



# TRADING STANDARDS

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**Our Ref** CX 227544  
**Your Ref**

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**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:

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

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

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

17<sup>th</sup> 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.

19<sup>th</sup> 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.

## Appendix VII

- 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.

3<sup>rd</sup> 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.

23<sup>rd</sup> 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.

15<sup>th</sup> 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.

## Appendix VII

Having reviewed the application made by Kent Police, this authority considers the circumstances of the incident on the 1<sup>st</sup> 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