



Cambridge City Council
Licensing Sub Committee

Date: Monday, 21 October 2024

Time: 10.00 am

Venue: Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ [access the building via Peashill entrance]

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Agenda

- 1 Appointment of a Chair
- 2 Declarations of Interest
- 3 Meeting Procedure
- 4 Luxa Sparkles Review Hearing (Pages 7 - 78)

Information for the public

The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

For full information about committee meetings, committee reports, councillors and the democratic process:

- Website: <http://democracy.cambridge.gov.uk>
- Email: democratic.services@cambridge.gov.uk
- Phone: 01223 457000

This Meeting will be live streamed to the Council's YouTube page. You can watch proceedings on the livestream or attend the meeting in person.

Those wishing to address the meeting will be able to do so virtually via Microsoft Teams, or by attending to speak in person, only if you have completed an LRA1 form to express your intention to speak.

The form will have been sent to you from the Licensing Department.

Licensing Act 2003 - Licensing Sub-Committee: Hearings Procedure

Preliminary Matters

1. **The Chair** will commence the hearing by introducing him/herself, the other two members of the Sub-Committee and the officers present.
2. **The Chair** will ask the applicant(s)/the responsible authorities/the interested parties present, and their representatives (if applicable), to introduce themselves and identify their interest in the proceedings.

Failure of a party to attend the hearing

3. If a party has informed the licensing authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in his/her absence.
4. If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
5. Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee will consider at the hearing the application, representations or notice made by that party.
6. **The Chair** will explain the procedure to be followed at the hearing and will confirm whether the Sub-Committee must reach its decision at the end of the hearing or within 5 working days of the hearing, depending on the application being heard.
7. **The Clerk to the Sub-Committee** will indicate whether any party has requested permission for any other person(s) (other than his/her representative) to appear at the hearing to assist the Sub-Committee in relation to the application, representations or notice of the party making the request. The Sub-Committee will decide whether to grant permission to allow any other person(s) to appear at the hearing on behalf of the party; such permission will not be unreasonably withheld.
8. **The Clerk to the Sub-Committee** will ask whether any party is seeking to introduce any document(s) or other information not previously disclosed to all the other parties to the hearing and the licensing authority. If all the other parties consent, the previously undisclosed document(s) or other information can be produced by a party in support of their application, representations or notice (as applicable).
9. The hearing will take the form of a discussion led by the Chair of the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required to

consider the representations, application or notice as the case may require.

10. The Sub-Committee will consider any requests to permit cross-examination on a case-by-case basis. When permission is given to one party, it will also normally be extended to all other parties.
11. The Sub-Committee will decide the equal maximum period of time that each party will have to present their case.

The Hearing

12. *The Licensing Officer will present the report to the Sub-Committee.*
13. Members may ask any relevant questions of the Licensing Officer.
14. *The applicant, or the party who has initiated the hearing, will present their case first.*
15. The party shall be entitled to:
 - (a) give further information in support of their application, representations or notice (as applicable) in response to a specific request by the licensing authority prior to the hearing;
 - (b) question any other party (if permission has been given by the Sub-Committee);
 - (c) address the Sub-Committee.
16. If the Police are a party to the hearing, they will present their case. The Police have the rights listed in paragraph 15 (a) – (c) above.
17. If any other “responsible authority” are a party to the hearing, they will present their case in turn after the Police and have the rights listed in paragraph 15 (a) – (c) above.
18. Any other interested parties will then present their case in turn and have the rights listed in paragraph 15 (a) – (c) above.
19. Members of the Sub-Committee may ask questions of the/each party or any other person permitted to appear at the hearing in support of the party.
20. **The Chair** will invite the applicant, or the party who has initiated the hearing, and any parties making representations, to briefly summarise their points if they wish.
21. **The Chair** will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.

The Decision

22. In considering any representations or notice made by a party, the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

23. In reaching its decision, the Sub-Committee will disregard any information given by a party, or any person who has been permitted to appear at the hearing, which is not relevant to –
- (a) the application, representations or notice (as applicable) or in the case of another person, the application, representations or notice of the party requesting their appearance, and
 - (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by the Police, the crime prevention objective.
24. The Sub-Committee may consider its decision in private and may move into private session where it considers that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public. If the Sub-Committee do move into private session then all the parties and their representatives, any other person permitted to appear at the hearing, officers, the public and the press will be asked to leave the room whilst the decision is made.

The Chair will tell those present at the meeting the decision taken by the Sub-Committee and the reasons for the decision.

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CONSIDERATION OF AN APPLICATION TO REVIEW A PREMISES LICENCE:

Luxa Sparkles, 103 Cherry Hinton Road, Cambridge

To: Licensing Sub-Committee:

Report by: Luke Catchpole

Environmental Health and Licensing Support Team Leader

Tel: 01223 457818

E-mail: luke.catchpole@cambridge.gov.uk

Wards affected: Coleridge

INTRODUCTION

- 1.1 An application under section 51 of the Licensing Act 2003 for a review of the premises licence with respect to Luxa Sparkles, 103 Cherry Hinton Road, Cambridge, CB1 7BS has been received from Trading Standards. The application was served on Cambridge City Council (the Licensing Authority) and the premises licence holder, Akshayam Limited on the 2nd September 2024. A copy of the application was also served on each responsible authority. The application is attached to the report at Appendix A.
- 1.2 The applicant is seeking a review of the premises licence for the reasons outlined in the application (Appendix A).

- 1.3 In accordance with the regulations of the Act, the application was advertised on the premises and at the Licensing Authority Office, Mandela House, 4 Regent Street, Cambridge, CB2 1BY to invite representations from responsible authorities and other persons. The last date for submitting representations was 30th September 2024.
- 1.4 Representations were received from 2 Responsible Authorities, Cambridgeshire Constabulary and Cambridge City Council acting as the Licensing Authority. The representations are attached to the report as Appendix B.
- 1.5 On the 23rd September 2024, applications were received to transfer the premises licence to Mr Nadarajah Sasikumar, to make Mr Sasikumar the Designated Premises Supervisor and also to change the name of the premises to Premier Cambridge Convenience Store. The application was to take immediate effect. A copy of the current premises licence is attached to the report as Appendix C.
- 1.6 The application needs to be determined.

2. RECOMMENDATION

- 2.1 That Members determine the application on its individual merits having reference to the statutory licensing objectives and Cambridge City Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The premises was granted a premises licence on 10th December 2007. Mrs Priyamwatha Mariflo had been the premises licence holder from this date until the 4th April 2024 when the licence was transferred to Akshayam Limited. The Designated Premises Supervisor was changed to Luxa Shiny Mariflo. A copy of the premises licence at the time of the review application is attached to the report as Appendix D.
- 3.2 A history of any complaints associated with the premises, has been detailed in the Licensing Authorities representation, which can be found in Appendix B.
- 3.3 The premises licence was reviewed on 14th February 2024 after a

review application was submitted by Immigration Enforcement Alcohol Licensing at the Home Office. The review was heard by the Licensing Sub-Committee on 22nd April 2024. The copy of the Committee Report is attached to this report as Appendix E. The Record of Decision is attached to this report as Appendix F.

- 3.4 A test purchasing exercise was carried out by Trading Standards on 12th August 2024, which saw alcohol sold to a 16 year old volunteer. On 2nd September 2024, Trading Standards submitted an application to review the Premises Licence.
- 3.5 On the 23rd September 2024, applications were received to transfer the premises licence to Mr Nadarajah Sasikumar, to make Mr Sasikumar the Designated Premises Supervisor and also to change the name of the premises to Premier Cambridge Convenience Store. The application was to take immediate effect.
- 3.6 An email and accompanying documents have been provided by the Jane Gilliead, representing Mr Sasikumar. These have been attached to the report as Appendix G.
- 3.7 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy and additionally the statutory guidance issued under Section 182 of the Licensing Act 2003. The relevant sections from the Council's Statement of Licensing Policy are:
 - Objectives, section 2
 - Fundamental principles, section 4
 - Licensing Hours, section 6
 - Licence Conditions, section 8
 - Licence Reviews, section 10

4. CONSULTATIONS

- 4.1 The Licensing Act 2003 requires applications made under section 51 of the Act to be served on the Responsible Authorities and also advertised on the premises and at the main Licensing Authority office. During the consultation period, Responsible Authorities and Other Persons (any individual, body or business entitled to make representations to licensing authorities) may make a representation in respect of the application.

4.2 Statutory consultation has therefore taken place with Responsible Authorities and interested parties in accordance with the procedures set out in the Licensing Act 2003 and associated regulations made under the Act.

5. OPTIONS

5.1 Whilst having reference to the information provided by the applicant, the premises licence holder and the information raised in the representations and also Cambridge City Council's Statement of Licensing Policy, the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

5.2 Members should take such steps that they consider are necessary for the promotion of the licensing objectives. The Sub-Committee may resolve:

- (a) to leave the licence as it is;
- (b) to modify the conditions of the licence;
- (c) to exclude a licensable activity from the scope of the licence;
- (d) to remove the designated premises supervisor;
- (e) to suspend the licence for a period not exceeding three months;
- (f) to revoke the licence.

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added (Licensing Act 2003 section 52 (4)).

5.3 Members must give reasons for their decision.

6. CONCLUSIONS

6.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing

Authority must also have regard to its Statement of Licensing Policy and the Statutory Guidance under the Licensing Act 2003, and it is bound by the Human Rights Act 1998. The Council must also fulfill its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge.

7. IMPLICATIONS

(a) Financial Implications

Cambridge City Council (the Licensing Authority) has a statutory duty to determine applications made under the Licensing Act 2003. The application fees associated with such applications are set by Central Government and are intended to cover the cost of administering the licensing regime.

There are no specific financial implications associated with this report.

(b) Staffing Implications

There are no staffing implications associated with this report.

(c) Equal Opportunities Implications

No Equality Impact Assessment has been conducted as the only consideration in reaching a decision is whether the granting of the application will undermine the statutory licensing objectives.

(d) Environmental Implications

Any environmental implications that need to be considered must specifically relate to the promotion of the statutory licensing objectives and will be contained in the representations made by the responsible authorities or interested parties.

(e) Community Safety

Cambridge Constabulary, Cambridgeshire Fire & Rescue Service, Cambridge City Council's Environmental Health Team, Cambridge City Council's Planning Service, Cambridgeshire County Council's Child

Protection & Review Unit, Cambridgeshire County Council's Trading Standards Department and the Public Health Director were consulted as part of the application process and could have made representation if they supported or objected to the review of the premises licence.

Those making representations would have raised any relevant community safety implications.

8. BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Licensing Act 2003](#)
- [The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#)
- [Guidance issued under section 182 of the Licensing Act 2003](#)
- [Cambridge City Council's Statement of Licensing Policy](#)

Appendix A – Review Application Form and supporting evidence.

Appendix B – Responsible Authorities Representations.

Appendix C – The current Premises Licence (Parts A and B).

Appendix D – The Premises Licence (Parts A and B) at the time of the review being submitted.

Appendix E – The hearing report for review held on 22nd April 2024.

Appendix F – The record of decision from 22nd April 2024.

Appendix G - Email and documents from current Premises Licence holder.

To inspect these documents either view the above hyperlinks or contact the Licensing Team at licensing@cambridge.gov.uk.

The author and contact officer for queries on the report is luke.catchpole@cambridge.gov.uk

Date originated: 7th October 2024

Last updated: 7th October 2024

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Cambridgeshire & Peterborough Trading Standards apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Luxa Sparkles 103 Cherry Hinton Road	
Post town Cambridge	Post code (if known) CB1 7BS

Name of premises licence holder or club holding club premises certificate (if known) Luxa Shiny Mariflo

Number of premises licence or club premises certificate (if known) 238695

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

<p>Name and address</p> <p>Cambridgeshire and Peterborough Trading Standards Sand Martin House Bittern Way Peterborough PE2 8TY</p>
<p>Telephone number (if any)</p>
<p>E-mail address (optional)</p> <p>tstand@peterborough.gov.uk</p>

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

This application to review the premises licence for Luxa Sparkles, 103 Cherry Hinton Road, Cambridge CB1 7BS follows an underage sales test purchasing exercise carried out on 12/08/2024 by officers from Cambridgeshire & Peterborough Trading Standards, during which alcohol was sold to a 16 year old volunteer. This is the third time in a 24 month period that this premises has sold an age restricted item to persons under the age of 18.

Consideration has been given to Licensing Objectives:

- The protection of children from harm

Please provide as much information as possible to support the application
(please read guidance note 2)

Supporting evidence was provided by Cambridgeshire & Peterborough Trading Standards in relation to a licence review by Home Office Immigration in February 2024. Please see appendix 1.

At the licence review hearing on 22/04/2024 Miss Luxa Shiny Mariflo promised that now she was in charge things would change.

25/04/2024

Complaint received alleging Luxa Sparkles is selling vapes and alcohol to underage persons. The complainant has a 15 year old daughter and says that her daughter and her friends have been going to this shop for a few months.

07/05/2024

Parent alleging that Luxa Sparkles sold alcohol to his 16 year old daughter. She was allegedly sold 2 x 20cl Bottles of vodka and 1 disposable vape

24/07/2024

Parent alleging that Luxa Sparkles sold 4 bottles of WKD to his 16 year old child.

12/08/2024

Test purchasing exercise undertaken by Cambridgeshire & Peterborough Trading Standards as a result of the further complaints received post the licence review hearing on 22/04/2024. 16 year old volunteer sold a can of Gordon's pink gin and tonic. The person working in the shop at the time of the sale was Mr Mariflo Mariyanayagam. The details of the test purchase are covered in the statement of Robert Edmunds, Senior Trading Standards Officer and attached as appendix 2.

Despite two previous sales, multiple advice letters, cautions & a prosecution Luxa Sparkles continues to generate age restricted sales complaints and has failed another test purchase.

Cambridgeshire & Peterborough Trading Standards are concerned that the licensee /DPS is failing to uphold the licensing condition relating to the protection of children from harm.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Yes we have previously made representations relating to this premises. This was following an application made by Home Office Immigration in February 2024 to review the premises licence.

Attached as appendix 1 is the letter of support that was submitted by Cambridgeshire & Peterborough Trading Standards.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date
23rd August 2024

Capacity
Senior Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Licensing, Environmental Services, Cambridge City Council, Mandela House, 4 Regent Street, Cambridge, CB2 1BY

Our full environmental health privacy policy is available at:
<https://www.cambridge.gov.uk/media/6335/environmental-health-privacy-notice.pdf>

E-Mail: Tstand@peterborough.gov.uk
Your ref: 277198
Our Ref: PSU 0836 / MAU 125897

Cambridge City Council Licensing
The Guildhall
Market Square
Cambridge
CB2 3QJ

Cambridgeshire and Peterborough
Trading Standards
Sand Martin House
Bittern Way
Peterborough
PE2 8TY

20th February 2024

Dear Sir

Cambridgeshire & Peterborough Trading Standards support the application to review the Luxa Sparkles premises licence submitted by Home Office Immigration Enforcement on the 14th February 2024

27/06/2022

Cambridgeshire and Peterborough Trading Standards sent an advice letter to Luxa Sparkles after receiving complaints regarding the sale of age restricted goods to underage persons from their premises. (Appendix A)

22/08/2022

Cambridgeshire and Peterborough Trading Standards carried out an underage sales test purchasing exercise during which a can of San Miguel was sold by Luxa Sparkles to a 15 year old volunteer.

11/11/2022

Mrs Priyamwatha MARIFLO who is the Designated Premises Supervisor (DPS) and Licensee was interviewed regarding the alcohol sale. Mr Mariflo MARIYANAYAGAM, Mrs Priyamwatha MARIFLO'S husband was also interviewed, as was the shop assistant who made the sale.

Both Mrs Priyamwatha MARIFLO, Mr Mariflo MARIYANAYAGAM and the shop assistant were offered and accepted cautions in relation to the failed test purchase on the 22/08/2022.

03/02/2023

Cambridgeshire and Peterborough Trading Standards sent another advice letter to Luxa Sparkles (Appendix B)

17/02/2023

Cambridgeshire and Peterborough Trading Standards carried out an underage sales test purchasing exercise where the 14 year old volunteer attempted to purchase alcohol, the sale was refused.

22/03/2023

A further complaint was received alleging that Luxa Sparkles had sold a vape to a person under the age of 18.

22/08/2023

Cambridgeshire and Peterborough Trading Standards carried out an underage test purchasing exercise during which a blueberry Elf Bar was sold by Luxa Sparkles to a 16 year old volunteer. When officers went to discuss the sale with the shop assistant afterwards, the shop assistant, [REDACTED] said he could not speak English very well and called Mr Mariflo MARIYANAYAGAM to discuss the sale. Senior Trading Standards Officer Robert Edmunds covers the events of the 22/08/2023 in his statement. (Appendix C)

25/09/2023

Mrs Priyamwatha MARIFLO and Mr Mariflo MARIYANAYAGAM were interviewed regarding the vape sale.

When asked why someone who could not speak English very well was left in the shop alone Mrs MARIFLO said she had to pop out for an hour for an eyelash appointment. When asked if [REDACTED] had the right to work in the UK she told us he didn't but that he wasn't working, just helping them out (she did produce an underage sales training record for [REDACTED]). During his interview Mr MARIYANAYAGAM was asked whether [REDACTED] had the right to work in the UK and he told us that he did. Both admitted that they were struggling staff wise and there was often only one member of staff on duty (annex 2 condition of their licence states at least two members of staff shall be on duty after 21:00)

02/10/2023

Cambridgeshire & Peterborough Trading Standards received a further allegation from a concerned parent whose child admitted to regularly purchasing alcohol from Luxa Sparkles despite only being 16 years old. The most recent purchase was on the 29/09/2023.

09/10/2023

Cambridgeshire & Peterborough Trading Standards emailed Luxa Sparkles to request CCTV for the period of 6pm – 7pm on 29/09/2023 and copies of the refusals register entries for that same day (Appendix D).

A report was made to Home Office Immigration concerning the potential employment of illegal workers by Luxa Sparkles.

12/10/2023

Refusals register entries for 29/09/2023 were emailed over, no mention of the CCTV (Appendix E).

25/10/2023

Cambridgeshire & Peterborough Trading Standards received a further allegation from a parent informing us that her daughter purchased alcohol from Sparkles despite being underage.

26/10/2023

Email sent to Luxa Sparkles thanking them for sending the refusals register entries for 29/09/2023, asking for an update in relation to the request for the CCTV and informing them that we had received a further complaint concerning the sale of alcohol to an underage person (Appendix F).

02/11/2023

Cambridgeshire & Peterborough Trading Standards received a further allegation from a parent informing us that his son purchased hand rolling tobacco from Sparkles despite being underage.

18/12/2023

Following the receipt of information that Sparkles were selling illicit vapes, a vape advice letter was sent (Appendix G).

12/02/2024

Cambridgeshire & Peterborough Trading Standards carried out an unannounced inspection in relation to illicit vapes. [REDACTED] was the shop assistant present at the time of the inspection. He said he could not speak English well and had to phone Mr Mariflo MARIYANAYAGAM to

translate. [REDACTED] is the same shop assistant that sold the vape to our 16 year old volunteer on the 16/08/2023. In total 159 illicit vapes were seized. During the inspection a number of teenagers came into the shop attempting to purchase age restricted goods (inspection was carried out between 3pm – 4pm). [REDACTED] didn't sell and with one particular group was struggling to get them understand why the sale had been refused. Trading Standards Officers intervened to explain why the sale had been refused. The teenagers in question were very argumentative.

Cambridgeshire & Peterborough Trading Standards are prosecuting Luxshinii Ltd in relation to the sale of the vape to our underage volunteer on the 16/08/2023. We are awaiting a first hearing date.

Cambridgeshire & Peterborough Trading Standards are concerned that the licensee /DPS is failing to uphold the licensing conditions relating to the protection of children from harm and the prevention of crime and disorder.

Yours sincerely

[REDACTED]

Kirsty Draycott
Senior Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards

Statement of Witness

(Criminal Procedure Rules, r27

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

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TRADING STANDARDS SERVICE

I exited the premises approximately 10 seconds later after making a purchase a soft drink for £1.65. Once a safe distance away from the premises I was informed by the volunteer that they had been charged £2.19 for a 250ml can of "Gordons G&T Premium Pink" a ready mixed alcoholic drink containing 5% alcohol by volume. At this point I put the can into an evidence bag and sealed it with unique seal number 0998. I identify the purchase as exhibit reference RE/3.

At approximately 13:56 hrs I together with; Kirsty Draycott (TSO), Clare Metcalf (Police) and Alex Beebe (Licensing) returned to Sparkles at 103 Cherry Hinton Road, Cambridge, CB1 7BS. Ms Draycott and I produced our warrant cards and I introduced all officers to the shop assistant whom I immediately recognized as the person who served the volunteer. I explained the purpose of our visit. That I had just observed the sale of alcohol to person under the age of 18, as such we suspected there may have been a breach of the Licensing Act 2003 and I am required to collate further details.

The shop assistant provided his name to me as Mr Mariflo Martyanayagam and confirmed that he was the former owner of the business, that is now under the ownership and control of his daughter Shiny Mariflo who is also the "Designated Premises Supervisor".

My colleague Kirsty Draycott completed the inspection paperwork and provided Mr Mariflo Martyanayagam with a copy. I explained that an officer would be in contact in the near future to discuss this matter formally with both him and the business owner.

We exited the premises at approximately 14:10 hrs

[REDACTED]

Signed

NOTE: This statement must be signed at the end of the type-written matter by the person making the statement.

If statements are typed double spacing must be used.

**THE LICENSING ACT 2003
REPRESENTATION FORM FOR "RESPONSIBLE AUTHORITY"**

Please delete as applicable: **LICENSING AUTHORITY**

Your name	Alex Beebe
Job Title	Environmental Health Officer (Commercial & Licensing)
Postal Address (inc post code)	Cambridge City Council PO BOX 700 Cambridge CB1 0JH
Contact telephone number:	01223 457723
Mobile Number:	N/A
Email address:	[REDACTED]

Name of Premises you are making a representation about:	Luxa Sparkles
Address of the premises you are making a representation about:	103 Cherry Hinton Road Cambridge CB1 7BS

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary). Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

Which licensing objective(s) does your representation relate to?	
The prevention of crime and disorder	Public safety
See below	N/A
The prevention of public nuisance	Protection of Children from Harm
N/A	See below

**LICENSING ACT 2003
LICENSING AUTHORITY REPRESENTATION FORM**

To: **Commercial & Licensing Team Manager**
From: **Alex Beebe**
Premises: **Luxa Sparkles, 103 Cherry Hinton Road, Cambridge**
Reference: **SR/398557**

Review of premises licence

Comment:

Introduction

On 2nd September 2024 the responsible authorities (for the purposes of the Licensing Act 2003) were consulted on a review of the premises licence for Luxa Sparkles off-licence. The review proceedings have been instigated by Trading Standards under the 'protection of children from harm' licensing objective, following a test purchase operation on 12th August 2024 where alcohol was sold to a child.

For reference, Miss Luxa Shiny Mariflo became designated premises supervisor (DPS) on 18th April 2024. The premises licence was also transferred on this date to Akshayam Ltd. Mr Mariyanayagam Mariflo is listed as the director of the company. Mrs Priyamwatha Mariflo was the DPS and licence holder before this date.

This is the second review of the premises licence this year, further to the one raised by Immigration Enforcement (Home Office) in February 2024, which was heard by the Licensing Sub-Committee on 22nd April 2024. At the hearing members resolved to 'leave the licence as it is' with a recommendation that the Licensing Authority support the business by undertaking a licensing inspection within 6 months. In making their decision members made the following comments:

- *"There were no objections to the new Premises Licence Holder and no evidence she would not correctly fulfil the role in accordance with the Licensing Objectives."*
- *"...The Sub Committee has considered Miss Mariflo's commitment to uphold the Licensing objectives and has decided to leave the licence as it is with the above support."*

The Licensing Authority's previous submission is attached as **Appendix 1** and contains the complaints and investigations history to April 2024.

Summary

Since the hearing in April 2024, the licensing authority has not directly received any further complaints regarding the business. In July 2024, however, Trading Standards approached the Licensing Authority to advise that further complaints had been made to Trading Standards concerning sales of age-restricted products at the business. Three complaints were made between April and July, with one lodged just three days after the last review hearing.

Trading Standards advised they would consider visiting the premises as part of a test purchasing operation. The Licensing Authority supported this and advised a licensing officer would attend, as it appeared to be a reasonable and proportionate intervention bearing in mind the history of the business. A decision was made to defer the licensing inspection until after the result of the test purchasing operation.

I joined Trading Standards officers along with the police licensing officer on the test purchasing operation on 12th August 2024. Prior to entering I had been advised a 16-year-old volunteer had been sold a can of gin by Mr Mariflo Mariyanayagam. As I entered the store, I noted a number of 'Challenge 25' posters attached to the front door, including a double-sided handwritten sign that advised customers: "Sparkles will not sell tobacco or alcohol without aged prove if you are under 25" (**Photo 1**).



Photo 1: signage on main entrance door

I noted as the Trading Standards officers were interviewing Mr Mariflo he commented that he thought the volunteer in question was 18. This is contrary to the signage present, which suggests staff will ask for ID where anyone who looks under 25. Mr Mariflo was by himself at the time of visiting. I asked Mr Mariflo how often his daughter, Miss Luxa Mariflo (the DPS), was present at the premises, and he replied that she was there that morning.

Condition 6 of the premises licence states:

"On occasions when the venue is open for the sale of alcohol the DPS or relevant person will actively operate a 'Challenge 21 policy'. This will include a voluntary agreement to only accept identity cards with a 'pass' accreditation, passports or photoID driving licences, or any future identification card as approved by central government, as bona-fide recognised forms of identification."

It may therefore be considered there has been a breach of the premises licence.

In the licence holder's submission from the review in April 2024 ('Appendix D – Information from licence holder'), several measures were put forward to address the failings identified, which include:

- Page 3: due a number of incidents that occurred under the leadership of the previous licence holder, Mrs Mariflo, "the responsibility of the premises licence has been completely overhauled", with Miss Luxa Mariflo taking over as the new premises licence manager and DPS. A new limited company was also formed, Akshayam Ltd with responsibility moved away from Mrs Mariflo.
- Page 4: "Specific training with respect to age restricted goods has been put in place, with additional attention being given specifically to vapes and legal requirements". Staff training was also introduced and documents in place which include: age verification checks, Challenge 25, till prompts etc.
- Page 18: outlines the age verification policy in place for the premises, which includes a statement providing: "This premises operates a Challenge 25 policy. This means if anyone in any capacity attempts to purchase alcohol under the premise licence, does not appear to be 25 years of age they will be challenged to prove they are 18 years of age. Any staff selling alcohol... MUST carry out the Challenge 25 test".
- Page 21: under 'Further staff guidance for premises licences with and without sale of alcohol': "Make sure all of your staff know what Challenge 25 policy is and they have the confidence to challenge customers and refuse them'.

It would appear not only have these measures have failed to address the continuing issues identified, but also the transfer of responsibility and management to Miss Mariflo has made no difference to the situation at the business, with non-compliances continuing.

Conclusion

The premises has an extended history of complaints relating to the sale of age-restricted products to children. The business has now failed three test purchasing checks in a 2-year period; in the most recent case a 16-year-old was sold alcohol with no age verification check taking place. Despite the implementation of measures to address the failings present and a change in management, the business continues to neglect its legal and social responsibilities, which is in direct contravention to the promotion of the licensing objectives.

Signed: 

Environmental Health Officer - Commercial & Licensing

Date: 13th September 2024

**LICENSING ACT 2003
LICENSING AUTHORITY REPRESENTATION FORM**

To: **Environmental Health Manager**
From: **Alex Beebe**
Premises: **Luxa Sparkles, 103 Cherry Hinton Road, Cambridge**
Reference: **SR/390520**

Review of premises licence

Comment:

Introduction

On 14th February 2024 the responsible authorities (for the purposes of the Licensing Act 2003) were consulted on a review of the premises licence for Luxa Sparkles off-licence. The review proceedings have been instigated by the Home Office (Immigration Enforcement) under the 'prevention of crime and disorder' licensing objective, following illegal working being identified at the premises. Immigration Enforcement have requested the premises licence be revoked.

The purpose of this submission is to summarise the complaints and related investigations that the licensing authority has received regarding alleged underage sales of alcohol and other age-restricted products as well as the sale of alcohol to already intoxicated customers at the business.

May 2018

A member of staff of a local sixth form college contacted the Police alleging that a 17-year old student had on 25th April 2018 bought a bottle of vodka unchallenged from the premises. The student later had to be taken to hospital due to intoxication.

There was also a separate complaint received by the licensing authority from a local resident alleging the sale of alcohol to people who were already drunk: this led to congregations of drunk people outside the business at night-time.

An inspection of the premises was undertaken together with the police licensing officer. The manager was interviewed and till receipts checked, but there was no evidence of the transaction taking place. The manager was reminded of their legal duties with regard to the sale of age-restricted products. Condition 6 of the premises licence requires the business to operate a 'Challenge 21' policy.

January 2019

A complaint was received alleging that on 26th January 2019 a group of three 14–15-year-olds had been sold three bottles of Lambrini and a small bottle of vodka. The children were not asked for ID. The complainant was the mother of one of the children.

A joint visit was made with the police licensing officer on 30th January 2019. Although CCTV footage was inspected and till receipts checked (between the hours the children were said to have visited the business) no evidence could be found of the visit/transaction in question.

An advisory letter was (attached as **Annex 1**) issued to the DPS/licence holder 'Mrs Priyamwatha Mariflo'. The letter reminded Mrs Mariflo of her responsibilities regarding the sale of age-restricted products as well as the need to ensure compliance against the conditions attached to the licence. Trading Standards were sent a copy of the letter for their information.

October 2020

The Police received a complaint from a mother of a 16-year old who advised her daughter and friend were able to purchase a bottle of vodka from the business on 16th October 2020. The licensing authority was duly advised of the complaint. Although the complainant was approached for further information there was no response. The police licensing officer advised that the Police had also received two separate allegations in August 2020 of nitrous oxide canisters being sold to children.

A joint visit with the police licensing officer was made on 10th November 2020 where Mrs Mariflo's husband was present with two other staff members. During the visit staff asked questions such as: whether proxy sales were allowed (parents buying alcohol on behalf of their children); whether they could accept copies of ID e.g. photographs of passports, driving licences etc. on a phone rather than originals; and, if they needed to ask for identification of young people on each occasion even if they had seen ID previously. This raised serious concerns about the level of training given to staff: Mrs Mariflo was named as the person responsible for staff training.

An advisory letter (attached as **Annex 2**) was sent by the police licensing officer to Mrs Mariflo dated 13th November 2020. It was stressed to Mrs Mariflo that the police and licensing authority took complaints of alleged underage sales seriously, and that should evidence be obtained a review of the premises licence be sought. Due to the concerns raised during the visit as well as the history of complaints, Mrs Mariflo was requested to submit a minor variation to add two conditions to the premises licence. These conditions sought to: enhance the training given to staff members; request 6-month refresher training; maintain records of training operate a 'Challenge 25' scheme; and, maintain a refusals log.

Mrs Mariflo responded to this letter with an e-mail dated 1st December 2020 (attached as **Annex 3**) and disputed the allegations of underage sales. She also indicated that she would submit a minor variation application, this has yet to occur.

It was concluded there was insufficient evidence at the time to pursue a review of the premises licence. There was also no way to compel the licence holder to submit a minor variation. A test purchasing visit was considered but deemed not to be practical due to the impacts of the pandemic.

June 2021

A complaint was received from a local resident alleging issues from noise and anti-social behaviour from congregations of inebriated individuals regularly of an evening seen outside the front of the business. The complainant alleged they had seen staff members giving alcohol and associating with those gathering. The matter was referred to the police where the local neighbourhood policing team was asked to patrol.

January 2023

The Police received a report of the business allegedly selling alcohol to children at significant risk. The licensing authority and Trading Standards were advised of the complaint. Trading Standards advised that they had conducted a test purchasing operation at the business in August 2022, in which a child was able to purchase alcohol. The issuing of cautions to Mrs Mariflo, her husband and a staff member was being considered. Mrs Mariflo was advised that further test purchasing activity would be considered and should they fail again then Trading Standards would be looking to review the premises licence.

Summary

Whilst the licensing authority has no direct evidence of offences being committed under the Licensing Act 2003 e.g. sales of age-restricted products to children, sale of alcohol to intoxicated customers etc. there have been six similar complaints made against the business in the past 6 years. No other off-licence premises in the city has received a similar level of complaints.

Visits to the premises have given rise to a number of concerns, especially staff training for which the licence holder and designated premises supervisor, Mrs Mariflo is responsible. Despite persistent warnings to the business, complaints have continued. Recommendations provided by the licensing authority and the Police have also seemingly been ignored. This calls into question whether the licence holder is sufficiently promoting the licensing objectives, namely 'prevention of crime and disorder' and 'protection of children from harm'.

It has also been noted on page 9 of the Home Office Premises Licence Review pack, where it is stated that staff at the business have been offering alcohol to customers on credit. Whilst this is not illegal, it could be considered to be unethical to those who are vulnerable and unable to pay the debt off.

Signed:

A black rectangular redaction box covering the signature of the Environmental Health Officer.

Date: 8th March 2024

Environmental Health Officer - Commercial & Licensing

Enquiries to:
Contact name: Alex Beebe
Job Title: Senior Technical Officer - Commercial & Licensing
T: 01223 457723
E: [REDACTED]



Mariflo Mariyanayagam
Luxa Sparkles
103 Cherry Hinton Road
Cambridge
CB1 7BS



Tuesday 12th February 2019

Our Ref: AB/WK/201867482

Dear Mr Mariyanayagam,

Licensing Act 2003

Complaint of alleged underage sale of alcohol at Luxa Sparkles, 103 Cherry Hinton Road, Cambridge

I write following our visit to your premises on the afternoon of Wednesday 30th January 2019.

The reason for our visit was in response to a complaint received from a member of the public. The complainant had alleged that during the late afternoon of Saturday 26th January 2019, the complainant's daughter and two friends, who were all aged between 14-15 years old, were sold alcoholic beverages at your premises.

As you will be aware, the Licensing Act 2003 provides it is a criminal offence to sell alcohol to anyone under the age of 18. A person found guilty of this offence, upon summary conviction, may be subject to an unlimited fine. In addition, committing such an offence would raise questions about staff training and practices at the premises possibly culminating in a review of the Premises Licence. Options open to the Licensing Committee at such a review include the suspension and revocation of a Premises Licence.

During our visit we asked for you to show us the CCTV footage between 2:00pm and 7:00pm on Saturday 26th January 2019. The CCTV system you have in operation is motion-sensitive meaning footage is only recorded when movement is detected in front of the counter. We also asked you to produce a selection of till receipts between the times above.

In summary, on this occasion we could not find any evidence that the children in question had visited your business at the date and times alleged, and that the alcoholic beverages in question had been purchased.

It may be the case that there is no substance to this complaint, or the time/date of the visit are incorrect, but in any case, bearing in mind this is the second complaint the business has received alleging underage sales of alcohol within 12 months (the first being May 2018, which gave rise to the licensing inspection that was conducted), the Licensing Authority and the Police felt it prudent to write to you to remind you and your staff members of the requirements of the law.

I would therefore like to stress to you that the mandatory conditions attached to all Premises Licences require licence holders to implement an age verification policy to ensure alcohol is only sold to those aged 18 years or over. In the case of Luxa Sparkles Annex 2 Condition 6 provides that the premises operate a 'Challenge 21' scheme; this means that any customer buying alcohol who looks under 21 must be asked to provide a reliable proof of age document e.g. passport, DVLA driving licence, PASS card or Military ID. Please ensure you and all staff members are aware of this requirement and are suitably trained.

I would strongly recommend, however, you upgrade your age verification policy to Challenge 25 in line with many major retailers to further limit the chance that alcohol is sold to children. Challenge 25 resources can be found online at:
<https://www.wsta.co.uk/challenge-25>.

I hope you find the above information useful. If you would like any point clarified then please do not hesitate

Yours sincerely,

Mr Alex Beebe
Senior Technical Officer - Commercial & Licensing, Cambridge City Council

PC Clare Metcalfe
Licensing Officer, Cambridgeshire Constabulary

CC. Priyamwatha Mariflo [REDACTED]

Trading Standards, Cambridgeshire County Council



Creating a safer
Cambridgeshire

13th November 2020

Mrs. Mariflo
[REDACTED]

Parkside Police Station.
Parkside,
Cambridge,
Cambridgeshire,
CB1 1JG.
[REDACTED]

Dear Mrs. Mariflo,

I write following my visit to Luxa Sparkles on Wednesday 10th November 2020 together with my colleague Alex Beebe who represents the licensing authority, Cambridge City Council.

The reason for our visit was to discuss with your husband, allegations that age-restricted products had been sold to those underage.

The first matter regards two separate reports Cambridgeshire Constabulary have received from August alleging nitrous oxide canisters have been sold to children. Mariflo stated he has not stocked nitrous oxide for a couple of months, but it would appear the products were on sale when the reports were made. Nitrous oxide canisters may legally be sold to those aged 18 or over provided they are not to be used for the individual's own consumption e.g. substance abuse. In these instances, sale must be refused.

The second item we wished to discuss was regarding an allegation from a parent that their underage daughter had purchased a bottle of vodka at Luxa Sparkles on the evening of Friday 16th October 2020. Mariflo was able to print out a number of receipts corresponding to purchases made on the evening in question, but during our visit we were unable to substantiate whether the transaction took place. Please be advised this matter is still subject to police investigation and I may be back in touch to request further information/records. In the interim please supply me with the last 3 months' worth of records from your refusals log, which I understand is now maintained electronically.

At the conclusion of our visit Mr Beebe and I had several concerns about the operation of Luxa Sparkles that I wish to address with you as the designated premises supervisor and licence holder.

1. Wearing of face coverings – when we entered the premises staff were initially not wearing face coverings. It is a legal requirement during the COVID-19 pandemic that staff working in customer-facing areas wear a face covering unless they have an exemption. Mariflo and the other two gentleman present were advised of this.

Annex 2

2. Complaints – other than the two matters mentioned above I am aware the Council has received complaints of underage sales of alcohol at Luxa Sparkles previously in: April 2014, May 2018 and January 2019. This now makes 6 similar complaints since 2014; however, as we expressed to Mariflo, seldom do we receive complaints alleging underage sales at other supermarkets and shops in Cambridge.
3. Challenge 21 – a reminder that it is a licence condition that staff need to be asking for ID (driving licence, passport, PASS card or military ID), in its original form, every time someone they believe is under 21 attempts to buy alcohol.
4. Training/knowledge – the staff members present, including Mariflo, appeared to be confused on a number of matters relating to alcohol sales. We were asked: whether proxy sales were allowed (parents buying alcohol on behalf of their children); whether they could accept copies of ID e.g. photographs of passports, driving licences etc. on a phone rather than originals; and, if they needed to ask for identification of young people on each occasion even if they had seen ID previously.

It is extremely troubling to us that members of staff, who are in control of selling alcohol, need to ask these questions as their role mandates they must know the law regarding alcohol sales. This raises the question of staff training; Mariflo advised that you give training to staff members. In light of the above, it would appear to us that the level of training provided is inadequate. I therefore require you to ensure that all staff are appropriately trained in their role of selling age-restricted products. Whilst this does not have to be a formal training course, you may wish to consider recognised qualifications such as the Level 1 Award in Responsible Alcohol Retailing or the Level 2 Award for Personal Licence Holders. Please update me with the details of what training staff members will receive and how this will be completed.

5. Designated Premises Supervisor (DPS) – the DPS is the key person who will usually be charged with day to day management of the premises by the premises licence holder, including the prevention of disorder. Whilst the DPS does not need to be on site at all times, they are expected to be involved enough with the business to be able to act as its representative, and they must be contactable at all times. I understand that it is Mariflo, his brother and another staff member who run the shop. Bearing in mind the recommendations I have made above in point 4, I suggest that Mariflo, or another member of staff, may be better suited to being appointed as the DPS as they are seemingly more closely involved in the day-to-day running of the business. The DPS must hold a Personal Licence so any individual wishing to become DPS would first need to pass the Level 2 Award for Personal Licence Holders and then obtain a Personal Licence from their local licensing authority.

I would like to stress to you that the police and licensing authority take reports of alleged underage sales extremely seriously. If evidence is obtained proving alcohol, or another age-restricted product, is sold to someone under the relevant age then the police and/or licensing authority will likely pursue a review of the Premises Licence for Luxa Sparkles. Options available to the Licensing Sub-Committee at a review hearing include the revocation of the licence. Please also note that both the police and trading standards can authorise test purchasing operations where individuals under the age of 18 attempt to buy alcohol in licensed premises.

In light of our concerns and history of complaints I would like to seek your permission to add some additional conditions to the licence via a minor variation application as follows:

- *Staff will receive full training on responsible alcohol sales and this will be refreshed every 6 months, this training will take place prior to staff commencing customer facing duties. The training will include responsibilities in the sale of alcohol, in particular with regard to drunkenness and underage persons and to the use of Challenge 25 policy correctly and effectively, and display notices on the premises. Records will be kept of such training and will be immediately available for inspection by Cambridgeshire Police for inspection upon request.*
- *A written or electronic log will be kept of all refusals including refusals to sell alcohol. The Premises Licence holder shall ensure that refusals log is checked on a regular basis. The log will be kept and maintained at the premises and will be available at all times whilst the premises are open for inspection immediately upon request by Cambridgeshire Police and any responsible authority.*

The above conditions are common for off-licence premises. If you agree to their addition it could help demonstrate your commitment to the responsible sale of alcohol and the promotion of the licensing objectives. An application for a minor variation needs to be made to Cambridge City Council; this carries an application fee of £89.00.

In summary, the action points I need you to complete by Monday 30th November are as follows:

- Send me the last 3 months' worth of records from your refusals register;
- Remind staff of the need to wear face coverings in public and customer-facing areas;
- Provide adequate training for staff on age-restricted products and send me the details of how staff have been trained; and
- Consider my proposal to submit a minor variation to add conditions, which we feel are appropriate to the running of the licensed premises, to the licence.

I will send you a hardcopy of this letter to you in the post.

I shall look forward to hearing from you in due course.

Yours sincerely,

[Redacted signature]

Police Constable 446 Clare Metcalfe
Licensing Officer
Cambridgeshire Constabulary.

CC - Alex Beebe [Redacted]

From: Priya Luxa [REDACTED]
Sent: Tuesday, December 1, 2020 4:28 PM
To: Licensing South [REDACTED]
Subject: Re: Luxa Sparkles

Dear Police Constable 446 Claire Metcalfe,

I am writing this email regarding your visit to my shop Luxa Sparkles on Wednesday 10th Nov 2020 together with your colleague Alex Beebe who represents the licensing authority to Cambridge City Councils.

On your visit, you discussed with my husband that age restricted products had been sold. I am very disappointed with the reports that you have received on nitrous oxide canister as I am aware that nitrous oxide can only sold to those aged +18 and I am sure that no sale to anyone under 18 has been made. I am certain that all my staff are well trained on the product as I have been up to date with my staff training and I always ensure they are trained to full requirement every six months. This training helps our staff effectively and confidently to refuse the purchase of restricted items by young people.

I am rather a concerned about a complaint from a parent where their underage daughter had purchased a bottled of vodka at Luxa Sparkles on the evening of Friday 16th October 2020. I have dealt with a similar allegation with regards to this matter. When I had checked the CCTV camera, my husband and I found out that the girl tried to buy a bottle of vodka from us, one of our staff requested for an ID and he refused the sale of alcohol. Consequently the girl got frustrated and used foul language towards our staff. When the parent of that girl visited my shop I showed the video clearly showing that we refused the sale. She found out that her daughter bought it somewhere else, accused us and used our shop name out of frustration that we denied the sale. Her mum apologised and requested not to complain to the police. As a mother I had to respect her request because I am also a mother of two girls. Since that case my husband I were extremely cautious with regards to sale to young people. During my regular visits to the shop, I always ensure the staff follow the Think 21 model and Challenge 25 policy correctly and effectively. We had some test purchasing operations authorised by trading standards. We had proved that we never sold to under the age of 18.

I would like to apologise sincerely that my staff were not wearing face coverings during the COVID 19 pandemic. I have ensured that it has not happened since and will make sure this won't happen again. My husband Mariflo may have appeared to be confused on a few matters relating to alcohol sales. I am certain that he has got more than necessary knowledge to become a Designated Premises Supervisor(DPS)and knows that we shouldn't accept any photocopies of ID as any form for ID only accept originals. He has been trained on your guide to sell alcohol as well as other staff working in the shop. I hold this training every six months. Mariflo may had panicked and therefore his responses did not comply with the licensing objectives.

My husband and I have been running this business for the past 15 years and trying hard to our continued commitment to prevent the sale of alcohol to those under the age of 18. My husband is a one of the most hard working person who has committed his whole life for his family. He goes to cash and carry in London every week in the last 15 years he never slept one day without his knee pain. We have two daughter one 18 and 9 years and we work incredibly hard as a family to get this position.

We hope to run this business without any further complaints against us. I will follow all the licensing objectives, obey the law and co-operate with the Cambridgeshire Constabulary and Cambridgeshire Trading Standard Service.

For action point-

1. I have attached the last three months record of refusal register.
2. I have reminded my staff the importance of wearing face covering mask during this COVID 19 pandemic and will ensure masks are worn at all times
3. I have provided adequate training for the staff on age restricted products. I will ask my husband to do the level 2 Award for personal Licence Holders for extra certainty.
4. I will submit the application for a minor variation..

I look forward to your reply.

If you have any query regarding this matter please do not hesitate to contact me.

Thanking You

Kind Regards

Priyamwatha Mariflo

Luxa Sparkles – Cambridgeshire Constabulary Supporting documentation.

Report by PC 446 Clare Metcalfe – Licensing Officer - Operational Planning and Licensing Department, Cambridgeshire Constabulary.

This report is being submitted in support of the premises licence review by Trading Standards concerning Luxa Sparkles, 103 Cherry Hinton Road, Cambridge, CB1 7BS.

Cambridgeshire Constabulary have received several reports associated with this licensed premises over recent years.

Please find below a list of reports and intelligence received by the constabulary over the last 12 period.

Date	Crime/Intel item reference no.	Information
Nov 2023	35/56955/23	Alcohol, cigarettes and very large canisters of compressed nitrous oxide is being sold to youths from Luxa Sparkles.
Dec 2023	35/57836/23	A local enforcement visit was conducted at Luxa Sparkles, 103 Cherry Hinton Rd, Cambridge. Located behind the counter were multiple boxes of NOS (Nitrous oxide) cannisters (cream chargers) and illegal vapes, information referred to Trading Standards.
Jan 2024	35/2253/24	The shop Sparkles 103 Cherry Hinton Rd, Cambridge are dealing illegal tobacco and cigarettes.
March 2024	35/16323/24	Report that a (15yr old) female was subjected to a serious sexual assault. Alleged that the alcohol consumed by the victim prior to commission of the offence was obtained from Luxa Sparkles (not established if the two bottles of wine were stolen, purchased or proxy purchased for the victim).
April 2024	35/18401/24	Reported that vulnerable 15yr old female together with 14yr friend have purchased drink from Luxa Sparkles.
August 2024	35/60674/24	Police called to assist two 15yr old females who had been found in the city centre by members of the public. The females were found unresponsive due to excessive alcohol consumption. Allegedly they had drunk 1 litre of vodka which they had purchased from Sparkles. Unknown if alcohol was purchased by third party. Both girls taken to hospital to receive appropriate medical care.
Sept 2024	Reported directly to police colleague via email	Report of underage sales of vape and tobacco by a concerned parent. (see additional comments below).

Any reports received by Cambridgeshire Constabulary regarding underage purchasing of age restricted products and illegal tobacco that are brought to the attention of the licensing department are promptly forwarded to Trading Standards.

I was made aware of the most recent allegation relating to the store on 20/09/2024.

An email complaint was received from a concerned parent. An overview of this email is that he was worried that his 16yr old child had been purchasing cigarettes from there after having found bank statements with transactions from the store.

He states that the teenagers show a photo of their ID held on their mobile phone, (having altered their date of birth) to the shop worker who readily accept this as a valid form of ID.

On 16/09/24 he claims he witnessed the purchase of vapes by this method first hand after going into the shop for a 10–15-minute period and confronting the store owner, (who gave him name as Raj). He said the only customers during the period of time that he was in the store were young teenagers (he believed to be no more than 16yrs old) purchasing vapes or tobacco. (Full report in Appendix 1).

On two previous occasions that I have conducted joint visits with Cambridge City Council Licensing officers to the premises, the male shop assistant present asked whether he could accept photos of IDs on mobile phones as a valid form of ID. Advice was provided both times that this was not an acceptable form of ID.

On 12/08/2024 I took part in a Trading Standards lead test purchasing operation. During which I attended Luxa Sparkles with my colleagues from Trading Standards and Cambridge City Licensing Authority after the store had just failed a test purchase, after having sold alcohol to the 'underage test purchaser'.

Cambridgeshire Constabulary fully support Trading Standards with this premises licence review. Though the intelligence items received by police may not have been substantiated, the unusually high number and similar nature of these reports is very concerning.

There is concern that the practice of supplying age restricted products to children is not an unusual occurrence, with either, no or reckless practices to age verification checks leading to children being able to purchase products which could lead to them having lifelong addictions. Additionally, in the short term the consumption of this alcohol can result in the children becoming vulnerable and exposed to the increased risk of being a victim of crime, or lead to risky behaviour that is harmful to their safety, health and wellbeing.

This cavalier approach to age verification checks is particularly worrying considering it was only in April 2024 that there was a change of Premises Licence Holder and Designated Premises Supervisor. This change took effect just prior to a Premises Licence review brought about by Home Office Immigration Enforcement after they found an illegal worker at the premises in November 2023.

Appendix 1 – Email complaint September 2024. Luxa Sparkles, 103 Cherry Hinton Rd, Cambridge CB1 7BS

This shop has already been in the media more than once for selling vapes and tobacco to underage kids, and yet it is still doing this. Not only do they keep doing this, but they are also selling foreign/illegal tobacco. I know this to be a fact, and I am a concerned father/citizen and found that my 16-year-old child has been purchasing cigarettes and started investigating after finding the bank statement with transactions from this store. It appears that this store has built a reputation and is known amongst young teenage students from the local colleges.

My child goes to [REDACTED] which is quite far to go to this store, but because they know they can purchase there they go there.

It appears that all these teenagers have discovered that if they take a picture of their photo ID, they can modify their birthday in the picture and then keep the picture on their phone. When they go to purchase tobacco or vapes, the store might ask them for ID and if they do, they show the picture on their phone and even if the child looks like 10 years old, they still get served. I know this, because I walked into the store and started questioning the owner of the store and during a 10-15 minute period that I was there, the only customers that walked in were teenagers purchasing vapes or tobacco. A couple of times I stepped aside and let the owner serve to these three teenagers and they asked for a vape, and the owner then asked for an ID and the kid looked a bit puzzled (as if to say not the first time buying here) and then said I have a picture on my phone which he presented to the shop owner and then completed his purchase and left the store. I could clearly see that the kid was no more than 16 years old.

When I walked into the store, my first question was, "who is the owner of the shop" and the person who was serving said it was him and his name was Raj. I then started questioning him about my 16-year-old purchasing something on this store for £39 and showed him the bank transaction, and he then found the receipt and it was a Vape. I then showed a picture of a packet of cigarettes which I had confiscated from my child a few days earlier and asked, "how much was that particular packet" and he said he doesn't sell them as they are foreign cigarettes. I asked for the price of a packet of cigarettes, and he said the cheapest was £13.50. My child had a few transactions of £11.00 from this store and when questioning my child, I was told that the £11.00 transactions were for those cigarettes and apparently when purchased on the store they asked for whatever the cheapest cigarettes they have, and the store were selling these cigarettes for £11.00 each.

I have reported this with Citizens Advice also in the hope that someone will do something about this, and the reference they provided is 18502770.

I'm pretty sure that if someone went to check their store, they would be able to find illegal cigarettes in the store. They only store small amounts at a time, but they are selling them.

The price that my child has purchased is £11.00, so I am sure if someone with the right authority were to ask to show receipts for any items costing exactly £11.00 (paid by card of course) and can even take it a step further and ask to show the CCTV if in doubt to match the timings of the sale for those transactions, you will then find out the illegal cigarettes.

The price that my child has purchased is £11.00, so I am sure if someone with the right authority were to ask to show receipts for any items costing exactly £11.00 (paid by card of course) and can even take it a step further and ask to show the CCTV if in doubt to match the timings of the sale

Part A

Licensing Act 2003
 Format of premises licence
 CAMBRIDGE CITY COUNCIL



Premises licence number PRECAM 000531

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description
Premier Cambridge Convenience Store
103 Cherry Hinton Road

Post town **Cambridge** Post code **CB1 7BS**

Telephone number
[REDACTED]

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Activity	Supply of Alcohol					
Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				
Non Std Timings & Seasonal Variations						

The opening hours of the premises

Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				
Non Std Timings & Seasonal Variations						

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Off the premises only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Nadarajah Sasikumar
F

Registered number of holders, for example company number, charity number (where applicable)
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

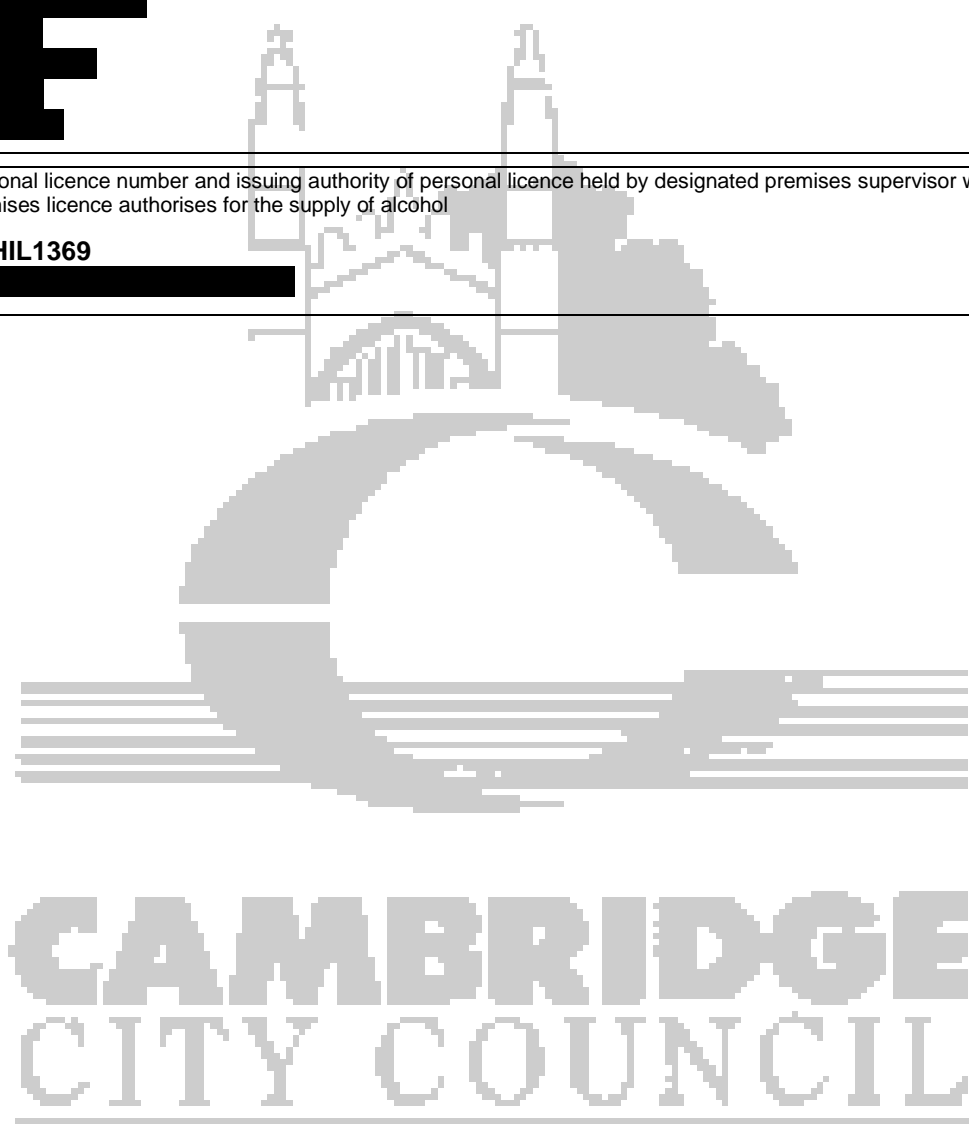
Nadarajah Sasikumar

[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

LBHIL1369

[REDACTED]



**CAMBRIDGE
CITY COUNCIL**

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
5. For the purposes of the condition set out in paragraph 4-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).
6. Where the permitted price given by Paragraph (b) of paragraph 5 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 7. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 5 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children shall be permitted in the premises at any time.

General

-

The Prevention of Crime & Disorder

1. CCTV equipment must be installed at the premises and maintained in working order.
2. At least two members of staff shall be on duty after 21.00.
3. Security shutters with security locks shall be installed to the front and rear.

Public Safety

4. Fire fighting equipment shall be installed at the premises and maintained in working order.

The prevention of public nuisance

5. Adequate and suitable receptacles must be provided to receive and store refuse from the premises.

The protection of children from harm

6. On occasions when the venue is open for the sale of alcohol the DPS or relevant person will actively operate a 'Challenge 21 policy'. This will include a voluntary agreement to only accept identity cards with a 'pass' accreditation, passports or photoID driving licences, or any future identification card as approved by central government, as bona-fide recognised forms of identification.

Annex 3 - Conditions attached after a hearing by the licensing authority

-

Annex 4 - Plans

See attached.

This licence was granted on:

10th December 2007

CAMBRIDGE
CITY COUNCIL

Part B

Licensing Act 2003
Premises licence summary



Premises licence number **PRECAM 000531**

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**Premier Cambridge Convenience Store
103 Cherry Hinton Road**

Post town **Cambridge** Post code **CB1 7BS**

Telephone number **01223 [REDACTED]**

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Activity	Supply of Alcohol					
Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				

Non Std Timings & Seasonal Variations

The opening hours of the premises

Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				

Non Std Timings & Seasonal Variations

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Off the premises only

Name, (registered) address of holder of premises licence

Nadarajah Sasikumar, [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Nadarajah Sasikumar

State whether access to the premises by children is restricted or prohibited

N/A

This licence was granted on: 10th December 2007

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Part A

Licensing Act 2003
Format of premises licence
CAMBRIDGE CITY COUNCIL



Premises licence number **PRECAM 000531**

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description
Luxa Sparkles
103 Cherry Hinton Road

Post town **Cambridge** Post code **CB1 7BS**

Telephone number
XXXXXXXXXX

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Activity	Supply of Alcohol					
Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				
Non Std Timings & Seasonal Variations						

The opening hours of the premises

Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				
Non Std Timings & Seasonal Variations						

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Off the premises only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Akshayam Limited
103 Cherry Hinton Road
Cambridge
CB1 7BS

Registered number of holders, for example company number, charity number (where applicable)
14763476

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Luxa Shiny Mariflo



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol



South Cambridgeshire District Council



Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
5. For the purposes of the condition set out in paragraph 4-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).
6. Where the permitted price given by Paragraph (b) of paragraph 5 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 7. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 5 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children shall be permitted in the premises at any time.

General

-

The Prevention of Crime & Disorder

1. CCTV equipment must be installed at the premises and maintained in working order.
2. At least two members of staff shall be on duty after 21.00.
3. Security shutters with security locks shall be installed to the front and rear.

Public Safety

4. Fire fighting equipment shall be installed at the premises and maintained in working order.

The prevention of public nuisance

5. Adequate and suitable receptacles must be provided to receive and store refuse from the premises.

The protection of children from harm

6. On occasions when the venue is open for the sale of alcohol the DPS or relevant person will actively operate a 'Challenge 21 policy'. This will include a voluntary agreement to only accept identity cards with a 'pass' accreditation, passports or photoID driving licences, or any future identification card as approved by central government, as bona-fide recognised forms of identification.

Annex 3 - Conditions attached after a hearing by the licensing authority

-

Annex 4 - Plans

See attached.

This licence was granted on:

10th December 2007

CAMBRIDGE
CITY COUNCIL

Part B

Licensing Act 2003
Premises licence summary



Premises licence number **PRECAM 000531**

Premises details

Postal address of premises, or if none, ordnance survey map reference or description Luxa Sparkles, 103 Cherry Hinton Road	
Post town Cambridge	Post code CB1 7BS
Telephone number [REDACTED]	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities						
Activity	Supply of Alcohol					
Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				
Non Std Timings & Seasonal Variations						

The opening hours of the premises						
Day	Times					
Sun	06:00	23:30				
Mon	06:00	23:30				
Tue	06:00	23:30				
Wed	06:00	23:30				
Thurs	06:00	23:30				
Fri	06:00	23:30				
Sat	06:00	23:30				
Non Std Timings & Seasonal Variations						

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Off the premises only

Name, (registered) address of holder of premises licence
Akshayam Limited, 103 Cherry Hinton Road, Cambridge, CB1 7BS

Registered number of holder, for example company number, charity number (where applicable)
14763476

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol
Luxa Shiny Mariflo

State whether access to the premises by children is restricted or prohibited
N/A

This licence was granted on: 10th December 2007



CAMBRIDGE
CITY COUNCIL



RECORD OF DECISION: REVIEW APPLICATION UNDER LICENSING ACT 2003

Licensing Sub-Committee
Date: 22 April 2024

Members:

1. Cllr McPherson [Chair]
2. Cllr Griffin
3. Cllr Pounds

To consider the review application submitted by Immigration Enforcement Alcohol Licensing at the Home Office in regards to the premises licence of Luxa Sparkles, 103 Cherry Hinton Road, Cambridge, CB1 7BS.

We heard representations from the following persons:

- Mahesh Mehmi, Chief Immigration Officer, Immigration Compliance and Enforcement Team - East of England.
- Kirsty Draycott, Senior Trading Standards Officer, Cambridgeshire & Peterborough Trading Standards.
- Alex Beebe Environmental Health Officer representing the Licensing Authority.
- Premises Licence Holder and Designated Premises Supervisor Miss Mariflo. Mr Mariflo and Jane Gilliead, Agent for the Premises Licence Holder.

The reason you appeared before the Sub-Committee:

An application under section 51 of the Licensing Act 2003 for a review of the premises licence with respect to Luxa Sparkles, 103 Cherry Hinton Road, Cambridge, CB1 7BS has been received from Immigration Enforcement Alcohol Licensing at the Home Office.

The Sub Committee had to decide such steps that they consider are necessary for the promotion of the licensing objectives.

The Sub-Committee may resolve:

- (a) to leave the licence as it is;
- (b) to modify the conditions of the licence;
- (c) to exclude a licensable activity from the scope of the licence;

(d) to remove the designated premises supervisor;
(e) to suspend the licence for a period not exceeding three months;
(f) to revoke the licence. and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added (Licensing Act 2003 section 52 (4)).

In making our decision we considered the following:

List:

Statutory provisions (Licensing Act 2003)

Statutory Guidance

Cambridge City Council's Statement of Licensing Policy

Reports

Advice from Legal Officer

Representations from

- Mahesh Mehmi, Chief Immigration Officer, Immigration Compliance and Enforcement Team - East of England.
- Kirsty Draycott, Senior Trading Standards Officer, Cambridgeshire & Peterborough Trading Standards.
- Alex Beebe Environmental Health Officer representing the Licensing Authority.
- Premises Licence Holder and Designated Premises Supervisor Miss Mariflo. Mr Mariflo and Jane Gilliead, Agent for the Premises Licence Holder.

We found the following facts:

Representations made by the Responsible Authorities and the Premises Licence Holder, Mr Mariflo and Jane Gilliead, Agent for the Premises Licence Holder all relevant.

We did not consider the following matters to be relevant:

The personal circumstances of the family.

Our reasons for this are:

The personal circumstances of the family are not relevant to the Licensing Objectives.

Our decision is as follows:

- a) To leave the licence as it is.

The Licensing Sub Committee recommends that the Licensing Authority provides the following support:

- i. That a licence inspection is undertaken within 6 months of the date of this decision.

Our reasons for reaching the decision are as follows:

There were no objections to the new Premises Licence Holder and no evidence she would not correctly fulfil the role in accordance with the Licensing Objectives.

The Sub Committee has considered the history of the premises and the fact the Premises Licence Holder is new to the Licensing trade. The Sub Committee has considered Miss Mariflo's commitment to uphold the Licensing objectives and has decided to leave the licence as it is with the above support.

Signed

Cllr McPherson

Cllr Griffin

Cllr Pounds.

Dated 22 April 2024

The applicant or those who made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notice by contacting:
Cambridgeshire Magistrates Court, The Court House, Bridge Street, Peterborough, PE1 1ED.

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From: Jane Gilliead [REDACTED]
Sent: Wednesday, October 2, 2024 6:50 PM
To: licensing (CCity) <[REDACTED]>; Kirsty Draycott (Guest)
<[REDACTED]>; Alex Beebe <[REDACTED]>
Subject: Re: (282575) Premises licence review application - Luxa Sparkles

Hi all

Thank you for the notice and documents received all of which has been digested

As per my previous correspondence and statement on behalf of Mariflo I would request the following information is shared with the responsible authorities who are parties involved in the review

Mariflo and his family have held the premises licence for a period of around 17 years, there will be a history throughout this time which I am not privy to however I do believe the premises has not been what we would refer to as a problem premises, until recently.

Accepted and agreed the problems and events which were brought to the previous review last year.

There is no excuse for finding themselves in this current position, they know this

There is no way the family can carry the responsibility of the premises licence so this decision has been made

In mitigation the family has fallen apart, attached is a copy of the statement which was sent to Kirsty with regard to where the family find themselves.

Current situation

The premises licence PREMCAM 000531 has been transferred along with the dps varied to Mr Nadarajah Sasikumar on 23rd September 2024, both with immediate effect

An application to change his address to 103 Cherry Hinton Road, Cambridge CB1 7BS, along with an application to change the premises name to

Premier Cambridge Convenience Store has also been submitted

The New Owner

Mr Nadarajah Sasikumar dob [REDACTED] has held a personal licence since 2007 Hillingdon Council Licence number [REDACTED] issued 21 October 2007

Current address [REDACTED]

History

Nominated DPS and proprietor May 2008 to 2009 for Chadwell Heath Jet Petrol Station 287 High Road Romford RM6 6AU

Nominated DPS 2009 to 2011 Murco Service Station Whitmore Way Basildon Essex SS14 2NL proprietor and premises licence holder until it was taken over

DPS from October 2009 to present Haverhill Service Station Sturmer Road Haverhill CB9 7UU, also current franchise owner 24 hours opening and sale of alcohol permitted on premises licence

Premises licence number PL01759 issued 26/06/2015 West Suffolk Council

He is the sole director of Haverhill Service Station Ltd Company number 09183725 created in August 2014

Premier Benfleet Convenience Store CPBC/LU/400 Castlepoint Council Haverhill Service Station Ltd premises licence holder Nadarajah Sasikumar DPS copy of licence

is attached, trained and competent staff including a manager are in place at this premises.

Interim period

A personal licence holder in the service station is currently undergoing DPS responsibility training which, will enable a variation of DPS to be submitted, it is anticipated the training will be around three months, this has already commenced. Mr Sasikumar will remain as the proprietor, his day to day focus is and will continue to be on his new premises Premier Cambridge Convenience Store

Mr Sasikumar has been in the trade for over 17 years, never had any problems, fines, actions with any responsible authority, he fully understands the responsibilities of a premises licence.

Mr Sasikumar is aware of the current review process, he is rebranding the premises, implementing his working practices and standards, bringing his own staff with him who are fully trained and experienced, he has no history of any problems and intends to work to the same standards

in order to work with the authorities he is willing to

Provide any documentation requested

Make additional changes to the premises licence by way of additional conditions

Submit a new premises licence application if required .

As agent, I am requesting we can work together to find a solution to take this forward, I would request you consider the information and any further information your deem necessary, so we can come to an agreement without having to take it to the review hearing.

I am grateful for this opportunity to update and hope we are able to negotiate the above to find a mutual solution, and withdraw the review.

with kind regards

Jane Gilliead

Emag Licensing Services

linkedinjanegilliead



I Mariflo Martyanayagam state the following in relation to :-
Premises Sparkles at 103 Cherry Hinton Road, Cambridge,
CB1 7BS

With regard to the sale of alcohol to underage on the
afternoon of the 12th August 2024

Where by I sold a 250ml can of "Gordons G& T Premium
Pink" a ready mixed alcoholic drink containing 5% alcohol by
volume.

I admit to the sale, I visually checked the person purchasing
the drink, however failed in my responsibility to make any
attempt to request any form of ID from the individual.

I am completely devastated by this and can only offer the
following in mitigation with regard to the incident

I was not due to be working in the shop on the day I had
merely brought the workers lunch along to him, allowing him
to go upstairs for his break and food, leaving me covering
him, in hindsight, that was a huge mistake due to what was
then my state of mind.

I had returned to the UK following two weeks holiday in Sri
Lanka with my younger daughter.

On my return on the 9th August 2024 I become involved in
what became a domestic situation whereby my estranged wife
involved the police, as a result I was arrested and taken to the
police station, this took a massive toll on me both physically
and mentally.

The matter has been concluded, however the impact on the
family has been catastrophic, the events of which have totally
destructive.

Marital difficulties and managing my wife's illnesses and
subsequent behaviour over the last two years has massively
impacted on the business, family and general life.

As a result of the ongoing problems, my estranged wife's
health difficulties and subsequent behaviours, I am solely
responsible for both of my daughters. I must take their
wellbeing into account first and foremost

I have held a personal licence for 17 years, have never sold to
underage, taken my responsibilities as a personal licence
holder and previous dps with the seriousness they required.

You,as officers will be aware of the amount of test purchases
which have been undertaken throughout the time I have been
running the premises, which will confirm the above .

Since transferring the premises licence and dps responsibility,
in 2023 the business has been running smoothly.

My eldest daughter has decided to branch out to go to study in
Canada, leaving me in charge of my younger daughter who is
attending secondary school .

This in itself proves problematic as she has undertaken the
responsibility of running and being the named dps.

My wife and I have had the responsibility of running a
licensed premises for 17 years however assessing the current
situation I find myself and my daughters are currently in I
have taken the decision to sell my shop, I am unable to carry
on working within the sector and parenting whilst dealing
with the break up of my marriage and the weight of the
responsibility of a licensed premises.

There has been a transfer of licence application made to the
authority by the new owner, along with a variation of dps.

I have taken this course of action as I am aware of my
responsibilities all round and feel taking these steps are the
most sensible and productive moving forward.

Please accept my this statement not as an excuse, but as an
explanation of the circumstances around the incident of 12th
March 2024.

Signed
Dated
21.9.2024

21.9.2024

LOCAL AUTHORITY



benfleet | canvey | hadlelgh | thundersley

Licensing Department
 Castle Point Borough Council
 Council Offices, Kiln Road,
 Thundersley, Benfleet,
 Essex SS7 1TF
 Te [REDACTED]

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMIER BENFLEET CONVENIENCE STORE

263 HIGH ROAD, BENFLEET, ESSEX, SS7 5HA.

Telephone [REDACTED]

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	6:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	6:00am	10:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
HAVERHILL SERVICE STATION LTC STURMER ROAD, HAVERHILL, SUFFOLK, CB9 7UU. Telephone [REDACTED]	
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)	
HAVERHILL SERVICE STATION LTC	09183725
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL	
NADARAJAH SASIKUMAR [REDACTED]	
PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL	
Licence No. [REDACTED]	Issued by Hillingdon

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

1. No sale of alcohol may be made under the Premises Licence:

a) at a time when there is no Designated Premises Supervisor in respect of the premises licence; or

b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(3) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. ALCOHOL SHALL NOT BE SOLD IN AN OPEN CONTAINER OR BE CONSUMED IN THE LICENSED PREMISES.

2. THE LICENSEE SHALL OPERATE A "CHALLENGE 25" SCHEME ON THE PREMISES WHEREBY THOSE PERSONS ATTEMPTING TO BUY ALCOHOL WHO APPEAR TO BE UNDER THE AGE OF 25 YEARS OF AGE WILL BE REQUIRED TO PROVE THEY ARE 18 YEARS OF AGE OR OLDER. ACCEPTABLE PROOF OF AGE SHALL CONSIST OF A PASSPORT, UK PHOTOGRAPHIC DRIVING LICENCE OR PROOF OF AGE CARDS WITH A "PASS" LOGO.

3. CLEAR AND LEGIBLE SIGNS BE DISPLAYED ADVISING PATRONS WHO APPEAR TO BE UNDER 25 YEARS OF AGE THAT THEY SHALL BE REQUIRED TO PROVE THEY ARE AT LEAST 18 YEARS OF AGE.

4. A REFUSAL BOOK SHALL BE KEPT ON THE PREMISES AND USED TO RECORD ALL REFUSALS OF SALES OF ALCOHOL. THE REFUSALS BOOK SHALL BE MADE AVAILABLE TO POLICE OR LICENSING AUTHORITY OFFICERS UPON



ANNEXES continued...

REQUEST.

5. THE LICENSEE SHALL ENSURE THAT ALL STAFF ARE ADEQUATELY TRAINED ON THE OPERATION OF THE "CHALLENGE 25" SCHEME AND OTHER RELEVANT MATTERS PERTAINING TO LICENSING.

6. WRITTEN STAFF TRAINING RECORDS FOR ALL STAFF ENGAGED IN THE SALE OF ALCOHOL SHALL BE MAINTAINED BY THE LICENSEE ON THE PREMISES.

7. A WRITTEN INCIDENT RECORD SHALL BE MAINTAINED AT THE PREMISES TO RECORD ALL INCIDENTS IN RESPECT TO CRIME AND DISORDER. THE INCIDENT RECORD SHALL BE AVAILABLE TO POLICE UPON REQUEST.

8. THE LICENSEE SHALL INSTALL AND MAINTAIN AN EFFICIENT CLOSED CIRCUIT TELEVISION (CCTV) SURVEILLANCE SYSTEM. ALL RECORDINGS WILL BE IN REAL TIME.

9. A MEMBER OF STAFF WILL ALWAYS BE ON DUTY WHO IS TRAINED TO DOWNLOAD AND TRANSFER IMAGES FROM THE CCTV RECORDING WHEN REQUESTED TO DO SO BY THE POLICE.

10. THE LICENSEE SHALL ENSURE THAT IMAGES RECORDED BY THE CCTV ARE RETAINED FOR A MINIMUM OF 30 DAYS.

11. A SUITABLY WORDED SIGN OF SUFFICIENT SIZE AND CLARITY SHALL BE DISPLAYED AT THE ENTRANCE TO THE PREMISES, AND IN THE ALCOHOL DISPLAY AREA, ADVISING PATRONS THAT CCTV IS OPERATING WITHIN THE PREMISES.

12. COMMERCIAL RUBBISH BINS SHALL NOT BE USED OR EMPTIED BETWEEN 20:00HRS AND 09:00HRS THE FOLLOWING DAY.

ANNEXES continued ...

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Conditions yet to be entered.



Designated Licensing Officer



Premises Licence Summary

LOCAL AUTHORITY



Licensing Department
 Castle Point Borough Council
 Council Offices, Kiln Road,
 Thundersley, Benfleet,
 Essex SS7 1TF
 Tel: [REDACTED]

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

PREMIER BENFLEET CONVENIENCE STORE

263 HIGH ROAD, BENFLEET, ESSEX, SS7 5HA.

Telephone [REDACTED]

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	8:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	10:00pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

HAVERHILL SERVICE STATION LTC

STURMER ROAD, HAVERHILL, SUFFOLK, CB9 7UU.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

HAVERHILL SERVICE STATION LTC

09183725

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

NADARAJAH SASIKUMAR



Licensing Act 2003

CPBC/LU/400

Premises Licence Summary

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

CHILDREN ARE NOT RESTRICTED OR PROHIBITED FROM ACCESS TO THE PREMISES



Designated Licensing Officer



