

This guidance is designed to help you understand your responsibilities under the law, and outline our role as the local authority in relation to the smoking of shisha.

- Offering shisha smoking as a service can have a wide range of implications for business owners, managers, customers and the wider public.
- Owners and Persons managing premises which offer shisha smoking have duties and responsibilities which they are required to adhere to as outlined in various legislative provisions. It is the council's job to ensure these duties and responsibilities are observed.
- Failure to comply with the various regulations relating to when, where and how shisha smoking occurs may constitute an offence, and attracts significant penalties.
- Where shisha smoking takes place we must ensure that it is done safely, accords with relevant legislation and does not cause a nuisance to other people.
- Shisha tobacco carries the same risks as other tobacco-containing products, like cigarettes. It's addictive, contains nicotine and can cause cancer, respiratory diseases, heart disease and infertility.
- Using shisha pipes that haven't been cleaned well, and sharing pipes with others can spread infections, including herpes (which causes cold sores) and tuberculosis.

Useful contacts and further information:

Shisha smoking in Westminster

Details and information regarding shisha smoking and health and operating a shisha smoking business are available via the council's website: westminster.gov.uk/shisha

Planning Permission

If you require advice prior to submitting an application for planning permission, please make use of the council's "Planning pre-application advice service": westminster.gov.uk/request-planning-pre-application-advice

You may also apply for planning permission via the planning portal: planningportal.co.uk



Shisha Smoking – Guidance for Businesses

Westminster City Council
westminster.gov.uk



City of Westminster

Smoking Indoors

You must...

Since 2006, allowing smoking inside premises has been illegal. This applies to all types of smoking, including shisha.

Owners and managers of premises must make sure no one smokes in an 'enclosed space' on their premises.

Anyone failing to comply with the regulations is committing an offence.

We will...

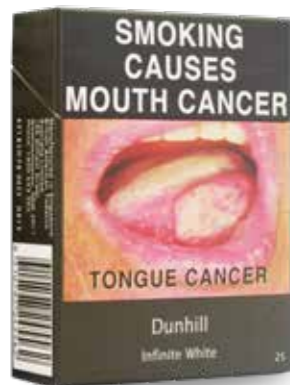
It is the council's responsibility to enforce the regulations of the Health Act.

Individuals who smoke indoors can be fined up to £200 and anyone in control of a Smoke Free space who fails to prevent smoking within their premises can be prosecuted and receive fines of up to £2500. Failure to display a 'no smoking sign' will also lead to a fine of up to £1000.

Find out more...

Your responsibilities under the Health Act are summarised on the council's website, here: tinyurl.com/yc7p5sqo

There is also a useful fact sheet available from Action of Smoking and Health: tinyurl.com/yda567tp



Trading Standards

You must...

Subject to specified exclusions you must not, in the course of your business, display or cause to be displayed tobacco products. You must ensure that all tobacco products you sell comply with the labelling and health warning requirements set out in the legislation.

Premises may only sell shisha that has been legally imported to the UK and notified to the government.

Price lists and price labels for tobacco products must only be displayed in specific formats.

Shisha packaging, bowls and waterpipes must be labelled with text and graphic health warnings.

Health warnings must also be displayed on shisha menus.

Since 2016 all shisha bottles must display the statutory health warnings.

It is an offence to sell or serve shisha to anyone under 18.

Ensure proof of age is shown by young people.

You must display an A3 notice stating "It is illegal to sell tobacco products to anyone under the age of 18" at every premise at which tobacco is sold by retail.

Advertising is limited to an A5 sign at the point of sale. Posters, banners or signs which display a shisha pipe, brand or logo are prohibited.

We will...

Trading Standards has a duty to enforce various Regulations associated with tobacco products.

Failure to comply with the legislation can result in offences punishable by a fine, imprisonment, or both.

Find out more...

Information and advice can be found here: tinyurl.com/yazkfr7u
tinyurl.com/ycd3w4kb

The official list of notified products can be found on gov.uk/government/uploads/system/uploads/attachment_data/file/639673/List_of_UK_tobacco_and_related_products_notified.xlsx

Planning and Licensing

You must...

There are no permitted development rights which allow someone to begin using their premises for shisha smoking purposes. So it is likely that you will require planning permission.

If you want to add any form of shelter, tent, marquee, gazebo or similar structure including the erection of decking to be used to place tables and chairs on for shisha smoking, you will almost definitely need planning permission for these works.

We will...

If you commence using your premises for shisha smoking without planning permission, the council can take formal enforcement action against you and this may include the service of an Enforcement Notice.

The council's enforcement teams carry out inspections to ensure planning and licensing conditions are kept to at all times.

If the conditions are not being followed the inspector will inform you of the breach and check later that it has been put right.

Find out more...

Information and advice can be found here:

Planning Pre-application advice service: westminster.gov.uk/request-planning-pre-application-advice

Application for Planning Permission: westminster.gov.uk/applying-planning-permission

Guidance for placing Tables and Chairs on the Highway: tinyurl.com/y8cxpzma

Public Realm Guidance: The Westminster Way: tinyurl.com/y93j4buj

Application for Tables and Chairs Licence: westminster.gov.uk/tables-and-chairs-licence

Noise and Nuisance

You must...

Shisha smoking outdoors can lead to complaints from neighbouring premises about noise, smoke and odours if consideration isn't given to your neighbours. You can help ensure that complaints are not received by ensuring your staff and customers do not cause disturbance.

We will...

The council operates a 24hr enforcement team which will respond to complaints about noise and other nuisances.

If any statutory nuisance is found, the council can take enforcement action, which can result in a fine of up to £20,000. This may also have implications upon any future Planning or Licensing applications.

Find out more...

There's advice on how you can minimise the risk of noise and nuisance at your premises on the council's website: westminster.gov.uk/shisha#business

Fire Safety

You must...

The law says that you must take precautions to prevent fire at your premises. A fire risk assessment must be carried out.

You must also make an emergency plan to say what your employees and other people in the premises should do in the event of a fire.

We will...

London Fire Brigade can advise you on fire safety at your premises if you need help.

Find out more...

Information and advice on fire safety at premises can be found here: london-fire.gov.uk/advice-for-business.asp

Health and Safety

You must...

Any person who is in control of the work premises has a duty to ensure, so far as is reasonably practicable, that the premises and any equipment or substance used is safe and without risk to staff or the public.

You must carry out a risk assessment of the hazards relating to shisha smoking, including the risk posed by carbon monoxide.

Shisha must not be lit or smoked in enclosed areas. Hot coals must not be placed on the pipe until it is outside.

Pipes must be cleaned regularly and liquid must be changed for each use.

Separate disposable mouthpieces should be used for each customer.

We will...

The council's Health & Safety team provides advice and carries out inspections and enforcement as necessary, to ensure any risks to employees and the public are minimised.

The health and safety team will take formal enforcement action if breaches of H&S legislation are found. This could include formal letters, notices, and the instigation of legal proceedings.

Find out more...

The council's website gives some further advice on specific health and safety considerations relating to shisha: westminster.gov.uk/shisha

