



LICENSING SUB-COMMITTEE

Meeting to be held on: **Thursday 3 November 2022 AT 10:30**

Meeting to be held at: **Conference Room 2, Walsall Council House, Lichfield Street, Walsall, WS1 1TW**

Accessible via: [Walsall Council Webcasting Portal](#)

MEMBERSHIP: Councillor B. Bains
Councillor C. Bott
Councillor S. Cooper

A G E N D A

PART I - PUBLIC SESSION

1. Appointment of Chair
2. Welcome
3. Apologies
4. Declarations of Interest
5. Review of Premises Licensing for Lexx Jerkz Bar & Grill, 75 Bridge Street, Walsall, WS1 1JQ

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Information to accompany notice of hearing

Rights of a Party

- Subject to Regulations 14(2) and 25 *, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.
- At the hearing, a party shall be entitled to -
 - (a) in response to a point upon which the Authority has given notice to a party that it will want clarification, give further information in support of their application, representations or notice (as applicable);
 - (b) if given permission by the Authority, question any other party; and
 - (c) address the Authority.

(* Regulation 14(2) states “The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.” Regulation 25 states “The Authority may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the hearing and may -

- (a) refuse to permit that person to return; or
- (b) permit him to return only on such conditions as the Authority may specify.

but such person may, before the end of the hearing, submit to the Authority in writing any information which they would have been entitled to give orally had they not been required to leave”).

Non-attendance of a party at the hearing

- (1) If a party has informed the Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated, fails to attend or be represented at a hearing, the Authority may -
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - (b) hold the hearing in the party's absence.

- (3) Where the Authority holds the hearing in the absence of a party, the Authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the Authority adjourns the hearing to a specified date, it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure to be followed at the hearing

- At the beginning of the hearing, the Authority shall explain to the parties the procedure that will be followed and shall consider any request by a party for permission for another person to appear at the hearing.
- The hearing will usually be conducted in public, although the Sub-Committee may exclude the public from all or part of a hearing where it is considered expedient.
- The hearing will take the form of a discussion led by the Authority and cross-examination will not normally be permitted unless the Authority considers that cross-examination is required for it to consider the representations, application, or notice, as the case may require.
- The hearing will proceed as follows:-
 1. The Chair to open the meeting, introducing Members and officers to all parties, members of the public, explain the nature of the application and the procedure to be followed.
 2. The applicant or their representative; relevant Authorities or their representatives; objectors or their representative to introduce themselves to the Sub-Committee.
 3. The Chair to ensure everyone has a full copy of documents for the hearing and to deal with any preliminary issues that may affect the hearing, for example, an application for an adjournment to consider fresh or late evidence.
 4. The Licensing Officer to tender a report to the Sub-Committee, outlining the application, any relevant representations and relevancies to the Local Authority licensing policy statement and statutory guidance.
 5. The Sub-Committee or other parties to seek points of clarification from the Licensing Officer on his report, if necessary.
 6. The responsible Authorities, or their representatives, to make relevant representations in relation to the application.
 7. The applicant and other interested parties to ask questions of the responsible Authorities in relation to their representations.
 8. Sub-Committee Members to ask relevant questions of the responsible Authorities in relation to their representations.
 9. Interested parties to be invited, if they wish to, to make relevant representations to the Sub-Committee.
 10. The applicant or person representing them to ask questions of the interested parties in relation to their representations.

11. Sub-Committee Members to ask relevant questions of the interested parties in relation to their representations.
12. The applicant, or their representative, to present their case to the Sub-Committee.
13. The responsible Authorities, or their representatives, to ask questions of the applicant.
14. The interested parties, or their representative, to ask questions of the applicant.
15. The Sub-Committee to ask questions of the applicant.
16. The Chair to invite any parties making representations, and the applicant, to briefly summarise their case, if they wish.
17. The Chair will check that the parties have said all that they wish to.
18. The Sub-Committee will then decide on the matter in private and all persons, except the legal advisor and the Committee administrator, will withdraw from the hearing.
19. All the parties will then be recalled and the decision of the Sub-Committee will be delivered, including any conditions placed on the licence (if granted) and the licensing objective that they relate to.

Determinations

- In most cases, the Sub-Committee will make a determination at the conclusion of the hearing. In all cases, the determination will be in writing, giving reasons for the decision.
- The Sub-Committee will consider its final decision in private, accompanied by the Legal Officer and the Committee Clerk. Any legal advice given to Members of the Sub-Committee will be repeated by the Legal Officer to the parties when the decision is announced publicly.

Action following receipt of notice of hearing

- (1) A party shall give to the Authority, within the period of time provided for in the following provisions of this Regulation, a notice stating -
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary.
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in Paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the Authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under -
 - (a) Section 48(3)(a) (cancellation of interim authority notice following police objection); or
 - (b) Section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
- (4) In the case of a hearing under -
 - (a) Section 167(5)(a) (review of Premises Licence following Closure Order);
 - (b) Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence);
 - (c) Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing Club Certificate); or
 - (d) Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of Justices Licence for grant of Personal Licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right to dispense with hearing if all parties agree

- (1) An Authority may dispense with holding a hearing if all persons required by the Act to agree that such a hearing is unnecessary, other than the Authority itself, have done so by giving notice to the Authority that they consider a hearing to be unnecessary.
- (2) Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with Paragraph (1), the Authority, if it agrees that a hearing is unnecessary, must forthwith give notice to the parties that the hearing has been dispensed with.

Withdrawal of representations

A party who wishes to withdraw any representations they have made may do so -

- (a) by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
- (b) orally at the hearing.

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LICENSING SUB-COMMITTEE
ORDER OF PROCEEDINGS

1. Introductions.
2. Licensing Officer to present report outlining the application, relevant representations and relevance to the Local Authority licensing policy statement and statutory guidance.
3. Questions to the Licensing Officer from the Sub-Committee or other parties.
4. The responsible Authorities to make relevant representations in relation to the application.
5. The applicant, interested parties and Sub-Committee to ask questions of the responsible Authorities.
6. Interested parties to make representations.
7. The applicant, responsible Authorities and Sub-Committee to ask questions of the interested parties.
8. The applicant to present their case.
9. Responsible Authorities, interested parties and Sub-Committee to ask questions of the applicant.
10. All parties to briefly summarise their case.
11. The Chair to check that all parties have said all they wish to.
12. The Sub-Committee to deliberate in private, all persons except the Legal Adviser and Committee Administrator, to withdraw from the hearing.
13. All parties to be recalled and advised of the Sub-Committee's decision and inform parties in regard to the right of appeal to the Magistrates Court under Section 181 of the Licensing Act 2003



Walsall Council

REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING SUB - COMMITTEE

TBC

APPLICATION FOR A PREMISES LICENCE REVIEW UNDER SECTION 51 OF THE LICENSING ACT 2003

**Lexx Jerkz Bar & Grill
75 Bridge Street
Walsall
WS1 1JQ**

1.0 Summary of Report

1.1 For members of the licensing sub-committee to determine a review of a premises licence in respect of a Lexx Jerkz Bar & Grill, 75 Bridge Street, Walsall, WS1 1JQ. The licence is held by Lexx Jerkz Ltd. The licence permits the store to provide Live Music, Recorded Music, Late Night Refreshments and to sell alcohol for consumption on the premises. The review application is made on behalf of the Chief Constable of West Midlands Police ("WMP"), a responsible authority under section 51 of the Licensing Act 2003 (the Act). WMP submitted this review application on the following grounds:

- The Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance

1.2 Relevant representations, in support of WMP's review application, have been received from Community Protection, West Midlands Fire Service and two local residents.

1.3 The application cannot be determined under officer delegated authority.

2.0 Recommendations

2.1 That the licensing sub-committee hold a hearing to consider the application to review the premises licence and the further relevant representations and take such steps, if any, as it considers appropriate and proportionate for the promotion of the licensing objectives in relation to this premises.

2.2 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- (a) modify the conditions of the premises licence (which includes adding new conditions or altering or omitting any existing condition including permitted hours);
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months; or
- (e) revoke the licence.

(Where the authority takes a step within (a) or (b) above, it may provide that the modification or exclusion is to have effect only for a specified period not exceeding three months).

3.0 **Background information**

3.1 A premises licence has been in place for Lexx Jerkz Bar & Grill since the 11th July 2015. A copy of the premises licence is attached as **Appendix 1**.

3.2 A street map of the locality and shop front is given as **Appendix 2**.

3.3 The premises is permitted to provide the following licensable activities:

Licensable Activities	Days	Time
Live Music, Recorded Music,	Monday to Sunday	11:00 – 04:00
Late Night Refreshment	Monday to Sunday	23:00 – 04:00
Sale of Alcohol (for Consumption on the Premises)	Monday to Sunday	11:00 – 04:00
Opening Hours	Monday to Sunday	11:00 – 04:30

3.4 Lexx Jerkz Ltd have held the Premises Licence since the 5th March 2020. Prior to that date, in October 2019, the licensing sub-committee considered an application to vary the licence by adding live and recorded music as licensable activities and to extend the permitted terminal hours for licensable activities to 04:00. Residents and Pubwatch objected to the variation. Following a hearing, the licensing sub-committee granted the variation with an additional condition that a sound limiter be installed. A copy of the decision notice is attached as **Appendix 3**.

- 3.5 WMP's application to review the premises licence under section 51 of the Licensing Act 2003 is dated 9 August 2022 and was received by the Council on the same day. The review application was served on the licence holder by hand on the 10 August 2022 and the consultation started on the 11th August 2022. A copy of the review application is attached as **Appendix 4**.
- 3.6 In their Review document WMP have reported a number of incidents and issues of concern occurring between 1st August 2021 – 7th August 2022 associated with the premises and its management. The full report of incidents can be found in the Review Application form to which the sub-committee is referred at **Appendix 4**. The incidents relate to:
- a) A high-level of violence, assaults and public order offences involving customers of Lexx at or immediately outside the premises. Some customers were reported as being drunk.
 - b) Operating after permitted hours.
 - c) Repeated incidents of open cannabis use in the premises.
 - d) The absence of a DPS (Camilla Thomas) for a period after she resigned.
 - e) Failures of the licence holder to respond to warnings issued by the authorities both in writing and in meetings.
 - f) High level of noise nuisance complaints arising from the operation of the venue.
 - g) Serious fire safety issues identified by West Midlands Fire Service in September 2021 resulting in a prohibition notice being issued. In October 2021 the notice was amended to restrict the capacity to 60 persons in the front bar and a further 60 in the back.
 - h) Lack of adequate procedures to ensure the capacity limits were not breached.
 - i) Lack of effective interventions and management of customers by door supervisors.
 - j) Failure to comply with search procedures set out in the venue's Drugs Policy.

- k) In October 2021 the licence holder was placed on a 3 month action plan which failed to resolve the issues.
- l) Positive drug swab in the toilets.
- m) Breaches of the no smoking legislation by staff and customers in breach of the Health Act 2006.
- n) Intelligence that gang nominals would be attending the venue.
- o) On 23rd December 2021 – WMP deemed the 3 month action plan, which was communicated by letter on the 14th October, as inactive as they were unable to communicate effectively with the Premises Licence Holder.
- p) The poor track record of Derrick Minnott. Mr Minnott was previously a director of the licence holder company and since then has presented himself to authorities as the manager. Previously he was associated with another venue in Wolverhampton which was subject to premises licence review determined in April 2018. That review cited incidents of cannabis use at the premises, breach of licence conditions, incidents of violence and disorder, search failures, gang nominals attending the venue, failures to respond to police warnings, and lack of confidence in the management. Wolverhampton Council revoked the licence due to the repeated failings.

3.7 The police indicate that they have no confidence in the management of the premises which has shown a disregard for the licensing objectives and invite the licensing sub-committee to consider revoking the premises licence.

3.8 The police intend to supply a full evidence bundle prior to the hearing (and after the preparation of this Report).

4. **Representations**

4.1 Representations/Responses from Responsible Authorities

Public Health

Appendix 5 is a copy of the response from Public Health Walsall received on the 12 August 2022. **No comments** on the attached.

West Midlands Fire Service

Appendix 6 is a copy of the **representation** made by West Midlands Fire Service on the grounds of Public Safety. The premises was visited by the Fire Authority on 28 September 2021 and 1 October 2021. The Fire Authority found serious fire safety deficiencies at the venue which resulted in the serving of a Prohibition Notice which initially barred use of the external area and, following the installation of a further exit door, restricted the safe capacity of the venue to 60 persons within the internal bar and 60 persons in the external area (beer garden and smoking shelter). The licence holder unsuccessfully appealed the Prohibition Notice. There are continued concerns the capacity limit is being breached. The Fire Authority has concerns that the Public Safety Objective may not be suitably promoted by the licence holders.

Community Protection (Noise Pollution)

Appendix 7 is a copy of the **representation** from community protection (noise pollution) on the grounds of Public Nuisance. Community Protection have received 25 noise complaints for the premises between July 2021 to September 2022. Complaints are from local residents and relate to the playing of loud music at the venue in the early hours.

The Community Protection team produce as Appendices: 1) Some 37 noise recordings received from three different residents, 2) an assessment of those recordings, 3) a timetable of meetings or conversations with the licence holder, 4) a location map showing the venue and residential properties in the locality.

Community Protection are concerned that the venue has failed to respond to warnings in regard to the noise complaints and continue to play music at unreasonable levels. They indicate that the licence holder has demonstrated a complete disregard for regulation, neighbours within the vicinity and failed to co-operate with the licensing authority in every respect.

Community Protection have no confidence in the licence holder and support the police request that the licence be revoked.

4.2 Representations from 'other persons'

Appendix 8 is a copy of the **representations** received from two local residents.

The first representation from Mr Peter Ford who raises concerns about noise and the failure to manage the premises and its customers, particularly on departure. He cites customers involved in "horrendous fights" when leaving the venue disturbing people's sleep.

Mr Ford indicates “*it would be no loss to the area if Lexx Bar and Grill was permanently closed, it causes far more distress to local homeowners than it’s worth*”.

The second representation from Mr Jason Barratt raises concerns regarding the repeated noise nuisance caused by the venue’s operation which has affected his sleep-patterns and mental health. He submits a number of noise recordings from June 2022 recording the noise he suffers.

5. Walsall Council Licensing Policy

- 5.1 Please click this link to access Walsall Council’s Statement of Licensing Policy or copy the URL address into a search bar:

https://go.walsall.gov.uk/business/licensing_and_regulation/alcohol_and_entertainment/premises_licence

6. Resource Considerations.

- 6.1 **Financial:** Any decision taken by the Licensing Authority may be appealed to the Magistrates’ Court. The Licensing Authority may have to bear the costs of defending such an appeal.
- 6.2 **Legal:** Any received application for review must be relevant to the promotion of the licensing objectives namely: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm.

In determining the review application the licensing sub committee must have regard to:

- The need to promote the four licensing objectives.
 - Representations made.
 - Relevant sections of the Licensing Act 2003.
 - Relevant sections of the statutory guidance issued under s.182 of the Licensing Act 2003.
 - The Licensing Authority’s Statement of Licensing Policy.
- 6.3 **Appendix 9** is a plan showing the location, licensable activities and licensed hours of other licensed premises within a 100 metre radius of Lexx Jerkz Barr & Grill.
- ## **7. Relevant extracts from Section 182 Guidance:**

DPS

- 7.1 Paragraph 10.28 of Section 182 Guidance issued under The Licensing Act 2003 states:

The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Reviews

- 7.2 Chapter 11 of the section 182 Guidance deals with “Reviews”. The following paragraphs may be of particularly relevance:

11.1 - The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate

11.7 - In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.10 - Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

11.19 - Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- *remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- *suspend the licence for a period not exceeding three months;*
- *revoke the licence.*

11.20 - In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 - For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 - Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

Reviews arising in connection with crime

11.24 - A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's

role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 - Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 - Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 - There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- for the sale and distribution of illegal firearms;*
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- for prostitution or the sale of unlawful pornography;*
- by organised groups of paedophiles to groom children;*
- as the base for the organisation of criminal activity, particularly by gangs;*
- for the organisation of racist activity or the promotion of racist attacks;*

- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 - It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Public Safety

2.7- Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.8- A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;

- *Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and*
- *Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).*

2.9- The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Safe capacities

2.12- “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13- The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.14- Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public Nuisance

2.15 - *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

2.16 - *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

2.17 - *Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.*

2.18 - *As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns*

raised in relevant representations and additional conditions may be appropriate.

2.19 - Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

Representations from Responsible Authorities

- 7.2 Paragraph 9.12 of the Section 182 Guidance relates to the role of responsible authorities and states:

9.12 - Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

8. Relevant Representations

- 8.1 In determining whether a representation is 'relevant', and may therefore be taken into account, the Sub-Committee must have regard to Sections 18(6) and 18(7) of the Licensing Act 2003, which state:
- 8.2 18(6) For the purposes of this section, "relevant representations" means representations which—

- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives;
- (b) meet the requirements of subsection (7);
- (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9); and
- (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).

18(7) the requirements of Section 18 subsection (7), referenced above, are—

- (a) that the representations were made by a responsible authority or other person] within the period prescribed under section 17(5)(c);
- (b) that they have not been withdrawn; and
- (c) in the case of representations made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious

8.3 Licensing Objectives

The Licensing Objectives are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public Safety; and
- The protection of children from harm.

8.7 Conditions

Any conditions imposed on the Premises Licence :

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;

- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format (e.g. “shall”, “must”).
- 8.8 Conditions must be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally.
- 8.9 Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition. A condition imposing CCTV cameras on a particular premises licence must be an appropriate and proportionate step in order to promote the licensing objectives.
- 8.10 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 8.11 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Appeals

- 8.12 Where the applicant, responsible authority, or other person who has made a relevant representation is aggrieved by the decision of the Licensing Authority an appeal lies to the Magistrates’ Court.

9.0 Cumulative Impact Policy

- 9.1 The premises falls within the council’s cumulative impact policy. The cumulative impact policy was introduced in September 2008 and was amended in September 2021. 12.11 of the policy says:

“The cumulative impact policy will not be used to revoke existing licences or certificates”.

10. Staffing: Nothing arising from this report.

11. Citizen impact

11.1 None arising from this report.

12. Community Safety.

12.1 Is addressed through the review hearing process.

13. Environmental impact

13.1 None arising from this report.

14. Performance and risk management issues

14.1 None arising from this report.

15. Equality implications

15.1 When considering this review and reaching a determination the Licensing Authority must always have due regard to the Public Sector Equality Duty (“PSED”) set out in section 149 of the Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.2 The Licensing Authority’s approach to having “due regard” is based on legal principles arising from case law including those set out in *Brown vs. Secretary of State for Work and Pensions* (2008) and other cases. These principles may be summarised as:

- **Knowledge** - decision makers should be aware of their duty to have due regard to the aims of PSED.

- **Sufficient information** - decision makers must consider whether they have sufficient information in order to give proper consideration to the matters set out in the PSED. This will assist decision makers to understand the potential impact of their proposed decisions on people with relevant protected characteristics.
- **Timeliness** - public bodies must have due regard “before and at the time that a particular decision is being considered”. This means that equality must form part of the decision making process as it happens and not after the event.
- **Real consideration** - consideration of the aims of the PSED must form an integral part of the decision-making process. The PSED duty must be exercised fully, rigorously and with an open mind.
- **No delegation** - public bodies and others carrying out public functions may use their staff and third parties to assist them to assess the impact of a decision on equality. However, where they make the ultimate decision, they cannot delegate their responsibility to consider the aims of the PSED to another person.
- **Review** - public bodies must have due regard to the aims of the PSED not only when a policy is developed and decided, but also when it is implemented and reviewed. The PSED is a continuing duty.

16. **Consultation**

16.1 Carried out in accordance with prescribed regulation.

17.0 **Contact Officer**

17.1 Sayful Alom – Sayful.alom@walsall.gov.uk

18.0 **Appendices**

18.1 Appendix 1 – Current premises licence.
 Appendix 2 – Street map of the locality.
 Appendix 3 – Decision Notice 17.10.2019
 Appendix 4 – Review Application
 Appendix 5 – Public Health Response
 Appendix 6 – West Midlands Fire Service Representation
 Appendix 7 – Community Protection Representation
 Appendix 8 – Representation from Other Persons
 Appendix 9 – Location of other licensed premises



Licensing Act 2003 Premises Licence Number: WS/PRL/1037

(Walsall Council reference WK/202111181)

Part 1 – Premises details

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

Lexx Jerkz Bar and Grill
75 Bridge Street
Walsall
WS1 1JQ

Telephone number of premises

01922 276161

Where the licence is time limited the dates

The licence is not time limited

Subject to the conditions set out in this licence and its annexes, the following licensable activities are licensed:

Live Music
Recorded Music
Late Night Refreshment
Alcohol Sales

The times the licence authorises the carrying out of licensable activities

Live Music, Recorded Music, Alcohol Sales

Monday to Sunday 11:00 – 04:00

Late Night Refreshment

Monday to Sunday 23:00 – 04:00

Plus non-standard timings as detailed in the Operating Schedule (Annex 2).

The opening hours of the premises

Monday to Sunday 11:00 – 04:30

Plus non-standard timings as detailed in the Operating Schedule (Annex 2).

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Only "On"

Part 2 – Details of Licence Holder

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Lexx Jerkz Ltd
75 Bridge Street
Walsall
West Midlands
WS1 1JQ

Registered number of holder, for example company number, charity number (where applicable)

12451486

Part 3 – Details of Designated Premises Supervisor

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Melanie Jordan

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number – PER3708
Licensing Authority - Wolverhampton City Council

Part 4 – Licence approval

Approved on behalf of Walsall Metropolitan Borough Council



David Elrington
Regulatory Services Manager

Effective from: 05 August 2021 (*Original licence: 11 July 2015*)

Annex 1 - Mandatory conditions

The following conditions apply where relevant:

Conditions that apply to the sale of Alcohol:

No supply of alcohol may be made under this licence;

- (a) At a time when there is no Designated Premises Supervisor in respect of this licence, or
- (b) at a time when the Designated Premises Supervisor does not hold a personal Licence or his/her personal licence is suspended

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

Conditions that apply to Security:

Each individual at the premises in order to carry out security activity must be licensed by the Security Industry Authority (SIA).

Conditions that apply to the exhibition of films:

Where a film classification body has specified that the exhibition of a film is restricted, the admission of children to the film must be restricted in accordance with the recommendations of that body.

Mandatory Licensing Conditions (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular

characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Licensing Conditions Order 2014

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

1. In this condition:—

(a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (ii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

2. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

3. Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

Live Music Indoors and Outdoors			
Day	Start	Finish	<u>Non-standard Timings</u>
Mon	11:00	04:00	An additional hour each Sunday and Monday of each Bank Holiday Weekend, Christmas Eve and Christmas Day. New Year's Eve – From the end of permitted hour on New Year's Eve to the start of permitted hour on New Year's Day.
Tues	11:00	04:00	
Wed	11:00	04:00	
Thurs	11:00	04:00	
Fri	11:00	04:00	
Sat	11:00	04:00	
Sun	11:00	04:00	

Recorded Music Indoors and Outdoors			
Day	Start	Finish	<u>Non-standard Timings</u>
Mon	11:00	04:00	An additional hour each Sunday and Monday of each Bank Holiday Weekend, Christmas Eve and Christmas Day. New Year's Eve – From the end of permitted hour on New Year's Eve to the start of permitted hour on New Year's Day.
Tues	11:00	04:00	
Wed	11:00	04:00	
Thurs	11:00	04:00	
Fri	11:00	04:00	
Sat	11:00	04:00	
Sun	11:00	04:00	

Late Night Refreshment Indoors and Outdoors			
Day	Start	Finish	Non-standard Timings
Mon	23:00	04:00	<p>An additional hour each Sunday and Monday of each Bank Holiday Weekend, Christmas Eve and Christmas Day.</p> <p>New Year's Eve – From the end of permitted hour on New Year's Eve to the start of permitted hour on New Year's Day.</p>
Tues	23:00	04:00	
Wed	23:00	04:00	
Thurs	23:00	04:00	
Fri	23:00	04:00	
Sat	23:00	04:00	
Sun	23:00	04:00	

Alcohol Sales On the Premises			
Day	Start	Finish	Non-standard Timings
Mon	11:00	04:00	<p>An additional hour each Sunday and Monday of each Bank Holiday Weekend, Christmas Eve and Christmas Day.</p> <p>New Year's Eve – From the end of permitted hour on New Year's Eve to the start of permitted hour on New Year's Day.</p>
Tues	11:00	04:00	
Wed	11:00	04:00	
Thurs	11:00	04:00	
Fri	11:00	04:00	
Sat	11:00	04:00	
Sun	11:00	04:00	

Opening Hours			
Day	Start	Finish	Non-standard Timings
Mon	11:00	04:30	An additional hour each Sunday and Monday of each Bank Holiday Weekend, Christmas Eve and Christmas Day. New Year's Eve – From the end of permitted hour on New Year's Eve to the start of permitted hour on New Year's Day.
Tues	11:00	04:30	
Wed	11:00	04:30	
Thurs	11:00	04:30	
Fri	11:00	04:30	
Sat	11:00	04:30	
Sun	11:00	04:30	

The following adult entertainment or services, activities or other matters ancillary to the use of the premises that might give rise to concern in respect of children have been highlighted by the applicant:

None

Conditions volunteered by the applicant in order to promote the licensing objectives:

(a) General – all four licensing objectives

The licence holder will have strong management controls and effective training of all staff so that they are aware of the premises license, general licensing regulations, fire regulations and the requirements to meet the four licensing objectives with particular attention to:

- Not selling of alcohol to underage people
 - No drunk and disorderly behaviour on the premises area
 - Being vigilance in preventing the use and sale of illegal drugs.
 - Ensuring there no violent and anti-social behaviour
 - Ensuring there no harm to children
- A minimum of 1 SIA registered door supervisors shall be employed at the premises between 22.00 and 00:00 on any night the premises are open until 04.30.
 - A minimum of 2 SIA registered door supervisors shall be employed at the premises between 00.00 and closing on any night the premises are open until 04.30.
 - Designated premises supervisor is responsible for the day-to-day control of the premises, provide good training for staff on the Licensing Act (Training Record), and to make or authorize each sale of alcohol.

(b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective and as agreed by the West Midlands Police. CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective. The CCTV:

- Will be operational and working at all times
 - Will have the time and dates visible and correct at all times
 - Will be made available upon reasonable request to registered authority
 - Images will be stored for a minimum of 28 days
-
- Staff will be given on-going training including identification of anti-social or unusual behaviour. Written training records will be kept for all staff and will be made available to any of the responsible authorities on request. Training will take place, when a need is identified or a change in legislation. Training records will be kept for 12 months and available for inspection by any registered authorities.
 - Staff will be well trained in asking customers to use premises in an orderly and respectful manner and also be given ongoing training including identification of anti-social or unusual behaviour.
 - An incident and refusals register will be kept and maintained at the premises to register and record all incidents that occur.
 - A clear and legible notice will be displayed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
 - Alcohol will not be sold to drunk or intoxicated customers.

(c) Public safety

- Management to provide suitable and sufficient written Health & Safety risk assessments together with Fire Risk Assessments.
- A member of staff will be trained in First aid.
- Electric, gas and relevant equipment are to be checked and maintained in working order and tested annually.

(d) The prevention of public nuisance

- If SIA registered Security staff are used after midnight, they will oversee customers arriving or departing the premises and not allow anti-social behaviour by individuals or groups.
- The Designated Premises Supervisor will provide responsible management at all times.
- The Noise from the premises will be monitored so as not to become a public nuisance.
- An incident register will be kept on the premises and made available at all times.
- The disposal of empties and bottles will not be done after 23:00 hours or before 07:00 hours.
- No bottles or glasses are to be taken from the premises onto the street area.
- The designated premises supervisor is to be vigilant around any litter issues, clearing where necessary.

(e) The protection of children from harm

- The premises will adopt the 'Challenge 25' or similar policy as proof of age scheme to be in operation during licensed hours.
- There will be a provision of sufficient staff to protect children from harm with training on appropriate behaviour.
- The premises will operate and run a 'Challenge 25' policy, recording all refusals in the register. Signs will be posted in prominent positions.

Conditions agreed by the applicant following mediation

Conditions were agreed with West Midlands Police on 13 September 2019:

The prevention of crime and disorder

- Recordable CCTV will be installed and operative inside and outside the premises, all images will be maintained for a period of 28 days and made available to the Police or local authority officers upon request or within 24 hours of such a request. The CCTV will be set correctly to BST and GMT times, with sufficient staff trained to operate the equipment.
- The CCTV cameras will be positioned to ensure full coverage of any side gate and entrance/access door to the accommodation above the licensed premises.
- 2 CCTV cameras will be positioned at the front of the premises each one facing alternate way down Bridge Street, to reflect the images deposited with the Licensing Unit.

Conditions were agreed with Community Protection on 13 September 2019:

The prevention of public nuisance

- All windows and doors to be kept closed after 23:00.
- Any amplified or unamplified music or entertainment to be kept to a reasonable level so as not to cause a nuisance after 23:00.

Annex 3 - Conditions attached after a hearing by the licensing authority

Conditions attached by the Licensing Sub-Committee on 17 October 2019

A sound limiter is installed within the premises in liaison with officers from the Environmental Health department.

Annex 4 – Plans

Plans detailing those aspects of the premises covered by this Licence form part of this Licence and are attached.

End of Annexes

75 Bridge Street, Walsall WS1 1JQ



75 Bridge St

- Directions
- Save
- Nearby
- Send to phone
- Share

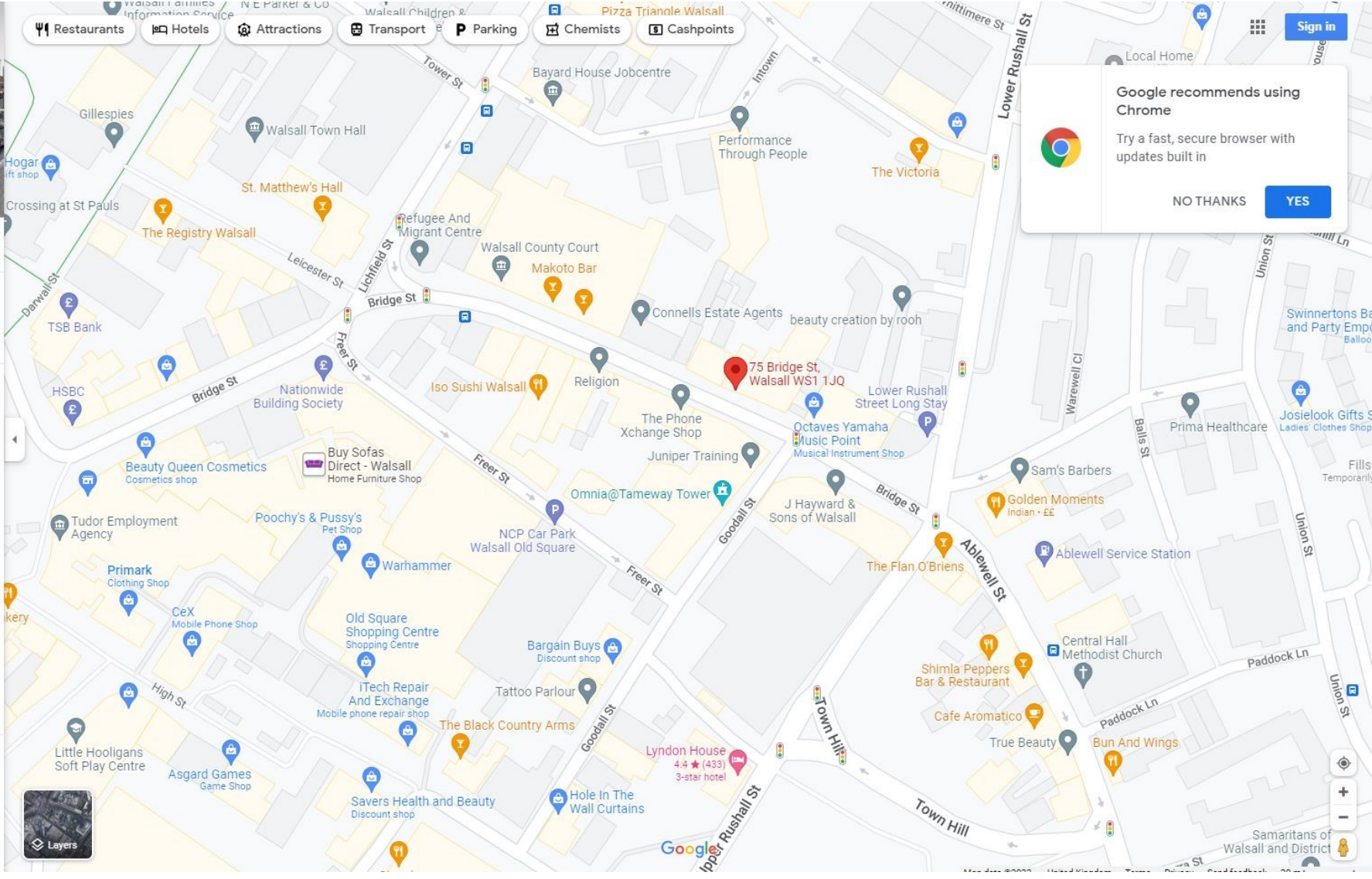
- 75 Bridge St, Walsall WS1 1JQ
- H2MC+VX Walsall
- Suggest an edit on 75 Bridge St
- Add a missing place
- Add your business

Photos



At this place

Lexx Jerkz Bar & Grill
 4.1 ★★★★★ (100) ⓘ
 Takeaway · Floor G
 Open · Closes 4:30AM Sat



**APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34 OF
THE LICENSING ACT 2003 IN RELATION TO**

**Lexx Jerkz Bar & Grill
75 Bridge Street
Walsall
WS1 1JQ.**

**HEARING BEFORE THE LICENSING SUB COMMITTEE AT 10.30AM
ON THURSDAY 17TH OCTOBER 2019 IN A:**

**Conference Room
Council House
Lichfield Street
Walsall
West Midlands**

**The matter was heard by:
Councillor Cooper
Councillor Samra
Councillor Sears**

**For the applicant:
Mr Nick Semper- Licensing Consultant**

**Responsible Authorities
N/A**

**Other Persons:
Ms B Moran**

**Two written representation from residents and written representations
from Walsall Pubwatch.**

Also Present:

**Mr S Alom Team Leader Public Health & Regulatory Services
Mr N Picken – Democratic Services Officer
Mr P Green – Legal Advisor**

Determination

An application for a premises licence variation was received on 22 August 2019 by the Licensing Authority in relation to the premises known as Lexx Jerkz Bar & Grill, 75 Bridge Street, Walsall, WS1 1JQ.

The application submitted, sought to introduce additional licensable activities to those already listed on the applicant's licence. More specifically, the application sought the additional licensable activities of Live and Recorded Music for the hours stated below and to extend the hours of Late Night Refreshment by half an hour and alcohol sales 3 hours and 59 minutes.

The hours sought were as follows:

Licensable Activities	Proposed extended times
Live Music	Monday to Sunday 11:00 – 04:00
Recorded Music	Monday to Sunday 11:00 – 04:00
Late Night Refreshment	Monday to Sunday 03:30 – 04:00
Supply of Alcohol	Monday to Sunday 00:01 – 04:00
Opening Hours	Monday to Sunday 03:30 – 04:00

In addition, the variation included an additional hour for licensable activities each Sunday and Monday of each Bank Holiday weekend, Christmas Eve and Christmas Day. New Year's Eve – from the end of permitted hour on New Year's Eve to the start of permitted hour on New Year's day.

The Sub-Committee considered the Report of the Director of Public Health that contained amongst other things, the applicant's application form, the written objections received from residents living near the premises and the written representations from Walsall Pubwatch.

Objections.

Ms Moran a resident of Eyland Road, Walsall attended the Sub-Committee hearing and made submissions that as a resident living within close proximity of the business premises she was being adversely affected by the level of noise emanating from the premises and the times that this was occurring (namely during the early hours of the morning).

Ms Moran expressed that there had been several occasions when she could hear clearly the lyrics of the songs being within the shop premises, from inside her home late at night. Ms Moran placed emphasis on the fact that it was the banging nature / heavy basslines of the music being played that was particularly problematic for her. Ms Moran was keen to make clear that she had no desire for the music to be stopped in its entirety but as she worked 12 - 13 hour shifts she could not continue having her sleep interrupted. Ms Moran

therefore wanted the volume of the music reduced and restrictions imposed on the times that the music was permitted to be played.

The written objections of another resident was also considered. Those representations largely replicated those submitted by Ms Moran

The written objections received from Walsall Pubwatch suggested that the variation applied for by the applicant was contrary to the Walsall Cumulative Impact Policy and as such, the variation permitting later hours of business would lead to an increase in crime and disorder and consequently place further strain on the already stretched resources of the police and other emergency services.

Representations on behalf of the Applicant.

The interests of the applicant were represented by Mr Nick Semper.

On behalf of the applicant Mr Semper submitted that the Sub –Committee did not have any actual evidence against the applicant. It was submitted that although the applicant was mindful of the representations submitted against the application, the Environmental Health Department being the responsible authority in relation to noise nuisance, had not submitted any representations which Mr Semper maintained they would have done, had it been established that the applicant had been responsible for generating statutory noise nuisance. Mr Semper emphasised that the applicant had undertaken 12 successful TEN events over the last year without complaint, more specifically no issues had arisen appertaining to statutory noise nuisance.

Notwithstanding the above, it was submitted by Mr Semper that the applicant had still agreed mediated voluntary conditions with Walsall Council Community Protection to keep all windows and doors closed between 23.00 hours and closing time. Furthermore, both amplified and unamplified music to be kept at a reasonable level so as not to cause nuisance after 23.00 hours.

In relation to the representations submitted by Walsall Pubwatch, Mr Semper expressed his surprise that such representations had been received. It was advocated that Pubwatches are made up of businesses within the locality whose business interests could be conceivably damaged by a change in an operating schedule of another business premises. Walsall Pubwatch could not in Mr Semper's submission be deemed a disinterested party but a party with a 'vested interest' in the outcome of the application.

Mr Semper reiterated that the existence of a Cumulative Impact Policy (CIP) did not place a blanket ban on applications to vary a licence where the premises fall within a CIP area. The Committee could only use a cumulative impact assessment to refuse an application, if relevant representations were made. Mr Semper rejected the notion that representations from competitor operators with vested interests could be considered relevant representations. In any event Mr Semper submitted that a CIP created a rebuttable presumption that applications for licences that are likely to add to the existing

cumulative impact would be refused “unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objective.” Mr Semper once again made reference to the successful TEN events where there had been no interventions from the Environmental Health Department.

Mr Semper with reference to the Thwaites case submitted in response to the suggestion that the granting of the applicant’s application would lead to an increase in crime and disorder was completely unsupported. Mr Semper highlighted that as the Police (the recognised responsible authority to comment and crime and disorder) had not made any representations against the application and so the Committee had no actual evidence before it to support the assertions being made. Mr Semper reiterated that once again despite the lack of evidence against the applicant on the issue of crime and disorder, the applicant had nonetheless agreed mediated voluntary conditions with the Police with regards to CCTV being installed that would operative both inside and outside of the premises.

The Sub-Committee determined to grant the application as submitted (inclusive of the agreed mediated conditions) with the additional condition that a sound limiter be installed within the premises in liaison with officers from the Environmental Health Department.

The Applicant or any person who made relevant representations has a right of appeal to Magistrates Court under Section 181 of the Licensing Act 2003.

This appeal must be commenced by notice of appeal within the period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.

A



Walsall Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I The 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 Lexx Jerkz Bar and Grill 75 Bridge Street	
Post town Walsall	Post code (if known) WS1 1JQ
Name of premises licence holder or club holding club premises certificate (if known) Lexx Jerkz Ltd	
Number of premises licence or club premises certificate (if known) WS/PRL/1037	

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)

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
(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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable of West Midlands Police Walsall Licensing Section West Midlands Police HQ Lloyd House Birmingham B4 6NQ
Telephone number (if any) 101 8896331
E-mail address (optional) H_WALSALL_LICENSING@westmidlands.pnn.police.uk

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

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | |

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

The grounds for this review come from repeated failures at the premise and of the management over the previous 12 months. WMP have worked in partnership with Walsall local authority to address the issues but the operators have disregarded guidance and support from both WMP and Walsall local authority. There has been a continued smell of cannabis at this premise including the use of cannabis in the public area, breaches of the premise licence including trading beyond their licensable hours and non-engagement of their door staff and management together with incidents of violence including assaults and robbery.

WMP have exhausted the engage, explain and encourage elements of the nationwide 4 E approach. It is clear that the management control of the premises is either wilfully ignoring what WMP are saying or at worst negligent as to how the premises operate.

Lexx Jerkz Limited until the 1 June 2022 had a sole director of Melanie Jordon. Derrick Minott resigned as Director in March 2020. Mr Minott has been showing as a person of significant interest, holding 75% of the shares for the company from 7th March 2020 until 3rd August 2022.

The activities taking place at this premise clearly undermine the Crime and Disorder, Public Nuisance, Public Safety licensing objection. West Midlands Police would respectfully request the revocation of the licence.

Please provide as much information as possible to support the application
(please read guidance note 3)

WMP have listed the incidents and interactions with the premise, staff, owners and other Responsible Authorities below:

1st August 2021

The police were alerted to an incident where a male was punched to the head by an unknown offender causing him to fall to the ground unconscious. Whilst the male was unconscious a further unknown male offender began to pull at IP's necklace with force. Offender has then walked away with the necklace getting into a BMW as a passenger. The council CCTV cameras were viewed after the incident and evidenced the people involved had come out of Lexx Bar and Grill. This offender appeared to be in possession of a knife as this was evidenced as he entered the vehicle.

5th August 2021

The Licensing Officer viewed Local Authority CCTV footage of Lexx Bar and Grill trading beyond their hours. After a call to the Designated Premise Supervisor (DPS) Camilla Thomas the officer was informed, she had left a week ago. She was advised to contact the council to remove herself if that was the present position as the records still showed Camilla having the day to day responsibility's to the bar. The same day Walsall Licensing team emailed WMP advising Camilla had remove herself as DPS. On receipt of the email, correspondence was sent to sole director of Lexx Melanie Jordon advised that any sales of alcohol at the bar would be unlawful and advising on CCTV footage of people leaving the bar at 05:05 hours of a morning. Although no replies had been seen from a phone calls or emails a Variation to the DPS application was received on the 5th August.

Due to a lack of communication from the Premise Licence holder and now the new DPS prior to approving the application WMP requested a meeting with Melanie Jordon, the sole director of Lexx Jerk Limited and her agent, The Licensing Guys which was agreed for 16th August

18th August 2021

The variation for a DPS application was accepted by WMP however, this was made with reservations which was communicated to the Premise Licence Holder (PLH) by way of a Partnership letter dated 23rd August. The concerns were trading beyond licensable hours, violent incidents during the time Melanie Jordan was a director of Lexx Jerkz Limited and the association with Derrick Merrick given his poor management at a previous venue.

10th and 22nd September

WMP received emails from Walsall Council Community Protection advising of noise nuisance complaint, the level of noise was not acceptable emanating from the premise.

26th September 2021

During a licensing walk through of the premise cannabis could be smelt. Statement will be provided by PS Upton.

28th September 2021

A visit to the venue was arranged by WMP due to concerns which was followed up by a partnership letter on 14th October outlining those concerns. This included noise nuisance complaints, lack of engagement with the venue's door staff. West Midlands Fire Service had also been invited and attended the meeting. It was noted that the rear fire exit had been covered up seriously undermining the Public Safety licensing

objective and putting customers at serious risk. The structure over the BBQ was also charred. Both of these factors could have resulted in fatalities and or life changing injuries as a result of their negligence. The risk was so severe West Midlands Fire Service served a Prohibition Notice. The letter also placed the venue on a 3-month Action Plan

6th October 2021

West Midlands Fire Service served an amendment to the Prohibition Notice restricting the capacity to 60 persons in the front bar and a further 60 in the back.

14th October 2021

A number of venues were visited by Police Officers for the purpose of carrying out drug swab testing. PC Bytheway evidenced a positive drug swab in the toilets. When the police bodycam footage was viewed by the Police Licensing Officer it was also noted that a member of staff and a customer were smoking cigarettes. In July 2007 The Health Act 2006 made provision for the prohibition of smoking in certain premises, places and vehicles.

5th November 2021

WMP received a copy of a warning letter from Environmental Health sent to the venue as their smoking shelter did not comply with legalisation therefore undermining the Public Safety licensing objective. The venue were committing an offence under S8(4) of The Health Act 2006 by allowing people to smoke in it therefore also undermining the crime and disorder licensing objective

20th November 2021

From the council's CCTV at 05:45 hours 2 females can be seen leaving the venue after the closure time with food type packaging. Derrick Minnott was seen at and outside the venue at the time. The Premise Licence states late night refreshment should cease at 04:00 hours and the closure time as 04:30 hours.

25th November 2021

A further visit was made to the venue. Present were Police Licensing Officer, Community Protection Officer for Walsall Council, Melanie Jordon, Derrick Minnott and Nick Sempter (agent). Pictures of the smoking in the building were shown to the attendees, internal CCTV was viewed which confirmed what was seen on the council camera. They confirmed one was a member of staff.

18th December 2021

Police attended an incident at Lexx Bar and Grill. An offender had been arguing, pushing and shoving at the door of the venue. This resulted in a crime being generated for fear or provocation of violence which is a public order offence. The Sgt who attended the incident noted the door staff had no control over the queue.

23rd December 2021

Following considerations WMP made the decision to deem the 3 month Action Plan which was communicated by letter on 14th October inactive as we were unable to communicate effectively with the PLH. Although the police had continued concerns, there had been improvements made however, with the NHS Covid passes in place together with the possibility of licensed premises would be closed by the government over Christmas/new year, the 3 month plan would not have been effect for the remaining time period. Full details will be supplied prior to the hearing.

1st January 2022

Police were alerted to an incident where three males had been involved in a fight

outside Lexx Bar and Grill which resulted in a crime being generated for Affray, this being a public order offence. One of the offenders was arrested by police officers. When later interviewed confirmed he had been in the venue for a few hours when the incident had started and confirmed he was "drunk".

3rd January 2022

As part of our normal duties the council's CCTV cameras were checked for incidents of disorder during the NTE within the town centre. Two females are seen on the Council CCTV exiting Lexx Bar and Grill fighting. This fight continued when a third female becomes involved. Possible door staff were seen in the doorway but no assistance or intervention was taken by any door staff. This resulted in a crime for Affray which is a public order offence undermining the Crime and Disorder licensing objective.

4th February 2022

Police Licensing Officer emailed Melanie Jordon requesting a catch-up meeting which was followed up by a further email on the 16th February as there was no response.

18th February 2022

WMP received an email from West Midlands Fire Service who had attended court in response to the appeal of the Prohibition Notice served upon Lexx Jerks Ltd which restricted the safe capacity of the premises to 60 persons inside and 60 persons outside. The court refused the appeal and the notice remains in force.

19th February 2022

Again as part of WMP checks, the Local Authority CCTV was viewed. At 04:02 hours three females can be seen leaving Lexx Bar. They then started fighting between themselves whilst others try and separate them including door staff. This has been crimed as an Affray which is a public order offence and undermines the Crime and Disorder licensing objectives.

20th February 2022

Whilst officers were on mobile patrol in Bridge Street, they observed a male with a large bag of cannabis on his person whilst sitting in a vehicle. Offender was wearing his SIA badge and parked yards from the venue. He was detained and searched where cannabis was recovered. It is believed the offender was part of the door team at Lexx Bar and Grill however Derrick Minnott is adamant the offender has never been employed at the bar.

24th February 2022

Due to the growing concerns at this venue Insp Hobday met with Derrick Minnot at the Police Station with their head door man. The purpose of this meeting was to discuss incidents, management and door staff issues and to see if measures could be put in place by the venue to address our concerns. An email was sent to Derrick Minnott with details of their discussions. It was at this meeting Derrick suggested the possibility of him becoming DPS.

27th February 2022

PC Wall has produced a statement on smell of drugs he has evidenced since November 2021, his statement also includes the lack of engagement of door staff.

16th March 2022

An email was sent to Derrick Minnott from Insp Hobday advising that after reviewing the paperwork on the revocation of the previous licence in Wolverhampton due to

significant breaches of the licence conditions and failure to comply with provisions of the Licensing Act. Their search procedures were inadequate and 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 the police could not give any reassurance they would not object if Derrick Minnott submitted an application to be Premise Licence Holder or Designated Premise Supervisor. Full details of the Licensing Sub-committee hearing for The Bond Street Tavern, Bond Street, Wolverhampton, WV2 4AS will be supplied prior to the hearing. However, it should be noted the continued issues highlighted in the Decision Notice dated 25 April 2018:

“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.
1. There was concern about inadequate search procedures which had led to the violent incident on the premises.
 2. There was evidence that gang nominals had been at the premises.

There had been repeated failings at the premises. There was no confidence in the management structure.”

14th May 2022

Sgt James in a statement evidenced the smell of cannabis.

1st June 2022

WMP received intelligence that gang nominals would be attending an event that evening at the venue.

4th June 2022

Sgt James carried out a walkthrough of Lexx Bar and Grill. Staff initially stated there were 60 customers counted into the premises, however following the walkthrough and headcount, revealed there were between 110-120 persons inside. Their maximum capacity is 120. When challenged they could not provide a reasonable excuse for the misrepresentation of their numbers. It is clear the venue has an ineffective method in operation to record the number of patrons coming in and out of the venue which is a public safety issue.

19th June 2022

PC Harmon in a statement evidenced a strong smell of cannabis on 18th June 2022.

22nd June 2022

A Partnership letter was emailed to Melanie Jordon expressing concerns at the premise. This letter was also hand delivered to the venue which related to the smell of cannabis at the venue, the inability of door staff to effectively manage numbers in the premises thus contravening the Prohibition Notice issued by WMFS. Concerns were also raised around police been given access into the premise during licensable hours.

26th June 2022

Sgt Bradburn in a statement evidenced a pungent smell of cannabis on 25th June 2022. The premise had been advised of the smell of cannabis on a number of occasions prior to this incident.

26th June 2022

Whilst officers were performing a walk through at Lexx Bar and Grill they noted a very strong smell of cannabis. At the rear of the location a male was found openly placing cannabis into a grinder. This male was searched where cannabis was recovered. When speaking with police officers, the male informed officers that he was at the location for work purposes as a singer. A crime number was generated for this incident for possession of a controlled drug – Class B – Cannabis this being a criminal offence. This also undermines the crime and disorder and public safety licensing objectives.

27th June 2022

A further Partnership letter was emailed to Melanie Jordon advising one of their artists/singer had been found in possession of cannabis openly using this drug in the public area.

15th July 2022

A Partnership letter was emailed to Melanie Jordon outlining continued concerns and for measures to be put in place including, staff training, the removal of Derrick Minott as manager and a change in the SIA door staff team. There was also the request for Melanie Jordan to attend the police station to meet with WMP and the Council in a bid to address personally these issues.

17th July 2022

PC Taft in a statement evidenced a strong smell of cannabis coming from the venue on 9th July 2022. This is clearly an ongoing concern in relation to the continued small of a controlled substance where the venue has not implemented any measures for the ongoing problem.

19th July 2022

WMP received intelligence that gang nominals would be attending an event that evening.

25th July 2022

A further Partnership letter was issued advising that due to the delay in Melanie Jordan responding to the letter of the 15th July, the Partnership (Police and Local Authority) would be submitting a Licensing Review and therefore withdrawing the opportunity of a meeting. The letter suggested the PLH continued to work with the Police Licensing Officer and Community Protection Officers. Although the PLH advised she and her legal team would be available on either the 1st or 2nd August, the

Partnership felt that their immediate concerns were not being taken seriously enough. A delay in meeting, only cause a delay in rectifying and solving problems, no reply has been received to this letter

30th July 2022

Whilst officers conducted a walk-through of the premise they again could smell cannabis. They noted three customers inside, there were no door staff present. Officers were told "it was a private party until the door staff got there". Having no door staff on at this time of night is a breach of their premise licence and undermines the licensing objectives.

3rd August 2022

Police Licensing Officer and a PSCO attended Lexx Bar and Grill to view the internal CCTV at the premise. The time and date had been arranged after a telephone conversation with Derrick Minott on Monday 1st August following the incident the previous weekend of the venue being open and not having door staff. Derrick did not attend the meeting and did not answer his phone which went straight into voicemail. Voice messages were left by the Licensing Officer on both Melanie's and Derricks phone whilst standing outside the premise. An email was sent to the PLH advising of the non-attendance but there has been no reply.

3rd August 2022

PCSO watched the council's CCTV footage of customers entering Lexx Bar and Grill in the early hours of 31st July 2022. Customers were seen being allowed into the venue without being search. This is not in accordance to their Drugs Policy:

"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.

For all of the reasons documented, WMP do not believe that the premises have promoted three out of the four licensing objectives namely Crime and Disorder, Public Nuisance and Public Safety.

6th August 2022

During a walk-through Sgt Derry evidenced the smell of cannabis.

7th August 2022

At 02:55 hours in the early hours of the evening a walk through was carried out by officers. Door staff initially confirmed the number of the customers inside the premise was 40, when challenged came back with 85. Further evidence of a lack of control and management by the door team.

WMP have no confidence in the management of this premises which has shown a disregard to the licensing objectives for the sake of profit and financial gain and the risk to public safety. As a result, WMP are seeking the revocation of the premise licence.

WMP will supply a full evidence bundle for this hearing which will include –

Statements from local police officers that have engaged with the premises

Licensing officer statement

Impact Statement

Bodycam footage of attending officers

Details of Bond Street Tavern, Bond Street, Wolverhampton, WV2 4AS Licensing
Hearing

Premise Licence.

PNC details

Any other relevant documents

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

Please tick ✓ yes
No

If yes please state the date of that application

Day	Month	Year

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

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

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

Part 3 – Signatures (please read guidance note 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

.....

Date 9th August 2022

.....

Capacity Chief Superintendent 3398 Dolby

.....

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

Walsall Licensing Department
Civic Centre
Darwall Street
Walsall
West Midlands

Post town
Walsall

Post Code
WS1 1TP

Telephone number (if any) [REDACTED]

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

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.

Reba Danson

From: Angela Aitken
Sent: 12 August 2022 15:33
To: Licensing
Cc: PHBusinessSupport
Subject: FW: Notification of Review of Premises Licence WS/PRL/1037
Attachments: 2. Review Application 09.08.2022.pdf

Importance: High

Hi,
no comment on the attached.

Kind Regards

Angela Aitken
Senior Public Health Development Manager (Mental Wellbeing)
Public Health Service
Walsall MBC
Zone 2G 2nd Floor Civic Centre
Darwall Street
Walsall WS1 1TP

www.healthywalsall.co.uk
@phwalsall
Website: www.walsall.gov.uk



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Reba Danson

From: Neil Aston-Baugh <Neil.Aston-Baugh@wmfs.net>
Sent: 05 September 2022 10:22
To: Licensing
Cc: j.mellor
Subject: Premises licence application for review. Fire Authority representation.
Attachments: Appendix 1 review background document.docx; Appendix 2 Prohibition.Notice (1) 6th October 2021.pdf; Appendix 3 capacity management policy.pdf

CAUTION: STOP and THINK - This email originated from outside of the council. If it looks suspicious it probably is and you should NEVER enter your council username and password into an external link or open attachments.

OFFICIAL

LICENSING ACT 2003
NAME OF PREMISES: Lexx Jerkz Bar & Grill
ADDRESS :75 Bridge Street Walsall WS1 1JQ

I am in receipt of an application which has been made to review the Premises Licence which is currently in force with regard to the above address.

The Fire Authority is hereby making Representations (under the Public Safety Objective) to the review and wishes to support the process and advise the Licensing Subcommittee on matters of Public Safety.

In support of the review, a background report by the Fire Authority is attached as **Appendix 1**

The premises have been visited by The Fire Authority and serious fire safety deficiencies existed at that time which resulted in the serving of a prohibition notice to restrict the safe capacity. A copy of the notice is attached as **Appendix 2**

Following a request, The Fire Authority has received a document from Derrick Minott regarding management of the safe capacity this is attached as **Appendix 3**.

The Fire Authority has concerns that the public Safety Objective may not be suitably promoted by the Duty Holders.

Should you require any further information, please do not hesitate to contact me.

Regards

Neil Aston-Baugh

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

Tel: 07973 810 042 or,
0121 380 7500

Email : neil.aston-baugh@wmfs.net

Team Email: LEEPsTeams.Enquiries@wmfs.net

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Appendix 1

Licensing Act 2003

Premises Licence Review Background Document Lexx Jerkz Bar & Grill. 75 Bridge Street Walsall WS1 1JQ

1. The Regulatory Reform (Fire Safety) Order 2005, places a mandatory duty upon Responsible Persons to take General Fire Precautions to ensure, so far as is reasonably practicable, the safety of Relevant Persons. Relevant Persons include any person who is lawfully on the premises and any person in the immediate vicinity of the premises who is at risk from a fire on the premises. It includes employees, workers carrying out repairs and maintenance and people making deliveries. It would certainly include customers visiting licenced premises and using its bar, restaurant and/or or function room/s. It would also include anyone living and sleeping on the premises. General fire precautions which include:

i. the need to take measures to assess and reduce the risk of fire.

iv. measures for ensuring that the means of escape can be safely and effectively used at all time

It also gives authorised officers, powers which include serving prohibition notices which can prohibit or restrict ways in which a premise are used.

Background

2. Following a visit by the officer in relation to an application to vary the premises licence on the 18th September 2019, the then premises licence applicant and stated operator of Lexx Jerkz Bar and Grill (Maureen McLaren) signed a voluntary undertaking limiting the capacity of the premises to 60 persons within the premises and 60 persons in the outside area .As part of that agreement, Ms McLaren also undertook to have identified fire safety work carried out at the premises. The voluntary undertaking including the restrictions in occupancy was agreed on the grounds of public safety.

3. As the voluntary undertaking document makes clear, it was agreed on the basis that a risk assessment report would be provided to WMFS.



Whilst evidence that some work had been carried out) and confirmation that a fire risk assessment had been completed was sent to the officer on the 19th September 2019 ,no copy of the fire risk assessment was ever provided during that time.

Service of First Prohibition Notice

4. An officer attended the premises again on the 28th September 2021. The visit was in direct response to concerns that the premises were using an occupancy figure of 180 rather than that agreed (60 inside, 60 outside). When the officer visited, the premises was now being operated by Lexx Jerkz Ltd. With effect from the 7th March 2020, the sole director of the limited company was Ms Melanie Jordan.

5. During the 28th September 2021 inspection visit, the officer observed evidence of poor control and areas that has been involved in fire.

6. The officer spoke to Derrick Minnott who described himself as the manager of the premises. Mr Minnott had previously been a director of the limited company. Mr Minnott showed the Officer a copy of a risk assessment dated 10th September 2019 which recorded a significantly increased occupancy level.

7. The travel distance from the rear of the beer garden to the smoking shelter side exit was at least 32 metres. Due to his concerns about fire safety and the risk of serious injury or death in the event of a fire, a Prohibition Notice Issued under the Regulatory Reform Fire Safety Order 2005 was served by another officer (Warren Davies). The Prohibition Notice (the first Notice) prohibited the use of the beer garden passed the bar area.

This was to reduce the travel distance to a safe level. The Notice also limited the occupancy within the internal bar area to 60 persons and the external area (limited to the beer garden and smoking shelter) to 60 persons.

Service of Second (revised) Prohibition Notice

8. An Officer attended the premises again on the 1st October 2021 having been requested to do so by Mr Minnott. A new fire exit had been fitted at the rear side of the garden but there was still only one final exit available. In the



officer's view, if the permitted occupancy levels were increased, there was still a risk of serious injury and death in the event of fire. The officer indicated that the beer garden area could now be used but that there were further fire safety measures required and advice was given.

The officer made clear that the occupancy levels could not be increased from the limits imposed by the 28th September 2021 Prohibition Notice. The officer also made it clear that suitable management procedures would need to be adopted to ensure that the flow of persons from inside to outside (and vice versa) would need to be closely controlled to ensure that neither area ever exceeds 60 persons.

9. That second Prohibition Notice was served on the 6th October 2021 and a copy is attached as appendix 2.

10. These were high risk premises with a number of significant fire safety deficiencies. There was evidence of poor fire safety management (a build up of debris under decking, discarded smoking materials and evidence of a fire in the tent above the barbecue and a fire had occurred in the dempster bin located in the bin area). The Fire and Rescue Authority served a Prohibition Notice because in the view of the fire safety inspecting officers, there was a risk to relevant persons of death or serious injury in the event of a fire.

Appeal

11. An appeal against the prohibition notice brought by LEXX JERKZ LTD.

12. The appeal was dismissed and costs awarded against Lexx Jerks Limited which have not been recovered to date. The prohibition notice remains in force.

13. The fire Authority have since received intelligence reports from the police that suggest the safe capacity is not being managed effectively.

14. The latest police report states;

28/8/22

Sgt James:

insufficient officer numbers from 0230 Hours to enable a proactive walkthrough. I have spoken to door staff who initially stated they had 122 customers inside, but when challenged about capacity, had forgotten their cap.



Melanie has then been on the door and monetarily stated she only had 90 persons inside, but challenged about her door staffs numbers and has then stopped persons entering whilst I have been at their door, stating that the venue was now at capacity and was a one in one out from this time. the Local Authority CCTV was viewed from the point where the police left the venue to ensure that the "one in one out" direction was being followed which was the case until 02:50 hours. Nine people were then allowed entry to the premises by door staff in the following 5 minutes with no customers leaving through the same route

13/8/22

Stated 10 customers inside but they were not able to confirm exact numbers. Noted by Sgt Becky Taylor

7/8/22

Walk through. Initially said 40 persons, when challenged came back and said 85.

15. The above evidence gives concern as it seems to suggest that the safe capacity is not being effectively managed. The safe capacity is the same as the permitted capacity as set out in section 2.13 of the Licensing Act revised section 182 guidance.

16. Following report from the police, I emailed and wrote to Lexx Jerkz Ltd and other associated persons and companies, to ask for a copy of the door management strategy. On 30th August 2022 I received a document from Derrick Minott titled 'Prohibition Notice Capacity Management', which is attached as **appendix 3**

Having examined the document, it is unclear how the flow of persons is being recorded or managed. The document states;

'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'.

17. It is unclear how this is being done if separate figures are not being recorded for each restricted area. For example, there is no mention of the use of clickers within the separate areas.



If the safe capacity is not being suitably managed this would seriously undermine the licensing objective of public safety and place persons at serious risk.

18. The fire Authority also have concerns and seek clarity, regarding the numerous changes of operator, company structure and Directors. For example, during the appeal of the notice, Derrick Minott stated that the company operating the premises were Lexx Jerkz Holdings Ltd and not Lexx Jerkz Ltd and stated that the notice was therefore incorrectly served.

This was dismissed by the court as Lexx Jerkz Ltd had made the appeal. A copy of the notice was also sent to the registered address for Lexx Jerkz Holding Ltd, in view of the appellants claim, but was returned as undeliverable.

Lexx Jerkz Holding Ltd limited are still in operation as a company and Derrick Minott is still the Director (as of 31/8/2022). I am now informed that Melanie Jordan and Derrick Minott are both resigned from Lexx Jerkz limited. The current sole director is now Sharlene Thompson however, it appears that Derrick Minott is still involved in the management of the premises and there are possibly other associated companies. For example,

CLUB LEXX LTD

Lexx JERKZ LTD

LEXX JERKZ GROUP LTD

Lexx Jerkz Holding Ltd

These all have links to other companies

For Clarity and in order for it do discharge its statutory duties, the Fire Authority wishes the premises licence holder to state who is the operating company and do any other companies or persons (and whom) have a stake in the company.

**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

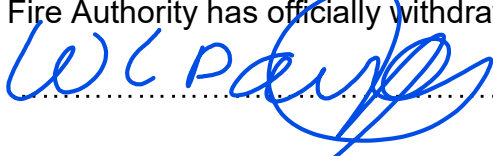
Premises to which this Notice relates: LEXX JERKZ BAR AND GRILL 75 Bridge Street Walsall WS1 1JQ

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:  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.



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>

From: Sarah Heath
Sent: 06 September 2022 14:28
To: Licensing
Subject: Lexx Bar and Grill Representation WS/PRL/1037
Attachments: lexx bar and grill representation CP.pdf; Lexx Representation Appendix 3 - correspondence evidence CP.pdf; Lexx bar and grill Evidence for representation CP.xlsx

Hi

Please find attached the representation from Community Protection for the above review application by West Midlands Police.

Any further supporting evidence/correspondence will be sent through in due course before the hearing.

Regards

Sarah

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

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



Website: www.walsall.gov.uk

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Licensing Act 2003 – Representation Form

Personal Details	
Title:	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please specify)
First Name:	Sarah
Surname:	Heath-Marshall
Address:	Walsall Council - Community Protection Team
Postcode:	WS1 1YG
Contact Telephone Numbers:	Daytime: 01922 653060 Mobile:

Premises Details <i>(please give as much information as possible)</i>	
Application Ref:	WS/PRL/1037
Name of Premises	Lexx Bar and Grill
Address of Premises:	75 Bridge Street, Walsall, WS1 1JQ

Reasons for Representation
<p>Please provide your reasons under the relevant licensing objective below. You are not required to complete all sections. Complete only those that you consider are relevant to your representation.</p>
The Prevention of Crime and Disorder
<p>The Prevention of Public Nuisance</p> <p>I am employed as a Community Protection Officer for Walsall Council and have delegated authority for the investigation of complaints in relation to Noise Nuisance under the Environmental Protection Act 1980.</p> <p>Walsall Council and West Midlands Police have been working in partnership in regards to addressing issues on the night time economy across the town centre and therefore the approach to trying to resolve issues that have been raised with premises has resulted in the response been one of a partnership between the Council and Police working together to address issues when and where they occur.</p> <p>You will note from the evidence that has been presented that emails have been sent from the Police, the Council and the Police and the Council on their own this is in light of the different aspects of issues that have been dealt with when trying to resolve the issues that have been raised.</p> <p>The Community Protection Team have received 25 Noise complaints between the period of July 2021 to present day against Lexx Bar and Grill 75 Bridge Street, Walsall. The complaints received have been from residents who live in the local area surrounding the premises. Complaints received by the Community Protection Team stated that loud music could be heard coming from the venue during the early hours of the morning. The</p>

premises having a licence until 4.30 am in the morning which has meant that the music taking place is disturbing residents in the use of their homes and their sleep patterns. Most of the complaints received were that the music from the venue was loud reaggae music between the hours of 2am and 5 am.

I have therefore put together a bundle of evidence to support this representation and have detailed this as below. The evidence bundle shows the following:

A table of content of evidence

Appendix 1 - Noise recordings that have been received from residents and my assessment of those noise recordings that have been received in relevance to whether they were acceptable or not.

Appendix 2 shows a timetable of meetings or conversations that have taken place between Lexx Bar and Grill and either the Local Authority or the Police.

Appendix 3 shows a table of the correspondence that has been sent to Lexx Bar and Grill regarding the issues that have been raised and namely to the Designated Premises Supervisor Melanie Jordan.

Appendix 4 Shows a map of the location of the Lexx Bar and Grill Premises and where residential property is in locality of the premises.

I refer to Appendix 1 which outlines the number of noise complaints we have received from residents in the locality either via their own mobile phone or using our noise app. As you will note from the table of noise recordings there are the following:

A total of 37 recordings from three different complainants that have been sent through.

Of these recordings we have the following breakdown for days of the week:

Monday 6 recordings received

Tuesday 3 recording was received

Wednesday 7 recordings received

Friday 4 Recordings received.

Saturday 5 recordings received

Sunday 12 Recordings received

The hours of the recordings that were received were as follows:

Between 5 pm and midnight - 12 recordings (8 medium and 4 high)

Between midnight and 1 am - 2 recording (high)

Between 1 am and 2 am - 4 recordings (1 Green and 3 Red)

Between 2 am and 3 am - 6 Recordings (1 Medium and 5 Red)

After 3 am - 13 Recordings (2 Medium and 11 Red)

As you will note on the table I have categorised the recordings Green, Amber and Red to show the graded level of noise that would be acceptable taking into account the day and time and what I have heard.

I have graded the recordings as Low (Green), Medium (Amber), High (Red). There was only one recording as Low where there was nothing evidenced to take any further action. There were 11 Medium rated noise recordings where you could hear the music from the venue however either the time of the day would change the level of the music or the music could not be heard as loud as other recordings which were received at similar times. There are then 11 High recordings and this is where it is clearly audible that the treble and lyrics can be heard and it is after midnight and therefore at an unreasonable level for those living in the locality.

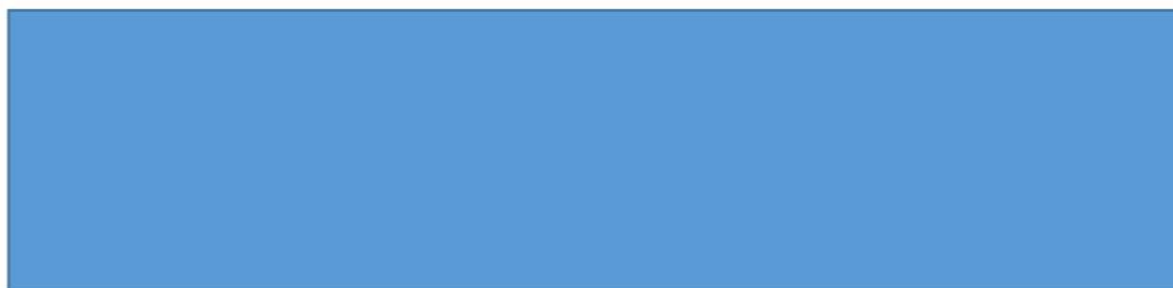
You will also note from the table that I have shown where the noise recordings have been taken from as 17 recordings have been sent through by residents using their own mobile phone video function and 6 have been sent through using the noise app. There is then also a breakdown showing that 15 videos have been received from the front of the property and 8 have been received from the rear of the property.

Appendix 2 shows the meetings, conversations and site visits that have been carried out to Lexx Bar and Grill and with Derrick Minnott (Manager) to try and resolve the noise complaints. The table also refers you to Appendix 3 where you will be able to see the follow up written advice that has been given in regards to the complaints received.

You will note that on Appendix 2 there is a entry for when Sarah Heath-Marshall and Colin Simpson worked on the 23 July into the 24 July 2022 to witness the noise from venues within the night time economy of Bridge Street. As you will note the officers witnessed the noise from Lexx Bar and Grill at two different locatoins of Tameway Tower and Eyland Grove both of which are residential and the music from Lexx Bar and Grill could be heard after midnight. The music could be heard from both the front and rear of the Premises of Lexx Bar and Grill.

Appendix 3 shows the written correspondence that has been carried out via email or letter to Melanie Jordan Designated Premises Supervisor and Derrick Minnott Manager to try and resolve the complaints that have been received

Appendix 4 is a map to show the location of Lexx Bar and Grill and the close proximity to residential living space nearby. As you will see I have detailed on there the approximate distances between those two locations.



The Local Authority on 13 September 2019 mediated conditions as part of a variation of the premises licence and as such conditions as follows were mediated with the current DPS of the premises at that time. These were as follows:

The prevention of public nuisance

- All windows and doors to be kept closed after 23:00.
- Any amplified or unamplified music or entertainment to be kept to a reasonable level so as not to cause a nuisance after 23:00.

As you will see from the evidence within the evidence bundle that there have been many meetings, conversations, letters and emails sent to Lexx Bar and Grill to try and resolve the issues surrounding noise from the Premises before enforcement action has been taken. At this point I feel that the Premises have been given ample opportunity to try and resolve the noise complaints that have been received and we are still receiving complaints.

Officer Recommendation:

Had Lexx Bar and Grill tried to resolve the noise complaints, or even attempted to turn down the music to a more reasonable level after the warning letter had been issued, then Walsall Council may have considered requesting the following;

The removal of regulated entertainment,

The disapplication of the De-regulation Act 2015 in relation to Live Music, and

A reduction in licensing hours to end at 02.00 am everyday.

This would have provided an opportunity for the Licence Holder to implement remedial measures and a new way of operating.

The Licence Holder has made no attempt to contact the Local Authority or modify their practice or operation to minimise/resolve the existing issues and noise complaints and, even after being served notice of the Review hearing by West Midlands Police, have continued to play music at the premises at unreasonable levels.

Walsall Council therefore has no reasonable alternative but to support the revocation of the Premises Licence as the Licence Holder has clearly demonstrated a complete disregard for regulation, neighbours within the vicinity and failed to co operate with the licensing authority in every respect.

This leads the Council to have no confidence that the licence holder would remedy this situation even if given the opportunity.

Public Safety

The Protection of Children from Harm

In accordance with the provisions of the Licensing Act 2003, the Licensing Authority is required to include all personal details in the Committee report. Should there be exceptional circumstances, which require the protection of your identity, please explain the reasons below:

Declaration

I confirm that the information I have provided is true and correct.

Signed:

A handwritten signature in black ink, appearing to read "J. Healy", written over a horizontal line.

Dated: 05/09/2022

Noise Recordings Received From Residents Between July 2021 and August 2022

Day	Date	Time	Noise Type	Location			Sent Via	
				Front	Rear	Phone	Noise app	
Sat	04/09/2021	03.19 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Sat	04/09/2021	03.30 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Sat	25/09/2021	23.24 pm	Faint music can be heard	✓	✓	✓	✓	✓
Mon	27/09/2021	20.21 pm	Music can be heard	✓	✓	✓	✓	✓
Mon	11/10/2021	23.52 pm	Faint music can be heard	✓	✓	✓	✓	✓
Mon	11/10/2021	00.21 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Wed	13/10/2021	20.03 pm	Faint music can be heard	✓	✓	✓	✓	✓
Wed	13/10/2021	21.33 pm	Music can be heard	✓	✓	✓	✓	✓
Sun	02/01/2022	03.29 am	Faint music can be heard	✓	✓	✓	✓	✓
Sun	01/05/2022	18.09 pm	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Fri	06/05/2021	02.40 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Fri	06/05/2021	02.50 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Sun	08/05/2022	19.16 pm	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Sun	08/05/2022	17.14 pm	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Tues	10/05/2022	21.40 pm	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Tues	26/07/2022	23.39 pm	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Sun	31/07/2022	01.02 am	Nothing can be heard	✓	✓	✓	✓	✓
Sun	31/07/2022	03.48 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Wed	03/08/2022	01.43 am	Faint music can be heard	✓	✓	✓	✓	✓
Sun	14/08/2022	02.52 am	Faint music can be heard	✓	✓	✓	✓	✓
Sun	14/08/2022	03.02 am	Faint music can be heard	✓	✓	✓	✓	✓
Wed	17/08/2022	02.30 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Fri	19/08/2022	03.55 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Sat	20/08/2022	03.55 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Sun	21/08/2022	03.59 am	Music and lyrics of song can be heard	✓	✓	✓	✓	✓
Tues	23/08/2022	22.43 pm	Music and lyrics of song can be heard	✓	✓	✓	✓	✓

Nothing can be heard

Reasonable level of noise for time of day or not enough to take further action

Unreasonable level of noise

Noise Recordings Received From Residents Between July 2021 and August 2022

Day	Date	Time	Noise Type	Location		Sent Via	
				Front	Rear	Phone	Noise app
Sun	28/08/2022	03:40 am	Music and lyrics of song can be heard		v	v	
Mon	29/08/2022	00:00	Music and lyrics of song can be heard		v	v	
Mon	29/08/2022	01:38 am	Music and lyrics of song can be heard		v	v	
Mon	29/08/2022	04:14 am	Music and lyrics of song can be heard		v	v	
Wed	31/08/2022	02:01 am	Music and lyrics of song can be heard		v	v	
Wed	31/08/2022	02:55 am	Music and lyrics of song can be heard		v	v	
Wed	31/08/2022	03:55 am	Music and lyrics of song can be heard		v	v	
Fri	02/09/2022	03:55 am	Music and lyrics of song can be heard		v	v	
Sat	03/09/2022	03:55 am	Music and lyrics of song can be heard		v	v	
Sun	04/09/2022	01:38 am	Music and lyrics of song can be heard		v	v	
Sun	04/09/2022	03:55 am	Music and lyrics of song can be heard		v	v	

 Nothing can be heard

 Reasonable level of noise for time of day or not enough to take further action

 Unreasonable level of noise

Partnerships Meetings between the Police, Walsall Council Community Protection Team and Lexx Bar and Grill

Date	Attending the meeting	Follow up
17/08/2021	Joint visit with CP, Police and Fire Service to Lexx Bar and Grill	August letter appendix 3 page 1
10/09/2021	Sarah Heath-Marshall spoke with Derrick Minnott regarding the noise complaints that have been received and the level of the noise coming from the front of the property. Advised Derrick Minnott to ensure that the front doors are kept closed and that the DJ's sound system is turned down to ensure that the noise is not coming from the property and disturbing those who live locally.	Partnership Letter appendix 3 page 2
28/09/2021	Joint visit with CP, Police, Lexx bar and Grill and licensing Guys consultant Nick Semper	Partnership Letter October letter appendix 3 page 2
25/11/2021	Joint visit with CP, Police, Lexx bar and Grill and licensing Guys consultant Nick Semper	Email Appendix 3 page 4
03/02/2022	Sarah Heath-Marshall spoke to Derrick Minnott from Lexx Bar and Grill and advised him that I had received another complaint about the noise from the venue in the week this time. Advised Derrick Minnott to ensure that whoever is on the DJ booth to knock down the base and treble with it being in the week and late at night is not great. Derrick Minnott advised it is the same guy as at the weekends with the same equipment. Advised him with the other venues being open of the weekend and a lot more people around this may possibly change the way in which the noise travels but advised him that I'm not receiving regular recordings anymore so it appears to be happening ad hoc. Derrick Minnott advised he will speak to the staff and the DJ again and advise them.	Email appendix 3 page 5
17/05/2022	Sarah Heath-Marshall spoke to Derrick Minnott whilst at Pubwatch and advised again of the noise complaints we have received and that he needs to try and ensure that the noise is not emanating from the property. We will be starting to go out and do checks on the premises to make sure that the noise is not causing issues to those who live nearby. Derrick Minnott assured me he would do checks and ensure that this didn't happen.	

Date	Attending the meeting	Follow Up
21/06/2022	<p>Sarah Heath-Marshall met with Derrick Minnott at the premises. Advised him of the noise complaints we were still receiving regarding the noise from the front and rear of the property. Sarah Heath-Marshall advised Derrick Minnott that he must ensure the front door is kept closed as when it is open this is when the noise is coming from the premises and causing issues. Sarah Heath-Marshall also advised Derrick Minnott that must ensure that the treble is turned down as some of the noise recordings we have received it is as if the DJ is in the street. Whilst at the premises Sarah Heath-Marshall and Derrick Minnott also went out the back and saw the gazebo up, Sarah Heath-Marshall advised of the complaints re noise from the rear and he advised that they did have a private party the other week and there was a separate sound system which did not go through the noise limiter and apologised. Derrick Minnott showed Sarah Heath-Marshall the one speaker they currently have set up on the back. Sarah Heath-Marshall advised that the recordings again are too loud. Advised him to turn down the treble on the system and get someone out to check the noise limiter that has been fitted as it needs to be adjusted as the levels are not adequate for the residential properties that are now around the premises. Derrick Minnott assured Sarah Heath-Marshall that he would get this done. Derrick Minnott advised that he would turn down the treble on the system and ensure that all sound systems go through the limiter.</p>	
Date	Attending the meeting	Follow up

<p>24/07/2022 Visit to location after midnight</p>	<p>Visit on out of hours by Sarah Heath-Marshall and Colin Simpson arrived Eyland Grove and listened to the music from Lexx Bar and Grill this location faces the back garden of Lexx Bar and Grill. Again advised by complainant that tuesday nights it is really loud as it seems they are having parties there. Both officers listened to the music and could hear the music, clear treble of music coming from the venue. Advised that I have phone numbers for the managers and i would call them and advise them to turn it down. Advised him I wouldbe following it up with a letter as well.</p>	
<p>24/07/2022 visit to locality after midnight</p>	<p>Out of hours by Sarah Heath-Marshall and Colin Simpson arrived at Tameway Tower 00.30 am - had a listen to lexx bar and grill from the location which is located on Bridge Street. The complainant advised that things have been better and it hasn't been as bad but then sometmies on tuesday nights it is really loud as it seems they are having parties there. I could hear the music from the back garden a clear treble of music coming from the venue. A warning letter would be sent to the Premises.</p>	

<p>24/07/2022</p>	<p>Out of hours working with Colleague Colin Simpson at the location just after visits Sarah Heath-Marshall called and spoke to Derrick Minnott on the phone advised him that after witnessing the noise from the rear garden and premises it was too loud, although he has cleared off the base the treble is still too loud. Derrick Minnott advised he would contact the venue and advise them to turn it down. Sarah Heath-Marshall advised him that a letter would be sent out but he needs to ensure that it is not that loud in the future. Derrick Minnott did call back to check if levels were any better but officers had left the location.</p>	<p>Letters from Council and Partnership Appendix 3 Pages 8 and 9</p>
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<p>24/07/2022 Visit to location after midnight</p>	<p>Visit on out of hours by Sarah Heath-Marshall and Colin Simpson arrived Eyland Grove and listened to the music from Lexx Bar and Grill this location faces the back garden of Lexx Bar and Grill. Again advised by complainant that tuesday nights it is really loud as it seems they are having parties there. Both officers listened to the music and could hear the music, clear treble of music coming from the venue. Advised that I have phone numbers for the managers and i would call them and advise them to turn it down. Advised him I wouldbe following it up with a letter as well.</p>	
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Correspondence Between Walsall Council, West Midlands Police and Lexx Bar and Grill

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28/07/2022	Letter to Melanie Jordan from Community Protectoin re noise witnessed	9
10/09/2021	Email from Councillor Samra	10

Sarah Heath

From: Jennifer Mellor <[REDACTED]>
Sent: 23 August 2021 15:51
To: [REDACTED]
Cc: Sarah Heath; Licensing
Subject: Lezz Bar and Grill
Attachments: Lezz Bar and Grill Letter August 2021.docx

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Good afternoon Melanie

Further to our visit, as promised I have attached a letter from both Sarah and I with our agreed actions from the meeting. I will set up a further meeting with you in 3/4weeks.

Kind regards

Jennifer

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

[REDACTED]

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Walsall Council

Community Protection



Our Ref: **WS/PRL/1037**

Date: 23 August 2021

Dear Melanie

Lezz Bar and Grill Bridge Street, Walsall Licence Number WS/PRL/1037

Further to our meeting last Monday to discuss operating concerns at the bar and the application to vary the DPS, Sarah and I believe we had a positive and productive meeting.

West Midlands Police still have concerns with you being the DPS based on past performance as a Premise License Holder however, as promise, I have informed the council West Midlands Police will not be making any representations at this point. I have however informed the council that should the incidents/breaches continue or the venue decides not to continue to work with the Police/Council, it would be at that point enforcement would be considered by way of a formal Review of the licence. The email to the council accepting you as DPS would be produced as evidence together with this letter with our agreed actions.

On viewing the CCTV it was very disappointing to evidence that during the time you have been the Premise Licence Holder, breaching of the current trading hours have been allowed to happen. Derek, myself and Sarah viewed 28th July, 1st, 8th and 15th August. Unfortunately it was in a room with no lights so it was very difficult to make clear notes in the dark. However, on the 1st August customers were seen in the outside area holding drinks and food until 04.49 with the last ones being ushered out by door staff at 04:59. The premises should have been closed to the public at 04:30. On the 8th people inside at 04:46. Again during the dates viewed, the door to the premises was opened on a number of occasions to let people in outside of their normal trading hours and some of the staff including door staff with their guests/partners were allowed to remain on the premises to continue drinking. At these times the blind to the front door has remained open.

In addition to these breaches West Midlands Police also have concerns with Derek being associated and playing a part running this business. It has been evidenced his poor management at a recent hearing in Wolverhampton where he was the DPS. During a Licencing Subcommittee hearing on 25th April 2018 the committee was satisfied on the evidence that:

1. There had been significant breaches of the 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.

With all of the above noted, both Sarah and I are willing to work with you and Derek and a number of measures were agreed

The town safe radio will be provided for 6 months and the payment details after this time provided.

Further licensing checks will be made and their CCTV checked to ensure no further breaches are evidenced. The first one being in one months' time.

Melanie has agreed to ensure the premise will be closed on time with security staff being employed to ensure customers leave on time.

Late night refreshment will cease at 04:00 as per the licence.

As the door staff have changed, the serving to staff and their guests will cease after hours. It was emphasised to them, door staff are employed to work for them at quite a cost, and it's not a social occasion for them to bring their partners at the end of their shift.

The CCTV in the outside area needs attention/adjustment. When the marquee/covering is up, the camera records only the top of the covering and not the area where customers are.

In regards to the complaints that we have received in regards to the noise nuisance from the premises it was agreed during the meeting that the speakers for the premises would be turned down to a more acceptable level. As Sarah advised the best way to measure the level of the noise/music is to monitor the levels that staff are having use their voice to be heard or customers if they have to shout at each other to be heard then it would be too loud. Although we would not give a decibel level to work towards in monitoring I am aware that this was requested. In light of that request, the government deemed 85dcb to be an acceptable level of noise/music for ambient level during the Covid restrictions however, as I advised we would monitor the situation and where necessary carry out checks to ensure that the noise is emanating from the property to cause issues to those who live nearby.

Walsall Council have received further complaints from this weekend 21/22 August and the noise appears to be coming from the front of the property the music from the front area of the shop is too loud and needs to be lowered to ensure that it is not emanating from the property and cause further complaints. As agreed please ensure that the music is lowered, base is turned down to ensure that the noise is at a more reasonable level.

Should you have concerns regarding the content of this letter our contact numbers are above.

Yours sincerely

Jennifer Mellor

Jennifer Mellor
Walsall Licensing and Reg Services Office
West Midlands Police

Sarah Heath-Marshall

Sarah Heath-Marshall
Community Protection Officer
Community Protection Team
Walsall Council

Sarah Heath

From: Jennifer Mellor [REDACTED]
Sent: 14 October 2021 20:12
To: Melanie Jordan
Cc: licensing@thelicensingguys.com; Sarah Heath
Subject: Lexx Bar and Grill, Bridge Street, Walsall
Attachments: Lezz Bar and Grill Letter Oct 2021.docx

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Good evening Melanie

As promised please find attached our letter confirming our recent visit. Should you have any concerns, please contact either Sarah or myself. If you can let me know your availability next week for a further meeting I would be most grateful.

Kind regards

Jennifer

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

[REDACTED]

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Walsall Council

Community Protection



Our Ref: **WS/PRL/1037**

Date: 14th October 2021

Officer: J Mellor/S Heath-Marshall



Dear Melanie

Lezz Bar and Grill Bridge Street, Walsall Licence Number WS/PRL/1037

Further to our visit to Lexx Bar on 28th September where we met yourself, Derek and the Fire Service, we confirm the following points raised and discussed.

It was evident that the rear fire exit had been covered up seriously undermining the Public Safety licensing objective and putting your customers at serious risk if a fire had started. This could have resulted in fatalities and or life changing injuries. The risk was so severe West Midlands Fire Service served a Restriction notice on yourselves limiting the area of use by your customers. We are aware this notice has been modified but the notice is still in force. Interestingly the Fire Service had limited the numbers in your venue to 120 persons yet Derrick informed police on 25th September your capacity was 180 therefore adding greater risk to those inside your venue.

Walsall Council have continued to receive noise complaints. Your Premise Licence states "The DPS will provide responsible management at all times" in relation to the prevention of public nuisance and all windows and doors to be kept closed after 23:00. On the evening of Saturday 25th September your front door was open as where the double doors to the outside area after 23:00 which conflicts with your Premise Licence conditions.

On our last visit it was evidenced you were open beyond the hours on your licence and again on 26th September we evidenced people being allowed into your venue past the allowed hours. Customers where sat in the front bar with a bottle, food and glassware in front of them. Derek confirmed these persons were not staff and apologised.

We spoke about your new door staff refusing to give their names to police officers on request on 24th September and also the smell of cannabis within your premise evidenced by Sgt Upton on 25th September. During the police visit, Derrick confirmed he is the manager at your venue which given his reported poor management at a previous venue and the continued concerns we have at Lexx, is a matter which needs addressing by yourself. Although the Licensing Act does not require the Premise Licence Holder or the Designated Premise Supervisor to be present at the venue during trading hours, I have noted I have not seen you at the venue on

watching your CCTV footage. This could be something you wish to consider given the breaches occurring at your venue.

Due to the concerns of disorder in Bridge Street we did ask you to consider at 3am closure but due to you supporting other venues in Dudley and Wolverhampton which close earlier this is not possible. As stated, we have asked a number of venues in Bridge Street to consider the same, one of which has confirmed a last entry policy and another is considering this but generally closes early at present.

We also spoke about a dress code which again was initially not something you wanted to consider at the time, however further to by email on 29th September when I confirmed all the members of Pub Watch have all voluntarily agreed to a dress code, you confirmed you would consider this for our next meeting.

Due to the pavement being blocked by your barrier system and the two vehicles you park on the pavement, one of which you use for payment into your venue from the passenger window, we thank you for removing both vehicles and reducing the barrier to only taking up half of the pavement.

Thank you also for providing details of your door supervisor details and staffing and as of the 6th October, your training records albeit this was very delayed.

Given our concerns I suggest a further meeting next week and formally confirm these meetings will form part of a three month Action Plan. This Action Plan would form part of any potential Licensing Review and would not prohibit a Review being submitted during this 3 month period.

Should you have concerns regarding the content of this letter our contact numbers are above.

Yours sincerely

Jennifer Mellor

Jennifer Mellor
Walsall Licensing and Reg Services Office
West Midlands Police

Sarah Heath-Marshall

Sarah Heath-Marshall
Community Protection Officer
Community Protection Team
Walsall Council

Sarah Heath

From: Jennifer Mellor <[REDACTED]>
Sent: 25 October 2021 16:01
To: [REDACTED]
Cc: licensing@thelicensingguys.com; Sarah Heath
Subject: RE: [External]: RE: Lexx Bar and Grill, Bridge Street, Walsall

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Melanie

So sorry to hear you are still unwell and unable to make tomorrow's meeting. I can confirm this is not personal and there is no hidden agenda. I can honestly say, trying to work with venues is far easier in my time than going straight to a licensing Review for the removal of a DPS or revocation. The Police follow the 4 'E' approach, Engage, Explain, Encourage and Enforce. Providing support in the earlier stages can be very successful and can lead to business's thriving but also being compliant with their Premise Licence. I have tried to engage, explain and encourage so I believe, this is where we are now although I believe, this is getting difficult for you. We always strive to have a good working relationship with DPS's and Premise Licence Holders.

Since our first meeting both the council and Police have received noise complaints, we have seen continued breaches and have seen the Fire Restriction Notice being served. From the visit on the 14th October when police officers carried out drug swabbing it was also evidenced smoking is being allowed in your premises, this was something I was going to bring up in our meeting. A female who I believe is a member of staff and a customer can be seen lighting up and smoking within your marquee. Your customer whilst smoking can be seen taking an ashtray off one of your tables. This has been reported to the Fire Service and Environmental Health. I have to stress to you, this practise must stop. To comply with regulations, smoking shelters must have openings that are open to the outside, and not be fully enclosed or substantially enclosed. This means that the shelter must not have any fittings that can be opened or closed that enclose more than 50% of the shelter. If you look on the internet, there is further information to assist you.

Some of your frustrations may be coming from conflicting information from Derrick, again I would have liked to discuss this in detail with you tomorrow. With Derrick being there on a regular basis, the information coming back to you as a little different to the evidence on officer bodycams.

We really wish to work with you directly when you are feeling better but in the meantime I will give Nick a call to see how we can progress this situation to alleviate your concerns.

Kind regards

Jennifer

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

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From: [REDACTED]
Sent: 25 October 2021 14:54
To: Jennifer Mellor
Cc: licensing@thelicencingguys.com; 'Sarah Heath'
Subject: [External]: RE: Lexx Bar and Grill, Bridge Street, 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.

Hello Jennifer
CC: Sarah Heath & Nick Semper

I am in receipt of your email below in regards to our meeting on 28th September 2021 and would like to know is this letter a personal attack on myself, as this is how it feels and if so, I would rather you approach the situation directly rather than under the guise of wanting to help, when it appears you are looking for reasons to tear down our business, I would also like to rebut a few findings that I have identified in your letter.

These are as follows:

"It was evident that the rear fire exit had been covered up seriously undermining the Public Safety licensing objective and putting your customers at serious risk if a fire had started. This could have resulted in fatalities and or life changing injuries. The risk was so severe West Midlands Fire Service served a Restriction notice on yourselves limiting the area of use by your customers. We are aware this notice has been modified but the notice is still in force. Interestingly the Fire Service had limited the numbers in your venue to 120 persons yet Derrick informed police on 25th September your capacity was 180 therefore adding greater risk to those inside your venue."

May I ask you the following:

- Are you insinuating that I covered up the rear fire exit?
- Who is seriously undermining the Public Safety licensing objective and putting our customers at serious risk if a fire had started?

As mentioned above is this personal? because I'm unsure why you would mention an action plan to me at this stage without trying to ascertain liabilities or is this a case of being guilty before proven innocent?

There has been NO ALTERATIONS OR COVER - UPS to the rear fire exit since the last meeting with Neil Aston Baugh (Fire Officer) with the Ms McLaren (previous premises license holder & DPS) along with Derrick back in 2019. Since then, prior to me becoming the DPS of Lexx Jerkz on the 5th August 2021 there was also another DPS so again who is responsible for this alleged cover up?

The premises plan drawing did indicate that there was a fire door there and was blocked off by our next-door neighbour's shed, but as the CCTV show prior to me becoming the DPS that exit was blocked off. Please see CCTV still attached - Rear Garden Pics 1 & 2

May I also remind you that on your request for Neil Aston Baugh to visit the site, Neil Aston Baugh was so concern about the public safety he requested for a senior fire officer to visit the site to serve me a Prohibition Notice on 28th September 2021, restricting the use of the rear garden and reapplying a capacity restriction of 120 that WAS lifted to 170 on the 19th September 2019, between Ms McLaren and Neil Aston Baugh. Please see email & Risk Assessment attached – Fwd: Fire Service Representation & 71405 – Lexx (Risk Assessment)

Exact Wording below

No. 1

To be subjected to risk assessment as agreed – Proof provided in attached docs

Interestingly Sarah Heath-Marshall was also copied into this those correspondence on the 23rd September 2019 with Ms McLaren, when asked about the granting of the licensing variation. Please see email attached – Fwd: Fire Service Representation

Derrick has acted upon Neil Aston Baugh recommendations as a matter of urgency and installed a fire door along with the emergency lighting and signage on 30th September 2021, Neil Aston Baugh returned to the site on 1st October 2021 and the restrictions were modified after inspection of the newly installed fire door, allowing us to use the rear garden, however the capacity remained at 120, which is causing concerns, and I would really like to know is this personal? Does this warrant an action plan?

“Walsall Council have continued to receive noise complaints. Your Premise Licence states” The DPS will provide responsible management at all times” in relation to the prevention of public nuisance and all windows and doors to be kept closed after 23:00. On the evening of Saturday 25th September your front door was open as where the double doors to the outside area after 23:00 which conflicts with your Premise Licence conditions.”

As per our onsite meeting with yourself, Sarah Heath Marshall, Nick Semper, Derrick and myself where we've discussed about air ventilation (passive airflow) to help stop the spread of the corona virus via aerosol transmission, just to reiterate that this was suggested to us by yourself and CAN NOT be used against us as a breach of the prevention of public nuisance when we are simply following what was discussed and the government guidelines. Please also see the HSE guidance the matter above:

<https://www.hse.gov.uk/coronavirus/equipment-and-machinery/air-conditioning-and-ventilation/index.htm>

Please advise us of what are YOUR requirements, should we keep the doors open or closed?

Again does this warrant an action plan?

“On our last visit it was evidenced you were open beyond the hours on your licence and again on 26th September we evidenced people being allowed into your venue past the allowed hours. Customers where sat in the front bar with a bottle, food and glassware in front of them. Derek confirmed these persons were not staff and apologised.”

On the above date stated, Derrick had also stated that there was a failure on the security part for allowing the customers to finish their food, Derrick also pointed out to both yourself and Sarah that he himself nor was I downstairs when that incident took place and we have addressed the above

issue in the form of an induction, which has been carried out. Which was sufficient for yourself and Sarah Heath Marshall at the time.

“We spoke about your new door staff refusing to give their names to police officers on request on 24th September”

As mentioned at the meeting this was the first time, we heard of that and asked why the officer in question didn't notify management so that action could be taken immediately.

Please could you provide us with the name and badge number of the officer that the door staff refused to give details to so that we conduct our investigation as a matter of urgency to avoid any further reoccurrence.

“and also the smell of cannabis within your premise evidence by Sgt Upton on 25th September.”

During that visit Derrick suggested to the officer when he mentioned the smell of cannabis to go back to area where the smell was, to locate the person or persons responsible as the officers has the right to conduct a search under section 23 of the misuse of drugs act, the officer and Derrick returned to the area where he stated that he smelt cannabis there was only 3 people there and may I add none of which was smoking, the officers did not see it necessary to evoke a search under section 23 of the misuse of drugs act, and choose to leave the premises without a search or an arrest.

During the police visit, Derrick confirmed he is the manager at your venue which given his reported poor management at a previous venue and the continued concerns we have at Lexx, is a matter which needs addressing by yourself.

Derrick has been managing Lexx Jerkz Bar and Grill since 2019 and has even been to your licensing committee with your predecessor PC Tolley, Sarah Heath and others, way before my time at Lexx Jerkz

Although the Licensing Act does not require the Premise Licence Holder or the Designated Premise Supervisor to be present at the venue during trading hours, I have noted I have not seen you at the venue on watching your CCTV footage. This could be something you wish to consider given the breaches occurring at your venue.”

For my own personal health reasons I will consider the above once we get the all clear for the covid 19 pandemic.

“Due to the concerns of disorder in Bridge Street we did ask you to consider at 3am closure but due to you supporting other venues in Dudley and Wolverhampton which close earlier this is not possible. As stated, we have asked a number of venues in Bridge Street to consider the same, one of which has confirmed a last entry policy and another is considering this but generally closes early at present.”

Due to the Prohibition Notice that was served upon us by the fire service, we have also adopted a 3am closure if capacity is reached, then a one in one out procedure thereafter is put in place to stay within the capacity as per the Prohibition Notice.

“We also spoke about a dress code which again was initially not something you wanted to consider at the time, however further to by email on 29th September when I confirmed all the members of Pub Watch have all voluntary agreed to a dress code, you confirmed you would consider this for our next meeting.”

Whilst other members of the pub watch can adopt a dress code we are unable to do so, our premises is a completely different, due to being a predominantly outdoor space, other premises on Bridge Street are indoor and has the capability of climate control.

"Due to the pavement being blocked by your barrier system and the two vehicles you park on the pavement, one of which you use for payment into your venue from the passenger window, we thank you for removing both vehicles and reducing the barrier to only taking up half of the pavement."

You are welcome anything to help, whilst doing the above we have noted that cars are still being parked on bridge street, that are NOT being asked to NOT parked on the double yellow line except for those parked up close to our premises even though most of the car parked up on our side of Bridge street is for other businesses please see attached [Lexx Jerkz] Incident Report Log.

Also in regards to reducing the barriers we also noted that other venues are still being allowed to block off an entire pavement with their barriers. Please see - attached barriers images

With that being said, it seems like double standards, and I would like to know what makes other premises different from others?

"Thank you also for providing details of your door supervisor details and staffing and as of the 6th October, your training records albeit this was very delayed."

As always anything to help, and with regards to the delay we did say at the meeting that it is from the web server and unfortunately, we are not computer savvy when it comes to retrieving the data.

"Given our concerns I suggest a further meeting next week and formally confirm these meetings will form part of a three month Action Plan. This Action Plan would form part of any potential Licensing Review and would not prohibit a Review being submitted during this 3 month period."

Given the reason for our actions, and action taken by us to rectify and concerns you may have had and all the evidence provided, please can you state in writing what concerns that you have that warrant a formal action plan?

With regards to meeting on Tuesday 26th October 2021, unfortunately I'm not feeling any better so it will have to be postponed.

Also, can all future correspondence in regard to this and any further matters be in writing to eliminate any further misunderstanding

I trust that the above is to your satisfaction, however, should you have any further queries please do not hesitate to contact me.

Regards
Melanie Jordan

From: Jennifer Mellor
Sent: 14 October 2021 20:12
To: Melanie Jordan <[REDACTED]>
Cc: licensing@thelicensingguys.com; Sarah Heath <[REDACTED]>
Subject: Lexx Bar and Grill, Bridge Street, Walsall

Good evening Melanie

As promised please find attached our letter confirming our recent visit. Should you have any concerns, please contact either Sarah or myself. If you can let me know your availability next week for a further meeting I would be most grateful.

Kind regards

Jennifer

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



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Sarah Heath

From: Jennifer Mellor <j[REDACTED]>
Sent: 23 December 2021 08:20
To: mel.lexxjerkz[REDACTED] The Licensing Guys [Licensing]
Cc: Sarah Heath
Subject: Lexx Bar & Grill Action Plan

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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 legislation..

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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Sarah Heath

From: Melanie Jordan [REDACTED]
Sent: 21 February 2022 12:56
To: Jennifer Mellor
Cc: Derrick Minott; Sarah Heath; The Licensing Guys [Licensing]
Subject: Re: Next meeting

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Hello Jennifer
Apologies for not replying to your email,
Family issues.
Could you elaborate further on what incident you're talking about?
I will endeavour to ring you to discuss the matter further .

Regards
.Melanie Jordan .

On Sun, 20 Feb 2022, 22:16 Jennifer Mellor, <[REDACTED]> wrote:

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

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Walsall Police

Civic Centre, Walsall

[REDACTED]
Mobile: [REDACTED]

Email: [REDACTED]

Sign-up for neighbourhood policing alerts at www.wmnow.co.uk

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From: Jennifer Mellor

Sent: 16 February 2022 18:52

To: 'mel.lexxjerkz@[REDACTED]'; <mel.lexxjerkz@[REDACTED]>; 'derrick_minott@[REDACTED]'; <derrick_minott@[REDACTED]>

Cc: 'The Licensing Guys [Licensing]' <licensing@thelicensingguys.com>

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]

[Redacted]

Email: [Redacted]

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From: Jennifer Mellor

Sent: 04 February 2022 14:11

To: 'mel.lexxjerkz [Redacted]' <mel.lexxjerkz@[Redacted]derrick_minott [Redacted]>

Cc: 'The Licensing Guys [Licensing]' <licensing@thelicensingguys.com>

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

[Redacted]

[Redacted]

Email: [Redacted]

Sarah Heath

From: Sarah Heath
Sent: 27 April 2022 18:03
To: derrick_minott@[REDACTED] mel.lexjerkz@[REDACTED]
Subject: Noise Complaints

Hi Both

Unfortunately I have again received complaint from last weekend and the noise recordings that have been submitted are as loud as they were before. It would appear that the front door may well be being left open which may well be causing some of the issues.

Please can you ensure that the DJ is turning down the volume as before as it would appear that the noise has started to creep back up again and we are receiving a number of complaints. I will ask residents to monitor the situation again and the Police to check when they are out and about on the weekend that the door is closed and the noise levels from the property.

I shall let you know whether there are any further complaints received this weekend when I back next week.

I'm happy to discuss as always but I am out of the office until next Tuesday if you want to discuss then just drop me a line if I don't answer leave me a voicemail and I'll give you a call back.

Regards

Sarah

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

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

[REDACTED]
[REDACTED]
[REDACTED] 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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Walsall Council



Community Protection

Melanie Jordan
Lexx Bar and Grill
75 Bridge Street
Walsall
West Midlands
WS1 1JQ

Your Ref:

Our Ref:

Date: 15/07/2022

Please ask for: J Mellor/S Heath-
Marshall

Direct Line:

E-mail:

Dear Ms Jordan

Licensing Act 2003 Premises Licence WS/PRL/1037

I refer to the letter dated 22 June 2022 from Walsall Council and Walsall Police, which drew to your attention incidents that had occurred at Lexx Bar and Grill.

It is disappointing to learn that despite you receiving the above-mentioned letter on the 22nd June via email and the letter being hand delivered to Derrick Minnot on the 26th June that further incidents have been experienced at the premises.

These incidents include

1. During a visit to the premises at 02:40 on the 26th June Police staff witnessed an employee of yours, a singer openly using and in possession of a controlled drug namely Class B, Cannabis in the DJ area of your venue.
2. Police Officers reported that last weekend that yet again they could smell cannabis emanating from your premises, at a much higher level than any other entertainment venue.
3. Noise nuisance complaints continue to be received and Sarah Heath-Marshall, Community Protection Officer has had to speak with Derrick Minnot with regard to this matter also.

Taking our previous letter into account and also the incidents referred to above we have serious concerns with regard to the ability of Derrick Minnot to effectively manage the premises, and from yourself the DPS, to fulfil their responsibilities.

Despite providing us with a copy of your drugs policy it is clear staff and customers are not abiding by it and Derricks ability to control drug use on the premises and to control the level of music and noise that is disturbing local residents is inadequate.

We believe our concerns are justified and proportionate given his performance here and at a venue he worked at previously.

In our previous letter we advised this was a final warning before formal action would be taken. We therefore have to ask you to implement the following measures with immediate effect to ensure this unlawful activity ceases and for you, as the sole director of Lexx Jerkz Limited and DPS to take responsibility for the actions of the bar.

1. Your presence and management at the bar to deter this unlawful activity on Friday and Saturday evenings
2. Removal of Derrick Minnot as Manager of the bar
3. Replacement of the existing Security company supplying your SIA door staff together with those members of the team.
4. Last entry policy of 2am
6. Refresh all staff training, especially relating to your drugs policy by end July
7. Adopt LSAVI and complete self-assessment by end July
8. Complete WAVE training – all staff by end July

Please contact Jennifer Mellor to make arrangements for you and if required, your agent to come into the police station next week to discuss these formal measures further.

Walsall Police and Walsall Council will continue to monitor and review the activities reported to us from this premises and it is vital that you work with us to ensure incidents reduce and the bar is effectively managed. The only other option open to Regulatory Authorities is to seek formal action.

Yours sincerely



David Elrington
Head of Community Safety
and Enforcement



Insp Jamie Hobday |
Partnerships Team Manager
Walsall NPU
West Midlands Police



Walsall Council



Community Protection

Melanie Jordan
Lexx Bar and Grill
75 Bridge Street
Walsall
West Midlands
WS1 1JQ

Your Ref:

Our Ref:

Date: 25/07/2022

Please ask for: J Mellor/S Heath-
Marshall

Direct Line:

E-mail:

Dear Ms Jordan

Licensing Act 2003 Premises Licence WS/PRL/1037

I refer to the letter dated 15th July 2022 from Walsall Council and Walsall Police, which drew your attention to incidents that had occurred at Lexx Bar and Grill. The letter invited you and a representative into the police station the following week giving you the opportunity to advise what measures you were putting in place to deter the unlawful behaviour and to discuss the management of the bar. The Partnership are disappointed to learn, that although your legal representation is not available until the 1st or 2nd of August you are not prepared to meet earlier.

We believe the lack of contact, as our Police Licensing Officer had to further email you for a response to our letter as an indication of your lack of responsibility for our concerns. It is therefore the Partnerships decision to instigate a full Licensing Review based on the incidents and information gained over the previous 12 months.

Inspector Hobday and I are withdrawing the opportunity of a meeting but suggest you work with the Police Licensing Officer and Community Protection Officers to ensure improvements and measures are put in place during the Review process. As you have advised you are available on the 1st or 2nd August, we strongly suggest you contact our officers and arrange a time on one of these dates for further discussion.

Walsall Police and Walsall Council will continue to monitor and review the activities from your premise which would be included in the Review.

Yours sincerely



David Elrington
Head of Community Safety
and Enforcement



Insp Jamie Hobday |
Partnerships Team Manager
Walsall NPU
West Midlands Police



Walsall Council

Community Protection Team

FAO
Melanie Jordan
Lexx Jerkz Bar & Grill,
75 Bridge Street,
Walsall
WS1 1JQ.

Your Ref:
Our Ref: WK/202225982
Date: 28 July 2022
Please ask for: S Heath-Marshall
Direct Line: 01922 653060
E-mail: [REDACTED]

Dear Melanie,

Re: Noise Nuisance – Lexx Bar & Grill

As you aware this office has received numerous complaints concerning the alleged noise nuisance of loud music emanating from the above premises.

I can further advise you that such a complaint was witnessed by a Community Protection Officer on 24 July 2022 at 00:07 and 00:15. Music was witnessed being too loud from both the front entrance and the rear garden of the property.

On this occasion, the Council is deferring the service of an Abatement Notice under Section 79(1)(g) of the Environmental Protection Act 1990 in preference to this letter, which you should treat as a formal written warning that you should immediately cease creating any further noise nuisance.

Failure to do so will result in the service of an Abatement Notice. A consequence of breaching the Notice is that, officers may seize and remove any items they consider are or may be causing noise nuisance on your premises. Furthermore, upon summary conviction in the Magistrates' Court, you may be fined for breaches of the Notice conditions.

I therefore trust you will act upon the contents of this letter, thereby preventing the need for such action having to be taken.

Yours faithfully

Sarah Heath-Marshall
Community Protection Officer



Community Protection Team

FAO
Melanie Jordan
78 Coronation Road
Wolverhampton
WV10 0QH

Your Ref:
Our Ref: WK/202225982
Date: 22 August 2022
Please ask for: S Heath-Marshall
Direct Line: 01922 653060
E-mail: 

Dear Melanie,

Re: Noise Nuisance – Lexx Bar & Grill

As you aware this office has received numerous complaints concerning the alleged noise nuisance of loud music emanating from the above premises.

I can further advise you that such a complaint was witnessed by a Community Protection Officer on 24 July 2022 at 00:07 and 00:15. Music was witnessed being too loud from both the front entrance and the rear garden of the property.

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I therefore trust you will act upon the contents of this letter, thereby preventing the need for such action having to be taken.

Yours faithfully

Sarah Heath-Marshall
Community Protection Officer

Map showing location of Lexx Bar and Grill and proximity to Residential establishments



Director Information Companies House as of 22 August 2022

LEXX JERKZ LIMITED

Company number **12451486**

[Follow this company](#) [File for this company](#)

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- [Filing history](#)
- [People](#)
- [More](#)

Officers: [Persons with significant control](#)

Filter officers

Current officers

3 officers / 2 resignations

[THOMPSON, Sharlene](#)

Correspondence address
75 Bridge Street, Walsall, England, WS1 1JQ

Role **ACTIVE**
Director Date of birth **October 1976** Appointed on **1 June 2022**

Nationality **Jamaican** Country of residence **United Kingdom** Occupation **Head Chef**

JORDAN, Melanie

Correspondence address

78 Coronation Road, Wolverhampton, United Kingdom, WV10 0JQ

Role **RESIGNED** Director Date of birth **December 1973** Appointed on **2 March 2020** Resigned on **8 July 2022**

Nationality **British** Country of residence **United Kingdom** Occupation **Managing Director**

MINOTT, Derrick

Correspondence address

71-75, Shelton Street, Covent Garden, London, United Kingdom, WC2H 9JQ

Role **RESIGNED** Director Date of birth **January 1980** Appointed on **10 February 2020** Resigned on **7 March 2020**

Nationality **Jamaican** Country of residence **United Kingdom** Occupation **Managing Director**

From: Peter Ford <[REDACTED]>
Sent: 24 August 2022 17:56
To: Licensing
Subject: Lexx Jerkz Bar & Grill - Review of Premises Licence

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Dear Sir/Madam,

I would like to offer my opinion on the bar, Lexx & Grill.

I have complained to Walsall Council several times about the loud music coming from the establishment, and I provided a sound file. The music was extremely loud and continued from 12 midnight through to 4-5 am.

I am pleased to say that the music has lessened over the last six months. They must not be given a music licence or be allowed to play music under any circumstances, as they have no way of playing music without it being an early morning nuisance.

Despite the bar having visible security, they do not manage their customers on leaving the bar. There are over 200 units of accommodation within eye shot of the bar. As the bar closes around 4am, the noise from the leaving customers is horrendous-fights break out, Tameway Plaza had it's front door smashed, and car horns sound, and engines are revved. The noise is loud and people simply cannot sleep.

As traffic cannot now park on Bridge Street, it all goes and parks on Freer Street and Goodall Street causing a cacophony of noise from 3am to 5.30am. Please could you suggest extending the no parking into these streets. The Tameway Car Park regularly becomes an early morning battleground with drunks.

It would be no loss to the area if Lexx bar & gGrill was closed permanently, it causes far more distress to local homeowners than it's worth.

I hope this helps

Peter Ford

Owner [REDACTED]
[REDACTED] Bridge Street
Walsall
WS11JJ

Sayful Alom

From: Licensing
Subject: FW: lexxjerkzbarandgrill noise

From: jason barratt
Sent: 05 September 2022 10:00
To: Licensing <Licensing@walsall.gov.uk>
Subject: Re: lexxjerkzbarandgrill noise

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Hello Riba,

I do wish that my email be submitted as my representation in response to the said application made by WM Police for review of premises license and as another noise complaint to Community Protection.

I have been sending regular video with audio clips since 10th June 2022 to both Rajul Alam and Sarah Heath. Sarah has monitored the noise from my home recently. My noise samples are clear evidence of the anti-social nuisance caused by lexxjerkzbar.

On Mon, 5 Sept 2022 at 08:31, Licensing <Licensing@walsall.gov.uk> wrote:

Dear Mr Barratt,

Thank you for your email relating to noise levels at Lexx Jerkz Bar and Grill, 75 Bridge Street, Walsall, WS1 1JQ.

As your email doesn't clearly state that it is submitted in response to the application has been made by West Midlands Police for the review of the premises licence, I need to ask if your email is a response to the advertised review, to be included in the Committee papers as a representation, or a noise complaint to be directed to our Community Protection Team.

It could be either or both, but if you could just clarify for me, I would be most grateful.

I look forward to hearing from you

Kind regards,

Reba Danson

Licensing Officer

Resilient Communities

Economy Environment & Communities

Walsall MBC

Civic Centre

Darwall Street

Walsall

WS1 1TP

www.walsall.gov.uk



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From: jason barratt <[REDACTED]>
Sent: 04 September 2022 01:55
To: Licensing
Subject: lexxjerkzbarandgrill noise

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i have endured noise levels that have affected my sleep-patterns and mental health directly from lexxjerkzbar since long before the date wednesday 110919. Racket usually begins approx 0000AM Tuesday nights through until 0400AM. Without fail the whole cycle restarts Wednesdays/Thursdays 0000AM until 0400AM, as do Fridays , Saturdays, Sundays into Mondays.

During Summer months it's 0600 AM before noise from patrons subsides. You know my address

 [lexxjerkzbar noise 0138AM 040922.MOV](#) 

Consequently I sleep as and when conditions permit @endofrope
please view latest noise clip 0138AM 040922

From: jason barratt <[REDACTED]>
Sent: 04 September 2022 04:05
To: Licensing
Subject: lexjerkzbar noise 0355AM 040922

CAUTION: STOP and THINK - This email originated from outside of the council. If it looks suspicious it probably is and you should NEVER enter your council username and password into an external link or open attachments.

this is my life

 [lexjerkznoise 0355AM 040922.MOV](#) 

noise ends 0402 AM

From: jason barratt <[REDACTED]>
Sent: 07 September 2022 04:41
To: Licensing
Subject: LEXXJERKZ NOISE NUISANCE

CAUTION: STOP and THINK - This email originated from outside of the council. If it looks suspicious it probably is and you should NEVER enter your council username and password into an external link or open attachments.

Please

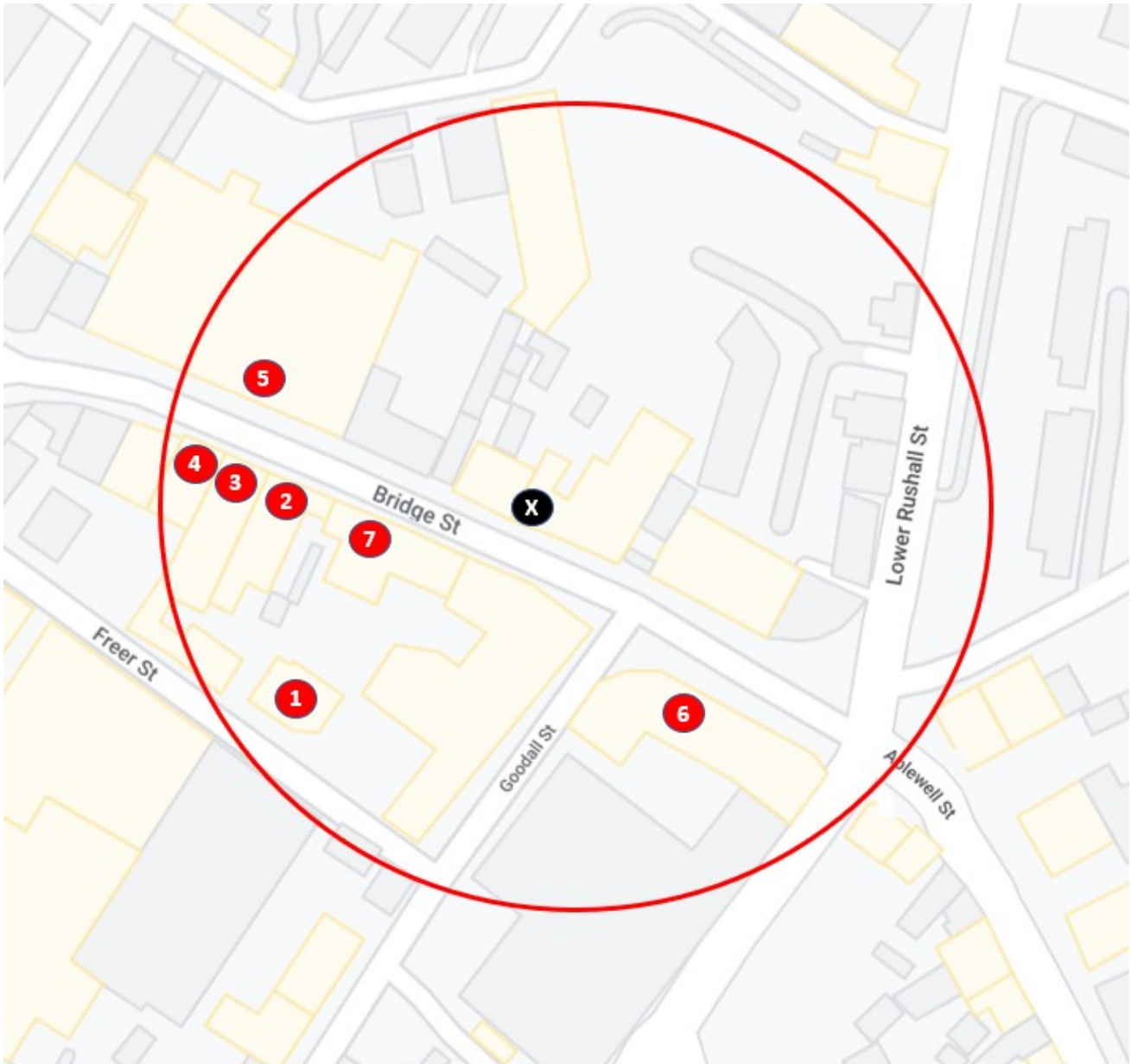


allow this evidence of lexxjerkz noise nuisance to be submitted to the committee report and Licensing and Safety Sub-Committee because Lexxjerkz don't care.

Area Location Plan

100m radius – Lexx Jerkz Bar & Grill

75 Bridge Street, Walsall, WS1 1JG



Ref	Name	Address	Licensable Activities	Hours	On/Off
1	Lounge Bar & Grill	10 Freer Street	Regulated Entertainment Sale of Alcohol	Monday to Sunday 10:00 – 00.30 Monday to Sunday 10:00 – 00.30	On
2*	Religion Nightclub	42-46 Bridge Street	Regulated Entertainment Sale of Alcohol	Monday to Saturday 12:30 – 05:00 Sunday 19:00 – 05:00	On
2*	WS1 Nightclub	42-44 Bridge Street	Regulated Entertainment Sale of Alcohol Late Night Refreshment	Monday to Saturday 12:30 – 05:00 Sunday 19:00 – 05:00 Monday to Saturday 12:30 – 04:30 Sunday 19:00 – 04:30 Monday to Sunday 23:00 – 05:00	On
3	Oi Sushi	42 Bridge Street	Late Night Refreshment	Monday to Sunday 23:00 – 05:00	Off
4*	Emerald Supermarket	38 Bridge Street	Sale of Alcohol	Monday to Saturday 08:00 – 23:00 Sunday 10:00 – 22:30	Off
4*	K'tari	36 Bridge Street	Late Night Refreshment	Sunday to Wednesday 23:00 – 02:00 Thursday to Saturday 23:00 – 05:00	Off
5	Makoto Bar	47-55 Bridge Street	Regulated Entertainment Sale of Alcohol Late Night Refreshment	Monday to Sunday 12:00 – 04:30 Monday to Sunday 12:00 – 04:30 Monday to Sunday 23:00 – 03:30	Both
6	Leo Shop	58 Bridge Street	Sale of Alcohol	Monday to Saturday 10am – 20:00 Sunday 10:00 – 18:00	Off
7	No 1 Pizza	44 Bridge Street	Late Night Refreshment	Sunday to Wednesday 23:00 – 02:00 Thursday to Saturday 23:00 – 03:30	Off

* Note – where Nos 2 and 4 are duplicated the dot on the plan identifies both addresses under that reference number as the buildings occupy both businesses.