

Justices Reasons

We are dealing with an application made by West Yorkshire Police in relation to licensed premises the Fellmongers on North Parkway Leeds LS14.

On 17th November 2011 the police exercised their powers under Section 161(1) of the Licensing Act 2003 to close the premises.

They are able to do this for a period not in excess of 24 hours.

The police apply to this court under Section 164 of the Licensing Act 2003 to consider the order and any extension of it.

The application has been received by the court today and we feel that it is correct to hear the application today. The police are only able to extend the order by a further 24 hours and this would mean that the premises would be able to open on Sunday.

Notice of this hearing has been given to the premises and they are represented today.

Today we have heard evidence from PC Dobson who is the Leeds District Licensing Officer. Marc Burnham-Thomas who represents the company who hold the premises licence and Lee Wilson who manages the premises.

This court has power to;

- 1) revoke the closure order
- 2) order the premises to remain closed until such time as the relevant licensing authority has made a determination in respect of the order for the purpose of sec 167 of the Licensing Act 2003.
- 3) order the premises to remain closed until that time subject to such exceptions as may be specified in the order.
- 4) order the premises to remain closed until that time unless such condition as may be specified in the order are satisfied.

In our determination of the application we must consider whether;

Closure is necessary in the interest of public safety because of disorder or likely disorder on the premises, or in the vicinity of and related to, the premises.

On 17th November 2011 a serious public order incident occurred at the Fellmonger. Five persons were arrested for affray and it is described by the police as an extremely serious incident.

The court is told that there was a private party at the premises following a funeral. The party had been booked for between 80 to 100 people and there were three staff on duty.

Lee Wilson is the manager of the premises. The DPS who has responsibility for the running of the premises is Alan Herbert. Herbert was notified of the incident and closure last night but is not contactable today.

Mr Wilson tells the court that prior to the end of September this year he ran the premises along side Christopher Carroll. Christopher Carroll was arrested for affray last night. The police say Mr Carroll told the police last night that he was the manager of the premises. Mr Wilson says he is now just bar staff.

Mr Wilson is frank that he allowed people previously barred from the premises to attend the party last night and with hindsight this was a poor decision.

We are told the premises does have a history. A murder took place there around four years ago and there have been other incidents.

We are critical of the premises. Mr Wilson accepts he made bad decisions last night. We are astounded that the DPS is not at court. However we feel we have no evidence that further disorder will take place and public safety is at risk.

We therefore revoke the closure order.

18th November 2011