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CITY OF
WOLVERHAMPTON
C O U N C I L

Response to Request for Information

Reference FOI 000515
Date 17 October 2016

Shisha Cafes and Provision of Guidance

Request:

We would like to ask the following questions, where we define a "shisha cafe" as any premise where the sale AND consumption of shisha tobacco occurs on site, and can include restaurants, clubs, lounges, cafes, and other venues:

1) Can you please provide the estimated number of shisha cafes known to you in your local authority area for the following dates:

- i) January 2012 = 2
- ii) January 2013 = 2 plus one temporary pop up
- iii) January 2014 = 1 plus one temporary pop up
- iv) January 2015 = 1 plus one temporary pop up
- v) January 2016 = 1

Please reply "unknown" if records are not held for any particular date.

2) Can you please provide a copy of the latest guidance documents that you send to shisha cafes that aim to provide legislative information around the sale and consumption of shisha tobacco, such as the smokefree law, underage use, packaging and labelling, health & safety, and advertisement.

[In answer to question 2, please see information provided on the next page.](#)

Shisha Compliance Guide

If you are the owner of a café, bar or restaurant which sells Shisha you need to make sure you are doing it legally. To do this you must ensure that your business fully complies with the following:

1) Paying Tax on Tobacco

Shisha containing tobacco is liable for excise duty. As a guide - if you are currently buying your Shisha for any less than the figures below the chances are that the tax has not been paid.

- 1kg pack = £91.81

It is your responsibility to prove that excise duty has been paid. If you cannot prove this then the Shisha can be seized.

Excise and Customs Helpline

0845 010 9000

(8.00 am to 6.00 pm, Monday to Friday).

2) Health Warnings and Labelling

Shisha tobacco products must show **both** picture and text health warnings.

Packaging that the Shisha is supplied in must say:

'Smoking kills' or 'Smoking seriously harms you and others around you'.

On the back of the packaging it must also have a picture warning. If you are selling 'loose' Shisha – e.g.) in a small packet or in a bowl, you still need to comply. This could be overcome by giving the warnings and printing the pictures on the shisha menu and displaying them when the customer makes their order.

Currently we are aware of only one legitimate supplier of Shisha in the UK.

3) Underage Sales

It is an offence to sell Shisha containing tobacco to anyone under the age of 18. If you think someone is under-age you need to ask them for ID. An A3 size sign saying

"It is illegal to sell tobacco products to anyone under the age of 18"

must be displayed. Selling a Shisha product to an underage person carries a maximum penalty of £2,500.

Notices displayed prominently on your premises are advisable. Suggested warnings could include;

"IT IS ILLEGAL TO SELL ALCOHOL TO ANYONE UNDER THE AGE OF 18 YEARS"

"WE DO NOT SELL ALCOHOL TO UNDER 18'S"

"No ID No Sale"

"Under 25? Please be prepared to show proof of age when buying alcohol or tobacco"

4) Tobacco Advertising

Advertising any tobacco product is limited to single A5 sign at the point of sale. The sign must include the warning '**Smoking kills**' or '**Smoking seriously harms you and others around you**'.

Posters in windows, banners on the side of premises or any other sign which carries a shisha brand or logo are all prohibited.

5) Health Act 2006 – 'The Smokefree Law'

In 2007 the Smokefree Law was introduced which banned smoking in virtually all enclosed public places and work places. This includes the smoking of shisha through a water pipe. Water pipes can only be smoked outside in the open air, or where a smoking shelter is at least 50% open – all of the time.

6) Smoking Shelters

If you build a smoking shelter it must be at least 50% open - all of the time. Doors, windows and tent/marquee side-panels will be classed as part of the wall if they can be shut or rolled up. If rugs, carpets or sheeting are used to cover up the spaces so that it is no longer at least 50% open, you will be breaking the Smokefree Law and could be fined.

7) No Smoking Signs

You must display a no-smoking sign in a visible position at each entrance.

8) Planning Permission And Building Control

Planning Permission

If you thinking about changing the use of a building; making physical changes to the building or erecting a smoking shelter you are likely to need planning permission.

Building Control

If you are erecting any new structure or changing existing buildings then you may also be required to make a Building Regulations Application.

9) Fire Safety

The owner of the business must make sure that a written Fire Risk Assessment is undertaken.

There must be means of tackling a fire. For example, fire extinguishers and have persons that are trained to use them.

There must be an adequate means of raising the alarm in the event of fire.

All furnishings and drapes need to meet the required standards so as not to ignite easily.

Failure to comply may lead to an enforcement notice being issued.