



Public Protection and Licensing

Director: Annette Acik

This matter is being dealt with by: Nadia Bilal

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Date: 9th July 2020

Dear Sir/Madam,

This letter provides guidance to you to ensure a safe and hygienic environment for your staff and your customers once you reopen your business.

Everyone has a part to play in managing the risks of COVID-19, however as an employer, you also have a legal responsibility to protect workers and others from risk to their health and safety, and therefore must take reasonable steps to minimise these risks.

To prevent spreading the virus when offering shisha pipes at your establishment you must ensure that there is no sharing of pipes. Each user must be provided with one pipe and a disposable hose and mouthpiece for themselves. Care must be taken to thoroughly sterilise pipes between users, including inside the pipe. Users must rigorously wash their hands for 20 seconds with soap (or user hand sanitiser) prior to and after smoking and avoid contact with contaminated surfaces. The 2 metre social distancing rule still applies but it can be reduced to 1 metre if other mitigating action is taken such as users sitting side by side or back to back (see below for more information).

Advice on cleaning of premises and equipment is detailed within the GOV.UK "Working safely during coronavirus (COVID-19)" guidance below. For the latest information, click on following links:

www.nhs.uk/conditions/coronavirus-covid-19

<https://www.gov.uk/government/publications/covid-19-advice-for-smokers-and-vapers/covid-19-advice-for-smokers-and-vapers>

Before restarting your business, you must carry out a risk assessment that demonstrates to your staff and customers that you have properly assessed the risks and taken appropriate measures to lessen them. The results should where possible be displayed on your website and a notice displayed on your premises to show that you have followed the government guidance. Information on risk assessments and examples of the notice referred to above can be found within the government's "Working safely during coronavirus (COVID-19)" guidance: www.gov.uk/guidance/working-safely-during-coronavirus-covid-19

You will need to consider social distancing measures in the workplace and minimise staff-customer interaction and implement the 2 metre social distancing practice. This means that you may have to limit the number of people in/ on your premises at any one time to avoid overcrowding. The Government announced that that in some cases social distancing had been relaxed to 1 metre plus mitigation as previously stated. The 2 metre social distancing rules still apply. However, it is recognised that in some scenarios this is not viable, and so you can reduce social distancing to 1 metre providing other mitigating measures are used such as face coverings, back to back or side by side rather than face to face working. There still must be social distancing between people in different households and staff and customers, wherever possible this must be 2 metres.

Businesses can apply for a tables and chairs licence for any outside space that is not on private land belonging to those premises. This area can go beyond an individual business and in front of neighbours, provided that consent has been obtained from that business or landlord and it accompanies any application. <https://www.westminster.gov.uk/fast-track-table-and-chair-licence-applications>

If you are operating a queuing system, social distancing will need to be observed and therefore you must ensure that this is managed and that you work with your local authority or landlord to take into account any impact on public spaces such as high streets. Westminster City Council has provided a useful guidance leaflet on queue management: https://www.westminster.gov.uk/sites/default/files/guidance_for_queue_management_with_social_distancing.pdf

If the premises become too busy and social distancing cannot be observed and/or managed in line with the guidance, you may need to close the premises.

Where possible you should encourage contactless payments (for purchases up to £45) to avoid handling of cash, however it is important to not discriminate.

Please note that smoking shisha pipes indoors is prohibited by law. For further guidance click on this link <http://www.smokefreeengland.co.uk/what-do-i-do/quick-guide/>.

In additional if you are burning charcoal indoors there is a high risk of carbon monoxide poisoning for further advice click on this link:

<https://www.gov.uk/government/publications/carbon-monoxide-poisoning>

NHS Test and Trace

NHS Test and Trace is a key part of the country's ongoing COVID-19 response. If we can rapidly detect people who have recently come into close contact with a new COVID-19 case, we can take swift action to minimise transmission of the virus.

You should assist this service by keeping a temporary record of your customers and visitors for 21 days, in a way that is manageable for your organisation. By maintaining records of staff, customers and visitors, and sharing these with NHS Test and Trace where requested, you can help us to identify people who may have been exposed to the virus. Containing outbreaks early is crucial to reduce the spread of COVID-19, protect the NHS and social care sector, and save lives. This will help to avoid the reintroduction of

lockdown measures and support the country to return to, and maintain, a more normal way of life.

You can play a significant role in helping your staff, customers and visitors understand the importance of NHS Test and Trace and play their part in stopping the spread of COVID-19. Please do this by explaining why you are asking for contact information and encouraging them to provide it. Further government guidance is detailed below. Click on the following link <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

Lastly, for your information and appropriate action, I attach guidance on Health Warnings for Shisha Pipes, Bowls and Underage Sales.

If you have any queries or concerns that are not covered in the links and guidance provided please contact Environmental Health at healthandsafety@westminster.gov.uk or 0207 641 1063

Your faithfully,

Nadia Bilal

Nadia Bilal

Team Manager

Health and Safety Team

Guidance on Health Warnings for Shisha Pipes and Bowls and Underage Sales

The Tobacco and Related Products Regulations 2016 requires both shisha tobacco and herbal shisha to be supplied with prescribed health warnings. The warning required depends on whether the shisha is tobacco shisha or herbal shisha. The following provides guidance as to how shisha pipes or bowls should be labelled.

It is important to note that shisha should only be supplied if it has been derived legitimately, e.g. duty has been paid, the shisha is not counterfeit, and it has been produced in accordance with the legislation.

Tobacco Shisha must only be supplied with the following health warnings in the prescribed format:

- a combined health warning (i.e. *a prescribed photograph with its associated health warning wording and cessation information which reads "Get help to stop smoking at www.nhs.uk/quit".*
- a warning which reads "*Smoking Kills- Quit Now*"
- a warning which reads "*Tobacco smoke contains over 70 substances known to cause cancer*"

If the tobacco shisha is supplied with a shisha pipe, the pipe should be labelled with the health warnings and cessation information.

If the tobacco shisha is not supplied with a pipe, e.g. a small quantity in a bowl, the health warning can be provided on a separate sheet or card accompanying the tobacco shisha.

Herbal Shisha must only be supplied if it is supplied with a health warning that reads "*Smoking this product damages your health*" in a prescribed format.

If the herbal shisha is supplied with a shisha pipe, the pipe should be labelled with the health warning.

If the herbal shisha is not supplied with a pipe, e.g. a small quantity in a bowl, the health warning can be provided on a separate sheet or card accompanying the herbal shisha.

Underage sales; you should take steps to prevent the sale of tobacco products to anyone under the age of 18 years.

It is important to remember that non-herbal Shisha contains tobacco and therefore should not be sold to anyone under 18 years of age.

If you sell to a person under the minimum legal age, you may commit an offence under the Children and Young Persons Act 1933 and Children and Young Persons (Protection from Tobacco) Act 1991. The penalties can include a fine or imprisonment.

You should take 'all reasonable precautions/ steps' and exercise 'all due diligence' to avoid committing an offence.

You are responsible for making sure that you and your staff do not sell tobacco products to people under the minimum legal age. You should have effective systems in place within your business that identifies and rectifies problems or weaknesses and is regularly monitored and updated as necessary.

Key best-practice features of an effective system include:

- **Age verification checks.** Verify the age of potential buyers by asking to see an identity card that bears the PASS hologram (the Proof of Age Standards Scheme (PASS) is the UK's national proof of age accreditation scheme supported by the Home Office, the Scottish government, the Association of Chief Police Officers (ACPO), Police Scotland and the Chartered Trading Standards Institute (CTSI))
- **Challenge 21 / Challenge 25.** In England and Wales, you can participate in a scheme to carry out age verification checks on anyone who looks younger than 21 or 25.
- **Staff training.** Ensure your staff receive adequate training and regular update training on underage sales and keep training records.
- **Keep and maintain a refusals register.** Keep a record (date, time, incident, description of potential buyer) where sales of tobacco Shisha has been refused. This helps to demonstrate that you actively refuse sales and have an effective system in place

The above is intended to summarise some of the requirements and is not intended to be a substitute for reading the applicable legislation and Department of Health 'Tobacco Packaging Guidance' which are available on the internet. Nor is it intended to be a substitute for seeking independent legal advice to ensure that your business is compliant with all relevant legislation governing the supply of tobacco products and herbal products for smoking.

The Council undertakes compliance visits to ensure that Shisha Cafés are complying with the relevant legislation. Any businesses found to be in contravention will be dealt with robustly; this could involve the seizure of shisha pipes, followed by formal action which may include prosecution.