

LICENSING SUB COMMITTEE

21 October 2024
10.00 am - 2.10 pm

Present: Councillors Clough, Griffin and McPherson

Officers

Environmental Health and Licensing Support Team Leader: Luke Catchpole
Legal Adviser: Ian Hawking
Committee Manager: Sarah Steed

Others Present:

Senior Trading Standards Officer: Kirsty Draycott
Trainee Trading Standards Officer: Adam Wright
Police Representative: Claire Metcalfe
Licensing Authority Representative: Alex Beebe
Premises Licence Holder (current): Mr Sasikumar
Premises Licence Holder Representative: Jane Gilliead

FOR THE INFORMATION OF THE COUNCIL

24/40/Lic Appointment of a Chair

Councillor McPherson was appointed as Chair for the meeting.

24/41/Lic Declarations of Interest

No declarations of interest were made.

24/42/Lic Meeting Procedure

All parties noted the procedure.

24/43/Lic Luxa Sparkles Review Hearing

The Environmental Health and Licensing Support Team Leader / presented the report and outlined the application for the review of the Premises Licence of Luxa Sparkles, 103 Cherry Hinton Road, Cambridge.

It was noted that Appendix E had not been appended to the agenda however this document was a publicly available document available via: [Agenda for](#)

[Licensing Sub Committee on Monday, 22nd April, 2024, 10.00 am - Cambridge Council.](#)

Trading Standards representations:

- i. Following the last review hearing held on 22 April 2024 Trading Standards received further complaints regarding the Premises.
- ii. A test purchase exercise was undertaken on 12 August 2024. During the test purchase exercise alcohol was sold to a 16-year-old volunteer. A review of the Premises Licence was then requested.
- iii. Referred to p16 of the agenda which summarised the events to date.

Police representations

- i. Had concerns regarding the running of the Premises; particularly around age restricted sales which had been raised for several years.
- ii. Noted the transfer of the Designated Premises Supervisor (DPS) position to the Premises Licence Holder.
- iii. Asked for clarification whether there were any business links between the Premises Licence Holder and the previous business operator. Referred to previous incidents of age-related sales which was contrary to the Licensing Objective to protect children from harm.
- iv. Referred to an allegation made by a parent that their 16-year-old had been sold age-related products on 16 September 2024. The parent attended the Premises and spoke to a shop assistant, Raj. The parent alleged he witnessed the sale assistant sell age-related products (vapes/tobacco) to underage persons. The ID shown was via a mobile phone. Mobile phones are not a permitted form of ID for alcohol sales. Asked who this shop assistant was and if they still worked in the shop since the business had been taken over by the Premises Licence Holder.

The Chair noted that the incident referred to by the Police Representative on the 16 September 2024 was a separate matter to the test purchase carried out by Trading Standards on 12 August 2024.

Licensing Authority Representative

- i. Noted that the premises had transferred into different ownership since the last review hearing.
- ii. Asked for information regarding the type of staff training the Premises Licence Holder had implemented since taking over the business.
- iii. Asked if a refusals register was being maintained.
- iv. Noted the premises had a reputation regarding the sale of alcohol to underage persons and asked what plans the current proprietor had to break that reputation.

Premises Licence Holder's representative

- i. The previous Premises Licence Holder had decided to sell the business for the reasons set out on p69 of the agenda. The Premises Licence had been transferred to the Premises Licence Holder.
- ii. There was no business link between the previous Premises Licence Holder and the current Premises Licence Holder.
- iii. The Premises Licence Holder held other premises licences and had an unblemished record.
- iv. The premises had been renamed to Premier Cambridge Convenience Store and the building would be rebranded.
- v. The Premises Licence Holder would implement new ways of working which he used at his other premises.
- vi. A list of the Premises Licence Holder's other premises was included within the officer's report.
- vii. The Premises Licence Holder was aware of the premises' previous reputation and history.
- viii. The Premises Licence Holder planned to transfer some of his existing staff to the premises.

The Premises Licence Holder advised that he started running the store from the 10 October 2024.

The Police Representative clarified that the alleged incident of underage sale of alcohol which occurred on 16 September 2024 occurred before the new ownership of the premises came into operation on 23 September 2024. Asked whether the member of staff involved in the underage sale of alcohol would continue to work under the new management.

The Premises Licence Holder Representative confirmed that the member of staff involved in the alleged incident on the 16 September did not work under the new management.

In response to members' questions the Premises Licence Holder advised:

- i. Had been running a business since 2008. Currently ran a 24-hour off-licence business in Haverhill.

- ii. Had 14 staff members who worked for him. They undertook training every 3 months. The training was undertaken online. Staff had to pass the training and if they didn't, they would need to undertake the training again.
- iii. An independent test purchasing company – Serve Legal undertook test purchasing every 3 months.
- iv. Had a challenge 25 policy for alcohol sales. There was a sign in the window to advertise this. Staff were trained to ask for ID for any customers who looked under 25 years of age.
- v. No alcohol would be sold if the customer had no ID.
- vi. Appreciated the challenge in Cambridge as there was a high student population.
- vii. Had 7 years' experience in the sector. If he failed to run this business well, he risked losing his other businesses as well.

In response to members' questions the Premises Licence Holder Representative confirmed that:

- i. Serve Legal was an independent company who undertook test purchasing exercises in a similar way to Trading Standards.
- ii. A condition could be included on the premises licence to require an independent company to undertake test purchases.
- iii. The Premises Licence Holder's staff had passed test purchasing exercises which had been undertaken by Serve Legal at his other premises.

In response to Member's questions the Premises Licence Holder advised that:

- i. He could pay for Serve Legal to undertake test purchasing exercises every 2 months due to the reputation the premises currently had.
- ii. He was currently going through the legal processes to purchase the business and take over the lease for the building.
- iii. He was aware of the reputation the premises had in the community.
- iv. He planned to rebrand the premises.
- v. Staff would have to ensure that they saw appropriate ID for the sale of alcohol which included a driving licence or passport. A photograph of an ID document would not be accepted, any refusals would be noted in the refusals register.
- vi. CCTV cameras would cover the off-licence area and the sales counter. He would be able to view the CCTV footage from his phone, but it would also be available to be viewed within the store.

- vii. CCTV footage was usually retained for 30 days but it could be retained for a longer period. CCTV footage could be provided to relevant agencies.

The Premises Licence Holder Representative advised that a list of additional conditions had not been prepared in advance of the meeting but additional conditions which had been discussed during the meeting would be accepted namely:

- i. Retaining CCTV for longer than 30 days (up to 90 days); and
- ii. Engaging an external company to undertake test purchase exercises on a monthly basis.

In response to questions from the Licensing Officer, the Premises Licence Holder said the following:

- i. The change in management of the business came into effect from 10 October 2024, this is when the new business name came into effect.
- ii. Staff employed by the previous proprietor had protection under employment law. Training would need to be provided. Was aware of problems with underage sales of alcohol by staff under the previous management.
- iii. Advised that the previous Premises Licence Holder no longer worked at the premises.

The Premises Licence Holder Representative advised that it had taken some time to transfer the business to the Premises Licence Holder. Although the new premises licence and designated premises supervisor applications took effect from 23 September 2024, the Premises Licence Holder did not take over the business until 10 October 2024. Did not believe the previous Premises Licence Holder had worked at the premises since 23 September 2024. The Premises Licence Holder could show the Sub Committee the online training system he used for his employees at his other premises.

The Premises Licence Holder advised that he was only leasing the shop and not the floor above this. It would take 2-3 months for him to legally own the business and take over the lease of the shop. A refusals register (where the sale of alcohol was refused) would be started.

The Environmental Health and Licensing Support Team Leader advised that when the application was submitted for the Premises Licence Holder to take over the Premises Licence and Designated Premises Supervisor roles a box was ticked on the application form for these roles to take immediate effect and they therefore became the Premises Licence Holder and Designated Premises

Supervisor from 23 September 2024. Responsible authorities then had 14 days from this date to make representations.

The Premises Licence Holder Representative advised that a refusals register was implemented following the previous premises licence review in April 2024.

The Senior Trading Standards Officer advised that when they had visited the premises previously, the refusals register was electronic and linked to the point of sale (tills).

The Premises Licence Holder advised that he was in the process of purchasing the business but if the premises licence was not granted, he would not continue with the purchase. The Premises Licence Holder advised that he planned to work at the premises with his wife and was aware it was a big challenge. The intention was for his wife and some staff to also become Personal Licence Holders.

The Environmental Health and Licensing Support Team Leader referred the Sub Committee to paragraph 5 of the Officer's report which set out the options the Sub Committee could take.

The Licensing Authority Representative advised that if the Sub Committee were minded to permit the premises licence to continue there were some suggested additional conditions which had been drafted by Trading Standards / the Police / the Licensing Authority which could be added to the Premises Licence to help promote the licensing objectives. Copies of these additional conditions were provided to all parties present in the Chamber and a copy was emailed to the Premises Licence Holder's Representative as they were participating in the meeting virtually.

The proposed additional conditions are listed below:

1. High-Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;
 - a. shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.
 - b. at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.

- c. shall cover any internal or external area of the premises where licensable activities take place.
 - d. recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
 - e. footage shall be provided to the Police or authorised Council officer within 24 hours of a request.
 - f. a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.
2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.
 3. All staff responsible for selling alcohol shall receive relevant training before making any unsupervised sales. The training shall include:
 - the Licensing Act 2003 in terms of the licensing objectives and offences committed under the Act;
 - the conditions of the Premises Licence;
 - the sale of age-restricted products.

This training will be refreshed at least every six months. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check; and recording refusals.

All staff shall be trained in how to identify drunk or drug impaired customers. This training shall be repeated at least biannually. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

4. A daily incident log (electric or paper based) shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police or the Fire Service which shall record the following:
 - a. all crimes reported to the venue
 - b. all ejection of patrons
 - c. any complaints received

- d. any incidents of disorder
- e. any faults in the CCTV system
- f. any visit by a relevant authority or emergency service.

The incident record shall be kept on the premises and be available for inspection by the Police or authorised officers of the Licensing Authority at all times the premises is open.

A record of complaints shall be maintained on the premises to record details of any complaints received. The information to be recorded shall include the date and time of complaint and subsequent remedial action undertaken and (where disclosed) the complainant's name and location.

The record of complaints shall be kept for 12 months from the date of the last record made and shall be available for inspection on demand by the Police or authorised officers of the Licensing Authority at all times the premises are open.

5. The Licence Holder shall require staff to note any refusals in a refusals log. The refusals log shall record the date and time of the refusal; the name of the staff member refusing; and the reason for refusal. It must be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the Licensing Team, Police or Trading Standards.
6. The Premises shall operate a 'Challenge 25' age-restricted sales policy and promote it through the prominent display of posters.
7. All spirits shall be stored and displayed behind the service counter, so not available for self-selection.
8. All alcohol will be displayed in direct line of site from the counter/till area.
9. No alcoholic goods or tobacco products shall be purchased or taken from persons calling to the shop.
10. Till prompts will be used for any age restricted products.
11. Audible alarm shall be fitted so that a member of staff is alerted when the entrance door is opened.

12. The licence holder will arrange for an independent audit company to undertake test purchasing of age-restricted products at least every 3 months and provide the results to Trading Standards by e-mail.

Following a short adjournment the Sub Committee returned to ask whether the Premises Licence Holder was willing to accept the additional conditions which had been proposed. Mr Sasikumar advised that he was willing to accept the additional conditions.

It was noted that a link to the online training portal had been sent to the Committee Manager, but they were unable to access this. This would be followed up during the next adjournment and once access was gained the documents would be shared with the Sub Committee.

The Police Representative advised that additional condition 9 sought to prevent the Premises Licence Holder from purchasing alcohol / tobacco from ad hoc speculative salespersons who came into the shop. It did not seek to prevent the Premises Licence Holder from purchasing goods from their contractual supplier.

The Police Representative queried whether within additional condition 9 'tobacco' would include 'vapes'. The Senior Trading Standards officer commented that they thought there was guidance that illicit tobacco sales were covered by the Licensing Act 2003 or would fall within the scope of the Licensing Objectives. The Sub Committee wanted to include 'vapes' within additional condition 9.

Members withdrew at 12:10 and returned at 13:55. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

Decision

The Sub Committee decided to:

1. Suspend the Premises Licence for a period of three (3) months – Members wish to be clear to the current, and any prospective Premises Licence Holders that under-age sales of alcohol are against the law, unacceptable, and will not be tolerated in Cambridge. Members imposed the maximum suspension available to them to send a clear message to all of the above, that should further under age sales be discovered at this Premises, revocation will almost certainly result. Members felt it was irresponsible that Mr Sasikumar took no part in running the business

from 23 September 2024 to 10 October 2024 when he was the Premises Licence Holder. It was disappointing that Mr Sasikumar had not had sight of the Refusals Book, not could locate where it was kept either on the premises or electronically.

2. Add a series of conditions to the Premises Licence dealing with the genesis of the review, namely that the Premises has currently become a focus for under-age sale of alcohol, irrespective of the identity of the management / premises licence holder, as it was permitted by the former management. Members felt that it was appropriate and proportionate to add these conditions to promote the Licensing Objective of the Protection of Children from Harm.

The additional conditions to be added to the Premises Licence are as follows:

1. High-Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;
 - a. shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.
 - b. at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.
 - c. shall cover any internal or external area of the premises where licensable activities take place.
 - d. recordings shall be in real time and stored for a minimum period of 56 days with date and time stamping.
 - e. footage shall be provided to the Police or authorised Council officer within 24 hours of a request.
 - f. a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the

minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.

2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.
3. All staff responsible for selling alcohol shall receive relevant training before making any unsupervised sales. The training shall include:
 - the Licensing Act 2003 in terms of the licensing objectives and offences committed under the Act;
 - the conditions of the Premises Licence;
 - the sale of age-restricted products.

This training will be refreshed at least every six months. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

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4. A daily incident log (electric or paper based) shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police or the Fire Service which shall record the following:
 - a. all crimes reported to the venue
 - b. all ejection of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.

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The record of complaints shall be kept for 12 months from the date of the last record made and shall be available for inspection on demand by the Police or authorised officers of the Licensing Authority at all times the premises are open.

5. The Licence Holder shall require staff to note any refusals in a refusals log. The refusals log shall record the date and time of the refusal; the name of the staff member refusing; and the reason for refusal. It must be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the Licensing Team, Police or Trading Standards.
6. The Premises shall operate a 'Challenge 25' age-restricted sales policy and promote it through the prominent display of posters.
7. All spirits shall be stored and displayed behind the service counter, so not available for self-selection.
8. All alcohol will be displayed in direct line of site from the counter/till area.
9. The premises licence holder or appointed person in charge will ensure that no alcohol, tobacco or e-cigarettes (vapes) will ever be purchased from sellers calling at the premises.
10. Till prompts will be used for any age restricted products.
11. Audible alarm shall be fitted so that a member of staff is alerted when the entrance door is opened.
12. The licence holder will arrange for an independent audit company to undertake test purchasing of age-restricted products at least every 3 months and provide the results to Trading Standards by e-mail.

The Sub Committee's reasons for reaching the decision are as follows:

Mr Sasikumar is managing the Premises. He took immediate control on 23 September 2024 but confirmed that he had done nothing and had not been involved with the running or management of the Premises until 10 October 2024. This surprised the sub-committee, given there was a void of management at a premises which has an acknowledged reputation for supply of under-age alcohol. This evidence was repeated by his agent Jane Gilliead. It is a concern that the location of the 'refusals book' for sales to under-age customers was unknown by Mr Sasikumar.

In terms of the Sub Committee's options, they did not consider it was appropriate and proportionate to:

- Take no action at all – the Licensing Authority takes under-age sales of alcohol particularly seriously in-line with the Section 182 guidance.
- Exclude a Licensable Activity – this would have had no impact.
- Remove the DPS – the DPS at the time of the under-age sales of alcohol had already been replaced and the Committee did not think it would be appropriate to remove the current DPS
- Revoke the Licence – Members considered revoking the Premises Licence however, Members noted that the Police did not object to the Transfer of the Licence to Mr Nadarajah Sasikumar's.
- The Applicant for Review (Trading Standard) and the Police indicated that having heard all the evidence, they would support a suspension of the Premises Licence pending the rebranding of the business and provision of an entirely new management team and staff taking over the operation of the Premises, with new working practices and standards, along with full training for staff coupled with the imposition of robust conditions regarding sale of alcohol to under age customers to enable future checking and monitoring to take place.

The meeting ended at 2.10 pm

CHAIR