

## **HYDE PARK ESTATE ASSOCIATION**

### **Response to Consultation REDUCING THE HARM OF SHISHA**

#### **Overview – The Hyde Park Estate and Neighbourhood Area**

The Hyde Park Estate Association (HPEA) is the Amenity Association recognised by the City Council to comment on issue affecting the Hyde Park Estate and nearby residential and commercial areas. We are also associated with the Council's approved Hyde Park and Paddington Neighbourhood Area (HP&PNA) in partnership with the Paddington Business Improvement District. The area we represent is from Edgware Road to Lancaster Gate, and from Bayswater Road to Praed Street in Paddington. It is an area that has many years of experience of the smoking of shisha in the extensive range of restaurants and businesses providing Middle Eastern food and cultural opportunities.

#### **Experience of Shisha Smoking – the need for sensitivity**

The HPEA has many years of experience of Shisha smoking. The Hyde Park area, and in particular the Edgware Road and nearby residential areas, has been the home of people from the Middle East since the early 20<sup>th</sup> century – a long time. Since that time many people from Arab communities have settled in the area – it has given the area a special ambience and is culturally different. Special consideration must be given to this area; it is not possible to introduce changes to shisha use unless these hugely important issues are recognised. Even so, we need to recognise that some Middle Eastern Countries are now banning the smoking of shisha in outdoor areas.

#### **The Council's proposed strategy – 'Reducing the Harm of Shisha'**

The Council's discussion document is well set out and clearly appreciates the importance of the need to evolve any proposals over a realistic period, and in full discussion with shisha smokers and businesses. Emphasis on 'education and engagement', 'regulation' and 'partnership' is laudable. What is needed is a *protocol* for shisha use – not just aspirations – and *clarity of what is acceptable and what is not*.

#### **Concerns and proposals**

##### **1. Acknowledging the cultural preferences**

Fairness and equity in the approach to shisha smoking is crucial, if any regulatory approach – which is the key component of the Council's proposal – is to gain support. What is needed is 'self

regulation' as much as possible. It is also necessary to recognise that the current law on cigarettes and tobacco does allow people (regettably) to smoke in the open air. So any proposals for smoking shisha must be compatible with the simple reality that people are currently permitted to smoke cigarettes outside restaurants – what is the real difference? In particular, if licensing provisions can limit the number of cigarette smokers outside *licensed* premises – why is the same provision not made for outdoor shisha smoking?

**What is the difference between cigarette smoking and shisha smoking, and why is regulation needed just for shisha smoking? The Council's strategy document does not make this case, or even refer to it as a key issue. This is a weakness, and may give rise to (perhaps understandably) accusations of cultural prejudice. That would be very problematic.**

## **2. The difference between 'commercial' and 'residential' areas**

The HPEA believes that it is important to draw out a clear distinction between commercial and residential areas. The Edgware Road is a commercial area – with *wide pavements* and intensive shopping frontages. There are many refreshment premises in this busy thoroughfare. It has given the area a special characteristic and ambience. It is known as a place to go to enjoy the Middle Eastern atmosphere. In that respect it is similar to 'Chinatown' in the West End, Brick Lane in the East End and other culturally distinct neighbourhoods. We should applaud that.

There are, of course, restaurant premises in ordinary residential streets. It is here that shisha smoking gives rise to more problems than cigarette smoking. Shisha smoking restaurants set in older premises - which have always been part of the long-standing residential community – do give rise to complaints and concerns. Domestic dwellings are closer, and pavements are narrower.

Complaints from the Special characteristics of shisha smoking:

### *a. The smell of smoke*

To some the characteristic smell of shisha is attractive and pleasant. To many it is not. It is sickly and pervasive. If it is 'wafting' into your home it is not welcome.

*b. Dangers of use on narrow pavements*

The requirement not to smoke inside restaurant premises has given rise to huge increase of shisha smoking at tables and chairs squeezed onto the pavement – in most cases requiring pedestrians – and disabled people – to walk in the road to avoid them.

Shisha smoking also involves the ignition of ‘coals’ in a metal container. To oxygenate the coals the user (or more usually the restaurant staff) swing these metal containers in the air until the coals are red hot and can be used to burn the scented tobacco that people then smoke in the special smoking tubes. This practice is not acceptable in the narrow pavement areas. Why should people have to walk in the road to avoid this dangerous practice? The use of burning coals should not be permitted, in favour of electrically lit devices (operated outside the licensed premises).

**Controls should be introduced to restrict the smoking of shisha to ‘commercial’ areas – where pavements are wide enough - and prevent the smoking of shisha outside restaurant premises in residential areas and (even in commercial areas) where pavements are too narrow for the safe placement of tables and passage of pedestrians.**

**3. Regulation and Enforcement - Recommendations**

- a. Regulation is likely to be necessary to introduce the controls recommended here. This should be through the licensing system for existing premises and the planning system for new premises.**
- b. It is necessary to identify a method of regulation that will be successful in enabling the Council to set out a clear protocol for shisha use and be enforceable.**
- c. Licensing/planning conditions for Shisha smoking establishments should be introduced to enable the same control of the numbers of smokers permitted at the deemed acceptable locations.**

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On behalf of the HPEA Planning Committee