

## Shisha policy paper

### Purpose of Report

For decision.

### Summary

Over the past few years, a number of councils have called for more licensing powers to tackle shisha bars that repeatedly break regulations, as well as expressing concerns about the health impact shisha premises can have. To support councils, officers have produced a policy paper making the case for reform to Government.

**LGA Plan Theme:** Support to the LG Workforce

### Recommendation(s)

**That the Safer and Stronger Communities Board signs off the draft policy paper which calls for better regulation of shisha premises.**

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## Shisha policy paper

### Background

1. Over the past few years, a number of councils have called for more licensing powers to tackle shisha bars that repeatedly break regulations, as well as expressing concerns about the health impact shisha premises can have.
2. The number of shisha bars has more than trebled in recent years with more than half of councils now having a bar or café open in their area. Councils have expressed concern that some shisha premises are illegally allowing indoor smoking, allowing those under 18 to smoke shisha, are breaking fire safety regulations, using tobacco that has been imported illegally and sold without duty and are the scene of anti-social behaviour, amongst other issues.
3. Public health experts have also expressed concern about the health impact of smoking shisha and have said it has the same potential health harms as tobacco cigarette smoking.

### Proposal

4. The LGA has been contacted by a number of councils who have asked for our help in making the case for reform to Government. Consequently officers, with the input of several councils, have produced a policy paper which can be reviewed in appendix 1.
5. The paper calls for two things:
  - 5.1. First, for shisha premises to be brought within the scope of existing tobacco control strategies, as currently there is no reference to shisha. Councils are concerned about the health impacts shisha smoking can have, and there is also evidence of the disproportionate harm these venues can have on minority communities who already suffer from health inequalities. We also call on Government to commission further research to enhance our knowledge about the health impacts shisha can have.
  - 5.2. Second, it proposes steps that central government can take to strengthen and reform national legislation through introducing a shisha licensing regime either through the Local Government Miscellaneous Provisions Act 1982 or the Licensing Act 2003. The paper discusses the advantages and disadvantages of each approach.
6. We are proposing a new licensing regime because councils are increasingly finding some shisha premises can breach existing legislation and contribute to anti-social behaviour in local areas, and current regulatory frameworks are not sufficient. Although tobacco generally is not licensed, there are not smoking

lounges for other types of tobacco, and we believe it is reasonable to licence shisha because it is a venue specifically designed for consumption of a risky product which merits close oversight. It does not seem right that a venue requires a licence to serve a hot drink after 11pm but does not require one for smoking shisha. Moreover, licensing shisha would send a stronger health message in itself.

7. The policy paper has been supported by councils up and down the country, and Birmingham City Council, Ealing London Borough Council, Newham London Borough Council, Brent London Borough Council and Luton Borough Council have put their name to it and support calls for better regulation of shisha premises.

### Implications for Wales

8. Health policy is devolved in Wales and therefore the recommendations around tobacco control strategies are less relevant. If a shisha licensing regime was introduced under the Licensing Act 2003 or the Local Government Miscellaneous Provisions Act 1982, it would also apply in Wales.

### Financial Implications

9. N/A – if the Government were to introduce a licensing regime, enforcement activity would be covered by the licence fee. However, councils would likely need new burdens funding to implement a new shisha licensing regime in the first instance.

### Equalities implications

10. There are a number of equalities impacts relating to this policy paper, not least because shisha smoking is predominantly undertaken by Middle Eastern, North African, and South Asian communities. Consequently, the policy paper includes an equality impact assessment to detail potential impacts on groups with protected characteristics and potential mitigations.

### Next steps

11. Members are asked to sign off the draft policy paper which calls for better regulation of shisha premises. It has already been signed off by Community Wellbeing Board Lead Members, who welcomed the paper.
12. Once the paper has been launched, we plan to issue a press release to raise awareness of the paper, as well as writing to relevant Ministers and the MPs representing the councils who put their names to the policy paper.