

PUBLIC SAFETY TEAM CASE STUDY

Business Type	A illegally trading commercial premises
Topic	Preventing an illegal shisha premises from trading
Date	Ongoing



Background

In 2007 the Health Act was introduced and in order for businesses to allow smoking to take place on their premises they had to ensure they complied with smoke-free legislation. In short, businesses had to ensure that their designated area (i.e. smoking shelter) was more than 50% open (the total percentage of the open walls must exceed the total percentage of closed walls).

However a small minority of businesses rather than attempting to comply with these legal requirements decided to blatantly flout this law. One such business was a café serving shisha in a totally enclosed premises (an indoor commercial unit).

Shisha is an Egyptian term for a water pipe (hookah) with a long flexible tube connected to a container. Fruit flavoured tobacco is burnt on top of the container with lit charcoal and users suck through the hose via a mouth piece to bring the flavoured smoke down into the container, through the water and into the hose.

Shisha smoking usually contains cigarette tobacco sometimes mixed with fruit or molasses sugar and so like cigarettes it contains nicotine, tar and heavy metals, such as arsenic and lead. As a result smoking shisha poses similar health risks as smoking cigarettes, including heart disease, respiratory disease and it can also lead to problems during pregnancy.

People smoke shisha for much longer periods of time than they smoke a cigarette, and in one puff of shisha you inhale the same amount of smoke as you'd get from a smoking a whole cigarette. Also, the average shisha-smoking session lasts an hour and research by the World Health Organisation has shown that in this time you can inhale the same amount of smoke as from more than 100 cigarettes.

Some people mistakenly think that shisha smoking is not addictive because the water used in the pipe can absorb nicotine. In reality, because only some of the nicotine is absorbed by the water, shisha smokers are still exposed to enough nicotine to cause an addiction.

Shisha smoking can also transmit infections and viruses such as oral herpes, TB, hepatitis and the common flu as mouth pieces are generally shared, and like cigarettes can lead to lung or mouth cancer.

Achieving Compliance

Officers from the Public Safety team have noted a steady rise in commercial shisha businesses in Leicester since the smoking ban in 2007. They have worked with businesses to ensure they are compliant. Even so, illegal businesses have been set-up without a thought for public safety and one such business was an 'illegal indoor smoking den' that was operating within a residential area next to a sports hall as a gaming cafe.

Officers initially met with the operators of this café to provide advice and guidance on how the business could comply with the relevant legal requirements. At this stage officers liaised with other agencies including, Food Safety, Licensing, Planning, Building Control, the Police, as well as Leicestershire Fire Service.

However, this advice was ignored and the business continued to trade, but in a covert manner. The premises door would remain closed and customers would only be allowed into the premises after being vetted by the CCTV system or by making phone contact with the operators. If council officers visited the doors would remain closed.

Compliance Operation

In 2011, undercover officers visited the premises on three occasions and witnessed the operation of an illegal shisha café. As a result the business operators were prosecuted at Leicester Magistrates Court during the same year.

The business continued to trade covertly and another undercover operation took place during 2012. Again, the business operators were prosecuted at Leicester Magistrates Court in 2013.

Following this prosecution, surveillance monitoring by Officers from the Public Safety team revealed the business was still continuing to trade covertly. Officers then decided that the financial penalties imposed by the courts were not a deterrent to the business as the financial gain for continuing to trade illegally far outweighed the risk of further prosecution and they needed to alter their approach.

As a result during May 2013, officers visited the premises and seized a large amount of shisha items (pipes, tobacco, hoses etc.).

Premises Raid

Further intelligence was received during September 2013 from the neighbourhood Police Officers that the business was still continuing to operate.

On 6th November 2013, Public Safety Team officers executed a warrant with assistance from the Police and raided the premises whilst it was trading.

On entry officers found 50 customers within the premises. The premises were searched by officers who found nearly one hundred shisha pipes, ten of which were still lit and hidden in a locked disabled toilet, presenting a serious fire hazard!

The seized items, with a street value at over £40,000, included 77kg of shisha tobacco; 96 shisha towers, 194 Shisha hoses, 11 PS3/Xbox games consoles and 63 computer games.



The landlord, tenant and sub-tenant were found guilty at Leicester Magistrates Court during November 2014. The three operators were fined a total of £8395 and ordered to pay local authority costs totalling £4500 failing to prevent smoking in enclosed premises. The sub-tenant was also found guilty of assaulting and obstructing an authorised officer during the raid.

The judge stated that as all goods seized were used either directly to commit the offences or to facilitate the commission of offences they should be destroyed.

Following the raid and prosecution the business ceased trading.

Other Interventions/Partnership Working

Since the introduction of the Health Act in 2007 the Public Safety team has prosecuted 14 premises trading as illegal shisha cafes.

The team has worked closely with Her Majesty's Revenue and Customs and in addition to the seized tobacco mentioned, seized over 100kgs of shisha tobacco which did not have duty paid.

The team has worked closely with the NHS tobacco cessation team and local colleges to highlight the dangers of shisha smoking to young people. Workshops have taken place in schools/colleges in Leicester to highlight the dangers of shisha smoking.

The team has organised and hosted the National Shisha Conference so that this emerging public health issue is addressed nationally by working jointly with other local authorities and Government Departments.

The Public Safety Team also continues to act as the main point of contact for other agencies including the police and the Fire authority regarding shisha premises. So if you are concerned about a particular premises please contact the Team confidentially on Tel 0116 454 3220 or email: publicsafety@leicester.gov.uk