





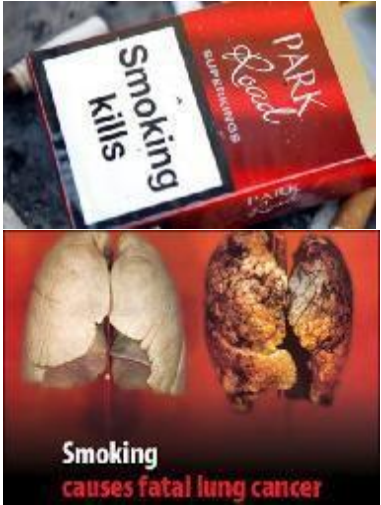
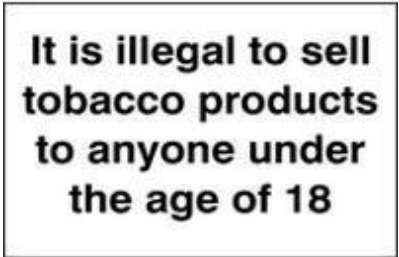



## SHISHA COMPLIANCE GUIDE

If you are the owner of a café, bar or restaurant which sells shisha, you need to make sure you are doing it legally. To do this you must ensure that your business fully complies with the following.

<p><b>1: Planning Permission And Building Control</b></p>		<p><b>Planning Permission</b> If you are thinking about changing the use of a building; making physical changes to the building or erecting a smoking shelter then you are likely to need planning permission.</p> <p><b>Building Control</b> If you are erecting any new structure or changing existing buildings then you may also be required to make a Building Regulations Application.</p>	<p><b>Charnwood Borough Council Planning Department</b> Tel: 01509 634570 e-mail: <a href="mailto:development.control@charnwood.gov.uk">development.control@charnwood.gov.uk</a></p> <p><b>Charnwood Borough Council Building Control</b> Tel: 01509 634 924 e-mail: <a href="mailto:building.control@charnwood.gov.uk">building.control@charnwood.gov.uk</a></p>
<p><b>2: Licensing</b> <i>Licensing Act 2003</i></p>		<p>If the business provides hot food or hot drinks between 11:00pm and 5:00am then you need late night a refreshment licence</p>	<p><b>Charnwood Borough Council Licensing Team</b> Tel: 01509 634562 e-mail: <a href="mailto:licensing@charnwood.gov.uk">licensing@charnwood.gov.uk</a></p>
<p><b>3: Food Safety</b> <i>Food Safety Act 1990</i></p>		<p>If the business provides any food or drinks then the business is legally obliged to register with Charnwood Borough Council. There is no charge and the registration cannot be refused. Once registered it is not necessary to re-register, <b>unless</b> there is a significant change in the business (such as change of name, or food business operator)</p>	<p><b>Charnwood Borough Council Food Safety Team</b> Tel: 01509 634656 e-mail: <a href="mailto:env.health@charnwood.gov.uk">env.health@charnwood.gov.uk</a></p> <p>Online registration: please go to <a href="http://www.charnwood.gov.uk/food_business">www.charnwood.gov.uk/food_business</a></p>
<p><b>4: No Smoking Signs</b> <i>The Smokefree (Signs) regulations 2007</i></p>		<p>You must display at least one legible 'no smoking' sign in a smoke-free premises.</p>	<p><b>Charnwood Borough Council Health And Safety Team</b> Tel : 01509 634628 e-mail: <a href="mailto:env.health@charnwood.gov.uk">env.health@charnwood.gov.uk</a></p>

<p><b>5: Smoking Shelters -</b>  <i>Health Act 2006</i>  <i>The Smokefree(Premises and Enforcement) Regulations 2006</i></p>		<p>Smokefree, bans smoking in all enclosed public places and work places. Shisha Cafes have to comply with this requirement. Therefore shisha can only be smoked outside in the open air, or where a smoking shelter is 50% open and it must remain 50% open at all time. 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. Similarly if rugs, carpets, sheeting, furniture, plants are used to block the open spaces/on the perimeter so that the area is no longer at least 50% open, you will be breaking the Smokefree Law and could be fined.</p>	<p><b>Charnwood Borough Council Health And Safety Team</b>  Tel : 01509 634628  e-mail: <a href="mailto:env.health@charnwood.gov.uk">env.health@charnwood.gov.uk</a></p>
<p><b>6:Noise Nuisance</b>  <i>Environmental Protection Act 1990</i></p>		<p>Loud music, people talking or singing loudly classed as a Statutory Nuisance can be at any time of the day or night.</p>	<p><b>Charnwood Borough Council Environmental Protection:</b>  Tel:01509 634636  e-mail: <a href="mailto:env.health@charnwood.gov.uk">env.health@charnwood.gov.uk</a></p>
<p><b>7: Fire Safety</b>  <i>The Regulatory Reform (Fire Safety) Order 2005</i></p>		<p>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, drapes and furniture need to meet the fire standards.</p>	<p><b>Leicestershire Fire and Rescue Service</b>  Tel: 0116 287 2241  e-mail: <a href="mailto:info@ifrs.org">info@ifrs.org</a></p>

<p><b>8: Health Warnings and Labelling</b>  <i>Consumer Protection Act 1987</i></p> <p><i>The Tobacco Products (manufacture, presentation, and sale) (Safety) Regulations 2002 and Amendment regulations 2007</i></p> <p><i>Consumer Protection From Unfair Trading Regulations 2008.(CPRS)</i></p>		<p>It is illegal to sell shisha tobacco products which do not comply with the requirements of Regulations 7 to 10 of the Tobacco Products (Manufacture, Presentation, and Sale) (Safety) Regulations 2002 and Amendments Regulations 2007.</p> <p>Businesses are advised to contact their suppliers and request that Shisha tobacco products are brought into compliance as a matter of urgency.</p> <p>As a temporary measure whilst the above is taking place, we request that you warn your customers about the dangers of smoking tobacco shisha by an appropriate display in a menu, label attached to shisha pipes or other prominent means.</p>	<p><b>Leicestershire County Council Trading Standards</b>  Business Line: 0116 305 8000  e-mail: <a href="mailto:tradingstandards@leics.gov.uk">tradingstandards@leics.gov.uk</a></p>
<p><b>9: Under-age Sales</b>  <i>The Children and Young Persons Act 1933 (as amended)</i></p> <p><i>The Children and Young Persons (Protection from Tobacco) Act 1991 9As amended)</i></p>		<p>It is an offence to sell Shisha containing tobacco to anyone under the age of 18. Selling a Shisha product to an underage person carries a maximum penalty of £2,500.</p> <p>If you are unsure as to a person's age you should ask for identification. We recommend you adopt a Challenge '21' policy and keep a refusal log. (Challenge 21 posters and a refusals log can be provided on request)</p> <p>It is also a legal requirement to display a notice at the point of sale where tobacco products are sold. The notice must be no less than A3 size and the characters no less than 36mm in height.</p>	<p><b>Leicestershire County Council Trading Standards</b>  Business Line: 0116 305 8000  e-mail: <a href="mailto:tradingstandards@leics.gov.uk">tradingstandards@leics.gov.uk</a></p>

<p><b>10: Paying Tax on Tobacco</b>  <i>Tobacco Products Duty Act 1979</i>  <i>Tobacco Products Description of Products Order 2003</i>  <i>Tobacco Products Duty Regulations 2001</i></p>		<p>Shisha containing tobacco is liable for excise duty. From 1 January 2014 herbal shisha containing no tobacco will also be subject to excise duty.  As a guide – if you are currently purchasing Shisha for less than £10 per 100 grams it is likely that this is an illicit product and the duty and VAT hasn't been paid.</p> <p>A criminal conviction for the evasion of duty and VAT could lead to a sentence of up to 7 years imprisonment  Illicit products will be liable to seizure  You can receive an assessment for the duty due and a penalty of up to 100% of the duty amount.</p> <p>Relevant business taxes and income tax must also be paid. For further advice please contact the HMRC helpline</p>	<p><b>HM Revenue and Customs Helpline:</b>  Tel : 0845 010 9000  Monday to Friday 8.00am to 8.00pm  HM Revenue and Customs Tax Evasion Hotline 24/7  Tel; 0800 59 5000</p>
<p><b>11. Health and Safety</b>  <i>Health and Safety At Work etc. Act 1974 and associated legislation</i></p>		<p>All businesses need to comply with current health and safety law. This requires duty holders to ensure that the premises and any equipment or substance used is safe and without risks. Business must ensure that safe working practices are followed; identify any potential hazards; provide employees with suitable information, instruction, and training; and prevent or control exposure to substances that may damage health.</p>	<p><b>Charnwood Borough Council</b>  <b>Health and Safety Team</b>  Tel: 01509 634628  e-mail: <a href="mailto:env.health@charnwood.gov.uk">env.health@charnwood.gov.uk</a></p>