



**LICENSING AUTHORITY: SWALE BOROUGH COUNCIL  
LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION  
REVIEW**

Applicant: PC Andre Smuts on behalf of Kent Police

Premises Macknade Stores, Canterbury Road, Faversham, Kent  
ME13 8NG

Date(s) of hearing: 12 May 2025

Date of determination: 12 May 2025

Licensing Sub Committee Members: Councillor Derek Carnell (Chair)  
Councillor Simon Clark  
Councillor Tony Winckless

Legal Advisor in attendance: Helen Ward, Senior Lawyer, MKLS

Licensing Team Leader in attendance: Johanna Thomas

Licensing Officer in attendance: Lorraine Crowley

Democratic Services Officer in attendance: Kellie MacKenzie

This was an application for **Review** of a **Premises Licence**

**A: Representations, evidence and submissions:**

The Licensing Sub Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

Kent Police, PC Andre Smuts and PC Carrie Knight

**Responsible Authorities**

Trading Standards, James Whiddett and Andy Blair

**Interested Parties**

None

**Premises Licence Holder**

Prajesh Patel, Premises Licence Holder and Designated Premises Supervisor  
Shivam Patel  
Representative: Michael Kheng

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Swale Borough Council**

The Licensing Sub Committee has taken into account the Licensing Act 2003 and the Regulations thereto.

The Licensing Sub Committee has taken into account the Guidance under section 182 of the Licensing Act 2003:

The Licensing Sub Committee has taken into account its Statement of Licensing Policy.

**C: Determination:**

**The Licensing Sub Committee has decided:**

- 1) To modify the conditions of the premises licence to add all conditions agreed between the Police and the Premises Licence Holder, set out in full at **section E** below.
- 2) To issue a warning to the premises licence holder, as set out in **Section F** below.

## **Reasons for determination, considering each of the licensing objectives in turn:**

### **■ Prevention of Crime and Disorder**

Reasons (state in full):

The Licensing Sub Committee were extremely concerned about the allegations contained in the review and from Trading Standards.

The Licensing Sub Committee were also satisfied that Shivam Patel had initially been obstructive and unhelpful in assisting them when the Police visited the premises. They noted that it was not, at the time, a condition of the premises licence to provide CCTV but they did not consider that the Police had received adequate assistance and information as commensurate with this licensing objective. Accordingly they considered the new condition regarding CCTV would be appropriate and proportionate moving forward.

The Licensing Sub Committee considered that the conditions agreed between the Police and Premises Licence holder would ensure that all employees are aware of their responsibilities under the Licensing Act 2003. They heard evidence that the premises had taken significant steps towards this, including staff training and implementing new procedures and they noted that Shivam Patel had now obtained his personal licence.

The Licensing Sub Committee welcomed the condition regarding personal licence holders being present on the premises and heard evidence that there are now four available personal licence holders which would assist to ensure appropriate supervision and oversight of alcohol sales at the premises.

The Licensing Sub Committee noted that the Police were satisfied that the premises licence holder had taken prompt steps following the review and they would continue to monitor the premises to ensure compliance with the licensing objectives. Although the Licensing Sub Committee were concerned about the allegations made in the review and the credibility and consistency of some of the evidence provided, they considered that significant steps have been taken towards responsible retailing of alcohol and in those circumstances it was not considered that suspension was an appropriate or proportionate step at this time.

### **■ Public Safety**

Reasons (state in full):

The Licensing Sub Committee noted that the review engaged this licensing objective however they did not feel that any intervention was appropriate for the purposes of promoting the licensing objective, nor would it be proportionate to the decision being made.

#### ■ **Prevention of public nuisance**

Reasons (state in full):

There were no representations relating to this licensing objective.

#### ■ **Protection of children from harm**

Reasons (state in full):

The Licensing Sub Committee were extremely concerned about allegations of underage sales that had taken place at the premises. They were not satisfied that a consistent account of ID checking was provided and considered that standards at the premises had fallen below expectations of a responsible retailer. They were again concerned that records had not been made available to officers when requested, although noted this was not a condition of the licence at the time. The new conditions to be endorsed on the licence would help ensure all parties are aware of the responsibilities moving forward.

The Licensing Sub Committee heard evidence of the new procedures in place to prevent underage sales, including staff training, personal licence holder supervision, till prompts and record keeping. The Licensing Sub Committee were satisfied that if such conditions were properly implemented and adhered to, the premises would reduce the risk of undermining this licensing objective. Given the lack of assistance provided in the past, the Licensing Sub Committee considered it appropriate and proportionate to supplement the new conditions with a warning.

### **D: Appeal**

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.

An appeal has to be commenced by the giving of a notice of appeal to the Magistrates' Court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

### **E: Conditions to be Added to the Premises Licence**

#### **1. 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.

Cameras shall record all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

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.

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.

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.

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](mailto:licensing.north.division@kent.police.uk)).

## 2. Personal Licence Holder:

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

## 3. Staff Training:

All staff must have licensing training. Training must take place within six weeks of employment.

Any new employees will be supervised until the training has taken place.

Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.

Training records must be kept on the premises and shall contain the nature, content and frequency of all training. Records must be made available for inspection by police, and authorised officers either electronically or in hard copy.

## 4. Challenge 25:

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

## 5. Signage:

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

6. 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.

7. 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.

8. Spirit location:

Spirits will be displayed behind the counter.

9. 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.

## **F: Warning**

**The Licensing Authority considers that the premises licence holder has fallen below the expected standards of a responsible retailer by not having proper procedures and training in place to understand and adhere to the licensing objectives.**

**The Licensing Authority expects strict adherence to the conditions which have been endorsed on the premises licence and that the premises licence holder and**

**all employees will ensure that they are familiar with the procedures in place regarding alcohol sales.**

**The Licensing Authority expects the premises licence holder and all employees to fully cooperate with the responsible authorities at all times.**

PRINT NAME (CHAIR): CLLR DEREK CARNELL

A handwritten signature in blue ink, appearing to read 'Derek Carnell', written over a faint, circular official stamp.

Signed [Chair]:

Date: 13 May 2025

A copy of the original document is held on file