

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Agnes Ashe

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation: Hotelier

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Signature Dated

I am Agnes Ashe and I currently reside at the address overleaf. I reside and operate a hotel in Coronation Street. I have lived and operated this hotel for two years. Quite often on Saturday I walk through Bank Hey Street as I do my shopping. My attention is always drawn to the Underbar, the scruffy appearance of this premises with all its smashed windows and the loud music blaring out is an embarrassment. Whenever I walk through a number of things concern me;

1. The loud music can be heard from the bottom end of Bank Hey Street.
2. The promotions staff cause obstructions as they hold groups of males in conversation for extended periods.
3. I notice that the benches outside the Underbar can never be used by shoppers as the customers and groups from the Underbar are either smoking or being boisterous outside the premises. One particular example of this was about twelve months ago, I was in town with my Granddaughter who was one year old. She was being bottle fed at the time so I wanted to sit down and feed her. As I did a drunken male from the Underbar started to leer at my Granddaughter and requested to hold her, I was disgusted and intimidated and had to move away. There were no doormen on at the time to intervene in this incident.

Signature Dated

4. The final observations I have made is the scantily clad promoters who haven't been t here this year but they were definitely here a lot last year and caused a negative impact.

Signature Dated

WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, s.102, MC Rules 1981, r.70)

Statement of: * Agnes Ashe.

Age if under 18: Over 18

Occupation: *

This statement (consisting of * pages 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.

Dated the * 29th day of * April 2014

Signature: Agnes Ashe (ms)

I am Agnes Ashe and I currently reside at the address overleaf. I reside and operate a hotel in Coronado Street.

I have lived and operated this hotel for 2 years. Quite often on Saturday I walk through Bankley Street as I do my shopping. My attention is always drawn to the Underbar, the scruffy appearance of this premises with all its smashed windows and the loud music blaring out is an embarrassment.

When I ever I walk through a number of things concern me;

① The loud music can be heard from the bottom end of Bankley Street.

② The promotions staff cause obstructions as they hold groups

of males in conversation for extended periods.

③ I notice that the benches outside the Underbar can never be used by shoppers as the customers and groups from the Underbar are either smoking or being boisterous outside the premises. One particular example of this was about 12 months ago I was in town with my Granddaughter who was 1 year old. She was being bottle fed at the time so wanted to sit down and feed her. As I did a drunken male from the Underbar started to leer at my Granddaughter and requested to hold her, I was disgusted and intimidated and had to move away. There were no doorman on at the time to intervene in this incident.

④ The final observations I have made is the scantily clad promoters who haven't been here this year but they were ~~they~~ definitely here a lot last year and caused a negative impact.

Jones J. J.

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Kate Shane

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation: Manager of Blackpool Tower

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Signature Dated

I am Kate Shane and I am currently employed as the Manager of Blackpool Tower. I have been in this job role for approximately three years. The Tower offers numerous attractions including the Circus, the Ballroom, the Tower Eye, the Tower Dungeons and Jungle Jims. In addition to these we also have the Tower Lounge which is a large capacity (1200) venue operating between the hours of 11am and 1am. My priority as the Manager is to offer a safe environment for families, for leisure visitors to choose Blackpool and Blackpool Tower as a destination and venue for their leisure time. The experience for our visitors is crucial and we must encourage this for repeatability and future sustainability. In order to minimise the impact of the Tower Lounge, we have operated a voluntary system of keeping our doors to Bank Hey Street closed, this occurs from 11am till at least 6pm. We have also had the speakers removed from the vestibule area. We are located thirty meters from the Underbar. This premises has stood out to me in a negative way, it detracts from the family ambience and externally it again has a negative visual impact, poor maintenance, shoddy dress standards of employees and general poor presentation. The music also blares out loudly from the premises and is an obvious nuisance to all users of Bank Hey Street. Many times I see passers by give the premises a wide

Signature Dated

berth as the offensive noise levels clearly cause people to steer clear. My own staff have difficulties when engaging with the Tower customers as people are deterred from stopping and hearing or reading about offers because of the noise from the Underbar. In October 2013, my attention was drawn to a very scruffy, dirty, unkempt female who was apparently the promotions staff for Underbar. This female is aged between fifty and fifty five years old, thin build, medium height, straw like brown hair and usually wears dark, oversized clothing. She was unprofessional, disorganised and approaching everyone without any thought or decorum. She was annoying our customers and deterring our customers from entering all the attractions. I spoke to her the same day and asked her to confine her activities to the immediate frontage of her own premises. Over the Winter the problems tailed off but in late March 2014 this female resumed her activities and it was reported to me that she was touting customers who were queuing for the Tower attraction, at this point I became very frustrated with the actions of this female and the Underbar. The knock on effect for visitors who are exposed to such unprofessionalism while they are in the decision making process to come into the Tower makes me as I say frustrated.

Signature Dated

WITNESS STATEMENT

CJ Act 1967, s.9 MC Act 1980, s.102, MC Rules 1981, r.70)

Statement of: * *Kate Shune*
 Age if under 18: Over 18
 Occupation: * *Manager of Blackpool Tower*

This statement (consisting of * pages 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.

Dated the * *29th April* ~~day of~~ * *April* 2014

Signature: *[Handwritten Signature]*

I am Kate Shune and I am currently employed as the Manager for Blackpool Tower. I have been in this role for approximately 3 years.

The Tower offers numerous attractions including the circus, the Ballroom, Tower Eye, the Tower Dungeon and Jungle Jims. In addition to these we also have the Tower lounge which is a large capacity (1200) venue operating between the hours of 11am and 01:00am.

My priority as the manager is to offer a safe environment for families, likewise visitors to choose Blackpool and Blackpool Tower as a destination and venue for their leisure time.

The experience for our visitors is crucial and we must encourage this for repeatability and future sustainability. In order to minimise the impact of the Tower lounge we have operated a voluntary system of keeping our doors to Bankney Street closed, this occurs from 11am till at

[Handwritten Signature]

least 6pm. We have also had the speakers removed from the vestibule area.

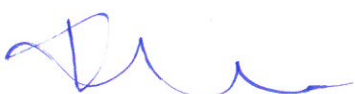
We are located about 30 metres from the Underbar, this premises has stood out to me in a negative way, it detracts from the family ambience and externally it again has a negative visual impact, poor maintenance, shoddy dress standards of employees and general poor presentation.

The music also blares very loudly from the premises and is an obvious nuisance to all users of Bankney Street. Many times I see passers by give the premises a wide berth as the offensive noise levels clearly cause people to steer clear.

My own staff have difficulties when engaging with the Toner customers as people are deterred from stopping and hearing or venting about our offers because of the noise from the Underbar.

In October 2013 my attention was drawn to a very scruffy, dirty, unkempt female who was apparently the promotional staff for Underbar.

This female is aged about 50-55 yrs, thin build, medium height, straw like brown hair and usually wears dark oversized clothing.




She was unprofessional, disorganised and approaching everyone without any thought or decorum.

She was angaging our customers and detouring our customers from entering all the attractions.

I spoke to her the same day and asked her to confine her activities to the immediate frorage of her own premises.

Over the winter, the problems faded off but in late March 2014, this female resumed her activities and it was reported to me that she was taking customers who queuing for the Tower attraction and this point

I became very frustrated with the actions of this female and the Underbar. The knock on effect for visitors who are exposed to such unprofessionalism while they are in the decision making process to come into the Tower makes me as I say frustrated. 

RESTRICTED (when complete)

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

--	--	--	--

Statement of: Richard Bruse Hurt

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Sergeant

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:  (witness) Date: 25/04/14

I am Police Sergeant 1102 Richard Bruce Hurt of the Lancashire Constabulary currently stationed at Blackpool Central Police Station where I hold the post of Blackpool Town Centre Neighbourhood Policing Sergeant.

Prior to this role, I have worked as the licensing sergeant at Blackpool where I have developed an in-depth knowledge of the Licensing Act 2003.

At the beginning of November 2013, I had cause to visit Boots store at the junction of Bank Hey Street and Victoria Street, Blackpool, to conduct an enquiry. Whilst at the premises, I spoke with the duty manager who gave me her name as Mandy Hedley, who made reference to a number of issues caused by and originating from a premises adjoining to Boots trading under the name of 'Underbar'. During the conversation, Hedley indicated that the premises formed part of the Boots building and were actually owned by them although leased to the current tenants.

The issues highlighted to me by Hedley included intoxicated people from both the 'Underbar' and the Tower Lounge using the entrance to her premises as a seat when the public needed access, Boots shop doorway being used as a toilet to urinate and vomit in, Boots security staff having to intervene in disturbances on Bank Hey Street outside the bars after revellers had left, Boots security and shop staff having to give medical assistance to injured parties outside the store after either collapsing or being assaulted outside the 'Underbar'. As a result of these concerns, I returned to the station and subsequently arranged to meet with Hedley again in the presence of other Police officers and representatives of Blackpool Council Licensing team.

On Thursday 14th November 2013, along with Ch.Insp Ian Mills, Police Sergeant Caroline Hannon and Mark Marshall from Blackpool Council, I spoke with Mandy Hedley at Blackpool Central Police Station. During this meeting it was ascertained that both her business and the reputation of other shop keepers in the vicinity was suffering as a result of the drunken behaviour emitting from the 'Underbar'. To rectify this and to ensure safety of

Signature:  Signature Witnessed by

Page 1

RESTRICTED (when complete)

RESTRICTED (when complete)

her staff and to reduce any potential conflict, Boots were in the process of changing the final exit doors for all her staff so they no longer had to leave via the doors next to the 'Underbar'. Hedley also indicated that the doorways to Boots were often used as a public toilet or place for drunken people to collapse in. Hedley indicated that this had a cost implication for Boots.

In addition, Hedley stated that the situation involving drunken behaviour outside on Bank Hey Street emitting from the 'Underbar' increased from 5pm at the weekend. She also indicated that the 'Underbar' was a honey pot for issues including the intimidation of customers, loud music coming from the entrance to the 'Underbar' and general nuisance caused by the staff of the premises and the clientele it attracted.

As a result of this meeting and with a view to resolving some of the issues raised, a meeting with Boots National management team took place on Thursday 21st November 2013 at Boots on Bank Hey Street Blackpool, where the above issues were discussed.

On Saturday 16th November 2013, Blackpool Tower Ballroom was hosting BBC televisions 'Strictly Come Dancing' and as a result, large numbers of people were expected to queue for tickets on Bank Hey Street Blackpool. At approx. 12:15pm on the same day, along with PS Steve Hardman, I walked onto Bank Hey Street to monitor and assess any problems. At this time I was in Police uniform with a black civilian jacket on the top.

I observed, the queue for entry into the Tower ticket office on Bank Hey Street, Blackpool consisted of approx. 2000 people, which snaked its way back and forth along Bank Hey Street towards Church Street. I would estimate that the majority of the people in the queue were more mature although some children were present and the majority being smartly dressed. At this time the queue to the Tower was being marshalled very well by staffs from the Tower who were engaging with the public in an appropriate manner.

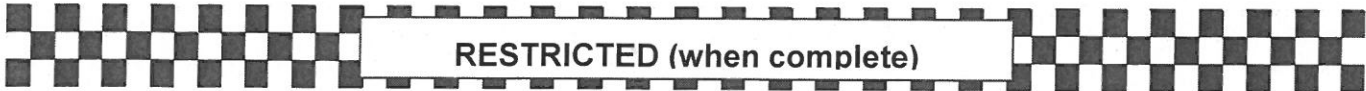
As I walked towards Blackpool Tower ticket office I became aware of loud music emitting from a speaker located in the doorway to the 'Underbar'. This music could be clearly heard by the majority of the people in the queue and whilst some appeared unconcerned, others put their fingers in their ears as I walked past and complained about the noise. In addition, it was my view that other premises and people within the immediate area were being adversely affected by the noisy music from the 'Underbar' and in my opinion it constituted a public nuisance.

To resolve the issue, along with PS Hardman, I made my way into the 'Underbar' foyer and downstairs where I observed that the premises appeared to be open for trading although I did not see any customer's public downstairs. Once in the bar, I asked to speak with the manager and was soon joined by a male who I subsequently identified as Ben McCarthy who introduced himself as the assistant manager. As I was in a civilian jacket, I introduced both PS Hardman and myself to McCarthy and showed him my Police warrant card. I asked to speak with the DPS but was informed that he had just left to go to the bank but would be back shortly.

In order to resolve the issue of the music, I outlined to McCarthy that it was possibly one of the busiest days in Blackpool as a result of the event at the Tower and not all the people outside on the street wanted to listen to dance music at its current volume whilst

Signature.......... Signature Witnessed by

RESTRICTED (when complete)



RESTRICTED (when complete)

queuing. I asked if he could resolve the issue by turning the music down so people would not be adversely affected by the noise out on the street. With this McCarthy, informed me that he had no intention in turning the music down despite being requested to do so. As a result of this, I was astonished that my polite and simple request was being refused, so I reiterated my request again but again this was refused.

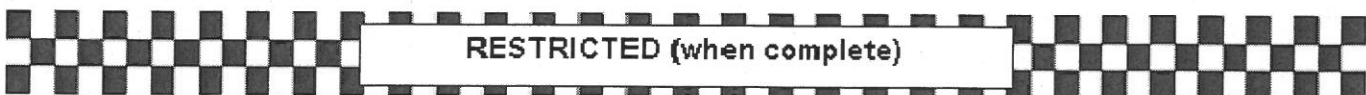
Along with PS Hardman, I made my way outside the premises with a view to waiting for the DPS to return in order that I could make a similar request to him. Whilst waiting outside on Bank Hey Street, Blackpool, I made a telephone call to Mark Marshall from Blackpool Licensing Dept. to ascertain who was on duty from the council to attend the 'Underbar' and resolve the noise issue. I was informed by Mark Marshall that he was in Blackpool and would attend the premises himself.

At approx. 12:40pm on the same day, I was joined on Bank Hey Street by Mark Marshall from Blackpool Council and we both heard the extent of the music and the impact it was having on the businesses and people in the locality. I entered the 'Underbar' and requested to speak with Ben McCarthy outside. I was present when Mark Marshall again McCarthy to turn down the music emitting from the premises which he eventually did. McCarthy was given suitable words of advice from Mark Marshall and informed that a letter would be sent to the DPS outlining the concerns of the council.

At 3:50pm on Saturday 12th April 2014, along with PC 418 Hill, I entered the 'Underbar' on Bank Hey Street Blackpool after again observing that the noise emitting from the speaker in the foyer was extremely loud and was causing a public nuisance to the pedestrians using Bank Hey Street. When in the premises which were open for the sale of alcohol, I spoke with Ben McCarthy and requested that the noise be turned down which he did straight away.

At 10:15am on Tuesday 13th May 2014, I spoke with the manager from Boots, Mandy Headley, who informed me that since a couple of weeks prior to Easter, the situation with the management of the 'Underbar' had improved. She informed me that she had spoken with the DPS and prior to weekends she is provided with a radio from the premises so her security are made aware of issues within the bar and what is happening. She also indicated that the staffs from the 'Underbar' now cleans the door step at the end of the night and she now feels that she can approach the management should any issues arise.

Signature..... Signature Witnessed by



RESTRICTED (when complete)

RESTRICTED (when complete)

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**URN

--	--	--	--

Statement of: **Steven Hardman**Age if under 18: *(if over 18 insert 'over 18')* Occupation:

This statement (consisting of 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:..... (witness) Date: 09/06/2014

I am Steven Hardman Police Sergeant 2385 of the Lancashire Constabulary where I currently hold the post of the divisional risk and threat manager.

Prior to my current role I was the divisional licensing officer for Blackpool and the Fylde areas where I developed a good working knowledge of the Licensing Act 2003.

About 12:15 hours on Saturday 16th November 2013, I was on duty and in company with PS 1102 Hurt when we had cause to attend Bank Hey street, to monitor crowds that had formed as members of the public queued to obtain tickets for the BBC strictly come dancing show that was taking place within the tower complex that weekend.

PS Hurt and myself monitored the crowds which I would estimate consisted of about 2000 people, starting at the main ticket office to Blackpool Tower on bank hey street and extended the length up to the junction with Church Street.

The queue of people consisted of a wide variety of the public from the elderly to young families.

As I walked towards the main ticket office, I could hear loud music coming from the direction of the Underbar licensed premises on Bank Hey Street, music that could be heard several hundred meters away.

As we walked closer to the venue, a number of members of the public were clearly concerned due to the volume of the music omitting from the premises, and were placing hands / fingers in their ears.

The music was so loud I was unable to hold a conversation with PS Hurt or indeed any members of the public that were stood within a 20 meter radius of the front entrance of the venue.

As we approached the front of Underbar, it was evident a large commercial type speaker had been placed in the opening to the venue, something which I had advised management of the venue prior to this must be monitored to ensure was not causing public nuisance.

Having not had any dealings at the venue for some time I was unaware of the current management structure, but as we approached I saw the owner of the bar, a male I know to be Steven Lawrence walk out of the venue, and would have been clearly aware of the volume of music the speaker was omitting, having discussed this personally with him on more than one occasion.

Signature..... Signature Witnessed by

Page 1

RESTRICTED (when complete)

RESTRICTED (when complete)

Myself and PS Hurt entered Underbar with a view to resolving the nuisance the speaker was clearly causing, and once within the main bar area it was evident there were no customers and the only persons present were members of staff.

PS Hurt approached on of the bar staff where we both identified ourselves and produced warrant cards, and asked to speak to the manager on duty.

We were shortly approached by a male who came from the office area situated towards the back of the premises, who identified himself to us as Ben McCarthy the assistant manager, and informed us that the DPS had just left prior to our arrival.

PS Hurt informed McCarthy of the nuisance the speaker was causing on probably one of Blackpool's busiest days, and informed him the volume was excessive to the point it was causing a nuisance and asked if he could turn the volume down.

McCarthy point blank refused to turn the music down, which I was completely astounded by. It was clear the volume of music was excessive to say the least and causing a nuisance to those members of the public outside the venue, which was again reiterated to McCarthy, and again PS Hurt politely requested him to turn the volume down, however he again refused.

We then left the venue and decided to wait for the DPS to return outside, whilst PS Hurt contacted Mark Marshall, local licensing enforcement officer and asked if it would be possible for him to also attend the venue.

I then left the area due to a prior commitment and left PS Hurt to deal with the nuisance with the local authority enforcement officer.

Signature..... Signature Witnessed by

RESTRICTED (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r27.1(1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s5A(3)(a) and s.5B)

Statement of: Claire White

Age if under 18 (if over 18 insert 'over 18) Over 18

Occupation: Admin Assistant

This statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief and I mark it knowing that, if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true

Signature *CWhite* Dated *12/05/14*

I am Claire White and currently reside at the address overleaf. I am currently employed by Blackpool Council within the Public Protection Department. In early August 2013 I was out with my partner Ryan visiting some of the pubs in Blackpool celebrating his birthday. At approximately 10pm we entered the Underbar, at this point we had been out for about two hours. I noticed as we entered that the premises was packed full of Polish men, had I been able to see the type of people inside before entering I would definitely not have gone in. As the Underbar is a basement premises you don't discover what your walking into until you are inside. The atmosphere was intimidating, boisterous, loud and very off putting, the overall appearance of the premises was very dark and unmanaged and there was no evidence of security staff on the basement floor. Reluctantly we decided to get a drink. Ryan went to the bar whilst I went to the toilet. As I came out of the toilet the bar was facing me and Ryan was waiting at the end of the bar with the drinks, he was at the end nearest the toilets and was about 20 feet away. As I walked across to Ryan I noticed to my left a group of about 10 males who were arguing in Polish. I didn't take too much notice at first as I thought they were just in high spirits. I was then surprised as one of the males head butted another, the male who was

Signature *CWhite* Dated *12/05/14*

assaulted fell into my path making contact with me, albeit I was not injured by the contact. Ryan stepped in and pulled me out of the way and we agreed to leave. We left our drinks and hurried out of the premises, as I turned around I saw that the male had fallen back on the floor and had blood pouring from his nose. As we made our way out and across to the staircase exit, I did not notice any security staff going over to intervene with the incident. As we left the building I noticed security staff were stood on the front door but they did not leave their post to deal with the disorder that was happening down stairs. I have never been back to the premises since then and it is highly likely that I will never go again.

Signature *clwhite* Dated *12/05/14*

Blackpool Council**STATEMENT OF WITNESS**

(Criminal Procedure Rules 2005, r27.1 (1);
Criminal Justice Act 1967, s9, Magistrates' Courts Act 1980, s5A (3)(a) and s.5B)

STATEMENT OF: LEE WOJARSKI

Age if under 18: Over 18

Occupation of Witness: PUBLIC PROTECTION OFFICER

This statement (consisting of 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.......... **Dated**.....13/6/14.....

I am Lee Wojarski, a Public Protection Officer – Food Control for Blackpool Councils Public Protection Division. On the 21st March 2014, at approximately 21:25, I visited Underbar, Bank Hey Street, Blackpool accompanied by my colleagues Miss Jacqui Harrison, Public Protection Officer, Health and Safety and Mr David Verity, Public Protection Officer, Licensing Enforcement. My colleagues and I entered the premises and introduced ourselves to a member of door staff and informed him of the reason for our visit. He informed us the manager was in his office and showed us downstairs. As we walked to the office through the bar I noticed it was very quiet with less than 20 customers in the premises.

Within the office we were introduced to the manager, Mr Ben McCarthy. I informed Mr McCarthy that I was going to do a check of the bar which would involve testing the authenticity of some of the spirits. This involves the use of 'dip sticks' that change colour to indicate authenticity of some spirits.

Behind the bar I observed a 1.5 litre bottle labelled as Bacardi White Rum on display for sale on a 25ml optic. I took the bottle down from the wall and placed a small drop of the spirit on one of the dip sticks. The indicator should turn from yellow to green if the product is genuine Bacardi rum. There was little change in the colour of the indicator so I performed the test again with another stick and this time there was no change in colour. This then led me to suspect that the bottle labelled as Bacardi White Rum may not have contained genuine Bacardi Rum.

I informed Mr McCarthy of my concerns and told him I was going to take a formal sample of the product to be sent off for analysis. The sample was broken in to three parts, consisting of three bottles of approximately 50ml each. Each was labelled, bagged and securely tagged. A receipt was left indicating what had been taken.

One of the three bottles was left with Mr McCarthy, one retained by the Local Authority and one sent for analysis at the Public Analyst Laboratory, Pedders Way, Preston on 25th March 2014.

On 9th April 2014 I received a Certificate of Analysis from the Public Analyst which indicted that the sample I had taken from the Underbar on 21st March 2014 was not genuine Bacardi. I exhibit a copy of this certificate as LW01.

On 14th April 2014 I wrote to Steven Lawrence, the director of Underbar Blackpool Ltd, advising him of the results from the analysis of the Bacardi rum. The letter also informed Mr Lawrence that offences may have committed under the Food Safety Act 1990 and that I wished to formally interview him on 30th April 2014 at 14:00. A copy of this letter is exhibited as LW02.

On 25th April 2014 I received a telephone call from Mr Lawrence confirming he was in receipt of my letter and asked to rearrange the date of interview as he was unable to attend on the 30th April. A new date of 2nd May at 12.00 was agreed. On 30th April Mr Lawrence called the office and left a message to say he wanted to cancel the meeting on 2nd May until he had arranged legal representation and would be in touch when this happened.

On 3rd May 2014 at approximately 13:00 I visited the Underbar, Bank Hey St, with colleagues from the Police, Health and Safety and Licensing departments. This was part of a wider multiagency operation occurring around the town centre. During the visit further tests were performed on spirits behind the bar. On this occasion the tests indicated they were genuine. During this visit I spoke with Mr Lawrence and he informed me he would get back in touch about the interview after speaking with his legal representative.

On 8th May 2014 I received an email from Mr Trevor Colebourne of Colebournes Solicitors and Advocates Ltd, advising me that he had been asked to represent Mr Lawrence. Mr Colebourne stated that before rearranging the interview he would like me to confirm continuity of evidence in respect of the sample. I responded within 40 minutes to clarify the issue. I have not heard from either Mr Lawrence or Mr Colebourne since. A copy of Mr Colebournes email and my response are submitted as Exhibit LW03.

Ample opportunity has been given to Mr Lawrence to obtain his formal account. I now consider that from his refusal to rearrange that he does not wish to be interviewed and therefore a formal report for the consideration of prosecution will be submitted for the offence of falsely describing or presenting food under section 15 of the Food Safety Act 1990. A person guilty of this offence under this Act shall be liable—

(a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;

(b) on summary conviction, to a fine not exceeding the relevant amount or to imprisonment for a term not exceeding six months or to both.



LW01

Certificate of Analysis

To: L. Wojarski
Public Protection Division
Blackpool Council
Progress House
Clifton Road
Blackpool
FY4 4US

I, the undersigned Public Analyst for Lancashire County Council certify that 17.00 on 25th March 2014 the sample marked as follows:

Date sample taken: 21.03.2014
Reference number, description etc: BL 1107, Bacardi rum
Weight or measure: 50 ml

was received by me from the person named above.

I certify that the sample was analysed by me or under my direction and the results are as follows:

Alcohol	37.2 per cent v/v
Glucose	<1 mg/l
Fructose	<1 mg/l
Sucrose	10 mg/l

My opinion and observations are:

Genuine Bacardi rum has the following typical composition:-

Alcohol	37.5 per cent v/v
Glucose	90 – 150 mg/L
Fructose	80 – 130 mg/L
Sucrose	50 – 180 mg/L

I am of the opinion that the sample was not genuine Bacardi rum.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 9th day of April 2014 at Preston.

Signature: *AC* Status: Public Analyst

Name: ANDREW CHRISTOPHER SMITH

Official Address: Lancashire County Council County Laboratory, Pedders Way, Riversway Docklands, Ashton, Preston PR2 2TX.

Tel: 01772 721660.

e.mail: andrewc.smith@lancashire.gov.uk

LW02

Date: 14 April 2014

Steven Lawrence
Underbar Blackpool Ltd
Underbar
Bank Hey Street
Blackpool
Lancs
FY1 4RU

Our Ref: BL No. 1107
Your Ref:
Direct Line: 01253 478325
Email: lee.wojarski@blackpool.gov.uk

Dear Mr Lawrence

Food safety Act 1990

Underbar, Bank Hey St, Blackpool, FY1 4RU

On 21st March 2014, during a routine visit to the above premises, I obtained a formal sample from a 1.5 litre bottle labelled Bacardi White Rum 37.5% vol. The sample was given reference number BL No. 1107, a portion of which was retained by your manager Ben McCarthy.

The public analysis report (a copy of which has been attached to this letter) on this sample has recently been received at this office and confirms the sample is not genuine Bacardi Rum.

As such offences under the above legislation may have been committed by you, and your company.

I wish to interview with you under the rules laid down by the Police and Criminal Evidence Act 1984. The interview will be tape recorded and will take place at the offices of Blackpool Council, Public Protection Division, Progress House, Blackpool, FY4 4US at 14:00 on 30th April 2014.

If you are unable to attend or wish to rearrange please contact me via the details at the top of this letter. In addition if you require any further information please do not hesitate to contact me.

You may wish to show this letter to your legal representative.

Yours sincerely

Lee Wojarski
Public Protection Officer (Food Control)



Built Environment
Public Protection Division
Progress House
Blackpool, FY4 4US

Contact
T: (01253) 478 375
F: (01253) 478 393

www.blackpool.gov.uk

Lee Wojarski

LW03

From: Lee Wojarski
Sent: 08 May 2014 14:14
To: 'Trevor Colebourne'
Subject: RE: UNDERBAR Bank Hey Street Blackpool FY1 4RU

Hi Trevor

To clarify, the reference number of the sample is BL 1107. This is detailed on the slip of paper provided with the sample which was left with Ben McCarthy. The number 00539121 is the number of the tag used to seal the bag containing the bottle and paper slip handed to Ben.

Kind Regards

Lee

From: Trevor Colebourne [mailto:trevor@colebournes.co.uk]
Sent: 08 May 2014 13:41
To: Lee Wojarski
Subject: UNDERBAR Bank Hey Street Blackpool FY1 4RU

Hi Lee

I've been asked by Steven Lawrence to represent him in connection with your investigations under Food Safety Act 1990. I understand a provisional interview date had been set for 30th April but this has been delayed for Steven to seek legal advice. Before we re-arrange can I ask for your comments on the following :-

Steven has passed to me a copy of the document confirming the formal sample taken of Bacardi Rum. Of the 3 samples number 2 (00539121) is ticked "underbar" and indicates that sample was handed over to Ban McCarthy. When we check the sample it is not 00539121. The forensic refers to "BL 1107 Bacardi Rum." Can you please confirm the continuity evidence in respect of the sample analysed.

Kind regards

Trevor
TREVOR COLEBOURNE

Colebournes Solicitors & Advocates Ltd

Authorised & Regulated by The Solicitors Regulation
Authority number 562478

13/06/2014

Mark Marshall

From: Steve [REDACTED]
Sent: 10 June 2014 13:40
To: Mark Marshall
Cc: Philip Welsh
Subject: Re: Freedom of information act 2000

Please make this request for disciplines 5 & 6 .

Kind Regards ,
Steve @ [REDACTED]

[REDACTED]

[REDACTED]

> On 10 Jun 2014, at 12:34, "Mark Marshall" <mark.marshall@blackpool.gov.uk> wrote:
>
> Officers work every day Mon to Fri but are not tasked to specific
> areas but will usually attend reactively to an area if there is a complaint.
>
> I can request movements of all officers for the month of May into the
> Bankhey Street area but this will take slightly longer and may not be
> fully complaint in time for the hearing as some may be on leave etc.
>
> Please confirm if you want me to make this request or is this answer
> sufficient.
>
>
> The Department known as Public Protection covers the following
> disciplines.
>
> 1. Food Control
> 2. Housing Enforcement
> 3. Planning Enforcement.
> 4. Health and safety
> 5. Licensing Enforcement
> 6. Trading Standards Enforcement
> 7. Trading Standards advice.
>
> Some of this service areas may not be relevant so I would be grateful
> if you could refine your request as in its current format it I may be
> running dangerously close to exceeding the prescribed limit (18 hours
>) to carry out the search
>
> Kind Regards
>
> Mark Marshall
> Licensing & Health & Safety Manager
> 01253-478493
>
> -----Original Message-----
> From: Steve [REDACTED]
> Sent: 10 June 2014 11:23
> To: Mark Marshall
> Cc: Philip Welsh
> Subject: Re: Freedom of information act 2000
>
> Thanks for this . Think you have slightly miss read the original
> message . It's for every day in May not just the weekends .
>
> Kind Regards ,
> Steve @ [REDACTED]

[REDACTED]

>
> [REDACTED]
>
>
>
>
>>> On 10 Jun 2014, at 09:44, "Mark Marshall"
>> <mark.marshall@blackpool.gov.uk> wrote:
>>
>> Dear Steve
>>
>> I have checked and double checked my e mail, for the 31st May and no
>> message/ request has been received by you.
>>
>> For the purposes of this request the working day of the 10th June
>> will
>
>> be be when this message was received.
>>
>> I will get the information requested to you as soon as practicable,
>> for the purposes of FOI an Authority must comply with a request for
>> information no later than 20 working days from the rquest being made.
>>
>> Therefore a reply will be submitted to you no later than the 7th July
>> 2014.
>>
>> You will no doubt be hoping to use the information at the pending
>> hearing, listed for the 25th June 2014, therefore I will endeavour to
>> have it with you way in advance of the 25th June 2014.
>>
>> Kind Regards
>>
>> Mark Marshall
>> Licensing & Health & Safety Manager
>>
>> 01253-478493
>>
>> -----Original Message-----
>> From: Steve [REDACTED]
>> Sent: 09 June 2014 15:47
>> To: Mark Marshall
>> Subject: Re: Freedom of information act 2000
>>
>> Hello is anybody there ???
>>
>> Kind Regards ,
>> Steve @ [REDACTED]
>>
>> [REDACTED]
>>
>> [REDACTED]
>>
>>
>>
>>> On 6 Jun 2014, at 08:34, Steve [REDACTED] wrote:
>>>
>>> Hi Mark ,
>>> It's been a week now . Have you at least, had chance read the
>> Emails below ???
>>>
>>>
>>>
>>> Anything for me yet Mark as you have had this for 4 days now ?
>>>
>>> Kind Regards ,
>>> Steve @ Underbar
>>>
>>> [REDACTED]
>>>
>>> [REDACTED]
>>>
>>>

>>> [REDACTED]
>>> [REDACTED]
>>> [REDACTED]
>>> [REDACTED]
>>> [REDACTED]

>>>> On 31 May 2014, at 18:38, Steve <[REDACTED]> wrote:

>>>> Hi Mark ,
>>>> Hope you are well . Please can I make a formal request using the
>> freedom of information act 2000 for the following .

>>>> For the month of May 2014 please could you give me the number of
>>>> your
>> protection officers on duty in the Bank hey street area .

>>>> On each individual day between the hours of 11am & 6pm

>>>> Kind Regards ,
>>>> Steve @ [REDACTED]

>>>> [REDACTED]
>>>> [REDACTED]
>>>> [REDACTED]

>> <http://www.blackpool.gov.uk/EmailDisclaimer/>
>> This message has been scanned for inappropriate or malicious content
>> as part of the Council's e-mail and Internet policies.

>> Blackpool: A fair place where aspiration and ambition are encouraged.

>> <http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been
>> scanned for inappropriate or malicious content as part of the
>> Council's e-mail and Internet policies

> <http://www.blackpool.gov.uk/EmailDisclaimer/>
> This message has been scanned for inappropriate or malicious content
> as part of the Council's e-mail and Internet policies.

> Blackpool: A fair place where aspiration and ambition are encouraged.

> <http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been
> scanned for inappropriate or malicious content as part of the
> Council's e-mail and Internet policies

<http://www.blackpool.gov.uk/EmailDisclaimer/>
This message has been scanned for inappropriate or malicious content as part of the
Council's e-mail and Internet policies.

Mark Marshall

From: Steve @ [REDACTED]
Sent: 02 May 2014 15:08
To: Mark Marshall
Subject: Re: Underbar

Hi Mark ,

Thanks for the reply , but that was not the specific question I asked .

I asked " please could you ask Mark if it is ok for me to put my internal speaker outside with a cover over it "

This way we will be able to have the volume lower but still attract potential customers .

Re Mr Cullen , ok

Kind Regards

Steve ([REDACTED])

[REDACTED]

[REDACTED]

On 2 May 2014, at 14:23, "Mark Marshall" <mark.marshall@blackpool.gov.uk> wrote:

Dear Steve

I have received the message below to make contact with you.

Re your queries;

I have not notified anyone from enterprise- The Regulations only require to notify the Licence Holder and all Responsible Authorities, this has been done.

The relocation of a speaker- I would not advise on this issue as the music emanating from the premises is the source of many of the concerns, the preferred position would be that no audio equipment being used at the premises can be heard from the street.

Kind Regards

Mark Marshall
Licensing & Health & Safety Manager
01253-478493

From: Steve Charnock
Sent: 02 May 2014 13:14
To: Mark Marshall
Subject: RE: Underbar

Whoops, his email address - [REDACTED]

From: Mark Marshall
Sent: 02 May 2014 13:04
To: Steve Charnock
Subject: RE: Underbar

Thanks

From: Steve Charnock
Sent: 02 May 2014 13:02
To: Mark Marshall
Subject: Underbar

A notice was in place when visited at 11.20 in the door reveal. Lawrence is putting up another notice so they can be seen by north and south foot traffic. He also wanted to speak to you about re-locating the speaker at the front reception area. He also asked if Mark Cullen at Enterprise had been informed about the review.

Blackpool: A fair place where aspiration and ambition are encouraged.
<http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been scanned for inappropriate or malicious content as part of the Council's e-mail and Internet policies

<http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been scanned for inappropriate or malicious content as part of the Council's e-mail and Internet policies.

Mark Marshall

From: Steve Charnock
Sent: 02 June 2014 11:57
To: Mark Marshall
Subject: RE: Underbar

Yes, quoted chapter and verse and directed him to the government website.

From: Mark Marshall
Sent: 02 June 2014 10:39
To: Steve Charnock
Subject: FW: Underbar

this was it ? did you reply

From: steve@
Sent: 27 May 2014 09:21
To: Mark Marshall
Subject: Re: Underbar

Please could you have the decency to reply to the specific question below .
Kind Regards

steve

Hi Mark ,

Thanks for the reply , but that was not the specific question I asked .

I asked " please could you ask Mark if it is ok for me to put my internal speaker outside with a cover over it "
This way we will be able to have the volume lower but still attract potential customers .

Re Mr Cullen , ok

Kind Regards

Steve

[Redacted]

[Redacted]

[Redacted]

On 2 May 2014, at 14:23, "Mark Marshall" <mark.marshall@blackpool.gov.uk> wrote:

Dear Steve

I have received the message below to make contact with you.

Re your queries;

I have not notified anyone from enterprise- The Regulations only require to notify the Licence Holder and all Responsible Authorities, this has been done.

The relocation of a speaker- I would not advise on this issue as the music emanating from the premises is the source of many of the concerns, the preferred position would be that no audio equipment being used at the premises can be heard from the street.

Kind Regards

Mark Marshall
Licensing & Health & Safety Manager
01253-478493

From: Steve Charnock
Sent: 02 May 2014 13:14
To: Mark Marshall

Subject: RE: Underbar
Whoops, his email address – [REDACTED]

From: Mark Marshall
Sent: 02 May 2014 13:04
To: Steve Charnock
Subject: RE: Underbar
Thanks

From: Steve Charnock
Sent: 02 May 2014 13:02
To: Mark Marshall
Subject: Underbar

A notice was in place when visited at 11.20 in the door reveal. Lawrence is putting up another notice so they can be seen by north and south foot traffic. He also wanted to speak to you about re-locating the speaker at the front reception area. He also asked if Mark Cullen at Enterprise had been informed about the review.

Blackpool: A fair place where aspiration and ambition are encouraged.
<http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been scanned for inappropriate or malicious content as part of the Council's e-mail and Internet policies

<http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been scanned for inappropriate or malicious content as part of the Council's e-mail and Internet policies.

Mark Marshall

From: Steve Charnock
Sent: 02 June 2014 12:45
To: Mark Marshall
Subject: FW: Outside speakers.

From: Steve Charnock
Sent: 27 May 2014 15:24
To: 'steve'; [REDACTED]
Subject: Outside speakers.

Dear Mr Cullen,

In response to your email enquiry regarding speakers, the Control of Pollution Act 1974 Part 3 section 62 (Noise in Streets) states:-

62 Noise in streets.E+W

(1)Subject to the provisions of this section, a loudspeaker in a street shall not be operated—

(a)between the hours of nine in the evening and eight in the following morning, for any purpose;

(b)At any other time, for the purpose of advertising any entertainment, trade or business;

and any person who operates or permits the operation of a loudspeaker in contravention of this subsection shall be guilty of an offence against this Part of this Act.

Should you require any further information or assistance please do not hesitate to contact me. You may also wish to take a more detailed look at this legislation, the web site is – legislation.gov.uk

Yours Sincerely

Steve Charnock
Public Protection Officer
(Licensing Enforcement)
Telephone: 01253 478378.

Mark Marshall

From: Jess Hall
Sent: 11 June 2014 11:33
To: Ian Taylor; Steve Charnock; Dave Verity; Steven Ash; Shaun McKinney; Paul Crook; Karl Bischoff; Lois Peers
Cc: Glen Phoenix; Mark Marshall
Subject: FW: Freedom of information act 2000
Importance: High

Hi All,

Below is an FOI request that Mark has asked me to send to you for a response.

Please can you provide me with information regarding any jobs you have carried out between 01/05/2014 - 31/05/2014 in the Bank Hey Street Area.

If you send the information to me, I will collate either today or on Monday next week.

Thanks very much,

Jess

-----Original Message-----

From: Mark Marshall
Sent: 11 June 2014 11:12
To: Jess Hall
Subject: FW: Freedom of information act 2000

-----Original Message-----

From: Steve [REDACTED]
Sent: 10 June 2014 13:40
To: Mark Marshall
Cc: Philip Welsh
Subject: Re: Freedom of information act 2000

Please make this request for disciplines 5 & 6 .

Kind Regards ,
Steve [REDACTED]

- [REDACTED]
- [REDACTED]
- > On 10 Jun 2014, at 12:34, "Mark Marshall" <mark.marshall@blackpool.gov.uk> wrote:
 - >
 - > Officers work every day Mon to Fri but are not tasked to specific
 - > areas but will usually attend reactively to an area if there is a complaint.
 - >
 - > I can request movements of all officers for the month of May into the
 - > Bankhey Street area but this will take slightly longer and may not be
 - > fully complaint in time for the hearing as some may be on leave etc.
 - >
 - > Please confirm if you want me to make this request or is this answer
 - > sufficient.
 - >
 - >
 - > The Department known as Public Protection covers the following
 - > disciplines.
 - >
 - > 1. Food Control
 - > 2. Housing Enforcement

- > 3. Planning Enforcement.
- > 4. Health and safety
- > 5. Licensing Enforcement
- > 6. Trading Standards Enforcement
- > 7. Trading Standards advice.

>
> Some of this service areas may not be relevant so I would be grateful
> if you could refine your request as in its current format it I may be
> running dangerously close to exceeding the prescribed limit (18 hours
>) to carry out the search

> Kind Regards

> Mark Marshall
> Licensing & Health & Safety Manager
> 01253-478493

> -----Original Message-----

> From: Steve [REDACTED]
> Sent: 10 June 2014 11:23
> To: Mark Marshall
> Cc: Philip Welsh
> Subject: Re: Freedom of information act 2000

> Thanks for this . Think you have slightly miss read the original
> message . It's for every day in May not just the weekends .

> Kind Regards ,

> Steve [REDACTED]

>>> On 10 Jun 2014, at 09:44, "Mark Marshall"
>> <mark.marshall@blackpool.gov.uk> wrote:

>> Dear Steve

>> I have checked and double checked my e mail, for the 31st May and no
>> message/ request has been received by you.

>> For the purposes of this request the working day of the 10th June
>> will

>> be be when this message was received.

>> I will get the information requested to you as soon as practicable,
>> for the purposes of FOI an Authority must comply with a request for
>> information no later than 20 working days from the request being made.

>> Therefore a reply will be submitted to you no later than the 7th July
>> 2014.

>> You will no doubt be hoping to use the information at the pending
>> hearing, listed for the 25th June 2014, therefore I will endeavour to
>> have it with you way in advance of the 25th June 2014.

>> Kind Regards

>> Mark Marshall
>> Licensing & Health & Safety Manager
>> 01253-478493

>> -----Original Message-----

>> From: Steve [REDACTED]
>> Sent: 09 June 2014 15:47
>> To: Mark Marshall

>> Subject: Re: Freedom of information act 2000
>>
>> Hello is anybody there ????

>>
>> Kind Regards ,
>> Steve [REDACTED]
>>
>> [REDACTED]
>>
>> [REDACTED]
>>
>>
>>
>>> On 6 Jun 2014, at 08:34, Steve [REDACTED]
>>>
>>> Hi Mark ,
>>> It's been a week now . Have you at least, had chance read the
>> Emails below ???
>>>
>>>
>>>
>>> Anything for me yet Mark as you have had this for 4 days now ?
>>>
>>> Kind Regards ,
>>> Steve @ Underbar
>>>
>>> [REDACTED]
>>> [REDACTED]
>>> [REDACTED]
>>>
>>> [REDACTED]
>>>
>>>
>>>> On 31 May 2014, at 18:38, Steve [REDACTED] wrote:
>>>>
>>>> Hi Mark ,
>>>> Hope you are well . Please can I make a formal request using the
>> freedom of information act 2000 for the following .
>>>>
>>>> For the month of May 2014 please could you give me the number of
>>>> your
>> protection officers on duty in the Bank hey street area .
>>>>
>>>> On each individual day between the hours of 11am & 6pm
>>>>
>>>> Kind Regards ,
>>>> Steve [REDACTED]
>>>>
>>>> [REDACTED]
>>>>
>>>> [REDACTED]
>>>>
>> <http://www.blackpool.gov.uk/EmailDisclaimer/>
>> This message has been scanned for inappropriate or malicious content
>> as part of the Council's e-mail and Internet policies.
>>
>>
>>
>> Blackpool: A fair place where aspiration and ambition are encouraged.
>>
>>
>>
>> <http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been
>> scanned for inappropriate or malicious content as part of the
>> Council's e-mail and Internet policies
>
> <http://www.blackpool.gov.uk/EmailDisclaimer/>
> This message has been scanned for inappropriate or malicious content

> as part of the Council's e-mail and Internet policies.
>
>
>
> Blackpool: A fair place where aspiration and ambition are encouraged.
>
>
>
> <http://www.blackpool.gov.uk/EmailDisclaimer/> This message has been
> scanned for inappropriate or malicious content as part of the
> Council's e-mail and Internet policies
>
>

<http://www.blackpool.gov.uk/EmailDisclaimer/>
This message has been scanned for inappropriate or malicious content as part of the
Council's e-mail and Internet policies.