



**HASTINGS POLICE STATION  
EAST SUSSEX DIVISION**

Your Ref: HOP50405

Our Ref: ESX/LIC/CI

Date: 7<sup>th</sup> December 2011

Contact Name: Chief Inspector  
Taylor

Tel. Extension: 60224.

Direct Dial No: 01424 456171.

Dear Mr Brown

**Application by East Sussex Trading Standards Department for a Review of the Premises Licence of Marina News 39 Marina St. Leonards on Sea East Sussex. TN38 0BU**

Sussex Police wish to make representations in support of the above review of the premises licence on the grounds that the licensing objectives of:

1. of the prevention of crime and disorder and
2. the protection of children from harm.

have been seriously undermined.

On Wednesday 13<sup>th</sup> July 2011, Sussex Police were notified by a member of staff from UK Power Network relating to a possible cannabis factory within the premises at 39A Marina St. Leonards on Sea East Sussex. Police officers attended and in a store room at the rear of the premises police officers found fifty cannabis plants being cultivated. The attending police officers made reference to a hydroponics cannabis factory with bins full of water, heaters and extraction fans. Mr. Patrick Green was arrested for the offence of 'Drugs - Producing (allowing premises to be used in the cultivation of cannabis). He fully admitted the offence of permitting the production / attempted production on premises of a controlled drug of Class B - Cannabis. On Wednesday 21<sup>st</sup> September 2011 he was cautioned for 'Permit production / attempt production on premises of a controlled drug of Class B - cannabis, contrary to Sect.8(A) of and Schedule 4 to the Misuse of Drugs Act 1971.

Mr Patrick Green is the Designated Premises Supervisor of Marina News and is the joint Premises Licence Holder with other family members, Mrs. Huong Green and Mr. Anthony Green.

Two male accomplices were arrested for the offence of drugs - producing Class B cannabis. No further police action was taken against one of the males due to insufficient evidence. The other male was cautioned for production of cannabis and possession of a controlled drug of Class B - cannabis / cannabis resin.

Section 182 of the Licensing Act 2003 as amended in October 2010 lists a number of relevant offences. Section 7 to Schedule 4 to the Act makes mention of any offence under the following provisions of the Misuse of Drugs Act 1971:-

Mr. R. Brown  
Licensing Manager  
Environment and Safety Directorate  
Aquila House  
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TN34 3DU

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An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38) -

- (a) section 4(2) (production of a controlled drug);
- (b) section 4(3) (supply of a controlled drug);
- (c) section 5(3) (possession of a controlled drug with intent to supply);
- (d) section 8 (permitting activities to take place on premises).

Mr. Green received a caution for the relevant offence, therefore, Sussex Police were not able to request the revocation / suspension of Mr. Green's personal licence as this can only be enforced by a Magistrates Court.

The offences disclosed by the East Sussex County Council Trading Standards Service as stated in their representation are as follows. Relating to the counterfeit DVD's, Sect. 92 of The Trade Markets Act 1994, Sect. 107 of The Copyright Design and Patents Act 1988 and The Video Recordings Act 2010. With regard to the Russian Vodka the relevant offences are The Spirit Drink Regulations 2008, The Food Labelling Regulations 1996 and the General Food Regulations 1996. These offences in addition to those investigated by Sussex Police prove that Mr. Green has failed to promote two of the Licensing Objectives of the Licensing Act 2003, as above.

All organisations and individuals involved in the licensing process must carry out their functions or run their businesses and promote the licensing objectives. Sussex police contend that as the Premises Licence is jointly held by three persons, it is inconceivable that each was not aware of the malpractice taking place at the premises.

Paragraph 11.26 of Section 182 of the Licensing Act 2003 as amended in October 2010 states the following. *There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:*

(.....)

- *for the sale of smuggled tobacco and alcohol.*

Paragraph 11.26 states *'It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered'.*

Under these circumstances, Sussex Police contend that it is both necessary and proportionate to request that the committee seriously consider revocation of the premises licence.



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Yours sincerely.

C/I L. Taylor  
District Commander

Enclosed;  
OIC's Photographs.