



London Borough
of Hounslow

**POLICY AND
GUIDANCE
FOR
TOBACCO
AND SHISHA**

**First produced February 2019
Updated March 2020**

1.

EXECUTIVE SUMMARY

This Policy and Guidance for Tobacco and Shisha (Updated Version 2020) document has been written to primarily to address the growth of Shisha Lounges in the Borough.

Over the past few years a number of new shisha lounges have been established which have caused the community some concern. This document is a 'one stop shop' for residents, Council officers and those seeking to establish a shisha lounge and outlines Councils approach to dealing with such operations.

Where tobacco smoking is legal, the borough will make efforts to ensure that traders and establishments comply with the necessary warning signs to the public about risks to health. The borough wants to continue to crack down on illicit tobacco sales. Illicit tobacco damages legitimate business and makes tobacco more accessible to children. Tobacco smuggling is serious organised crime and the proceeds made from it are used to fund further criminality, perpetuating the cycle of harm.

2.

INTRODUCTION

Hounslow wants to reduce smoking in the borough. This aim was set out in the Hounslow Joint Health and Wellbeing Strategy 2018-2022¹ which aims to improve health and reduce health inequalities in the borough. The borough will support local work against the national Tobacco Control Plan (2017) which is entitled 'Towards a Smokefree Generation'². As outlined in the previous Hounslow Tobacco Control Plan, the borough will work to stop young people starting smoking, help users to quit, reduce the harm of second hand smoke and undertake effective enforcement and legislation³. In particular there has been an

Smoking is the biggest cause of preventable death in England. Smoking is also the single biggest risk factor for cancer⁴. Smoking is major contributor to health inequalities. It accounts for approximately half of the difference in life expectancy between the lowest and highest income groups. Smoking can have serious impacts on child health. Babies born to mothers who smoke during pregnancy are 40% more likely to die in their first year of life⁵. Smoking can also impact on child health through an increased risk of asthma and other breathing problems, meningitis, ear infections and allergies⁶.

1

https://www.hounslow.gov.uk/info/20049/health_and_well_being/1915/hounslow_joint_health_and_wellbeing_strategy_2018-2022

2

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630217/Towards_a_Smoke_free_Generation_-_A_Tobacco_Control_Plan_for_England_2017-2022_2_.pdf

³ <https://democraticservices.hounslow.gov.uk/documents/s86558/Tobacco%20Plan%20-%20Final%20Draft.pdf>

⁴ <https://publichealthmatters.blog.gov.uk/2014/11/17/smoking-and-inequalities-lets-put-a-stop-to-it/>

5

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431387/20150520_Tobacco_use_a_health_inequalities_briefing_for_London.pdf

⁶ <https://www.nhs.uk/live-well/quit-smoking/passive-smoking-protect-your-family-and-friends/>

Smoking also contributes to personal and service costs in the borough. On average, smokers need access to care 4 years before non-smokers⁷. Further, smoking makes a significant contribution to waste costs in the borough.



Photograph from a raid conducted on a Hounslow Shisha Lounge in 2018

⁷ <http://ash.org.uk/information-and-resources/local-resources/cost-of-social-care/>

3.

TYPES OF TOBACCO

Tobacco can be taken in a variety of ways in addition to cigarette smoking. All sales and uses of tobacco must comply with the national or other tobacco legislation.

Smokeless tobacco: Different types of smokeless tobacco include: paan, betel quid and chewing tobacco and shisha. These all have various types of health risks including mouth and oesophageal (food pipe) cancer⁸.

'Smoked tobacco': Cigarettes, bidi and shisha: Smoking increases the risk of cancer, heart disease and respiratory problems. This is true whether a person smokes cigarettes, bidi (thin cigarettes of tobacco wrapped in brown tendu leaf) or shisha (also known as a water pipe or hookah). A World Health Organization study suggested that during 1 session on a water pipe (around 20 to 80 minutes), a person can inhale the same amount of smoke as a cigarette smoker consuming 100 or more cigarettes⁹.

Shisha: The smoking of shisha tobacco in water pipes (also known as hookah, nargile and hubble bubble) is a long standing tradition in the Middle East and parts of Asia and Africa. It is now growing in popularity in the UK and other western countries, especially among students and young people, and appeals to a broad spectrum of cultural groups. Shisha smoking is a way of smoking tobacco, which is sometimes mixed with fruit or molasses sugar, through a bowl and hose or tube. The user inhales the smoke, from the substances being burnt, into their lungs.

⁸ <https://www.nhs.uk/live-well/quit-smoking/paan-bidi-and-shisha-risks/>

⁹ <https://www.nhs.uk/live-well/quit-smoking/paan-bidi-and-shisha-risks/>

The World Health Organisation's Study Group on Tobacco Product Regulation (WHO.int, 2005)¹⁰ provides evidence of potential health effects when exposed to smoke from shisha. Similar to a cigarette, the smoke from shisha contains nicotine, tar, carbon monoxide, heavy metals and cancer-causing chemicals. However, unlike smoking a cigarette, shisha smoking takes place over a longer period of time, typically lasting between 20 - 80 minutes which is the equivalent of smoking 100 cigarettes or more.

Inhaling smoke from shisha can significantly increase harmful effects to the body such as raising blood pressure and heart rate as well as reducing lung function and exercise capacity. The possible long-term health effects of being exposed to smoke from shisha include various forms of cancers such as lung, oral, oesophageal, gastric and urinary bladder cancer; respiratory disease such as chronic obstructive pulmonary disease; cardiovascular disease, stroke, chronic rhinitis, male infertility, gastro-oesophageal reflux and impaired mental health (WHO.int, 2015)¹¹. Despite various flavourings and apparently natural ingredients, shisha smoking is not safe. It can also be addictive due to the nicotine contained in it^{8,10}.

Quitting any form of tobacco is more effective with the right support. London Borough of Hounslow offers a free local NHS stop smoking service - One You Hounslow <https://www.oneyouthounslow.org/stop-smoking/>. Get in touch to receive personalised support to quitting tobacco use.



¹⁰ World Health Organisation Study Group on Tobacco Product Regulation (2005) Advisory Note Waterpipe Tobacco Smoking: Health Effects, Research Needs and Recommended Actions by Regulators [online] Available at: https://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf

¹¹ World Health Organisation (2015) Fact Sheet: Waterpipe Tobacco Smoking & Health [online] Available at: http://apps.who.int/iris/bitstream/handle/10665/179523/WHO_NMH_PND_15.4_eng.pdf;jsessionid=E8D775F2C712B654E827CD686B4E2604?sequence=1

4.

SHISHA IN HOUNSLOW BOROUGH

There are relatively few shisha lounges in the borough in comparisons to other London Boroughs; for instance in the London Borough of Westminster 150 shisha lounges exist. These lounges are monitored and in some cases prosecution action has been taken in relation to various legal non-compliances. Three Shisha Lounges have ceased to trade as a result of Councils enforcement action over the past four years.

The smoking of shisha itself is not illegal; however for shisha lounges to operate they need to comply with a wide range of legislation, making the establishment and operation of these lounges extremely difficult for operators.



5.

LEGAL

REQUIREMENTS

The borough will use the available legislation to the full in its aim to reduce smoking in the borough, prevent the uptake of smoking, reduce the harms of second hand smoke and reduce the illicit tobacco trade. The respective powers are as follows;

Health Act 2006 – Smoke-free legislation prohibits smoking in enclosed public places and work places relates to any smoking product, not just tobacco. There is no exemption for Shisha, although there are misconceptions as to whether the use of a water pipe would be smoking. The operators, managers and smokers at these premises can all face prosecution if smoking is found on the premises.

Children and Young persons (Protection from Tobacco) Act 1991 - It is illegal to supply shisha tobacco to anyone under the age of 18, and businesses are expected to take reasonable precautions to prevent sales and show appropriate due diligence to avoid selling to persons under the age of 18. It also requires the display of a mandatory A3 notice regarding the illegality of selling to under 18's.

Health and Safety/Fire Safety/ Food Safety – Shisha businesses need to be aware of and use appropriate control measures in respect of the hazards of infection (from Shared pipes); ignition (from burning charcoal and heating devises) and spillages (from water jars and drinks. Many will also supply food on the premises and must have controls in place regarding food safety and hygiene. There should also be consideration given to an adequate through flow of air to avoid the build-up of carbon dioxide where any combustion products are used.

Planning—All shisha lounges are considered to fit into the Sui Generis use class and therefore all lounges require formal planning approval. Shisha businesses need to have an external area for their customers to smoke to remain legal. These structures may require planning consent before being built and require permission before use, they may also raise issues for building control.

Noise Nuisance – There may be noise nuisance issues, as the most popular times for customers may well be from the early evening onwards.

Licencing Act 2003 – Where premises are licenced to sell alcohol there may be enforcement issues regarding the licence conditions and breaches of these, the licence may also be in breach of the conditions by not promoting the authorities licencing objectives. There may also be weights and measures issues with regard to the sale of alcohol and notices displayed.

Excise duty – The duty is the amount of tax that is due to be paid on the importation of a tobacco product to the UK. HMRC are the main enforcement authority with regard to non-duty paid products although Trading Standards services have a delegated authority to act on their behalf.

Standardisation Of Tobacco Products Regulations 2015- The Standardised Packaging of Tobacco Products Regulations 2015 standardise the packaging of certain tobacco products by requiring the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode and calibration mark are permitted but must be in a standardised format and the UK duty-paid mark must be displayed. The packaging must be a specific shape and in a certain colour; all other colours, trademarks, logos and promotional graphics are prohibited.

The Tobacco and Related Products Regulations 2016 - deal with the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking, e-cigarettes and refill containers as well as smokeless and novel tobacco products

For more information and advice visit: <https://www.businesscompanion.info/en/quick-guides/miscellaneous/tobacco-etc-packaging-labelling-advertising-and-tracking>

Fixed Penalty Notices- Council is able to issue Fixed Penalty Notices for each patron caught smoking indoors at these venues. They are also able to issue a Fixed Penalty Notice to the premises operator.



5. OUR ENFORCEMENT APPROACH

Hounslow has a long established internal working protocol when dealing with complaints from members of the public for Shisha Lounges. Initial complaints should be sent in the first instance to Planning Enforcement, who will make an initial visit and liaise with the associated enforcement arms of the Council about an intended course of action.

Members of the public can contact us via planningenforcement@hounslow.gov.uk or alternatively via phone call 0208 583 5171.

London Borough of Hounslow Council will follow the principals set out below when enforcing legislation against shisha bars and retailers. These principles are consistent with the guidance on better enforcement and in line with the authority's enforcement policy.

Enforcement will be consistent – Any new premises that become known by the authority will be directed to the website for guidance and information and it will be the responsibility of the business to familiarise themselves with the regulations that govern the use of shisha.

Where breach of smoke free legislation is witnessed – owners and/or managers of premises where a breach of the smoke free legislation is witnessed will receive a formal written warning outlining the offence and the date that the offence was witnessed.

On-going non- compliance will not be permitted –where advice and written warnings have been given continual infringement of the legislation should give rise to the consideration of formal action being taken by way of seizure, simple caution or prosecution.

Information will be shared with other interested parties – should an offence or relevant information come to light during investigations at any Shisha premises or retailer then this will be shared with the relevant body or enforcement agency.

Use of partner organisations – where considered appropriate partner organisations will be invited to attend inspections and enforcements at shisha premises.

Publicity – where appropriate, the community should be informed of the work carried out in regard to shisha premises, and the on-going commitment of the authority to the protection of the residents and visitors to the borough. Council will use news outlets and Social Media to publicise its action.

5.

CONCLUSION

The Borough is committed to halting the impact of tobacco smoking and shisha on its residents. This Policy and Guidance document sets out its stall, and outlines its approach to dealing with unauthorised operations. That approach is in a calculated and joined up way utilising all available legislative tools available to it Council. Council will not hesitate to enforce against these operations and limit the impact of these products.



Document prepared in February 2019 by Matt Robinson (Planning Enforcement) in conjunction with members of Councils Tobacco Control Alliance Group. (Amended February 2020)