

# Shisha compliance guide

## Trading Standards information

[www.southwark.gov.uk](http://www.southwark.gov.uk)

### 1. Introduction

If you are the owner of a café, bar or restaurant which sells or supplies Shisha there are certain legal requirements you must comply with. This table sets out brief guidance on the main requirements.

### 2. Taxation / duty

Shisha including herbal shisha is liable for excise duty. As a guide - if you are currently buying your Shisha for any less than the figures below the chances are that the tax has not been paid.

50gm pack = £4.83	100gm pack = £9.66	150gm pack = £14.49
250gm pack = £24.16	500gm pack = £48.32	1kg pack = £96.64

It is your responsibility to prove that excise duty has been paid. If you cannot prove this then the Shisha can be seized by HMRC.

### 3. Health warnings and labelling

Shisha tobacco products must show statutory picture and text health warnings.

The packaging that the Shisha is supplied in must say: **'Smoking kills'** or **'Smoking seriously harms you and others around you'** on 30% of the front of the packaging. On the back of the packaging it must also have a picture warning on 40% of the surface.

If you are selling 'loose' Shisha – e.g. in a small packet or in a bowl – our advice is you still need to comply. This could be overcome by giving the warnings and printing the pictures on the shisha menu and displaying them when the customer makes their order and labelling the shisha pipes.

The packet must also carry a code marking to identify the place and date of its manufacture.

### 3. Age restricted sales and signage

It is an offence to sell Shisha containing tobacco or nicotine inhaling products to anyone under the age of 18. If you think someone is under-age you need to ask them for proof of age. An A3 sign saying **"It is illegal to sell tobacco products to anyone under the age of 18"** must be displayed. The letters must be at least 36mm in height. Free notices are available from trading standards.

You must also display a statutory no-smoking sign in a visible position at each entrance to the premises.

#### **4. Tobacco advertising**

Advertising any tobacco product is limited to single A5 sign at the point of sale. The sign must include the warning '**Smoking kills**' or '**Smoking seriously harms you and others around you**'.

Posters in windows, banners on the side of premises or any other sign which carries a shisha brand or logo are all prohibited.

#### **5. Health Act 2006 - the Smokefree Law**

Smoking is banned in virtually all enclosed public places and work places. This includes the smoking of shisha through a water pipe. Water pipes can only be smoked outside in the open air, or where a smoking shelter is at least 50% open – all of the time.

#### **6. Smoking Shelters**

If you build a smoking shelter it must be at least 50% open - all of the time. Doors, windows and tent/marquee side-panels will be classed as part of the wall if they can be shut or rolled up.

If rugs, carpets or sheeting are used to cover up the spaces so that it is no longer at least 50% open, you will be in breach of the Health Act 2006 and could be fined.

#### **7. Planning permission & building control**

If you thinking about changing the use of a building; making physical changes to the building or erecting a smoking shelter you are likely to need planning permission. If you are erecting any new structure or changing existing buildings then you may also be required to make a Building Regulations Application.

#### **8. Fire safety**

The owner of the business must make sure that a written Fire Risk Assessment is undertaken.

There must be means of tackling a fire. For example, fire extinguishers and have persons that are trained to use them. There must be an adequate means of raising the alarm in the event of fire.

All furnishings and drapes need to meet the required standards so as not to ignite easily.

Failure to comply may lead to an enforcement notice being issued.

#### **9. What are the penalties if the law is broken?**

On conviction for an offence a fine may be imposed. In some cases imprisonment can also be imposed. The maximum penalty varies depending on the offence committed.

#### **10. Further information**

If you require further assistance on these requirements, or would like additional information leaflets, please contact us at the address given or visit our business information webpages. Other related guidance available includes;

- Tobacco labeling advertising and promotion
- Tobacco products age restricted sales
- Age restricted sales – best practice guidance
- Tobacco blunts and blunt wraps
- e-cigarettes and e-shisha products