation

The proposal will be taken forward by amending the Building (Scotland) Regulations 2004 and the supporting guidance contained within the Technical Handbooks.

The Technical Handbooks are the primary source for compliance with building standards and, as such, are used by designers and others involved in the building process to ensure compliance with the Scottish Building Regulations. The amendment to the Technical Handbooks, under Section 3 'Environment', clause 3.12, will be published in advance of the implementation date to enable those affected to assess the impact of changes.

Publication of the Technical Handbooks is the established method of introducing changes to the building standards system and ensures that this information reaches those involved in building work subject to complying with the building regulations.

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This information is made available free of charge, as an electronic download from the Building Standards Division (BSD) website, www.gov.scot.

The Scottish Government will publicise the changes on the Building Standards section of the Scottish Government website and by issuing a building standards eNewsletter/alert to stakeholders. The Scottish Government will also notify all local authorities of the changes.

9.2 Implementation Period

The proposed changes to the building regulations are relevant to any party responsible for building work that is subject to the building regulations.

The proposed changes will be implemented as part of a package of changes planned for October 2019. Stakeholders will be made aware of these changes at least four months prior to their introduction.

9.3 Post-Implementation Review

There will be continuous monitoring of the implementation of the proposals through feedback from the local authority verifiers, designers, manufacturers and building owners. These stakeholders are in regular contact with Building Standards Division, and any issues identified will offer a broad view of how proposals are being implemented, if the objective is being achieved and how it is working in practice. Issues raised in this manner become a matter of record and are used to inform any future review.

As part of the delivery plan a formal post-implementation review will take place within 10 years of these regulations coming into force.

10.0 SUMMARY

10.1 Summary Costs and Benefits Table

| Option | Total benefit per annum: - economic, environmental, societal | Total cost per annum: - economic, environmental, societal - policy and administrative |
|--|--|---|
| Option 1- Do nothing | No additional benefits accrue | No cost associated with action |
| Option 2 – increase awareness through the introduction of guidance outwith | Benefits wholly dependent on scale of uptake of voluntary good practice. Benefits from | Where facilities are provided on a voluntary basis, non-regulatory costs are assessed as |

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| | | |
|--|--|---|
| the Technical Handbooks | provision of CPTs are as noted below in Option 3. | those reported under Option 3. |
| Option 3 - introduce new or amended mandatory standards as required, together with new or amended associated guidance contained within the Building Standards Technical Handbooks. | <p>Social – The needs of a proportion of our population are not met by current regulatory provision of sanitary accommodation despite there being established good practice on the issue. Regulation for provision of CPTs will both make facilities available where they currently are not provided and encourage adoption of the principle in other development, assisting current broader action to deliver CPTs on a voluntary basis.</p> <p>Economic (unquantified) – provision may result in increased trade for businesses able to cater for a wider range of customers. This will arise through awareness of facilities for persons who would benefit from them, when planning activities.</p> | <p>The overall capital cost for the proposed additional sanitary accommodation may fall in a range from £41,700 (retail unit) to £56,100 (hospital). An initial assertion of 30 qualifying projects per annum (allowing an average of £50,000 per installation) would result in capital costs in the region of £1.5 million annually.</p> <p>Operational costs of around £2,500 per annum per facility are to be anticipated.</p> |

10.2 Recommendation

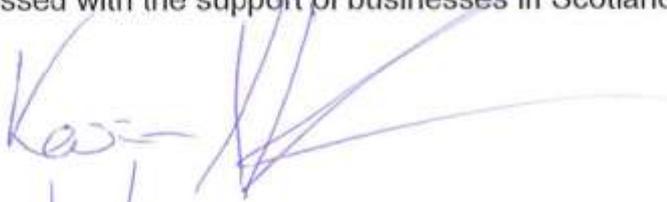
It is considered that consultation on proposals to introduce a requirement for Changing Places Toilets where certain new building work takes place should be undertaken with a view, subject to responses to that consultation, to introducing such a provision into building regulations.

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11 DECLARATION AND PUBLICATION

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:



Date:

14/2/2019

Kevin Stewart

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