

RESIDENTS' AND ENVIRONMENTAL SERVICES POLICY OVERVIEW COMMITTEE: *REVIEW INTO SHISHA BARS, LOUNGES & CAFES*

Cabinet Member	Councillor Philip Corthorne
Cabinet Portfolio	Social Services, Housing, Health & Wellbeing
Officer Contact	Khalid Ahmed - Chief Executive's Office
Papers with report	Residents' & Environmental Services Policy Overview Committee review into Shisha Bars, Lounges & Cafes

HEADLINES

Summary	To receive the Residents' & Environmental Services Policy Overview Committee's review into Shisha Bars, Lounges and Cafes and to give consideration to the recommendations of the review.
Putting our Residents First	This report supports the following Council objective of: <i>Our People</i> .
Financial Cost	No additional cost above existing approved budgets.
Relevant Policy Overview Committee	Residents' & Environmental Services
Relevant Ward(s)	All

RECOMMENDATIONS

That Cabinet:

- 1. Welcome the Committee's findings from their review into Shisha Bars, Lounges and Cafes.**
- 2. Delegate authority to the Leader of the Council and Cabinet Member for Social Services, Housing, Health & Wellbeing to take forward the implementation of the recommendations as part of the Council's wider public health / regulatory activity and subject to business priorities and requirements.**

Reasons for recommendation

The review was undertaken by the Committee to assess the controls, this Council and its partners have in relation to Shisha Bars, Lounges and Cafes in the Borough and to look at developing a co-ordinated approach to deal with the health, nuisance and amenity impacts that can sometimes be caused by unregulated shisha smoking. The Committee's findings are aimed at enabling the Council and wider community to have better mechanisms to monitor and regulate shisha smoking.

Alternative options considered / risk management

The Cabinet could decide to reject some or all of the Committee's recommendations.

SUPPORTING INFORMATION

- 1) At the time of the Committee's review there were seven known, established Shisha Bars, Cafes and Lounges in the Borough. Additionally, through the Council's licensing, trading standards, planning and enforcement functions, both officers and Members were aware of a number of other premises which offered shisha smoking. It was noted that these unregulated establishments could have the potential to cause harm to residents through a lack of information on the health risks associated with shisha smoking, together with the potential of non-compliance with legislation and regulations by owners of such establishments. As businesses are not required to have a specific licence for shisha smoking, there is no definitive list of premises which provide shisha smoking in Hillingdon.
- 2) Shisha smoking is a way of smoking tobacco or herbal smoking product through a water pipe or hookah. Shisha pipes use burning pieces of charcoal which heats tobacco, sweetened with fruit syrup or molasses sugar (30% tobacco and 70% honey). The Committee noted the increased prevalence of shisha smoking, particularly among younger people over the last few years. Users sometimes mistakenly believe that smoking shisha is safer than cigarettes; however, studies have found that there are significant health risks associated with shisha, to users and to those in close proximity to the practice. Reports to the Committee showed that a Shisha session was potentially equivalent to 100 cigarettes worth of smoke.
- 3) Like some other licensed premises, shisha establishments have also been associated with anti-social behaviour, with typical opening times extending into the late night and early mornings. There have been complaints from residents and Members regarding anti-social behaviour emanating from premises where shisha smoking takes place.
- 4) The Committee acknowledged that whilst Hillingdon does not have a shisha bar culture on the same scale as some areas of the country, smoking of shisha was on the rise and there were public health concerns, along with complaints from residents and Members, to merit a preventative approach now on how the Council could respond to this activity.

- 5) Findings from the Committee's review point towards developing a proactive, one-council approach to better identify and work with shisha premises in a constructive way to ensure health and safety compliance and community impacts are addressed.
- 6) Given the public health concerns that were drawn to light, the Committee considered, as is practiced by some other local authorities, that it could be considered that shisha is included within general smoking cessation advisory services. Other recommendations are aimed at the Council in its role as Licensing Authority for further consideration on a case-by-case basis through the decisions Licensing sub-committees make.
- 7) A key part of the Committee's findings, in order to assist in a co-ordinated approach, was the development of cross-council guidance, which could be shared with owners of shisha premises. This is attached at Appendix A of the review.
- 8) The Terms of Reference of the Committee's review were as follows:
 - To understand the health and amenity impacts of Shisha smoking.
 - To examine the range of regulatory tools which could be used to help mitigate the impact of Shisha smoking, working with different services and partners.
 - To look at the extent of the problem of unauthorised Shisha bars, lounges and cafes in the Borough.
 - To assess the impact of Shisha bars, lounges and cafes on residents who live close to these premises.
 - To look at what other local authorities are doing in relation to regulating Shisha bars, lounges and cafes.
 - To look at options available, and the development of a strategy, if appropriate and report to Cabinet as appropriate.
- 9) Cabinet should note that whilst the Committee focussed on the impact of shisha on all communities within the Borough, it was accepted that shisha was more prevalent amongst certain ethnic groups. Equalities considerations were taken into account throughout the Committee's review.
- 10) The review considered best practice carried out by other local authorities and witness evidence from a range of individuals and service areas as set out in their report.

Officer Comments on Recommendations

The report from the Committee sets out the review in more detail, with a number of themed recommendations proposed. Officers advise Cabinet that further consideration of the implementation of the Committee's findings would be best taken forward with Cabinet Members as part of the Council's wider public health / regulatory activity, clearly subject to existing business priorities and service requirements.

Further comments from officers include:

- In cases of non-compliance or where enforcement is required, the Council has a range of powers that could be applied. For example, Planning Contravention Notices and Stop Notices can be applied for unlawful structures or practises which occurred on licensed premises. In relation to breaches of the Smoke free law, Health and Safety Prohibition Notices could be used. Also if the Council's Environmental Health Officers believed that activities on shisha premises could give rise to a risk of serious personal injury, they could issue a Health and Safety Prohibition Notice. The Local Authority Act 1990 can also be used in relation to the possible shisha smoking which takes place outside cafes and restaurants, on pavements.
- Any reports of anti-social behaviour associated with late night shisha smoking, would be dealt with by the Council's Anti-Social Behaviour and Environment Team's Out of Hours service.
- The Council has existing well-established arrangements in place to undertake joint efforts and patrols with other teams across the Council and partners, e.g. Licensing Services / Police, in order to take a broader approach to enforcement based upon a wider range of local intelligence received.
- As proposed by the Committee, improving education, awareness, guidance and support around shisha smoking would be best considered as part of the Council's public health duties. It is acknowledged that the health risks associated with shisha are not publicised to the same extent as smoking cigarettes.

Financial Implications

Any operational, enforcement and education actions implemented from the findings of the Committee's review will be carried out by the relevant teams, with the costs contained within existing approved resources.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The report aims to raise the awareness of the health effects of shisha to residents and to offer improved guidance to premises holders on the regulations relating to their operation of shisha establishments.

Consultation carried out or required

The Committee sought a wide range of local expert witness testimony as set out in Appendix B of its report.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and associated financial implications, noting that there are no direct budgetary implications arising from the recommendations above which can be managed within existing service budgets.

Legal

The implementation of any recommendations regarding the Council's role as Licensing Authority in this matter would additionally need to be considered by the Licensing Committee.

BACKGROUND PAPERS

NIL.