

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

Please delete as applicable: **LICENSING AUTHORITY**

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

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

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

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

LICENSING ACT 2003
LICENSING AUTHORITY REPRESENTATION FORM

To: **Commercial & Licensing Team Manager**

From: **Alex Beebe**

Premises: **Luxa Sparkles, 103 Cherry Hinton Road, Cambridge**

Reference: **SR/398557**

Review of premises licence

Comment:

Introduction

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

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

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

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

- *"...The Sub Committee has considered Miss Mariflo's commitment to uphold the Licensing objectives and has decided to leave the licence as it is with the above support."*

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

Summary

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

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

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



Photo 1: signage on main entrance door

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

Condition 6 of the premises licence states:

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

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

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

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

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

Conclusion

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

Signed: 

Environmental Health Officer - Commercial & Licensing

Date: 13th September 2024

**LICENSING ACT 2003
LICENSING AUTHORITY REPRESENTATION FORM**

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

Review of premises licence

Comment:

Introduction

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

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

May 2018

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

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

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

January 2019

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

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

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

October 2020

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

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

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

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

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

June 2021

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

January 2023

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

Summary

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

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

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

Signed:

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

Date: 8th March 2024

Environmental Health Officer - Commercial & Licensing

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



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



Tuesday 12th February 2019

Our Ref: AB/WK/201867482

Dear Mr Mariyanayagam,

Licensing Act 2003

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

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

PC Clare Metcalfe
Licensing Officer, Cambridgeshire Constabulary

CC. Priyamwatha Mariflo [REDACTED]

Trading Standards, Cambridgeshire County Council



Creating a safer
Cambridgeshire

13th November 2020

Mrs. Mariflo
[REDACTED]

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

Dear Mrs. Mariflo,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

[Redacted signature]

Police Constable 446 Clare Metcalfe
Licensing Officer
Cambridgeshire Constabulary.

CC - Alex Beebe [Redacted]

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

Dear Police Constable 446 Claire Metcalfe,

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

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

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

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

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

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

For action point-

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

I look forward to your reply.

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

Thanking You

Kind Regards

Priyamwatha Mariflo

Luxa Sparkles – Cambridgeshire Constabulary Supporting documentation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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