

**Notes of the Regeneration and Neighbourhoods OSC**

**Task Group – Shisha**

**Monday 3<sup>rd</sup> February 2014**

**Present:** Cllrs Surve, Hollings, K. Foster

**Also Present:** Denise Andrews – Public Protection, Gary Johnson – Consumer Protection  
John Addison & Sonya Palmer

**Apologies:** Cllrs Entwistle

The Chair, Cllr Surve welcomed everyone to the 1<sup>st</sup> shisha task group.

Denise Andrews provided Members with background information relating to shisha and the method and equipment used to smoke shisha.

Members were informed that shisha is a popular social hobby which originates from the Middle East. Shisha is normally smoked outside and shared between groups of friends. Denise informed members that shisha is another method of smoking tobacco and it is becoming increasingly popular in Blackburn with Darwen.

As of December 2013 the number of shisha lounges operating in the Borough is thought to be 8.

Alamera, Harrison Street  
Café Mist, 45 Preston New Road  
Cube, 32 Darwen Street  
Dhana, 1 Barton Street  
Oasis, 42 Darwen Street  
Sahara, 82 Darwen Street  
SL Shisha, Unit 4 Boyle Street  
Velvet, Weir Street/Vernon Street

Denise advised Members that none of the shisha lounges have been following the requirements of the Smoke Free England Regulations.

Members were advised that the legislation related to smoking currently in place has not been written for this type of smoking; however, smoking indoors is illegal. Denise also informed Members that the current legislation relating to smoking includes requirements that must be adhered to; the sale of tobacco to under 18's is illegal, tobacco should be labelled with health warning information and correct signage should be displayed in smoking areas.

Trade Liason meetings have been set up to look at what can be done to engage with the owners of the shisha bars for them to comply with the requirements. John Rigby has been employed on a temporary basis as a Shisha Consultant. John was a former employee of Lancashire Constabulary and is well known and recognised within the community. His role is to be the first point of contact for the shisha bar owners whilst working with public protection in engaging with them.

Members were informed that the last trade liaison meeting on the 9<sup>th</sup> December 2013 attracted 6 out of the 8 known businesses. At that meeting a 'Taufiq' (Arabic word meaning code of conduct) was distributed. The 'taufiq' is a list of the areas of legislation and good practice which Public Protection, Engage and the Police would like the shisha bars to follow. It has been framed as an agreement which the business signs up to. Denise advised Members that shisha bar owners have been asked to put together an action plan for the next meeting on 3<sup>rd</sup> February 2014 detailing how they already comply with the code or what work they need to do to come up to standard.

Members were informed that enforcement visits have taken place and to date there have been 15 prosecutions for smoking indoors. Further operations have been run targeting the known shisha premises which have failed to engage with the Local Authority. These operations have shown additional urgent reasons why it is important to ensure that shisha premises comply with the requirements of the Smoke Free England Regulations.

Denise informed Members that a new initiative involved the Public Protection service officers in operations to use carbon monoxide detectors. Upon entering the premises the detectors showed readings of 30-165ppm. The limits for exposure are 200ppm over 15 minutes or 30ppm over an 8 hour period.

Denise also advised Members that carbon monoxide is a colourless, odourless gas given off by the combustion of fuels. In the shisha lounges this could be from the burning of the coals used to heat the pipes as well as the tobacco. In high enough concentrations carbon monoxide can be fatal and long term exposure can lead to problems with concentrating and emotional liability and symptoms similar to food poisoning. Denise added that to tackle the problem notices under the Health and Safety at Work act 1974 have been served on the owners of the businesses with the highest levels. Other businesses have been given information about the problem and asked to investigate how customers and staff may be affected by carbon monoxide.

It was advised that a further enforcement visit had taken place and all 8 of the known businesses were visited by staff from Public Protection and the Police. The main aim of the visits was for carbon monoxide levels to be checked and for the Police to look to see if there were any young people in the shisha bars. There were no concerns about the age of people present in the lounges. No-one was found to be smoking in an enclosed area and carbon monoxide levels were found to be very high in 2 of the premises visited. This was found in areas of the premises where the charcoal was lit. Elevated levels but not high to be of major concern were found in other premises. Denise also informed Members that further health and safety improvement notices will be served on those businesses with the highest levels.

Members suggested liaising with mosques and schools to raise awareness in relation to the harmful effects of smoking shisha. Members also raised concerns regarding the fine imposed on shisha bar owners who are prosecuted being too low. Members suggested liaising with HMRC to increase the fines imposed on those prosecuted.

Members requested that they are informed of the outcome from the impending prosecution against Silver Cloud which is due in court in February 2014.

It was suggested that the Council contact the press to publish the Council's findings in relation to shisha bars. Members felt that this could generate additional information regarding the number of shisha bars operating in Blackburn with Darwen. Members also felt that by advertising the number of known shisha bars within the borough it may prompt people to inform the Council of anymore.

Denise advised the group that the Council are looking at engaging with Public Health to promote the harmful effects of smoking shisha.

Concerns were raised as to why the Council are not prosecuting the owners of the shisha bars simply because smoking inside is illegal.

Gary Johnson, informed Members that proving smoking is taking place indoors is a complex enforcement and proof is needed to be able to prosecute. Members were informed that the Council are keen to look at how other authorities are tackling this problem.

Questions were raised as to why the Council cannot send undercover officers into shisha bars to obtain proof to enable the Council to prosecute. Members were advised that the risk assessment could be high due to the nature of the operation and undercover officers could be put at risk of carbon monoxide poisoning and smoke inhalation.

Councillors questioned as to why the Council cannot use the Ripa Act 2000. Gary told members that the Council have a low use of the Ripa Act and there are concerns that too much use can look negative on the Council. Gary assured members that the Council would look into whether the Ripa Act could be used in these circumstances before ruling it out.

Councillors also raised concerns regarding other illegal activities that could potentially be taking place in the shisha bars such as the possibility of money laundering and illegal immigrants.

The meeting concluded by members being informed that relationships have improved with shisha bars owners since John has been liaising with them and Public Protection are looking at what steps to take next following on from the February trade liaison meeting.