



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	06 September 2016		Clerkenwell

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION  
FABRIC, 77A CHARTERHOUSE STREET. LONDON EC1**

## 1. Synopsis

- 1.1 An application for an expedited review of the premises licence under Section 53A of the Licensing Act 2003, was made by the Metropolitan Police on Thursday 10<sup>th</sup> August 2016 following the death of an 18 year old male, who in the early hours of Saturday 6<sup>th</sup> August 2016, died in hospital after taking MDMA, a class A drug also known as ecstasy. With the application a certificate signed by Superintendent Stuart Ryan was given, to the effect that he is of the opinion that the premises are associated with serious crime. The application was received at 16:44 on the 10<sup>th</sup> August 2016.
- 1.2 It is reported that the male and his friend had carried MDMA into the premises on their person and had consumed it inside the premises. It is further reported that they were able to purchase two 'MDMA bombs' (powder MDMA in a wrap) which they also consumed inside the premises.
- 1.3 This death closely follows the death of another 18 year old male at the premises on Sunday 26<sup>th</sup> June this year in very similar circumstances. The male and his friends had reportedly taken MDMA into the premises, concealed upon their person, and had also been able to purchase more whilst at the premises, had fallen ill and had died soon after arriving at hospital.
- 1.4 Within 48 hours of receipt of the chief officer's application, the Licensing Authority must consider whether it is necessary to take interim steps. At 11:05 on Friday 12<sup>th</sup> August 2016, Members of the Licensing Sub Committee, by way of email communication, determined to suspend the premises licence as an interim step, pending the full review hearing.

1.5 With their application the Police provided the following documents;

- A printout of the Police CAD logs of telephone calls relating to the premises
- Two statements relating to the incident on 6 August 2016
- Two statements relating to the incident on 25 June 2016
- Two statements relating to a covert visit to Fabric on 2 July 2016

1.6 In support of their application, the Police have provided further documentation in support of their review

1.7 At the time of writing the report, the premises had not made a representation to the interim steps.

## 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Applicant
Pollution Team	No
Health and Safety	No
Trading Standards	No
Public Health	Yes
Safeguarding Children	No
London Fire Brigade	No
Local residents	Yes
Local business	Yes
Other bodies	Yes

2.1 The Licensing Service has received four representations in support of the review and eight hundred and seventy five representations in support of Fabric.

## 3 Background / History

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, on and off supplies: Mondays to Sundays, 24 hours a day.
- ii) The provision of regulated entertainment: plays, exhibition of films, live music, recorded music and performance of dance, Mondays to Sundays, 24 hours a day.
- iii) The provision of late night refreshment: Mondays to Thursdays from 23:00 until 02:30 and Fridays to Sundays from 23:00 until 05:00.

- 3.2 The premises licence is currently held by Fabric Life Limited, who transferred onto the premises licence on 24 June 2010. The current Designated Premises Supervisor is Luke Laws, who varied onto the licence on 29 May 2013.
- 3.3 On 26 July 2014, a customer died at the premises. This followed three other deaths and four near misses since 2011. The Police met with the premises and they agreed to look into improving their drug detection.
- 3.4 The Police made an application for the review of the premises licence on 6 November 2014 on the licensing objectives of the prevention of crime and disorder and public safety. The grounds for the review application were quoted as being eight incidents of patrons collapsing at the venue having taken illegal drugs. Four of the incidents resulted in the death of the patron, while the other four incidents resulted in the near death of the patron. Two of the drug related incidents had occurred in the three months preceding the review application being made.
- 3.5 The review was referred to a meeting of the Licensing Sub Committee on 18 December 2014, where Members of the Licensing Sub Committee determined to amend the conditions of the premises licence. This decision was appealed by the premises. The appeal was heard at Highbury corner Magistrates' Court on 10 December 2015 where district Judge Allison imposed an amended set of conditions and made several suggestions as to the running of the premises.
- 3.6 The Licensing History can be found in appendix 9

#### **4. Documents**

4.1 Papers are attached as follows:-

- Appendix 1: Application and Certificate
- Appendix 2: MPS supporting information\*
- Appendix 3: Decision of the Licensing Sub Committee Interim steps
- Appendix 4: Additional Metropolitan Police documentation
- Appendix 5: Representations in support of the review
- Appendix 6: Representations in support of Fabric
- Appendix 7: Current premises licence
- Appendix 8: Previous review application, LSC decision and appeal decision
- Appendix 9: Licensing History from 2010
- Appendix 10: Map of premises location.

\*A number of the exhibits submitted in support of the review application have been withheld from the public domain under the Council's rules governing exempt material. These exhibits will be made available to members of the Licensing Sub-Committee and the premises licence holders.

#### **5 Recommendations**

- 5.1 To determine the application to review the premises licence under Section 53A of the Licensing Act 2003.
- 5.2 The Committee must, having regard to the application and any relevant representations, take such steps as mentioned in Section 53C(3) of the Act (if any) as it considers appropriate for the promotion of the licensing objectives.

- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months; and
- e) to revoke the licence;

**6 Conclusion and reasons for recommendations**

- 6.1 The Council is required to consider this review application in the light of all relevant information, and must take such steps as it considers appropriate to promote the licensing objectives.
- 6.2 ***The Council is required to consider whether the interim measures continue pending any appeal.***

**Background papers:**

The Council's Statement of Licensing Policy  
Licensing Act 2003  
Secretary of States Guidance

**Final Report Clearance**

**Signed by**

  
Service Director – Public Protection

Date

**Received by**

Head of Scrutiny and Democratic Services

Date

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