



National Training Conference
16th - 18th November 2022

Shisha regulation and licensing

Charles Holland – Barrister, FTB Chambers

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Smoke free by 2030

- [Advancing our health: prevention in the 2020s](#) (July 2019)
- Smoking rate in GB halved over last 35 years
- England had one of the lowest rates of smoking Europe
- Fewer than 1 in 6 adults smoked cigarettes
- Smoking stubbornly high in areas of deprivation, amongst LGBT, amongst people with mental health conditions.

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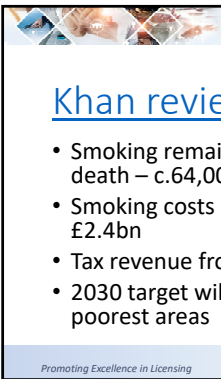





[Khan review \(June 2022\)](#)

- Smoking remains single biggest cause of preventable death – c.64,000 deaths p.a.
- Smoking costs society £17bn p.a. – cost to NHS £2.4bn
- Tax revenue from tobacco £10bn p.a.
- 2030 target will be missed by 7 years, 14 years in poorest areas

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Khan review (June 2022)

- 15 recommendations including...
- Raise age of sale by one year, every year
- Licence the sale of all tobacco
- Ban online & supermarket sales
- Funding for LA intervention in illicit tobacco sales
- Enhanced enforcement for alternative tobacco products such as shisha

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Growth in shisha

- British Heart Foundation 179 (2007) to 556 (2013)
- Birmingham – tenfold increase 2007 to 2016
- Driven by the smoking ban in 2007
- Nuisance, ABS and crime and disorder
- Calls for licensing

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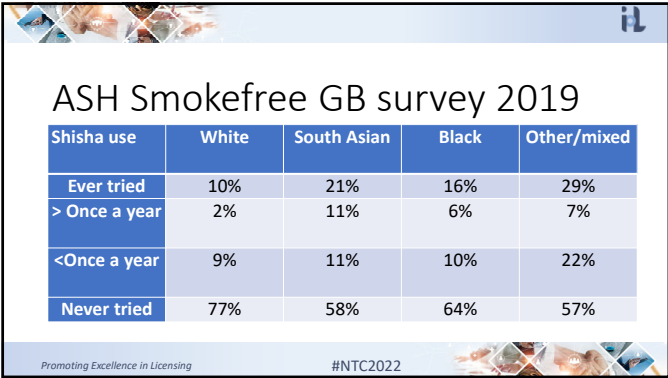
Harms of shisha

- [ADPH/PHE report 2017](#)
- Less research attention than cigarettes
- Available evidence shows association with cancer, heart & lung disease, increase risk of infectious disease, CO poisoning, addiction
- [Shihadeh \(2012\)](#) Herbal shisha similarly harmful as tobacco

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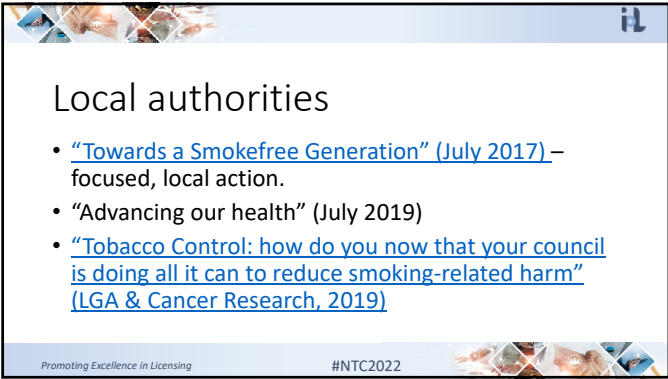




ASH Smokefree GB survey 2019

Shisha use	White	South Asian	Black	Other/mixed
Ever tried	10%	21%	16%	29%
> Once a year	2%	11%	6%	7%
<Once a year	9%	11%	10%	22%
Never tried	77%	58%	64%	57%

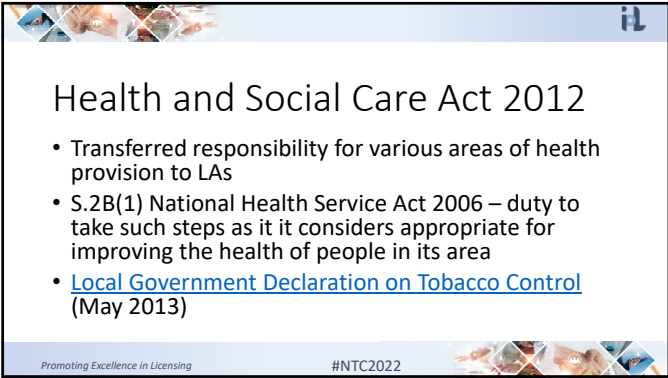
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Local authorities

- [“Towards a Smokefree Generation” \(July 2017\)](#) – focused, local action.
- “Advancing our health” (July 2019)
- [“Tobacco Control: how do you now that your council is doing all it can to reduce smoking-related harm” \(LGA & Cancer Research, 2019\)](#)


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Health and Social Care Act 2012

- Transferred responsibility for various areas of health provision to LAs
- S.2B(1) National Health Service Act 2006 – duty to take such steps as it considers appropriate for improving the health of people in its area
- [Local Government Declaration on Tobacco Control](#) (May 2013)

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Existing law

- Smoke-free legislation – Health Act 2006; Smoke-free (Premises and Enforcement) Regulations 2006
- Health and Safety at Work etc Act 1974
- Pavement licensing
- Planning

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Existing law

- Trading standards – sales to minors, signage, labelling, prohibition on advertising, duty
- Regulatory (Fire Safety) Order 2005
- Licensing Act 2003
- Environmental Protection Act 1990
- Anti-social Behaviour, Crime and Policing Act 2014

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Westminster experience

- Closure orders
- Targeted enforcement
- Shisha Working Group
 - Educate and engage
 - Regulate
 - Lobbying and partnership

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Where we are now...

- Proposal to add regime to the Local Government (Miscellaneous Provisions) Act 1982
- LGA working on a White Paper
- Jade.Hall@local.gov.uk
- Ellie.Greenwood@local.gov.uk

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