



Leeds

CITY COUNCIL

SCANNED

Originator: Janice Archibald

Tel: 2474095

Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Sub Committee

Date: Monday 8th November 2010

Subject: Application to Vary a Premise Licence relating to Boodwaar, 174 Lower Briggate, Leeds, LS1 6DT – to specify a Designated Premises Supervisor
Proposed Designated Premises Supervisor and transfer of a licence: Matthew Powell

Electoral Wards Affected:

City and Hunslet

N/A

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report informs members of an application originally submitted on the 27th September 2010, to Transfer a Premise Licence in accordance with Section 42 of the Licensing Act 2003 ("The Act") relating to Boodwaar also to vary a Premise Licence to specify Matthew Powell as Designated Premises Supervisor in accordance with Section 37 of the Licensing Act 2003 ("The Act"), the applicants requesting that the variations have immediate effect.

1.0 Purpose of this Report

To advise Members of an application made under section 42 and section 37 of the Licensing Act 2003 ("the Act") for the transfer of a premises licence and the variation of a Premise Licence in order to specify Matthew Powell as the premises licence holder and Designated Premises Supervisor.

The Licensing Sub-Committee is required to consider this application due to the receipt of a representation in accordance with Sections 37(5) and 37(6) of the Licensing Act 2003 from West Yorkshire Police.

2.0 The Application

2.1 The Applicant is Matthew Powell.

2.2 A copy of the applications are attached.

Members are invited to consider Appendix "A" of this report.

3.0 History

- 3.1 Matthew Powell , is the holder of a Personal Licence issued by City of Wakefield Metropolitan District Council, expiry date 18th November 2018. Matthew Powell is already a Premises Licence Holder in Wakefield City Centre. The premises for which he is the Designated Premises Supervisor and Premises Licence Holder, was subject to a closure order under Section 161 of the Licensing Act 2003 and had the premises licence revoked by Wakefield City Council on 3rd June 2010.
- 3.2 Matthew Powell made a previous application on the 29th July 2010, to Leeds City Council, to transfer the premises licence for Boodwaar, to name himself as the Premises Licence Holder. Representation was received from West Yorkshire Police and a Sub Committee hearing was scheduled for 6th September 2010. The decision at the hearing was to refuse the transfer of the licence as the committee were satisfied that granting the application would undermine the crime prevention objective.
- 3.3 Mr Matthew Powell made a further application on 27th September 2010, to transfer the premises licence and vary the Designated Premises Supervisor, he subsequently became the Premises Licence Holder and Designated Premises Supervisor as the applications were to take place with immediate effect. The variation to specify Matthew Powell as the designated premises supervisor did not become valid until the 6th of October when the correct information was received regarding Mr Powells personal licence issuing authority.

4.0 Relevant Representation

- 4.1 Under the Act representations can be received from West Yorkshire Police. The representation must be relevant

Member's are invited to consider Appendix "B" of this report.

5.0 Matters Relevant to the Application

- 5.1 Members of the Licensing sub committee must make decisions with a view to promoting the licensing objectives which are:

- the prevention of crime and disorder

6.0 Options Available to Members

- 6.1 The licensing sub-committee must take such of the following steps as it considers necessary for the promotion of the licensing objective – Crime and Disorder.

- Grant the application as requested.
- Reject the application as requested

- 6.2 Members of the Licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Background Papers

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves
The use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

~~I am 18 years old or over~~

~~**Current postal address if different from premises address**~~

~~**Post town**~~

~~**Post code**~~

~~**Daytime contact telephone number**~~

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?
)

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not. Original licence still with your office from previous application.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today

- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Poppleston Allen

Signature

Date 24 September 2010
.....

Capacity Poppleston Allen – Solicitors for and on behalf of the applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Judy Willis - P36485/10 Poppleston Allen 37 Stoney Street The Lace Market	
Post town Nottingham	Post Code NG1 1LS
Telephone number (if any) 0115 953 8511	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) j.willis@popall.co.uk	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

I, **Judy Willis** in the firm of Messrs. Poppleston Allen, Solicitors of 37 Stoney Street, The Lace Market, , Nottingham, NG1 1LS refer to the following:-

1. Letter to Leeds City Council dated 24 September 2010
2. Application Form
3. Original Premises Licence – already with your office
4. Consent of Existing Premises Licence Holder
5. Cheque in the sum of £23

I FURTHER CERTIFY that I have served documents 1 – 5 upon the following:-

1. Licensing Section , Leeds City Council, Entertainment Licensing, Civic Hall , Leeds, LS1 1UR

I FURTHER CERTIFY that I have served a true copy of documents 1 - 4 upon the following:-

2. The Licensing Officer, West Yorkshire Police , Operations & Licensing Department, Millgarth Police Station, Millgarth Street, Leeds, LS2 7HX

I effected service by sending the said documents to each and every one of them by first class post addressed to them on 24 September 2010.

SIGNED.....

DATED: 24 September 2010

PREM5

SCANNED

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR.

Consent of premises licence holder to transfer

I/we *[Christopher Ayre.....]* the premises licence holder
full name of premises licence holder(s)

of premises licence number *[...PREM/02636/V01.....]* relating to
insert premises licence number

[Religion, 174 Lower Briggate, Leeds, LS1 6DT.]
name and address of premises to which the application relates
hereby give my consent for the transfer of premises licence number

[...PREM/02636/V01.....] to
insert premises licence number

[...Matthew Powell.....]
full name of transferee

C. Ayre.....signed

Christopher Ayre..name (please print)

29-07-2010.....dated

Leeds City Council

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / we Matthew Powell

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PREM/02363/VO1

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Boodwaar (form.Religion)
174 Lower Briggate

Post town

Leeds

Post code (if known)

LS1 6DT

Telephone number (if any)

Description of premises (please read guidance note 1)

Licensed premise

Part 2

Full name of proposed designated premises supervisor

Matthew Powell

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

PA1 934 - City of Wakefield Metropolitan District Council

Full name of existing designated premises supervisor (if any)

Mr Lee Maurice Yates

✓ Exp 18-11-18

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

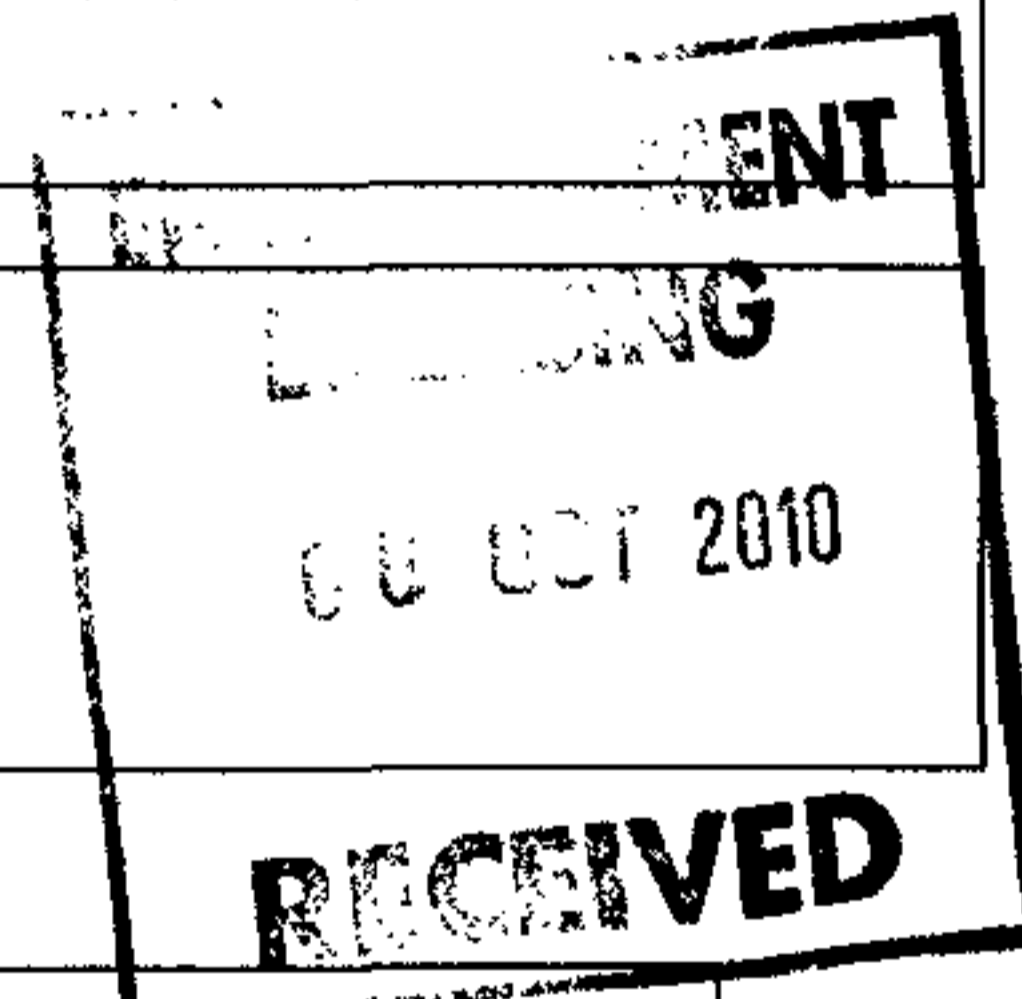


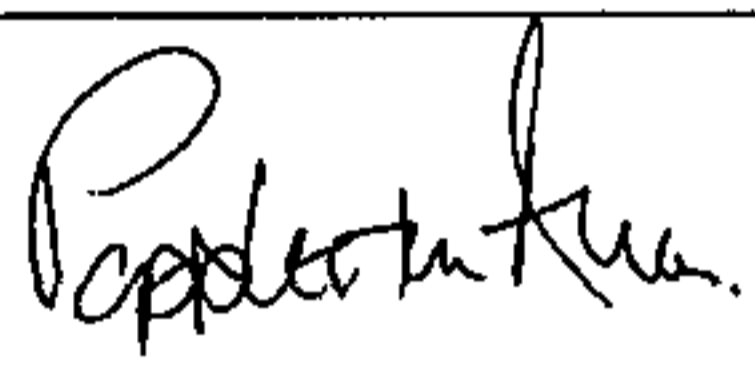
I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it
Original licence with your office from previous application.



Please tick yes	
▪ I have made or enclosed payment of the fee	<input checked="" type="checkbox"/>
▪ I will give a copy of this application to the chief officer of police	<input checked="" type="checkbox"/>
▪ I have enclosed the consent form completed by the proposed premises supervisor	<input checked="" type="checkbox"/>
▪ I have enclosed the premises licence, or relevant part of it or explanation	<input checked="" type="checkbox"/>
▪ I will give a copy of this form to the existing premises supervisor, if any	<input checked="" type="checkbox"/>
▪ I understand that if I do not comply with the above requirements my application will be rejected	<input checked="" type="checkbox"/>
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION	
Part 3 – Signatures (please read guidance note 2)	
Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.	
Signature	
Date	30/09/2010
Capacity	Poppleston Allen - Solicitors for and on behalf of the applicant
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Poppleston Allen Solicitors – P36485/12 - Judy Willis 37 Stoney Street The Lace Market	
Post town	Nottingham
Post Code	NG1 1LS
Telephone number (if any) 0115 953 8511	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) j.willis@popall.co.uk	

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES SUPERVISOR

To be completed in block capitals

I Matthew Powell of ~~The specified external data code 'EXTGENTMANAGER' is not currently supported:~~

supported: 69 KINGSWAY OSSETT WF58DG (home address) hereby

confirm that I give my consent to be specified as the Designated Premises Supervisor in relation to the application for a Variation of Designated Premises Supervisor - Matthew Powell by Matthew Powell relating to a Premises Licence PREM/02363/VO1 for Boodwaar (form.Religion), 174 Lower Briggate, Leeds, LS1 6DT and any premises licence to be granted or varied in respect of this application made by Matthew Powell concerning the supply of alcohol at Boodwaar (form.Religion), 174 Lower Briggate, Leeds, LS1 6DT

I also confirm that I hold a personal licence, details of which I set out below:

Personal Licence Number:- PA1934

Personal Licence Issuing Authority:- LEEDS

Signed [Signature]

Name Printed MATTHEW POWELL

Dated 30-9-10

ATR

Richardson, Adele

From: Anna Morley [A.Morley@popall.co.uk]
Sent: 06 October 2010 10:35
To: Richardson, Adele
Subject: RE: Boodwaar - JW/JW/P36485-12
Attachments: appn form.doc

Dear Adele

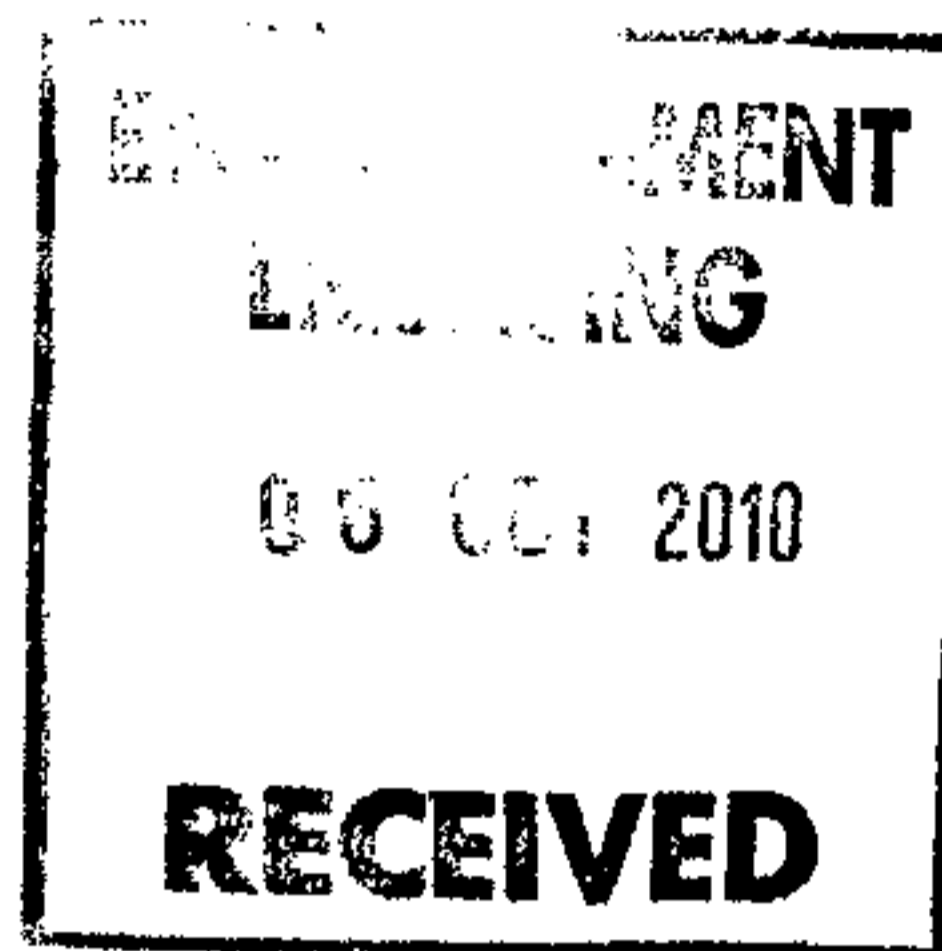
Matthew has confirmed his personal licence details are: PA1 934 - Wakefield Licensing authority

Please find attached an amended application form.

Apologises for any inconvenience caused.

Thanks

Anna Morley,
 Para-legal, Poppleston Allen
 T: 0115 948 7430 W: www.popall.co.uk



From: Richardson, Adele [mailto:Adele.Richardson@leeds.gov.uk]
Sent: 04 October 2010 15:47
To: Judy Willis
Subject: Boodwaar - JW/JW/P36485-12

Dear Sir/Madam,

Re: Boodwaar, 174 Lower Briggate, Leeds, LS1 6DT.

I am writing with relation to the recently submitted application to vary the Designated Premises Supervisor. The application states that the licensing authority for Mr Powell's personal licence is Leeds City Council. However this is not the case as the reference number does not match any on our system.

Could you please confirm the issuing authority of Mr Powell's personal licence so that I may check that the details supplied are correct it would be greatly appreciated.

Kind Regards

Adele Richardson
 Administrative Assistant
 Entertainment Licensing
 Leeds City Council
 Tel: 0113 2474095
 Fax: 0113 2243885
 email: adele.richardson@leeds.gov.uk
www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our [customer feedback form](#).

The information in this email (and any attachment) may be for the

06/10/2010

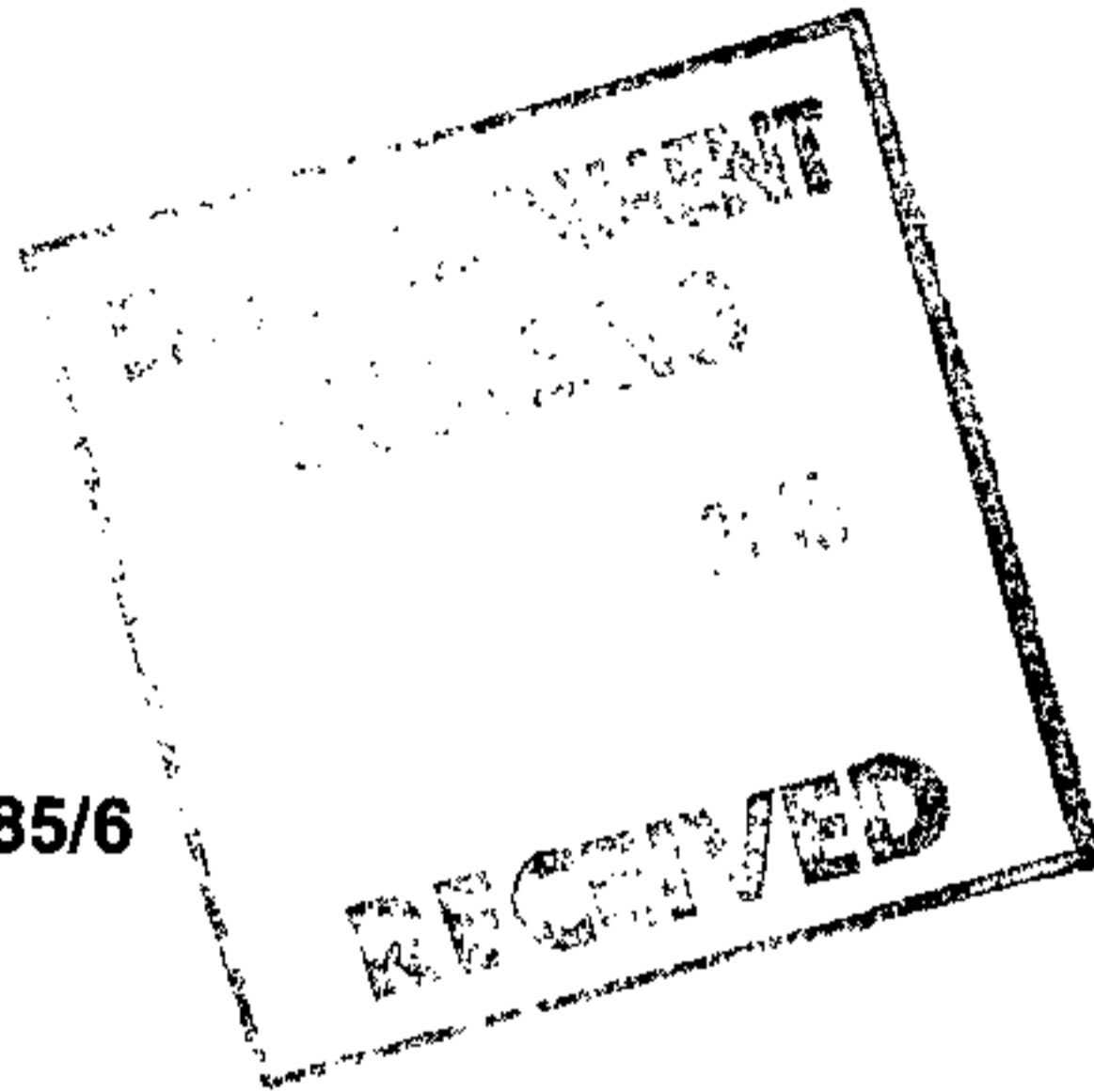


Leeds Area Licensing Department
 Millgarth Police Station
 Millgarth Street
 Leeds
 LS2 7HX

SCANNED

Tel: 0113-2414023
 Fax: 0113-2413123
 Email:
 catherine.arkle@westyorkshire.pnn.police.uk
 Website:

City & Holbeck



Your ref:
 Our ref:

7th October 2010

Judy Willis – P36485/6
Poppleston Allen
37, Stoney Street
The Lace Market
Nottingham
NG1 1LS

cc. Matthew Powell, 69, Kingsway, Ossett, WF5 8DG

cc. Entertainment Licensing Section – Leeds City Council, Civic Hall, Leeds. LS1 1UR

NOTICE OF OBJECTION – TRANSFER OF PREMISES LICENCE:
SECTION 42 (6)&(7) – LICENSING ACT 2003:

PREMISES: BOODWAAR, (FORM.RELIGION), 174, LOWER BRIGGATE, LEEDS, LS1 6DT

I Catherine Arkle, City and Holbeck Divisional Licensing Officer for West Yorkshire Police, hereby give you notice that I intend to object to your application for the transfer of the licence at the premises indicated above. West Yorkshire Police are satisfied that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

West Yorkshire Police are so satisfied for the following reasons:-

- This is the second such application by Matthew Powell, who is already a premises licence holder in Wakefield City Centre. The Wakefield premises, The Bank on Westgate, for which he is both DPS and Premises Licence Holder, had their premises licence revoked by Wakefield City Council on 3rd June 2010 following a Section 161 Closure Order which was served on 9th May 2010. The decision papers from Wakefield Council, giving their reason for the revocation, highlight the fact that they saw the management of the premises as the root of the problem at the venue. The Sub-Committee added that they were not satisfied that Mr.Powell was suitably qualified and more importantly able to manage and train others in promoting the Licensing objectives. This decision is currently being appealed.
- Mr.Powell has demonstrated his unsuitability to manage these premises already in initially proposing that the DPS for Boodwaar should be a person who has a previous conviction for keeping/managing a brothel. This application was effectively withdrawn when a new application was received proposing the head door man, Lee Yates, as DPS. Mr.Yates has since removed himself from this position at

NOT PROTECTIVELY MARKED

very short notice. Enquiries are ongoing with Mr. Yates and the firm which supplied the door staff to ascertain why he felt he could not continue in this supervisory position. The applicant has now submitted an application proposing himself as DPS. This is to receive a police objection also.

- Mr. Powell has suspected connections to a number of licensed premises and there is extremely reliable intelligence which strongly suggests that he is involved in money laundering through licensed premises. This intelligence is marked A11 which denotes it is extremely reliable. The intelligence is confidential and I am therefore unable to disclose this but I would hope that the Sub-Committee would note its classification.
- On 6th September this year the Licensing Sub-Committee, hearing the police objection to the first application to transfer the premises licence into the applicant's name, decided to refuse the application. They listed 7 points upon which they based their decision which can be seen listed (a) to (g) on the 'Notice of Decision' letter, dated 6th September 2010. Although Mr. Powell has rectified the drug safe issue, referred to at point (e), there has been no movement on the Nitenet issue also mentioned herein. In fact I have spoken to the suppliers of the radio who state they have concerns regarding the application they have received. MRS currently have an application in for the radio but have concerns re the following points:
 1. They cannot find Powell on the electoral roll at his given address and therefore cannot accept him supplying the Direct Debit. He stated he had lived there for the past 6 years.
 2. They now have a direct debit form signed by Lisa Gaskin, the originally proposed DPS, which strongly suggests that Gaskin remains firmly associated with the operation of the premises financially as well as operationally. She appears as the 'reporting person' on a crime of criminal damage at the premises on 11th September this year.
 3. MRS state that they have received conflicting information from Gaskin and Powell as to who owns or is in charge of the premises. They have been told three different versions: Gaskin and Powell are co-owners, that Gaskin is the owner, and that Powell is the manager.
- At the previous hearing on 6th September 2010 Councillors' attention was drawn to requirements made in the High Court Consent Order which allowed The Bank in Wakefield to re-open. Amongst these requirements were, 1) that Mr. Powell, as DPS, did not drink alcohol on the premises, and, 2) that Mr. Powell, as DPS, submit to a roadside breathalyser test during licensable hours upon the request of a police officer.

These two requirements relate directly to the fact that officers in Wakefield stated Mr. Powell was drunk when he was in charge of The Bank when it had to be closed. Mr. Powell denies this.

Mr. Powell's previous track record in Wakefield as the PLH and DPS of busy city centre premises is poor. Whatever the outcome of the appeal re the revocation, West Yorkshire Police have had serious problems with crime and disorder associated with premises run by the applicant, and we would ask the Sub-Committee not to allow these problems to be brought to premises in Leeds City Centre. The applicant's connections to suspected money laundering are a real concern, and his initial choice of DPS illustrates a lack of judgement necessary in managing busy city centre premises to the required standard. His second nominated DPS has left in the space of weeks and he now asks that he be the DPS for the premises. This mirrors the set up at the Wakefield premises at the time the venue was closed and subsequently had its licence revoked. PS Bob King from Wakefield Licensing is quite prepared to give a statement detailing his department's dealings with Mr. Powell and the premises he runs there.

For these reasons, and the real prospect of the undermining of the crime prevention objective, we ask that the application to transfer the premises licence into the applicant's name be refused.

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NOT PROTECTIVELY MARKED

CA Arkle

Catherine Arkle

PC 5548

Leeds Area Licensing Officer.

NOT PROTECTIVELY MARKED

11/09/2010 05:09	Criminal Damage - Building	11/09/2010 05:09
11/09/2010 05:09	11/09/2010 05:09	

11 171 178 174 BRIGGATE LEEDS, West Yorkshire United Kingdom 151 601 (THEB)

RECEIVED
10 SEP 2010



Leeds
CITY COUNCIL

Cath Arkle
Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Legal, Licensing & Registration
Entertainment Licensing Section
Civic Hall
Leeds LS1 1UR

Contact: Miss Janice Archibald
Tel: 0113 2474095
Fax: 0113 2243885
Email: entertainment.licensing@leeds.gov.uk
Our Ref: A80/PREM/02363/V01

9th September 2010

Dear Madam

Application for the variation of a Premises Licence - Notice of Determination

Premises: Boodwaar, 174 Lower Briggate, Leeds, LS1 6DT

Please find enclosed a copy of the Notice of Determination which represents the formal decision made by the Licensing Sub Committee in relation to the above application.

Please do not hesitate to contact the Licensing Section on the above telephone number should you require any further assistance or information.

Yours faithfully

Miss Janice Archibald
Licensing Officer
Entertainment Licensing Section



Notice of Decision
Of the Licensing Sub Committee

RECEIVED
10 SEP 2010



Leeds
CITY COUNCIL

Date of Hearing: 6th September 2010

Determination Date: 6th September 2010

Members: Councillor Donald Wilson (Chair)
Councillor Graham Hyde
Councillor Chris Townsley

Legal Officer: Nigel Augustin

Committee Clerk: Helen Gray & Sophie Wallace

Licensing Officer: Emma White & Stephen Holder

Application: Variation to a Premises Licence to specify an individual as Designated Premises Supervisor.

Premises: Boodwaar 174 Lower Briggate, Leeds, LS1 6DT,

Proposed Premises Licence Holder: Mr Matthew Powell

Attendees: Mr Matthew Powell (applicant), Lisa Gaskin (promotions), Lee Yates (DPS)

The Licensing Sub Committee considered:

1. The report from the Assistant Chief Executive (Corporate Governance).
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2007 – 2010.
6. Representations received from West Yorkshire Police.

Having taken all these matters into account the Licensing Sub Committee have agreed to **refuse** the application.

The reason for this decision is as follows:

The committee listened carefully to representations from West Yorkshire Police setting out why this application should not be granted. The committee have also heard representations from Mr Powell as to why transfer application should be granted.

The committee were satisfied that granting the application would undermine the crime prevention objective and therefore it is necessary to reject the application.

This is because:-

- (a) Mr Powell holds the licence for a premises which suffered a serious incident of disorder in May 2010. This premises being 'The bank' in Wakefield.
- (b) Because of this incident the premises was closed pursuant to section 161 of the Licensing act 2003 having undermined the crime prevention objective.
- (c) The premises was only reopened after a High Court Consent Order which required, amongst other things, for Mr Powell to be breathalysed during licensed hours upon the request of a police officer.
- (d) That the licence for the Bank was revoked after a finding by Wakefield Metropolitan District Council that Mr Powell was not suitably qualified or able to manage and train others in promoting the licensing objectives.
- (e) That since Mr Powell had acquired the licence on an interim basis, West Yorkshire Police had visited the premises on 14 August 2010 and 27 August 2010. These visits had revealed that crime prevention conditions on the premises licence relating to radio communications and the drugs safe had not been complied with.
- (f) That the formally proposed DPS, Miss Gaskin, remained involved in the day to day business which called into question how the objective could be promoted given her conviction for keeping/managing a brothel.
- (g) That this was a busy, city centre premises with late night hours which required a management style which was committed to promoting the crime prevention objective and Matthew Powell had failed to demonstrate this to the committee.

The transfer which had interim effect will cease upon notification of this decision.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £200.00. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.

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Leeds Area Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

City & Holbeck

Tel: 0113-2414023
Fax: 0113-2413123
Email:
catherine.arkle@westyorkshire.pnn.police.uk
Website:

Your ref:

Our ref:

3rd August 2010

Judy Willis – P36485/6
Poppleston Allen
37, Stoney Street
The Lace Market
Nottingham
NG1 1LS

cc. Matthew Powell, 118 Montague Avenue, Leeds, LS8 2RJ

cc. Entertainment Licensing Section – Leeds City Council, Civic Hall, Leeds. LS1 1UR

NOTICE OF OBJECTION – TRANSFER OF PREMISES LICENCE: **SECTION 42 (6)&(7) – LICENSING ACT 2003:**

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West Yorkshire Police are so satisfied for the following reasons:-

- The applicant, Matthew Powell, is already a premises licence holder in Wakefield City Centre. The premises, The Bank on Westgate, Wakefield, for which he is both DPS and Premises Licence Holder, had their premises licence revoked by Wakefield City Council on 3rd June 2010 following a Section 161 Closure Order which was served on 9th May 2010. The decision papers from Wakefield Council, giving their reason for the revocation, highlight the fact that they saw the management of the premises as the root of the problem at the venue. The Sub-Committee added that they were not satisfied that Mr.Powell was suitably qualified and more importantly able to manage and train others in promoting the Licensing objectives. This decision is currently being appealed.
- Mr.Powell has demonstrated his unsuitability to manage these premises already in proposing that the DPS for Boodwaar should be a person who has a previous conviction for keeping/managing a brothel. There is a separate objection from West Yorkshire Police in relation to the application to vary the DPS.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

- Mr.Powell has suspected connections to a number of licensed premises and there is extremely reliable intelligence which strongly suggests that he is involved in money laundering through licensed premises. This intelligence is marked A11 which denotes it is extremely reliable. The intelligence is confidential and I am therefore unable to disclose this but I would hope that the Sub-Committee would note its classification.

Mr.Powell's previous track record in Wakefield being the PLH and DPS of busy city centre premises is not good. Whatever the outcome of the appeal re the revocation, West Yorkshire Police have had serious problems with crime and disorder associated with premises run by the applicant, and we would ask the sub-committee not to allow these problems to be brought to premises in Leeds City Centre. The applicant's connections to suspected money laundering are a real concern, and his choice of DPS illustrates a lack of judgement necessary in managing busy city centre premises to the required standard.

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Catherine Arkle
PC 5548
City & Holbeck Divisional Licensing Officer.

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**CLOSURE ORDER MADE UNDER
SECTION 161 OF THE LICENSING ACT 2003**

Date and time: 09/05/2010 0810hrs

Division/Station: Central NPT, Wakefield

Name of senior police officer making the Order: Insp Close

Premises to be closed: Bank, Westgate, Wakefield

Closure from: Time: 0810 Date: ⁰⁹06/05/2010

Closure to: Time: 0810 Date: ¹⁰09/05/2010

Reasons (grounds) for closure:

At 0715hrs 08/05/2010 premise is open on temporary event notice. Whilst driving past in my private vehicle I noted that the doors were wide open, music loud enough to vibrate my vehicle and easily audible through my closed windows and over the volume of my own radio.

I also noted in the yard behind the bank, one male vomiting and another urinating whilst attempting to stand upright. At approx 0730hrs I attend and speak to the head doorman, point out the lack of management, instruct the doors to be closed whilst music is played and for the numerous bottles and glasses strewn around the doorways to be cleared. At this time members of the public were beginning to walk around Westgate, clearly avoiding the premise, street cleaners were attempting to clean the highway.

At approx 0745hrs whilst monitoring the CCTV for Westgate I notice that an incident has broken out within the Bank, door staff are on the pavement and members of the public are gesticulating their dissatisfaction. Upon attendance at the premise a male is carried to the doorway clearly having suffered an assault whilst inside, officers were then directed down Marygate where door staff were chasing a male suspected of the assault.

The male was detained arrested for assault as another male was then CS sprayed and arrested for threatening behaviour.

Two ambulances then attend the public house for males knocked unconscious, upon arrival officers are clearing the area when another reveller exits the bar, he is verbally abusive clearly drunk and wont listen to reason, he is arrested for drunk and disorderly behaviour. One male is currently at hospital for injuries consistent with assault occasioning actual bodily harm.

Management are called and premise is officially closed as there is disorder within the premise and the vicinity, a nuisance is being caused by excessive noise from the premise.

A closure is necessary in the interests of public safety and to prevent disturbance.

Name of person on whom the order has been served:

Full name: MATTHEW POWELL

Signed: 

Notes:

A senior police officer has decided to make this closure order under the terms of Section 161 of the Licensing Act 2003, requiring the licensed premises specified in the order to be closed for the period of time specified in the order.

Your attention is drawn to sub-section 161(6) of the 2003 Act. This makes it an offence for a person, without reasonable excuse, to permit licensed premises to be open in contravention of this closure order or any extension of it, and any person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

Under Section 171(2) and (3) of the 2003 Act relevant licensed premises are to be regarded as open, for the purposes of the above offence, if any person other than the holder of the licence for the premises, a designated premises supervisor, a manager of the premises or any member of the family of either of them, enters the premises

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and purchases, or is supplied with, any item of food or drink or any item usually sold on the premises, OR the premises are used for the provision of regulated entertainment.

You will also wish to note that it is an offence for any person, without reasonable excuse, to fail to leave the premises when asked to do so, for the purpose of ensuring compliance with this closure order, by the holder of the licence for the premises or by any manager of the premises, or Designated Premises Supervisor.

Sections 162–168 of the Licensing Act 2003

This part of the closure order now explains the effects of Sections 162–168 of the 2003 Act as required by Section 161(4)(d) of that Act.

Extension of closure order

- Where, for whatever reason, the courts are unable to consider a closure order before it expires, the senior police officer concerned may extend the order for up to another period of 24 hours if certain circumstances exist. These are that the officer reasonably believes that the closure of the premises continues to be necessary in the interests of public safety to prevent disorder, or likely disorder or to prevent further public nuisance caused by noise. Such extensions can be made on an indefinite number of occasions
- The senior police officer is required to give notice to the licensee, DPS or the manager of the premises of such extensions of the closure order before expiry of the existing order for it to have effect.

Cancellation of closure order

- The senior police officer may cancel the closure order at any time after it is issued, but before it has been considered by the court. In this case, the court must still consider the closure order originally served, and the licensing authority will still be obliged to consider the revocation of the premises licence.
- The senior police officer is required to cancel the order if they reasonably believe that closure of the premises is no longer necessary in the interests of public safety to prevent disorder or further public nuisance; and is required to give notice to the person on whom he had previously served the closure order when they decide to cancel it.

Initial hearing

- The senior police officer who made the closure order is under a statutory duty to apply to the magistrates' court for them to consider a closure order, or any extension of it, as soon as reasonably practicable after it comes into force.
- The responsible senior officer must also notify the relevant licensing authority that:
 - (a) A closure order has come into force;
 - (b) of the contents of the order and of any extension of it; and
 - (c) of the application to the magistrates' court.

Consideration of closure order by magistrates

- A magistrates' court must consider a closure order made by a senior police officer as soon as practicable after it comes into force.
- Under law on human rights, you are entitled to attend the hearing, to be legally represented, and to make representations to the court before any decision is taken. The Chief Executive to the magistrates' court will be able to advise you about the details of the procedures which apply in your area.
- A discretion is provided for the magistrates' court to revoke the order if it is still in force; and/or to order that the premises remain closed or be closed until the determination by the licensing authority of the review of the licence; and/or to make any order they see fit in relation to the premises. The last of these powers would enable the court to allow premises to re-open but subject to certain new terms and conditions which they may decide to impose.
- When deciding whether the premises should be allowed to re-open or remain closed, the court must consider whether closure of the premises is necessary in the interest of public safety to prevent disorder or disturbance.

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- It is an offence for any person who permits the premises to open in contravention of an order made by the magistrates for the closure of the premises, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.

Appeal from decision of magistrates' court

- Appeals against decisions made by the magistrates' in respect of closure may be made to the Crown Court, and must be made within 21 days of the decision in question.

Review of premises licence following closure

- Where a licensing authority has received notice from a magistrate court in respect of a closure order having effect in relation to premises, it must review any premises licence having effect in respect of those premises.
- The authority must reach a determination on the review no later than 28 days after the day on which it receives the notice.
- The relevant licensing authority must:
 - Give, to the holder of the premises licence and each responsible authority, notice of the review, the closure order and any extension of it, and any order made in relation to it by the court.
 - Advertise the review and invite representations within set time limits.
 - Hold a hearing to consider the matter and any relevant representations.
 - Take such of the steps as a result of the hearing as it considers necessary for the promotion of the licensing objectives which may include:
 - (a) To modify the conditions of the premises licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the DPS from the licence;
 - (d) to suspend the licence for a period not exceeding three months; or
 - (e) to revoke the licence.
- Where the authority takes a step within sub-section (a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- Where a licensing authority determines a review under this section, it must notify the determination and its reasons to the holder of the licence, any person who made relevant representations, and the chief officer of police in which the premises are situated.
- Section 168 makes provision for premises subject to a closure order under Section 161 to remain closed during any appeal against the licensing authority's decision to revoke the premises licence (although the licence would remain in force). Under Schedule 5 a magistrates' court may order the re-opening of the premises pending the appeal.
- It is an offence for a person, without reasonable excuse, to allow premises to be open in contravention of a decision by the local authority to revoke a premises licence, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.



Regina v.

This is the Copy of Closure Order

Notice

referred to in my statement

(Signature) 

Date 9/05/10

(1)

(2)

(3)

(4)

EXHIBIT No: RCC1 (To be shown at Court)

(1-11-05)

44.

Your Ref Sgt 3961 King
Our Ref L/PAJ/106
Please Reply To **Mr P A Jaques - Legal Services**
Telephone No (01924) 305216
Fax No (01924) 305243
E-Mail pjaques@wakefield.gov.uk
Date 4th June 2010

Corporate Director: Philip Taylor

Town Hall, Wood Street Wakefield
West Yorkshire WF1 2HQ
Typetalk calls welcome

West Yorkshire Police
Wakefield District Licensing Office
Wood Street Police Station
Wood Street
Wakefield

Dear Sirs

REVIEW OF PREMISES LICENCE – 3.6.10
The Bank, Westgate, Wakefield

Following the Committee Hearing on the 3rd June 2010, please find attached the Notice of Decision for the above premises.

Yours faithfully,


P Jaques
Senior Legal Officer

**LICENSING ACT 2003
Section 167**

**Notice of determination of review of premises licence following
closure order**

To: West Yorkshire Police

Of: Licensing Office, Wood Street, Wakefield

The Wakefield Metropolitan District Council, being the licensing authority, was required to review the premises licence for the Bank, Westgate Wakefield, WF1 1XD pursuant to section 167 of the Licensing Act.

On 3rd June 2010 as required under the Licensing Act 2003, a hearing was held to consider the closure order, the order of the Magistrates Court and the Interim Order of the High Court together with relevant representations. The Committee's decision is attached.

The decision shall take effect in 21 days beginning with the day on which any Appellant was notified by the Licensing Authority of the decision, or if the decision is appealed against, until the appeal is disposed of.

Dated: 3.6.10

Signed: 

Designation:

Senior Legal Officer

the officer appointed for this purpose

Please address any communications to:

The Licensing Office
Horbury Community Centre
Cluntergate
Horbury
Wakefield
WF4 5DA

Note: An appeal against this decision may be made by the applicant/a person who made relevant representations/the Chief Officer of Police as applicable (see Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated within 21 days from the date of receipt of the notification of the decision.

All matters that come before the Sub-Committee are treated on their own merits and the Licensing Authority will take its decision based upon.

- the promotion of the Licensing Objectives:
Crime and disorder, Public Safety, Public Nuisance & Protection of Children from harm
- the policy of the Licensing Authority, copies of which are available on the Council's website (www.wakefield.gov.uk);
- the Guidance issued by the Secretary of State for Culture, Media and Sport as amended, under Section 182 of the Licensing Act 2003.

On 9th May 2010, the Police issued a Closure Order under Section 161 of the Act in respect of the premises. The Order was further extended on 10th May 2010 under Section 162 of the Act.

The reason for closure was in the interests of public safety and to prevent disturbance, disorder was taking place within the premises and the vicinity, a nuisance was being caused by excessive noise from the premise.



PREMISES LICENCE – THE BANK, WESTGATE, WAKEFIELD, WF1 1XD

**Review of the Premises Licence under the Licensing Act 2003 for the Bank,
Westgate, Wakefield, WF1 1XD**

Present at the Licensing Sub-Committee held on 3rd June 2010 were:-

1. **Licensing Committee Members**

Cllr Mrs J Drysdale (Chair)

Cllr G Lloyd

Cllr J Stone

2. **Officers from the Council:-**

Rachel Winstanley - Clerk to the Committee

P.Jaques - Legal Adviser to the Committee

3. **Responsible Authorities**

West Yorkshire Police represented by Mr O Thorne

Also in attendance: M Falciano & D Finch Force Solicitors

Inspector Close / PC Shelton / Sgt King / PC Studd / PC Burnett

4. **Building Control**

Jill Fletcher

5. **Premises Licence Holder:**

Matthew Powell



Later on 10th May 2010, Wakefield Magistrates Court gave consideration to the Closure Order pursuant to section 165 of the Act. The Magistrates ordered that the premises remain closed until the matter was determined by the Licensing Authority.

On 14th May 2010, the High Court sitting at Leeds considered an application under Civil Procedure Rules 25.1 for an Interim Order. By consent between the Licence Holder and Magistrates Court it was Ordered that the Closure Order made by the Magistrates Court under S165 would cease to have effect and that the Interim Order with conditions would remain in force until today's Review hearing under Section 167 of the Act.

The Review has been advertised and all Responsible Authorities have been notified. West Yorkshire Police have submitted further representations, full details of which have been circulated to all relevant parties. There is also a representation from Building Control.

At this Review hearing the Committee is required to consider:

The Closure Order, the Order of the Magistrates Court and subsequent interim order of the High Court and any relevant representations that have been made and take such steps (if any) as are referred under Section 167(6) of the Act which are:

- (a) to modify conditions of the Premises Licence
- (b) to exclude a Licensable activity from the scope of the licence
- (c) remove the designated premises supervisor from the Licence
- (d) to suspend the licence for a period not exceeding three months or
- (e) revoke the Licence

THE DECISION

This is a review of the Premises Licence of the The Bank, Westgate, Wakefield initiated as a result of a Police Closure Order.

We have read the information in support of the Police representation and heard evidence today from Inspector Close, PC Shelton, Sgt King together with written evidence, CCTV evidence and other statements in support and the submissions of Mr Thorne.

* The Committee view the incident of 9th May 2010 extremely seriously and concerned about the incident as it unfolded as explained by Inspector Close. We have heard about previous (Licence breaches) and the suitability of staff in supervisory positions and also the general management of the premises and practices that are employed.

* We have no reason to doubt having heard Police evidence that Mr Powell was under the influence of alcohol at the time of the incident and whilst those causing disturbance were ejected from the premises, there was a delay in contacting the Police and persons were clearly extremely drunk on the premises.

The Committee have heard evidence of issues with Building Control and non-compliance over a number of issues. This shows a further lack of responsibility with Responsible Authorities.

* The Committee have also listened to representations given by the Licence Holder Mr Powell. We have been asked to view this as a one-off incident and that lessons have been

learned. Mr Powell states that he was not drunk at the time of the incident but the Committee prefer the Police evidence on this issue.

We have not seen any training records and are concerned that appropriate checks were not made when recruiting staff to work at the premises particularly in supervisory positions. Further, Mr Powell made several inconsistent statements during his representation in this hearing.

We have therefore given consideration to the steps available to us under the Act in considering this Review Hearing.

(The management of the premises seems to be the root of the problem) This Committee needs to be sure that incidents of this nature do not arise in the future.

In imposing further conditions we would need to be satisfied that the management of this large venue could be complied with.

* However, upon what the Sub-Committee have heard we are not satisfied that Mr Powell is suitably qualified and more importantly able to manage and train others in promoting the Licensing objectives.

We have given consideration to the removal of Mr Powell as Designated premises Supervisor but feel poor management practice of the Licence Holder will still not prevent the problems that have arisen.

Therefore, the Sub-Committee have taken the serious step of revoking the Licence.

Licensing Sub-Committee 2

Occurrence details

West Yorkshire

Printed: 05/09/2010 08:16 by 5548

Occurrence: 13100192003

Occurrence details:

Report no.: 13100192003
 Occurrence Type: Licensing Visit
 Occurrence time: 10/05/2010 10:01 -
 Reported time: 10/05/2010 09:59
 Place of offence: WESTGATE CENTRE, WAKEFIELD, WEST YORKSHIRE United Kingdom WF1
 1XD (THE BANK) (BCU: DA, Name: Wakefield, Ward: 17)
 Clearance status: New
 Concluded: No
 Concluded date:
 Summary: PL0965
 Remarks:

Reports:

Occurrence enquiry log:

Type	Entry time	Event time	Author	Link	Log entry
Licensed visits	10/05/2010 10:22		#2860 BURNETT, C.	No	The premises were closed by Insp CLOSE (DA CENTRAL NPT) under S161 Licensing Act 2003 at 0810hrs on Sunday 9th May 2010. The closure order is initially for 24 hours but this has been extended by Insp Close to 0810hrs on Tuesday 11 May to allow a hearing at Wakefield Mags Court on Monday 10-5-2010. All documents attached to occurrence.
Licensed visits	11/05/2010 09:00		#2860 BURNETT, C.	No	The S161 Closure was heard at Wakefield Magistrates Court on 10-05-2009. A closure order was issued by the Magistrates, and the premises will now remain closed until a full review of the licence can be heard. The date is to be set shortly. A copy of the order is attached to this occurrence.
Licensed visits	17/05/2010 09:02		#2860 BURNETT, C.	No	The DPS Matthew Powell made an application on Friday 14th May 2010 at Leeds Crown Court for an interim order pursuant to CPR Rule 25.1, in effect an application to overturn the Magistrates decision and re open the premises. Consent was reached by POWELL and the Police as to conditions on the premises licence, and an order was made by His Honour Judge Grenfell that the S165 closure order imposed by Wakefield Magistrates on 10-10-2010 shall cease to have effect until further order of the Court. The licence is scheduled for a full review hearing at Wakefield Licensing Committee on Wednesday 26th May 2010. A full list of the conditions set at are scanned to this occurrence.
Licensed visits	01/06/2010 08:55		#2860 BURNETT, C.	No	A licensed visit was made to the premises at 2340hrs on 28-5-2010. No door staff were at the front door or the bottom of the steps on ground floor level or on side door, (usually positioned front door, bottom of steps and side door). Licensed visit pro forma completed.
Licensed visits	03/06/2010 07:51		#2860 BURNETT, C.	No	The full licensing review of the premises is to be heard by Wakefield Licencing Committee at 9.30am on Thursday 3rd June 2010.
Licensed visits	07/06/2010		#2860	No	The full licensing review was heard before the

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14:38

BURNETT, C.

Wakefield Licensing Committee on Thursday 3rd June 2010. The decision made was that the premises licence was revoked. The owner Matthew Powell has 21 days to appeal the decision from the date of the hearing (he can remain open if he appeals, operates under the conditions of the original premises licence until the appeal is heard). A copy of the licensing committee decision is scanned to this occurrence.

Licensed visits 11/08/2010
11:34

#2860
BURNETT, C.

No

The premises were visited on 30-7-2010 by Pc Burnett (licensing) and Mr Dean (council licensing enforcement). A warning notice was served on the manager Neil Cooper as up to date staff records were not available to inspect at that time. A drugs safe was not in use, and the staff safe was being used in its place. Mr Cooper was advised to install a secure and fixed safe, specifically for drugs use in accordance with his licence conditions. On Monday 2nd August 2010, the DPS Matthew Powell was spoken to by telephone and advised in relation to the warning notice. He was advised the safe was necessary and the records needed to be available and up to date. He advised Pc Burnett that the staff training records were with the accountant but that he would make them available for inspection. On 3rd August 2010, Mr Cooper was spoken to after the Wakefield Pubwatch meeting. He stated he had still not purchased a specific drugs safe, but he was planning on getting one that afternoon. He was advised it had to be securely fixed in accordance with his licence conditions. He stated he would comply with this, and ensure the training records were all in order.

Licensed visits 12/08/2010
15:41

#2860
BURNETT, C.

No

The premises were visited again today and the manager Mr Cooper has now affixed a specific drugs safe to the wall in the vaults. He has changed most of his staff and has shown me his new training records in respect of those staff.

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Wakefield bar has licence revoked

Published on Wed Jun 09 16:56:58 BST 2010

A TROUBLE-HIT Wakefield bar is set to shut after losing its licence

Council chiefs revoked The Bank's premises licence after hearing how violence flared during an all-night dance event and how the owner was drunk

The venue on Westgate hit the headlines last month when magistrates closed it down after police told them about mayhem on the morning of May 9.

But that decision was overturned in the High Court just four days later and The Bank was allowed to re-open pending a review of the licence.

That review hearing took place yesterday, at Wakefield Town Hall, when the council's licensing sub committee took the serious step of revoking the licence.

The decision will take effect in 21 days but Mr Powell can appeal.

Inspector Richard Close, of Wakefield central neighbourhood police team, told the hearing about the "unbelievable" noise coming from the venue's open doors, which he could hear from his car when he drove by at 7am.

He also saw two men vomiting and urinating in the street.

Later an assault victim was carried from the premises and a threatening man had to be subdued with CS gas.

Insp Close spoke to bar manager Richard Hanks, who smelt of intoxicant, and to the Bank's owner, Matthew Powell, who was "clearly drunk".

Mr Powell refuted that assessment in the hearing and also denied he'd said, "they're drunk, we're drunk" to the officer. But the committee preferred the evidence of Insp Close on the drink issue.

The hearing was also told that Mr Hanks had several previous convictions for drug offences and that Mr Powell didn't carry out Criminal Record Bureau checks.

The committee's ruling said: "We view the incident on May 9 extremely seriously.

"We're concerned about how it unfolded as explained by Insp Close. We've heard about the previous licence breaches and suitability of staff in supervisory positions and also general management of the premises and practises employed."

It concluded: "In considering this review the management of the premises seems to be the root of the problem.

"This committee needs to be sure that incidents of this nature do not arise in the future."

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IN THE HIGH COURT OF JUSTICE
ADMISTRATIVE COURT
SITTING AT LEEDS

Before HHJ Grenfell
Sitting as a Judge of the High Court
At Leeds
On 14 May 2010

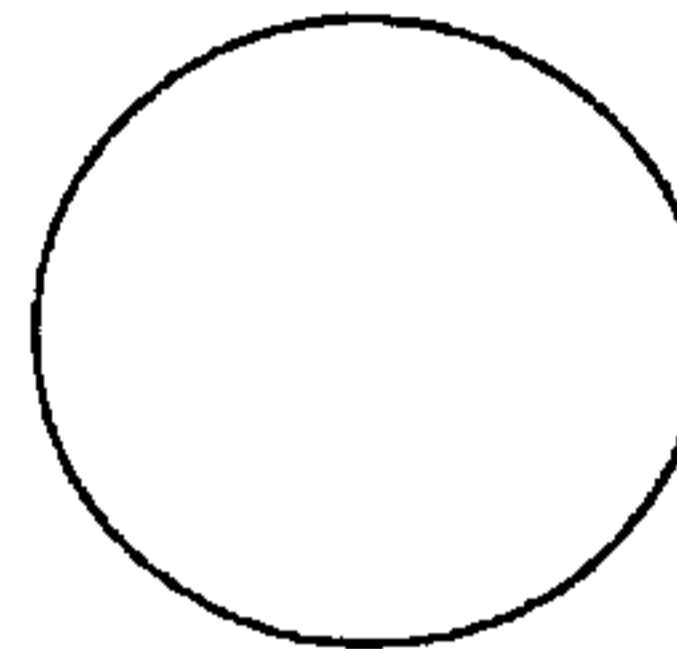
Claim No: CC/5585/2010

Dated: 14 May 2010

Claimant:

MATTHEW POWELL

Seal



First Defendant:

WAKEFIELD MAGISTRATES COURT

Second Defendant:

WEST YORKSHIRE POLICE

THIS ORDER

On the 14TH day of May 2010, the Court considered an application for an interim order pursuant to CPR rule 25.1

1. ***By Consent between the Claimant and First Defendant, It is ordered that;***

The Closure order made pursuant to s.165 of the Licensing Act 2003, by the Justices sitting at Wakefield on the 10th Day of May 2010 shall cease to have effect.

This order shall remain in force until further order of the Court.

The Claimant undertakes to abide by the following conditions until such time
as the Review Hearing pursuant to s. 167 LA 2003 has been determined;

(i) the Claimant will shall not operate any licensable activities (as
listed on premises licence PL0965) beyond the hour of 01:00am Monday to
Sunday.

(ii) the Claimant (in his capacity as designated premises supervisor) shall be present at the premises at all times when licensable activities are taking place.

(iii) the Claimant (in his capacity as designated premises supervisor) shall not consume alcohol within the premises during the time that licensable activities are taking place.

(iv) the Claimant shall submit to a roadside breathalyser test during licensable hours upon the request of a police officer.

(v) the Claimant will make no application for a Temporary Event Notice (TEN)

Further, the temporary event notice for 30 May 2010 is withdrawn.

It is further ordered that:

2. The parties have 7 days from the date of this order to submit representations (by e-mail) as to any costs order in respect of this application for an interim order pursuant to CPR rule 25.1

Communications with the Court

All communications to the Court about this order should be sent to-

The Administrative Court, Leeds Combined Court Centre, The Court House, 1 Oxford Row, Leeds, West Yorkshire LS1 3BG, DX 703016 Leeds 6,

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Court shuts trouble-hit club

Published on Thu May 13 17:37:48 BST 2010

A CLUB has been shut down after an all night dance event descended into booze-fuelled mayhem and violence.

Wakefield magistrates heard one man was left covered in blood following an assault inside The Bank on Sunday morning

And another ambulance was called to a second man who had been knocked out inside the nightclub on Westgate

The court heard how bar bosses were "intoxicated" and even continued to drink when police went through the closure process after trouble flared at 7.45am.

The Bank's designated premises manager Matthew Powell told police. "Whenever we are open late I get nervous. Anything past four o'clock and there is trouble. They are drunk, we are drunk, it's too long, everyone is tired. I have to stay open or we just break even "

The court heard how Mr Powell and premises manager Richard Hanks were both intoxicated

Licensing Sergeant Bob King, explaining how events unfolded and told how the venue had previously been granted a temporary events notice enabling it to play dance music until 9am.

He said Inspector Richard Close drove by The Bank at 7.15am on his way to work.

Music was blaring out of the club's open doors so loud his car was vibrating

He then saw revellers urinating and vomiting in the street, and members of the public clearly avoiding the area

The court also heard how glasses and bottles were strewn around the entrance

Insp Close spoke with the head doorman and pointed out lack of management of customers. The officer then continued to monitor the premises via CCTV.

At 7.45am he saw an incident break out inside The Bank. Insp Close returned to the venue and saw a man, who'd clearly been assaulted inside, being carried to the doorway, his head covered in blood

Then officers were forced to use CS gas on another man who became threatening and violent

After the mayhem Insp Close spoke with managers and considered their continued drinking to be "totally unacceptable"

Sgt King told magistrates: "Insp Close formed the opinion that a clear lack of management led to this incident "

Mr Powell was told of the police's intention to seek a closure notice at court and he was informed he could make representations

But Sgt King said Mr Powell declined.

Chairman of the bench Pamela White ordered the Bank be closed until the licensing authority reviews their licence.

That hearing is expected to be in late May

Mrs White said "It's felt for public safety and to prevent disturbance that this order is necessary "

Inspector Close, of Wakefield Central Neighbourhood Police Team, said: "This action demonstrates that alcohol fuelled disorder will not be tolerated in Wakefield, whether it is on the street or in the confines of licensed premises.

"We will take whatever action necessary to make visits to the city centre safer."

Police said three men were arrested for public order offences in the vicinity of the pub but not inside it

One was cautioned, one received a fixed penalty, and the third was bailed pending further enquiries

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Leeds Area Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

City & Holbeck

Tel: 0113-2414023
Fax: 0113-2413123
Email:
catherine.arkle@westyorkshire.pnn.police.uk
Website:

Your ref:
Our ref:

7th October 2010

**Judy Willis – P36485/6
Poppleston Allen
37, Stoney Street
The Lace Market
Nottingham
NG1 1LS**



cc. Matthew Powell, 69, Kingsway, Ossett, WF5 8DG
cc. Entertainment Licensing Section – Leeds City Council, Civic Hall, Leeds. LS1 1UR

OBJECTION NOTICE :
VARY PREMISES LICENCE - DESIGNATED PREMISES SUPERVISOR:
SECTION 37(5) & 37(6) LICENSING ACT 2003

PROPOSED PREMISES SUPERVISOR: MATTHEW POWELL
PREMISES: BOODWAAR, 174, LOWER BRIGGATE, LEEDS, LS1 6DT

I **Catherine Arkle, City and Holbeck Divisional Licensing Officer for West Yorkshire Police**, hereby give you notice that I intend to object to your application to vary the premises licence as indicated above. West Yorkshire Police are satisfied that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

West Yorkshire Police are so satisfied for the following reasons:-

- This is the third such application by Matthew Powell, who is already a premises licence holder in Wakefield City Centre. The Wakefield premises, The Bank on Westgate, for which he is both DPS and Premises Licence Holder, had their premises licence revoked by Wakefield City Council on 3rd June 2010 following a Section 161 Closure Order which was served on 9th May 2010. The decision papers from Wakefield Council, giving their reason for the revocation, highlight the fact that they saw the management of the premises as the root of the problem at the venue. The Sub-Committee added that they were not satisfied that Mr.Powell was suitably qualified and more importantly able to manage and train others in promoting the Licensing objectives. This decision is currently being appealed.
- Mr.Powell has demonstrated his unsuitability to manage these premises already in initially proposing that the DPS for Boodwaar should be a person who has a previous conviction for keeping/managing

NOT PROTECTIVELY MARKED

a brothel. This application was effectively withdrawn when a new application was received proposing the head door man, Lee Yates, as DPS. Mr. Yates has since removed himself from this position at very short notice. Enquiries are ongoing with Mr. Yates and the firm which supplied the door staff to ascertain why he felt he could not continue in this supervisory position. The applicant has now submitted an application proposing himself as DPS.

- Mr. Powell has suspected connections to a number of licensed premises and there is extremely reliable intelligence which strongly suggests that he is involved in money laundering through licensed premises. This intelligence is marked A11 which denotes it is extremely reliable. The intelligence is confidential and I am therefore unable to disclose this but I would hope that the Sub-Committee would note its classification.
- On 6th September this year the Licensing Sub-Committee, hearing the police objection to the first application to transfer the premises licence in to the applicant's name, decided to refuse the application. They listed 7 points upon which they based their decision which can be seen listed (a) to (g) on the 'Notice of Decision' letter, dated 6th September 2010. Although Mr. Powell has rectified the drug safe issue, referred to at point (e), there has been no movement on the Nitenet issue also mentioned herein. In fact I have spoken to the suppliers of the radio who state they have concerns regarding the application they have received. MRS currently have an application in for the radio but have concerns re the following points:
 1. They cannot find Powell on the electoral roll at his given address and therefore cannot accept him supplying the Direct Debit. He stated he had lived there for the past 6 years.
 2. They now have a direct debit form signed by Lisa Gaskin, the originally proposed DPS, which strongly suggests that Gaskin remains firmly associated with the operation of the premises financially as well as operationally. She appears as the 'reporting person' on a crime of criminal damage at the premises on 11th September this year.
 3. MRS state that they have received conflicting information from Gaskin and Powell as to who owns or is in charge of the premises. They have been told three different versions: Gaskin and Powell are co-owners, that Gaskin is the owner, and that Powell is the manager.
- At the previous hearing on 6th September 2010 Councillors' attention was drawn to requirements made in the High Court Consent Order which allowed The Bank in Wakefield to re-open. Amongst these requirements were, 1) that Mr. Powell, as DPS, did not drink alcohol on the premises, and, 2) that Mr. Powell, as DPS, submit to a roadside breathalyser test during licensable hours upon the request of a police officer. These two requirements relate directly to the fact that officers in Wakefield stated Mr. Powell was drunk when he was in charge of The Bank when it had to be closed. Mr. Powell denies this.

Mr. Powell's previous track record in Wakefield as the PLH and DPS of busy city centre premises is poor. Whatever the outcome of the appeal re the revocation, West Yorkshire Police have had serious problems with crime and disorder associated with premises run by the applicant, and we would ask the Sub-Committee not to allow these problems to be brought to premises in Leeds City Centre. The applicant's connections to suspected money laundering are a real concern, and his initial choice of DPS illustrates a lack of judgement necessary in managing busy city centre premises to the required standard. His second nominated DPS has left in the space of weeks and he now asks that he be the DPS for the premises. This mirrors the set up at the Wakefield premises at the time the venue was closed and subsequently had its licence revoked. PS Bob King from Wakefield Licensing is quite prepared to give a statement detailing his department's dealings with Mr. Powell and the premises he runs there.

For these reasons, and the real prospect of the undermining of the crime prevention objective, we ask that the application to vary the premises licence to allow Powell as DPS be refused.

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C.A. Arkle

Catherine Arkle
PC 5548
Leeds Area Licensing Officer.

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File Edit View Actions Help



Occurrences | Firestation/area | Retention | Stats classification | Stats classification misc. | Stats classification

Occurrence #: [REDACTED]	Disp. type: [REDACTED]	Event: [1 of 959]
Reported time: 11/09/2010 05:09	Occ. type: Criminal Damage - Building (CAD cat)	
Occ. between: 11/09/2010 04:50 - 11/09/2010 05:05	Repeatable: <input type="checkbox"/>	
Status: Filed	Status date: [REDACTED]	
Summary		
[REDACTED]		

Reports | [REDACTED] | Current Officer | Property | Case | [REDACTED] | Documents

Name	Involved	Role
[REDACTED]	Occurrence address	LEEDS
[REDACTED]	Arrested; Eliminated	DC
[REDACTED]	Arrested; Eliminated	DC
[REDACTED]	Witness	DC
[REDACTED]	Person reporting	DC

Link to main address | Link to complaint | Link to complaint address | View last CAD event

RECEIVED

10 SEP 2010



Leeds
CITY COUNCIL

Legal, Licensing & Registration
Entertainment Licensing Section
Civic Hall
Leeds LS1 1UR

Cath Arkle
Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

Contact: Miss Janice Archibald
Tel: 0113 2474095
Fax: 0113 2243885
Email: entertainment.licensing@leeds.gov.uk
Our Ref: A80/PREM/02363/V01

9th September 2010

Dear Madam

Application for the variation of a Premises Licence - Notice of Determination

Premises: Boodwaar, 174 Lower Briggate, Leeds, LS1 6DT

Please find enclosed a copy of the Notice of Determination which represents the formal decision made by the Licensing Sub Committee in relation to the above application.

Please do not hesitate to contact the Licensing Section on the above telephone number should you require any further assistance or information.

Yours faithfully

Miss Janice Archibald
Licensing Officer
Entertainment Licensing Section



INVESTOR IN PEOPLE

Notice of Decision

Of the Licensing Sub Committee

10 SEP 2010



Leeds
CITY COUNCIL

Date of Hearing:	6th September 2010
Determination Date:	6th September 2010
Members:	Councillor Donald Wilson (Chair) Councillor Graham Hyde Councillor Chris Townsley
Legal Officer:	Nigel Augustin
Committee Clerk:	Helen Gray & Sophie Wallace
Licensing Officer:	Emma White & Stephen Holder
Application:	Variation to a Premises Licence to specify an individual as Designated Premises Supervisor.
Premises:	Boodwaar 174 Lower Briggate, Leeds, LS1 6DT,
Proposed Premises Licence Holder:	Mr Matthew Powell
Attendees:	Mr Matthew Powell (applicant), Lisa Gaskin (promotions), Lee Yates (DPS)

The Licensing Sub Committee considered:

1. The report from the Assistant Chief Executive (Corporate Governance).
2. Licensing Act 2003.
3. Guidance issued by the secretary of State of Culture Media and Sport pursuant to Section 182 of the act.
4. Relevant Licensing Objectives.
5. The statement of Licensing Policy 2007 – 2010.
6. Representations received from West Yorkshire Police.

Having taken all these matters into account the Licensing Sub Committee have agreed to **refuse** the application.

The reason for this decision is as follows:

The committee listened carefully to representations from West Yorkshire Police setting out why this application should not be granted. The committee have also heard representations from Mr Powell as to why transfer application should be granted.

The committee were satisfied that granting the application would undermine the crime prevention objective and therefore it is necessary to reject the application.

(a) Mr Powell holds the licence for a premises which suffered a serious incident of disorder in May 2010. This premises being 'The bank' in Wakefield.

(b) Because of this incident the premises was closed pursuant to section 161 of the Licensing act 2003 having undermined the crime prevention objective.

(c) The premises was only reopened after a High Court Consent Order which required, amongst other things, for Mr Powell to be breathalysed during licensed hours upon the request of a police officer.

(d) That the licence for the Bank was revoked after a finding by Wakefield Metropolitan District Council that Mr Powell was not suitably qualified or able to manage and train others in promoting the licensing objectives.

(e) That since Mr Powell had acquired the licence on an interim basis, West Yorkshire Police had visited the premises on 14 August 2010 and 27 August 2010. These visits had revealed that crime prevention conditions on the premises licence relating to radio communications and the drugs safe had not been complied with.

(f) That the formally proposed DPS, Miss Gaskin, remained involved in the day to day business which called into question how the objective could be promoted given her conviction for keeping/managing a brothel.

(g) That this was a busy, city centre premises with late night hours which required a management style which was committed to promoting the crime prevention objective and Matthew Powell had failed to demonstrate this to the committee.

The transfer which had interim effect will cease upon notification of this decision.

Right of Appeal

There is a right of appeal to the Magistrates Court should you be dissatisfied with the decision made by the sub committee. You must make this appeal within 21 days of this letter reaching you.

Appeals should be addressed to the Magistrates Court at:

**Clerk to the Justices
Leeds Magistrates Court
Westgate
Leeds
LS1 3JP**

and be accompanied by a copy of this notice of decision and the court fee of £200.00. Cheques should be made payable to HMCS.

Please note – Persons making appeals should be aware that the Magistrates have the power to award costs against any party as a result of appeal proceedings.



Leeds Area Licensing Department
Millgarth Police Station
Millgarth Street
Leeds
LS2 7HX

City & Holbeck

Tel: 0113-2414023
Fax: 0113-2413123
Email:
catherine.arkle@westyorkshire.pnn.police.uk
Website:

Your ref:
Our ref:

3rd August 2010

**Judy Willis – P36485/6
Poppleston Allen
37, Stoney Street
The Lace Market
Nottingham
NG1 1LS**

cc. Matthew Powell, 118 Montague Avenue, Leeds, LS8 2RJ
cc. Entertainment Licensing Section – Leeds City Council, Civic Hall, Leeds. LS1 1UR

**NOTICE OF OBJECTION – TRANSFER OF PREMISES LICENCE:
SECTION 42 (6)&(7) – LICENSING ACT 2003:**

PREMISES: BOODWAAR, (FORM.RELIGION), 174, LOWER BRIGGATE, LEEDS, LS1 6DT

I Catherine Arkle, City and Holbeck Divisional Licensing Officer for West Yorkshire Police, hereby give you notice that I intend to object to your application for the transfer of the licence at the premises indicated above. West Yorkshire Police are satisfied that the exceptional circumstances of this case are such that granting this application would undermine the crime prevention objective.

West Yorkshire Police are so satisfied for the following reasons-:

- The applicant, Matthew Powell, is already a premises licence holder in Wakefield City Centre. The premises, The Bank on Westgate, Wakefield, for which he is both DPS and Premises Licence Holder, had their premises licence revoked by Wakefield City Council on 3rd June 2010 following a Section 161 Closure Order which was served on 9th May 2010. The decision papers from Wakefield Council, giving their reason for the revocation, highlight the fact that they saw the management of the premises as the root of the problem at the venue. The Sub-Committee added that they were not satisfied that Mr.Powell was suitably qualified and more importantly able to manage and train others in promoting the Licensing objectives. This decision is currently being appealed.
- Mr.Powell has demonstrated his unsuitability to manage these premises already in proposing that the DPS for Boodwaar should be a person who has a previous conviction for keeping/managing a brothel. There is a separate objection from West Yorkshire Police in relation to the application to vary the DPS.

- Mr. Powell has suspected connections to a number of licensed premises and there is extremely reliable intelligence which strongly suggests that he is involved in money laundering through licensed premises. This intelligence is marked A11 which denotes it is extremely reliable. The intelligence is confidential and I am therefore unable to disclose this but I would hope that the Sub-Committee would note its classification.

Mr. Powell's previous track record in Wakefield being the PLH and DPS of busy city centre premises is not good. Whatever the outcome of the appeal re the revocation, West Yorkshire Police have had serious problems with crime and disorder associated with premises run by the applicant, and we would ask the sub-committee not to allow these problems to be brought to premises in Leeds City Centre. The applicant's connections to suspected money laundering are a real concern, and his choice of DPS illustrates a lack of judgement necessary in managing busy city centre premises to the required standard.

For these reasons, and the real prospect of the undermining of the crime prevention objective, we ask that the application to transfer the premises licence into the applicant's name be refused.

Catherine Arkle
PC 5548
City & Holbeck Divisional Licensing Officer.

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**CLOSURE ORDER MADE UNDER
SECTION 161 OF THE LICENSING ACT 2003**

Date and time: 09/05/2010 0810hrs

Division/Station: Central NPT, Wakefield

Name of senior police officer making the Order: Insp Close

Premises to be closed: Bank, Westgate, Wakefield

Closure from: Time: 0810 Date: ⁰⁹09/05/2010

Closure to: Time: 0810 Date: ¹⁰09/05/2010

Reasons (grounds) for closure:

At 0715hrs 08/05/2010 premise is open on temporary event notice. Whilst driving past in my private vehicle I noted that the doors were wide open, music loud enough to vibrate my vehicle and easily audible through my closed windows and over the volume of my own radio.

I also noted in the yard behind the bank, one male vomiting and another urinating whilst attempting to stand upright. At approx 0730hrs I attend and speak to the head doorman, point out the lack of management, instruct the doors to be closed whilst music is played and for the numerous bottles and glasses strewn around the doorways to be cleared. At this time members of the public were beginning to walk around Westgate, clearly avoiding the premise, street cleaners were attempting to clean the highway.

At approx 0745hrs whilst monitoring the CCTV for Westgate I notice that an incident has broken out within the Bank, door staff are on the pavement and members of the public are gesticulating their dissatisfaction. Upon attendance at the premise a male is carried to the doorway clearly having suffered an assault whilst inside, officers were then directed down Marygate where door staff were chasing a male suspected of the assault.

The male was detained arrested for assault as another male was then CS sprayed and arrested for threatening behaviour.

Two ambulances then attend the public house for males knocked unconscious, upon arrival officers are clearing the area when another reveller exits the bar, he is verbally abusive clearly drunk and wont listen to reason, he is arrested for drunk and disorderly behaviour. One male is currently at hospital for injuries consistent with assault occasioning actual bodily harm.

Management are called and premise is officially closed as there is disorder within the premise and the vicinity, a nuisance is being caused by excessive noise from the premise.

A closure is necessary in the interests of public safety and to prevent disturbance.

Name of person on whom the order has been served:

Full name: MATTHEW POWELL

Signed: 

Notes:

A senior police officer has decided to make this closure order under the terms of Section 161 of the Licensing Act 2003, requiring the licensed premises specified in the order to be closed for the period of time specified in the order.

Your attention is drawn to sub-section 161(6) of the 2003 Act. This makes it an offence for a person, without reasonable excuse, to permit licensed premises to be open in contravention of this closure order or any extension of it, and any person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

Under Section 171(2) and (3) of the 2003 Act relevant licensed premises are to be regarded as open, for the purposes of the above offence, if any person other than the holder of the licence for the premises, a designated premises supervisor, a manager of the premises or any member of the family of either of them, enters the premises

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and purchases, or is supplied with, any item of food or drink or any item usually sold on the premises, OR the premises are used for the provision of regulated entertainment.

You will also wish to note that it is an offence for any person, without reasonable excuse, to fail to leave the premises when asked to do so, for the purpose of ensuring compliance with this closure order, by the holder of the licence for the premises or by any manager of the premises, or Designated Premises Supervisor.

Sections 162–168 of the Licensing Act 2003

This part of the closure order now explains the effects of Sections 162–168 of the 2003 Act as required by Section 161(4)(d) of that Act.

Extension of closure order

- Where, for whatever reason, the courts are unable to consider a closure order before it expires, the senior police officer concerned may extend the order for up to another period of 24 hours if certain circumstances exist. These are that the officer reasonably believes that the closure of the premises continues to be necessary in the interests of public safety to prevent disorder, or likely disorder or to prevent further public nuisance caused by noise. Such extensions can be made on an indefinite number of occasions
- The senior police officer is required to give notice to the licensee, DPS or the manager of the premises of such extensions of the closure order before expiry of the existing order for it to have effect.

Cancellation of closure order

- The senior police officer may cancel the closure order at any time after it is issued, but before it has been considered by the court. In this case, the court must still consider the closure order originally served, and the licensing authority will still be obliged to consider the revocation of the premises licence.
- The senior police officer is required to cancel the order if they reasonably believe that closure of the premises is no longer necessary in the interests of public safety to prevent disorder or further public nuisance; and is required to give notice to the person on whom he had previously served the closure order when they decide to cancel it.

Initial hearing

- The senior police officer who made the closure order is under a statutory duty to apply to the magistrates' court for them to consider a closure order, or any extension of it, as soon as reasonably practicable after it comes into force.
- The responsible senior officer must also notify the relevant licensing authority that:
 - (a) A closure order has come into force;
 - (b) of the contents of the order and of any extension of it; and
 - (c) of the application to the magistrates' court.

Consideration of closure order by magistrates

- A magistrates' court must consider a closure order made by a senior police officer as soon as practicable after it comes into force.
- Under law on human rights, you are entitled to attend the hearing, to be legally represented, and to make representations to the court before any decision is taken. The Chief Executive to the magistrates' court will be able to advise you about the details of the procedures which apply in your area.
- A discretion is provided for the magistrates' court to revoke the order if it is still in force; and/or to order that the premises remain closed or be closed until the determination by the licensing authority of the review of the licence; and/or to make any order they see fit in relation to the premises. The last of these powers would enable the court to allow premises to re-open but subject to certain new terms and conditions which they may decide to impose.
- When deciding whether the premises should be allowed to re-open or remain closed, the court must consider whether closure of the premises is necessary in the interest of public safety to prevent disorder or disturbance.

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- It is an offence for any person who permits the premises to open in contravention of an order made by the magistrates for the closure of the premises, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.

Appeal from decision of magistrates' court

- Appeals against decisions made by the magistrates' in respect of closure may be made to the Crown Court, and must be made within 21 days of the decision in question.

Review of premises licence following closure

- Where a licensing authority has received notice from a magistrate court in respect of a closure order having effect in relation to premises, it must review any premises licence having effect in respect of those premises.
- The authority must reach a determination on the review no later than 28 days after the day on which it receives the notice.
- The relevant licensing authority must:
 - Give, to the holder of the premises licence and each responsible authority, notice of the review, the closure order and any extension of it, and any order made in relation to it by the court.
 - Advertise the review and invite representations within set time limits.
 - Hold a hearing to consider the matter and any relevant representations.
 - Take such of the steps as a result of the hearing as it considers necessary for the promotion of the licensing objectives which may include:
 - (a) To modify the conditions of the premises licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the DPS from the licence;
 - (d) to suspend the licence for a period not exceeding three months; or
 - (e) to revoke the licence.
- Where the authority takes a step within sub-section (a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- Where a licensing authority determines a review under this section, it must notify the determination and its reasons to the holder of the licence, any person who made relevant representations, and the chief officer of police in which the premises are situated.
- Section 168 makes provision for premises subject to a closure order under Section 161 to remain closed during any appeal against the licensing authority's decision to revoke the premises licence (although the licence would remain in force). Under Schedule 5 a magistrates' court may order the re-opening of the premises pending the appeal.
- It is an offence for a person, without reasonable excuse, to allow premises to be open in contravention of a decision by the local authority to revoke a premises licence, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.



Regina v.

This is the Copy of Closure Order

Noted

referred to in my statement

(Signature)

[Handwritten Signature]

Date 9/05/10

(1)

(2)

(3)

(4)

EXHIBIT No: RCO (To be shown at Court)

(1-11-09)

44

Your Ref Sgt 3951 King
 Our Ref L/PAJ/106
 Please Reply To Mr P A Jaques - Legal Services
 Telephone No (01924) 305216
 Fax No (01924) 305243
 E-Mail pjaques@wakefield.gov.uk
 Date 4th June 2010

Corporate Director: Philip Taylor
 Town Hall, Wood Street, Wakefield
 West Yorkshire WF1 2HG
 Typetalk calls welcome

West Yorkshire Police
 Wakefield District Licensing Office
 Wood Street Police Station
 Wood Street
 Wakefield

Dear Sirs

REVIEW OF PREMISES LICENCE – 3.6.10
The Bank, Westgate, Wakefield

Following the Committee Hearing on the 3rd June 2010, please find attached the Notice of Decision for the above premises.

Yours faithfully,



P Jaques
 Senior Legal Officer



working for

LICENSING ACT 2003
Section 167

Notice of determination of review of premises licence following closure order

To: West Yorkshire Police

Of: Licensing Office, Wood Street, Wakefield

The Wakefield Metropolitan District Council, being the licensing authority, was required to review the premises licence for the Bank, Westgate Wakefield, WF1 1XD pursuant to section 167 of the Licensing Act.

On 3rd June 2010 as required under the Licensing Act 2003, a hearing was held to consider the closure order, the order of the Magistrates Court and the interim Order of the High Court together with relevant representations. The Committee's decision is attached.

The decision shall take effect in 21 days beginning with the day on which any Appellant was notified by the Licensing Authority of the decision, or if the decision is appealed against, until the appeal is disposed of.

Dated: 3.6.10

Signed: 

Designation: Senior Legal Officer

the officer appointed for this purpose

Please address any communications to: The Licensing Office
Horbury Community Centre
Cluntergate
Horbury
Wakefield
WF4 5DA

Note: An appeal against this decision may be made by the applicant/a person who made relevant representations/the Chief Officer of Police as applicable (see Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated within 21 days from the date of receipt of the notification of the decision.



All matters that come before the Sub-Committee are treated on their own merits and the Licensing Authority will take its decision based upon.

- the promotion of the Licensing Objectives:
Crime and disorder, Public Safety, Public Nuisance & Protection of Children from harm
- the policy of the Licensing Authority, copies of which are available on the Council's website (www.wakefield.gov.uk);
- the Guidance issued by the Secretary of State for Culture, Media and Sport as amended, under Section 182 of the Licensing Act 2003.

On 9th May 2010, the Police issued a Closure Order under Section 161 of the Act in respect of the premises. The Order was further extended on 10th May 2010 under Section 162 of the Act.

The reason for closure was in the interests of public safety and to prevent disturbance, disorder was taking place within the premises and the vicinity, a nuisance was being caused by excessive noise from the premise.



PREMISES LICENCE – THE BANK, WESTGATE, WAKEFIELD, WF1 1XD

**Review of the Premises Licence under the Licensing Act 2003 for the Bank,
Westgate, Wakefield, WF1 1XD**

Present at the Licensing Sub-Committee held on 3rd June 2010 were:-

1. **Licensing Committee Members**

Cllr Mrs J Drysdale (Chair)

Cllr G Lloyd

Cllr J Stone

2. **Officers from the Council:-**

Rachel Winstanley - Clerk to the Committee

P.Jaques - Legal Adviser to the Committee

3. **Responsible Authorities**

West Yorkshire Police represented by Mr O Thorne

Also in attendance: M Falciano & D Finch Force Solicitors

Inspector Close / PC Shelton / Sgt King / PC Studd / PC Burnett

4. **Building Control**

Jill Fletcher

5. **Premises Licence Holder:**

Matthew Powell

Later on 10th May 2010, Wakefield Magistrates Court gave consideration to the Closure Order pursuant to section 165 of the Act. The Magistrates ordered that the premises remain closed until the matter was determined by the Licensing Authority.

On 14th May 2010, the High Court sitting at Leeds considered an application under Civil Procedure Rules 25.1 for an Interim Order. By consent between the Licence Holder and Magistrates Court it was Ordered that the Closure Order made by the Magistrates Court under S165 would cease to have effect and that the Interim Order with conditions would remain in force until today's Review hearing under Section 167 of the Act.

The Review has been advertised and all Responsible Authorities have been notified. West Yorkshire Police have submitted further representations, full details of which have been circulated to all relevant parties. There is also a representation from Building Control.

At this Review hearing the Committee is required to consider:

The Closure Order, the Order of the Magistrates Court and subsequent interim order of the High Court and any relevant representations that have been made and take such steps (if any) as are referred under Section 167(6) of the Act which are:

- (a) to modify conditions of the Premises Licence
- (b) to exclude a Licensable activity from the scope of the licence
- (c) remove the designated premises supervisor from the Licence
- (d) to suspend the licence for a period not exceeding three months or
- (e) revoke the Licence



THE DECISION

This is a review of the Premises Licence of the The Bank, Westgate, Wakefield initiated as a result of a Police Closure Order.

We have read the information in support of the Police representation and heard evidence today from Inspector Close, PC Shelton, Sgt King together with written evidence, CCTV evidence and other statements in support and the submissions of Mr Thorne.

- * The Committee view the incident of 9th May 2010 extremely seriously and concerned about the incident as it unfolded as explained by Inspector Close. We have heard about previous (Licence breaches) and the suitability of staff in supervisory positions and also the general management of the premises and practices that are employed.

- * We have no reason to doubt having heard Police evidence that Mr Powell was under the influence of alcohol at the time of the incident and whilst those causing disturbance were ejected from the premises, there was a delay in contacting the Police and persons were *clearly extremely drunk on the premises.*

The Committee have heard evidence of issues with Building Control and non-compliance over a number of issues. This shows a further lack of responsibility with Responsible Authorities.

- X The Committee have also listened to representations given by the Licence Holder Mr Powell. We have been asked to view this as a *one-off incident and that lessons have been*



learned. Mr Powell states that he was not drunk at the time of the incident but the Committee prefer the Police evidence on this issue.

We have not seen any training records and are concerned that appropriate checks were not made when recruiting staff to work at the premises particularly in supervisory positions. Further, Mr Powell made several inconsistent statements during his representation in this hearing.

We have therefore given consideration to the steps available to us under the Act in considering this Review Hearing.

(*The management of the premises seems to be the root of the problem*) This Committee needs to be sure that incidents of this nature do not arise in the future.

In imposing further conditions we would need to be satisfied that the management of this large venue could be complied with.

* However, upon what the Sub-Committee have heard we are not satisfied that Mr Powell is suitably qualified and more importantly able to manage and train others in promoting the Licensing objectives.

We have given consideration to the removal of Mr Powell as Designated premises Supervisor but feel poor management practice of the Licence Holder will still not prevent the problems that have arisen.

Therefore, the Sub-Committee have taken the serious step of revoking the Licence.

Licensing Sub-Committee 2

Occurrence details

West Yorkshire

Printed: 05/09/2010 08:16 by 5548

Occurrence: 13100192003

Occurrence details:

Report no.: 13100192003
Occurrence Type: Licensing Visit
Occurrence time: 10/05/2010 10:01 -
Reported time: 10/05/2010 09:59
Place of offence: WESTGATE CENTRE, WAKEFIELD, WEST YORKSHIRE United Kingdom WF1
1XD (THE BANK) (BCU: DA, Name: Wakefield, Ward: 17)
Clearance status: New
Concluded: No
Concluded date:
Summary: PL0965
Remarks:

Reports:

Occurrence enquiry log:

Type	Entry time	Event time	Author	Link	Log entry
Licensed visits	10/05/2010 10:22		#2860 BURNETT, C.	No	The premises were closed by Insp CLOSE (DA CENTRAL NPT) under S161 Licensing Act 2003 at 0810hrs on Sunday 9th May 2010. The closure order is initially for 24 hours but this has been extended by Insp Close to 0810hrs on Tuesday 11 May to allow a hearing at Wakefield Mags Court on Monday 10-5-2010. All documents attached to occurrence.
Licensed visits	11/05/2010 09:00		#2860 BURNETT, C.	No	The S161 Closure was heard at Wakefield Magistrates Court on 10-05-2009. A closure order was issued by the Magistrates, and the premises will now remain closed until a full review of the licence can be heard. The date is to be set shortly. A copy of the order is attached to this occurrence.
Licensed visits	17/05/2010 09:02		#2860 BURNETT, C.	No	The DPS Matthew Powell made an application on Friday 14th May 2010 at Leeds Crown Court for an interim order pursuant to CPR Rule 25.1, in effect an application to overturn the Magistrates decision and re open the premises. Consent was reached by POWELL and the Police as to conditions on the premises licence, and an order was made by His Honour Judge Grenfell that the S165 closure order imposed by Wakefield Magistrates on 10-10-2010 shall cease to have effect until further order of the Court. The licence is scheduled for a full review hearing at Wakefield Licensing Committee on Wednesday 26th May 2010. A full list of the conditions set at are scanned to this occurrence.
Licensed visits	01/06/2010 08:55		#2860 BURNETT, C.	No	A licensed visit was made to the premises at 2340hrs on 28-5-2010. No door staff were at the front door or the bottom of the steps on ground floor level or on side door, (usually positioned front door, bottom of steps and side door). Licensed visit pro forma completed.
Licensed visits	03/06/2010 07:51		#2860 BURNETT, C.	No	The full licensing review of the premises is to be heard by Wakefield Licensing Committee at 9.30am on Thursday 3rd June 2010.
Licensed visits	07/06/2010		#2860	No	The full licensing review was heard before the

RESTRICTED

14:38

BURNETT, C.

Wakefield Licensing Committee on Thursday 3rd June 2010. The decision made was that the premises licence was revoked. The owner Matthew Powell has 21 days to appeal the decision from the date of the hearing (he can remain open if he appeals, operates under the conditions of the original premises licence until the appeal is heard). A copy of the licensing committee decision is scanned to this occurrence.

Licensed visits 11/08/2010
11:34

#2860
BURNETT, C.

No

The premises were visited on 30-7-2010 by Pc Burnett (licensing) and Mr Dean (council licensing enforcement). A warning notice was served on the manager Neil Cooper as up to date staff records were not available to inspect at that time. A drugs safe was not in use, and the staff safe was being used in its place. Mr Cooper was advised to install a secure and fixed safe, specifically for drugs use in accordance with his licence conditions. On Monday 2nd August 2010, the DPS Matthew Powell was spoken to by telephone and advised in relation to the warning notice. He was advised the safe was necessary and the records needed to be available and up to date. He advised Pc Burnett that the staff training records were with the accountant but that he would make them available for inspection. On 3rd August 2010, Mr Cooper was spoken to after the Wakefield Pubwatch meeting. He stated he had still not purchased a specific drugs safe, but he was planning on getting one that afternoon. He was advised it had to be securely fixed in accordance with his licence conditions. He stated he would comply with this, and ensure the training records were all in order.

Licensed visits 12/08/2010
15:41

#2860
BURNETT, C.

No

The premises were visited again today and the manager Mr Cooper has now affixed a specific drugs safe to the wall in the vaults. He has changed most of his staff and has shown me his new training records in respect of those staff.

RESTRICTED

Wakefield bar has licence revoked

Published on Wed Jun 09 16:56:58 BST 2010

A TROUBLE-HIT Wakefield bar is set to shut after losing its licence.

Council chiefs revoked The Bank's premises licence after hearing how violence flared during an all-night dance event and how the owner was drunk.

The venue on Westgate hit the headlines last month when magistrates closed it down after police told them about mayhem on the morning of May 9.

But that decision was overturned in the High Court just four days later and The Bank was allowed to re-open pending a review of the licence.

That review hearing took place yesterday, at Wakefield Town Hall, when the council's licensing sub committee took the serious step of revoking the licence.

The decision will take effect in 21 days but Mr Powell can appeal.

Inspector Richard Close, of Wakefield central neighbourhood police team, told the hearing about the "unbelievable" noise coming from the venue's open doors, which he could hear from his car when he drove by at 7am.

He also saw two men vomiting and urinating in the street.

Later an assault victim was carried from the premises and a threatening man had to be subdued with CS gas.

Insp Close spoke to bar manager Richard Hanks, who smelt of intoxicant, and to the Bank's owner, Matthew Powell, who was "clearly drunk".

Mr Powell refuted that assessment in the hearing and also denied he'd said, "they're drunk, we're drunk" to the officer. But the committee preferred the evidence of Insp Close on the drink issue.

The hearing was also told that Mr Hanks had several previous convictions for drug offences and that Mr Powell didn't carry out Criminal Record Bureau checks.

The committee's ruling said: "We view the incident on May 9 extremely seriously.

"We're concerned about how it unfolded as explained by Insp Close. We've heard about the previous licence breaches and suitability of staff in supervisory positions and also general management of the premises and practises employed."

It concluded: "In considering this review the management of the premises seems to be the root of the problem.

"This committee needs to be sure that incidents of this nature do not arise in the future."

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IN THE HIGH COURT OF JUSTICE
ADMISTRATIVE COURT
SITTING AT LEEDS

Before HHJ Grenfell
Sitting as a Judge of the High Court
At Leeds
On 14 May 2010

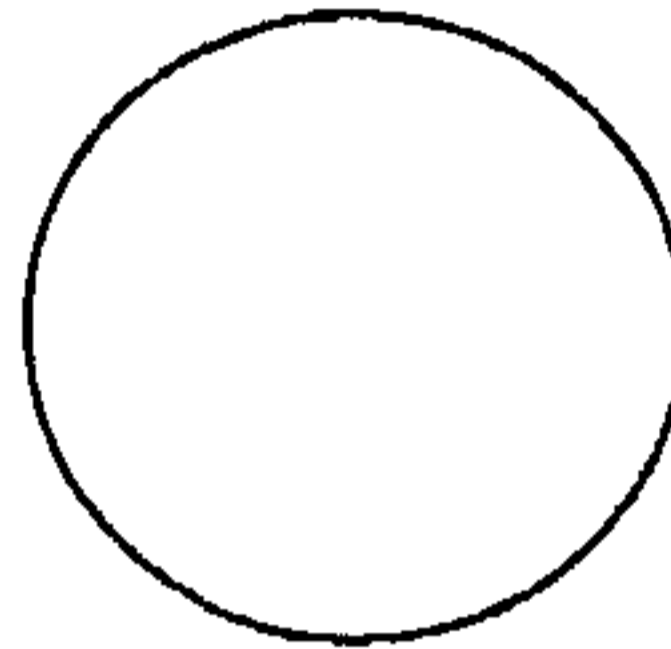
Claim No: CC/5585/2010

Dated: 14 May 2010

Claimant:

MATTHEW POWELL

Seal



First Defendant:

WAKEFIELD MAGISTRATES COURT

Second Defendant:

WEST YORKSHIRE POLICE

THIS ORDER

On the 14TH day of May 2010, the Court considered an application for an interim order pursuant to CPR rule 25.1

1. *By Consent between the Claimant and First Defendant, It is ordered that,*

The Closure order made pursuant to s.165 of the Licensing Act 2003, by the Justices sitting at Wakefield on the 10th Day of May 2010 shall cease to have effect.

This order shall remain in force until further order of the Court.

The Claimant undertakes to abide by the following conditions until such time as the Review Hearing pursuant to s. 167 LA 2003 has been determined;

(i) the Claimant will shall not operate any licensable activities (as listed on premises licence PL0965) beyond the hour of 01:00am Monday to Sunday.

(ii) the Claimant (in his capacity as designated premises supervisor) shall be present at the premises at all times when licensable activities are taking place.

(iii) the Claimant (in his capacity as designated premises supervisor) shall not consume alcohol within the premises during the time that licensable activities are taking place.

(iv) the Claimant shall submit to a roadside breathalyser test during licensable hours upon the request of a police officer.

(v) the Claimant will make no application for a Temporary Event Notice (TEN)

Further, the temporary event notice for 30 May 2010 is withdrawn.

It is further ordered that:

2. The parties have 7 days from the date of this order to submit representations (by e-mail) as to any costs order in respect of this application for an interim order pursuant to CPR rule 25.1

Communications with the Court

All communications to the Court about this order should be sent to-

The Administrative Court, Leeds Combined Court Centre, The Court House, 1 Oxford Row, Leeds, West Yorkshire LS1 3BG, DX 703016 Leeds 6,

Court shuts trouble-hit club

Published on Thu May 13 17:37:48 BST 2010

A CLUB has been shut down after an all night dance event descended into booze-fuelled mayhem and violence.

Wakefield magistrates heard one man was left covered in blood following an assault inside The Bank on Sunday morning

And another ambulance was called to a second man who had been knocked out inside the nightclub on Westgate

The court heard how bar bosses were "intoxicated" and even continued to drink when police went through the closure process after trouble flared at 7.45am.

The Bank's designated premises manager Matthew Powell told police: "Whenever we are open late I get nervous. Anything past four o'clock and there is trouble. They are drunk, we are drunk, it's too long, everyone is tired. I have to stay open or we just break even."

The court heard how Mr Powell and premises manager Richard Hanks were both intoxicated

Licensing Sergeant Bob King, explaining how events unfolded and told how the venue had previously been granted a temporary events notice enabling it to play dance music until 9am.

He said Inspector Richard Close drove by The Bank at 7.15am on his way to work

Music was blaring out of the club's open doors so loud his car was vibrating

He then saw revellers urinating and vomiting in the street, and members of the public clearly avoiding the area

The court also heard how glasses and bottles were strewn around the entrance

Insp Close spoke with the head doorman and pointed out lack of management of customers. The officer then continued to monitor the premises via CCTV

At 7.45am he saw an incident break out inside The Bank. Insp Close returned to the venue and saw a man, who'd clearly been assaulted inside, being carried to the doorway, his head covered in blood

Then officers were forced to use CS gas on another man who became threatening and violent.

After the mayhem Insp Close spoke with managers and considered their continued drinking to be "totally unacceptable"

Sgt King told magistrates: "Insp Close formed the opinion that a clear lack of management led to this incident."

Mr Powell was told of the police's intention to seek a closure notice at court and he was informed he could make representations.

But Sgt King said Mr Powell declined.

Chairman of the bench Pamela White ordered the Bank be closed until the licensing authority reviews their licence

That hearing is expected to be in late May.

Mrs White said, "It's felt for public safety and to prevent disturbance that this order is necessary."

Inspector Close, of Wakefield Central Neighbourhood Police Team, said: "This action demonstrates that alcohol fuelled disorder will not be tolerated in Wakefield, whether it is on the street or in the confines of licensed premises.

"We will take whatever action necessary to make visits to the city centre safer."

Police said three men were arrested for public order offences in the vicinity of the pub but not inside it

One was cautioned, one received a fixed penalty, and the third was bailed pending further enquiries

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