



Cambridge City Council Licensing Sub Committee

Date: Monday, 22 April 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 - 166)

Information for the public

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

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

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Those wishing to address the meeting will be able to do so virtually via Microsoft Teams, or by attending to speak in person. You must contact Democratic Services democratic.services@cambridge.gov.uk with a completed LAR1 Form that would have been sent to you via 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 Immigration Enforcement Alcohol Licensing at the Home Office. The application was served on Cambridge City Council (the Licensing Authority) and the premises licence holder, Mrs Priyamwatha Mariflo on the 14th February 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 13th March 2024.
- 1.4 Representations were received from 2 Responsible Authorities, Trading Standards and Cambridge City Council acting as the Licensing Authority. The representations are attached to the report as Appendix B.
- 1.5 The initial hearing scheduled for Monday 8th April 2024 was adjourned.
- 1.6 On the 4th April 2024, information and a statement was provided by the Premises Licence holder. This has been attached to the report as Appendix D.
- 1.7 On the 4th April 2024, an application was received to transfer the premises licence to Akshayam Limited. The application was to take immediate effect. The application was forwarded to the Police, who had until the 18th April 2024 to make any objection. The application is attached to the report as Appendix E.
- 1.8 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 has been the premises licence holder and Designated Premises Supervisor from this date and throughout the life of the premises licence. A copy of the premises licence at the time of the review application is attached to the report as Appendix C.
- 3.2 On the 4th April 2024 an application was received to transfer the premises licence to Akshayam Limited. A copy of the current premises

licence is attached to the report as Appendix F.

- 3.3 A history of any complaints associated with the premises, has been detailed in the Licensing Authorities representation, which can be found in Appendix B.
- 3.4 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 Premises Licence (Parts A and B) at the time of the review being submitted.

Appendix D – Statement from previous premises licence holder and other information

Appendix E – Application to transfer premises licence.

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

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: 19th March 2024

Last updated: 10th April 2024

Licensing Authority: Cambridge City Council
By email: licensing@cambridge.gov.uk

**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.

I Home Office Immigration Enforcement

apply for the review of a premises licence under section 51 / apply for the review of
a club premises certificate under section 87 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) Priyamwatha Mariflo	
Number of premises licence or club premises certificate (if known) PRECAM 000531	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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 ✓ yes

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

Home Office
Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Telephone number (if any)

E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

Grounds for review:

We have grounds to believe the license holder has failed to meet the licensing objectives of prevention of crime and disorder, as illegal working has been identified at this premises.

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications. In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working.

Please provide as much information as possible to support the application (please read guidance note 3)

Please refer to accompanied review pack for detailed information

Please tick ✓ yes

Have you made an application for review relating to the premises before?

If yes, please state the date of that application

Day	Month	Year

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

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant, please state in what capacity.

Signature

[Redacted Signature]

Date

14 February 2024

Capacity

Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Alcohol Licensing Team Lunar House 40 Wellesley Road	
Post town Croydon	Post Code CR9 2BY
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Home Office

Premises Licence Review

Luxa Sparkles
103 Cherry Hinton Road
Cambridge
CB1 7BS

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Case Summary

On 20 November 2023, East of England Immigration Compliance and Enforcement (ICE) team visited the premises of Luxa Sparkles, 103 Cherry Hinton Road, Cambridge CB1 7BS over concerns that the business was employing an illegal worker named [REDACTED] who also resided at the shop. Entry was gained to the premises under Section 179 Licensing Act 2003.

The only worker present at the business was a male who was observed working behind the counter and serving a customer. He was found to have no permission to work and was arrested by immigration officers.

A referral has been made to the Civil Penalty Compliance Team in relation to the illegal working and the relevant authorities have been informed in relation to illegal items found for sale behind the counter.

In addition to illegal working, officers found illegal vapes, nitrous oxide for sale, non-UK duty paid cigarettes and alcohol being provided on credit.

Licensed Premises History

The premises is licensed by Cambridge City Council for the supply of alcohol, Licence No: PRECAM 000531. This licence was issued on 10 December 2007.

The licensee and Designated Premises Supervisor are recorded as being Mrs Priyamwatha MARIFLO of [REDACTED]

Companies House records show that the business is listed as LUXSHINII LTD (11960403) with the sole director given as Priyamwatha MARIFLO, born November 1980.

Enquiries with the local authority prior to the enforcement visit showed that Luxa Sparkles is also known to have sold vape products to an underaged individual following a test purchase by Trading Standards officers.

Enforcement Visit: 20 November 2023

Upon entering the premises at approximately 17:30hrs, immigration officers encountered only one person working in the premises, who was located behind the counter and was observed serving a customer. When officers spoke to him, he immediately stated that he was not working.

████████████████████
The person encountered identified himself as ████████████████████ also known as "██████". Home Office checks revealed that he had entered the UK illegally by small boat in May 2022 and had an outstanding claim with no permission to work.

He later stated that Mrs Mariflo (the owner) and her husband had allowed him to move into accommodation above the shop 20 days ago, and that he had been working in the shop for 10 days during that time; and that CCTV would confirm this. ██████████ stated that Mariflo had shown him how to use the till but admitted that he had not had any training in the sale of alcohol or age restricted products.



Image of ████████████████████ encountered behind the till.

Priyamwatha MARIFLO

Shortly after the arrest of [REDACTED], the licensee Mariflo arrived at the premises and was spoken to by officers. Mariflo stated that the business is in her name and she is also listed as the DPS for the premises. Mariflo stated that [REDACTED] does not work at the premises but would shadow her working behind the till as he wanted to learn English.

She disputed [REDACTED] claim that he lived at the shop and said that he lived with her at her family home. She claimed that there is no accommodation upstairs linked to the property although she was aware that her husband goes upstairs. Mariflo stated that they do not pay [REDACTED] for him being at the premises and helping. Mariflo admitted that she had not conducted any Right to Work checks for [REDACTED] as she was aware of his immigration status.

Whilst Mariflo denied [REDACTED] was working at the premises it was evident to officers that [REDACTED] was serving customers in the shop and was the only person in charge of the premises when officers entered.

Additional Concerns

Officers also raised the following concerns:

Vapes over the legal limit were on sale.

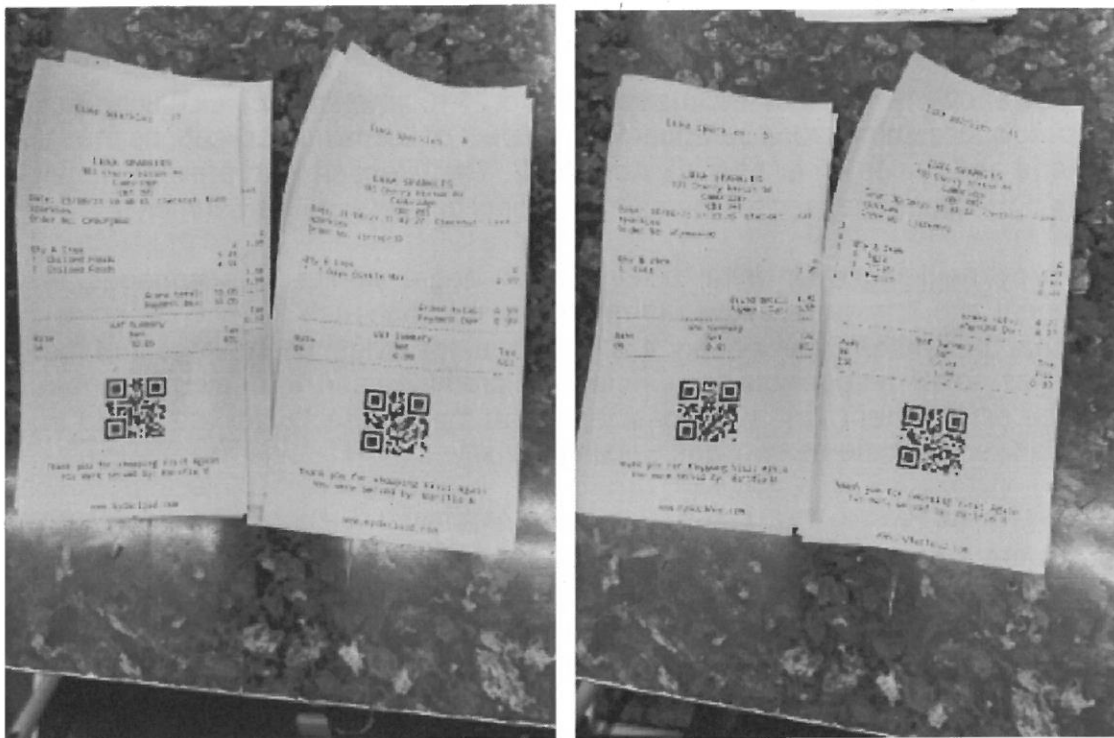


The vapes shown above contain in excess of 600 puffs. The branding advertises that they contain "10k puffs" (10,000 puffs).

Nitrous oxide cannisters and the counter sleeves of cigarettes without UK duty being paid on them were located behind the counter.



Photograph taken behind the counter. It shows nitrous oxide cannisters (yellow) and a Benson & Hedges branded sleeve of cigarettes without UK duty paid markers (red).



Images of receipts found in pouches behind the counter.

During the search conducted officers also uncovered a pouch of receipts headed "████". When officers questioned Mariflo (license holder) about the receipts, she replied:

"It's some regular customer that borrows things. Like this Robert guy he comes to get beer and then when he has money he comes and pays me when he gets paid."

Although no receipts showing the sale of alcohol were found at this time. It is concerning that the license holder has been providing alcohol (beer) on credit.

Reasons for Review

Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 06 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

Whether by negligence or wilful blindness an illegal worker was engaged in employment and licensable activity on the premises. Although the license holder denied that the person was working. It is clear from the evidence provided that the person was solely responsible for running the premises and the sale of alcohol during the enforcement visit. It is considered that the license holder attempted to deceive officers that the person was working illegally.

It is a simple process for an employer to ascertain what documents they should check before a person can work. All employers are dutybound by law to conduct these checks if they wish to avoid being penalised if found to have employed someone who is prohibited from working; and guidance can be found on the gov.uk website or by using a search engine. Additional information on how to conduct these checks is available online, this includes the Home Office's official YouTube page. The license holder could have prevented the illegal working by conducting a simple check of documents, which the worker could never have satisfied. The worker had a claim to remain in the UK and would have been issued an Application Registration Card (ARC), this would have clearly stated that they do not hold the right to work.



Example of an ARC card where work is not permitted.

It is an offence to work when a person is disqualified to do so, and such an offence can only be committed with the co-operation of a premises licence holder or its agents. It is also an offence to employ an illegal worker where there is reason to believe this is the case.

During a recent test purchase made by Trading Standards at the premises, vape products were sold to an underage individual. Despite this the license holder continues to conduct illegal activities within the business as they were found to have illegal vapes for sale, excise goods which have no duty paid on them and nitrous oxide cannisters behind the counter.

From 08 November 2023, the law was changed to bring nitrous oxide (if it is, or likely to be, wrongfully inhaled) under the Misuse of Drugs Act 1971 as a Class C drug. The law makes possession an offence where its intended use is to be wrongfully inhaled. In this case, the license holder had kept nitrous oxide cannisters behind the counter and the Home Office is concerned that the sale of these cannisters could have taken place without due regard to the intended use by the consumer. The illegal worker had admitted to not being trained on age restricted products and could therefore have been selling the cannisters to be misused.

Trading Standards have previously evidenced that sales of age restricted products have wrongly occurred at the premises. A test purchase was carried out on 22 August 2023 where a vape was sold to an underage volunteer. When officers returned to the premises following the sale, they spoke to [REDACTED] who was in charge of the premises. Mariflo was interviewed on 25 September 2023 in relation to the sale and she stated to officers that [REDACTED] was not working and helping despite being left in charge of the premises. It is evident that [REDACTED] was working at the premises as he was solely responsible for running of the premises in both instances when visits were conducted. The license holder attempted to deceive officers on both occasions stating that he was "helping".

Immigration officers also found tobacco behind the counter (alongside the nitrous oxide), this tobacco did not have the UK duty paid markers. The Licensing Act 2003 at section 144 refers to smuggled goods.

144 Keeping of smuggled goods

- (1) A person to whom subsection (2) applies commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

This section provides that it is an offence knowingly to keep or allow to be kept, on relevant premises, any unlawfully imported goods or goods on which duty has not been paid.

During their investigations, immigration officers noted that the premises had retained a number of till receipts. When questioned, the license holder said that a customer "borrows" items and pays them back when he has money. The license holder stated that the customer "comes to get beer". Providing alcohol on credit would not be considered best practise as this promotes drinking.

In addition, there were no license details displayed at the premises either. This is the bare minimum expectation of a license holder.

Section 182 guidance at point 11.27 states that certain activity should be treated particularly seriously, and this includes employing someone who is disqualified from that work by reason of their immigration status in the UK and for the sale or storage of smuggled tobacco and alcohol. 11.28 of the guidance states that it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Immigration Enforcement submits that for commercial reasons those engaged in the management of the premises employed an illegal worker. What is of greatest concern is that the illegal worker in this case was the only member of staff present at the business and therefore had sole responsibility for the supervision of sales of restricted items such as alcohol and tobacco or vapes.

Whilst Immigration Enforcement do not automatically seek a review of a premises licence, the particulars of this case suggest strongly that a warning or other activity falling short of a review is inappropriate; therefore, Immigration Enforcement has proceeded to a review.

Outcome Sought

The objective of the Licensing Act 2003 (the Act) is to provide a clear, transparent framework for making decisions about applications by individuals or businesses wishing to sell or supply alcohol or provide certain types of regulated entertainment and late-night refreshment.

There are four licensing objectives which underpin the Act, and which need to be taken into account and promoted throughout the licensing process.

The licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

The license holder would have been aware of her responsibilities to uphold the licensing objectives as they are clearly defined as part of the premises license application. In this particular case the license holder (who is also the DPS) admitted that they were aware that the employee did not hold the Right to Work, but still decided to leave him in charge of the premises with the responsibility of sale of alcohol and restricted items. We have outlined the additional concerns regarding vapes, nitrous oxide and providing alcohol on credit. The storage and potential sale of smuggled tobacco is another compounding factor. The 'protection of children from harm' licensing objective has also been undermined as the illegal worker who was in charge of the premises had not received training on the sale of age restricted products and sold a vape to an underage individual during a test purchase. It can be argued the illegal worker therefore could not have effectively protected children from harm associated with alcohol, vapes and nitrous oxide.

Immigration Enforcement asks that the premises licence is revoked. Merely remedying the existing situation (for instance by the imposition of additional conditions or a suspension) is insufficient to act as a deterrent to the licence holder and other premises' licence holders from employing illegal workers and facilitating disqualified immigrants to work illegally.

This submission and appended documents provide the licensing subcommittee with background arguments and information pertinent to that contention. These provide the sub-committee with a sound and defensible rationale as to why it should revoke the licence.

Appendix – Supporting Evidence

Encounter [REDACTED] -Complete

Illegal Working-Employee [REDACTED]

Illegal Working-Employer Priyamwatha Mariflo [REDACTED]

Freetext Vapes [REDACTED] -Completed

Freetext Nos cannisters [REDACTED] -Completed

Freetext Receipts in pouch headed [REDACTED] -Completed

Encounter

Details

Type of work	Visit		
Visit reference	[REDACTED]		
Created by	[REDACTED]		
ProntoID	[REDACTED]		
Time	17:36		
Created at geolocation	Easting	546490	
	Northing	256648	
Creation date	20-11-2023 17:36:22		

Chosen Identity

Identity source/type	Declared		
Name	[REDACTED]		
DOB	[REDACTED]		
Gender	Male		
Nationality	[REDACTED]		

Languages

Languages spoken	[REDACTED]		
Interpreter used?	Yes		
Interpreter details	[REDACTED]		
Does the individual understand the interpreter?	Yes		

Encounter

Encountering officer	[REDACTED]		
Is this encounter related to a Small Boats event?	No		
Is this person the subject of the visit?	No		
Do you suspect an immigration offence?	Yes		
Why do you suspect the person of an immigration offence?	Whilst entering the premises, the individual was seen working behind the counter serving a customer. When we went to talk to him, immediately stated he wasn't working.		
Declared immigration status	Illegal entrant [REDACTED] case. Signing.		
How and when did the subject last enter the UK?	2021		

Do you know the subject's CIDPID/CEPR?	Yes								
CIDPID/CEPR	████████								
Are there any vulnerabilities/trafficking/safeguarding issues?	No								
Is the subject considered a 'rough sleeper'?	No								
Where in the premises was the subject located?	Serving a customer from behind the counter								
Are you taking enforcement action?	Yes								
References (Person ID, HO Ref, Port Ref, BRP)									
Biographic search results	<table border="0"> <tr> <td>Systems checked</td> <td>Person Check</td> </tr> <tr> <td>Result of checks</td> <td>Person checks show arrived on a small boat. Asylum still outstanding.</td> </tr> <tr> <td>Status returned by system checks</td> <td></td> </tr> </table>	Systems checked	Person Check	Result of checks	Person checks show arrived on a small boat. Asylum still outstanding.	Status returned by system checks			
Systems checked	Person Check								
Result of checks	Person checks show arrived on a small boat. Asylum still outstanding.								
Status returned by system checks									
Identity Documentation									
Document 1	<table border="0"> <tr><td>Document type</td></tr> <tr><td>Name in document (if different from above)</td></tr> <tr><td>Document reference</td></tr> <tr><td>Document expiry date</td></tr> <tr><td>Country of issue (if different from nationality above)</td></tr> <tr><td>Suspected fraudulent</td></tr> <tr><td>Notes</td></tr> <tr><td>Photos</td></tr> </table>	Document type	Name in document (if different from above)	Document reference	Document expiry date	Country of issue (if different from nationality above)	Suspected fraudulent	Notes	Photos
Document type									
Name in document (if different from above)									
Document reference									
Document expiry date									
Country of issue (if different from nationality above)									
Suspected fraudulent									
Notes									
Photos									
Notes									
No notes entered.									

Illegal Working - Employee

Details

Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
ProntoID	[REDACTED]
Subject CIDPID/CEPR	[REDACTED]
Subject name	[REDACTED]
Subject DOB	[REDACTED]
Subject nationality	[REDACTED]
Subject gender	Male
Time	18:10
Created at geolocation	Easting 546490 Northing 256648
Creation date	20-11-2023 18:10:28

Language of Interview

What language is the interview carried out in?	[REDACTED]
Interpreter used?	Yes
Details of interpreter	[REDACTED]
Does the individual understand the interpreter?	Yes

Obligation

How long have you been working at this business?	States not working. Although seen working on entry. States was just looking after the shop for 10mins
who asked you to look. After the shop	Points to lady who has entered the shop and claims to be the owner
how do you know her	She is wife of my relative, my uncle
do they allow you live above the shop	Yes
what is that lady's name	I don't know her name
what is your uncles name	Mariflo
do you help out in the shop if they need your help	I may stay half an hour and help clean up the shop every day I come.

Control	
No details provided.	
Remuneration	
does he have to pay to live upstairs above the shop	No
when you help out do they give you any money or food?	Yes they give me food but no money
why does the lady in the shop know you as [REDACTED]	She calls me [REDACTED]
Pre-employment Checks	
No details provided.	
Additional Questions	
when you help out and use the till have you received any training	No
how does he know how to use till, who showed you how to use it?	The lady owner in the shop showed me She showed me 3 days ago
how long has he lived upstairs?	For 20 days
In the shop are some pouches with receipts in what are they? one is labelled [REDACTED]	I don't know, I do buy food in the shop
how do you get your money	Friends and uncle give me money, they gave me £50 just the once
if we were to check the CCTV would we see him working	Yes
in the the last 20days since he claimed he arrived how many days would we see him working on the CCTV	10 days
has he had any training in regards to the sale of Alcohol	No

Photographs

No photographs.

Declaration

I confirm that I have understood all the questions and that the details are true and correct.

Interviewee signature

[REDACTED]

[REDACTED]



20-11-2023 18:37:34

Observations

Observations

On entry to the premises, he was the only person in the shop. He was seen behind the till serving a customer who used a debit card. States he has had no training to use the till or to serve alcohol in the shop.

Do you suspect this person of illegal working?

Yes

Photo 1



Caption

Photo

Management Checks Complete

Date management checks complete 28-11-2023 15:51:50

Reviewer(s) [Redacted]

Illegal Working - Employer

Details

Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Prontold	Priyamwatha Mariflo - [REDACTED]				
Subject CIDPID/CEPR	Unknown				
Employer	Priyamwatha Mariflo				
Subject DOB	[REDACTED]				
Subject nationality	[REDACTED]				
Subject gender	Female				
Time	18:06				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>546488</td> </tr> <tr> <td>Northing</td> <td>256642</td> </tr> </table>	Easting	546488	Northing	256642
Easting	546488				
Northing	256642				
Creation date	20-11-2023 18:05:00				

Language of Interview

What language is the interview carried out in?	English
Interpreter used?	No

Employer Details

What is your position here?	The business is in my name but its my husbands business
what's your husbands name	Mariflo [REDACTED]
what's the name of this business	Luxshinii limited
who was in present in this premises	[REDACTED] is ny husbands friend asked him to look after the shop I call him [REDACTED] the guy that is stood there.
what was [REDACTED] doing here	He came with me, [REDACTED] was working, I askee him to stay whilst I went to tennis David Lloyd
does [REDACTED] work for you	No he has pysological problems and he wants to learn English and I bring him here
you said that you have [REDACTED] documents	Yes [REDACTED] lives with me so I have it there, his immigration paperwork and doctors.
do you have his passport	No he doesn't have one
I'm going to out it to you this individual works here as when officers arrived the individual you state as	He doesn't work here, he shadows me behind the till as he wants to learn English, so I sometimes bring him here. Only the last week or 10 days he has been. When my husband goes to thw cash and carry he will help bring in the goods to the shop.

█ was behind the till and served a customer	
who opens the shop	Me i open it then I leave at 14.00 and then my husband comes at 15.00 so sometimes I have to close the shop, but sometimes █ will stay here in the shop
what are the plans for the shop as you said your husband has gone to Sri Lanka	My brother is coming tomorrow to help out
behind the counter there are a series of pouches that have receipts what are these for?	It's some regular customer that borrows things
what are these receipts for	Like this Robert guy he comes to get beer and then when he has money he comes and pays me when he gets paid.
you don't pay █ for being here and helping	No I dont pay him but he can have a drink here. He asked me to help pay for the lawyers but it's my husbands friend so I don't ask for anything.
so █ also lives with you	Yes he does he stays with us as he has pychological issues like wakes up during the night ect
how does he support and pay for stuff then?	Food and drink he has with us but other thints like clothes I don't know.
so █ helps and lives with you, is there any accommodation linked to this premises?	No
upstairs do you own or have any control over the property upstairs	No
what about your husband	I don't know, but I know he goes upstairs
so the premises has nothing to do with the accommodation upstairs?	No
is this premises leased	Yes
is there any way of getting through the shop to the upstairs department	No
how long have you had this buisness	Since 2007, it was previously luxe sparkles and it changed in 2015
and who is the designated premises supervisor	Me
and do you have it on you or anywhere in the shop that you are the dps?	No I dont have it on me and I'm not sureif they are on the shop as its with my husband. I would have to look
who usually workes here	Me, my husband, brother and █ sometimes
there is noone else formally employed other than you and your husband	Just me and my husband
you are aware of █ immigration status	Yes

did you conduct any checks on [REDACTED] before letting him help here	No because I know about his immigration status, because we are helping him with the solicitors
but he's asked to help pay for the immigration solicitor	Yes but I don't know if my husband has
so [REDACTED] lives with you and where is it?	Yes he does and its [REDACTED]
[REDACTED] has told officers that you allow him to love in the premises upstairs?	No, I don't. I don't know about upstairs my husband goes up there and talks with friends
but he has said he lives upstairs and not with you	No I dont know he lives with me
does he have a key to your family home	No if he goes outside we will give him the key but he doesn't go outside

Declaration by Employer

I confirm that I have understood all the questions and that the details are true and correct.	
Subject has refused to provide a signature.	
Employer read the contents of the interview themselves	Yes
Contents read back to the employer in the language used during the interview	Yes

Observations

Observations	Made an admission when the referral notice for civil penalty was served that she was disappointed in [REDACTED] the staff memeber. But also stated that at one point [REDACTED] had gone on the till and she told him that he shouldn't as he's not allowed.
--------------	--

Management Checks Complete

Date management checks complete	30-11-2023 16:10:20
Reviewer(s)	[REDACTED]

Freetext	
Details	
Type of work	Visit
Visit reference	[REDACTED]
Created by	[REDACTED]
Address	LUXA SPARKLES, 103 Cherry Hinton Road, Cambridge , Cambridgeshire, CB1 7BS (Visit Address)
Subject CIDPID/CEPR	Unknown
Subject name	Vapes
Time	17:48
Created at geolocation	Easting 546495 Northing 256632
Creation date	20-11-2023 17:48:03
Is this entry related to a Critical Incident?	No
Entry	
Title	Vapes
Text	Vapes for sale at the back of the counter in excess of 600 puffs.

Photographs

Vapes



Exhibit Ref

CC/02

Freetext					
Details					
Type of work	Visit				
Visit reference	[REDACTED]				
Created by	[REDACTED]				
Address	LUXA SPARKLES, 103 Cherry Hinton Road, Cambridge, Cambridgeshire, CB1 7BS (Visit Address)				
Subject CIDPID/CEPR	Unknown				
Subject name	Nos Cannisters				
Time	17:46				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>546491</td> </tr> <tr> <td>Northing</td> <td>256643</td> </tr> </table>	Easting	546491	Northing	256643
Easting	546491				
Northing	256643				
Creation date	20-11-2023 17:45:32				
Is this entry related to a Critical Incident?	No				
Entry					
Title	Nos cannisters				
Text	Nos cannisters behind the counter.				

Photographs

NOS cannisters



Exhibit Ref

CC/01

Freetext					
Details					
Type of work	Visit				
Visit reference	██████████				
Created by	██████████				
Address	LUXA SPARKLES, 103 Cherry Hinton Road, Cambridge , Cambridgeshire, CB1 7BS (Visit Address)				
Subject CIDPID/CEPR	Unknown				
Subject name	Receipts				
Time	17:52				
Created at geolocation	<table border="0"> <tr> <td>Easting</td> <td>546497</td> </tr> <tr> <td>Northing</td> <td>256623</td> </tr> </table>	Easting	546497	Northing	256623
Easting	546497				
Northing	256623				
Creation date	20-11-2023 17:52:01				
Is this entry related to a Critical Incident?	No				
Entry					
Title	Receipts in pouch headed '██████████'				
Text					

Photographs

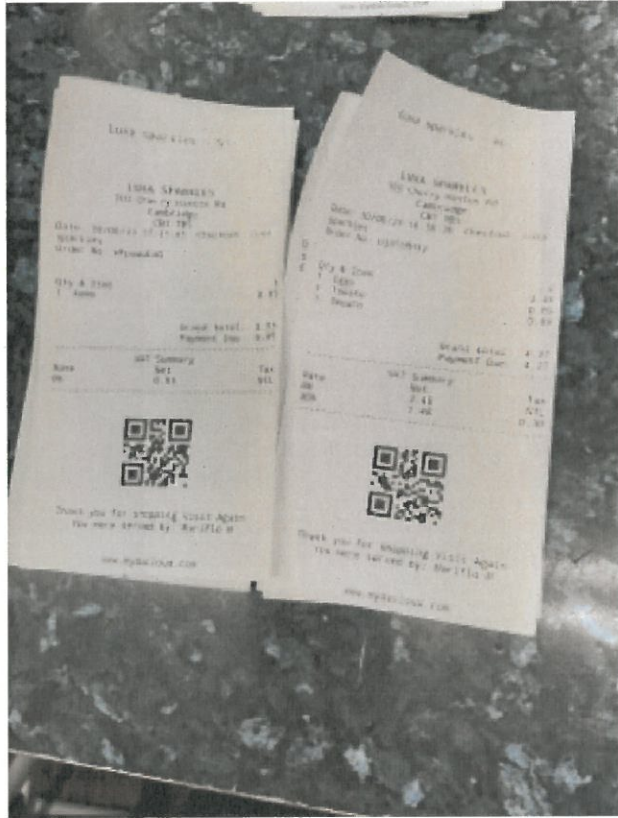
1



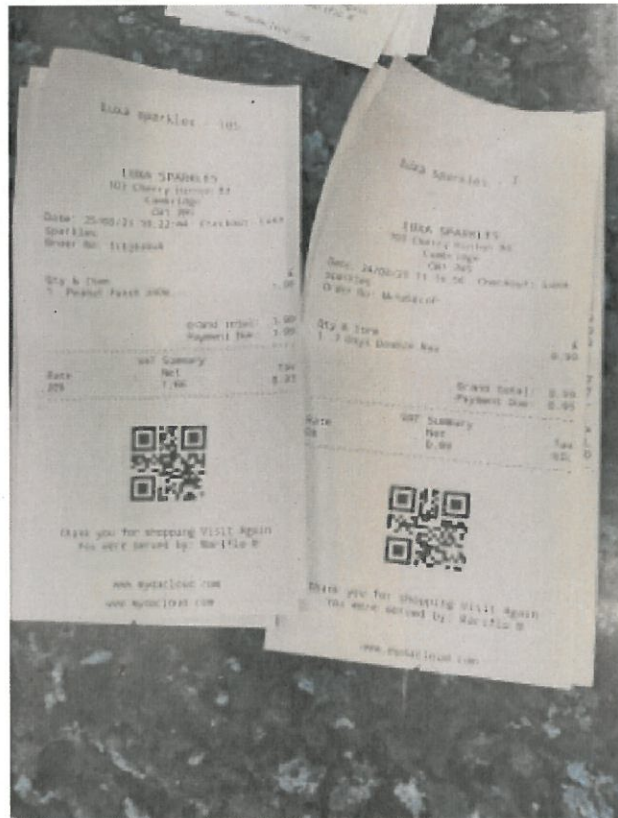
2



3



4



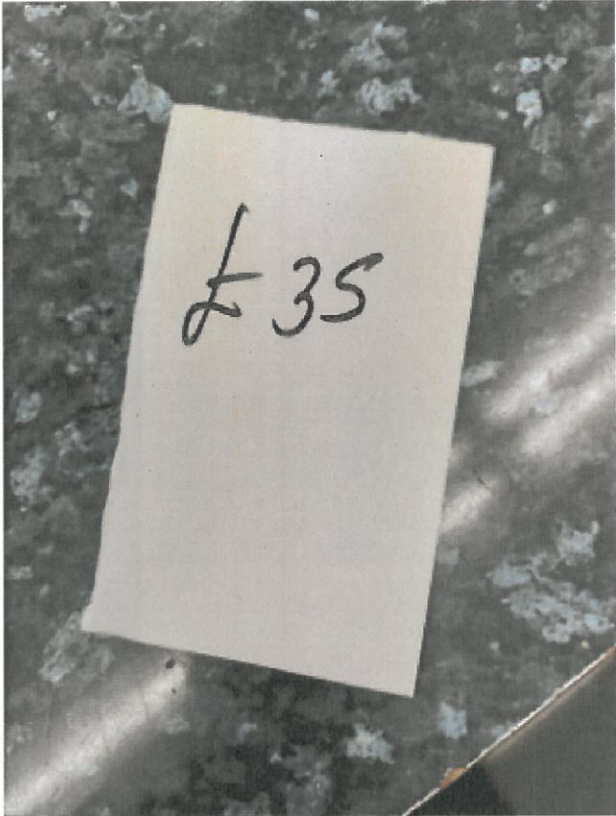
5



6



7



E-Mail: [REDACTED]
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 [REDACTED] 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

E-Mail: [REDACTED]
Textphone/minicom: [REDACTED]
Our Ref: [REDACTED]

Sparkles
103 Cherry Hinton Road
Cambridge
CB1 7BS

Cambridgeshire and Peterborough
Trading Standards
PO Box 450
Great Cambourne
Cambridge
CB23 6ZR

27 June 2022

Dear Sir/Madam

Cambridgeshire & Peterborough Trading Standards have seen an increase in complaints made to us concerning the sale of age restricted items to underage persons. The most regular underage sales complaints we receive are about the sale of alcohol and tobacco & nicotine inhaling devices (vapes). As we are seeing a steady rise in such complaints, we hope the following information is a useful reminder of the types of products which have age restrictions attached to them. There is also some advice and sources of support included to assist you in identifying any areas of your business activity that may require amendment or correction.

Alcohol

Everyone involved in sales from on-licensed and off-licensed premises should be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children. It is one of the four licensing objectives.

It is essential that you keep within the law and have systems in place that will act as a legal defence to an allegation that an underage sale of alcohol has taken place. If you do sell alcohol to an individual who is under 18 you could be prosecuted and fined, and your licence to sell alcohol could be at risk.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders, and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

It is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a legal defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

A penalty notice for disorder (PND) is a type of fixed penalty notice that can be issued by a Police Officer, Police Community Support Officer or an 'accredited person' to a person who sells alcohol to someone under 18. It is intended to provide a quick and effective means of dealing with certain types of offending - as an alternative to prosecution - and may be issued where the person making the sale is the bar person or member of staff (in off-licensed premises). The current penalty charge is £90.

A responsible authority, such as Police or Trading Standards, may ask the licensing authority to review the licence because of a problem at the premises related to any of the four licensing objectives. The licence

could be suspended or revoked. Other licensable activities and non-licensable activities are not affected by this suspension order.

Tobacco

'Tobacco' is defined as including cigarettes, any product containing tobacco for oral or nasal use (for example, snuff) and smoking mixtures used as a substitute for tobacco (for example, herbal cigarettes). 'Cigarettes' include cut tobacco rolled up in paper, tobacco leaf and other material in a form that is capable of being immediately used for smoking.

A 'tobacco product' is defined as "a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed".

The law states that it is an offence for any person to sell any tobacco products (including cigarette papers) to a person under 18, whether or not it was for their own use. This is a strict liability offence, which means the owner of the business can be held responsible as well as the member of staff who made the sale. If you are charged with this offence, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence. See below for more details on this defence.

Nicotine inhaling devices

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'e-cigarettes' or 'vapes' and the law covers both disposable and rechargeable types.

A person who sells a nicotine inhaling product to someone under 18 commits an offence. This is a strict liability offence; the owner of the business can be held responsible as well as the member of staff who made the sale.

Knives

Under the Criminal Justice Act 1988 it is an offence for any person to sell the following bladed articles to someone under the age of 18:

- knife, knife blade or razor blade
- axe
- other article that has a blade or is sharply pointed, and is made or adapted for use for causing injury to the person

The Act does not interpret these categories any further, but it is expected that they include:

- any kitchen knife
- cutlery and bread knives
- butchers knives, including meat cleavers
- hobby knives and knives for trade use
- utility and survival knives
- trade tools, including those used for gardening and farming that fit the description of a knife
- cut-throat razors
- machetes and swords

The prohibition does not apply to:

- folding pocket knives, if the cutting edge of the blade is less than 7.62 cm (three inches)
- replacement cartridges for safety razors, where less than 2 mm of the blade is exposed

When an age-restricted bladed article is sold remotely (such as online or by phone) the package should be delivered into the hands of someone aged at least 18.

An age-restricted bladed article should not be delivered, nor arrangements made to deliver it, to a locker (for example, the type where the consumer would be given an access code to open the locker and collect

the product). This is because it would not be possible to verify the age of the person collecting the item from a locker.

Fireworks

The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F4 fireworks to the general public. The Regulations prohibit the supply of category F2 (outdoor use - confined areas) and category F3 (outdoor use - large open areas) fireworks to any person under 18. The Regulations prohibit the supply of category F1 (indoor use low-hazard low-noise - party poppers etc.) fireworks to any person under 16. An exception is made for Christmas crackers, which must not be supplied to any person under 12. Caps for toy guns are exempt from fireworks legislation.

Test purchasing exercises

In the near future Cambridgeshire & Peterborough Trading Standards will be undertaking test purchasing exercises for a range of age restricted products, including some listed above. We strongly recommend that you follow the key best practice features detailed in this letter.

Taking steps to prevent underage sales

If you sell age-restricted products to a person under the minimum legal age, you may commit an offence under the relevant law. The penalties can include a fine or even imprisonment. There are laws that give you a legal defence, which is often referred to as the 'due diligence' defence.

To make out a such a defence, you must prove that you took 'all reasonable precautions / all reasonable steps' and exercised 'all due diligence' to avoid committing an offence. This means that you are responsible for making sure that you and your staff do not sell age-restricted products to people under the minimum legal age. You can do this by setting up effective systems within your business.

These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best-practice features of an effective system include:

- **Age verification checks.** Verify the age of potential buyers by asking to see an identity card that bears the PASS hologram (the Proof of Age Standards Scheme (PASS) is the UK's national proof-of-age accreditation scheme supported by the Home Office, the Scottish Government, the Association of Chief Police Officers (ACPO), Police Scotland and the Chartered Trading Standards Institute (CTSI). The Scottish Government also endorses the Young Scot card
- **Challenge 21 / Challenge 25.** In England and Wales you can participate - or must participate as a licensing condition if you sell alcohol - in a scheme to carry out age verification checks on anyone who looks younger than 21 or 25.
- **Staff training.** Make sure your staff receive adequate training on underage sales. Keep a training record and make sure the training is regularly updated
- **Use of till prompts.** You can use prompts that appear on the till when an age-restricted product is scanned to remind staff to carry out age verification checks
- **Store layout, signage and CCTV.** Keep your age-restricted products where they can be monitored by staff. For example, fireworks stored on the shop floor must by law be kept in a secure cabinet. Ensure you have adequate signs to inform consumers of the minimum legal age to purchase. You are legally required to display notices for tobacco and fireworks
- **Keep and maintain a refusals register.** This means keeping a record (date, time, incident, description of potential buyer) where sales of age-restricted products have been refused. This helps to demonstrate that you actively refuse sales and have an effective system in place

Guidance

Further guidance can be found by visiting the Business Companion website <https://www.businesscompanion.info/>. Business Companion provides information for businesses and individuals that need to know about Trading Standards and consumer protection legislation.

You may find the links below useful:

<https://www.businesscompanion.info/en/quick-guides/underage-sales>

<https://www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products>

<https://www.businesscompanion.info/en/quick-guides/underage-sales/alcohol>

[Knives, other bladed items and corrosive substances | Business Companion](#)

Challenge 25 posters are available to download from our website:

<https://www.cambridgeshire.gov.uk/business/trading-standards/age-restricted-products>

I trust that you find this information useful.

Yours faithfully



Kirsty Draycott
Senior Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards

Telephone:
E-Mail:
Textphone/minicom:
Please ask for:

Sparkles
103 Cherry Hinton Road
Cambridge
CB1 7BS

Cambridgeshire and Peterborough
Trading Standards
PO Box 450
Great Cambourne
Cambridge
CB23 6ZR

03.02.2023

Dear Sir/Madam

Cambridgeshire & Peterborough Trading Standards have seen an increase in complaints made to us concerning the sale of age restricted items to underage persons. The most regular underage sales complaints we receive are about the sale of alcohol and tobacco & nicotine inhaling devices (vapes). As we are seeing a steady rise in such complaints, we hope the following information is a useful reminder of the types of products which have age restrictions attached to them. There is also some advice and sources of support included to assist you in identifying any areas of your business activity that may require amendment or correction.

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Everyone involved in sales from on-licensed and off-licensed premises should be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children. It is one of the four licensing objectives.

It is essential that you keep within the law and have systems in place that will act as a legal defence to an allegation that an underage sale of alcohol has taken place. If you do sell alcohol to an individual who is under 18 you could be prosecuted and fined, and your licence to sell alcohol could be at risk.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders, and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

It is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a legal defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

A penalty notice for disorder (PND) is a type of fixed penalty notice that can be issued by a Police Officer, Police Community Support Officer or an 'accredited person' to a person who sells alcohol to someone under 18. It is intended to provide a quick and effective means of dealing with certain types of offending - as an alternative to prosecution - and may be issued where the person making the sale is the bar person or member of staff (in off-licensed premises). The current penalty charge is £90.

A responsible authority, such as Police or Trading Standards, may ask the licensing authority to review the licence because of a problem at the premises related to any of the four licensing objectives. The licence could be suspended or revoked. Other licensable activities and non-licensable activities are not affected by this suspension order.

Tobacco

'Tobacco' is defined as including cigarettes, any product containing tobacco for oral or nasal use (for example, snuff) and smoking mixtures used as a substitute for tobacco (for example, herbal cigarettes). 'Cigarettes' include cut tobacco rolled up in paper, tobacco leaf and other material in a form that is capable of being immediately used for smoking.

A 'tobacco product' is defined as "a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed".

The law states that it is an offence for any person to sell any tobacco products (including cigarette papers) to a person under 18, whether or not it was for their own use. This is a strict liability offence, which means the owner of the business can be held responsible as well as the member of staff who made the sale. If you are charged with this offence, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence. See below for more details on this defence.

Nicotine inhaling devices

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'e-cigarettes' or 'vapes' and the law covers both disposable and rechargeable types.

A person who sells a nicotine inhaling product to someone under 18 commits an offence. This is a strict liability offence; the owner of the business can be held responsible as well as the member of staff who made the sale.

Knives

Under the Criminal Justice Act 1988 it is an offence for any person to sell the following bladed articles to someone under the age of 18:

- knife, knife blade or razor blade
- axe
- other article that has a blade or is sharply pointed, and is made or adapted for use for causing injury to the person

The Act does not interpret these categories any further, but it is expected that they include:

- any kitchen knife
- cutlery and bread knives
- butchers knives, including meat cleavers
- hobby knives and knives for trade use
- utility and survival knives
- trade tools, including those used for gardening and farming that fit the description of a knife
- cut-throat razors
- machetes and swords

The prohibition does not apply to:

- folding pocket knives, if the cutting edge of the blade is less than 7.62 cm (three inches)
- replacement cartridges for safety razors, where less than 2 mm of the blade is exposed

When an age-restricted bladed article is sold remotely (such as online or by phone) the package should be delivered into the hands of someone aged at least 18.

An age-restricted bladed article should not be delivered, nor arrangements made to deliver it, to a locker (for example, the type where the consumer would be given an access code to open the locker and collect the product). This is because it would not be possible to verify the age of the person collecting the item from a locker.

Fireworks

The Pyrotechnic Articles (Safety) Regulations 2015 prohibit the supply of category F4 fireworks to the general public. The Regulations prohibit the supply of category F2 (outdoor use - confined areas) and category F3 (outdoor use - large open areas) fireworks to any person under 18. The Regulations prohibit the supply of category F1 (indoor use low-hazard low-noise - party poppers etc.) fireworks to any person under 16. An exception is made for Christmas crackers, which must not be supplied to any person under 12. Caps for toy guns are exempt from fireworks legislation.

Test purchasing exercises

In the near future Cambridgeshire & Peterborough Trading Standards will be undertaking test purchasing exercises for a range of age restricted products, including some listed above. We strongly recommend that you follow the key best practice features detailed in this letter.

Taking steps to prevent underage sales

If you sell age-restricted products to a person under the minimum legal age, you may commit an offence under the relevant law. The penalties can include a fine or even imprisonment. There are laws that give you a legal defence, which is often referred to as the 'due diligence' defence.

To make out a such a defence, you must prove that you took 'all reasonable precautions / all reasonable steps' and exercised 'all due diligence' to avoid committing an offence. This means that you are responsible for making sure that you and your staff do not sell age-restricted products to people under the minimum legal age. You can do this by setting up effective systems within your business.

These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best-practice features of an effective system include:

- **Age verification checks.** Verify the age of potential buyers by asking to see an identity card that bears the PASS hologram (the Proof of Age Standards Scheme (PASS) is the UK's national proof-of-age accreditation scheme supported by the Home Office, the Scottish Government, the Association of Chief Police Officers (ACPO), Police Scotland and the Chartered Trading Standards Institute (CTSI). The Scottish Government also endorses the Young Scot card
- **Challenge 21 / Challenge 25.** In England and Wales you can participate - or must participate as a licensing condition if you sell alcohol - in a scheme to carry out age verification checks on anyone who looks younger than 21 or 25.
- **Staff training.** Make sure your staff receive adequate training on underage sales. Keep a training record and make sure the training is regularly updated
- **Use of till prompts.** You can use prompts that appear on the till when an age-restricted product is scanned to remind staff to carry out age verification checks
- **Store layout, signage and CCTV.** Keep your age-restricted products where they can be monitored by staff. For example, fireworks stored on the shop floor must by law be kept in a secure cabinet. Ensure you have adequate signs to inform consumers of the minimum legal age to purchase. You are legally required to display notices for tobacco and fireworks
- **Keep and maintain a refusals register.** This means keeping a record (date, time, incident, description of potential buyer) where sales of age-restricted products have been refused. This helps to demonstrate that you actively refuse sales and have an effective system in place

Guidance

Further guidance can be found by visiting the Business Companion website <https://www.businesscompanion.info/>.

Business Companion provides information for businesses and individuals that need to know about Trading Standards and consumer protection legislation.

You may find the links below useful:

<https://www.businesscompanion.info/en/quick-guides/underage-sales>

<https://www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products>

<https://www.businesscompanion.info/en/quick-guides/underage-sales/alcohol>

<https://www.businesscompanion.info/en/quick-guides/underage-sales/knives-other-bladed-items-and-corrosive-substances>

Challenge 25 posters are available to download from our website:

<https://www.cambridgeshire.gov.uk/business/trading-standards/age-restricted-products>

I trust that you find this information useful.

Yours faithfully



Cathy Inman
Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards

STATEMENT OF WITNESS

Criminal Procedure Rules, r16.2

Criminal Justice Act 1967, s. 9,

STATEMENT of

Age of Witness : Over 18

Occupation of Witness : Senior Trading Standards Officer & Accredited Financial Investigator

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 26th September 2023

(Signed) 

(Witnessed)

being unable to read the above statement

of

I, _____ read it to him before he signed it.

Dated the _____ day of _____ 20____

(Signed)

I, _____ am employed by Peterborough City Council as a Senior Trading Standards Officer & Accredited Financial Investigator within the Trading Standards Department. I am an authorised officer for the purposes of the Consumer Protection Act 1987, The Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015 and the Children and Young Persons (Protection From Tobacco) Act 1991 within the local authority boundaries of Cambridgeshire, Peterborough and Rutland.

On the 22nd August 2023 I was part of a "test purchase" exercise regarding the sale of prohibited goods to persons under the age of 18 with my colleagues _____

A volunteer under the age of 18 would be instructed to visit a number of different businesses and attempt to make a "test purchase" of an age restricted product (vape/cigarettes/alcohol) in the presence of a Trading Standards Officer.

At approximately 11:30am on the 22nd August 2023 I entered the business known as Sparkles at 103 Cherry Hinton Road, Cambridge, CB1 7BS and browsed the chilled products. Approximately 5 to 6 seconds later I observed the "volunteer" enter the store. My role was to discreetly observe any interactions that took place and to ensure the volunteers safety at all times.

At approximately 11:31am I watched the volunteer approach the shop counter, which was situated immediately to the right as you entered the shop doorway. The volunteer asked for "a blueberry vape" and pointed at the products on display. The shop assistant was a Asian/Indian male around 35-40 years of age, approximately 5ft 6" tall of medium build and was wearing a yellow T-Shirt. The shop assistant behind the counter simply said "this one" and placed a boxed vape approximately 12cm x 3cm x 2cm on the counter. I then observed the volunteer make a payment to the male, pick up the vape from the counter top and exit the premises.

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.

Statement of Witness

(Criminal Procedure Rules, r27

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

/CONTINUATION Page Number 2

TRADING STANDARDS SERVICE

I exited the premises 5 seconds later without making a purchase. Once a safe distance away from the premises I was informed by the volunteer that they had paid £8 for a "Blueberry Elf Bar 600". At this point I put the vape into an evidence bag and sealed it with unique seal number C0011262. I identify the vape as exhibit reference RE/01.

At approximately 11:45hrs [REDACTED] and I returned to Sparkles at 103 Cherry Hinton Road, Cambridge, CB1 7BS. We both produced our warrant cards and introduced ourselves to the shop assistant. I explained the purpose of our visit. That I had just observed the sale of a vape to person under the age of 18, as such we suspected there may have been a breach of The Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015.

The shop assistant (who made the sale) initially seemed evasive; however it soon became clear that he struggled to understand and speak English as it wasn't his native language. He provided his name as [REDACTED] dob [REDACTED] of [REDACTED]. He informed us that he had only been working at the shop for 2 weeks and the owner of the business was a Mr Mariflo Martyanayagam.

At this point [REDACTED] contacted the owner on his mobile telephone and passed the phone to my colleague and requested that we "talk to him". At this point [REDACTED] and I both introduced ourselves again via the mobile phone "speakerphone" function and explained the purpose of our visit following the sale.

My colleague completed the relevant paperwork and provided [REDACTED] with copies. I again 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 12:04hrs

[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.

From: Kirsty Draycott [REDACTED]
Sent: Monday, October 9, 2023 8:23 AM
To: [REDACTED]
Subject: Further underage sales complaint

Dear Mr Mariflo Mariyanayagam & Mrs Priyamwatha Marifolo

I have received a further complaint concerning the sale of alcohol from Luxa Sparkles to an underage person.

Please could you provide me with the CCTV footage from between 6pm and 7pm on Friday 29th September 2023 along with the refusals register entries for that day.

Many thanks
Kirsty

Kirsty Draycott
Senior Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards
[REDACTED]
[REDACTED]

Address:
Trading Standards
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
CB23 6EA

From: Luxa Sparkles [REDACTED]
Sent: Thursday, October 12, 2023 3:56 AM
To: Kirsty Draycott [REDACTED]
Subject: [REDACTED]

myda Business

Workboard 

LUXA SPARKLES

Rejection history

Last 7 days Last 30 days **Select dates**

26/09/2023 15:12	Lost Mary
Mariflo Mariyanayagam6937643548	
27/09/2023 11:10	Clipper
Mariflo Mariyanayagam8412765508	
29/09/2023 18:40	bh blue
Mariflo Mariyanayagam5000143902	
29/09/2023 20:05	Smirnoff 70cl
Mariflo Mariyanayagam54103169677	
01/10/2023	Glens
Mariflo Ma [REDACTED]	016840102



From: Kirsty Draycott [REDACTED]
Sent: Thursday, October 26, 2023 9:12 AM
To: Luxa Sparkles [REDACTED]
Subject: Re: [REDACTED]

Thank you for sending me the refusals register.

Do you have any update in relation to my request on the 9th October 2023 for the CCTV between the hours of 6pm and 7pm on Friday 29th September?

I am in receipt of a further complaint concerning the sale of alcohol to an under 18 at Sparkles. I will try and establish further details and come back to you about that one if I can establish the date and approximate time of the alleged sale.

Kind regards
Kirsty

Kirsty Draycott
Senior Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards
[REDACTED]

Address:
Trading Standards
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
CB23 6EA

From: Luxa Sparkles [REDACTED]
Sent: 12 October 2023 03:55
To: Kirsty Draycott [REDACTED]
Subject: [REDACTED]

E-Mail:
Please ask for:
Our Ref:

[REDACTED]
[REDACTED]
CMU 245222

Luxa Sparkles
103 Cherry Hinton Road
Cambridge
CB1 7BS

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

18th December 2023

Dear Sir/Madam

Both locally and nationally Trading Standards are seeing a rise in potentially unsafe and non-compliant electronic cigarette products (commonly known as "vapes"), and as such we are asking you to carry out a few checks on the products you have in stock, as well as those that you intend to buy in.

Product requirements for vapes

The Tobacco and Related Products Regulations 2016 set out rules covering vapes. No one must produce or supply a vape or refill container unless they meet the following requirements:

- nicotine-containing liquid for retail sale must be in a dedicated refill container in a maximum volume of 10 ml; in a disposable vape, single-use cartridge or a tank the maximum volume is 2 ml
- the capacity of the tank of a refillable vape must not be more than 2 ml
- there is a nicotine limit of 20 mg per ml that applies to nicotine-containing liquids in an vape or refill container

Disposable vapes sometimes display a typical number of puffs on the packaging. Typically, a disposable vape would provide 600 puffs or the equivalent of 20 cigarettes.

Nicotine-containing liquid must:

- be manufactured using only ingredients of high purity
- not contain certain additives (see the 'No vitamins, colourings or prohibited additives in tobacco products' section of this guide) but can contain flavours
- not contain substances other than the ingredients that were part of the formal notification process laid down in the Regulations
- not include ingredients (except nicotine) that pose a risk to human health

In normal use the vape must deliver a consistent dose of nicotine.

A vape or refill container must be child-resistant and tamper-evident, protect against breakage and leakage and have a mechanism to ensure that refilling can take place without leakage (this does not apply to disposable vapes).

Information and labelling

No one may produce or supply a vape or refill container unless it meets the requirements set out below:

- each unit packet of the vape or refill container must include a leaflet with the following information:
- instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers
- contra-indications
- warnings for specific risk groups of people
- possible adverse effects
- addictiveness and toxicity
- the producer's contact details

each unit packet of the vape or refill container must include:

- a list of all ingredients in descending order by weight
- nicotine content and delivery per dose
- batch number
- recommendations to keep the product out of reach of children
- each unit packet and any container pack must carry the health warning 'This product contains nicotine which is a highly addictive substance'. It must appear on the front and back surfaces and cover 30% of that area

Nicotine-containing vapes and refill containers

All producers of nicotine-containing vapes and refill containers must submit information about their products to the Medicines and Healthcare Regulatory Agency (MHRA), using a GB portal. This includes ingredients and emissions information, toxicology data, information on the nicotine dose and uptake when used normally and a description of the components of the product. Producers must also notify of the withdrawal of a product from the market.

Retailers should ensure, before they purchase these products, that they have been properly notified and not subsequently withdrawn. Retailers can do this by checking the list of submitted vape products on the MHRA website or, if they cannot find them on the list, they should ask their supplier to confirm they comply with the requirements of the regulations and have been notified to MHRA. Products that have not been notified or have been withdrawn cannot be supplied and may be seized by trading standards.

For further guidance please visit the Business Companion website <https://www.businesscompanion.info/> and search 'vapes'

The Association of Convenience Stores have also produced some useful guidance regarding vapes, see link below <https://www.acs.org.uk/advice/selling-vapes>

Age Restricted Sales

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'vapes' and the law covers both disposable and rechargeable types. In this guide, 'vapes' refers to all the products mentioned in this paragraph, not just the inhaling devices.

A person who sells a vape to someone under 18 commits an offence. This is a strict liability offence; the owner of the business can be held responsible as well as the member of staff who made the sale.

There is an exception for vapes that are licensed as medicines or medical devices. This exemption only applies to the extent to which the product is authorised.

If you sell vapes you might want to display a poster advising customers that you will not sell to under-18s:

If I sell vapes or nicotine refills to people under 18 TRADING STANDARDS WILL PROSECUTE ME

Note: unlike the tobacco poster, this is not a legal requirement and is simply suggested wording.

Single use, disposable vapes are increasingly popular with children, largely due to their bright colours, appealing flavours and price. You and your staff should be alert to attempts by children to buy these products and take extra care to avoid underage sales.

Persistent sales to under-18s

If you are convicted of selling tobacco or vapes to persons under 18, and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

A restricted premises order prohibits the sale from the premises of any tobacco, cigarette papers or vapes to any person, by you or any of your staff for a period of up to one year. You are entitled to make representations to the court as to why they should not grant the order.

A restricted sales order prohibits a specified person who has been convicted of a tobacco or nicotine offence from selling any tobacco, cigarette papers or vapes to any person and from having any management function related to the sale of tobacco, cigarette papers or vapes for a period of up to one year.

Offences are committed if a person sells tobacco, cigarette papers or vapes when a restricted premises order is in place or if a person fails to comply with a restricted sales order.

For further guidance please visit the Business Companion website <https://www.businesscompanion.info/> and search 'age restricted'

The Association of Convenience Stores have also produced some useful guidance regarding age restricted sales, see link below <https://www.acs.org.uk/advice/age-restrictions>

Disposal

Retailer responsibilities for all retailers selling electricals:

- All retailers selling electricals (including vapes) need to provide a way for customers buying new electricals to dispose of their old electricals on a like-for-like basis regardless of how you sell the products, whether direct or by internet, mail order or telephone
- You must take back items that have the same function, regardless of brand. For example:
 - take back a customer's old vape when they buy a new one

You have 3 options to offer this take-back service to your customers

- provide a free, in store, take back service
- set up an alternative, free take back service
- join the Distributor Takeback Scheme (DTS) - if you sell electricals worth < £100k, or online only

If you fail to comply with the waste electrical and electronic equipment (WEEE) regulations, you can be prosecuted and fined up to £5,000 at a magistrates' court, or get an unlimited fine from a Crown Court.

Next steps

Cambridgeshire & Peterborough Trading Standards will be carrying out unannounced inspections to check compliance with the requirements detailed in this letter. If non-complaint vapes are found during the inspection they will be seized and action will be taken in line with our enforcement policy.

To ensure compliance we are advising retailers to carry out the following checks on products before buying them from your supplier and placing them on sale.

- Check the strength - the maximum strength should be no more than 2% nicotine.

Check the capacity - the maximum capacity should be no more than 2ml.

Check the warning – it should state “This product contains nicotine which is a highly addictive substance”, not “...nicotine is a highly addictive chemical”.

Check there is a UK address on the product.

Check the E-cigarette / refill container is child resistant, tamper evident and protected against breakage and leakage.

Ensure you purchase your stock from reputable suppliers and keep receipts/invoices as proof of purchase.

Ensure you have a free-to-customers take-back service set up and advertise this to buyers of electrical goods, including vapes.

I trust that you will find this information useful.

Yours faithfully



Kirsty Draycott
Senior Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards

**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:	[REDACTED]
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: **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 the premises including: a) alleged underage sales of alcohol and other age-restricted products; and, b) the sale of alcohol to intoxicated customers.

May 2018

A member of staff of a local sixth form college contacted the Police alleging that a 17-year old student had bought a bottle of vodka unchallenged from the premises on 25th April 2018. 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 apparently resulted in congregations of intoxicated people outside the business at night-time causing issues such as noise disturbance.

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 (attached as **Annex 1**) was 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 would 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 promote the licensing objectives by: enhancing the training given to staff members; request 6-month refresher training; maintain records of such 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**) where she disputed the allegations of underage sales and stated she conducted staff training every 6 months. She also indicated that she would submit a minor variation application, although 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, arising from congregations of intoxicated individuals regularly seen on an evening 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 lookout for on their patrols.

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 duly 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 large 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: [REDACTED]
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. 

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.

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.

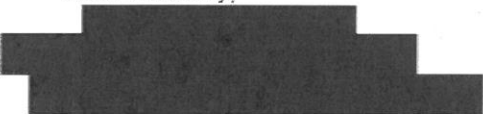
In summary, the action points I need you to complete by Monday 30th November are as follows:

- 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,


Police Constable 446 Clare Metcalfe
Licensing Officer
Cambridgeshire Constabulary.

CC - Alex Beebe 

From: [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 underaged 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

Part A

Licensing Act 2003
Format of premises licence
CAMBRIDGE CITY COUNCIL



Premises licence number

PRECAM 000531

Part 1 – Premises details

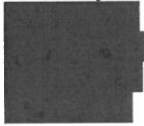
Postal address of premises, or if none, ordnance survey map reference or description						
Luxa Sparkles 103 Cherry Hinton Road						
Post town			Post code			
Cambridge			CB1 7BS			
Telephone number						
[REDACTED]						
Where the licence is time limited the dates						
N/A						
Licensable activities 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

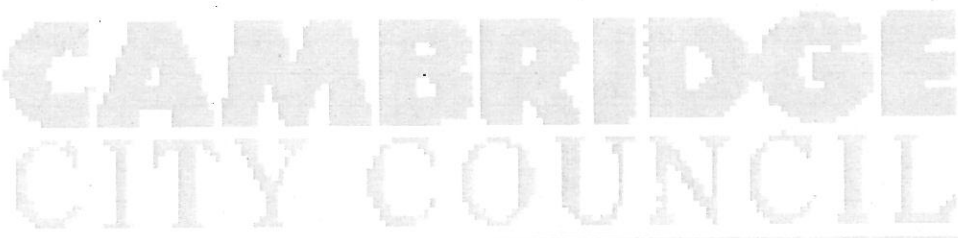
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Mrs Priyamwatha Mariflo	
[REDACTED]	
Registered number of holders, for example company number, charity number (where applicable)	

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

Mrs Priyamwatha 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



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

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

Name, (registered) address of holder of premises licence

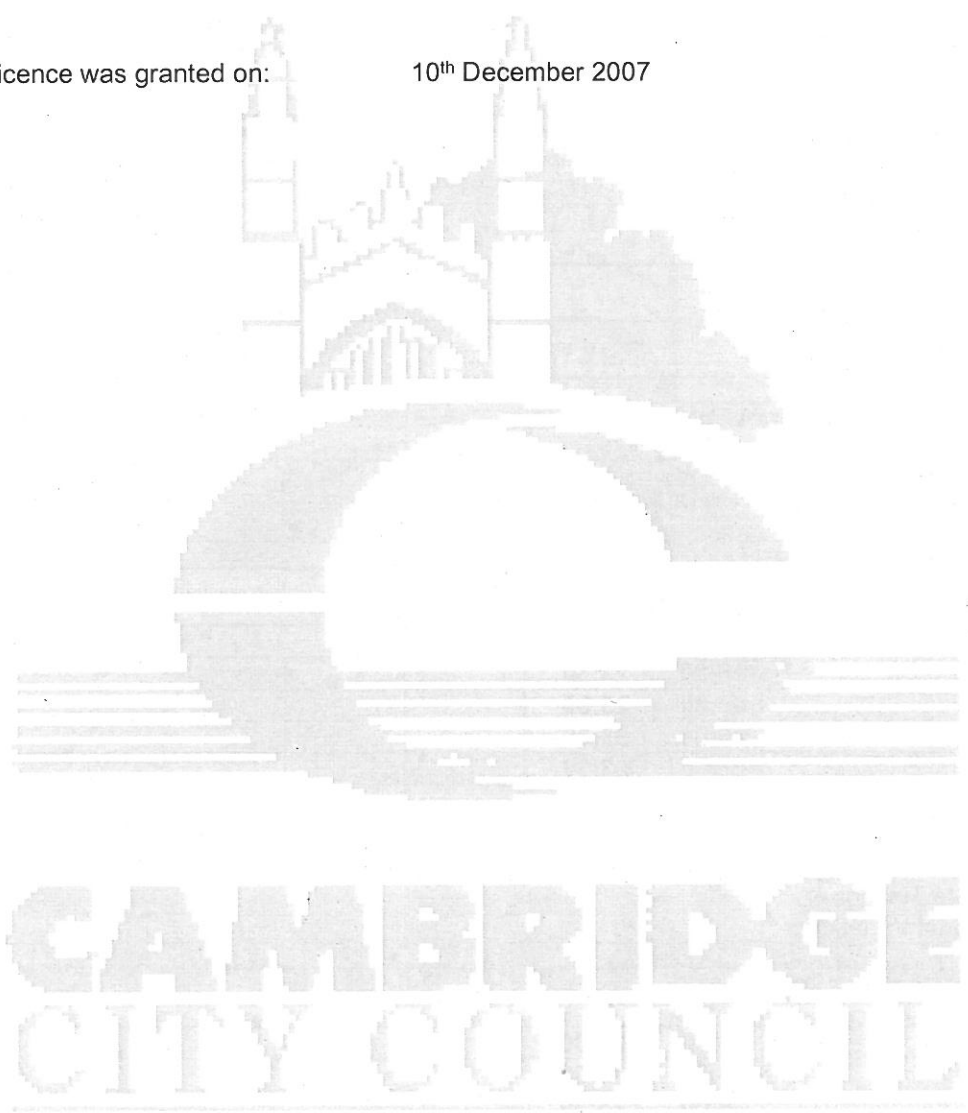
Mrs Priyamwatha Mariflo
[REDACTED]

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

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

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

This licence was granted on: 10th December 2007



I Mrs Priyamwatha Mariflo would like to say the following :-
I have been the premises licence holder and the nominated dps
for the premises licence Premcam 000531 issued 10/12/2007
for

Luxa Sparkles 103 Cherry Hinton Road CB1 7BS

I have been the premises licence holder as detailed above for
all of its duration

I have always tried to uphold the licensing objectives, and
have kept within my licensing conditions on my premises
licence

I have always been mindful of legislation and regulations
throughout the very many changes over the years.

With regard to [REDACTED] known as [REDACTED] I will
say, we as a family have taken him into our home and life as
he is suffering with mental health problems following his
arrival into the UK.

We were aware of his mental health problems and thought it
best to have him in our company rather than being left to his
own devices as he was demonstrating concerning behaviour.
I was aware of the status of his immigration, however did
mistakenly think it was within my remit as a friend and
mentor to allow him to be present in the premises and take
over temporarily from me, in an unpaid capacity, as part of his
integration into the UK.

I have not been in this position before and panicked when the
officers came into the premises. At the time of the visit he had
been with us for a period of 20 days

I accept there has been a breach of legislation concerning
immigration matters and would ask this be dealt with by way
of the appropriate penalty separate from my premises licence .


Since this incident I have implemented further due diligence training and compliance procedures with a copy of all available to the authorities

I have introduced specific records regarding the goods we are able to stock and sell to our customers

With regard to credit we have been in the area for 17 years and have built up a fantastic rapport with our neighbours, we have and do offer customers temporary credit relief for goods, that does sometimes include the odd purchase of alcohol, this has worked well for both the regular customers and ourselves as we demonstrate a mutual respect and loyal clientele.

I am relinquishing all responsibility with regard to the premises and the business, I have fallen short of the responsibilities and therefore am removing myself
The premises licence and dps are being transferred

Signed

Printed  PRIYAMWATHA MARIFLO

Dated 03/04/2024

For all parties concerning the review hearing

Luxa Sparkles 103 Cherry Hinton Road CB1 7BS

Home office immigration Licensing Act 2003 and Immigration 2016

Following full and frank discussions with the previous licence holder and the potential new premises licence holder the listed action has been implemented

The premises licence has been in force since 10th December 2007 Premcam000531

There have been a number of incidents under the leadership of Mrs Mariflo

Attached is a statement regarding the illegal worker which provides full accountability on her behalf

It is fully understood there will be an external separate penalty through the immigration services and acknowledge this will be dealt with between the parties

Trading standards and Licensing Licensing Act 2003

The responsibility of the premises licence has been completely overhauled

The previous licence holder has been removed and will not be part of the business at all

Formation of a new company

Responsibility is now Miss Luxa Mariflo

Action taken

New Ltd company formed with full responsibility removed from the current licence holder

Akshysm LTD

14763476

Introduction of a new premises licence manager and dps

Name Luxa S Mariflo

Position Manager premises licence holder and dps

Staff

Mariyanayagam Mariflo

Luxa Shiny Mariflo

Vivekan Sathiyamoorthy personal licence holder

No problems with language barrier

Miss Mariflo has completed the personal licence qualification and is applying to the licensing authority for a personal licence which enables all of the below

Specific training with regard to age restricted goods has been put in place, with additional attention being given specifically to vapes and legal requirements

Staff Training introduced and documents in place

Which include

Age Verification checks

Challenge 25

Staff Training

Till prompts

Signage regarding CCTV

Refusal Registers

Compliance Registers

Immigration Registers

Copy of document attached

Transfer of premises licence

Variation of premises licence to specify a new dps

Both are currently being submitted to the licensing authority

The suggestion for a minor variation to be submitted has not been actioned, therefore it is suggested at this stage the addition of conditions to be added to the licence

Suggested Conditions

All staff will receive full training with regard to the responsible sale of alcohol, refreshed every 6 months

Staff will receive training prior to commencing work in the premises

Challenge 25 will be in place within the premises with notice being placed throughout the premises this will be in accordance with the age verification policy

Records of staff training will be made available on to authorised officers of the licensing authority and or Cambridgeshire Police

The premises licence holder will ensure all logs are maintained and made available to authorised officers of the licensing authority and or Cambridgeshire Police

Nitrus Oxide cannisters and similar products will not be stocked or sold at the premises

Immigration checks will be carried out where appropriate prior to any staff being employed, records of the right to work checks will be made to relevant authorised officers

Attached is the information confirming the above

Jane Gilliead

Agent for the premises April 2024



LICENSING ACT 2003
COMPLIANCE AND DUE
DILIGENCE RECORD BOOK FOR



Jane Gilliead
EMAG LICENSING SERVICES LIMITED

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Businesses buying alcohol from wholesalers	46
<p>Businesses that sell alcohol to the public will need to ensure that the UK wholesalers they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check the wholesaler's Unique Registration Number (URN) against the HMRC online database.</p>	
<p>If a business is found to have purchased alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and have their alcohol stock seized.</p>	
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General Licensing Act 2003 Training

The Licensing Act 2003 came into force in November 2005, this means all responsibilities of the licensing act and carrying all functions is governed by the licensing authority whose area the premises is in so the council

The council, and or the local police are able to visit the premises at any reasonable time, they are able to ask a number of questions and for the production of the licence summary and full licence

Included are a number of bullet points highlighting your responsibilities as a member of staff working in a licensed premises.

There are four licensable activities

Retail sale of alcohol

Supply of alcohol to club members

Late night refreshment

Regulated entertainment

There are four licensing objectives which underpin the licensing act it is imperative to know and be comfortable with these as you may be asked what they are

Prevention of crime and disorder

Prevention of public nuisance

Protection of children from harm

Public safety

Retail Sale of alcohol

You must not sell any alcohol to anyone under the age of 18 years at **anytime**

You must not sell to anyone who appears to be underage, you must carry out the challenge 25 procedure if you are unsure of a person's age.

Challenge 25 means if the person does not look 25 challenge them to make sure they are 18 years or older

Ask the person for valid ID

Assess the ID, make sure it is valid and belongs to the person,

Record the request in the due diligence book if it is accepted or rejected

Remember **NO ID NO SALE** is always the rule

If you sell alcohol to a minor you could be subject to a fine or fixed penalty notice (fpn)

Exemption for sale of alcohol to 16- and 17-year-olds

If a person is with an adult over the age of 18 years and is undertaking a full table meal, the person over the age of 18 years is able to order and pay for beer, wine or cider as part of the table meal for the 16 / 17 year old.

The permission is merely to allow an alcoholic drink to accompany the full meal eg whilst out with family for a full table meal.

It would be advisable to record this in the due diligence book, be aware this is the only exemption ordering and payment **cannot** be made by under 18 year olds.

Children in the premises

There are no individual conditions attached to the premises licence with connection to restricting children being allowed into the premises, it is therefore decided by owners/management if there are any restrictions with regard to children.

Mandatory conditions (compulsory conditions added to every licence) state there needs to be an age verification policy in place, demonstrating the protection of children from harm.

Children are therefore entitled to come into the premises when open, as specified there are no current restrictions with regard to children being present at tables where alcohol is served to adults the legal standards of No ID No Sale apply **NEVER SELL ALCOHOL TO ANYONE UNDER THE AGE OF 18 YEARS**

Premises License in force

The premises has a licence attached to the building which is called premises licence

This allows licensable activities to take place which includes the provision of late night refreshment

The licensable hours permitted for retail sale of alcohol on and off the premises are

Neither licence are time limited (ie have an end date)

NB IF THE PREMISES LICENCE HOLDER IS INSOLVENT IN ANY MANNER OR DIES, THE LICENCE LAPSES THERE IS A 28 DAY RESURRECTION PERIOD HOWEVER IF THE LICENCE IS NOT TRANSFERRED WITHIN THIS PERIOD THE PREMISES LICENCE WILL AUTOMATICALLY LAPSE

Display of licence

The summary of the premises licence must be displayed at the premises at all times. This is a legal requirement.

This must be kept in full view for anyone to view.

There is a full licence available on the premises this shows the full set of conditions you need to be familiar with the times of the licence and the conditions of the licence

CCTV in use

The premises includes extensive cctv throughout, there is a privacy policy, a working policy and signs demonstrating the use and the contact details of the controller, anyone requesting this information is entitled to receive it.

CONDITIONS ATTACHED TO THIS LICENCE

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in

the licence or at a time when the designated premises supervisor does not hold a personal licence or his or

her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate

in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or

substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for

consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage,

individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the

premises before the cessation of the period in which the responsible person is authorised to sell or

supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public

or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining

a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase

and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of

undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the

premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or

to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person

is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is

reasonably available.

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 -

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.

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.

The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other

than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely

closed container) it is available to customers in the following measures -

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to

customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the

customer is made aware that these measures are available.

Minimum Price of Alcohol:

1 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.

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(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 amount of duty chargeable in relation to the alcohol as if the duty were charged on the

date of the sale or supply of 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) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 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.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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 premises Operating Schedule covering :-

General

Prevention of Crime & Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

**CONDITIONS ATTACHED TO THE LICENCE EVERY PREMISES LICENCE CONDITIONS ARE
INDIVIDUAL**

AGE VERIFICATION POLICY Challenge 25 is applied where retail of alcohol is permitted

Name of premise
Address
Premise licence holders
Designated premises supervisor

This premise 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 in order to prove they are 18 years of age.

Any staff selling alcohol on the above named premise, under the premise licence and authorised by the current Designated Premise Supervisor, in a paid or unpaid capacity **MUST** carry out the Challenge 25 test.

The Challenge 25 test successfully proceeds when the responsible person carrying out the retail sale of alcohol under the Premise licence asks the customer they are serving their age. **YOU CANNOT ACCEPT THEIR WORD ON THIS YOU NEED TO VERIFY THEIR AGE WITH IDENTIFICATION.**

This Challenge 25 test means a responsible reasonable person would believe that the customer appears to be under the age of 25 years. The person attempting to purchase the alcohol is then subjected to a check of appropriate identification documents to prove they are 18 years or older.

Appropriate and Acceptable Identification include

A photo card driving licence both provisional and full (green and Pink) **MUST BE IN DATE AND NOT EXPIRED DO NOT ACCEPT EXPIRED CARDS**

REMEMBER DRIVING LICENCES ARE ISSUED AS YOUNG AS 17 YEARS OF AGE ALWAYS CHECK THE DATE

A PASS hologram proof of age card These will also have a photograph and date of birth. The hologram is forge proof and recognisable . The Home Office, the Association of Chief Police Officers, and Trading Standards support the scheme.

A CURRENT Passport **DO NOT ACCEPT EXPIRED DOCUMENTS** ALWAYS CHECK THE DATE OF BIRTH UNDER 18 S CAN HAVE AN INDIVIDUAL PASSPORT

Responsible Person Under the Licensing Act 2003

Part 7 Section 153 (4)

- (a) In relation to licensed premise
 - (i) The holder of a premise licence in respect of the premise
 - (ii) The designated premise supervisor (if any) under such a licence
 - (iii) Any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor
- (b) 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 him to prevent the supply in question
- (c) In relation to premises which may be used for a permitted temporary activity by virtue of Part 5 –
 - (i) The premise user or
 - (ii) Any individual aged 18 or over who is authorised for the purposes of this section by the premises user.

Refusal of sales of alcohol will be recorded in the appropriate refusal log book which is in operation on the premise.

Refusal logs are available to authorised officers on request

YOU ARE UNLIKELY TO SELL TO UNDERAGE PEOPLE WHEN CHALLENGE 25 IS USED PROPERLY

Further Guidance

By selling alcohol on the premise to a person who is under the age of 18 years it is **YOU** that commits the offence as well as the customer

Persistently selling of alcohol to children is defined as selling alcohol on the same premises to a person who is under the age of 18 on two or more occasions within a single three month period. Currently there are alternatives which can result from such persistently selling to children

1. The Premise licence holder if prosecuted can plead not guilty and go to court, if found guilty at court can face a punishment of a fine up to and including £10,000 with up to 3 months suspension of the alcohol licence.
2. As an alternative to prosecution, the Police or Trading Standards Officers can present the premise licence holder with the option of voluntarily accepting a 48 hour closure notice rather than criminal action.
3. A representation to the relevant licensing authority can be made by the Lead Responsible authority to review the licence THIS CAN BE THE ACTION TAKEN ALONGSIDE 1 and 2 .

IT IS A MANDATORY CONDITION FOR THE PREMISE TO HAVE AN AGE VERIFICATION POLICY

Failure to do so may result in 6 months imprisonment and an unlimited fine

It is the full responsibility of the premise licence holder to ensure that all staff are aware of the policy and comfortable with its content. It is their responsibility to ensure all staff are trained and pro actively working within the scope of the policy

Signed Premise Licence Holder

Date

Challenge 25 is adopted within the premise, this is an extra measure to ensure sales are legal and safe this is to enhance the law stating alcohol cannot be sold to anyone under the age of 18 years

Challenge 25 posters are on display throughout the premises

All staff are trained with regard to the policy and challenge 25

Further staff guidance for premises licences with and without sale of alcohol

Operate Challenge 25 policy as stated in the age verification policy

Operate NO ID NO SALE at all times if young people cannot produce Identification DO NOT SELL

Ensure Staff are effectively trained and record details you should have a training record book in the premises with all staff training recorded

It is important that you make sure all staff selling age restricted products receive staff training

Make sure all of your staff know what Challenge 25 policy is and they have the confidence to challenge customers and refuse them.

Regularly monitoring staff to check how they are dealing with proof of age some may need extra training to ensure they are carrying the policy out correctly.

If possible set up a prompt on your till to remind staff to ask for proof of ID when selling age restricted products

If you or your staff refuse a sale ALWAYS record this in your refusals book monitor this book regularly this is your only way of DUE DILIGENCE this is your only defence under the licensing act

The Refusals book can demonstrate your responsibility underpinning the licensing objectives and your seriousness with regard to sales to underage people. It can help identify problem areas and people. You should always monitor the refusals book to ensure staff are correctly using it, this could identify need for staff training in the premise.

Ensure your statutory notices and good practice notices are prominently placed and easy to read

Display a CLEAR POSTER to make adults aware that they may be fined for purchasing age restricted items for young people and that you and your staff have the right to refuse to sell them if you are suspicious.

Staff Under The Age of 18

Alcohol staff under the age of 18 can only sell alcohol if the DPS (Designated Premise Supervisor) over the age of 18 agrees to the transaction.

Staff who are over the age of 18 and are authorised by the DPS can agree to the transaction in place of the DPS

TRAINING YOUR STAFF AND PUTTING THE ABOVE IN PLACE WILL GIVE YOUR STAFF THE CONFIDENCE TO SAY NO

KEEP SAFE AND MINIMISING CONFRONTATION

Customers often become irate and confrontational if they are challenged to prove their proof of age. Training and advising staff on how to deal with these situations may be useful

Points to assist staff

STAY CALM

Don't lose your temper or raise your voice this will merely add to the customers response

Be Positive

Try to control the situation by maintaining eye contact and showing understanding to the customer with regards to their complaint.

Give an explanation

Tell the truth deflect the situation the law demands we ask for proof of age the council The police Its part of the licence conditions

There are many ways to pass on the responsibility to others.

Stay Behind the service area / counter

See this as the safety barrier between you and the customer if you are feeling threatened this creates the necessary space

Refer to the CCTV

Refer to the signage pointing out that the premise are being monitored constantly by CCTV as well as pointing to the actual CCTV cameras

Report incidents to the appropriate authorities where necessary always keep your registers and logs up to date with incidents and refusals or anything that may be of worth / concern

DPS DESIGNATED PREMISE SUPERVISOR AUTHORITY SHEET

I consented current and approved Designated Premise Supervisor, and holder of a personal licence am the person in authority and day to day control of the premise known as

Premise licence number

Personal licence number

Hereby authorise the following persons for the sale and supply of alcohol under the Licensing Act 2003 and in conjunction with the premise licence and conditions attached to it
Premise Licence number

This authorisation is made to cover both in my presence and absence.

Authorised persons

I am fully aware of and accept my responsibilities under the Licensing Act 2003 as an authorised person.

I am trained to comply in accordance with the Licensing law along with the licence and its attached conditions.

Name	P/L Number /(n/a)	Training	I agree to the statement	Date

Licensing Act 2003 questions

Staff Name

Date

Training Quiz

1. When can alcohol be sold to persons under the age of 18 for drinking off the premises?
 - A. From an off licence
 - B. If they are with an adult
 - C. It can never be sold to under 18-year-olds
 - D. Only after 8 pm

2. Which of these proof of age policies should be adopted by licensed premises?
 - A. No proof only sells low abv drinks
 - B. No proof no spirits
 - C. No proof needed known to shop worker
 - D. No proof No sale

3. What is a recommended good practice scheme for the retail sale of alcohol
 - A. Challenge 25
 - B. Challenge 16
 - C. Challenge anyone you think you should
 - D. Only allow adults on the premise

4. What age can a person legally purchase alcohol
 - A. 16
 - B. 18

C. 21

D. 19

5. A person aged 16 is allowed to drink alcohol with a table meal which they are sharing with

A. An adult on licensed premises when:

B. The person has the adult's permission to drink whatever they want to

C. The alcohol is under 5% abv

D. The underage person is having a table meal with beer wine or cider with an adult and the meal and drinks have been purchased by the adult

6. Which of these is the most reliable proof of age document?

A. An ID card which carries proof of ID hologram

B. A utility bill issued in the last 6 months

C. A bus pass with a photograph

D. A college pass with a photograph

7. When/ what is the exemption for consumption of alcohol by an under 18 on a licensed premise

A. There is no time they can consume alcohol of a licensed premise

B. If they are with their parents

C. If they are 16 or 17 years old having a table meal accompanied by an adult (who makes the purchase)

D. On their birthday

8. The table meal exemption for 16- and 17-year-olds allows them to consume

A. Beer wine or cider

B. Any alcoholic drink

C. Cider and champagne

D. Any spirits

9. When can alcohol be sold by a person under the age of 18 years

A Never

B On a weekend

C where every sale is authorised and approved by a responsible person

D when it is busy in the premises

10. If a person is found guilty of selling alcohol to underage they may

A. Must leave their employment

B. Not be allowed to work on the checkout at the premise

C. Receive an unlimited fine and or FPN from the police for £90

D. Report it to the magistrate's court

11. Challenge 25 is best practice guide, what does the challenge mean

A. The person is over 25

B. You did not believe the person was 25 or over so asked them to produce ID to prove they were 18

C. They need to spend over £25 to receive discount

D. You are not allowed to purchase alcohol unless you are at least 25

12. An age verification policy is

A. Mandatory (one of the mandatory conditions)

B. Best practice

C. Training material for some staff

D. Optional if you feel you should have one

13. Who would you apply for a premise licence to?

- A. Licensing solicitor
- B. Magistrates court
- C. Licensing authority
- D. Crown court

14. Who can visit the premises as an enforcement officer and request to see the licence

- A. Any member of all authorities
- B. Police officer and licensing authority
- C. Business owners
- D. Magistrates

15. what needs to be in place to allow the retail sale of alcohol

- A. Premises licences
- B. Personal licence
- C. Personal licence and consent dps
- D. Premises licence personal licence and consented dps

16. What must be on display at the premises

- A. Personal licence
- B. Full premises licence
- C. Contact forms for management
- D. Summary of premises licence and CCTV notices

17. Identify the licensable activities

- A. Measuring drinks
- B. Retail sale of hot food

C. Retail sale of alcohol, late night refreshment

D. Working on a licensed premises.

18. Identify the licensing objectives underpinning the licensing act 2003

A. Protection of children from harm

B. Public nuisance

C. Prevention of crime and disorder

D. All of the above

19. How many people can be named as dps at the same time

A. 5

B. Unlimited

C. 1

D. 2

20. How long do the premises and personal licences last for

A. 10 years

B. 5 years

C. Unlimited

D. 2 years

ANSWERS

Question 1	C
Question 2	D
Question 3	A
Question 4	B
Question 5	D
Question 6	A
Question 7	C
Question 8	A
Question 9	A
Question 10	C
Question 11	B
Question 12	A
Question 13	C
Question 14	B
Question 15	D
Question 16	D
Question 17	C
Question 18	D
Question 19	C
Question 20	C

General staff training questions relevant to this premises licence

1. Who is the premises licence holder
2. Who is named as dps where applicable (retail sale of alcohol)
3. What are the activities permitted on the premises licence
4. What hours does the premises licence permit for each activity
5. Does the licence hold any conditions ?
6. Name three standard conditions which are placed on the licence
7. Name one mandatory licence condition pertaining to the licence

GENERAL DATA PROTECTION POLICY

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Section 1: Business Information

NAME:	
ADDRESS:	
CONTACT NUMBER:	
CONTROLLER:	
PROCESSOR:	
ICO REGISTRATION DATE:	
REGISTRATION NUMBER :	
WEBSITE ADDRESS:	
FACEBOOK PAGE:	
TWITTER:	
OFFICIAL APP	
EMAIL ADDRESS:	

Section 2: Privacy Policy

This privacy policy allows the company to demonstrate to your clients/ customers that the company can be trusted with their personal data.

The policy also provides a clear indication of how much data the business controls, ensuring the data protection practices are legally compliant.

The GDPR is more rigorous than the previous data protection directive.

The requirement for the policy is legal

Customers expect to see them

Effective date: February 2024 .

The business is committed to protecting the security and privacy of your personal information by way of digital collection CCTV.

This method of data collection provides security and safety for all patrons including management, staff, visitors and customers.

All personal information is handled correctly.

DPO

Definitions

Personal Data :- any information relating to a living, identifiable person. It can include names, addresses, telephone numbers, e mail addresses etc also including any information relating to a person or a combination of information which , if put together means the person can be identified. Including recording of CCTV, directly or indirectly, in particular by reference to an identifier such as a name, and identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Data subject Is the person whose personal data is being processed.

Processing covers all activities relating to the use of personal data by an organisation, from its collection of the data to its storage and disposal including everything in between

Non personal data is data which will be logged for internal system related and statistical purposes, which cannot be tracked back to an individual. Data disclosing any identity will not be publicly used by the company.

Processing means any operation of set of operations which is performed on personal data, whether or not by automated means such as collection recording organisation structuring storage adaption or alteration retrieval consultation use disclosure by transmissions dissemination or otherwise making available alignment or combination restriction erasure or destruction. This applies to using cctv with regard to criminal investigations.

Nature of the Business

Principles for processing personal data, article 5 of the GDPR

Section 3: Objectives and Purpose of Policy

The policy is to ensure total compliance with both the requirements of the GDPR following its implementation on 25th May 2018, along with the ICO(Information Commissioners Office.)

There can be multiple lawful bases in connection with data capture.

This policy is focused on a single legal basis in connection with the capture of CCTV.

A valid lawful basis needs to be identified and documented in order to process personal data as specified in Article 6 of the GDPR, the policy identifies that lawful basis.

Necessity of Processing

The lawful basis shows that the processing is necessary, identifying that the data capture is necessary and the business cannot reasonably achieve the same purpose without the processing in this case by means of CCTV capture.

The necessity to document the lawful basis is then created. Demonstrating compliance in line with Articles 5(2) and 24.

This has been assessed and implemented in accordance with the principles underpinning the Regulation which are:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate relevant and not excessive
- Accurate
- Not kept for longer than is necessary
- Processed in line with your rights
- Secure

Lawful Basis for processing

Legitimate interests the process is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individuals personal data which overrides those legitimate interests.

Legitimate interests has been identified as the appropriate lawful basis taking into consideration

Who does the process benefit :- **the business, customers, the police and local authority / licensing authority**

Would individuals expect this processing to take place **yes**

What is the relationship with the individuals **Owners, employees, guests, visitors, customers.**

Are you in a position of power over them **No**

What is the impact of the processing on the individual **None on a normal direct basis may have data capture used if there is a requirement legally**

Are they vulnerable **No**

Are some of the individuals concerned likely to object **No measured and reasonable for the purposes intended**

Are you able to stop the processing at any time on request **No this is a condition of the premise licence**

Section 4: Accountability

Local authorities have their obligations as stated, this policy creates due diligence for both the requirements of GDPR and the necessities of the promotion of the premise licence which is pivotal to the running of the business.

The lawful basis of being able to apply a means of data capture (CCTV) if you cannot reasonably achieve the purpose by some other less intrusive means

(Article 6) is enforced by the promotion of the four licensing objectives under the Licensing Act 2003.

This policy details how as a company the demands of both are accommodated and promoted.

Lawful basis for the processing / Additional Legislation

The Licensing Act 2003 governs the application and granting of licences for premises to sell alcohol. Licensing authorities, in most cases the local authority, have to determine the granting of a licence in line with the "licensing objectives", which are:

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance;

d) the protection of children from harm

Conditions which are placed on a licence must be consistent with the operating schedule, their object being to achieve and promote the licensing objectives. Licensing Authorities are bound, as public bodies, to ensure that they act in accordance with the provisions of the GDPR 2018 and that any processing of CCTV is necessary and proportionate to meet a legitimate aim. In addition, any retention, use or disclosure of personal information caught on CCTV must be carried out in line with the principles.

The Individual Licensing Authority makes the ultimate decision on which conditions are imposed on determination of the licence.

Beyond mandatory conditions in the Licensing Act 2003, Licensing authorities CAN only set further conditions where it considers these are necessary to meet the licensing objectives.

CCTV is not one of the mandatory conditions and should only be imposed where this helps to meet one of the licensing objectives.

Guidance to Licensing Authorities informs the authority of their obligation.

CCTV should not be introduced as a matter of course, only where there is a justifiable reason for doing so.

The Processor must ensure that all CCTV images that can be used to identify an individual are captured on camera, used, stored and disclosed in line with the GDPR 2018.

It is a must that signs are displayed explaining that CCTV is in operation. Other than in exceptional circumstances any sound recording function on the CCTV system is not acceptable

Premise Licence issued under the licensing act 2003 is in situ.

Local authorities have their obligations as stated, however conditions are attached which enforce this capture of data as part of the licence. Failure to promote the licensing conditions will lead to action by the authorities, this policy creates due diligence for both the requirements of GDPR and the necessities of the promotion of the licence which is pivotal to the running of the business.

The lawful basis of being able to apply a means of data capture (CCTV) if you cannot reasonably achieve the purpose by some other less intrusive means

This policy details how as a premises benefiting from a premises licence, the demands of both are accommodated and promoted.

Privacy Notice

The privacy policy needs to tell people about the lawful basis under the transparency provisions of the GDPR this includes

Your intended purposes for processing the personal data **Section 10**

Section 5: CCTV

Article 30 states capture of data needs to be documented when it is

Activities of data processing that are not occasional

Could result in a risk to the rights and freedoms of individuals

CCTV is installed throughout the premises. This is present as a deterrent, whilst promoting security and discouraging crime and disorder.

The premises are operating as a hotel and bar, restaurant. The need for the use of CCTV cameras is proportionate and necessary. The nature of the business make this method of data capture reasonable.

The premises deals with a lot of customers.

Health and safety are also a constant consideration in the use of the system for both the staff, members and guests.

The premise licence is attached to this licence which is granted under the Licensing Act 2003. The licence is underpinned by 4 licensing objectives namely:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm
- Public Safety

The Prevention of crime and disorder states the following with regard to the provision and maintenance of CCTV

The premise licence issued by grants the permission under the Licensing Act 2003 this permits licensable activities to take place inclusive during the periods of maximum hours.

There are the appropriate number of cameras sited in each premises

- Camera 1
- Camera 2
- Camera 3
- Camera 4
- Camera 5
- Camera 6
- Camera 7
- Camera 8
- Camera 9
- Camera 10
- Camera 11
- Camera 12
- Camera 13
- Camera 14
- Camera 15

The cameras are in place to protect the premise and promote the four licensing objectives which underpin the premise licence in particular the prevention of crime and disorder.

Under the authority detailed in the licence, footage can be used to assist investigations under crime and disorder.

The CCTV recording is supported with full signage of data capture with signs being sited at the rear of the factory building, the front of the building and in the office area of the building. The signage supports the times of coverage (24 hours) the details of the controller and a contact number to allow anyone to directly contact the controller if there is a need to do so.

The system is situated in the main office of the individual premises , the monitoring screen system is also situated at the same point. There is always a full view of all cameras on show.

Access to the footage is readily available with download available to the controller if necessary.

The footage records continually for a period with an automatic reset built into the system.

Full compliance with the DPA

The controller as named in the policy has the responsibility for the control of the information having decided what is being recorded, how it may be used and to whom it may be disclosed.

There is no outside agency who deals with controlling any of the CCTV therefore there is no need for any third party written agreement.

Procedures when dealing with CCTV downloading.

The controller or trained member of staff as required in the conditions of the club certificate will be the only persons who have access to any downloaded footage.

The system is in a safe environment with access only by the nominated controller and named person above of the club.

Access to the system is controlled strictly by password.

When images are required to be downloaded for the purposes provided in this policy they are done so by securely transferring the data onto a memory stick. Any transferred footage will only be used for the purposes as set out in the policy.

A full documentation of the download including the reason for it being necessary, the time, date duration of footage captured will be recorded in a log attached to this policy.

Any third party who requests and then receives any data captured will be fully documented in the log with them signing the log for audit purposes.

A copy of the ICO In the picture A data protection code for practice for surveillance cameras and personal information is available at ICO.org.uk.

The requirement and effectiveness of the club participating in the use of CCTV monitoring is reviewed on an annual basis. The review is detailed in the recommendations attached to this policy in Section 10

Section 6: Processes and working methods relating to CCTV

The equipment controlling the gathering of the data is situated in the premises area. The monitor is password protected.

Information processes gathering and storage, daily working processes

All information relevant to members are password protected, securely locked away.

Section 7: Responsibilities

There has been a review of the purposes of the processing activities and as a result the most appropriate lawful basis has been chosen for the activity.

Processing is necessary for the relevant purpose, accepting that there is no other reasonable way to achieve that purpose.

There is documentation reflecting the decision on which lawful basis applies to help us demonstrate compliance.

The Privacy notice includes information about both the purposes of the processing and lawful basis for the processing.

Transferring data for the purposes of third party usage are documented and recorded

Reporting a breach

Article 19 states:

- Not every breach needs to be reported however if a security breach has a significant impact you MUST notify the ICO within 72 hours
- You must notify your users if they are likely to be affected.
- Consider whether to inform anyone else who might be affected.
- If you are unsure whether any of the above applies it is safer to report the breach to the ICO
- The breach must be reported to the ICO within 72 hours or sooner if it is reasonable to do so
- Appendix 4 - Regulation breach notification form

If the breach is likely to adversely affect any users or customers, you will also need to advise them of the breach without undue delay.

You can choose how to inform them as long as it is done and reaches them promptly what should be included is:

- Your name and contact details
- The date of the breach
- A summary of the incident
- The likely effect on them
- Any measures you have taken to address the breach and
- Any steps they can take to protect themselves from harm
- You should take into consideration if any other persons need to be informed of the breach say any end users relying on the integrity or trust service

- The ICO will give advice if the breach needs to be informed publicly this will only occur if it is in the interest of the public.

The company is registered with the ICO as a company storing data if there were to be any breaches.

A confirmed incident in which sensitive, confidential or otherwise protected data has been accessed and/ or disclosed in an unauthorised fashion. This could be for the following reasons:

- Personal Health Information (PHI)
- Personally Identifiable Information (PII)
- Trade secrets
- Intellectual property

A security incident in which sensitive protected or confidential data is copied transmitted viewed stolen or used by an individual unauthorised to do so usually involving venerable unstructured data files documents and sensitive information.

Records management

The company recognises that it is vital that we manage records as it is to deliver the service in an orderly efficient and accountable manner.

In doing ensure that records in all formats are accurate reliable ordered complete useful up to date and accessible whenever it is needed.

- Our aim in using effective management includes
- Help us carry out our business
- Protect the rights of all individuals
- Ensure regulation compliance
- Provide an audit trail to meet all requirements
- Support continuity and consistency
- Ensure openness transparency and fairness

Individuals working responsibilities within the premises

Everyone has their individual roles and responsibilities to ensure the details are appropriately managed

Manager and bar staff ensuring the smooth running of the organisation, demonstrating the day to day working policies and procedures are carried out on a daily basis.

Anyone who receives creates maintains or has access to any of the company documents or records is responsible for ensuring that they act in accordance with records management stipulation and procedures.

Section 8 Definitions

General Data Protection Regulation (GDPR) is a legal framework that sets guidelines for the collection and processing of personal data of individuals within the European Union.

Personal data or any information relating to an identified or identifiable natural person (Data Subject) an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to him.

Personally Identifiable Information (PII) is any data that could potentially identify a specific individual any information that can be used to distinguish one person from another and can be used for de anonymizing anonymous data can be considered PII.

Sensitive Data is defined as information that is protected against unwarranted disclosure. Access to sensitive data should be safeguarded protection of sensitive data may be required for legal or ethical reasons for issues pertaining to personal privacy, or proprietary considerations.

ICO - Information Commissioners office ICO.org.uk

Controller - a controller determines the purposes and means of processing personal data

Processor - a processor is responsible for processing personal data on behalf of the controller

Lawful basis

Legitimate interests

Section 9 Legislation

Regulation (EU) 2016/679 of The European Parliament and of the Council of 27 April 2016

On the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC(General Data Protection Regulation)

The protection of natural persons in relation to processing of personal data is a fundamental right. Article 8 (1) of the Charter of Fundamental rights of the European Union (the "Charter") and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her.

The Data Protection Act 2018 is the UK's implementation of the GDPR making sure that information is used fairly, lawfully, and is transparent

Recommendations to ensure compliance with ICO governing body for use of CCTV

Always maintain the ICO registration it is easy to become registered simply visit ico.org.uk you can register on an annual basis paying by direct debit (this saves you £5 and means you do not need to re register as the payment is taken out annually)

Appropriate signage needs to be sited around the business, so informative cctv signs need to be sited at prominent points both inside and outside of the property

Signs need to include the following information

Cctv is being recorded at all times

Name of the processor if anyone wants to contact them to discuss any data capture

Telephone number for anyone to contact the processor

Non compliance with signs and details could result in a breach.

CCTV remote access it is recommended that anyone with mobile footage access by tablet phone or other means have an extra measure of securing the data in place. In the event of the loss of equipment it should be documented in the policy how extra security to secure such data is taken.

There are a number of apps for smart phones which allow apps to be deleted it is recommended as well as having password protection these steps are taken to demonstrate complete due diligence.

Privacy policy needs to be available to all persons at all times.

It is recommended that consideration is given to the needs of the business on an annual basis, this would lead to an assessment with regard to the continuation of the use of CCTV data capture.

Mandatory conditions include any use of door supervisors must be currently registered with the SIA there is a compliance form attached for checking all door supervisors and a link to the SIA register. It is your responsibility to ensure all staff are legal and able to work legally

SIA badges may still be in the possession of suspended or revoked door supervisors ensure you check the register and record the check for your compliance

<https://services.sia.homeoffice.gov.uk/rolh>

Immigration Act restrictions have also been added to the licensing act 2003 again it is your responsibility to ensure all staff are legally entitled to work on your premises. You should check the status from the link provided and record the result in your supplied compliance documents

<https://www.gov.uk/check-job-applicant-right-to-work>

Failing to comply with the above conditions creates a real risk of losing your premises licence

Insert the following information

- Page 1 Premises details
- Page 5 Insert the licensable activities and times and the authorised opening times
- Page 11 insert your individual conditions as stated in annex 2 of your licence
- Page 26 Insert GDPR details of premises
- Page 28 Details
- Page 29 Effective date the date you sign up insert name of DPO (responsible for the control of cctv)
- Page 33 Complete the permissions of the licence days and times
- Page 34 Complete the cameras place throughout the premises, insert the licence number and document the amount of time the recordings are maintained

* required information

Section 1 of 7

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant?
 Yes No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

- Is the applicant's business registered in the UK with Companies House?
 Yes No Note: completing the Applicant Business section is optional in this form.
- Registration number
- Business name If the applicant's business is registered, use its registered name.
- VAT number Put "none" if the applicant is not registered for VAT.
- Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 7

PREMISES DETAILS

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence

* Premise licence number

Name Of Current Premises Licence Holder

* Name

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Please give a brief description of the premises

Telephone number at the premises if any

Section 3 of 7

APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- An Individual or Individuals
- A limited company/limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Please confirm the following:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative

Section 4 of 7

NON INDIVIDUAL APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

DIRECTOR

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name	<input type="text"/>
Street	<input type="text" value="103 Cherry Hinton Road"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text" value="Cambridge"/>
Postcode	<input type="text" value="CB1 7BS"/>
Country	<input type="text" value="United Kingdom"/>

Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 5 of 7

FURTHER INFORMATION

Are you the holder of the premises licence under an interim authority notice?

Yes No

Do you wish the transfer to have immediate effect?

Yes No

Have you attached the consent form signed by the existing premises licence holder?

Yes No

Continued from previous page...

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

Yes No

Have you attached the previous licence?

Yes No

Section 6 of 7

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online.

The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 7 of 7

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

DECLARATION

I / we understand 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. I / we understand where an annual premises licence fee is still outstanding that the existing licence will not be transferred until any outstanding debts owed to Cambridge City Council are brought up to date in the first instance.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Full name

Capacity

Continued from previous page...

* Date

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Remove this signatory

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cambridge/change-3> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [Next >](#)

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

Mrs Priyamwatha 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

P00703

London Borough of Redbridge



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

Mrs Priyamwatha 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
