



**CAMBRIDGE
CITY COUNCIL**
RECORD OF DECISION

To be completed and signed before Members return to open session to announce their decision.

RECORD OF DECISION: APPLICATION UNDER LICENSING ACT 2003

Taxi Licensing Sub-Committee
Date: 22nd December 2025

Members:

1. Cllr Bick
2. Cllr McPherson [Chair]
3. Cllr Iva Divkovic

To consider the application of **Neluxa Sparkles Ltd** in regard to the premises **Neluxa Sparkles, 103 Cherry Hinton Road, Cambridge, CB1 7BS** licence to provide the following licensable activities:

- Supply of alcohol (off the premises)
Monday – Sunday 09:00 to 23:00

We heard representations from the following persons:

1. The Applicants:(1) Mrs P Mariflo & (2) her proposed Designated Premises Supervisor Mr N Reddy
2. The Applicant's representative: Mr B Donne of Fox Licensing Consultants
3. Ms Kirsty Draycott Senior Trading Standards Officer.
4. PC446 Clare Metcalfe -Licensing Officer Cambridgeshire Constabulary
5. Mr Luke Catchpole Cambridge City Council Licensing Authority

The reason you appeared before the Sub-Committee:

The Sub-committee considered an application for the grant of a premises licence in respect of the above premises. The application sought authorisation for the retail sale of alcohol.

The applicant was Mrs Mariflo.

Preliminary: Request for the application to be heard in private

The applicant's representative requested the application be held in private. He addressed members of the Sub-committee in private hearing, repeating the issues raised in section 5 of his Skeleton.

The Sub-committee recognised this sensitivity of the matters raised. However, it considered whether exclusion of the public was necessary to determine the application. The Sub-committee concluded that exclusion would be disproportionate in light of the strong public interest in transparent licencing decision making, particularly in the context of the premises history.

Matters Relevant to Effect of Grant

At the hearing, a new Designated Premises Supervisor ("DPS") was proposed by way of updated submissions in the applicant's legal representative's skeleton argument (para 2.6). This was Mr Reddy.

This gesture was intended to instil confidence in the application given, on Mrs Mariflo's own admission, her history as DPS, premises licence holder and personal licence holder. Although Mr Reddy was presented as an additional safeguard, this proposal was conditional upon Mr Reddy first passing mandatory exams (Award in Personal Licence Holder qualification (APLH) and secondly obtaining a personal licence from the Licensing Authority. Mr Reddy had only applied for the exam on approximately 15 December 2025.

Under the Licensing Act 2003, an application for a premises licence can be made without naming a DPS as Section 17 and Schedule 8 do not require this at the point of application. The Sub-committee was therefore entitled to determine the application even where no DPS is yet in place. However, under section 19 (2) and (3) a premises licence cannot authorise the sale of alcohol unless a DPS is specified on the licence and the DPS holds a personal licence. A premises licence does not lie dormant and then automatically activate for alcohol sales when someone later passes the APLH exam, instead a formal application to vary the DPS must be made under section 37, and the application must name a personal licence holder and include their consent. Only once that variation is granted (or takes immediate effect if uncontested) can alcohol be sold.

Members were conscious that the DPS is not a nominal role. In law and in practise, the DPS is intended to take day-to-day responsibility for the sale of alcohol; ensure compliance with age restricted sales law; train and supervise staff; act as the accountable person to the Responsible Authorities; and provide a clear point of control where risk is elevated.

Mr Donne's view was similar, but that notwithstanding this deficiency, the licence could hypothetically be granted today, but would have no effect until the DPS is appointed. Only then would it become 'live'.

Members considered that the proposed management solution is incomplete and unproven at the time of the determination. Members were disappointed that the applicant had not engaged in the necessary pre-planning required given her previous non-compliance with statutory requirements and the law, and factored this into their risk-based, evidence driven assessment.

In making our decision we considered the following:

List:

Statutory provisions (Licensing Act 2003)

Statutory Guidance

Cambridge City Council's Statement of Licensing Policy

Reports

Advice from Legal Officer

Representations and Evidence from the representative listed above

We found the following facts:

Representations were received from 3 Responsible Authorities ('RA') including Cambridgeshire Constabulary, Trading Standards and the Licensing Authority. Each objected very strongly to the application. Members noted the Statutory Guidance suggests they rely upon and can be guided by the expertise of Responsible Authorities in their particular fields i.e. prevention of crime and disorder, and protection of children from harm, subject to contrary submissions and their own view of what is necessary and proportionate.

Full consideration was given to the RA reports within the pack and their oral submissions and response to questions. Full consideration was given to the matters set out on the applicant's skeleton argument, drafted and presented by Mr Donne.

Members noted that the even after Mrs Mariflo withdrew her application to become designated premises supervisor, and her alternative proposal of Mr Reddy forwarded, the RA's objections were unaltered.

In his submissions, Mr Donne accepted, on her behalf, that she had failed in the past, on certain occasions, to exercise appropriate control, even when considering the negative influence her husband was said to have had over the business.

Mr Donne submitted that Mr Reddy however showed through his background and approach that he could demonstrate the necessary competency and leadership to run the premises or act as DPS. It was suggested that his influence would counter or assist Mrs Mariflo's in any decision-making (as suggested by Mr Donne in Skeleton argument at para 2.6).

However, Mr Reddy gave underwhelming responses when Members requested that he explain, for example, what makes a good DPS. Members noted his lack of previous experience in this role too. Such responses failed to convince Members that the applicant or her proposed DPS would be able to take the robust approach deemed necessary at this premises.

This was an important consideration because all parties agreed that the premises had suffered significant reputational damage (see chronology below), and that without robust management its would continue to be a focus for underage customers intent on buying vapes and alcohol unlawfully.

To this point, the Responsible authorities noted the close proximity of the premises to an educational establishment and to a leisure centre. They advised that it was likely that students from these establishments used the premises and attempt to make unlawful purchases from the premises.

Neither members nor the Responsible authorities had confidence, given the failure of stringent conditions and warnings imposed previously, that either new conditions or the applicant would be able to facilitate the necessary change. Members noted that a recent police officer visit prior to the hearing discovered that Mrs Mariflo was absent, working as a carer elsewhere, and an individual who only described themselves as a neighbour, was serving. Mr Reddy, who had suggested in submissions that he currently worked long hours at the premises, was also not there.

In conjunction with the staffing provision, the evidence of the interested party was considered. His evidence strengthened the impression that the premises had become a magnet for underage alcohol and vape sales, over the entire period of the applicant's control i.e. since 2007. His view was that a poor reputation for underage sales had become deeply embedded.

Members noted that this was the third licensing hearing since 2024, involving the applicant. The factual circumstances of those hearings were all extremely concerning. The applicant confirmed, under questioning from Members that each time there was an incident or trouble in 2024 the licence holder had simply been switched to someone else. So, following similar, apparent non-compliance in October 2025, it was a concern that now another new company had apparently been created for the purpose of an application for a new licence.

Mrs Mariflo conceded that she has held the lease, personally, and had control and direction of the business from 2007 to 4 April 2024 when she was also premises licence holder and designated premises supervisor. While it was acknowledged that the licence was held by a number of different companies over the period, she was sole director of them and had control. She had then re-taken control more recently.

Members noted that while this application for a premises licence has been made in the name of a new company, 'Neluxa Sparkles' which was incorporated in October 2025, following the surrender of the previous licence

on 21 October 2025 by Mr Mahendran, Mrs Mariflo had also had control of the direction and profits of some of the companies that ran the premises previously, as detailed. Like previous companies controlled by Mrs Mariflo, and engaged in running business from the premises, Neluxa Sparkles' has only 1 director/ officer and 1 shareholder, i.e. Mrs Mariflo.

Members were further bolstered in their belief that past history could be relied upon to predict the future (and the veil of incorporation should not be allowed to confuse the question of Mrs Mariflo's control) after Trading standards gave evidence that the consent form for the current application had, possibly inadvertently, been given by another of Mrs Mariflo's company's, Luxshinii Ltd, not Neluxa. It was noted that this company had pleaded guilty to an offence on 22 August 2023 of selling underage vapes at Peterborough Magistrates court on 10 April 2024.

Members were sympathetic to submissions that for a number of years, Mrs Mariflo had been suffering domestic abuse from her husband. It was claimed that Mr Mariflo had effectively run the business from 2022/3 early 2025, and therefore convictions, unlawful trading and breaches of conditions were his fault. It was argued that he had coerced Mrs Mariflo into allowing these transgressions, for profit. It was highlighted that a non-molestation order was subsequently made against him in July 2025.

The Sub-committee were not presented with any other evidence of the purported coercion, nor why she had not raised this at any of the previous hearings.

Upon further scrutiny of the non-molestation order, to establish the veracity of this claim, it was noted that Mr Mariflo had made no admissions of coercion. Additionally the court had not made any findings of fact on the alleged domestic violence..

Members were not presented with any other supported evidence during the hearing, other than the existence of the non-molestation order and the causative link between non-compliance on certain dates (see below) and the alleged coercion was not explained further.

The non-molestation order stated that Mr Mariflo left the UK for Sri Lanka in July 2025. Evidence of his return or otherwise was not presented

Members noted however, that there was fresh allegations of non-compliance with the Licensing Act 2003 from the police at the premises after Mr Mahendran had surrendered the licence on 21 October 2025 back to Mrs Mariflo and when her husband was not on the scene.

On 24 & 27 October 2025, the police visited and found alcohol in a refrigerator despite no premises licence in existence. Further, no hearing of a licence application had been agreed.

PC Metcalfe confirmed that after the visits she had contacted the applicant's agent, Ms Gilead, who then spoke to Mrs Mariflo. The agent confirmed to the police that all the alcohol had been removed from the premises.

However PC Metcalfe gave evidence she had suspicions that alcohol sales continued from the property. On 16 December 2025 her colleague provided the following written submissions to the Sub-committee;

Police evidence was that there was a large amount of alcohol in the refrigerated area towards the rear of the shop. The cooler blinds were down, and the refrigerators were switched on. The alcohol bottles were clean, with no visible dust on them and the police concluded that they appeared to have been recently placed out. They were arranged in a neat, coordinated manner as expected for sale. Whilst I was looking at the alcohol, I noticed the staff member appear panicked and begin calling somebody. The staff member again denied the alcohol was for sale, before providing the contact number for the owner.

PC Metcalfe gave evidence that the quantity of alcohol on display had increased significantly between the second and third visit. PC Metcalfe suggested that given the unequivocal reassurance from the agent, the onus switched to the applicant to disprove the allegations, by providing either CCTV footage or till receipts.

Members noted that the arrangement of alcohol was consistent with readiness for sale rather than passive storage. However, they gave weight to PC Metcalfe's response to later questioning from Mr Donne where she accepted that as the *blinds were down* it could not be stated that an offence under Licensing Act 2003, section 137, *exposing alcohol for unauthorised sale*, had been committed upon the occasions cited.

Members were also concerned that Mrs Mariflo had left a neighbour in charge of the premises, who spoke little English, while she worked her second job as a carer. This was disappointing given the history of the premises and the agreement that firm leadership was required to shake the shop's reputation as source of unlawful sales to underage customers. The Sub-committee also questioned the deficiencies in staff training, supervision and management control.

The police visit on 16 December 2025 was also concerning because it occurred only days before the hearing and the imminent determination of a new licence application.

PC Metcalfe stated that if further conditions were imposed today, they would be unlikely to resolve the problems as the existing conditions were comprehensive.

Trading Standards then gave evidence and explained the following had occurred when Mrs Mariflo was DPS, Licence holder and director of company:

1. On 22 August 2022 a proven underage sale of alcohol occurred at the premises. It directly engaged the licensing objective of protection of children from harm. This incident marked the beginning of a pattern of regulatory concern rather than an isolated lapse.
2. On 10 February 2023 Mrs Mariflo had signed a formal caution in relation to the 22 August 2022 underage alcohol sale, and she was placed on clear notice of the seriousness of the offence and of the standards expected of her as premises licence holder and DPS.
3. On 22 August 2023 an underage person was sold a vape at the premises. On the same date, an illegal worker was identified as working at the premises and was the individual who made that sale. No further action was taken by the authorities on evidential issues. However, the Sub-committee found, on reviewing the evidence, that Mrs Mariflo's explanation that she had left the premises in the charge of that individual while she attended an eyelash appointment demonstrated both age-restricted sales failures and serious deficiencies in supervision and management control.
4. The Sub-committee found that on 28 December 2023, Immigration Enforcement issued Luxshinii Ltd with a "no action notice" in respect of a civil penalty, on the basis that the evidential threshold for a civil penalty was not met. The Sub-committee found that this did not negate the relevance of the underlying facts to the licensing objectives, particularly prevention of crime and disorder, given the potential involvement of an illegal worker at the premises.
5. On 12 February 2024 trading Standards officers seized 159 illegal vapes from the premises. The Sub-committee found this to be a serious regulatory breach, demonstrating ongoing non-compliance and risk to public safety, including children, through the availability of unlawful products.
6. On 10 April 2024, Luxshinii Ltd (of which Mrs Mariflo was the sole director) pleaded guilty at Peterborough Magistrates' Court to the offence arising from the 22 August 2023 underage vape sale. The Sub-committee found this to be a further confirmed breach of the law rather than an allegation.
7. On 4 April 2024, following the Immigration Enforcement review application, the premises licence was transferred, the DPS was varied on 18 April 2024, and a review hearing took place on 22 April 2024. At that time, the Sub-committee accepted assurances regarding future compliance and resolved not to

revoke the licence, recommending further inspection within six months.

8. Trading standards gave evidence that the applicant relinquished responsibility as this point and stated that she had "*fallen short of the responsibilities and therefore was removing herself*". While Members felt that this aligned with the regulatory history and that the applicant's previous management approach, they acknowledge submissions from Mr Donne that the applicant now insisted that she made that statement under coercion of her husband and denied she had signed the admission. Mr Donne did not explain why this was being advanced, for the first time, approximately 20 months after the initial admission. Members decided not to place weight upon the admission.
9. Similarly, no weight was placed on the test purchase on 12 August 2024, during which alcohol was sold to a 16-year-old under a Trading Standards operation, as it took place after the licence for Luxa Sparkles was transferred to Akshayam Limited, with Luxa Shiny Mariflo appointed as DPS.
10. In early 2025, following the period of suspension, the premises resumed trading. The Sub-committee found that responsibility for the premises continued to change hands and that regulatory concern remained about the stability and effectiveness of management arrangements, but this did not reflect directly upon the applicant.
11. In October 2025, the Sub-committee found that the premises licence was surrendered. This occurred against a backdrop of continuing regulatory concern, but this did not reflect directly upon the applicant.

In addition to the above chronology, the Sub-committee found that the applicant's decision did not proceed by way of a transfer of an existing premises licence but instead pursued a new application to be worth scrutiny.

The Sub-committee accepted the evidence from the Licensing Authority that, had the transfer process been utilised, the full suite of existing conditions—imposed following previous reviews and enforcement action—would have remained in force automatically unless formally varied.

The Sub-committee found that, as a consequence of the approach taken, the application initially presented a materially weaker conditions package than that which had previously applied to the premises.

The Sub-committee found that this was not a technicality, but a substantive difference, because the earlier conditions had been imposed specifically to address historic compliance failures at the premises.

While the Sub-committee acknowledged that conditions were expanded and strengthened during the course of the process (via Mr Donne's skeleton argument), it found that this evolution occurred reactively, in response to objections, rather than as part of a fully formed compliance strategy from the outset.

The Sub-committee found this reduced the persuasive weight of the conditions as evidence of a settled, proactive management approach. The Sub-committee found that the conditions relied upon by the applicant at the hearing were not fully articulated or offered at the outset of the application process. In particular, the Sub-committee found that more comprehensive and robust conditions only emerged after the Licensing Authority and Responsible Authorities had engaged with the application and raised concerns. In the circumstances of this application, that was disappointing.

The Sub-committee carefully considered the applicant's submissions, including:

- That Mrs Mariflo was not working in the business full-time and that her husband had operational involvement
- That domestic circumstances and marital breakdown explained aspects of the history
- That many historic incidents occurred when others were physically present at the premises
- That the current application represented a "fresh start"
- That robust conditions were proposed, including Challenge 25, CCTV, training, refusals logs and policies
- That a new DPS was proposed, who holds an MBA qualification
- That there would be no further involvement by those associated with historic failings

The Sub-committee accepted that these matters were genuinely advanced and were not dismissed out of hand.

We did not consider the following matters to be relevant:

The Sub-committee noted that the proposed new DPS holds an MBA qualification. While this was acknowledged, the Sub-committee found that academic qualifications alone do not demonstrate practical competence in operating licensed premises or ensuring compliance with the Licensing Act 2003.

No adverse inference was drawn; the qualification was treated as neutral and not material to the decision.

Our decision is as follows:

Taking all of the above matters together, the Sub-committee concluded that granting the premises licence would be likely to undermine the licensing objectives, in particular:

- The prevention of crime and disorder; and

- The protection of children from harm.

The Sub-committee found that no lesser step would adequately promote the licensing objectives and that refusal was therefore appropriate and proportionate. The application for the grant of a premises licence is refused.

Our reasons for reaching the decision are as follows:

The Sub-committee placed significant weight on the representations of the Police, Trading Standards and the Licensing Authority as expert regulators acting in the public interest.

Their evidence was based on direct inspection, test purchases, enforcement action, prosecution outcomes and contemporaneous records over a prolonged period. The Sub-committee found that this evidence was consistent, detailed and mutually reinforcing.

By contrast, the applicant's case relied heavily on explanations and future assurances. The Sub-committee found that such assurances had previously been given following enforcement action but had not prevented repetition of the same types of breach

The Sub-committee found that the application documentation created confusion as to the identity of the applicant and the consenting party. In particular, the consent form was signed by Luxshinii Ltd, the company previously prosecuted for offences at the premises. The Sub-committee found this undermined the submission that the application represented a clear break from historic management arrangements. The Sub-committee found that accurate identification of the licence holder and controlling entity is fundamental to licensing compliance, and that this confusion was material to its assessment of risk.

The Sub-committee was mindful of the principles set out *Hope and Glory -v- City of Westminster Magistrates Court*. It did not treat the applicant's previous involvement with the premises as determinative or seek to punish past conduct. However, the Sub-committee was entitled to consider that history insofar as it was relevant to assessing the likelihood that the licensing objectives would be promoted in the future. Given the repeated and persistent failures associated with the premises, the escalation of enforcement action, and the absence of evidence of a materially different operating model, the Sub-committee concluded that the past conduct was a reliable indicator of future risk. It expressly applied the *Hope & Glory* principles.

The Sub-committee found that:

- The risk to the licensing objectives was supported by a long and recent evidential history
- The concerns were not historic only, but continued into late 2025
- Lesser steps, including conditions, had been tried repeatedly and had not been effective

In those circumstances, refusal was found to be necessary and proportionate

The Sub-committee accepted that a premises licence holder may delegate tasks and may not be present at all times. However, it found that:

- Mrs Mariflo held licensing responsibility for a very extended period
- The incidents demonstrated systemic failures rather than isolated staff error
- Recent events occurred notwithstanding heightened scrutiny

The Sub-committee carefully considered whether the licensing objectives could be promoted by granting the licence with conditions.

It found that this case was not one of missing conditions, but of failure to implement and enforce conditions in practice. The history demonstrated that policies and conditions had existed previously but had not prevented breaches.

The “fresh start” argument was rejected because the history was recent, repeated and relevant, and because there was insufficient evidence of a clean operational break.

Members noted the accepted position that the premises has a poor reputation for the sale of alcohol to underage customers and that strong, effective management is required to address this. The sub committee found that the proposed designated premises supervisor did not yet hold a personal licence and had not passed the APLH examination and was therefore not lawfully able to act as DPS. In the context of the premises history, the Sub-committee found that the absence of a qualified and approved DPS at the time of determination materially undermined confidence that the acknowledged risks would be effectively addressed, and this weighed against the grant of the application.

Signed

Cllr McPherson (Chair)
Cllr Bick
Cllr Iva Divkovic

Dated 5 January 2026

The applicant or those who made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notice by contacting:

Cambridgeshire Magistrates Court, The Court House, Bridge Street, Peterborough, PE1 1ED.

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