

SECTION

TWO



Drugs Policy

1. Purpose and scope

This policy relates to the attempt to use illegal drugs or other harmful substances on Lexx Jerkz Holding Ltd premises.

Its purpose is to:

- a) Comply with the Misuse of Drugs Act 1971 by ensuring that the Lexx Jerkz Holding Ltd 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 Holding Ltd.

2. Policy Statement

Lexx Jerkz Holding Ltd:

- 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 Holding Ltd 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, it will be a condition of entry to Lexx Jerkz Holding Ltd events that customers acknowledge that we conduct a compulsory searching (NO SEARCH NO ENTRY) prior to entry. Searches will be undertaken in a polite and respectful manner by SIA trained members of staff of the same sex as the customer. Where this is refused, the customer will not be allowed entry to the premises.

5. Preventing drug dealing at Lexx Jerkz Holding Ltd

All staff working at Lexx Jerkz Holding Ltd 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 Holding Ltd. 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 Holding Ltd. Decisions to ban customers will be taken by the DPS after considering all the information available.

8. Keeping customers safe

Lexx Jerkz Holding Ltd 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 Holding Ltd 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 no later than 4pm the following working day.



Review papers of:

**BOND STREET TAVERN, Bond Street,
Wolverhampton**

DPS: Derek MINNOTT

Tuesday 27th March 2018

Copies to:

- 1. Wolverhampton City Council Licensing**
- 2. Derek MINNOTT**
- 3. West Midlands Police**





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**APPLICATION FOR THE REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES
UNDER THE LICENSING ACT 2003**

**Wolverhampton
City Council**



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 Chief Constable of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bond Street Tavern Public House 14 Bond Street	
Post town Wolverhampton	Post code (if known) WV2 4AS
Name of premises licence holder or club holding club premises certificate (if known) Derrick Ltd	
Number of premises licence or club premises certificate (if known) 17/00808/PRE	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)



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3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title WPC
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

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City Council**



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address WPC 2467 Michelle Churm/WPC 6820 Fellowes-Hale West Midlands Police, Central Police Station, Bilston Street, Wolverhampton WV1 3AA
E-mail address (optional) wv_licensing@west-midlands.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

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Please state the ground(s) for review (please read guidance note 2)

Police are defined as a 'Responsible Authority' under the Licensing Act 2003 and as such have a statutory obligation to ensure that licensed premises comply with the requirements of the act and the operating schedule relating to that venue.

The 'Bond Street Tavern' public house is situated on Bond Street, Wolverhampton. It is an inner city centre property, which has a patron capacity of 150. The hours of trading are Sunday to Saturday 10:00 - 04.00 and alcohol sales are between 10:00 and 03.30. This does not include seasonal variations.

An application was made to review the premise licence on 20/4/17

The patron area is on one floor that includes a garden at the rear. There is only one entrance/exit that is situated at the front of the building.

Night time economy checks have been conducted every Friday and Saturday evenings, sometimes officers have walked through the venue, sometimes Mr Minott has been spoken to on the door of the venue. Risk assessments are conducted at the time taking into consideration the amount of officers present and also any intelligence for a particular event at the location/amount of persons in the premises.

As part of the previous review a knife arch was installed at the venue, to assist in the search policy of patrons entering the premise. This has been utilised and observed
By officers periodically during checks.

I wish to request that the Bond Taverns licence is reviewed and the DPS Derek Minnot current circumstances at the premise also be reviewed due to a serious assault occurring on 25/3/18 within the premise.

A previous review at the premise gave strict conditions to Mr Minnot on the understanding that they would be adhered to in order for the premise to remain under his control and

The premise and his actions would be monitored accordingly.

The previous review also detailed that Mr Minnot be the sole DPS, not in conjunction with Lorraine Heath as previously authorised. Mr Minnot understood that Miss Heaths involvement would not be appropriate.

I can report that during the assault Miss Heath contacted Police to report an incident from the land line of the premise, confirming that she was aware/involved.

These conditions were imposed and recognised by the DPS on numerous occasions, a copy being provided by the DPS detailing policy revised as follows; Dispersal, Drugs, Search and Queueing and Responsible Drinking Policies.

Due to the finding of the premise being over capacity on 9/3/18 requests were made for Mr Minnot to attend the station and bring the Door Supervisors Incident Book in order to be copied and perused. Numerous requests were made by officers and Sgt Reynolds by phone and email requesting Mr Minnots assistance to bring in the door supervisors incident book over a period of a few days.

When Mr Minnot finally attended the Police Station with the aforementioned book a copy was made and the following breaches were noted;

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On 6/1/18 officers attended the location and alerted security staff on the door that a walk through would be conducted. The female security staff immediately ran through the venue, she was followed by officers into the rear garden and a strong smell of cannabis was detected. Officers informed Mr Minnot of this and the walkthrough was captured on the officers body worn camera. There are 2 statements from officers available and will be attached.

On 7/1/18 officers attended the location to conduct a walkthrough and as they approached the female member of security rushed inside the premises and a male security staff member asked the officers to wait, an apparent motion to delay the officers from entering. When they did enter the rear garden people were outside and officers saw an apparent puff of air freshener appear, masking any other smells. Patrons attempted to intimidate officers, filming them and being hostile towards them. The officer informed Mr Minnot of these issues and they were recorded in the incident book.

The incident was captured on the officers body worn camera.

On 11/2/18 door staff have detailed patrons being allowed access into the premise at 0330, breaching the 0300hrs last admittance detailed.

On 16/2/18 door staff have detailed patrons being allowed access into the premise at 0330, breaching the 0300hrs last admittance detailed.

On 18/2/18 incident book appears to have been changed to accommodate correct capacity of patrons at the premise.

On 23/2/18 the incident book has been changed detailing number of patrons at the venue.

On 24/2/18 the incident book number of patrons do not add up.

On 25/2/18 the incident book has been changed and the numbers do not add up. The numbers are massively out therefore raising cause for concern.

On 2/3/18 incident book number of patrons has again been changed making them illegible.

On 3/3/18 the records appear to have been changed from 0430 to 0400hrs, in accordance with licensing times of closure at 0400hrs and two door staff came on duty at 0010hrs, not midnight as detailed.

Breaching licence conditions detailing 5 door staff from midnight.

Mr Minnott stated to the attending officer that he had 176 persons on the premises at that time.

On 4/3/18 a walkthrough by Police was logged by staff and a smell of cannabis brought to Mr Minnots attention but not attributable to any patrons at that time.

On 9th into the 10/3/18 (approximately 0245hrs) officers attended and requested to speak to Mr Minnot at the doorway of the venue, a walk through was not conducted. When asked how many patrons were at inside the venue, Mr Minnot stated 176. This is over capacity as the maximum is 150 when there is no TENS in place.

The door supervisors incident book states at 0200hrs there were 160 people and at 0300hrs 179 people were there.

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On 10/3/18 the records were changed for two of the door staffs starting times from 0030hrs to 0000hrs. Breaching licence conditions detailing 5 door staff from midnight. The records again appear to have been changed from 0030 to 0000 for two of the door staff. A smell of cannabis was found by staff but not attributed to any patrons.

On 10th into 11/3/18 incident book details entries by patrons at 0400hrs and 0500hrs, last entry is detailed as 0300 on the licence. There was a TEN in place for this date, therefore patrons numbers/opening times were extended and no breach had occurred.

On 23/3/18 incident book details that at 0300hrs the venue was over capacity, showing 161 patrons and at 0400hrs it appears that there is a number of patrons allowed entry, again breaching.

On 24th into 25/3/18 incident book details a minor incident regarding a cigarette.

At 0207hrs (0307hrs due to time difference imposed) an incident was detailed, this is verbatim from the incident book;

Patron 1 forced his way past security to gain entry, was however searched but still gained entry and appeared to have an object hid in his shoes which he retrieved from his shoes after passing security. Patron 1 appeared to have an argument with another male, patron 2. On CCTV it appears that Patron 2 was wounded and as a result retaliated, as a result causing Patron 1 to fall with object in his hand causing an injury to a female patron.

This has highlighted a situation causing concern regarding staff seeing a patron retrieve something from his shoes, once in the venue and staff not addressing this at the time.

5. 18 WOUNDING 20WV/66436A/18

On 25/3/18 between 0340 and 0344hrs a wounding occurred on the dancefloor of the premise between two males, and a female, not known to the males. An altercation ensued between the males, the female injured party was stood right next to both males and she describes how she saw them grappling, one male being on the floor and the other male over him. She states that Security did not come over, the fight seemed to break up and they both disappeared. The injured party then felt a trickle down her left leg, she realised it was blood and saw a laceration about 13cm below her knee, with exposed fatty tissue. She immediately felt light headed and tried to elevate her leg to stop the bleeding. A friend of the injured party was screaming at bar staff that the injured party had been stabbed and eventually staff came over to her and some of the security, The lights eventually came on and people were cleared. The injured parties friend called an ambulance and they arrived with the Police.

At 0344hrs a member of staff, Serena, rang 999 and stated that someone had been stabbed but no other details were provided. The log details a lot of disorder was heard on the open line.

At 0347hrs a 999 call was made from L Heath from a landline number at the location, reporting that someone had been injured but could not give any further details. The log was then matched with the previous call at 0344hrs as a call back to the number proved fruitless.

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At 0356 hrs officers arrived and the log details that a fight had occurred and a female had got inbetween them and being injured in the process.

Officers described the scene as being on the dancefloor, there was blood but there was a large number of footprints, indicating that people had walked through the blood, therefore contaminating the scene due to the amount of people in the venue. Officers also detailed that when they enquired with staff what had occurred they were met with obstructive staff members and one door staff said "NO COMMENT" when officers enquired what had occurred.

Mr Minnot has been given ample time to conform with requests and to the required standard as a DPS. He has clear disregard for the Licensing objectives set out at the last review and it is clear that he is incapable of adhering to these, failing to prevent Crime and Disorder at the premise where a serious assault occurred between patrons and as detailed in his door supervisors incident book, failure to protect the public by allowing the offender entry, seeing him take something from his shoes and not apprehending him.

He is not fit to be a DPS in any capacity, works minimally with Police as do his doorstaff.

West Midlands Police are in full support of local and independent businesses such as the 'Bond Street Tavern', however we cannot continue to support this venue where there is a total disregard of the licensing objectives. Activity at the venue presents a serious risk to public safety. The venue management will state that they believe they are already doing all that they can to meet the licensing objectives of public safety and the prevention of crime and disorder.

The venue has had ample opportunities to meet the licensing objectives and a failure to do so have left the police with no option but to seek a full revocation of its license and the removal of Mr Minott as the Designated Premises Supervisor.

Have you made an application for review relating to the premises before

Please tick ✓ yes



If yes please state the date of that application

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Wolverhampton
City Council



If you have made representations before relating to the premises please state what they were and when you made them:

11th June 2013 (in previous name of The Greyhound) – License revoked

Review on 18th and 19th October 2018

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Handwritten Signature]

Date

28/03/18

Capacity

Police Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Jayne Meir C/Supt.

x (Signed) (Date) 28.03.18
Statutory Form For Applying For A Summary Licence Review Annex B

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.

I **JAYNE MEIR C/SUPT.** [on behalf of] the chief officer of police for the **WEST MIDLANDS** police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:
BOND STREET TAVERN
14 BOND STREET
Post town: **WOLVERHAMPTON**
Post code (if known): **WV2 4AS**

2. Premises licence details:

Name of premises licence holder (if known): **MR DEREK MINNOTT**
Number of premises licence holder (if known): **17/00808/PRE**

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

[insert name and address of police force]

WOLVERHAMPTON CENTRAL
POLICE STATION
BILSTON STREET
W'TON, WV1 3AA
Annex A

Example Form

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder³.

Premises⁴: BOND STREET TAVERN
11 BOND STREET
W'TON, WV2 4AS

Premises licence number (if known): 17/00808/PRE

Name of premises supervisor (if known): MR DEREK MINNOTT

I am a ~~CHIEF SUPERINTENDANT~~ CHIEF SUPERINTENDANT in the WEST MIDLANDS POLICE police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁶:

1. PREVIOUS REVIEW IN NOVEMBER 2017.
2. HAS BREACHED SINCE CONSENT ORDER WAS GRANTED.
3. VERY RECENT INCIDENT OF A STABBING INSIDE THE VENUE WHERE AN INNOCENT MEMBER OF THE PUBLIC GAINED A SERIOUS INJURY.
4. LACK OF REGARD TO LICENSING OBJECTIVES.

³ Delete as applicable.

⁴ Include business name and address and any other relevant identifying details.

⁵ Insert rank of officer giving the certificate, which must be superintendent or above.

⁶ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.



4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

1. SMELL OF CANNABIS CONSTANTLY IN THE VENUE
2. OVER CAPACITY
3. DOOR STAFF NUMBERS BREACHED
4. S18 WOUNDING. STAB WOUND TO INNER THIGH OF VICTIM. THIS HAPPENED ON THE DANCEFLOOR. NO OPS OR DOORSTAFF ASSISTED INITIALLY DESPITE SEEING IT.

X Signature of applicant:

Date: 28/03/18

Capacity:

CHIEF SUPERINTENDENT

J. Meir (Signature)

Contact details for matters concerning this application:

Address:

WOLVERHAMPTON CENTRAL POLICE STATION
BILSTON STREET
W'TON, WV1 3AA

Telephone number(s):

101 EXTENSION:- 8713194

Email:

J. MEIR @ WEST-MIDLANDS.PNN. POLICE.UK

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

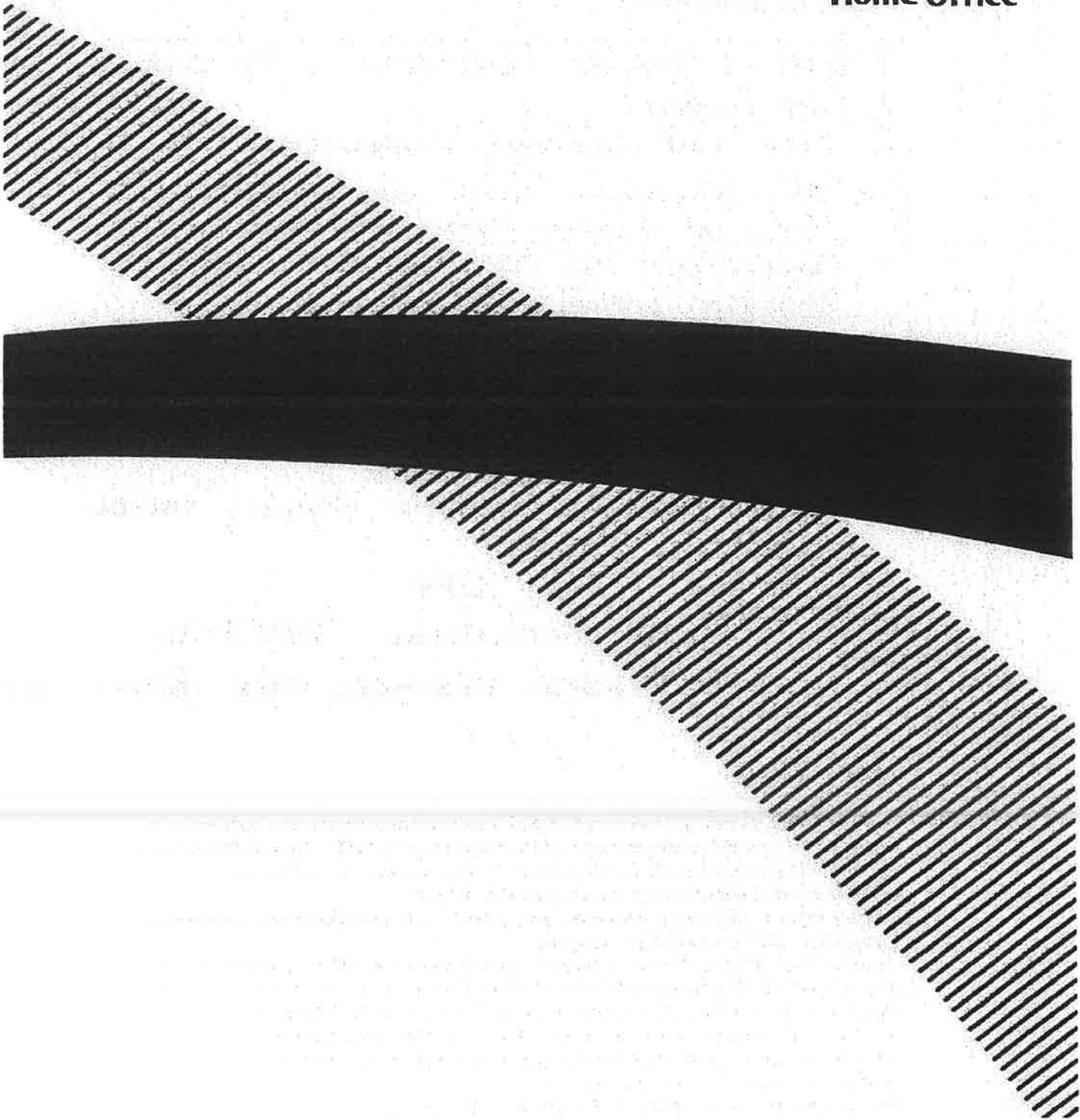
- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.



Home Office



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**CITY OF
WOLVERHAMPTON
C O U N C I L**

LICENSING SUB-COMMITTEE

25 April 2018

DECISION NOTICE – PREMISES LICENCE REVIEW

Date: 25 April 2018

An application was made by the West Midlands Police for a review of the premises licence in respect of The Bond Street Tavern, Bond Street, City Centre, Wolverhampton WV2 4AS.

At the hearing to review the Premises Licence, the Licensing Sub-Committee listened carefully to all representations made by the persons who spoke at the hearing and considered all the evidence presented.

The Sub-Committee heard from the West Midlands Police that:

1. Following a serious crime relating to a serious incident which occurred on the dance floor inside the premises in the early hours of the morning on 25 March 2018 the West Midlands Police applied to the Licensing Authority for an expedited summary review of the premises licence. The hearing took place on 29 March 2018. Due to the serious nature of the incident, the Licensing Sub-Committee determined to suspend the premises licence pending a full review of the licence, in accordance with Section 53 of the Licensing Act 2003. This was the reason the Sub-Committee was convened today.
2. CCTV footage was shown of the incident on 25 March 2018. This related to the wounding which occurred on the premises. Written and oral evidence from West Midlands Police together with the CCTV footage revealed that a male wearing a Nike jacket arrived at the premises, pushed passed a security guard, passed through a knife arch, resisted search at a second point and entered the premises. He then removed an item from his footwear which was believed to be a weapon and sometime later became involved in an altercation with a second male which led to the wounding of an innocent female and the second male.
3. In February 2017 the West Midlands Police applied to review the premises licence of the Bond Street Tavern on the basis they believed there was crime and disorder at the premises. The LSC heard that A Misuse of Drugs warrant was obtained and on attending the premises in February 2017 the police seized 17 different types of drugs and two weapons. Based upon the

evidence presented the Sub-Committee determined to revoke the premises licence.

4. The premises appealed the decision to revoke to the Wolverhampton Magistrates Court and the matter was listed for hearing before the Court on 18 October 2017. At Court terms were agreed between the parties and a Consent Order signed, which detailed modified conditions of licence which essentially required the premises to maintain several policies, to include one relating to search procedures, and submit these to the Licensing Authority and West Midlands Police.
5. A summary of continuing issues outlined by the police today included concern relating to:
 - Cannabis on the premises. During numerous visits by West Midlands Police between January 2017 and March 2018 there had been a strong smell of cannabis on the premises.
 - There had been breach of licence conditions to include failure to display SIA badges (Jan 2017), failure to monitor patron numbers on the premises (Jan, Feb, March 2017), operating outside licensable hours, inadequate record keeping (March 2017), entries over written in record books, failure to record in incidents book, inadequate searching of patrons when entering the premises, hostility and obstructive behaviour whilst dealing with the police and during the incident on 25.3.18 the head of security refused to tell police officers what was going on.
 - Three instances of disorder in 2017 and the incident of wounding in March 2018.
 - Problems had continued despite continued advice and support from West Midlands Police.
6. There was concern about inadequate search procedures which had led to the violent incident on the premises.
7. There was evidence that gang nominals had been at the premises.
8. There had been repeated failings at the premises. There was no confidence in the management structure. In accordance with the Guidance under s182 LA 2003, where serious crime had occurred on the premises and the crime prevention licensing objective was being undermined, revocation should be considered on a first occasion. Therefore, in promoting the prevention of crime and public safety licensing objectives, revocation of the licence was appropriate.

The Sub-Committee heard from Elaine Moreton, Licensing Authority (as Responsible Authority), that she had attended this hearing to support the application made by the West Midlands Police and that the premises licence should be revoked.

The Sub-Committee heard from Parpinder Singh, Public Health (as Responsible Authority), that he had attended this hearing to support the application made by the West Midlands Police.

The Sub-Committee heard from the Premises Licence Holder (PLH) and his legal representative, that:

1. A knife could be made of metal or ceramic material and if not metal it would be difficult to detect.
2. The police had said it was difficult to know who was in possession of drugs. It was also difficult for the PLH to determine this.
3. How would the PLH know who, as a gang member, should be banned from the premises.
4. The PLH had cooperated fully with the police and his livelihood was now at stake. He accepted he was responsible for the premises and proposed to employ a new security firm and would install improved technology to assist with search procedures.
5. It was believed the drugs policy did work.
6. The Sub-Committee could determine to remove Mr Minot as Designated Premises Supervisor but he was familiar with the requirements of the premises.

The Licensing Sub-Committee was satisfied on the evidence that:

1. There had been significant breaches of licence conditions and failure to comply with provisions of the Licensing Act.
2. Search procedures were inadequate.
3. There had been serious crime on the premises (wounding), and it was likely other criminal activity had occurred on the premises to include allowing patrons to smoke and use drugs.

These actions did not promote the licensing objectives.

Therefore, based upon the above and having regard to the application and relevant representations made, the Sub-Committee decided to revoke the licence in accordance with Section 53C of the Licensing Act 2003.

The above action was considered an appropriate and proportionate action for the promotion of the prevention of crime and disorder and public safety licensing objectives.

An appeal may be made to the Magistrates' Court against the decision, by the applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

Representations had been invited in relation to the Interim steps currently in place. The West Midlands Police had stated that if there was a different business model in place with restricted trading hours, not requiring such extensive search procedures, then the current steps may not be necessary. However, there is no such business model.

Section 53D makes provision for the review of interim steps that have been taken by the relevant licensing authority under section 53B, before a decision under section 53C comes into effect. Having considered whether interim steps were appropriate for the promotion of the Licensing Objectives and any relevant representations, the Licensing Authority have determined that the current interim steps should remain, that being suspension of the premises licence.

In accordance with Section 53D(5) of the Licensing Act 2003, the interim steps put in place following the hearing on 29 March 2018 will cease to have effect from the coming into effect of the decision on review today. A decision under section 53D may also be appealed.

CITY OF
WOLVERHAMPTON
C O U N C I L

LICENSING SUB-COMMITTEE

29 March 2018

DECISION NOTICE – EXPEDITED SUMMARY REVIEW

Date: 29 March 2018

An application was received from the West Midlands Police on 28 March 2018 for an expedited review of the Premises Licence in respect of the Bond Street Tavern, 14 Bond Street, Wolverhampton, WV2 4AS.

The Chief of Police has given a certificate under Section 53A (1) (b) of the Licensing Act 2003 (the Act), stating that in their opinion the premises are associated with serious crime and disorder and have requested that interim steps be applied to the premises licence pending a full review hearing.

We have heard from the applicant (West Midlands Police) that:

1. There is concern about search procedures in that sufficient searching of patrons is not taking place which has led to a violent incident at the premises.
2. On 25 March 2018 between 03:40 and 03:44 hours a wounding occurred on the dance floor at the premises. At 02:02 (03:02) a male wearing a Nike jacket arrived at the premises, pushed past a security guard, passed through a knife arch, resisted search at a second point, and enters the premises. He then removes an item from his footwear which is believed to be a weapon and sometime later became involved in an altercation with a second male which leads to the wounding of the innocent female. The Licensing Sub-Committee (LSC) have viewed CCTV footage of the incident.
3. On that evening the staff at the premises were not cooperative and would not give statements to the police.
4. They are not comfortable the premises can continue trading between now and the full review hearing.
5. They request suspension of the licence. The only acceptable condition should the LSC wish to modify would be for the premises not to trade after midnight, making searching unnecessary.

We have heard from Mr Thomas, representing the Premises Licence Holder that:

1. The premises have been subject to a great deal of scrutiny recently and terms agreed at Court during the appeal suggest it was accepted that measures were in place and would be added to further the Licensing objectives and this included producing and sharing search policies with the police.
2. There has been engagement between the premises and police.
3. The premises have, following the incident, cooperated with the West Midlands Police. They have provided CCTV footage, broken it down and provided a narrative.
4. The premises accept that on 25 March 2018 the search process broke down not helped by the removal of a turnstile, used to filter patrons on entry, at the request of the highways authority.
5. The premises do have good search policies.
6. On the night of the incident the Premises Licence Holder/ Designated Premises Supervisor (PLH/DPS) did all he could.
7. The perpetrator is not known to the PLH.
8. They invite the LSC to modify conditions of the licence to include further provisions relating to the search policy, ongoing training for staff, and ensuring a first aid trained member of staff is on site at all times.

The LSC considered only evidence relating to the incident on 25 March 2018.

The Act and Home Office Guidance state that the tests to determine the kinds of conduct that amount to serious crime are set out in Section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. These tests include conduct which constitutes an offence for which a person could reasonably be expected to be sentenced to imprisonment for 3 years or more; and involves the use of violence.

The LSC have received the certificate from the Chief of Police and received confirmation at the meeting today that serious crime and disorder exists at the premises. Mr Thomas, Solicitor for the PLH states this is not in dispute.

The Sub-Committee are satisfied that a serious crime has occurred at the premises.

They are further satisfied that serious disorder has occurred on the premises. Serious disorder is to be given its plain ordinary meaning.

Based upon the evidence presented, consideration has been given as to whether it is necessary to take interim steps pending determination of the review (s53C LA2003). The LSC are satisfied that interim steps are necessary. In accordance with Section 53B (3) (d) of the Licensing Act 2003, the decision of the Licensing Sub-Committee is to suspend the premises licence pending the full review hearing.



Termination of a Director Appointment

Company Name: **LEXX JERKZ LIMITED**

Company Number: **12451486**



Received for filing in Electronic Format on the: **09/08/2022**

XBA0HED4

Termination Details

Date of termination: **08/07/2022**

Name: **MELANIE JORDAN**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.



**Notice of ceasing to be a person
with significant control (PSC)**

Company Name: **LEXX JERKZ LIMITED**

Company Number: **12451486**



XB9N4RJ5

Received for filing in Electronic Format on the: **03/08/2022**

Cessation Details

Date ceased: **03/08/2022**

Name: **DERRICK MINOTT**

Register entry date

Register entry date **03/08/2022**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Liquidator, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.

10000

10000

10000



**Notice of Individual Person
with Significant Control**

Company Name: **LEXX JERKZ LIMITED**
Company Number: **12451486**



XB9KF6R7

Received for filing in Electronic Format on the: **02/08/2022**

Notification Details

Date that person became **02/08/2022**
registrable:

Name: **MISS SHARLENE THOMPSON**

Service Address: **75 BRIDGE STREET
WALSALL
ENGLAND
WS1 1JQ**

Country/State Usually
Resident: **UNITED KINGDOM**

Date of Birth: ****/01/1980**

Nationality: **JAMAICAN**

Nature of control

The person holds, directly or indirectly, more than 50% but less than 75% of the shares in the company.

The person holds, directly or indirectly, more than 50% but less than 75% of the voting rights in the company.

Register entry date

Register entry date **02/08/2022**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor



**Change of individual person with
significant control (PSC) details**

Company Name: **LEXX JERKZ LIMITED**

Company Number: **12451486**



X90XR1PT

Received for filing in Electronic Format on the: **16/03/2020**

Details Prior to Change

Name: **DERRICK MINOTT**

Date of Birth: ****/01/1980**

New Details

Date of Change: **07/03/2020**

New Nature of control

The person holds, directly or indirectly, 75% or more of the shares in the company.

The person holds, directly or indirectly, 75% or more of the voting rights in the company.

Register entry date

Register entry date **07/03/2020**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor



Appointment of Director

Company Name: **CLUB LEXX LTD**

Company Number: **11816145**



XAH0ZLNZ7

Received for filing in Electronic Format on the: **11/11/2021**

New Appointment Details

Date of Appointment: **11/11/2021**

Name: **MX LEXX JERKZ LTD**

The company confirms that the person named has consented to act as a director.

Service Address: **75 BRIDGE STREET
WALSALL
UNITED KINGDOM
WS1 1JQ**

Country/State Usually Resident: **UNITED KINGDOM**

Date of Birth: ****/12/1973**

Nationality: **JAMAICAN**

Occupation: **MANAGING DIRECTOR**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor



Change of Particulars for Director

Company Name: **LEXX JERKZ HOLDING LTD**

Company Number: **12816746**



Received for filing in Electronic Format on the: **16/09/2021**

XAD5B902

Details Prior to Change

Original name: **MR DERRICK MINOTT**

Date of Birth: ****/01/1980**

New Details

Date of Change: **03/09/2021**

The usual residential address of this person has not changed

Nationality: **JAMAICAN**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor



**Change of individual person with
significant control (PSC) details**

Company Name: **LEXX JERKZ HOLDING LTD**

Company Number: **12816746**



Received for filing in Electronic Format on the: **16/09/2021**

XAD5B8WY

Details Prior to Change

Name: **MR DERRICK MINOTT**

Date of Birth: ****/01/1980**

New Details

Date of Change: **03/09/2021**

New Country/State
Usually Resident: **UNITED KINGDOM**

New Nationality: **JAMAICAN**

Register entry date

Register entry date **03/09/2021**

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor

FILE COPY



**CERTIFICATE OF INCORPORATION
OF A
PRIVATE LIMITED COMPANY**

Company Number **14240414**

The Registrar of Companies for England and Wales, hereby certifies that

LEXX JERKZ GROUP LTD

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House, Cardiff, on **18th July 2022**



N142404147



Companies House



**THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES**



Application to register a company



Received for filing in Electronic Format on the: **15/07/2022**

XB8AUIOW

Company Name in full: **LEXX JERKZ GROUP LTD**

Company Type: **Private company limited by shares**

Situation of Registered Office: **England and Wales**

Proposed Registered Office Address: **71-75 SHELTON STREET
COVENT GARDEN
LONDON
UNITED KINGDOM WC2H 9JQ**

Sic Codes: **56101
56103
56210
56301**

Statement of Capital (Share Capital)

<i>Class of Shares:</i>	ORDINARY	<i>Number allotted</i>	75
<i>Currency:</i>	GBP	<i>Aggregate nominal value:</i>	75
<i>Prescribed particulars</i>			

FULL RIGHTS TO RECEIVE NOTICE OF, ATTEND AND VOTE AT GENERAL MEETINGS. ONE SHARE CARRIES ONE VOTE, AND FULL RIGHTS TO DIVIDENDS AND CAPITAL DISTRIBUTIONS (INCLUDING UPON WINDING UP).

Statement of Capital (Totals)

<i>Currency:</i>	GBP	<i>Total number of shares:</i>	75
		<i>Total aggregate nominal value:</i>	75
		<i>Total aggregate unpaid:</i>	75

Initial Shareholdings

Name: **DERRICK MINOTT**

Address **71-75 SHELTON STREET
COVENT GARDEN
LONDON
UNITED KINGDOM
WC2H 9JQ**

Class of Shares: **ORDINARY**

Number of shares: **75**

Currency: **GBP**

*Nominal value of each
share:* **1**

Amount unpaid: **1**

Amount paid: **0**

Persons with Significant Control (PSC)

Statement of initial significant control

On incorporation, there will be someone who will count as a Person with Significant Control (either a registerable person or relevant legal entity (RLE)) in relation to the company

Individual Person with Significant Control details

Names: **DERRICK MINOTT**

Country/State Usually Resident: **UNITED KINGDOM**

Date of Birth: ****/01/1980** *Nationality:* **JAMAICAN**

Service Address: **71-75 SHELTON STREET
COVENT GARDEN
LONDON
UNITED KINGDOM
WC2H 9JQ**

The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.

Nature of control **The person holds, directly or indirectly, 75% or more of the shares in the company.**

Nature of control **The person holds, directly or indirectly, 75% or more of the voting rights in the company.**

Nature of control **The person has the right, directly or indirectly, to appoint or remove a majority of the board of directors of the company.**

Statement of Compliance

I confirm the requirements of the Companies Act 2006 as to registration have been complied with.

Name: **DERRICK MINOTT**
Authenticated **YES**

Authorisation

Authoriser Designation: **subscriber** *Authenticated* **YES**

COMPANY HAVING A SHARE CAPITAL

Memorandum of Association of

LEXX JERKZ GROUP LTD

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the company and to take at least one share.

Name of each subscriber	Authentication
DERRICK MINOTT	Authenticated Electronically

Dated: 15/07/2022

**URGENT – PROHIBITION NOTICE – ACTION REQUIRED
REGULATORY REFORM (FIRE SAFETY) ORDER 2005: ARTICLE 31**

To: LEXX JERKZ LTD

(As the responsible person / person having control of the premises)

Address: 75 Bridge Street Walsall WS1 1JQ

Premises to which this Notice relates: LEXX JERKZ BAR AND GRILL 75 Bridge Street Walsall WS1 1JQ

The West Midlands Fire and Rescue Authority is of the opinion that use of the premises to which this notice relates involves a risk to people so serious that use of the premises ought to be restricted.

The use of premises to which this notice relates is restricted to the following extent:	The Inside bar area must not be occupied by any more than 60 persons at any one time. The outside area (including the covered smoking shelter and beer garden beyond that), must not be occupied by any more than 60 persons (in total), at any one time,
Matter(s) which give rise to that risk are:	The means of escape from the premises (including fire exits and escape routes) are not suitably designed to allow safe egress in the event of a fire, by any more persons than described above.
The measures which must be taken to remedy the matters are:	Provide fire exits and escape routes that are suitably designed, including additional fire exits and provide all of those fire exits and escape routes so that they open in the direction of escape and are wide enough.

The restriction takes effect immediately.

The premises are restricted as stated until the specified matters have been remedied and the Fire Authority has officially withdrawn the notice.

Signed: WCP [Signature] Dated: 6/10/21

On behalf of and duly appointed by the West Midlands Fire & Rescue Authority

Notes to accompany Prohibition Notice

- 1 You can legally appeal to this notice (under article 35 of the said Order). You must appeal 'to the magistrates' court, for the area in which the premises is situated', within 21 days from the date shown on the notice. Bringing an appeal does not have the effect of suspending this notice, unless the court so directs.
- 2 It is an offence for any person to fail to comply with the terms of this notice under Article 32(2)(h) of the Order. The offender is liable, on summary conviction, to a fine, imprisonment, or both.
- 3 In any proceedings for an offence referred to in Note 2 where the commission of an offence is due to the act or default of some other person, then that person is guilty of the offence, and may be charged with and convicted of the offence.
- 4 Nothing in the Order operates to afford an employer a defence in any criminal proceedings for a contravention by an employee.
- 5 Subject to Note 2, it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of the offence. The defence does not apply to a failure to comply with article 8(a) (Duty to take general fire precautions) or article 12 (Elimination or reduction of risks from dangerous substances).
- 6 If proceedings for an offence consisting of a failure to comply with a duty or requirement so far as is practicable or so far as is reasonably practicable, it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement.
- 7 Please note that in order to satisfy the "Environment and Safety Information Act 1988" the Fire and Rescue Authority must enter details of any prohibition notice onto a register to which the public have access. If you feel that such an entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the authority within fourteen days of the service of this notice.
- 8 The works or actions specified in the notice are intended to reduce the excessive risk (to a level at which the risk is not so serious). More safety may be required to reduce the risk to an acceptable level. The Fire and Rescue Authority served this notice without prejudice to any other enforcement action that this or any other enforcement authority might take.
- 9 The Fire and Rescue Authority is willing to consider any proposals you may have to remedy the matters specified in the notice by other means.

Jennifer Mellor

From: [REDACTED] >
Sent: 18 February 2022 16:25
To: Jennifer Mellor; Sarah Heath
Cc: Lorelle Tolley; Jodi Vincent; Warren Davies
Subject: [External]: Appeal of prohibition notice Lexx Jerkz Bridge st Walsall

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.

OFFICIAL

Hi all

Today I attended court to respond to the appeal of the prohibition notice served upon Lexx Jerks Ltd ,which restricted the safe capacity of the premises to 60 person inside and 60 persons outside.

The court refused the appeal and the notice remains in force.

The appellant was required to pay costs to WMFS of almost £4000.00 and was directed that they must continue to comply with the terms of the notice.

Thank you to everyone for your assistance in this matter, it is much appreciated.

Regards

Neil Aston-Baugh

Fire Safety Officer -LEEPS Team
Tipton Fire Station
Alexandra Road
Tipton
West Midlands
DY4 7NZ

Tel: [REDACTED] or,
[REDACTED]

Email: [REDACTED]

Team Email: LEEPSTeams.Enquiries@wmfs.net

Fire Safety Admin Email firesafety.admin@wmfs.net



@WestMidsFire

WEST MIDLANDS FIRE SERVICE

Making the West Midlands Safer, Stronger and Healthier

OUR PLAN

2019 - 2022

West Midlands Fire Service

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OFFICIAL

Jennifer Mellor

From: Sarah Heath [REDACTED]@walsall.gov.uk>
Sent: 10 September 2021 10:50
To: mel.lexxjerkz@gmail.com
Cc: [REDACTED]; Jennifer Mellor
Subject: [External]: Lexx bar and grill

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 Melanie

Hope you are keeping well.

Further to our meeting we discussed the noise being an issue and asked that you turn down the volume of the music however over the past few weekends I have received a number of complaints still about the level of the noise from the premises. The noise appears to be coming from the front entrance which I think from our meeting is where you advised the DJ is situated. Please could you ensure that he/she turns down the music to a more reasonable level so that this is not causing an issue to local residents. The noise recordings I have received from people indicates that it is too loud. We will be doing some monitoring as we agreed with Nick at our meeting we are just trying to sort out times and dates and staff to work the weekends so we can come over and speak to you if we feel that it is still too loud. I think the main issue is that with the door being the open the noise from the front of the building is just coming straight out the front onto Bridge Street.

Please could you ensure that the noise is brought down to a more reasonable level and we can monitor and see how things go over this weekend. Your doorstaff may be able to assist as they are situated right outside the door and as advised if they are struggling to hear people then that's a good indicator that it is too loud. As advised it is usually the base that is the main issue however the noise level as a whole that I have heard so far is too much.

As always if there are any questions then please let me know and we can try and look at how we can work together to assist.

We would like to pop over and see you again as we discussed and wondered if you would be around either the morning or afternoon of the 28 September. We are already in town for another meeting at 12 noon so that would be great if we could meet up and see how things are going.

Hope to speak to you soon.

Regards

Sarah

Sarah Heath-Marshall **ICA QA(RCO)**

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make comments or suggestions, please be aware that enforcement agencies cannot validate or in any way approve your document or risk assessments. It is the recipient's responsibility to keep up to date with the changing guidelines surrounding Covid-19. Such advice can be found at www.gov.uk/coronavirus or www://go.walsall.gov.uk/covid-19 information or www.hse.gov.uk/coronavirus/working-safely/index.htm. Alternatively you can contact the the department by email at: Covid19reporting@walsall.gov.uk for Covid-19: advice and complaints. **Although you may have responded to a request for information or in answer to a specific complaint, the authority may still choose to make unannounced inspection(s) to premises to check ongoing compliance with the relevant legislation (e.g. Coronavirus compliance and/or health and safety).**

Community Protection Officer
Community ProtectionTeam
Walsall Council
2nd floor Zone 2H Civic centre
Darwall Street
Walsall
WS1 1TP

Telephone [REDACTED]
Mobile [REDACTED]
Fax 0 [REDACTED]

sarah.heath@walsall.gov.uk Chat with me in Teams!

Website: www.walsall.gov.uk

For the latest information regarding COVID-19 including service disruptions and how to get help visit https://go.walsall.gov.uk/covid-19_information

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This email has been scanned by the Symantec Email Security.cloud service.

Jennifer Mellor

From: Sarah Heath [REDACTED]@walsall.gov.uk>
Sent: 22 September 2021 13:20
To: Melanie Jordan
Cc: Jennifer Mellor
Subject: [External]: lexx bar and grill

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 Melanie

I've received further complaints from last weekend with noise recordings attached in regards to the music from the bar both at the front and the back. The main issue appeared to have been Sunday night into Monday morning again the noise from the music that has been sent through is really loud again.

I don't know who is on duty or who is on the DJ/Sound System but it would appear that after about 1 or 2 am the noise is significantly turned up. I am trying to arrange for us to be out one weekend but as I'm sure you are aware with the issues on Bridge Street at the moment we are unable to attend without Police support and this is hard to have after midnight when most of our neighbourhood officers have gone off duty.

Please can you ensure that whoever is on duty keeps the noise down to a reasonable level both from the inside of the front of the premises and the speakers on the outside to the rear of the premises.

I have some recordings which I am going to share with you on Tuesday so that you can hear the sort of thing we are being sent through and understand why we having the complaints we are having.

I hope we can resolve the issues with the noise and we can discuss further on Tuesday when we come out to see you.

As always if there are any questions then please do not hesitate to contact me.

Regards

Sarah

Sarah Heath-Marshall **ICA QA(RCO)**

Please note that all advice given concerning the Coronavirus and the pandemic is correct at the point of this email being sent, in line with government guidelines at the time. Where documentation has been provided by you although we may make comments or suggestions, please be aware that enforcement agencies cannot validate or in any way approve your document or risk assessments. It is the recipient's responsibility to keep up to date with the changing guidelines surrounding Covid-19. Such advice can be found at www.gov.uk/coronavirus or www://go.walsall.gov.uk/covid-19 information or www.hse.gov.uk/coronavirus/working-safely/index.htm. Alternatively you can contact the the department by email at: Covid19reporting@walsall.gov.uk for Covid-19: advice and complaints. **Although you may have responded to a request for information or in answer to a specific complaint, the authority may still choose to**

make unannounced inspection(s) to premises to check ongoing compliance with the relevant legislation (e.g. Coronavirus compliance and/or health and safety).

Community Protection Officer
Community Protection Team
Walsall Council
2nd floor Zone 2H Civic centre
Darwall Street
Walsall
WS1 1TP

Telephone: [REDACTED]
Mobile: [REDACTED]
Fax: [REDACTED]

sarah.heath@walsall.gov.uk Chat with me in Teams!

Website: www.walsall.gov.uk

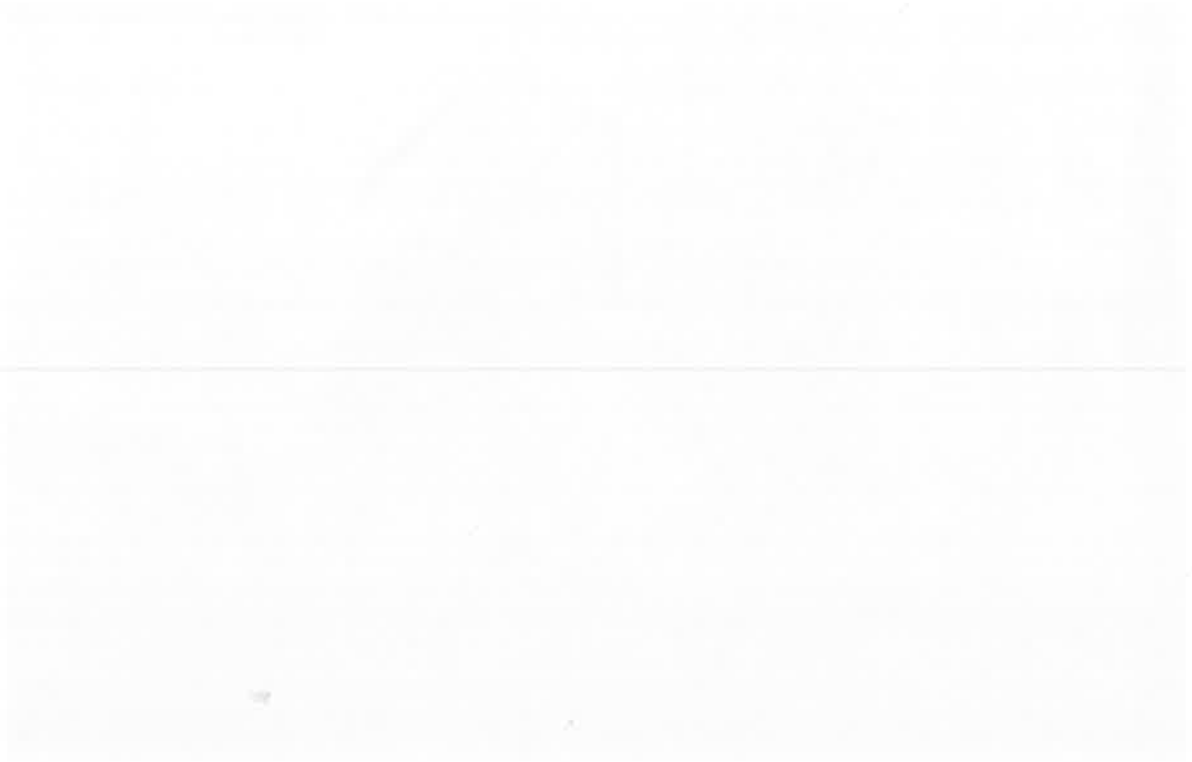
For the latest information regarding COVID-19 including service disruptions and how to get help visit https://go.walsall.gov.uk/covid-19_information

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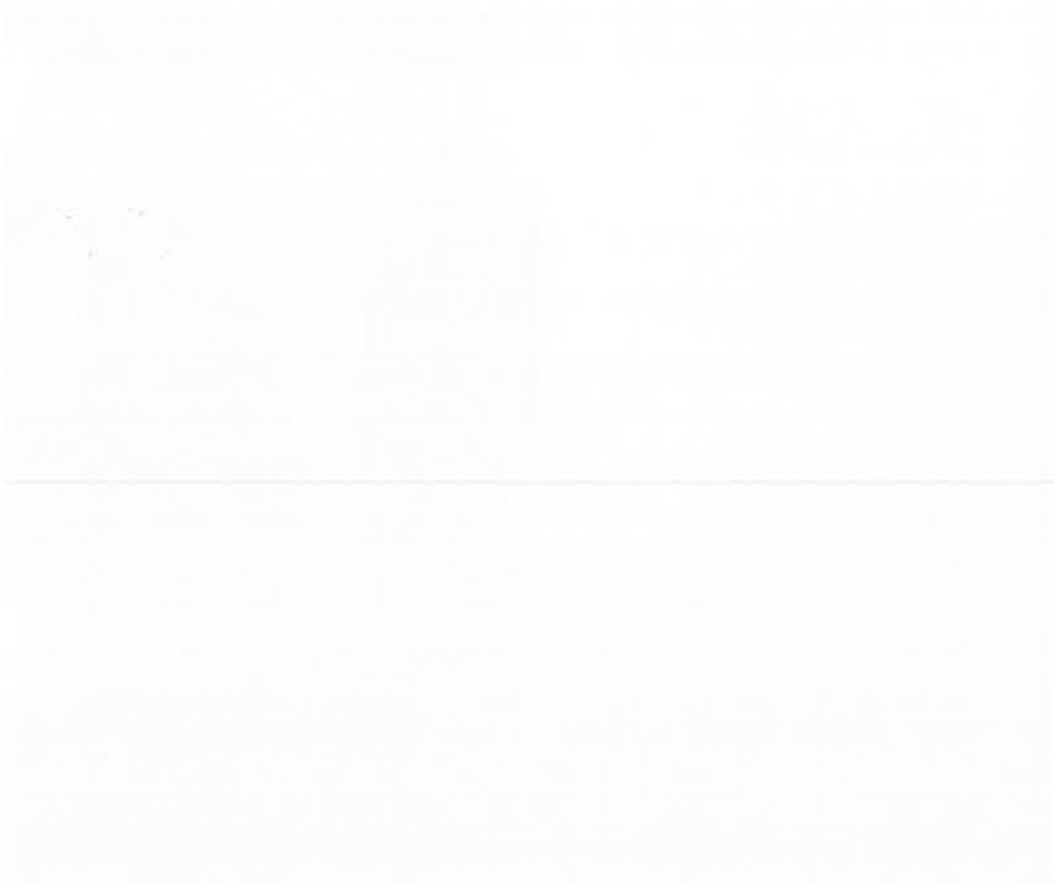
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Walsall Council

Environmental Health

Mellony Jordan
C/o Lexx Jerkz Bar & Grill
75 Bridge Street
Walsall, Ws1 1JQ

Your Ref:
Our Ref: WK/202115394
Date: 5th November 2021
Please ask for: Rishi Bawa
Direct Line/Mob: [REDACTED]
E-mail: [REDACTED]@walsall.gov.uk

Dear Madam,

Re: Lexx Jerkz Bar & Grill Rear Smoking Shelter – First Written Warning

I refer to the recent visit to the above premises by myself and my colleague Paul Heaven in connection with information received from West Midlands Police relating to smoking taking place in the rear marquee. Having inspected the marquee and adjoining area, I can confirm it does not comply with the current legislation.

Under The Health Act 2006, smoking shelters must be at least 50% open-sided. The smoking shelter at your premises does not comply in that it is less than 50% open and is therefore substantially enclosed.

You are committing an offence under S8(4) of The Health Act 2006 by allowing people to smoke in it. Alterations must be carried out to the shelter in order to make it at least 50% open sided, or otherwise discontinue with its use for this purpose.

As the person responsible for the implementation of this legislation, there are a number of simple steps that you can take to help 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 and they 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.

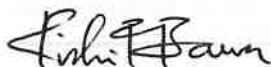
I must inform you that by failing to prevent smoking in a smoke-free place you are currently committing an offence under the Health Act 2006, Section 8 (4).

Failure to comply with the requirements of this letter may result in a fine of up to £2,500 upon prosecution in court.

If you would like to discuss this letter, please contact me on the above telephone number. In the meantime, further information can be found at www.walsall.gov.uk

Please refer to the enclosed Fact Sheet for further guidance.

Yours faithfully,



Rishi Bawa
Environmental Health Officer

Cc: Letter & Fact Sheet sent by Email to: mel@walsall.gov.uk

Enc: Fact Sheet

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:

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