

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.

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>

<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)

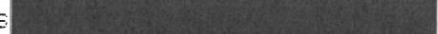
being unable to read the above statement
of

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:

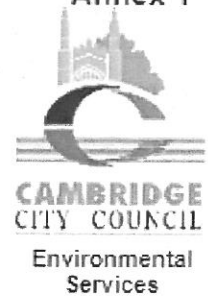
A large black rectangular redaction box covering the signature of the Environmental Health Officer.

Environmental Health Officer - Commercial & Licensing

Date: 8th March 2024

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.

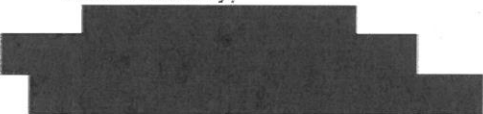
In summary, the action points I need you to complete by Monday 30th November are as follows:

- 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