



LICENSING AUTHORITY: SWALE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Applicant: Chief Inspector Vanessa Foster, on behalf of Kent Police

Regarding **Royal Hotel, 29 The Broadway, Sheerness, Kent ME12 1AB**

Date of hearing: 17 December 2025

Date of determination: 17 December 2025

Licensing Sub Committee Members: Councillor Derek Carnell (Chair)
Councillor Tony Winckless
Councillor Lee-Anne Moore

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

Licensing Officer in attendance at hearing: Johanna Thomas

Democratic Services Officers in attendance at hearing: Kellie MacKenzie, Alona Diachenko

This was an application for Review of a Premises Licence under s.51 Licensing Act 2003.

A: Representations, evidence and submissions:

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

Applicant

- PC Andre Smuts, Kent Police Licensing
- PC Carrie Knight, Kent Police Licensing
- PS Pete Ballard, Kent Police Licensing

Responsible Authorities

- Gillian Banfield, Kent Fire & Rescue Service
- Jennifer Robbins, Kent Fire & Rescue Service

Interested Parties

- None

Premises Licence Holder

- Ramesh Rajathurai, Premises Licence Holder and Designated Premises Supervisor
- Ashwin Ramesh, Son of the Premises Licence Holder
- David Dadds, Counsel for the Premises Licence Holder

Representations considered in the absence of a party to the hearing:

None, all parties attended the hearing.

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

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

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

C: Determination:

The Licensing Sub Committee has decided to REVOKE the premises licence, pursuant to s.52 Licensing Act 2003.

Reasons for determination:

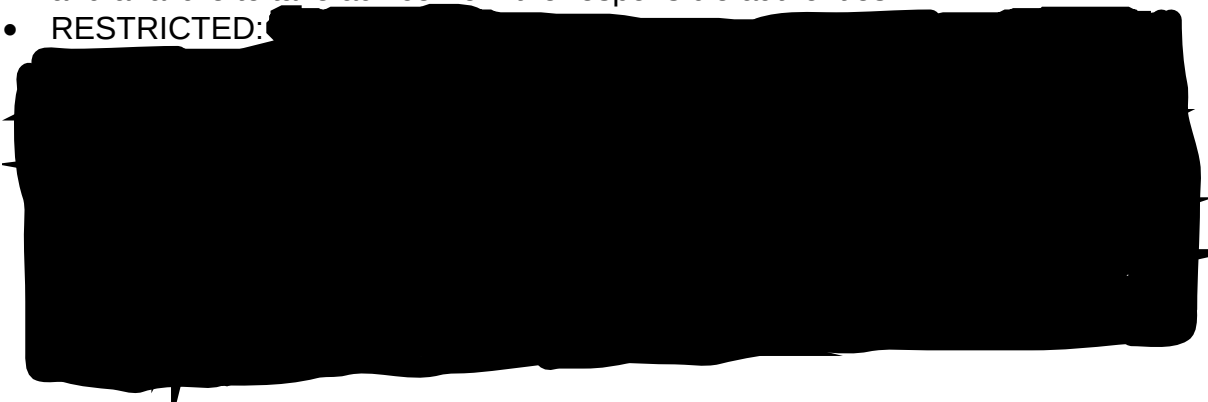
■ Prevention of Crime and Disorder

Reasons (state in full):

The Licensing Sub Committee considered the evidence and heard submissions regarding a number of incidents that had occurred at or in the immediate vicinity of the premises.

- The Licensing Sub Committee noted that the Premises Licence Holder had not responded to contact made by the Police and the previous Premises Licence Holder concerning an incident in December 2024. They noted that the Licence Holder said he had not received the emails. The Licensing Sub Committee noted a failure to engage with the Police, including in reporting incidents at the premises, when arranging meetings and, on occasion, in failing to provide CCTV. They considered that this demonstrated a lack of cooperation with the Police, who had, prior to instigating the Review, provided informal advice to the Premises Licence Holder, including convening a meeting on site in August to provide guidance, including on the use of SIA door staff, which was not actioned until after the Review was instigated.
- Regarding the incidents of violence that had been raised, the Licensing Sub Committee considered each in turn. They noted that the Police were unable to provide any information regarding outcomes of the incidents contained in the Review however the Licensing Sub Committee were primarily concerned with the actions of the Premises Licence Holder and his staff and the promotion of the licensing objectives. They noted that the Premises Licence Holder and / or other members of staff were present during a number of the incidents but had not taken appropriate steps in response to the incidents, including notifying the Police and managing customers and suspects. They noted a number of incidents were notified to the Police by residents and Council CCTV. They noted that evidence had not been provided of a great frequency of incidents however there was a pattern of a failure to engage with the Police when the incidents did occur.
- The Licensing Sub Committee were extremely concerned with the incident of 31 May 2025. They accepted that a glassing can occur spontaneously however they were not satisfied that the Premises Licence Holder and his staff took appropriate steps. They noted the Premises Licence Holder's submission that he offered first aid to the victim however the CCTV showed him having an argument with the victim, who then leaves the pub. Following a short interval,

the Premises Licence Holder and his son take pool cues and exit the pub to chase the victim up the road. They noted the explanation provided was of self-defence however the Licensing Sub Committee considered the actions to potentially inflame an already dangerous situation and there were alternative, safer and more responsible options available to them, especially given the presence of other customers in the pub at the time. They also considered the wider circumstances of the incident, including a victim who appeared on CCTV to be erratic and who was openly in possession of what appeared to be drugs being served alcohol by the Premises Licence Holder's son. They noted that the scene was cleaned before Police were notified of the glassing and, when the Premises Licence Holder's son did contact the Police, he did not provide a full or accurate account of the incident. The Licensing Sub Committee considered the Premises Licence Holder and his staff's response to this incident alone to be so serious as to wholly undermine the licensing objectives.

- The Licensing Sub Committee noted that training and training records historically were not satisfactorily being complied with. They were disappointed that, despite guidance, it had taken nearly a year from being taken over to implement a training program. They were not satisfied that the Premises Licence Holder had taken full cognisance of the existing condition regarding staff training.
- The Licensing Sub Committee considered the evidence provided regarding drug use at the premises. They noted that there was credible evidence of persons at the premises in possession of drugs and were satisfied on the balance of probabilities that drug paraphernalia had been found at the premises. However they were not satisfied of the link between drug use generally and the Premises Licence Holder and his staff such as for it to be appropriate or proportionate to intervene on these grounds alone. They were however extremely concerned that a customer had freely used drug paraphernalia in the bar whilst being served alcohol by the Premises Licence Holder's son. They noted his explanation that he was not aware this was occurring however the Licensing Sub Committee on that basis had concerns about the level of supervision of customers, especially as this incident occurred shortly following a Police visit which had found evidence of drugs at the premises. The Licensing Sub Committee felt that this showed a lack of vigilance and a failure to take advice from the responsible authorities.
- RESTRICTED: 

The Licensing Sub Committee noted the submissions of the Premises Licence Holder that the Review was instigated due to the Police Officer becoming annoyed and upset. The Licensing Sub Committee did not consider that this allegation was the driver of the Review and instead focussed their decision making on the evidence of crime and disorder that had been put before them.

The Licensing Sub Committee noted that submissions were made regarding the general crime figures for the area along with comments made by officers who were not a party to the application. Given these figures were not specific to the premises and the comments were not capable of further scrutiny, and with consideration of the Guidance at paragraph 11.7, the Licensing Sub Committee did not place any weight on them.

The Licensing Sub Committee noted the submissions of the Premises Licence Holder that he had spent £120,000 on the premises although this was further established to be primarily on the lease with a further £20,000 on the refurbishment. They welcomed the investment in the licensed premises however they considered that basic matters to uphold the licensing objectives, such as working with the responsible authorities and adhering to licensing conditions, was of utmost importance and they were not satisfied that the Premises Licence Holder had achieved that.

The Licensing Sub Committee considered the evidence of the Fire & Rescue Service that related to crime and disorder. They noted the Government Guidance at paragraph 9.12 in applying weight to the submissions of the Fire & Rescue Service regarding crime and disorder. However, they were concerned about the articles and individuals that had been identified in the hotel, being under the same management as the pub part of the premises. They again noted evidence of the Fire & Rescue Service that a number of matters highlighted on the enforcement notice had not been complied with and the Licensing Sub Committee considered this showed further disregard for the advice of responsible authorities.

The Licensing Sub Committee also considered the submissions of the Premises Licence Holder and in particular took great care to consider how the Police had presented the case, including in the inaccuracy regarding the number of bags found in the toilet cistern. They noted that this error was corrected in evidence prior to the hearing and at the hearing itself. They were not sufficiently satisfied that this was demonstrative of other errors in the Review without any evidence of those.

The Licensing Sub Committee considered the evidence provided that the Premises Licence Holder had not historically worked in pubs although they had previously operated other licensed premises. The Licensing Sub Committee felt that they did not have evidence before them that showed the Premises Licence Holder's competency in dealing with the specific issues relating to pub premises and accepted the submissions of both the Police and Fire & Rescue Service that the Premises Licence Holder was "out of his depth". They noted that they had signed up to a training program

but considered that this had only been done since the Review had been instigated and no evidence of training taking place was provided.

Fundamentally, the Licensing Sub Committee considered the proportionate totality of the evidence and the cause of the concerns raised in the representations. They were satisfied that whilst the frequency of incidents that had been evidenced to them was not significantly high, the seriousness of such incidents and in particular how such incidents had been managed, responded to and, on occasion, inflamed by the actions of the Premises Licence Holder and his son, along with a general lack of cooperation with responsible authorities, meant that the licensing objectives were being significantly undermined.

■ **Public Safety**

Reasons (state in full):

The Licensing Sub Committee noted that the premises and hotel upstairs were subject to an Enforcement Notice and a Notice of Further Deficiencies. They noted the submissions of the Fire & Rescue Service that a number of matters still had not been complied with. They noted that the Premises Licence Holder stated that there was only one matter outstanding and that people were not wholly prohibited from being on the premises, and it was also accepted that further time to comply with the Notices had been requested. The Licensing Sub Committee considered however that the Premises Licence Holder had not sufficiently addressed the serious issues relating to public safety at the time of the hearing despite guidance from the Fire & Rescue Service. They considered that this licensing objective was currently being undermined.

■ **Prevention of public nuisance**

Reasons (state in full):

The Licensing Sub Committee considered the licensing objective in respect of the matters raised in the Review. They noted that no residents had made any representations, nor had the Environmental Health Officer. They did not consider that the evidence provided showed that this licensing objective was being undermined and accordingly did not consider any intervention on the grounds of public nuisance was appropriate.

■ **Protection of children from harm**

Reasons (state in full):

The Licensing Sub Committee noted that this licensing objective had not been raised in the Review papers and the Licensing Sub Committee did not hear evidence from any parties relating to this licensing objective.

■ Consideration of Options

The Licensing Sub Committee carefully considered all options available to them. Due to the failure of the Premises Licence Holder to uphold the licensing objectives, it was not considered appropriate to take no action or to issue a warning.

During the hearing, a number of conditions were discussed. The Licensing Sub Committee gave careful consideration as to whether the inclusion of these conditions on the premises licence (alone or as part of other measures) would be appropriate for the promotion of the licensing objectives.

- Regarding the proposed door staff condition, the Licensing Sub Committee noted the Premises Licence Holder's comments that this would be cost prohibitive unless the requirement for door staff commenced at the point of 50 customers. The Licensing Sub Committee noted there were numerous entrances to the premises and that this could be difficult to manage. The Premises Licence Holder submitted that a dedicated member of staff would head count numbers however the Licensing Sub Committee, with particular consideration to the Guidance at paragraph 9.44, ultimately did not consider this practical or capable of enforcement, nor was it an appropriate step for the benefit of the licensing objectives.
- Regarding the condition restricting glasses and bottles being allowed outside, the Licensing Sub Committee noted that no concerns about the use of glassware outside had been noted and in fact the glassing incident happened inside the premises.
- Regarding the terminal hour, the Licensing Sub Committee considered the Police request for this to be brought back to 23:00 hours (23:30 hours close) and the submission of the Premises Licence Holder that this be reduced to midnight, close at 00:30 hour. The Licensing Sub Committee noted that a number of incidents had taken place prior to midnight. They also noted that the reason for the licensing objectives being undermined was the Premises Licence Holder's management of the premises, actions during incidents and failure to work in partnership with the responsible authorities and accordingly reducing the terminal hours was not considered to be an appropriate step.
- Regarding the drugs policy, the Licensing Sub Committee noted that this was best practice although they were not satisfied that the evidence of drug use at the premises broadly require any intervention in order to promote the licensing objectives.
- Regarding the proposed toilet conditions, the Licensing Sub Committee noted that evidence regarding drug use in the toilets had been provided however they did not consider that these conditions would be appropriate or proportionate to endorse on the premises licence.
- Regarding the staff training condition, although the Licensing Sub Committee noted that the Premises Licence Holder had now signed up to a licensing training program, this had occurred a year after they had taken over the premises and despite the existence of a condition regarding staff training

already being on the premises licence which they considered sufficient evidence of non-compliance had been provided.

- Regarding the change of Designated Premises Supervisor, the Licensing Sub Committee did not consider this an appropriate and proportionate step. The Premises Licence Holder retained control of the business and no evidence was put forward that he would relinquish any responsibility, even if a new DPS was specified on the premises licence. The Licensing Sub Committee considered that the evidence demonstrated a clear failure in management and accordingly they were not satisfied that removing the DPS would have a positive impact on licensing objectives. They noted in particular the Guidance at paragraph 11.21.
- Regarding a personal licence holder being on duty, the Premises Licence Holder explained that they had one other personal licence holder along with the DPS and would agree to this condition applying after 18:00 hours. For the same reasons as set out above the Licensing Sub Committee had no confidence that the existing management had sufficient control of the premises or had taken sufficient steps to address issues and accordingly the Licensing Sub Committee did not consider that the addition of this condition would promote the licensing objectives.
- Regarding the period of suspension, as the Licensing Sub Committee did not consider any of the new policies or procedures to be appropriate for the promotion of the licensing objectives, they did not consider suspension to be an appropriate step.

The Licensing Sub Committee considered that their decision must be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate. Accordingly, and for the reasons set out in this decision, and with consideration to the law, statutory guidance and the council's policy, the Licensing Sub Committee determined to revoke the premises licence.

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 must be commenced by the Appellant giving a Notice of Appeal to the Magistrates' Court within 21 days beginning on the day on which the Appellant was notified by the Licensing Authority in writing 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.

Signed:

Date: 22 December 2025



Cllr Derek Carnell (CHAIR):