

scrutiny

focus on performance

REPORT OF: Joint report of Executive Member for Environment and Executive Member for Neighbourhoods, Housing and Customer Services

REPORT TO: Regeneration and Neighbourhoods Overview and Scrutiny Committee

DATE: 20th November 2013

RE: Update Report on Shisha

Background

Shisha Smoking is increasingly seen as an emerging threat to public health and safety both locally, nationally and beyond. The World Health Organisation states:

‘using a water pipe to smoke tobacco poses a serious potential health hazard to smokers and others exposed to the smoke emitted’ and ‘second-hand smoke from water pipes is a mixture of tobacco smoke in addition to smoke from the fuel, and therefore poses a serious health risk for non-smokers’. WHO therefore recommends ‘water pipes should be prohibited in public places consistent with bans on cigarette and other forms of tobacco smoking’ (2005).

In the 2013 Trading Standards North West survey of school children about their attitudes and behaviours towards alcohol and tobacco for the first time a question was asked about shisha. Of the 516 14 to 17 year olds surveyed in Blackburn with Darwen 38% claimed they had tried shisha. This compares to the NW regional average of 20%.

Over the past few years the number of shisha lounges operating in the Borough rose to approximately 17. The current number trading is thought to be 9. Concerns have been raised about the way these businesses operate. In particular, the blatant disregard for the ban on smoking in enclosed public buildings and workplaces and the presence of children in the businesses leading to concerns about safeguarding.

A number of multi-agency enforcement operations have taken place with prosecutions taken through the courts. However, there has been limited success with this with a number of businesses still trading who are not fully compliant with relevant

legislation. Steps are being taken to try to address this by the formation of a shisha strategy group which coordinates the multiagency work in this area.

The following is a summary of the main actions currently being taken.

Trade Liaison meetings

An attempt is being made to bring about compliance within the shisha lounges through engagement with the trade. Contact has been made with each business operating in the borough. An initial meeting of business operators was held on 2 September when 3 businesses were represented. A second meeting on 21 October was better attended with 5 businesses present which is very encouraging. These were Sahara, Cube, Café Mist, Oasis and Dahna. As part of the meeting Nick McPartlan, from the Engage team spoke about child sexual exploitation. This was well received and resulted in some discussion. Nick will provide training in this area at individual business premises for those who wish to take up the offer.

Initial discussions were held about developing a “code of conduct” for shisha businesses. Further work in this area will now follow.

Those businesses not in attendance were:

- Velvet, Weir Street
- House of Blues, East Park Road
- Unit 4 Boyle Street
- Alamera, Harrison Street

Lobbying for better legislation

Letters have been sent by Cllr Mohammed Khan and Dominic Harrison to the Parliamentary Under Secretary of State (Public Health), copied to other relevant organisations and MPs, requesting a strengthening of legislation relevant to shisha. A licensing scheme is the preferred option. Such a regime would allow local authorities to protect children and others from harm in the following ways:

- I. Ensure premises are safe for those aged under 18 .
- II. Require proper identification of the legitimate business operator.
- III. Allow for the forfeiture of equipment used in unlicensed premises.
- IV. Restrict proxy sales of tobacco products to those under 18.

Enforcement plan

Enforcement actions will now be stepped up against those shisha businesses not engaging with the Council and partners through the liaison meetings. Action will be prioritised against those businesses creating the greatest problems. Further operations are planned in November.

Campaigns & Engagement

Public health have funded some awareness raising campaigns on health harms of shisha, as well as some community engagement to provide insight on attitudes to inform the campaigns. We are also exploring the possibility of collaborating on an academic study by university of Lancaster.

We continue to lobby Department of Health and others for tougher legislation on shisha. This has led to an offer from the DH policy team, with Public Health England and Chartered Institute of Environmental Health of a fact finding visit to BwD. See attached letter.

Latest prosecution

The latest magistrates court hearing against a shisha business for allowing smoking indoors took place on 24 October. Unfortunately the court time was taken up with legal argument with the case being adjourned until 8 January for a 1 day trial.

National Shisha conference, Leicester

On 17 October officers from the Council's public protection service and the Police attended a conference about tackling shisha. From the information gathered the consensus is that Blackburn with Darwen is doing similar things to other authorities in England at the forefront of tackling shisha.

Summary

Over the last 12 months this Council has made good progress in raising awareness and addressing underlying concerns presented by the use of shisha and the related issues arising from unregulated operation of shisha bars.

We will continue to work with Public Health to raise awareness of the health risks related to smoking shisha. (appendix 1 – summary of key health messages)

This Borough continues to work with partner agencies to bring about a positive response from national Government and where possible we will collaborate and work with other local authorities.

In the absence of national Government recognising the very obvious concerns being presented by shisha we will try to work with responsible shisha bar operators to develop a code of conduct and a voluntary accreditation scheme.

End of Report - For further information contact

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Appendix 1.

Key health information:

- Nicotine content of Shisha pipe smoke reported at 2%-4% (1-3 for cigarettes)
- Carbon monoxide in shisha pipe reported at 0.34%-1.40% (0.41% for cigarettes)
- High levels of metals (arsenic, chromium, and lead)
- Smoking sessions may be less frequent but longer duration than with cigarettes
- Smoke is cooled by water which may lead to deeper inhalation
- Shisha smokers were 2.12 times more likely to be diagnosed with lung cancer
- Shisha smokers were 1.85 times more likely to be diagnosed with cancer of the throat
- Shisha smokers in pregnancy were 2.12 times more likely to have a low birth weight baby
- Babies of shisha smokers were 3.65 times more likely to have pulmonary (lung / breathing problems)
- Shisha smokers were up to 4 times more likely to be diagnosed with gum disease
- Shisha smokers were 2.3 times more likely to experience other respiratory illness (congestion, coughing & wheezing) compared to non-smokers
- Has also been linked to male infertility – though current evidence not strong.
- Sharing water pipes has been associated with a risk of communicable disease E.g.: Tuberculosis & Hepatitis C
- Has been demonstrated with cannabis water pipes – however little evidence for shisha
- Shisha smoking IS smoking and carries many of the same risks as cigarettes
- Shisha tobacco may contain higher levels of nicotine, carbon monoxide and poisonous metals than cigarettes
- Many toxins are NOT filtered out by the water in the pipe