

Dear Jenn,

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

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

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

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

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

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

Thank you in anticipation of all the above.”

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

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

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

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

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

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

Have a very Happy Christmas and a Peaceful New Year.

Kind Regards

Nick SEMPER

Director at The Licensing Guys Ltd



the
LICENSING
GUYS



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From: Jennifer Mellor <[REDACTED]>

Sent: 23 December 2021 08:20

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

Cc: Sarah Heath [REDACTED]

Subject: Lexx Bar & Grill Action Plan

Good morning all

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

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

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

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

Noise complaints:

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

Rear fire exist:

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

Smoking within the building:

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

Trading beyond the licensable hour:

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

Crime and Disorder:

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

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

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

Kind regards

Jennifer

Jennifer Mellor
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