

Licensing Holders agents additional information:

Documents are:

1. Text messages from former DPS – Reviewing Authority reference 5 August 2021
2. Article on Skunked Beer - Reviewing Authority reference 26 September 2021, 27 February, 19 June, 26 June (2), 30 July & 6 August 2022
3. Photograph of new rear fire exit - Reviewing Authority reference 28 September 2021
4. Smoking Shelter Approval with photographs 3/2/22 - Reviewing Authority reference 5 November 2021
5. Smoke Free Policy
6. Email exchange regarding Action Plan - Reviewing Authority reference 23 December 2021
7. Email exchange regarding catch up meeting & offence by door supervisor - Reviewing Authority references 4 & 20 February 2022
8. Poster showing cancelled event - Reviewing Authority reference – 1 June 2022
9. CCTV captured capacity check - Reviewing Authority reference- 4 June 2022
10. Pub Watch recommendation - Reviewing Authority reference 20 February 2022
11. Email exchange regarding no show at meeting - Reviewing Authority reference 3 August 2022
12. Drugs policy
13. Search & Queuing policy
14. Dispersal policy
15. Disorder & Drunkenness policy
16. Staff Charges policy
17. Capacity Management
18. Agent of Change article – 3 files
19. Tameway Tower Noise Climate Report
20. Noise Monitoring – online service – 3 files
21. Notice from Tameway Tower
22. Fire Warden training certificate
23. Level 2 Food Hygiene and Safety Certificate
24. Workplace First Aid Training certificate
25. Food Hygiene Rating

Videos are:

1. Noise Complaint 29/9/22 @ 2307 hours
2. Noise Complaint 15/10/22 @ 2357 hours

13:08

VoLTE LTE1 33%



Bartender



25 July 2021

I'm sorry I really am. I have so much goin on in my head something had to give before I had a full breakdown. It's nothin personal honestly I jis need to sort myself out. I'll give u a couple weeks to sort out a new dps n stuff but I really gotta focus on me and my family right now.

Thank you 🙏

11:58

5 August 2021

I've just had a call from Jennifer Mellor again as they have cctv of you being open past licensed hours on Sunday which I am now responsible for. This is just to let you know I've emailed to remove myself as DPS. I will put my set of keys in the post today.

11:56

Thank you for your message. We're unavailable right now, but will respond as soon as possible.

Alternatively please visit our website:

LEXX JERKZ BAR & GRILL
<https://www.lexxjerkz.co.uk/>



Message



4. Beer

What gives beer its bitter flavor is hops. These are the green, cone-shaped flowers of the hop plant. Studies show that the hop plant (*Humulus lupulus*) and the cannabis plant (*Cannabis sativa*) are closely related.

Blame it, again, on terpenes – that chemical compound responsible for determining a plant's smell (source: [Popular Science](#)). Beer and weed may sometimes smell similar because of terpenes.

Another factor that may contribute to making beer smell like weed is sunlight. Hops, a major component of beer, are light sensitive.

When beer is exposed to sunlight, free radicals remarkably similar to the smell of marijuana are formed. This scent is so pungent that it can easily be identified (source: [Gentside](#)).

This is why you may sometimes get a whiff of weed when you pop open a bottle of beer. It's also the reason why canned beer sometimes smells fresher than bottled beer.

Canned beer is completely protected from light, hence avoiding the formation of free radicals. Beer in green or brown bottles is also better protected from light compared to clear bottles.

Store your unopened beer bottles and cans in a cool, shaded area if you want to keep your house from smelling like weed every time you enjoy a brewski.

Make sure that light, whether sunlight or ambient light, never shines on the bottles and cans. Alternatively, opt for canned beers if you want to avoid the weed-like smell altogether.





Environmental Health

Derrick Minott
C/o Lexx Jerkz Bar & Grill
75 Bridge Street
Walsall, WS11JQ

Your Ref:
Our Ref: WK/202115394
Date: 3rd February 2022
Please ask for: Rishi Bawa
Direct Line/Mob: [REDACTED]
E-mail: [REDACTED]

Dear Sir,

Re: Lexx Jerkz Bar & Grill Rear Smoking Shelter Health Act 2006

I refer to the follow up visit to the above premises on 20th January 2022 by myself and my colleague Anthony Stewart to reassess the progress in connection with the smoking shelter. Having re-inspected the marquee and adjoining area, I can confirm some of the sides to the marquee were removed. Therefore the marquee satisfied the condition of being at least 50% open sided and thereby complied with the above legislation at the time of the visit.

I would again reiterate my comments from my previous letter dated 5th November 2021 which would help you to demonstrate your compliance.

- 1) It is strongly recommended that you establish and implement a written policy and set out clear procedures to deal with smoking in a smoke-free place. I have attached a draft smoke-free policy at the end of this letter.
- 2) You should ensure that your staff are trained on both your smoke-free policy and written procedures for dealing with smoking. Staff should fully understand their roles and responsibilities with regard to implementation.
- 3) It is also advised that you keep a written record of any incident where an individual smokes on the premises in contravention of the legislation, together with the action taken by members of the staff and the outcome.
- 4) Ashtrays and other such receptacles should not be present inside smoke-free premises.
- 5) You should ensure the correct legally prescribed signage is clearly displayed.

I look forward to your continued cooperation, should you require any further clarification/advice please do not hesitate to contact me.

Yours faithfully,



Rishi Bawa
Environmental Health Officer

Cc: Letter sent by Email to: [REDACTED]

Photos taken on 20th January 2022





SMOKE-FREE POLICY

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to assist compliance with the Health Act 2006.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

Policy

It is the policy of *[INSERT NAME OF BUSINESS]* that all of our workplaces are smoke-free and all employees have a right to work in a smoke-free environment. The policy shall come into effect on *[INSERT DATE]* and be reviewed on *[INSERT DATE]* by *[INSERT NAME]*.

Smoking is prohibited throughout the entire workplace, with no exceptions. This includes company vehicles.

This policy applies to all employees, consultants, contractors, customers or members and visitors.

[IF THERE ARE EXTERNAL AREAS WHERE EMPLOYEES AND CUSTOMERS CAN SMOKE, THESE SHOULD COMPLY WITH THE LAW AND CAN BE OUTLINED HERE]

Implementation

Overall responsibility for policy implementation and review rests with *[NAME]* (the manager or person in control of the premises). All staff are obliged to adhere to, and facilitate the implementation of the policy. The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also have to give all new personnel a copy of the policy on recruitment/induction. Appropriate "No smoking" signs will be clearly displayed at the entrances to the premises and in all smoke-free vehicles.

Non-compliance

Local disciplinary procedure will be followed if a member of staff does not comply with this policy. Those who do not comply with the smoking law may be also liable to a fixed penalty fine and possible criminal prosecution.

Provision for smokers

Research shows that smoke-free workplaces help smokers to give up or reduce the amount they smoke; however, some people will still want to smoke during working hours and many will find it very difficult to cut down or stop. Each organisation will deal with this issue differently depending on the culture and the nature of the work. However, from summer 2007, no smoking can take place at all inside an enclosed building, so any permitted smoking area will have to be outside. Employers and staff should discuss and negotiate sensible arrangements for staff who want to smoke. Provision will have to be made for ash and cigarette ends. If smoking is permitted outside in designated areas, consideration will need to be given to how often and for how long smokers may take breaks.

The NHS Walsall Stop Smoking Service offers a range of free services to help smokers give up. The service can be contacted on 0800 169 9346

Signed: Date:

Position within Company:

LEXX JERKZ BAR AND GRILL

75 Bridge Street
Walsall
WS1 1JQ

SMOKE FREE POLICY

Purpose

This policy has been developed to protect all employees, service users, customers, and visitors from exposure to second hand smoke and to assist compliance with the Health Act 2006.

Exposure to second hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

Policy

It is the policy of Lexx Jerkz Ltd that apart from the smoking shelter all our workplace is smoke free, and all employees have a right to work in a smoke free environment. The policy shall come into effect on 1 April 2022 and be reviewed annually by the Designated Premises Supervisor.

This policy applies to all employees, consultants, contractors, customers, and visitors.

A smoking shelter is available at the rear of the premises which has been inspected by Walsall Council who have confirmed that it is compliant with the Health Act 2006.

Implementation

Overall responsibility for policy implementation and review rests with the Designated Premises Supervisor. All staff are obliged to adhere to and facilitate the implementation of the policy. The Designated Premises Supervisor shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also provide new staff a copy of the policy on recruitment/induction. Appropriate 'no smoking' signs will be clearly displayed at the entrances to the premises.

Non-Compliance

Local disciplinary procedure will be followed if a member of staff does not comply with this policy. Those who do not comply with the smoking law may be also liable to a fixed penalty fine and possible criminal prosecution.

Provision for Smokers

Research shows that smoke free workplaces help smokers to give up or reduce the amount they smoke, however, some people will still want to smoke during working hours, and many will find it very difficult to cut down or stop. Since 2007, no smoking can take place inside an enclosed building, so any permitted smoking will have to take place within the designated smoking shelter. Provision will have to be made for ash and cigarette ends and consideration will need to be given to how often and for how long smokers may take breaks.

The NHS Walsall Stop Smoking Service offers a range of free services to help smokers give up. The service can be contacted on 0800 169 93 46.

Dear Jenn,

Thank you for the below. We were all sorry to hear of your car accident and wish you a full and speedy recovery.

I understand your nervousness about 'racism' but I'm not convinced that we ever mentioned that exact word.

You will recall that I wrote to you on 11th November and included these observations:

"Lastly, unsurprisingly this level of scrutiny is causing Derrick and Melanie some considerable stress – so much so that he is now attending the Royal Wolverhampton for a Heart Assessment next Friday instead of meeting with us.

I would therefore continue to ask respectfully that all the activities of the Police Licensing Department around these matters are appropriate, proportionate and accord with:

- ***The College of Policing Standards of Professional Behaviour inc the use... powers and authority lawfully and proportionately, and will respect the rights of all individuals,***
- ***The Policing Principles of Fairness, Integrity, Objectivity, Openness, and Respect, and***
- ***The National Decision Model around making ethical decisions.***

Thank you in anticipation of all the above."

The reasons for this was our perception that we were being treated differently than other operators in the locality, and some considerable nervousness about why that should be. Hence our request that the above Policing Principles always lie at the foundation of any activities and decision making processes concerning Lexx Jerkz.

You will also remember that at our recent meeting on 25th November 2021 I advised Derrick and Mel to reserve their position on these perceptions, and we all welcomed your assurances that no issues of direct or indirect discrimination were in play. Thank you for that.

We are relieved that the three month Action Plan has been deemed inactive and welcome that decision. However Derrick and Mel have been working to what they believed to be the contents of that (unserved) Action Plan that started on 28th September 2021, the requirements of which were communicated to them by you and its existence has been confirmed to me on several occasions since. Consequently they would still like to see it in its original form – as their compliance with it clearly demonstrates their willingness to work with the Responsible Authorities to address any of their concerns. This would be of pivotal importance in the event that a Licensed Premises Review is ever brought by any of the Responsible Authorities. That said, if there is no current intention to bring a Licensed Premises Review etc based on the issues raised that founded the original (unserved) Action Plan, then there is clearly no need to see it – as there would be nothing to defend our position from.

So: If you can confirm that there is no intention to initiate a Licensed Premises Review etc based on the subject matters that formed the basis of the (unserved) Action Plan of 28th September 2021, then that is an end of the matter and we can all move forward with a fresh start on a clean slate.

This morning I have spoken to Derrick and we will source fluorescent bibs for the use of our SIA when on duty outside the premises, going forward.

We support everything that you and Ch Supt DOLBY and the Community Safety Partnership are doing to make the Town Centre as safe as possible, and very much look forward to meeting with you in the New Year.

Have a very Happy Christmas and a Peaceful New Year.

Kind Regards

Nick SEMPER

Director at The Licensing Guys Ltd



the
LICENSING
GUYS



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From: Jennifer Mellor <[REDACTED]>

Sent: 23 December 2021 08:20

To: [mel](#)[REDACTED]; The Licensing Guys [Licensing] <[REDACTED]>

Cc: Sarah Heath [REDACTED]

Subject: Lexx Bar & Grill Action Plan

Good morning all

My apologies for taking so long to come back to you but as Nick is now aware, I was involved in a car accident which resulted in a few weeks off work. I'm back on the mend now so I would like to address the current Action Plan and our last discussions which took place last month on 25th November, nearly a month ago now.

Going back to our meeting on the 28th September 21, a number of concerns were highlighted which resulted in your venue being placed on an Action Plan, these concerns were communicated via a letter dated the 14th October. Due to illness and concerns you had, we were unable to meet again until 25th November. Since that date, I have only been on duty a few days before going off work myself until this week and presently I am working from home. Our meeting on the 25th November, although professional and worthwhile, I believe it was also about moving forward in such a way that we felt comfortable to work together in achieving the same aims. Unfortunately during our meeting we discussed your concerns that I had been racist due to ethnicity, which as you can imagine when I first heard, came as a shock to me as you have no idea of my personal background, however, I hopefully ensured that any matters were aired and addressed so that we could move forward. I would like to point out that in my entire working life I have never been accused of causing such concerns, so as you can imagine I was horrified to hear this and trust that we can further develop a good working relationship. It would also be worth noting that we are only having discussions regarding an Action Plan due to the fact that you have not been operating within the Licensing Act 2003 and subsequently other legalisation..

As the Action Plan was for a three month time span and a copy of the Action Plan was never agreed or communicated to you due to the issues above I therefore feel it only appropriate and sensible to deem the Action Plan inactive. Derek has mentioned you are not currently advertising events, there is a Restriction Notice on the venue limiting capacity and with footfall being reduced on the town due to the NHS COVID passes it would be totally bureaucratic to continue.

From our meetings a number of concerns were raised so I would like to use this opportunity to run through a few of these from a police perspective:

Noise complaints:

From our last meeting the last complaint received was on the 17th October. On speaking with Sarah prior to her breaking up for the Christmas holiday they have had only one new complaint but this did not include any noise monitoring evidence so has been filed.

Rear fire exist:

This has been addressed by yourselves with the Fire Service becoming the lead agency.

Smoking within the building:

This has been highlighted to you with Environmental health becoming the lead agency.

Trading beyond the licensable hour:

From the meeting on 25th November there has been no new evidence of additional trading

Crime and Disorder:

On the 18th December we did have an incident which resulted in a crime being created for public order involving people within your queue. It was noted by the officers attending that your security staff were wearing all black with no one appearing to have any authority or control over the queue. During the public order incident the only reason police know who they were, was because they had spoken to them earlier in the evening. Can I please ask for some guidance to your door staff on management of your queue and for you to consider hi vis vests.

To finish I must add, to see Derek at our multi-agency meeting lead by Mr Dolby on the current issues in Bridge Street and Ablewell Street was met with positivity and with you joining Pub Watch evidences commitment to work with the police and I would personally like to thank you for that. I would also like to set up one last meeting in the New Year, unless anything occurs in the meantime, to sign off this series of meetings and give you the opportunity to address any new concerns.

I wish you all a good Christmas and although we may see a bumpy start to the new year, fingers crossed for a better 2022.

Kind regards

Jennifer

Jennifer Mellor
Walsall Licensing and Regulatory Services Officer
Walsall Partnership Team
Walsall Police
Civic Centre, Walsall



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From: Derrick Minott [REDACTED]
Sent: 23 February 2022 23:24
To: Jennifer Mellor [REDACTED] <[mel@\[REDACTED\]](mailto:mel@[REDACTED])>; Sarah Heath <[Sarah.Heath@\[REDACTED\]](mailto:Sarah.Heath@[REDACTED])>
Cc: The Licensing Guys [Licensing] [REDACTED]
Subject: [External]: RE: Next meeting

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hi Jennifer

Further to our telephone conversation earlier today regarding the door staff not being receptive towards the police, he was warned and logged in our incident report please see attached.

In additional to the above I've made a number of enquiry to find out which one of our door staff was allegedly arrested by the police for possession of cannabis whilst leaving our premises, he is still unknow to us please could I have his full name, so we can add him to our banned list.

Also I can confirm its all set for tomorrows meeting with myself, inspector Hobdays and PGS security.

Regards
Derrick

From: Jennifer Mellor
Sent: 20 February 2022 22:16
To: [mel@\[REDACTED\]](mailto:mel@[REDACTED]); [derrick@\[REDACTED\]](mailto:derrick@[REDACTED]); Sarah Heath <[Sarah.Heath@\[REDACTED\]](mailto:Sarah.Heath@[REDACTED])>
Cc: The Licensing Guys [Licensing] [REDACTED]
Subject: RE: Next meeting

Hi Melanie

I have not had a response to my last two emails which is slightly alarming, I hope you are well? I need to catch up with you regarding incidents since our last meeting together with an incident in the early hours of this morning involving one of your door staff.

Can you please give me a call tomorrow to discuss further as I would like to try and sort these concerns out without taking any formal action.

Regards

Jennifer

Jennifer Mellor
Walsall Licensing and Regulatory Services Officer
Walsall Partnership Team
Walsall Police
Civic Centre, Walsall

Tel: 101 ext 8896324
Mobile: 07826 956933
Email: [REDACTED]

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From: Jennifer Mellor

Sent: 16 February 2022 18:52

To: 'mel [REDACTED]'; 'derrick [REDACTED]';
<derrick [REDACTED]>

Cc: 'The Licensing Guys [Licensing]' <[REDACTED]>

Subject: RE: Next meeting

Mel

Further to my email from the 4th, Sarah and I are in Bridge St tomorrow at 1pm, are you about tomorrow at 12 noon for a catch up.

Realise its late notice but thought I would try.

Jennifer

Jennifer Mellor
Walsall Licensing and Regulatory Services Officer
Walsall Partnership Team
Walsall Police
Civic Centre, Walsall

[REDACTED]

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From: Jennifer Mellor

Sent: 04 February 2022 14:11

To: 'mel.lexxjerkz@gmail.com' <mel.lexxjerkz@gmail.com>

[derrick](#)

Cc: 'The Licensing Guys [Licensing]'

Subject: Next meeting

After catching up briefly with Derrick at Pubwatch can we schedule in another and hopefully, last meeting. Sarah is booked up next week so can you let me know if you have an hour the following week from Monday 14th.

Have a safe weekend everyone

Jennifer

Jennifer Mellor
Walsall Licensing and Regulatory Services Officer
Walsall Partnership Team
Walsall Police
Civic Centre, Walsall

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LOLLIPOP THURSDAYS NEW YORK TURN



Thursday
28

tstyle91

linkUp

@LEXX JERKZ & GRILL, WS1 1JQ

MUSIC BY
MOVIE STAR LOUNNY FROM LONDON









Walsall Pubwatch



Subject Profile: ID-Sought (ref 414449)

Code: 414449

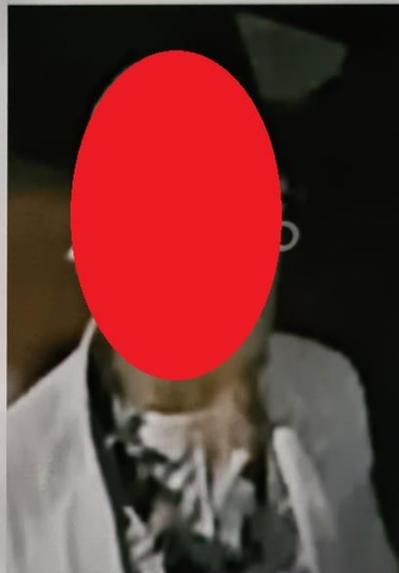
DOB:

Age range

Notes:

Distinguishing

Features: Beeded
necklace



Current Galleries

GALLERY	EXPIRY DATE
Pubwatch Bans	26 Jun 2023

Previously reported incidents

- 26 June 2022 at 03:00 : observed in the act of Possession of Drugs; in Other; Police walk through and caught rolling up what is believed to be cannabis.





Drugs Policy

1. Purpose and scope

This policy relates to the attempt to use illegal drugs or other harmful substances on Lexx Jerkz Bar & Grill premises.

Its purpose is to:

- a) Comply with the Misuse of Drugs Act 1971 by ensuring that the Lexx Jerkz Bar & Grill does not knowingly permit use or supply of controlled drugs on its premises.
- b) Provide a safe working environment for staff and customers.
- c) Eliminate drug use on our premises.
- d) Prevent drug dealing in Lexx Jerkz Bar & Grill.

2. Policy Statement

Lexx Jerkz Bar & Grill:

- Will not condone the possession, use or supply of illegal drugs, nor other substances, on our premises.
- Will promote supportive and caring harm minimisation strategies which reduce the risks associated with drug use/misuse.
- Will provide a safe, healthy and supportive environment for staff and customers.
- Will promote knowledge, awareness and understanding to enable staff to make informed choices.

3. Policy in relation to Staff

All staff working at Lexx Jerkz Bar & Grill will receive a copy of this policy as part of their induction process. Awareness will be maintained by refresher training at least every 6 months or when changes are introduced following new legislation.

4. Preventing drug use at venues

To prevent drugs being brought onto the premises, please refer to our search policy

5. Preventing drug dealing at Lexx Jerkz Bar & Grill

All staff working at Lexx Jerkz Bar & Grill will be vigilant in monitoring activity. Security staff will regularly monitor key areas within the premises for suspicious activity.

6. Finding Drugs

All suspected drugs incidents will be documented using an incident form.

Given that incidents may vary from finding drugs on customers, finding customers in possession of a small amount of illegal drugs, or finding customers in possession of a large amount of drugs, the procedure to be followed will vary as follows:

- If a customer is found in possession of a small amount of suspected illegal drugs, those drugs are deemed to be for personal use, these will be confiscated and placed in the amnesty bin, if confiscation is refused, then entry will be denied.

- If a customer is found in possession of what is believed to be nitrous oxide, the following will apply:
 - Whilst not an offence, if the customer is in possession of a small quantity (i.e. what could be deemed for personal use) then it will be a condition of entry that the item is confiscated and placed in the amnesty bin. If confiscation is refused, then entry will be denied.
 - If in possession of a larger quantity, suspected to be for distribution, then the items will be confiscated and an incident form completed. Details of the incident, as well as the confiscated items, will be passed to the police.

- If a large amount of suspected illegal drugs is discovered or staff have grounds for suspecting dealing may be taking place on Lexx Jerkz Bar & Grill. the police will be called immediately.

7. Penalties

Any customers or staff this includes (security staff, bar staff, kitchen staff and resident or guest DJ) found to be in possession of illegal drugs will be ban. The length of the ban will be in proportion to the incident but would normally be for a minimum of 3 months for customers, however staffs will be subject to an immediate lifetime ban from Lexx Jerkz Bar & Grill. Decisions to ban customers will be taken by the DPS after considering all the information available.

8. Keeping customers safe

Lexx Jerkz Bar & Grill will have the following activities in place to keep customers safe and minimise harm related to drug use:

- Drinking water will be offered free of charge.
- Staff will be vigilant in identifying anyone who is suffering from the effects of consuming an excessive amount of alcohol or from suspected drug use. In these circumstances, Lexx Jerkz Bar & Grill staff will reserve the right to refuse further alcohol. Where staff believe a customer's well-being is at risk, that customer will be monitored and if necessary arrangements made either for their safe return home or for appropriate medical treatment.
- Sufficiently trained staff will be present at all events. In an emergency staff will call an ambulance and notify the security staff as appropriate. In all such circumstances an incident report form will be completed.

9. Record keeping/notification

Incident log for each weekend will be kept on file and details of any incidents will be made available by seven day of the incident.



Search & Queuing Policy

Searches will be conducted with a minimum of one guards present before 10pm and two guards at 12am and in a well-lit area, in clear view of CCTV camera. The customer should be informed (if the search is on entry if search is mandatory) that they are being searched as part of our policy.

Search Procedure: -

1. Wanding: -
 - a. The customer should be informed that they are being searched as part of our policy.
 - b. Then the wanding commence if required as a condition to our premises licenses.
 - c. The customer will be asked to advance in the queue in on orderly manner to conduct further searches.
2. Full body search: -
 - a. After which they will be searched as per SIA guidelines.

The customer has the right to refuse a search, whereupon they should be advised that they will not be allowed onto the premises if the searching is mandatory.

At ingress staff should be deployed in a manner that allows a queue to flow in on orderly manner, however the following procedures must take place:

- To carry out challenge 25 checks.
- The searching of patrons in accordance with the Lexx Jerkz Bar & Grill's Search Policy and procedures.
- Ensuring that entry fees are paid or the checking of a valid ticket (if required).

Staff on entrances and exits are required to monitor levels of people entering and exiting the venue throughout the whole event.

To monitor the entrance and exit, staff will use counters (manual/mobile app clickers) and count numbers in and out of the venue. This will be recorded and will be kept via our website.



Dispersal Policy

Lexx Jerkz Bar & Grill operates a "good neighbour" policy we emphasised building and maintaining close relationships with residents and our premises are run and managed accordingly. We are committed to deal with any complaints from residents quickly and effectively.

In addition, we ensure that it enjoys close working relationships with the statutory authorities including the police and the local authority to ensure that they are aware of local issues.

In relation to dispersal, our premises are aware of and operate the following procedures and systems, as required, to ensure that our premises operate in a neighbourly manner: -

- Effective management of customer behaviour whilst in the premises. This is achieved through: • high staff/management to customer ratio
- management presence front-of-house at all times
- A 30-minute drinking up time which is incorporated into the licence for the purposes of the Licensing Act 2003 which assists with gradual dispersal of all customers in the premises at the end of an event.
- Appropriate signage will be placed at exit doors.
- Providing appropriate information to customers who require a taxi.
- Where the premises have windows, which may be opened then these, together with entrance doors, will be monitored and kept closed where appropriate during the event to ensure that neighbours are not disturbed. This also means that there is no risk of disturbance caused by music breakout.
- External disposal of refuse at a reasonable time.
- Security staff present on the outside to encourage patrons to leave Lexx Jerkz quickly and quietly

Experience shows that our premises tend to reach its peak occupancy at least one hour before closing time and therefore we don't allow admittance to the premises, this is to deploy a strong security presence inside the premises to encourage patron to exit the building, once this is established the security staff will encourage dispersal by redeploying outside along Lexx Jerkz to facilitate dispersal in a quick and effective manner.



Disorder and Drunkenness Policy

Lexx Jerkz Bar & Grill will not tolerate disorderly behaviour towards staff or fellow patrons. To counteract any such behaviour, we will seek to do the following:

- Refuse to serve alcohol to people who have consumed too much alcohol and those who attempt to purchase alcohol for people who are in the same condition.
- Refuse entry to people who have already consumed too much alcohol.
- We will not allow people who have consumed too much alcohol to remain on licensed premises.
- Be aware of troublesome signs e.g. people becoming more vocal, aggressive, unsteady on their feet, uncoordinated movements, inflamed eyes, increasing self-confidence and loss of self-restraint.
- We will not tolerate anti-social behaviour.
- Ensure that all staff are aware of the standard of behaviour that is acceptable from customers and the set procedures in place to deal with such behaviour.

By signing here I agree to adhere to the disorder and drunkenness policy for Lexx Jerkz Bar & Grill and am happy that my role in enforcing this approach has been explained to me as part of my staff training.

Name	Date	Position	Signature



Prohibition Notice Capacity Management

Lexx Jerkz Bar & Grill is committed to deal with the concerns of the West Midlands Fire Services in a quick and effective manner and in accordance with Article 27, The Regulatory Reform (Fire Safety) Order 2005.

In addition, to ensure we have a close working relationship with the statutory authorities including The West Midlands Fire Services and all other authorities, all concerns by the West Midlands fire services are disseminated to staff to ensure that they are aware of any issues.

In relation to internal and external capacity, our premises are aware of and operate the following procedures and systems, to ensure that our premises operate in accordance with Prohibition Notice: -

- We have a wristband entry system which helps monitors capacity at the start of each shift 80 number wristband (less any staff or contractors) are issued to our entry administration personnel then followed by 2 lots of 20 once this is issued would be maximum capacity of 120.
- Both internal and External areas of the premises will be monitored by a competent member of staff to ensure the flow between the two area does not exceed the 60 inside and 60 outside as per the prohibition notice.
- After the first lot of 80 wristband are issued, the doorstaff will be made aware that we are coming close to capacity and only 40 more is allowed entry, and
- After the first lot of 20 wristband are issued, the doorstaff will be made aware that we are coming close to capacity and only 20 more is allowed entry, and
- After the last lot of 20 wristband are issued, the doorstaff will be made aware that we are at capacity and no more is allowed entry, then
- Once we are at the full capacity then it will be on a 1 out, 1 in basis

Experience shows that our premises tend to reach its peak occupancy at least one hour before closing time and therefore should we reach capacity then we don't allow admittance to the premises, this is to deploy a strong security presence inside the premises.

Capacity check record will be kept on.
<https://www.lexxjerkz.co.uk/capacity-check>

Agent of change: it's here - but what is it?

The new national planning policy framework has implications for licensed premises in the vicinity of proposed developments, but exactly what those implications are will be a matter for case-by-case assessment, suggests **Freddie Humphreys**

It's here. For the first time since its initial publication in 2012 there is an updated National Planning Policy Framework (NPPF). In launching the update, Secretary of State for Communities, James Brokenshire said: "Fundamental to building the homes our country needs is ensuring that our planning system is fit for the future. This revised planning framework sets out our vision of a planning system that delivers the homes we need. I am clear that quantity must never compromise the quality of what is built, and this is reflected in the new rules."

So clearly, the focus is on housebuilding. But for those working in the licensing world, we find something of much greater interest at paragraph 182 of the NPPF: the adoption into the planning system of the "agent of change principle".

Paragraph 182 of the new NPPF states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

In order to properly understand what this means for licensed premises, it is necessary to remind ourselves of a few basic principles of the planning system. When making decisions on planning applications the law dictates that decisions must be taken in accordance with the development plan for the area unless material considerations indicate otherwise.¹ The NPPF is a material consideration to which regard must be had when local planning authorities (LPAs) determine planning applications, and so too, now, is the

agent of change principle set out above. Furthermore, as paragraph 182 also states that LPAs should have regard to the agent of change principle when producing their local plans, within time we can expect to see greater refinement of this principle as LPAs adopt policies of their own which reflect / incorporate agent of change.

It is essential to note that planning policy is just that; policy: it is not law. What this means is that while regard now has to be had to agent of change in determining planning applications, it does not mean that it will always prevail as it may still be outweighed by other material considerations. How the principle is to be applied in any given case is a matter for the decision maker - ie, it involves an exercise of planning judgment.

Bearing in mind this background it is worth asking, what does paragraph 182 actually mean? Well, the correct interpretation of planning policy is a matter of law for the courts to determine and so with time, no doubt, we will see a body of case law build up which gives us guidance on this question. Nevertheless, an initial analysis of the text of the policy suggests that the interpretation of some elements are likely to be more controversial than others.

The obvious starting point is to consider what it is concerned with. The answer to this appears in terms in the first sentence of the paragraph: it is seeking to ensure "that new development can be integrated effectively with existing businesses and community facilities". The question then becomes what is meant by "new development" and "existing businesses and community facilities". New development is not defined anywhere in the NPPF, but in planning law development is generally understood to mean the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of buildings or other land². Paragraph 182 tells us explicitly that new development includes changes of use so there can be no argument about whether or not that is included. What is meant by "new development" as opposed to simply "development" is an important point as

¹ Section 23(5) of the Planning and Compulsory Purchase Act 2004.

² Section 55 of the Town and Country Planning Act 1990.

It will determine whether or not the paragraph is engaged. For example, if a residential block of flats seeks planning permission to make a number of external alterations, does that engage this paragraph? Or because the flats are already in existence, does that mean it is simply development rather than new development? Given the purpose which the paragraph is aimed towards, I think it more likely that the correct interpretation will be found to be that it is concerned with the creation of something entirely new, rather than a mere modification to something that is already there. But again, the answer to this question is likely to be a fact-sensitive one that has to be determined on a case by case basis.

Planning authorities can only grant or refuse planning permission for development that requires planning permission. This may seem a statement of the obvious but it is a significant one. Some development does not require an express grant of planning permission as it benefits from permitted development rights which are conferred by a general development order. In such instances, LPAs' ability to consider the acceptability of the development by reference to policy are much more limited and, in many cases, absent altogether. For example, the change of use of certain retail and other premises under Class M of the GPDO. In such cases, LPAs will not be able to invoke agent of change because it will be beyond the scope of their powers. This is significant for licensed premises as when they are potentially effected by a development that is being carried out by permitted development rights, their ability to make representations to the LPA will be much more limited.

Next, what is meant by "existing businesses and community facilities"? The paragraph gives us a partial answer to this question by listing "places of worship, pubs, music venues and sports clubs" as examples. It is clear that this list is simply illustrative rather than exhaustive and it seems likely that most licensed premises will fall within the class of either being a business or community facility.

What the paragraph then seeks to do is prevent existing businesses and community facilities from having "unreasonable restrictions" placed on them as a result of new development. No definition of what will constitute an "unreasonable restriction" is provided. In law, an unreasonable decision is sometimes defined as a decision so unreasonable that no reasonable decision maker could have made it.¹ However, it seems likely that what amounts to an unreasonable restriction will be a question of fact and degree for the decision maker to decide on a case by case basis, having regard to the specific context of the business or community facility that is to be effected by the new

¹ This is what is known as Wedbury unreasonableness.

development.

As well as there being no definition of what is meant by "unreasonable", there is no explanation of what is meant by a restriction. In the context of a licensed premises, does this mean an impact upon its hours of operation, which licensable activities it is able to carry out, or how the premises' customers are able to physically access the premises? Arguably, it is all of these things and more. Again, it is likely to be given a broad interpretation so that if the presence of the new development would negatively alter how an existing facility or business operates, then that could amount to a restriction.

It is perhaps in the final sentence of the paragraph that we find the crux of the principle: "Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed" (emphasis added).

It seems that what this is seeking to do is put the onus on the new development, the agent of change, to mitigate against any significant adverse effect that pre-existing businesses or community facilities might have against its future use or occupation. To ascertain whether or not the obligation to put in place mitigation is engaged, there are a number of steps to be considered.

The first step is an evidential one. The words "could have" indicate an initial threshold that there must be some evidence that the new development could be impacted by development that is already in existence. In the absence of any evidence, it is not possible to say that there could be any effect and to the existence of some evidence of potential impact must be a pre-requisite to relying on this principle. The use of the word "could" is interesting. The authors of the paragraph chose to use this rather than, say, "would". There is a difference between the two: "would" implies a greater degree of certainty than "could" and would have therefore seemingly demanded a greater degree of evidence to demonstrate that an effect "would" occur. Whereas, the use of the word "could" suggests that the evidence relied on to engage the principle does not need to be as robust as demonstrating certainty of impact, potential for impact might be sufficient. Yet again, ultimately the question of whether there "could" be an impact is going to be one of judgement.

The nature of "adverse effect" is also not defined and so there is seemingly no limit to the nature of the effect that the paragraph is concerned with. The obvious type of effect when thinking about licensed premises is noise nuisance but the

Agent of change

paragraph does not provide any specification in this regard and so other effects could also be caught by it. Whether or not something is significant can only really be considered in context. What is significant in one case could be insignificant in another. So in assessing significance of an adverse effect it will be necessary to have regard to the nature of the new development, its size and the sensitivity of its users, to name but a few potentially relevant factors.

 The paragraph ultimately requires that where there is evidence that there could be a significant adverse effect on the new development caused by existing businesses or community facilities, then "suitable mitigation" needs to be provided. But to what level? The answer to that is wholly lacking in the paragraph. Does it require total mitigation so that there is no effect, or mitigation to reduce the level of effect to simply being below a significant adverse effect? This issue is likely to be hotly contested in front of decision-takers. Licensed premises will want to see as much mitigation put in place as possible in order to try prevent any complaints being made about their premises, whereas developers will want to minimise the amount of mitigation they are required to install in order to keep costs down.

As is clear from the preceding paragraphs of this article it is simply not possible to definitively say where we are now. What it is possible to say is that agent of change is now here. The new NPPF has been published and from its date of publication LPAs are required to have regard to it. At a very minimum what it means is that LPAs should consider whether new development could be adversely effected by existing businesses and community facilities. If they consider that the new development could be adversely effected, they then need to consider what that level of effect is. If they consider it to be significant then they should be requiring the agent of change (the developer) to mitigate against it. What the appropriate level of mitigation should be is a question that is open to discussion, along with many of the other issues raised above, but it is ultimately likely to be a matter of judgement for the decision taker.

Freddie Humphreys

Barrister, Kings Chambers

TAMEWAY TOWER, WALSALL
PROPOSED CONVERSION TO RESIDENTIAL USE
REPORT ON EXISTING NOISE CLIMATE

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REVISION	DESCRIPTION	DATE	ISSUED BY	REVIEWED BY
R0 DFC	Survey report	4 th June 2014	AMcC	
R1	Client issue	6 June 2014	AMcC	DM
R2	Updated site details and drawings	20 June 2014	AMcC	DM

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**TAMEWAY TOWER, WALSALL
PROPOSED CONVERSION TO RESIDENTIAL USE
REPORT ON EXISTING NOISE CLIMATE**



1. INTRODUCTION

Assessment has been made of the existing noise climate at Tameway Tower, Bridge Street, Walsall. It is proposed that the building be refurbished and converted to residential use.

This report details the results of all site measurements and reviews this data with respect to applicable guidance and standards for residential development.

2. SITE DESCRIPTION

The site is located at Tameway Tower, an existing office building at the junction of Bridge Street and Goodall Street on the eastern side of Walsall town centre. The building is currently part occupied with offices on the lower ground, ground and 1st floors of the building forming the larger pedestal area of the building with the smaller footprint of levels 2 to 12 above. The remaining floors are empty but were former offices.

At lower ground floor level is the Tameway Tower entrance hallway with access from Bridge Street. This lower ground floor also contains the plant room and an existing retail unit. An internal stairway then then steps up to concierge and a disused restaurant premises.

Bridge Street forms the northern site boundary and carries a high volume of traffic during the daytime and evening through the town centre. Traffic speeds on this section of road are limited by the close proximity of the road junctions with Goodall Street and Rushall Street both of which are controlled by traffic lights. In addition, that section of Bridge Street immediately in front of the site has restricted access with westerly movements limited to buses and service vehicles.

Across Bridge Street to the north are a number of retail and commercial premises including a restaurant and bar towards the north east.

To the south and west of Tameway Tower is a ground level car-park solely to be used by members of staff working within the building. Beyond the car park to the south is Freer Street, a one-way street providing access to the rear of local shops, the NCP Freer Street Car Park, The Lounge Public House and Goodall Street.

Beyond the car park to the west are a series of commercial and retail premises including the WS1 Nightclub at a distance of approximately 40m.

The eastern site boundary is formed by Goodall Street which provides access to the surrounding residential and commercial district. Traffic flows on this road are relatively light and intermittent. Currently, the majority of the buildings beyond Bridge Street and Goodall Street are in commercial use including offices and retail space.

An aerial view of the site is given at Figure 1.

3. DEVELOPMENT PROPOSALS

Current development proposals include for conversion of the office space to residential accommodation. There will be 19 units of accommodation on the first floor with 9 units per level within the tower, comprising a total of 118 units.

Figures 2 and 3 show the current proposed floor plans.

4. BASIS OF ASSESSMENT

4.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2012 sets out the Government planning policies for England and how these are expected to be applied.

Section 11, Conserving and enhancing the natural environment, para 123 of NPPF states:

'Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put upon them because of changes in nearby land uses since they were established
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'

Reference is made to the DEFRA Noise Policy Statement for England 2010 (NPSfE). This latter document is intended to apply to all forms of noise other than that which occurs in the workplace and includes environmental noise and neighbourhood noise in all forms.

NPSfE advises that the impact of noise should be assessed on the basis of adverse and significant adverse effect but does not provide any specific guidance on assessment methods or limit sound levels. Moreover, the document advises that it is not possible to have 'a single objective noise-based measure...that is applicable to all sources of noise in all situations'. It further advises that the sound level at which an adverse effect occurs is 'likely to be different for different noise sources, for different receptors and at different times'.

In the absence of specific guidance for assessment of environmental noise within NPPF and NPSfE it is considered appropriate to base assessment on current British Standards and appropriate local or national guidance.

4.2 BS8233: 2014

BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' is the current British Standard providing guidance for acoustic requirements within buildings. The Standard advises appropriate criteria and limits for different building types including dwellings.

BS8233 provides guidance regarding acceptable internal and external noise level criteria for dwellings but does not form any statutory requirement to achieve the guidance values provided therein. The BS8233 internal design criteria for dwellings are as follows:

Table 1 – BS8233 recommended Internal ambient noise level guidelines

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living rooms	35 dB $L_{Aeq,16hour}$	-
Dining	Dining Room / Area	40 dB $L_{Aeq,16hour}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

Section G1 of BS 8233 advises that, where windows are open for ventilation, then sound reduction is limited to 15dB.

For gardens and terraces, the Standard states that it is desirable that the steady noise level does not exceed $L_{Aeq,T}$ 50dB whilst a level of $L_{Aeq,T}$ 55dB would be acceptable in noisier environments. However, BS 8233 states that, 'it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable...In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited'.

4.3 BS 4142:1997

BS4142: 1997 '*Rating industrial noise affecting mixed residential and industrial areas*' is the current British Standard providing guidance for assessment of noise impact from industrial and commercial sites. The Standard details a procedure for assessing if noise is likely to give rise to complaints from residents within the vicinity. In general, the likelihood of complaint in response to a particular noise is dependent upon factors including the margin by which it exceeds the background noise level, the character of the noise and its occurrence. The Standard recommends the determination of the Rating Level of the specific source by a correction of +5 dB if it contains any of the following features:

- The noise contains a discreet distinguishable continuous note i.e. whine, hiss screech etc;
- The noise contains distinct impulses - i.e. bangs, clatters or thumps; and
- The noise is irregular enough to attract attention.

The likelihood of complaints is assessed by comparing the measured background level with the Rating Level. Where the rating level exceeds the background the chances of complaint increases as shown below:

+10 dB or greater above measured background	Complaints Likely
+ 5 dB	Marginal Significance
- 10 dB or more below measured background	Complaints unlikely

5. MEASUREMENTS

Monitoring was undertaken at the site over a weekday and weekend period between Thursday 15th to Tuesday 20th May 2014 as detailed below:

- Position 1 – located on the roof of the second floor level atop the pedestal section of the building at a position overlooking the Bridge Street and Goodall Street junction. The microphone was located 1.4m above local roof level and at least 8 metres from the external façade of the tower section of the building.
- Position 2 – located on the roof of the second floor level atop the pedestal section of the building at a position on the western boundary with clear view of both The Lounge public house and the WS1 nightclub. The microphone was located 1.4m above local roof level and at least 6 metres from the external façade of the tower section of the building.

The measurement positions are indicated in Figure 1.

Levels were recorded continuously in 5 minute samples to determine the equivalent continuous sound level, L_{Aeq} , the short duration level L_{Amax} and also the percentiles L_{A10} and L_{A90} . It is considered that the measurement data obtained is representative of the overall noise climate around the proposed site.

Weather conditions over the survey period were fine and dry temperatures in the range 7-24 degrees Celsius. There was little or no wind during the survey period.

All measurements were made with calibrated, precision grade sound level meters in accordance with BS EN 60651 and BS 7445:1993. Details of the equipment used are provided in Appendix 3 – List of Measurement Equipment. All equipment was calibration-checked before and after the survey with no significant drift observed.

6. RESULTS

The results of all diurnal measurements are shown in Appendix 1. Levels are shown as hourly values derived from the 5 minute data.

Position 1: Noise Measurements overlooking Bridge Street and Goodall Street

Typical sample levels at Position 1 were in the range $L_{Aeq(5min)}$ 43.0dB night time to $L_{Aeq(5min)}$ 77dB daytime. The Table below shows the extrapolated mean noise levels for both day and night-time at Position 1. All levels shown are in dB(A):

Period	Average Measured L_{Aeq}	Average measured L_{A10}	Average Measured L_{A90}
Thursday 15 th (14:00 – 23:00)	61.5	62.6	52.9
Thursday 15 th (23:00 – 07:00)	54.2	55.6	47.8
Friday 16 th (07:00 – 23:00)	61.7	63.1	53.3
Friday 16 th (23:00 – 07:00)	56.5	57.4	50.9
Saturday 17 th (07:00 – 23:00)	61.4	61.9	51.4
Saturday 17 th (23:00 – 07:00)	57.4	56.9	50.2
Sunday 18 th (07:00 – 23:00)	57.8	58.6	48.7
Sunday 18 th (23:00 – 07:00)	53.1	53.0	45.5
Monday 19 th (07:00 – 23:00)	60.8	62.5	52.8
Monday 19 th (23:00 – 07:00)	52.1	52.9	43.6
Tuesday 20 th (07:00 – 13:10)	61.0	63.7	53.6

This equates to a measured daytime average of $L_{Aeq,16hr}$ 60.8dB.

This equates to a measured night time average of $L_{Aeq,8hr}$ 55.1dB.

The lowest measured background level was L_{A90} 38.3 dB at 02:00 hours on Sunday 18th May 2014.

The survey data indicates that maximum levels during the night at the measurement position were in the range L_{Amax} 65-79dB with approximately one event per night exceeding this value.

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Position 2: Noise Measurements to rear of pedestal level

Typical sample levels at Position 2 were in the range $L_{Aeq(5min)}$ 43.0dB night time to $L_{Aeq(5min)}$ 77dB daytime. The Table below shows the extrapolated mean noise levels for both day and night-time at Position 1. All levels shown are in dB(A):

Period	Average Measured L_{Aeq}	Average measured L_{A10}	Average Measured L_{A90}
Thursday 15 th (14:00 – 23:00)	54.5	55.6	50.1
Thursday 15 th (23:00 – 07:00)	52.7	54.1	50.4
Friday 16 th (07:00 – 23:00)	55.8	56.1	50.5
Friday 16 th (23:00 – 07:00)	54.2	54.8	51.5
Saturday 17 th (07:00 – 23:00)	53.6	55.0	49.6
Saturday 17 th (23:00 – 07:00)	52.7	53.6	50.1
Sunday 18 th (07:00 – 23:00)	50.9	52.3	47.3

This equates to a measured daytime average of $L_{Aeq,16hr}$ 54.1dB.

This equates to a measured night time average of $L_{Aeq,8hr}$ 53.3dB.

The lowest measured background level was L_{A90} 46 dB. This background level is reasonably constant throughout the night due to the influence of mechanical plant in the surrounding area.

The survey data indicates that maximum levels during the night at the measurement position were all in the range L_{Amax} 65-75dB.

7. DISCUSSION

7.1 Existing Noise Climate

The general noise climate around the site is attributable to traffic flows on Bridge Street and traffic in the local area. Overall flow rates during daytime along Bridge Street are high and include a significant number of bus movements. Traffic flows reduce significantly during the later evening and night time periods. Additional noise is generated by vehicles accelerating and decelerating for the road junctions.

To the rear, the site is significantly quieter due to the screening effect of the building and low traffic flows though there is a degree of additional noise from the car-park to the rear and existing mechanical plant.

From analysis of the logged data over several days, noise levels during periods when both nightclubs and the pubic house are in operation do not appear to increase above typical noise levels from road traffic activity measured throughout the rest of the day and night. In addition, noise levels during these periods are not unduly high.

7.2 BS8233 Assessment

Based upon the site measurement data, it may be extrapolated that, in order to achieve the BS 8233 internal ambient noise level standard, the building fabric to façades closest to Bridge Street and Goodall Street would need to provide a minimum temporal sound reduction of the order of 25dB(A) for night time sleeping and 26dB(A) for daytime resting and/or sleeping. For the tower facades overlooking the roads, there will be a reduction in traffic noise levels due to increased distance and the screening effect of the pedestal building.

To the rear of building for facades to the south and west, the building fabric would need to provide a minimum temporal sound reduction of the order of 23dB(A) for night time sleeping and 19dB(A) for daytime resting and/or sleeping.

In practice, the structural components of the building envelope can be expected to provide a sound reduction in excess of 45dB and will not provide a significant pathway for noise break-in. Greatest sound break-in can be expected to occur via windows.

Data given in BRE IP 12/89 and BS 8233 indicates that, for road traffic noise, standard thermal double glazing provides a typical sound reduction of the order of 33dB(A). This reduction would enable the BS 8233 internal criteria to be achieved for all habitable rooms including those directly overlooking Bridge Street.

BS 8233 notes that regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. Glazing providing a typical sound reduction of the order of 33dB(A) would reduce internal maximum levels to below L_{Amax} 46dB for the majority of the night time with approximately one event per night exceeding this value.

The sound reduction noted above applies to closed windows and BS8233 Section G1 advises that sound reduction across a partially open window will be limited to 15dB. Under these conditions the BS 8233 internal criteria may, at times, be exceeded for those habitable rooms directly overlooking the adjacent roads, and it will be necessary for these rooms to be provided with alternative means of ventilation. Background ventilation in accordance with Building Regulations requirements can be achieved with proprietary window or wall mounted trickle vents.

For units within the tower block, it is considered that the increased separation to the road and screening effect of the pedestal section of the building will enable BS 8233 internal criteria to be achieved when windows are open.

7.3 Impact of commercial and licensed premises

As noted in 7.1 above, the survey data obtained over several days including the evenings of Thursday to Monday inclusive does not indicate any significant activity attributable to surrounding commercial and licensed premises. The sound reduction requirements for the building envelope derived from the survey data are well within the typical sound reduction performance of a standard sealed double glazed unit.

It is anticipated that there will be late evening and night time pedestrian activity on Bridge Street in the vicinity of the site which is likely to generate noise. However, windows to habitable rooms adjacent the road will be required to provide adequate attenuation of general traffic noise including bus movements which will be exacerbated by the traffic signals at the junction with Goodall Street. It is considered that the sound reductions required for traffic noise would also provide adequate attenuation of any noise associated with pedestrian activity.

Where, however, windows adjacent to the road are open for ventilation, it is possible that noise from pedestrian activity (and traffic movement) would be intrusive. On this basis, it would be prudent to consider some form of mechanical ventilation for 1st floor apartments that overlook Bridge Street and Goodall Street in order to avoid the need to use open windows.

For the WS1 nightclub premises to the west, it is noted that the nearest elevation of Tameway Tower is mostly taken up by the stair core and that there are only a limited number of windows overlooking the premises which are to living rooms which also have windows on other elevations. All other windows at the site are further from the WS1 premises and do not overlook the club. It is probable that the limited number of living room windows noted on the nearest western elevation of the tower could be fixed units. This would also limit noise impact from the adjacent car park.

With regard to sound levels measured at Position 2 near to this façade location, there is a marginal increase in levels during the period 23.00hrs -02.00hrs but levels are generally below those that occur during the daytime and early evening. On the basis of the typical sound level for this period, the building fabric is required to provide a reduction of approximately 25dB which is within that available from standard windows.

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For The Lounge public house to the south west of the site on Freer Street, it is noted that this building is screened from the site by an intervening office building adjacent to the pub. This screening, together with distance attenuation is expected to limit any potential noise impact upon Tameway Tower.

8. RECOMMENDATIONS

On the basis of the site measurement data, it is recommended that all habitable windows throughout the development have a minimum manufacturer's rating of R_w 33. This reduction should be from the window units as a whole, including the frame and any associated furniture.

All habitable rooms throughout the development should also be provided with proprietary wall or window mounted trickle vents to achieve background ventilation in accordance with the Building Regulations requirements. All such vents should, when open, have a minimum rated sound reduction of $D_{n,e,W}$ 33.

It is recommended that consideration be given to provision of mechanical ventilation to those residential units at 1st floor level overlooking Bridge Street and Goodall Street in order to provide an alternative to use of open windows.

9. CONCLUSIONS

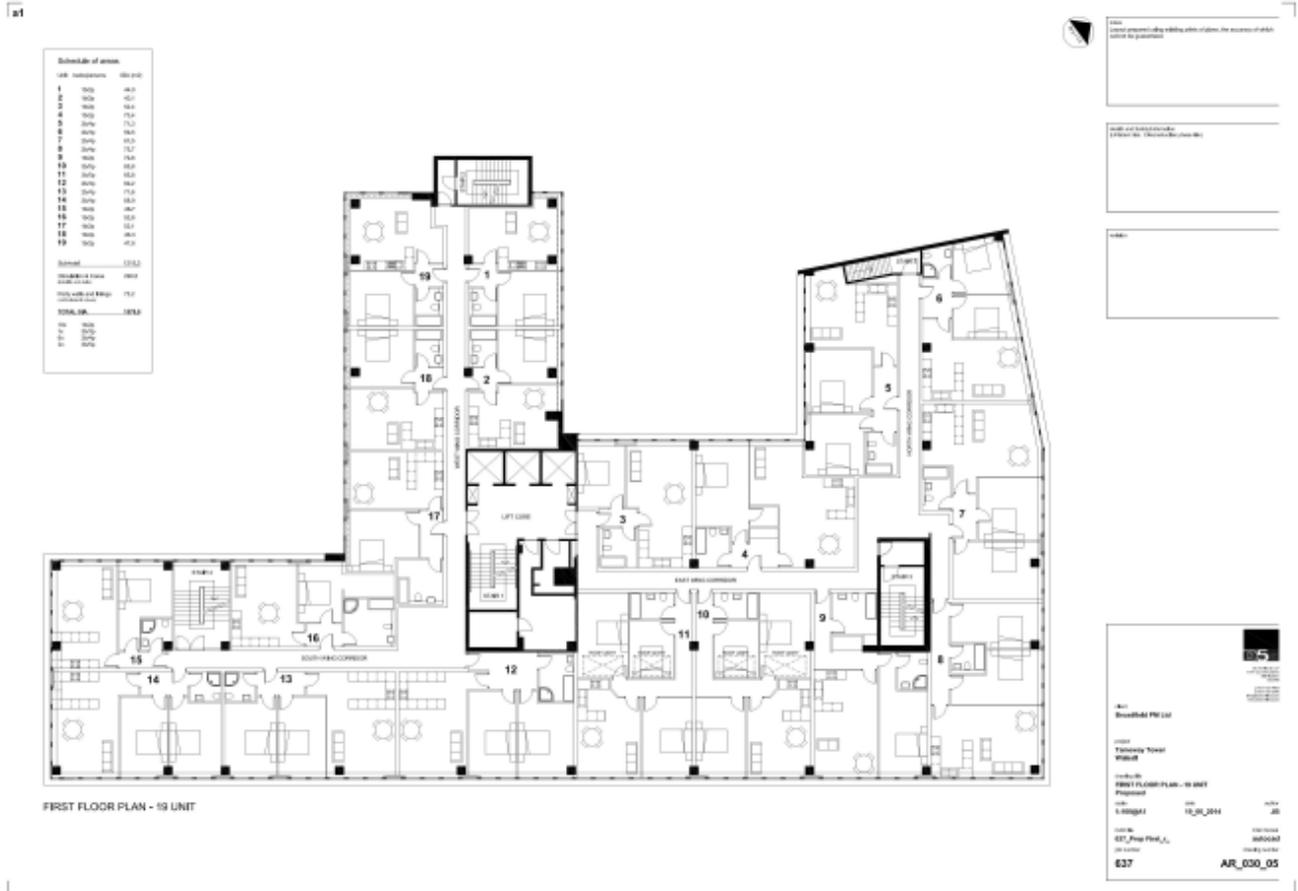
Survey work carried out at this site indicates that the overall noise climate at the site is determined by traffic noise from Bridge Street and other roads in the local area.

BS 8233 requirements within dwellings can be achieved by use of appropriate acoustic rated windows and vents.

The survey data did not identify any significant increase in late evening and night time sound levels attributable to nearby commercial and licensed premises.

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FIGURE 2 - PROPOSED LAYOUT - 1ST FLOOR



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FIGURE 3 – PROPOSED LAYOUT – TYPICAL TOWER FLOOR PLAN

at



TYPICAL FLOOR PLAN

Schedule of areas		
no.	description	area (sqm)
1	lobby	40.0
2	lobby	43.1
3	lobby	40.0
4	lobby	70.0
5	lobby	60.0
6	lobby	60.0
7	lobby	70.0
8	lobby	100.0
TOTAL		583.1

Notes

Scale and Section Symbols
 (Refer to the General Arrangement)

Notes



5
 PE
 Registered Professional Engineer
 Institution of Mechanical Engineers
 No. 123456789
 Date of Registration: 12/12/2010
 Date of Renewal: 12/12/2015

Hoare Lea
 Acoustics
 1000
 Parkway Tower
 Walsall
 West Midlands
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 T: 0121 252 2222
 F: 0121 252 2223
 E: info@hoarelea.co.uk
 W: www.hoarelea.co.uk

Project:
 Title:
 Date:
 Author:
 Checked:
 Approved:
 Date:
 Drawing Number:
637 AR_030_01

TAMEWAY TOWER, WALSALL
PROPOSED CONVERSION TO RESIDENTIAL USE
REPORT ON EXISTING NOISE CLIMATE



APPENDIX 1 – MEASURED SOUND PRESSURE LEVELS

Position 1: Noise Levels at 1st Floor Level roof adjacent junction to Bridge Street and Goodall Street

			Leq,1hr	Lmax,1hr	L10,1hr	L90,1hr
Day 1	14:00	14:59	59.2	81.2	63.0	52.9
	15:00	15:59	61.8	79.0	64.2	54.0
	16:00	16:59	63.5	91.0	64.7	55.0
	17:00	17:59	63.8	87.1	64.6	55.6
	18:00	18:59	61.7	81.3	63.7	53.4
	19:00	19:59	60.8	85.4	62.9	53.6
	20:00	20:59	62.1	89.4	61.1	50.9
	21:00	21:59	58.4	79.6	59.3	50.3
	22:00	22:59	58.2	82.5	59.7	50.0
	23:00	23:59	54.2	78.2	55.6	48.6
Day 2	00:00	00:59	54.0	73.1	56.1	49.2
	01:00	01:59	53.3	75.0	54.6	48.4
	02:00	02:59	53.5	67.4	54.6	50.2
	03:00	03:59	54.9	72.9	56.6	49.3
	04:00	04:59	52.7	76.9	54.1	43.2
	05:00	05:59	52.4	72.9	54.4	45.8
	06:00	06:59	56.7	75.3	58.7	47.6
	07:00	07:59	60.4	86.1	62.6	50.8
	08:00	08:59	62.7	83.1	64.5	54.5
	09:00	09:59	61.0	77.8	63.1	53.7
	10:00	10:59	63.3	86.7	64.9	54.1
	11:00	11:59	63.7	90.9	63.9	53.9
	12:00	12:59	60.9	78.8	63.2	53.4
	13:00	13:59	64.6	89.5	64.5	53.7
	14:00	14:59	61.4	82.1	63.0	53.5
	15:00	15:59	61.8	80.8	64.1	54.6
	16:00	16:59	62.6	84.0	64.4	55.0
	17:00	17:59	62.3	82.8	64.3	55.1
	18:00	18:59	60.3	77.0	62.6	52.6
	19:00	19:59	60.3	84.8	62.4	52.5
	20:00	20:59	59.2	81.1	61.0	53.0
	21:00	21:59	56.9	77.1	59.3	51.0
	22:00	22:59	59.8	81.1	61.1	51.9
23:00	23:59	56.4	81.2	58.0	51.3	
Day 3	00:00	00:59	58.9	73.5	59.9	55.2
	01:00	01:59	57.4	76.8	58.8	53.8
	02:00	02:59	58.1	79.5	59.4	55.4
	03:00	03:59	57.7	84.1	58.3	49.9
	04:00	04:59	52.2	72.6	54.7	47.1
	05:00	05:59	52.4	71.4	54.3	47.4

TAMEWAY TOWER, WALSALL
PROPOSED CONVERSION TO RESIDENTIAL USE
REPORT ON EXISTING NOISE CLIMATE



	06:00	06:59	54.3	72.8	56.1	47.2
	07:00	07:59	55.9	75.1	56.8	45.8
	08:00	08:59	61.0	78.4	61.4	49.7
	09:00	09:59	58.2	74.6	60.6	50.0
	10:00	10:59	60.5	79.3	62.5	51.4
	11:00	11:59	60.8	80.7	62.6	52.7
	12:00	12:59	61.3	79.2	63.4	53.0
	13:00	13:59	67.4	97.8	63.8	53.3
	14:00	14:59	61.3	79.8	63.2	52.7
	15:00	15:59	61.6	80.6	63.5	53.1
	16:00	16:59	62.4	84.7	63.1	52.3
	17:00	17:59	62.4	87.4	63.2	51.7
	18:00	18:59	59.8	87.1	61.9	50.9
	19:00	19:59	59.8	79.8	61.5	51.3
	20:00	20:59	59.8	86.3	61.1	50.2
	21:00	21:59	57.4	82.9	60.1	50.2
	22:00	22:59	59.7	79.3	61.4	53.7
	23:00	23:59	57.3	74.7	59.4	52.0
Day 4	00:00	00:59	57.8	83.4	58.7	53.1
	01:00	01:59	57.6	81.7	59.1	54.2
	02:00	02:59	57.7	79.1	59.3	53.9
	03:00	03:59	62.2	94.5	59.1	51.8
	04:00	04:59	52.2	69.1	54.7	45.0
	05:00	05:59	51.0	70.7	52.4	45.0
	06:00	06:59	50.7	71.1	52.3	46.1
	07:00	07:59	58.9	75.6	56.9	48.6
	08:00	08:59	53.2	73.9	54.6	43.8
	09:00	09:59	55.3	77.3	57.0	46.3
	10:00	10:59	56.3	76.0	58.8	49.3
	11:00	11:59	57.0	75.3	59.1	49.9
	12:00	12:59	57.9	77.0	60.0	50.7
	13:00	13:59	61.1	90.2	60.6	51.0
	14:00	14:59	58.2	79.6	60.2	50.4
	15:00	15:59	59.6	85.1	60.7	50.5
	16:00	16:59	57.4	79.9	59.5	49.3
	17:00	17:59	58.9	86.4	59.7	48.9
	18:00	18:59	57.6	77.9	59.1	48.5
	19:00	19:59	56.3	75.3	58.7	48.7
	20:00	20:59	59.5	87.8	58.8	48.6
	21:00	21:59	55.0	80.3	57.2	47.8
	22:00	22:59	54.1	74.3	56.6	47.1
23:00	23:59	53.9	70.9	55.9	47.2	
Day 5	00:00	00:59	52.9	76.5	54.8	45.0
	01:00	01:59	51.2	73.4	52.6	44.1

TAMEWAY TOWER, WALSALL
PROPOSED CONVERSION TO RESIDENTIAL USE
REPORT ON EXISTING NOISE CLIMATE



	02:00	02:59	48.0	65.6	49.0	43.8
	03:00	03:59	46.3	72.1	47.2	43.9
	04:00	04:59	49.7	70.5	51.3	45.0
	05:00	05:59	54.9	74.3	54.9	46.4
	06:00	06:59	57.4	78.4	58.1	48.6
	07:00	07:59	60.8	76.8	63.1	53.6
	08:00	08:59	62.6	80.3	64.9	55.4
	09:00	09:59	62.4	82.8	64.9	54.9
	10:00	10:59	62.2	78.9	64.0	53.9
	11:00	11:59	61.6	80.5	63.2	53.6
	12:00	12:59	61.1	81.1	63.3	53.8
	13:00	13:59	61.7	79.2	64.0	53.5
	14:00	14:59	60.9	78.5	63.4	54.0
	15:00	15:59	61.7	79.9	64.0	54.5
	16:00	16:59	61.2	78.7	63.3	55.0
	17:00	17:59	61.7	84.0	63.8	56.2
	18:00	18:59	59.3	82.1	61.7	52.3
	19:00	19:59	58.4	75.5	60.6	50.1
	20:00	20:59	56.6	83.6	58.9	48.6
	21:00	21:59	56.8	78.0	58.7	47.6
	22:00	22:59	56.5	81.5	57.8	47.7
	23:00	23:59	53.5	73.2	55.5	45.3
Day 6	00:00	00:59	54.1	79.4	55.5	44.4
	01:00	01:59	50.5	77.4	51.0	42.4
	02:00	02:59	47.8	65.7	49.0	40.4
	03:00	03:59	48.7	66.0	50.1	42.3
	04:00	04:59	50.2	72.1	52.6	42.8
	05:00	05:59	52.1	74.6	53.2	44.0
	06:00	06:59	54.9	72.9	56.7	47.0
	07:00	07:59	60.3	78.1	62.9	52.3
	08:00	08:59	62.5	89.3	64.3	54.5
	09:00	09:59	62.0	81.3	63.6	54.0
	10:00	10:59	61.1	81.8	63.2	53.1
	11:00	11:59	61.0	78.2	63.3	53.2
	12:00	12:59	61.1	77.8	63.3	53.9
	13:00	13:59	57.7	80.1	65.0	54.2

TAMEWAY TOWER, WALSALL
PROPOSED CONVERSION TO RESIDENTIAL USE
REPORT ON EXISTING NOISE CLIMATE



Position 2: Noise Levels at 1st Floor Level roof towards rear of Tameway Tower

			Leq,1hr	Lmax,1hr	L10,1hr	L90,1hr
Day 1	13:00	13:59	53.2	87.0	55.4	49.8
	14:00	14:59	57.0	78.7	58.2	51.1
	15:00	15:59	54.3	71.0	56.3	50.4
	16:00	16:59	54.3	71.1	56.4	50.6
	17:00	17:59	56.8	74.1	58.3	51.2
	18:00	18:59	54.6	77.0	55.9	50.4
	19:00	19:59	51.4	65.7	53.3	49.0
	20:00	20:59	55.7	73.6	54.7	49.5
	21:00	21:59	52.4	68.0	54.3	49.4
	22:00	22:59	51.5	62.9	52.9	49.7
	23:00	23:59	53.7	68.5	55.0	51.9
Day 2	00:00	00:59	53.9	67.5	55.2	52.1
	01:00	01:59	53.6	65.7	54.9	51.8
	02:00	02:59	51.9	66.7	53.3	49.6
	03:00	03:59	51.3	73.6	52.5	48.8
	04:00	04:59	52.1	67.4	53.5	50.0
	05:00	05:59	52.0	66.1	53.6	49.6
	06:00	06:59	52.7	73.4	54.9	49.8
	07:00	07:59	54.5	65.2	56.7	50.4
	08:00	08:59	54.6	75.3	56.0	50.3
	09:00	09:59	54.3	78.0	56.5	50.1
	10:00	10:59	54.5	74.9	56.4	50.4
	11:00	11:59	53.9	77.5	55.4	50.0
	12:00	12:59	55.7	83.4	56.9	49.6
	13:00	13:59	63.3	88.3	59.8	52.2
	14:00	14:59	56.7	80.4	58.1	50.8
	15:00	15:59	54.5	74.6	56.5	50.0
	16:00	16:59	54.3	70.4	56.2	50.6
	17:00	17:59	52.8	72.2	54.7	49.9
	18:00	18:59	53.0	70.7	54.8	50.0
	19:00	19:59	53.1	70.8	54.7	50.6
	20:00	20:59	52.4	72.3	54.1	50.2
	21:00	21:59	53.3	68.4	54.8	51.0
	22:00	22:59	53.9	65.5	55.3	52.2
23:00	23:59	57.9	65.1	58.7	54.6	
Day 3	00:00	00:59	55.7	65.1	57.1	54.0
	01:00	01:59	55.7	71.1	57.2	53.4
	02:00	02:59	51.8	65.4	53.1	50.2
	03:00	03:59	51.4	66.9	52.6	49.8
	04:00	04:59	51.5	65.2	52.6	49.9
	05:00	05:59	52.3	71.5	53.4	50.5

TAMEWAY TOWER, WALSALL
PROPOSED CONVERSION TO RESIDENTIAL USE
REPORT ON EXISTING NOISE CLIMATE



	06:00	06:59	51.6	63.2	53.4	49.4
	07:00	07:59	53.3	68.2	55.2	49.8
	08:00	08:59	51.9	68.6	53.7	48.5
	09:00	09:59	52.7	71.3	54.5	48.8
	10:00	10:59	53.0	79.7	55.1	49.6
	11:00	11:59	53.2	70.0	55.4	49.2
	12:00	12:59	55.9	81.0	56.6	50.4
	13:00	13:59	55.1	75.3	57.0	50.5
	14:00	14:59	54.2	73.5	56.3	49.9
	15:00	15:59	53.2	72.0	55.4	49.4
	16:00	16:59	53.7	75.3	55.3	49.1
	17:00	17:59	52.4	76.4	54.0	48.9
	18:00	18:59	53.5	75.8	54.6	49.2
	19:00	19:59	52.0	73.4	53.4	48.9
	20:00	20:59	54.0	69.4	54.5	49.8
	21:00	21:59	54.9	68.4	55.2	51.0
	22:00	22:59	53.0	68.1	54.4	51.3
	23:00	23:59	54.4	66.7	55.9	52.5
Day 4	00:00	00:59	54.9	65.3	56.3	53.1
	01:00	01:59	54.5	74.8	55.7	52.2
	02:00	02:59	52.6	71.3	54.2	50.0
	03:00	03:59	50.6	67.0	52.0	48.5
	04:00	04:59	49.6	61.3	50.7	48.2
	05:00	05:59	49.8	58.3	50.9	48.3
	06:00	06:59	51.9	65.0	53.1	48.2
	07:00	07:59	48.5	61.9	49.9	46.3
	08:00	08:59	49.1	59.9	51.1	46.9
	09:00	09:59	50.4	68.7	52.4	47.5
	10:00	10:59	50.6	68.9	52.3	47.4
	11:00	11:59	53.8	76.0	54.2	47.5
	12:00	12:59	53.6	84.0	53.4	47.7
	13:00	13:59	51.0	72.1	53.0	47.7
	14:00	14:59	52.1	75.4	53.8	48.1
	15:00	15:59	51.2	67.6	53.2	47.7
	16:00	16:59	51.2	73.8	52.7	47.4
	17:00	17:59	50.4	65.8	52.6	47.2
	18:00	18:59	50.1	65.4	52.1	47.3
	19:00	19:59	51.7	77.0	51.9	47.1
	20:00	20:59	49.1	67.3	50.9	47.0
	21:00	21:59	42.9	59.8	50.8	47.1

APPENDIX 2 – GLOSSARY OF TERMS

Decibel (dB)

The decibel is the unit used to quantify sound pressure levels. The human ear has an approximately logarithmic response to acoustic pressure over a very large dynamic range (typically 20 micro-Pascals to 100 Pascals). Therefore, a logarithmic scale is used to describe sound pressure levels and also sound intensity and power levels. The logarithm's are taken to base 10. Hence an increase of 10 dB in sound pressure level is equivalent to an increase by a factor of 10 in the sound pressure level (measured in Pascals). Subjectively, this increase would correspond to a doubling of the perceived loudness of sound.

A-Weighting

The 'A' weighting is a correction term applied to the frequency range in order to mimic the sensitivity of the human ear to noise. It is generally used to obtain an overall noise level from octave or third octave band frequencies. An 'A' weighted value would be written as dB(A).

$L_{Aeq,T}$

The A-Weighted equivalent continuous sound level – the sound level of a notionally steady sound having the same energy as a fluctuating sound over a specified measurement period (T). $L_{Aeq,T}$ is used to describe many types of noise and can be measured directly with an integrating sound level meter.

$L_{A90,T}$

The A-Weighted noise level exceeded for 90% of the specified measurement period (T). This is generally taken to indicate the prevailing background noise level.

L_{Amax}

The highest A-Weighted noise level recorded during a noise event.

APPENDIX 3 – LIST OF MEASUREMENT EQUIPMENT

Measurements

Rion type NL-28 Sound Level Meter	S/N 01260202
Rion type NH-23 pre-amplifier	S/N 60105
Rion type UC-59 Microphone	S/N 282

Additional Equipment

Rion Type NC-74 Calibrator	S/N 34172706
----------------------------	--------------

The above equipment fulfils IEC 61672 Class 1 and is traceable to calibration under BS7580:Part 1:1997.

The equipment was calibration-checked before and after measurement – no adverse deviation was observed.



Log In



Noise Monitoring

Lexx Jerkz Bar & Grill operates a "good neighbour" policy we emphasised building and maintaining close relationships with residents and our premises are run and managed accordingly. We are committed to deal with any complaints from residents quickly and effectively.

Options

Surveys

PLEASE FILL IN OUR ONLINE NOISE SURVEY
FORM

Complaints

PLEASE FILL IN OUR ONLINE COMPLAINT
FORM

Resolutions

PLEASE FILL IN OUR ONLINE RESOLUTION
FORM

**PLEASE VISIT OUR
WEBSITE TO
COMPLETE
OUR ONLINE SURVEY**

Noise
Complaint

Complaints Survey

Lexx Jerkz Bar & Grill operates a "good neighbour" policy with emphasis on building and maintaining close relationships with residents and our premises are run and managed accordingly. We are committed to dealing with any complaints from residents swiftly and effectively.

***Have you ever been affected by the music emanating from Lexx Jerkz Bar & Grill**

- Select -

***First Name**

*First Name

***Last Name**

*Last Name

***Email**

*Email

Jamaican Club - Loud Music

Bridge street is a residential area, so according to the British law noise coming from the premises between 11pm and 7am is illegal:

to Report it

- Call the owner - 07796922293 number from the website
- Report to the council disturbance: 01922655998
- Call police
- <https://www.gov.uk/report-noise-pollution-to-council>

Certificate of achievement

High Speed Training certifies that

Derrick Minott

has completed

Fire Warden Training

A high quality, interactive training course that teaches fire wardens about their responsibilities, so they can help in both preventing and managing fire emergencies in their workplace.

Issued On: 12/10/2022
Recommended Renewal Date: 12/10/2023

Certificate Number: T-3153194-3316935
To verify please visit: www.highspeedtraining.co.uk/verify



D. Minott

On behalf of High Speed Training

Certificate of achievement

High Speed Training certifies that

Derrick Minott

has completed

Level 2 Food Hygiene and Safety for Catering

A certified and interactive online training course meeting the UK / EU standards for Food Hygiene & Safety

Issued On: 03/03/2020
Recommended Renewal Date: 03/03/2023

Certificate Number: T-1891180-1968084
To verify please visit: www.highspeedtraining.co.uk/verify



D. Minott
On behalf of High Speed Training

Certificate of achievement

High Speed Training certifies that

Derrick Minott

has completed

Workplace First Aid Training

A high quality, interactive training course designed by a qualified first-aider to help businesses and individuals understand how to respond to emergency situations efficiently and appropriately.

Issued On: 06/03/2020
Recommended Renewal Date: 06/03/2023

Certificate Number: T-1891180-1969976
To verify please visit: www.highspeedtraining.co.uk/verify



D. Minott

On behalf of High Speed Training

Lexx Jerkz Bar & Grill



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- [Search this local authority area](#)
- [Search all data](#)

Address

75 Bridge Street
Walsall
West Midlands
WS1 1JQ

Business type

Restaurant/Cafe/Canteen

Date of inspection

10 December 2019