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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.

