

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**Part 1 – Premises or club premises details**

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

|   |
|---|
| <b>Name of premises licence holder or club holding club premises certificate (if known)</b><br>Luxa Shiny Mariflo |
|---|

|   |
|---|
| <b>Number of premises licence or club premises certificate (if known)</b><br>238695 |
|---|

**Part 2 - Applicant details**

I am

**Please tick yes**

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

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

Telephone number (if any)

E-mail address (optional)  
tstand@peterborough.gov.uk

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

Please tick one or more boxes

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

  
  
  

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

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

Consideration has been given to Licensing Objectives:

- The protection of children from harm

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

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

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

25/04/2024

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

07/05/2024

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

24/07/2024

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

12/08/2024

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

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

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

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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

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

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

**Please tick yes**

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

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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature



Date  
23<sup>rd</sup> August 2024

Capacity  
Senior Trading Standards Officer

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

**Notes for Guidance**

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

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

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





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

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

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

20<sup>th</sup> February 2024

Dear Sir

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

27/06/2022

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

22/08/2022

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

11/11/2022

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

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

03/02/2023

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

17/02/2023

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

22/03/2023

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

22/08/2023

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

25/09/2023

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

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

02/10/2023

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

09/10/2023

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

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

12/10/2023

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

25/10/2023

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

26/10/2023

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

02/11/2023

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

18/12/2023

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

12/02/2024

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

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

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

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

Yours sincerely

[REDACTED]

Kirsty Draycott  
Senior Trading Standards Officer  
Cambridgeshire & Peterborough Trading Standards



**STATEMENT OF WITNESS**

*Criminal Procedure Rules, r16.2*

*Criminal Justice Act 1967, s. 9,*

STATEMENT of : Robert Edmunds  
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 13<sup>th</sup> August 2024

(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 Robert Gareth Edmunds 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 Licensing Act 2003 within the local authority boundaries of Cambridgeshire, Peterborough and Rutland.

On the 12<sup>th</sup> August 2024 I was part of a "test purchase" exercise regarding the sale of prohibited goods to persons under the age of 18 with my colleagues Kirsty Draycott and Adam Wright.

A volunteer under the age of 18 is instructed to visit a retail premise that has been the subject of complaints or intelligence and then attempts to make a "test purchase" of an age restricted product in the presence of a Trading Standards Officer.

At approximately 13:44 hrs on the 12<sup>th</sup> August 2024 I entered the business known as Sparkles at 103 Cherry Hinton Road, Cambridge, CB1 7BS and browsed the chilled products. Approximately 5 seconds later I observed volunteer 2 enter the store. My role was to discreetly observe any interaction and to ensure the volunteer's safety at all times.

At approximately 13:46hrs I watched the volunteer pick a small can from the shop fridge (the left hand fridge as you immediately enter the store) and approach the shop counter, which was situated immediately to the right and directly opposite the fridge. The volunteer placed the can on the counter along with a £10 note. The shop assistant was an Asian/Arabic male around 45-50 years of age, approximately 5ft 8" tall and of medium build, he was wearing dark red jeans and a black T-shirt. The shop assistant looked at the volunteer, said nothing picked up the £10 note and proceeded to ring the sale through the till placing change from the £10 note on the counter. I then observed the volunteer pick up the item and change from the countertop 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 approximately 10 seconds later after making a purchase a soft drink for £1.65. Once a safe distance away from the premises I was informed by the volunteer that they had been charged £2.19 for a 250ml can of "Gordons G&T Premium Pink" a ready mixed alcoholic drink containing 5% alcohol by volume. At this point I put the can into an evidence bag and sealed it with unique seal number 0998. I identify the purchase as exhibit reference RE/3.

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

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

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

We exited the premises at approximately 14:10 hrs

[REDACTED]

Signed .....

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

If statements are typed double spacing must be used.