

# **Smokefree Enforcement – A decade of challenges**

by

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# Smokefree Enforcement – A decade of challenges

- 10 years of smokefree legislation
- Enforcement update
- Shisha premises – a special case?

# 2007 – That was then...

- **11,000** deaths from general exposure
- **700** deaths from specific workplace exposure
- **54** premature deaths each year in UK  
hospitality industry employees

# 2017 – ...this is now

- Smoking in public has been denormalised. For most people, it is no longer perceived to be acceptable behaviour.
- Smokefree workplaces and public environments have transformed health risks that people face
- Point of sale ban and standard packs, have ensured that tobacco products as well as tobacco smoke are largely hidden from view.
- Smokefree compliance is virtually universal

# 2017 – ...this is now

- 6.3 million adults still smoke in England
- 88% of public still feel that secondhand smoke has a significant impact on child health.
- 25% of persons still exposed to second-hand smoke
- 50% of young persons (16 to 24 years) still reporting exposure to second-hand smoke
- Shisha premises still main non-compliance area
- 80% of prison population estimated as smokers
- Smoking prevalence down to 15.5% (from 21%)

# Smokefree Regulations

1. Smokefree (Premises & Enforcement) Regulations.
2. Smokefree (Signs) Regulations (Revoked).
3. Smokefree (Penalties & Discounted Amounts) Regulations.
4. Smokefree (Exemptions & Vehicles) Regulations.
5. Smokefree ( Vehicles Operators & Penalty Notices) Regulations.

# Smokefree (Signs) Regs 2012

- Prescriptive 2007 Smokefree (Signs) Regulations revoked
- At least one legible no-smoking sign to be displayed in smoke-free vehicles
- At least one legible no-smoking sign to be displayed in smoke-free premises

# Children & Families Act 2014

- This Act amended 2006 Health Act
- Protect children when travelling in private vehicles
- At least one legible no-smoking sign to be displayed in smoke-free vehicles
- At least one legible no-smoking sign to be displayed in smoke-free premises



# Smokefree Enforcement – The Leicester Approach

- Public Safety Team (PST) - Lead on smokefree for Leicester City Council
- New premises - Planning
- Signs/Labelling – Trading Standards
- Smoking in vehicles – City wardens
- Smoking Shelters/Shisha premises – PST
- Public Safety – LCC Public Health

# Smoking

- Smoking in smokefree premises/vehicles is an offence
- Monitor, take notes/photos before acting
- Offer advice on how to comply
- Keep safe - Don't put yourself at risk!
- Issue FPN only for clear offences
- Non-compliance – Take action/Refer to PST
- Get help/advice before taking action if unsure

# What's happened in Leicester since 2007?

- 99% Smokefree compliance in Leicester achieved
- Nationally recognised smoking shelter guidance developed, circulated and recently reviewed again
- All regulatory services have delegated powers to enforce legislation
- 10 successful prosecutions taken by Authority
- 589 FPN's served for persons smoking in work vehicles

# Smoking in Vehicles

Fixed Penalty Notices Issued by LCC:

2012 – 143

2013 – 283

2014 – 60

2015 - 13

2016 – 40

2017 – 50

Total - 589 = Total Fines in excess of £17,000

# Shisha premises – A special case?



- Only premises where smoking is still allowed for long periods 'legally'
- Worse if not equivalent to smoking a cigarette
- Aimed at children/students
- More complaints about children being sold shisha



# Shisha premises – A special case?

- 3 raids carried out of 'underground' shisha premises
- Joint exercise with HRMC yielded 153kg of illegal shisha tobacco
- 2017 HMRC/TS day of action resulted 20kg shisha tobacco being seized.
- 3 fires in shisha premises

# Shisha premises numbers

## National (BHF Figures, 2012 Report)

- 2007: 179
- 2012: 556
- 210% increase (2017 1000?)

## Leicester

- 2007: 3
- 2017: 12
- 300% increase

# Leicester – Rouges gallery

Mar-haba

Mist

Palm Lounge

Café Chimini

Abu Daniel

Café Habibi

TSL (x2)

Shisha Gardens

Vanilla Pod





# 2014 Joint Exercise

- The Public Safety Team carried out a joint exercise with the HMRC and the Police in 2014.
- In 6 premises there were health and safety and fire safety issues.
- In 5 premises non-duty paid tobacco was found on the premises.
- HMRC seized over 153kgs of shisha tobacco

# 2014 Joint Exercise

|                |            |           |
|----------------|------------|-----------|
| Palm Lounge -  | 15.2 kg =  | £2849.29  |
| Shisha Café -  | 39.95 kg = | £7488.77  |
| Al Majilis -   | 58.1 kg =  | £10891.05 |
| Vanilla Pod -  | 13.4 kg =  | £2511.88  |
| Café Chimini - | 26.5 kg =  | £4967.52  |

Total amount seized = 153.15 KILOS

Total duty + VAT not paid = **£28708.51**

# Shisha Smoking – National Uptake

| GROUP                        | EVER | FREQUENCY |
|------------------------------|------|-----------|
| White                        | 10.1 | 0.5       |
| Mixed/Multiple Ethnic Groups | 32.6 | 4.9       |
| Asian/Asian British          | 26.5 | 6.7       |
| Black/African/Caribbean      | 13.7 | 4.2       |

2014 PHE Figures

# Shisha Smoking – Health risks

- Hazardous particles can build up gradually during shisha pipe use to reach dangerously high levels and presents a serious health risk.
- Exposure to secondhand smoke has immediate health effects. It can reduce lung function; exacerbate respiratory problems; trigger asthma attacks; reduce coronary blood flow; irritate eyes; and cause headaches, coughs, sore throats, dizziness and nausea.
- There is no safe level of exposure to tobacco smoke

# Shisha Smoking – Health risks contd...

- Carbon monoxide – The hidden killer
- DOH - Difficult to know exactly how much carbon monoxide one cigarette produced, due to the differences in smokers' inhalations.

# Shisha Smoking – Health risks contd...

DOH tests measured carbon monoxide in exhaled breath gave the following results in parts per million):

Normal level 3 ppm - less than 1% of blood not working properly

Light smoker 10-20 ppm - 2-4% of blood not working properly

Heavy smoker 30-40 ppm - 5-7% of blood not working properly

Faulty boiler/fire levels upwards of 100 ppm

Severe symptoms 100 ppm

Lethal levels more than 300 ppm

**The study found shisha smokers had 40-70 ppm of CO in their breath affecting 8-12% of their blood.**

# Shisha Smoking – Health risks contd...

- Another study showed that compared to smoking a single cigarette, 45 minutes of water pipe smoking **doubles** carbon monoxide and **triples** nicotine exposure.
- It is well known that high levels of carbon monoxide can lead to brain damage and unconsciousness.

# Shisha Smoking – Health risks contd...

- Other health risks from shisha smoking include communicable disease, such as Hepatitis A and Tuberculosis, due to sharing the mouth piece of the shisha pipe.
- Shisha smokers are five times more likely than non-smokers to contract lung cancer and show signs of gum disease.



# Shisha premises - LPG



# Shisha premises - LPG



# Shisha premises – Fire routes

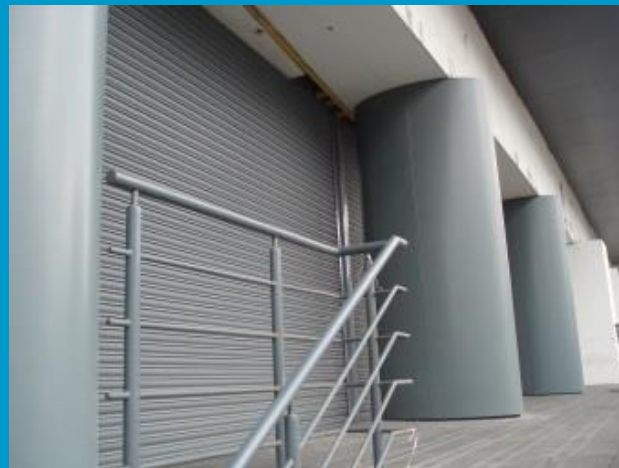
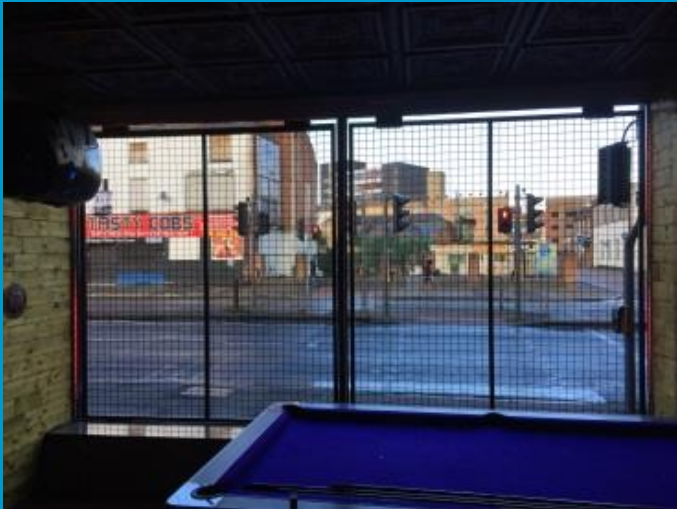




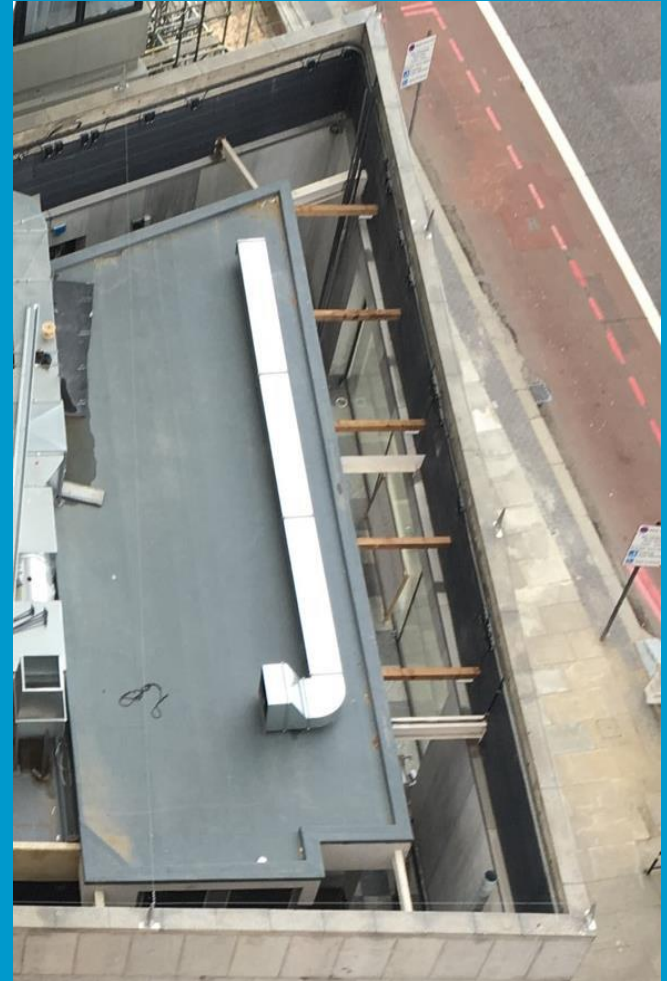
# Shisha premises – Fire routes



# Shisha premises – New designs

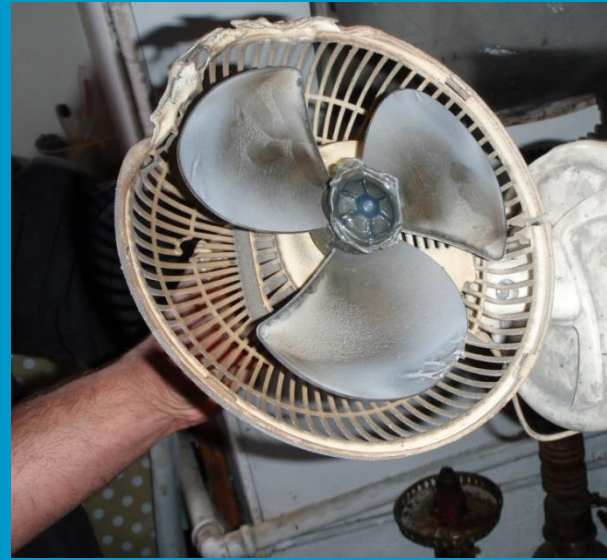


# Shisha premises – New designs





# Shisha premises – Health and Safety



# Shisha premises – Health and Safety





# Shisha Premises - Issues



## LEICESTERSHIRE FIRE and RESCUE SERVICE

Address of Incident: Cloud 9  
Shiesha Cafe  
Birstall St  
Leicester  
LE1 2HJ

Date of Incident: 25<sup>th</sup> October 2012

Time of Incident: 11:17:34 hours

Incident Number: 201207607

Investigating Officer: SM Smith 523

Signature:.....

Date:.....

# Shisha premises – Emerging Issues?

- Long term public health issues like ‘Marlborough Man’ – Aimed at young persons/students
- Under age sales – Start them early!
- Close to schools/colleges
- Herbal shisha is nicotine free!
- E-shisha safer alternative?
- New ‘compliant shelter designs

# Shisha premises – Challenges

- Smokefree legislation
- Age of sale
- Fire safety
- Health warnings
- Tobacco product display, labelling, signs
- Tobacco - Imported illegally and sold without duty
- Public awareness/lack of education

# Shisha Enforcement Update

- Birmingham CC – Smoking shisha tobacco? Magistrates given doubt customers were smoking e-shisha – Case dismissed (did not believe council officers or Police)
- Leicester CC – When is a ceiling a wall?
- Leeds CC – 2 prosecutions of same owner
- LB Tower Hamlets – 21 illegal premises
- LB Ealing - £19,000 fine
- Sheffield CC – 3 prosecutions/Injunction
- Preston CC – Managers prosecuted & £5K fine for offences under the Serious Crime Act 2007 for providing facilities and equipment

# Brexit Perspective

- Ongoing negotiations – Until concluded, the UK remains a full member of the EU and all legislation remains in force.
- Future tobacco control measures will need to reflect the new environment in which tobacco control will be delivered.
- Following exit Government will review and re-appraise if existing law still protects the nation's health.

# Brexit Perspective contd...

- Sensibly deregulation only if needed.
- Tobacco Products Directive as it applies to e-cigarettes will be reviewed.
- The government will assess if current regulatory framework strikes the right balance between protection/enforcement
- Review measures and activities which are affected by the UK's exit from the EU, including the identification of de-regulatory measures that further health objectives,
- Advice – Provide information and leaflets as requested during visits, in communications or by phone

# The Real Agenda:

- Lack for central government action re shisha premises.
- Lack of Public Health England guidance/promised toolkit
- Lack of HMRC support regarding non-duty paid shisha tobacco
- Lack of action by CIEH to lobby government for change
- LA's having to their own thing for the last decade
- No clear public health research/guidance into ill effects of shisha smoking for public consumption
- Shisha licencing/legislation not even on the agenda
- This is a ticking public health time bomb!

# Any Questions?