

Shisha compliance guide

Trading Standards information

www.southwark.gov.uk

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.

Taxation / duty

Shisha, including herbal shisha, is liable for [excise duty](#). If you are buying your shisha for anything less than the figures below it's likely the duty has not been paid and it will be an offence to supply it.

50g pack = £8.69	100g pack = £17.37	150g pack = £26.05
250g pack = £43.42	500g pack = £86.84	1kg pack = £173.68

It is your responsibility to prove that excise duty has been paid. Any illegal products will be liable to seizure by Trading Standards or HMRC officers. Much shisha product (tobacco and herbal) that we see is illegal, but it is possible to source legal supplies.

Keep invoices (or copies) of smoking products on the premises. If it costs less than the duty + VAT payable, it will clearly not be legal. Some manufacturers sell the shisha mix element (on which duty will be payable) separately to the molasses (which does not attract duty) to lower the price. We may need your suppliers' details so we can check they are providing legal products.

Health warnings and labelling

Shisha tobacco products must show a combined English health warning with **text and graphic health warnings** surrounded by a black border. It must also be accompanied by a general warning and information message with the phrase "**Get help to stop smoking at www.nhs.uk/quit**".

The combined health warning must cover 65% of the surface area of the front and back of the product. Shisha tobacco must also display the warnings "**Smoking kills – quit now**" and "**Tobacco smoke contains over 70 substances known to cause cancer**".

Herbal shisha products (i.e. those that don't contain tobacco) must display a warning covering 30% of the front and back surface area stating "**Smoking this product damages your health**".

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

Age restricted sales and signage

It is an offence to sell shisha containing tobacco or vapes to anyone under the age of 18. If you think someone is underage 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.

Tobacco display and advertising

The display of tobacco products is prohibited. You must not display shisha tobacco on your premises, therefore all packets and containers of shisha tobacco must be stored out of view of the public. The exceptions to this are for brief periods when you are making a sale, restocking or when requested by council officers, the police or HMRC.

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.

Smoking shelters

No smoking is permitted within enclosed or substantially enclosed public places or workplaces because of the Smokefree laws (often called the “smoking ban”). These laws apply to smoking through waterpipes, whether or not the shisha product being smoked contains tobacco. Waterpipes can only be smoked outside in the open air, or where a smoking shelter is at least 50% open all of the 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. 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. For guidance contact our [Health & Safety Team](#)

You may require planning permission to use premises as a shisha lounge, or if you construct a shelter for shisha users. 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 need to obtain [Building regulations approval](#). Please ask our [Planning Team](#) for advice prior to any construction

Fire safety

The owner of the business must undertake a [written fire risk assessment](#). There must be means of tackling a fire. For example, fire extinguishers and persons trained to use them. There must be clear escape routes and adequate means of raising the alarm if fire occurs. 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. You can get more guidance on these requirements from the London Fire Brigade Fire Safety Department: 020 8555 1200.

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.

Further information

You do not currently need a premises licence to supply shisha waterpipes, but you will if you supply alcohol; provide hot food or hot drinks between 11pm and 5am; or offer regulated entertainment.

Causing nuisance can be an offence and you are likely to attract complaints if your business causes any nuisance to the public. Nuisance can include noise pollution (from customers at, or leaving the business) or odour pollution, particularly if there are residential premises nearby.

To minimise the transference of infection, waterpipe mouthpieces and hoses should be thoroughly cleaned and disinfected between users. Disposable mouthpieces are recommended. If your staff light the pipes they should use their own personal mouthpiece and then put a clean one onto the pipe.

If you require further assistance on these requirements, or would like additional information on the restrictions, please contact us at the address given or visit the [business companion website](#).

PLEASE NOTE: Only the Courts can interpret statutory legislation with authority and this leaflet may be revised or amended without notice. (Ref: Shisha 1.3 September 2024)
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