

APPENDIX 1A

Broadway Food & Wine
51 Fulham Broadway
London
SW6 1AE`

11/11/2022

Dear Mr Shanmugaratnam,

Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 Children and Young Persons (Protection from Tobacco) Act 1991

I am writing to you, as the owner of Broadway Food & Wine in 51 Fulham Broadway, SW6 1AE, further to a sale of e-cigarette made by Jeeva Nathan on the 12th October 2022. The sale was made to a 17-year-old female volunteer, who was working with Trading Standards, accompanied by a second volunteer female volunteer, also 17.

The underage sale followed a failed 'Challenge 25' test purchase in August 2022, when Jeeva sold to a 20-year-old male volunteer, working with Trading Standards. Disposable, single-use nicotine inhaling products - generally referred to as 'disposable vapes' - are increasingly popular with children, largely due to their bright colours, appealing flavours, and price. **You and your staff should be alerted** to attempts by children to buy these products and take extra care to avoid underage sales.

It is an offence under **Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015** to sell to any person under the age of 18 and the owner can be guilty of this offence, as well as the actual seller.

It was observed by the officer present at the time of sale, that Jeeva asked for ID, and the volunteer showed him a photo ID. **Legally, you are required to have the original document. A picture is not "ID"**. As such, I would **strongly recommend** you & Jiva attend our training (details attached in the email). Our records show the last training attended by your business was in 2018 - Suganthan Sinnathurai.

I would like to ask you questions about the alleged offence. We are not routinely doing face-to-face interviews now, so I have put some questions at the end of this letter, and I invite you to provide a written answer. If you prefer to attend in person, however, I can make arrangements for you to do so.

You do not have to answer any questions, and I would suggest you take independent legal advice before you respond to this letter, especially if you are not sure what to do.

Please note these points apply to a face-to-face interview; the caution relates to both a face-to-face interview and any written response.

- Any interview will take place at these offices. (See the red marker on the map below).
- The interview will comply with the PACE codes of practice
- You will be cautioned*
- The interview will be recorded
- You may be accompanied by a legal representative
- You will not be under arrest and may stop the interview at any time.

*** PACE caution: “You do not have to say anything, but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence”.**

The purpose of these questions is to help us decide what action to take in respect of the offence. You may be prosecuted and/or the licence may be reviewed, but other options are available. My manager will make the final decision.

Please confirm whether you wish to be interviewed or intend to submit a written response by 18th November 2022.

I attach a notice outlining the rights of interviewees.

Please contact me if anything in this letter needs further explanation or if you have any questions.

Yours sincerely,

**Ladan Mohamud
LBHF Trading Standards**

Written questions for Broadway Food & Wine

- Please outline your roles in the business, being clear which of you does what.
- How many staff do you employ at the business? Please indicate which staff serve customers.
- Have you ensured all staff are trained properly in how to sell age-restricted goods to young people? If you have delegated this task, please say to whom.
- What are the main instructions given to staff during training? (If it's easier, you can provide a copy of the materials used).
- Do you keep training records for staff? Please provide any you have for current staff.
- How long has Jeeva Nathan worked at the business? When was the last time he received any training on selling e-cigarettes to young people?
- What steps does the business take to ensure that staff are following the instructions given to them about selling e-cigarettes to young people?
- Do you instruct staff to keep 'refusals records? That is, do you ask staff to make a record of occasions that they refuse to sell age-restricted goods?
- Please describe any other steps you take to minimise the underage sale of e-cigarettes at the premises.
- Is there anything else you'd like to say about the alleged offence, or anything else?