
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

Disclaimer: IF THIS EMAIL IS MARKED PRIVATE OR CONFIDENTIAL - PLEASE RESPECT CONFIDENTIALITY AND DO NOT SHARE OR FORWARD IT TO ANYONE ELSE WITHOUT THE EXPRESS CONSENT OF THE AUTHOR. The information in this message should be regarded as confidential and is intended for the addressee only unless explicitly stated. If you have received this message in error it must be deleted and the sender notified. The views expressed in this message are personal and not necessarily those of Walsall MBC unless explicitly stated. E-mails sent or received from Walsall MBC may be intercepted and read by the Council. Interception will only occur to ensure compliance with Council policies or procedures or regulatory obligations, to prevent or detect crime. You should also be aware that any email may be the subject of a request under Data Protection, Freedom of Information or Environmental Information legislation and therefore could be disclosed to third parties.



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.

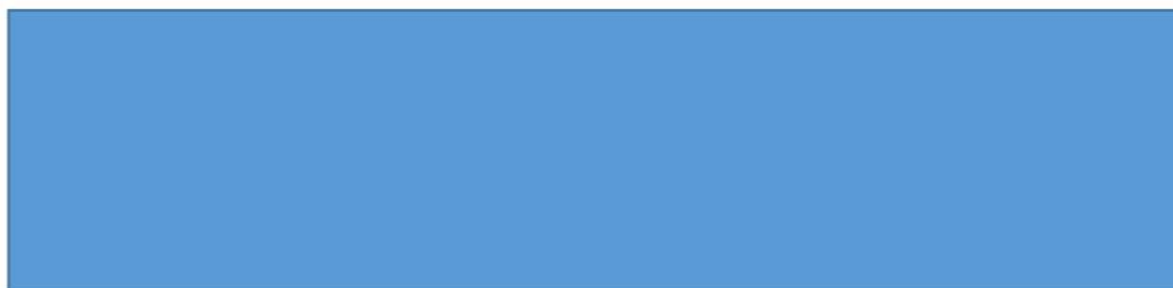
You will also note from the table that I have shown where the noise recordings have been taken from as 17 recordings have been sent through by residents using their own mobile phone video function and 6 have been sent through using the noise app. There is then also a breakdown showing that 15 videos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

<p>Date</p>	<p>Attending the meeting</p>	<p>Follow Up</p>
<p>21/06/2022</p>	<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>	
<p>Date</p>	<p>Attending the meeting</p>	<p>Follow up</p>

<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>
-------------------	---	--

<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>	
--	--	--

Correspondence Between Walsall Council, West Midlands Police and Lexx Bar and Grill

Date	Correspondence type	Page No
23/08/2021	Letter sent via email to Melanie Jordan from the Parntership	1
14/10/2021	Letter sent via email to Melanie Jordan from the Partnership	2
25/10/2021	Email from the Parntership	3
23/12/2021	Email to Melanie Jordan from the Parntership re Action Plan	4
21/02/2022	Email to Melanie re the Action Plan	5
27/04/2022	Email to melanie re the noise complaints	6
15/07/2022	Letter to Melanie Jordan from the partnership via email	7
25/07/2022	Letter to Melanie Jordan from the partnership via email	8
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

CAUTION: This email originated from outside of the council. If you have any doubts do not click links or open attachments. You should never be asked to enter your username and password into an external link.

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]

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

Follow us on social media

www.twitter.com/wmpolice

www.facebook.com/westmidlandspolice

www.youtube.com/westmidlandspolice

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.



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 Licensing 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

CAUTION: This email originated from outside of the council. If you have any doubts do not click links or open attachments. You should never be asked to enter your username and password into an external link.

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]

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

Follow us on social media
www.twitter.com/wmpolice

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.



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

CAUTION: This email originated from outside of the council. If you have any doubts do not click links or open attachments. You should never be asked to enter your username and password into an external link.

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

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

Follow us on social media

www.twitter.com/wmpolice

www.facebook.com/westmidlandspolice

www.youtube.com/westmidlandspolice

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



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

Follow us on social media
www.twitter.com/wmpolice

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

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

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.

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



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

Follow us on social media
www.twitter.com/wmpolice

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

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

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.

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

Walsall Police

Civic Centre, Walsall

[REDACTED]
Mobile: [REDACTED]

Email: [REDACTED]

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

Follow us on social media

www.twitter.com/wmpolice

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]

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

Follow us on social media

www.twitter.com/wmpolice

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

Disclaimer: IF THIS EMAIL IS MARKED PRIVATE OR CONFIDENTIAL - PLEASE RESPECT CONFIDENTIALITY AND DO NOT SHARE OR FORWARD IT TO ANYONE ELSE WITHOUT THE EXPRESS



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.

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

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](#)

[Overview](#) [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** Date of birth **October 1976** Appointed on **1 June 2022**
Director

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**