

Agenda

Licensing Sub-Committee Meeting

Date: Monday, 12 May 2025

Time 10.00 am

Venue: Committee Room, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Derek Carnell, Simon Clark and Tony Winckless.

Quorum = 3

Pages

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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.
- 2. Apologies for Absence
- 3. Notification of Chair and Outline of Procedure
- 4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

- 5. Review of Premises Licence under the Licensing Act 2003 3 - 34
To review the licence of Premier, Macknade Stores, Canterbury Road, Faversham, ME13 8NG.

Issued on Tuesday, 29 April 2025

The reports included in Part I of this agenda can be made available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, please contact democraticservices@swale.gov.uk. To find out more about the work of this meeting, please visit www.swale.gov.uk

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

Licensing Sub-Committee Meeting	
Meeting Date	12th May 2025
Report Title	Consideration of an application for the review of a premises licence under the Licensing Act 2003
Premises	Macknade Stores, Canterbury Road, Faversham, Kent ME13 8NG
Lead Officer	Johanna Thomas, Licensing Team Leader
Key Decision	No
Classification	Open
Recommendations	Members are requested to determine the application on its merits and decide whether to take such steps as Members consider appropriate for the promotion of the licensing objectives

1 Purpose of Report and Executive Summary

- 1.1 The report advises Members of an application for the review of a premises licence granted under the Licensing Act 2003 made by PC Andre Smuts 11250 on behalf of Kent Police in respect of Macknade Stores, Canterbury Road, Faversham, Kent ME13 8NG.

2 Background

- 2.1 The Licensing Sub-Committee is asked to determine an application for the review of a premises licence under section 51 of the Licensing Act 2003.
- 2.2 The Licensing Act 2003 (the 2003 Act) requires the Council (as licensing authority) to carry out its various functions so as to promote the following four licensing objectives:
- the prevention of crime and disorder
 - the protection of public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.3 The 2003 Act requires the council to publish a 'Statement of Licensing Policy' that sets out the policies that will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The council first adopted its Statement of Licensing Policy in 2004 and it has been regularly reviewed in line with legislative requirements ever since. The latest policy was adopted on 1st April 2021. The policy will be available at the meeting for reference purposes and is available to view at <https://swale.gov.uk/news-and-your-council/strategies-and-policies/statement-of-licensing-policy>

- 2.4 Under the 2003 Act, licensing authorities must, in carrying out their functions, have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the guidance, it will need to give full reason for any departure from it. This would be a key consideration for the courts should departure from the guidance result in a determination which might lead to an appeal or judicial review. The Guidance will be available at the hearing for reference purposes.
- 2.5 A copy of the council's approved procedure for hearing of the Licensing Sub-Committee in relation to an application, along with a copy of the Hearings Procedure has been circulated to all parties prior to the meeting.
- 2.6 The Licensing Sub-Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence and the protection of private and family life.

3 The current Licence

- 3.1 The current premises licence was originally granted on 3rd October 2005 to become effective on 24th November 2005 when the Licensing Act 2003 became law. At that time the premises licence holders were Mr Rajan Patel and Mrs Nita Patel and Mr Rajan Patel was also the DPS.
- 3.2 On 29th April 2020 the licence was transferred into the name of Mr Prajesh Navendrakumar Patel and Mrs Urvashi Patel. The Designated Premises Supervisor (DPS) is Mr Prajesh Navendrakumar Patel. The current premises licence which allows for the sale of alcohol for consumption off the premises is attached as **APPENDIX I**.

4 The Review Application

- 4.1 An application for a review of the premises licence was received on 19th March 2025 from PC Andre Smuts 11250 on behalf of Kent Police.
- 4.2 It is a requirement of the Licensing Act 2003, that the licensing authority advertise the review application, inviting representations from any responsible authority or interested party. The application has been correctly advertised with notices posted at the premises, on the council website and the council offices for the required period of 28 days.
- 4.3 The grounds for the review are the failure of the premises licence holder to promote the licensing objectives of: public safety and the protection of children from harm. The review application is attached as **APPENDIX II**.

- 4.4 Witness statements and supporting evidence have been submitted by the Police:
- a) An email communication from PC Andre Smuts to the Premises licence holder/DPS Mr Patel requesting CCTV footage – shown as **APPENDIX III**
 - b) Witness Statement written by PC Carrie Knight dated 18th March 2025 - shown as **APPENDIX IV**
 - c) CCTV footage from the premises, which has been provided to all parties prior to this meeting and is available for Members to view.
- 4.5 As part of the review application the Police ask for the subcommittee to consider the circumstances and impose at least, but not limited to the following:
- d) To attach conditions under the operating schedule of the premises licence. Kent Police have suggested conditions they would like Members to consider imposing, attached as **APPENDIX V**
 - e) A period of suspension of the premises licence
- 4.6 Members are advised that they may only modify premises licences if it is appropriate to promote the licensing objectives.

5 Representations

- 5.1 At any stage during the 28-day consultation period a responsible authority, a Councillor or an interested party may make representations provided that the grounds are relevant to the licensing objectives and are not deemed vexatious, frivolous or repetitive.
- 5.2 Representations from responsible authorities:

Kent & Medway Fire & Rescue Service	No representations
KCC Trading Standards	Have made a representation as shown below at 5.3
KCC Public Health	No representations
Swale BC Environmental Health Protection	No representations

- 5.3 The Trading Standards Department of Kent County Council have made a representation which is based on the licensing objectives of “protection of children from harm” and is support of Kent police licensing’s review application. Their comments are shown as **APPENDIX VII**.

5.4 Representations from Interested Parties:

There have been no representations received from Interested Parties

6 Determining the application – Options of the Licensing sub-Committee

6.1 Members must, having regard to the application and any relevant representations, take such steps mentioned below as they consider appropriate for the promotion of the licensing objectives. The steps are:

- To take no action;
- To issue a warning or caution;
- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding 3 months;
- To revoke the licence.

6.2 Relevant sections of the Guidance issued under section 182 of the Licensing Act 2003 that Members should take into account are:

Chapter 2 Licensing Objectives

Chapter 10 Conditions attached to Premises Licences and Club Premises Certificates

Chapter 11 Reviews

6.3 Members should also take into account relevant policy statements as contained in the Swale BC Statement of Licensing Policy 2021 – 2026 including specifically section 14: Review of Premises Licence or Club Premises Certificates. This is attached as **APPENDIX VI**.

7 Implications

Issue	Implications
Corporate Plan	There are links to: Community - To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience. Running the Council - Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.
Financial, Resource and Property	There are no direct financial requirements at this time. There is the possibility of a challenge by way of an appeal.

Legal, Statutory and Procurement	<p>Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p> <p>The Licensing Sub-Committee is obliged to determine this application with a view to promoting the four licensing objectives.</p> <p>In making its decision, the Licensing Sub-Committee is also obliged to have regards to the S182 Guidance that accompanies the Licensing Act 2003 and the council's Statement of Licensing Policy.</p> <p>The Licensing Sub-Committee must also have proper regard to the Human Rights Act 1998 in respect to the rights of an individual when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found.</p>
Crime and Disorder	<p>Section 17 of the Crime and Disorder Act requires local authorities to consider the crime and disorder implications of their decisions and it is the Licensing Authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.</p> <p>Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can reasonably can to prevent crime and disorder in its area".</p>
Environment and Climate/Ecological Emergency	No implications
Health and Wellbeing	Anti-social behaviour and noise nuisance can impact on the wellbeing of nearby residents
Safeguarding of Children, Young People and Vulnerable Adults	The protection of children from harm is one of the 4 licensing objectives that underpin the Licensing Act 2003 and must be considered when making decisions on licence applications.
Risk Management and Health and Safety	Departure from the Guidance and Statement of Licensing Policy could lead to an increased risk of appeal. Similarly, if any decision made is not evidence based and proportionate
Equality and Diversity	No implications
Privacy and Data Protection	Normal privacy and data protection rules apply

8 Appendices

8.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Current premises licence – ref: FAV/SWALE/189/0359

- Appendix II: Review Application
- Appendix III: Supporting document - email communication from PC Andre Smuts to the Premises licence holder/DPS
- Appendix IV: Witness Statement PC Carrie Knight
- Appendix V: Suggested Conditions – Kent Police
- Appendix VI: Extract of Swale BC Statement of Licensing Policy 2021 - 2026
- Appendix VII: Representation from Kent County Council Trading Standards

9 Background Papers

Licensing Act 2003

Home Office Guidance issued under s.182 of the Licensing Act 2003 (as amended)

Swale BC Statement of Licensing Policy 2021 - 2026



Swale Borough Council, Swale House, East Street,
Sittingbourne, Kent, ME10 3HT

Premises licence number: FAV/SWALE/189/0359

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Macknade Stores
Canterbury Road
Faversham
Kent

Post town	Faversham	Post code	ME13 8NG
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Telephone number	[REDACTED]
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale of Alcohol

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday – Saturday	08:00 – 23:00
Sunday and Bank Holidays	10:00 – 22:00
Good Friday and Christmas Day	12:00 – 15:00

The opening hours of the premises

Monday – Saturday	08:00 – 23:00
Sunday and Bank Holidays	10:00 – 22:00
Good Friday and Christmas Day	12:00 – 15:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Prajesh Navendrakumar Patel and Urvashi Patel
2-4 Woodberry Drive
Sittingbourne
Kent
ME10 3LL



Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Prajesh Navendrakumar Patel



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol



State whether access to the premises by children is restricted or prohibited

Not restricted or prohibited

Annex 1 – Mandatory Conditions

Condition 1

No supply of alcohol may be made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Condition 9

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Condition 11

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula:- $P = D + (D \times V)$ where:-
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-
- (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

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OFFICIAL (when complete)**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.

I, PC Andre Smuts, on behalf of Kent Police

Apply for the review of a premises license under section 51 of the Licensing Act 2003 for the premises prescribed below.

(delete as applicable)

Part 1 – Premises or club premises details

Post town: Premier Macknade Stores Canterbury Rd Faversham Kent ME13 8NG	Post code (if known) ME13 8NG
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Name of premises licence holder or club holding club premises certificate (if known) Mr Prajesh PATEL
--

Number of premises licence or club premises certificate (if known) FAV/SWALE/189/0359
--

Part 2 – Applicant details

I am

Please tick yes

1) an interested part (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

2) a responsible authority (please complete (C) below)

☒

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Kent Police Medway Police Station Purser Way Gillingham ME7 1NE
Telephone number (if any) 01634 792388
E-mail address Licensing.north.division@kent.police.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 | <input type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

<p>This application to review relates to the following licensing objectives:</p> <ul style="list-style-type: none">- Public safety.- The protection of children from harm <p>Kent Police will produce evidence in support of an incident where a staff member of the shop, describing himself as the manager has sold a bottle of Vodka to a 14 year old child.</p>
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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please provide as much information as possible to support the application

(please read guidance note 2)

On 1st March 2025, Kent Police were contacted by a concerned parent who expressed concern for his 14-year-old daughter (child 1, C1) who had arrived home very intoxicated after consuming alcohol.

The child's friend, another 14-year-old child (child 2, C2) had attended Premier Macknade Stores, Canterbury Road, Faversham and purchased a large bottle of Vodka. The concerned parent's child, C1 had become sick, and the following day continued feeling unwell due to the amount of alcohol she had consumed with her friend, C2 who had bought the alcohol.

Information provided by the parent suggested that his daughter and C2 had attended the shop earlier on in the day, was told that she was to return later that day to get the alcohol. C2 was said to have swapped phone numbers with the shop worker and during the day had exchanged messages with him. Later that day C2 returned and received the bottle of Vodka.

As a result, at 1040 hours on 4th March 2025 Kent Police licensing department attended the shop and spoke with a staff member who confirmed he was the shop manager, Shiv Patel. He explained that his father, Rajesh Patel was the holder of the premises license and designated premises supervisor for Macknade Stores and another shop. Their two shops within Swale were family run, not employing any staff, and that he ran their Macknade Stores shop. Shiv Patel confirmed that he had sold the vodka to the girl, but that she had shown him a photograph of her ID on her phone.

Shiv Patel was asked to show the shop's CCTV. He said that it was not working, not recoding, and that they were waiting for a technician to attend to repair it. When asked to bring it up on the screen so this could be established to be the case, he said he did not have the code and said only his father had the code, but that his father was not available to be contacted, but in any case, the CCTV was not recording so there was no point in trying. He said again that they awaited the technician.

He was warned that the CCTV hard drive would be seized by police as evidence if he were not to obtain the unlocking code and show it there and then. For a sixth time he said it was not recording and he knew it 'for a fact.'

After further conversation about seizing the whole unit Shiv Patel phoned his father, obtained the code, unlocked it and showed police a working, recording CCTV system which contained footage of the child purchasing the Vodka.

The child can be seen on the CCTV, in the shop on three separate occasions.

Shiv Patel initially explained that he had seen her ID on her 1st attendance at 1142. When the CCTV from behind the counter showed that her phone was on a phone call, and no ID being displayed he corrected himself and said he had seen the ID during their second conversation at 11:49 hours. She was seen handing her phone over to him and he has possession of it for 1 minute, 2 seconds until he hands it back to her.

On the third occasion she attends the shop at 1924 hours where he sold her the bottle of Vodka.

There is no evidence from shop CCTV to support the account that the child supplied a copy of her ID on her phone.

When asked why he had not provided the alcohol to C2 upon seeing the ID earlier, Shiv Patel said that based on the ID he had seen on her phone he had refused her the alcohol and told her he was not going to sell it to her. When asked why he had then supplied her alcohol when she returned later in the day, he said that by that time he had thought that she may have been old enough and she pleaded with him, so sold it to her without seeing an ID again.

He could not explain to the satisfaction of the licensing officers, why he would have sold the Vodka later, having made the earlier decision to refuse the sale based on seeing her ID.

Kent Police are of the opinion that the insistence that the CCTV was not operational may have been an attempt in not having to provide evidence of an underage sale. This prospect is exacerbated in light of the fact that later during the visit, Shiv was able to operate the shop's CCTV remotely on his phone.

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

Even if the shop manager had seen a photo of an ID on the 14-year-old child's phone, his explanation as to having seen it, refusing the sale and then deciding to sell the alcohol to her in any case when she returned later in the day is clearly either not true, a huge error in judgment, dangerous, unacceptable, and possibly an offence under the licensing act.

Nonetheless, this point has become academic, as having spoken to the child's mother on 18th March 2025 it was ascertained that her daughter had confirmed to her that no ID, fake or otherwise had been used when she had purchased the 1 litre bottle of Vodka rather that her daughter is generally very persistent so may just have convinced the shop manager.

At 1930 hours on Friday 14th March 2025 Kent Licensing officers spoke with Mr Prajesh Patel at his other premises for which he too is the holder of the premises license and designated premises supervisor.

He confirmed that he is aware of the sale made by his son, Shiv on 1st March 25.

He confirmed that Shiv works and is in day-to-day control at their Macknade Store and is the only employee at the shop.

It is understood that Prajesh runs the family's other premises.

Having at their disposal all options under the licensing act, Kent Police would like the subcommittee to consider the circumstances and impose at least, but not limited to the conditions as suggested by them listed in: 'Appendix 2. List of suggested conditions.' to be added to the premises' operating schedule.

In addition, Kent Police request of the subcommittee to consider a period of suspension of the premises license so as to allow a period of time for these conditions to come into effect.

Imposing these conditions would assist the premises in the future in promoting the licensing objectives, not least of which include 'public safety' and 'the protection of children from harm.'

Supporting evidence:

Media footage provided under Axon Case ID ref: PMP/543/25:

Shop CCTV, Redacted (child image blurred.)

- CCTV – Clip 1. Female entering store showing phone – 1142 until 1147
- CCTV - Clip 2. Showing purchase of alcohol (Cam 5) 1923 until 1925
- CCTV – Clip 3. Female in store purchasing alcohol (Cam 2) 1924 until 1925
- CCTV – Clip 4. Female in store talking to staff, hands over phone. 1147 until 1151.

Body Worn Video footage: 'BWV, 04/03/25, Redacted.

Appendix 1: Refers to an email and text message sent on 5th March 2025 to the PLH/DPS, Mr Prajesh Patel requesting shop CCTV footage. This request was for all cameras and all coverage of the child throughout her visit at the shop. It was stipulated that no camera angle, no footage should be excluded.

Appendix 2: List of Suggested Conditions.

Appendix 3: MG11, PC Knight.

OFFICIAL (when complete)
**Application for the review of a premises licence or club premises
certificate under the Licensing Act 2003**

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	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

None, N/A

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: PC 11250 A. Smuts

.....

Date 19th March 2025

.....

Capacity Police Alcohol Licensing Officer.

.....

OFFICIAL (when complete)

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




Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) As above	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e mail address your e mail address (optional) Licensing.north.division@kent.police.uk	

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.

Appendix 2. Communication with PLH/DPS

Urgent request. Please complete today.

A4 Andre Smuts PC 46011250
To @hotmail.co.uk
Cc  Licensing North Division Kent
Bcc  licensing@swale.gov.uk

 OFFICIAL

 You forwarded this message on 05/03/2025 08:17.

Good morning Mr Patel.

As you are aware, Kent Police licensing department visited Shiv at Macknade Stores yesterday. I asked Shiv to send through some CCTV of a sale of a bottle of Vodka to a 14 year old female on 1st March 25. This has yet to arrive, so please ensure that this is actioned today. I require all footage of the child entering the shop between 1140 and 1200 and all footage when she returns around 1920. Please include all cameras. Please do not exclude any footage of the child in your shop and all cameras where she is seen are required. Shiv has the link to upload the footage in smaller file sizes.


If it is easier, please buy a USB and upload all the footage onto it today. We will then bring you a replacement USB.

Please be advised that we are very concerned that Shiv sold a bottle of vodka to a child, and I am still considering my options under the licensing act. Your and Shiv's cooperation will assist in me making a decision as to what action I take.


Regards
PC Smuts

 Kent Police Protecting and Serving the people of Kent	PC 11250 Andre Smuts Strategic Prevention Command Licensing Hub, North Division ☎ 07929 048306 ✉ 11250@kent.police.uk 💻 MS Teams
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(no subject)

A4 Andre Smuts PC 46011250
To @sms.tailored.bt.com

 OFFICIAL

From Kent Police Licensing team. Please see an email we sent you to @hotmail.com
Please action this request for CCTV today.

Regards
PC Smuts

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OFFICIAL**WITNESS STATEMENT**

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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46

Statement of: **Carrie Knight**Age if under 18: **Over 18 years** (if over 18 insert 'over 18') Occupation: **Police Constable 11605**

This statement (consisting of 3 page(s) 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.

Signature: **CLKNIGHT**Date: **Tuesday 18th March 2025**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

On Tuesday 4th March 2025 I was on duty as a Police Authorised Licensing Officer, working from Medway Police station along with my colleagues PC Andre SMUTS 11250 and PC SQUIRES 13355.

On this date we attended a premises called Premier Macknade Stores, Canterbury Road, Faversham, Kent following concerns raised regards to underage sales of alcohol. PC SMUTS informed me prior to attendance that he had received information from a concerned parent stating their child had been become ill after consuming alcohol their friend had purchased at the store. This being a large bottle of vodka. The friend is also reported to be under the age of 18 years and had also become ill.

Our attendance at the store was to try and establish the circumstances of what had been reported and to view any CCTV that may have captured the sale.

When we attended PC SMUTS approached the only member of staff, who I now know to be Shiv PATEL. It was explained to him the reasons behind our visit, and he was asked if we could view the CCTV. Shiv ATEL stated that the CCTV was not recording and that they had been waiting for a technician to repair the system. I could see a TV screen opposite the counter which appeared to be showing the CCTV in use, but he was adamant that it was not recording. He was asked to show us that the CCTV was not recording, and he stated that he did not the access code and that it was his father the licence holder that is the only person with access. He was asked to contact his father to see if this could be provided at which point he stated that the CCTV did not work. He was advised

Signature: **CLKNIGHT**

Signature witnessed by:

Continuation page 2

URN

46

Continuation statement of:

that as a serious issue had been reported we would be seizing the hard drive. He then contacted his father, and the code was obtained. He then showed us a fully working CCTV system, recording as it should. He was asked to show us the time and date of the sale of alcohol to a child under 18 and he did. This showed the child entering the store on more than one occasion. When she first entered the store, she was refused the sale, when returns hours later and is then sold the bottle of vodka. During this conversation Shiv Patel eventually mentioned to us that he was aware of the female involved and that he had sold a bottle of vodka to her. He stated that she had shown him ID on her phone. He also confirmed that the female had been in several times. Initially he had declined the sale stating that she was not old enough and then when she had re attended the store later had sold it to her. He was asked to explain why this was and couldn't answer.

As we had now witnessed the incident on CCTV Shiv Patel was asked to provide footage. I explained to him that he can send this via a digital asset management (DAMS) link. At this point I was made aware by him that he had access to the CCTV system on his mobile phone. He showed me footage we requested, and I tried to explain to him how he could screen record and send to police. I did ask him why he did not mention his access to the CCTV via his phone before and he did not answer.

He was sent a link to provide CCTV, provided with the times and dates of what was required and advised that this needed to be uploaded as soon as possible. A link was sent to him. Following this we left the store.

On Friday 14th March 2025 I was again at work working as a Police licensing officer from Medway Police Station. On this date I was aware that PC SMUTS had conducted further enquiries surrounding the young female who had been sold alcohol. He managed to obtain the details of her parent and it was decided that they needed to be spoken to ascertain further details surrounding the sale.

On this date at 1537 hours, I contacted the child's mother. I introduced myself as a police officer and explained to her that I was part of a team investigating a suspected underage sale at a local off

Signature **CLKNIGHT**

Signature witnessed by

Continuation page 3

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46

Continuation statement of:

licence. Before I continued, she informed me that she was fully aware of the incident and that it was her daughter who had been sold the alcohol. She was upset about this and confirmed that her daughter was 14 years old and looked as such. She was shocked that she was not asked for ID as she looks young for her years. She understood that we were in consultation with the premises to address concerns about the underage sale and asked if she was happy for us to talk to her daughter to obtain further details. She asked me at this point if it was possible to speak to her daughter first. As this was a reasonable request, I informed her that I would be in contact. I did ask her to check with her daughter if she had used any Fake ID and confirmed that she would not be in trouble if she had.

On Tuesday 18th March 2025 at 1243 hours, I contacted the parent again to see if her daughter was happy to speak to police. I spoke to her, and she advised that her daughter did not wish to become involved. However, what she did mention to me, which I was unaware of prior to this was that her daughter can be persistent, and this is how she may have managed to purchase alcohol. She confirmed that she had spoken to her daughter about any potential ID, and she confirmed she had not used a fake ID. The parent also informed me that following the purchase and consumption of the alcohol, her daughter and the friend had become highly intoxicated and unwell, to the point of vomiting. Her daughter had to be returned home and was not in a fit state. She blames the premises for selling such a high strength alcohol to her daughter and is aware that police licensing will be looking into the matter.

Signature **CLKNIGHT**

Signature witnessed by

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Appendix 2. Requested conditions.

CCTV

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

1. Cameras shall record all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
2. Equipment must be maintained in good working order, with recordings correctly time and date stamped. Recordings must be kept in date order, kept for a period of 31 days and handed to police and authorised officers upon request.
3. The premises licence holder must ensure at all times a DPS or appointed member of staff are on the premises and are capable and competent at downloading CCTV footage in a recordable format to the police and local authority upon request.
4. An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant. In the event of any failures, any action taken is to be recorded.
5. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the police licensing officer immediately. (licensing.north.division@kent.police.uk).

Personal License Holder:

The license holder and/or designated premises supervisor shall ensure that at least one personal license holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.

Staff Training:

All staff must have licensing training.

1. Training must take place within six weeks of employment.

2. Any new employees will be supervised until the training has taken place.
3. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
4. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
5. Records must be made available for inspection by police, and authorised officers either electronically or in hard copy.

Challenge 25:

A Challenge 25 proof of age scheme shall be operated at the premises, supported by prominent signage.

Signage:

The premises shall display prominent signage indicating, no sales of alcohol without ID will be made. Eg: 'No ID, no sale!'

Acceptable forms of ID:

The premises will only accept photographic driving licences, passports or PASS (proof of age standards scheme) cards approved as means of ID. If it accepts any other form of ID, eg: EU national ID cards, these must all bear a photograph, DOB, and holographic mark. No ID documents displayed as a photo will be accepted (example as a copy on a personal device). Only hard copies of ID documents to be accepted.

Signage:

The premises shall display prominent signage indicating that it is an offence to buy or attempt to buy alcohol for a person under the age of 18.

Spirit location:

Spirits will be displayed behind the counter.

Refusal register:

The premises licence holder or designated premises supervisor must keep a refusal register. Staff to be trained to complete a refusal book/record immediately after the refusal but no later than the end of their shift. The register must be kept

on the premises and will detail:

1. Day, date & time of refusal.
2. Item refused.
3. Name or description of person refused sale.
4. Reason for refusal.

Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made. The register must be made available to police, and authorised officers from the authority upon request either electronically or by hard copy.

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**EXTRACT FROM SWALE BC STATEMENT OF LICENSING POLICY UNDER THE
LICENSING ACT 2003 – 2021 - 2026**

14 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 14.1 The Licensing Authority acknowledges that at any stage following the grant of a premises licence matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be reviewed where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is:
- relevant to one or more of the licensing objectives and
 - not frivolous, vexatious or repetitious.
- 14.6 In every review case an evidential basis for the allegations made will need to be submitted to the Council as the Licensing Authority.
- 14.7 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.
- 14.8 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings as appropriate.
- 14.9 All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.
- 14.10 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that that a revocation of the licence will be considered.

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TRADING STANDARDS

From James Whiddett
Operations Manager
Tel 03000413859
Email James.whiddett@kent.gov.uk
Date 14th April 2025

Our Ref CX 227544
Your Ref

To Swale District Council Licensing Section

The Trading Standards Department of Kent County Council as a responsible authority under the Licensing Act 2003, make representation on the grounds of the **Protection of Children from Harm** objective, in connection with a review application brought by Kent Police for the premises **Premier, Macknade Stores, Canterbury Road, Faversham, Kent ME13 8NG**.

The content of the review application submitted by Kent Police has been noted and the circumstances surrounding it lead this authority to share the serious concerns of Kent Police in respect of the suitability of the ongoing licence at the premises, predominantly due to the ability of the premises licence holder and his staff to fulfil the objective to **Protect Children from Harm**.

This authority holds records relating to the premises, these records are in the form of complaints received by his authority, and visits conducted by officers of this authority.

In 2023 this service visited the premises twice and received 5 complaints from members of the public and a youth worker:

4th January 2023 – Complaint from a member of the public alleging children between 11 and 15 years old are purchasing vapes from this premises.

20th January 2023 – Complaint from a member of the public alleging children in school uniform purchasing vapes.

27th January 2023 - Report from a school support worker of a 14 year old who purchased vapes from the premises.

17th February 2023 – Complaint from a member of the public that their 11 year old son and their 10 year old friend are buying vapes from this premises.

19th May 2023 – Notes from a visit made to the premises by officers of this authority:

- Officers spoke to the Manager Mr Shivam Patel and raised the history of complaints that had been received. Mr Patel stated that there are elements within the community that do not like them and are trying to cause the premises trouble. Mr Patel said that older youths come in a purchase vapes etc for younger children, the officer pointed out that we had complaints of children in in school uniform, and some as young as 10-11 years old reported as buying age related products.

- During the visit officer discussed the Challenge 25 policy – this policy is designed to provide a buffer zone to support a retailer and reduce the risk of underage sales by challenging a person who appears to be up to the age of 25 and to ask for ID. In discussion Mr Patel said that he would challenge to approximately 19 years old, officers provided advice on how to apply the challenge 25 process. When asked the legal age to sell vapes, Mr Patel initially said 16 or 18, then when questioned said 18.
- Officers asked to see the refusals book, there was only one entry for May 2021.
- Mr Patel confirmed that the only ID accepted was a passport or driving license.
- Officers noticed that the legally required tobacco notice was not the prescribed size, during the visit the appropriate sign was found and displayed.
- During the visit 38 illegal vapes were found and signed over to this authority for destruction.

3rd July 2023 – Report from a youth worker that a 17 year old attended a youth club with a bottle of cider, allegedly purchased from the premises.

23rd November 2023 Notes from a visit made to the premises by officers of this authority:

- No staff training records
- No statutory tobacco notice
- Officer has recorded that the shop worker has indicated no children hang around the shop and there are no proxy sales.

15th January 2025 Notes from a visit made to the premises by officers of this authority
Refusal book not up to date

- A shop worker present identified themselves as Mr Raj Patel.
- No staff training records
- Incorrect time and date on CCTV

From the contact with this premises, this authority has recorded that the premises has not had training records in place since 2023 despite advice and guidance on this matter. Staff at the premises have explained possible underage sales as proxy sales (older youths purchasing for younger children) and then also stated that there are no issues with proxy sales or children hanging around the store.

Staff at the premises do not appear to understand the legal age to sell an e-cigarette (vape) with two members of staff both think it could be 16 or 18. The legal age to purchase a vape is 18. Whilst a vape is not a product covered by the licence in question, the confusion on the appropriate age undermines any confidence in the application of the licence requirements to protect children from harm.

The contact this authority has had with the premises, and the information within the Application by Kent Police indicate a low level of confidence in the ability of the premises to comply with the current licence requirements, and awareness of restrictions on age related products.

Having reviewed the application made by Kent Police, this authority considers the circumstances of the incident on the 1st March 2025 to be of serious concern. The history of visits and complaints held by this authority demonstrate a lax attitude towards compliance of age restricted sales. The recent evidence of the sale of a litre bottle vodka to a vulnerable young person should therefore be treated most seriously, the manner of the sale is of great concern as there are allegations of communication via mobile phones between the child and the shop worker prior to the sale. This is not an activity that this authority recognises as normal retail behaviour.

The facts presented by Kent Police and Trading Standards suggest the premises licence holder is either unwilling or unable to suitably Protect Children from Harm. Therefore Kent Trading Standards support the request by Kent Police for additional condition and a suspension of the licence, if the subcommittee consider this would sufficiently protect children from harm.



James Whiddett - Operations Manager
Kent Trading Standards
14.4.25

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