

LICENSING HEARING PANEL (LICENSING 2003 ACT) SUB COMMITTEE

22 December 2025

10.30 am - 1.00 pm

Present: Councillors Bick, Divkovic and McPherson

Officers

Environmental Health & Licensing Support Team Leader, presenting as the
Licensing Officer: Wangari Njiiri

Legal Advisor: Ian Hawkings

Democratic Services Officer: Matthew Hussey

Present for the Applicant

Mrs P Mariflo, Applicant

Mr N Reddy, Proposed Designated Premises Supervisor

Mr B Donne, Applicants Representative

Other Persons Present

PC Metcalfe: Licensing Officer, Cambridge Constabulary

Kirsty Draycott: Senior Trading Standards Officer

FOR THE INFORMATION OF THE COUNCIL

2x/20/Lic Sub Appointment of a Chair

Councillor McPherson was appointed as Chair for the meeting.

2x/21/Lic Sub Declarations of Interest

No declarations of interest were made.

2x/22/Lic Sub Meeting Procedure

All parties noted the procedure.

**2x/23/Lic Sub Consideration of an Application for a Premises to be
Granted - Neluxa Sparkle, 103 Cherry Hinton Road, Cambridge, CB1 7BS**

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.

The Licensing Officer presented their report.

In response to questions from the sub-committee, the Licensing Officer stated that:

- That the Skeleton Argument submitted by the applicant had been circulated.
- That the revised plan received on the day of the meeting had also been circulated to Members.

Representation from the Applicant/Representative

The Applicant/Representative then gave their report highlighting the following areas:

- The application was to vary the supply of alcohol only (for consumption off the premises only) from Monday to Sunday between the hours of 09:00 and 23:00.
- The applicant has instructed me to amend the application as follows:
 - To adopt the conditions detailed in the Public Agenda Pack on pages 39 to 41 and repeated on pages 93 to 95 inclusive, which were on the previous premises licence.
 - This was in addition to the conditions agreed with Environmental Health in Appendix 6, page 81 of the report.
 - In addition: The premises shall operate a Challenge 25 policy for all age restricted goods and staff shall receive training on the F.L.A.R.E. procedures for validating proof of age identity documents (ID).
 - Proof of Right to Work in the UK documentation will be kept on site and be available for inspection from an authorised officer from the Council or a Police Constable

- The staff training records shall be countersigned by the staff and kept on record for a period of twelve months and be available for inspection by an authorised officer from the Council or a Police Constable.
- Mrs Mariflo will not be appointed as the specified Designated Premises Supervisor (DPS) and is withdrawn, instead a senior member of staff, Mr Nalla Nithin Reddy shall be appointed once he has obtained his personal licence.
- There were three representations from Responsible Authorities, Cambridgeshire Police, Trading Standards and Licensing, and one from an interested party.
- The background history to the premises was outlined from 3.1 through to 3.12 on pages 8 through to 10 of the Public Agenda Report.
- Mrs Mariflo was the Premises Licence Holder and the Designated Premises Supervisor (DPS) from 2007 through to April 2024.
- Mrs Mariflo was not working in the business full time as she had child care responsibilities and her husband was operating the business.
- Mrs Mariflo's marriage has broken down, owing to an abusive relationship and she has obtained a non-molestation order against her husband from the Family Court at Peterborough dated 1st July 2025 and an Occupation Order for the family home owing to alleged domestic abusive behaviour (See Appendix 2). 5.7 July 2024- CAMEO liaison with Police following referral to Multi-Agency Risk Assessment Conference (MARAC) due to concerns about Honour based violence and aggression perpetrated towards Mrs Mariflo and was supported to make initial contact with Police and later supported by the Independent Domestic Violence Advisor (IDVA) to make a victim statement to Police.
- Mrs Mariflo is the sole director of Neluxa Sparkle Ltd and holds the lease agreement for the store.
- The previous premises licence was surrendered under s.28 LA 2003. S.50 allows for the licence to be transferred at any time during the following 28 day period. Unfortunately, the Licensing Agent missed the deadline for the transfer and therefore a grant of a new premises licence is sought.
- It was accepted that there were a number of incidents in relation to the premises over the years but Mrs Mariflo relied on staff to perform their duties in accordance with their proof of age policy.
- Many of the incidents described in the representations do not relate to Mrs Mariflo's stewardship.

- A penalty notice was not issued by the Immigration Enforcement Authority in 2024 as there was insufficient evidence to prove there was a breach.
- Mrs Mariflo had enrolled on the Award in Personal Licence Holder's (APLH) course to update her knowledge and it is anticipated that the examination will have been passed by the date of the LSC hearing.
- The premises shall operate a Challenge 25 policy for all age restricted goods and staff shall receive training on the F.L.A.R.E. procedures for validating proof of age identity documents (ID).
- The staff training records shall be countersigned by the staff and kept on record for a period of twelve months and be available for inspection by an authorised officer from the Council or a Police.

Representation from Mr N Reddy, Proposed Designated Premises Supervisor

- He outlined the main licensing objectives.
- Had studied Business Administration.
- Had a BA in Pharmaceuticals
- He belied that he had the drive to take on the role of DPS

In response to questions the Applicant/Representative and the Proposed Designated Premises Supervisor said the following:

- The representative had only taken on the case the previous week as there had been a breakdown in communications with the previous advisor.
- The applicant had proposed a new DPS as she could not always be on the premises.
- The DPS had the strength and drive to take on the role.
- They accepted that the premises had a chequered history.
- Mrs Mariflo's ex partner had failed the DPS exams.
- The lease of the premises should have been reassigned but had been sublet.

Representation in objection from PC Metcalfe: Licensing Officer, Cambridge Constabulary

- 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.

- She gave evidence that 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.

- She gave evidence that the quantity of alcohol on display had increased significantly between the second and third visit. She 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.
- That the arrangement of alcohol was consistent with readiness for sale rather than passive storage.
- 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.
- She stated that if further conditions were imposed today, they would be unlikely to resolve the problems as the existing conditions were comprehensive.

Representation in objection from Kirsty Draycott: Senior Trading Standards Officer

- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- Trading standards gave evidence that the applicant relinquished responsibility at 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.

- 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.
- 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.
- 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.

Summing up.

The Officer reminded Members they were to determine the application on its individual merits having reference to the statutory licensing objectives and Cambridge City Council's Statement of Licensing Policy and the Cumulative Impact Assessment.

Members should take such steps that they consider were necessary for the promotion of the licensing objectives. The subcommittee may resolve:

- a. To grant the variation as applied for.
- b. To modify the conditions of the licence.
- c. To reject the whole or part of the application.

Members must give reasons for their decision.

In making the decision the committee considered the following:

- Statutory provisions (Licensing Act 2003)
- Statutory Guidance

- Cambridge City Council's Statement of Licensing Policy
- Reports
- Advice from Legal Officer
- Representations from those listed above.

The Decision

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.

The Sub-committee 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.

The Committee made the following findings of fact:

- Applicant had met all the safety and licensing requirements.

- The applicant had licensing experience within Cambridge, which has been managed well.
- The premises offered a cultural and community venue for local and other residents.
- The Applicant had a good knowledge and context of the CIA, including the effects of licensed premises within the CIA.

Resolved: (i) That 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.

(ii) 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 be **REFUSED**.

Our reasons for reaching the decision are as follows:

1. 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.
2. 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.
3. 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
4. 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.

5. 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.
6. 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
7. In those circumstances, refusal was found to be necessary and proportionate
8. 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
9. The Sub-committee carefully considered whether the licensing objectives could be promoted by granting the licence with conditions.
10. 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.

11. 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.
12. 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.

The meeting ended at 1.00 pm

CHAIR