

WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Aaron Barnes Police Sergeant 9NI** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 219383**

This statement (consisting of: ... **11** ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  9NI Date: 26/08/2016.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Sergeant Aaron Barnes a licensing officer for Islington Borough Police within the Metropolitan Police Service. I am the Sergeant on the borough with primary responsibility for licensing and have been in post since the 2nd June 2016. I represent the Metropolitan Police Service which is the lead for crime and disorder and the primary authority for this in Islington.

This statement is submitted to support the application by the Metropolitan Police Service made under Section 53A of the Licensing Act 2003. This is for the summary review of the premises licence held for the premises at 77A Charterhouse Street, London, EC1M 3HN

Summary

Two eighteen year olds have died between 25th June 2016 and 6th August 2016 having consumed MDMA (Ecstasy) in Fabric nightclub. The evidence presented is that the victims purchased MDMA inside the club.

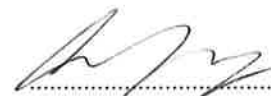
There have now been six drug related deaths at the club since 2011. The club was the subject of a standard review (under section 51 of the Act) in October 2014 after two drug related deaths at the club. In December 2014 additional conditions were imposed by the Council, two of which were overturned on appeal in December 2015 with the addition of further conditions.

The current application for summary review was made on the 10th August 2016. On the 12th August 2016 the Council imposed the interim step of suspension of the licence.

Although the summary review application was limited to the licensing objective of the prevention of crime and disorder, the final consideration of the application also engages public safety.

Fabric

Fabric is a three 3 room nightclub established in 1999 occupying a Victorian underground storage area adjacent to Smithfield Meat Market. The public entrance is situated on Charterhouse Street opening up into the reception/searching area. There is a rear fire exit that is also utilised as access to the smoking area situated on Greenhill Rents. Once through the ground level reception area the venue comprises of

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three separate main rooms each with individual sound systems and a fourth space described as a sunken bar. These are linked by various stairwells and interconnecting rooms. Room 1 is the largest with a live act stage, 'Bodysonic' dancefloor and a VIP mezzanine level. Room 2 is slightly smaller in size, again with a stage. Room 3 is described as a 'chill-out' area with seating. There are various bars within the venue including the sunken bar which is situated between Room 1 and 2 and beneath Room 3. There is also a water bar situated on the mezzanine in Room 1

The club was the subject of a standard review submitted by Islington Police in October 2014. This led to a number of agreed conditions being put forward at a hearing in December 2014. Conditions concerning the use of a drugs dog at the entrance and an ID scanner were not agreed and these, though imposed by the Licensing Sub Committee were overturned on appeal by a District Judge sitting at Highbury Corner Magistrates Court in December 2015. Further conditions were imposed by the court by consent.

Statements from members of the public will be referred to by numbers in order of submission. Police covert statements are referred to by letter, by name otherwise.

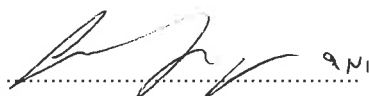
The first death was of an 18 year old male and occurred on 25th June 2016 (**Statement 1 and Statement 2**). The second death, also of an 18 year old male, occurred on the 6th August 2016 (**Statement 3 and Statement 4**). I will also make reference to a female who was taken to hospital following a drugs overdose on the 25th June 2016 but who recovered (**LAS CAD 661/25JUN16**).

Saturday 25th June 2016 – Death of 18 Year Old Male

Statement 1 relates to the tragic death of RB, an 18 year old, on 25th June 2016 and is made by someone referred to as 'Person A', one of a group of friends who went to Fabric. They were all able to conceal drugs on their person and get through the search and entry regime without the drugs being found. They each concealed them in different locations in their clothing. Person A had pills hidden in his sock which he and RB retrieved when they were in the toilet. They then purchased water at the bar and the drugs were taken. The statement details how RB became frustrated after seeing the visible effects of the drugs, described as 'coming up', on his friends when he felt his were not working. The statement then details how RB told Person A that he had bought a pill off someone. Person A did not recognise the name. Approximately fifteen minutes after speaking to Person A, RB had been able to obtain drugs from a stranger within the club, someone described as 'a guy'. The statement then goes on to detail the very disturbing deterioration of RB when he was visibly unwell. It appears that he was in this condition for some time.

Statement 2 relates to the same incident on 25th June 2016 and is made by someone referred to as Person B. It relates how Person B got through the search and entry regime with drugs concealed in his socks. Person B states that he was 'briefly searched' as he entered. Person B then went to the toilet to retrieve the drugs with the others. The statement describes how RB bought a bottle of water from the bar and took an MDMA pill. Person B soon began to feel the effects and felt overwhelmed. He went to the toilet after fearing he would vomit. He vomited after sitting in the toilet cubicle for five minutes. Person B details how he was told by a mutual friend that RB was frustrated waiting for the drugs to take effect and had gone to buy another pill. Person B then saw RB talking to someone sitting on a sofa near the bar. Thirty minutes later, RB then told him that he had taken a pill that he had bought in the club (in addition to the three he had brought in). The statement then details the disturbing deterioration of RB's condition. The visible effects are noted as including sweating and shaking as well as 'that he 'didn't look well'.

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Continuation of Statement of **Aaron Barnes Police Sergeant 9NI****Concerns and Breaches of Conditions:**

Class A drugs were brought in to the premises

Class A drugs were purchased in the premises

Conditions 20 & 35 These statements imply that others would have been able to observe drug use, the effects of the drug use on this group and raises the question of staff intervention, visibility and effectiveness.

Condition 29 *'If an ambulance is called and customer taken to hospital the police must be notified'* - On the 25th June 2016, a female was taken to the Royal London Hospital from Fabric after taking MDMA and having a seizure. Staff intervened to assist her but police were not called. Evidence – record of a call to the London Ambulance Service (LAS) **661/25JUN16**. LAS staff were already dealing with this female when the following update is put on the CAD; *'AP61 advising been dragged back into club for 1nd PT MDMA and other drug...AP61 is without lifepak as it is with PT1 enr to RLH with HEMS'*. This stark message shows two serious collapses which had occurred concurrently. They required multiple LAS units and the Helicopter Emergency Medical Services.

Saturday 6th August 2016 – Death of 18 Year Old Male

Statement 3 relates to the tragic death of JC, an 18 year old, on 6th August 2016. He had gone to the club with a group of friends on that and at least two previous occasions:

April 2016 On a previous visit to Fabric in April they took MDMA in to the club concealed in boxer shorts. The search regime was described as a full pat down. The group then went in to the toilet cubicles and retrieved the MDMA. They state that *'I could tell by people's body language and behaviour that well over 80% of the other people in the club appeared to be under the influence of drugs'*.

24th June 2016 The drugs were taken in to the club *'in the same manner as before...we were very surprised about the lack of searching on this occasion. I was only patted down softly and I even said to the searching officer do you not want to check my pockets and he said something like "no don't worry about it".'* Again, they went to the toilets to retrieve the drugs and there was some consumption of drugs in the toilet area. The statement includes details of a cannabis joint being passed amongst people in the smoking area. The statement then recounts how easy it was, once the effects of MDMA seemed to be wearing off, to go and get more with *'5-6 <out of> 10'* people being willing to sell drugs; *'The culture in the club is a drug culture and it's known by everyone who attends that you can buy drugs easily from within the venue'*. It then explains how he went up to a male who sold him half a gram of 'Mandy' aka MDMA for £10; *'Most people if they have any spare will simply sell you some of their own gear for £10 or £20'*.

5th/6th August 2016 The group entered the club, again MDMA was taken in inside boxer shorts; *'the search was loose, nowhere near the standard of our first visit back in April'*. Some went immediately to

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the toilet cubicles and took MDMA orally whilst inside. The statement recounts how one of the group asked him if he wanted some more MDMA because he had just been offered some. He got a brief look at the male who he believes supplied the drugs but comments that it was dark. He was given the MDMA 'bomb' which he took whilst standing just 'a few yards' from the bar area. A short while afterwards, three girls asked the group if they had anything and were directed towards the man who had sold them drugs earlier; *'The ease of purchasing MDMA at Fabric is one of its main attractions'*. It was at 0400 when they went to the smoking area that he noticed JC did not look well. After a period of time when they were separated, he met up again with JC at a pre-arranged location inside the club. JC still appeared visibly unwell. It was as they were leaving this area and going up a set of stairs that a member of staff saw JC's condition and took him to the medical room.

Statement 4 appears to cover the same events:

29th April 2016 Entry to the club through search arches, which did not appear to go off, despite metal objects being in his pockets. The search is then described and he notes that he was not asked to remove objects from pockets. He was approached a couple of times asking if he knew of anyone selling MDMA. These approaches were from strangers. He was approached by a male carrying a small side bag and asked if he wanted any pills. He declined at this point. He comments that the water bar was busy but that the alcohol bars were not.

Mid-July 2016 During the search regime, he asked the bouncer if he wanted to search his pockets and was told that if they did that *'we would be here all night'*. Again, once inside the club he was asked if he knew where someone could buy MDMA and heard that someone had been offered Ketamine.

5th/6th August Again, the security arches did not appear to indicate when he had metal in his pockets. The search was not as in depth and *'appeared to concentrate on my ankles'*. He was not asked to remove anything from his pockets. Later in the evening, JC and another friend said something that implied to him they were going to buy drugs having already taken some. They mentioned that there was someone in the smoking area who would take them to buy drugs. JC started showing visible signs of being unwell and went to sit in room 2. He was intercepted by security whilst going up some stairs and directed to the medical room. His condition declined quickly thereafter.


Breaches and Concerns:

Class A drugs were brought in to the premises

Class A drugs were purchased in the premises

Conditions 20 & 35 These statements imply that others would have been able to observe drug use, the effects of the drug use on this group and raises the question of staff intervention, visibility and effectiveness. The also suggest that JC was visibly unwell for about an hour and a half inside the club and smoking area.

Condition 3 *'duties of the SIA licensed door staff...Ensuring patrons are being searched in accordance with the search policy'* Statement 4 recounts a conversation with a medic after JC had been taken away to hospital. He mentioned that the searching wasn't very good. When he pointed out the person who had searched him, the medic said that that person was new and that *'he has come from a different club that hasn't got any problems with drugs'*.

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Conditions 48 and 52 The smoking area should be staffed and secure. There is no evidence of random drug searches being undertaken by staff in the smoking area.

The evidence in the statements suggest that it was obvious that people in the club were on drugs. However, they did not notice staff dealing with anyone who appeared to be under the influence.

This suggests an inconsistent regime and that there had not been an improvement following the previous tragic death on 25th June 2016.

It is the contention of the police that visibility in the club is poor and medical staff deployment is insufficient to cope with the issues caused by drug taking inside.

Police Meetings and Visits:

The police had a meeting with the premises on the 1st July 2016 and conducted full licensing visits to the premises on 2nd/3rd July and 22nd July 2016.

Following the death on 25th June 2016, Islington Licensing Officers PS Barnes and PC Harrington met with Luke Laws (General Manager) and Paul Durand (Head of Security) on 1st July 2016 at the club.

Evidence – Notes of Meeting CRIMINT NIRT00485206.


Covert Police Visit 2nd July 2016:

Police Statement A and **Police Statement B** are included. The undercover officers witnessed the open use of drugs in the premises, the fact that people were intoxicated by drugs and were being offered drugs for sale. The following licence breaches were noted.

Condition 2 'SIA licensed door supervisors to question potential patrons on a one to one basis about their attendance at the venue' No questions were asked on their entry to the venue.

Condition 9 'No patrons shall be admitted to the premises without being subjected to a thorough search of their person and bag' - Police Statement A recounts a ten second search on entry. Jeans pockets and a bag were not searched. Police Statement B recounts a search on entry of less than five seconds. They were not asked to empty their pockets which had several items in them. The back pockets were not checked or felt.

Condition 35 'An internal security team...Looking for any individuals who are under the influence of excessive alcohol consumption or drugs...Consumption of drugs and/or dealing' - In room 2, evidence of intoxication was seen in the form of sweating, glazed red eyes and staring in to space. Statement B recounts that in the smoking area, an extremely intoxicated male was asking for help. A male was seen giving a pill to a female in Room 2. In room 1, a male was seen to swallow something believed to be drugs and give something to a female. In Room 2, a male was seen approaching various groups, not intoxicated, holding short conversations then walking away, believed to have been a drug dealer. A male was seen in an alcove believed to have been sniffing drugs. Snap bags with white powder residue were seen in a toilet cubicle.

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Conditions 35, 48 and 52 - In the smoking area, the author of the second covert statement was offered 'MDs' Several other people there then asked this male about the price. This is in a smoking area that should be monitored; *'The dedicated...smoking area shall be maintained secure'*. A bouncer was stood two metres behind and should have heard and seen this; *'An internal security team...Their details shall include: Looking for any individuals who are under the influence of excessive alcohol or drugs'*. Another visit to the smoking area was made and a male asked if the covert officers had any 'gear'. He had 'dropped' his and wanted more. He was thinking of asking one of the bouncers because 'if you are found with drugs the bouncers take this from you and then give it to people they know'. There was no evidence of staff carrying out random drugs searches in the smoking area.

Condition 10 Statement B recounts how someone said to the author that one of his friends had been found with drugs but was still allowed in to the club which is a breach; *'Any person found in possession of drugs...shall be excluded from the premises and banned from future entry'*..

Condition 48 *'The dedicated customer smoking area shall be maintained secure and only accessible via the premises'* - On two occasions, staff were noted letting people in to the club via a temporary barrier at the back of the club which should not be happening.

Overt Licensing Visit 2nd/3rd July 2016

An Environmental Visual Audit (EVA) has been completed by qualified DOCO (Designing Out Crime Officer) Karl Turton. A DOCO is a specialist crime prevention officer, trained at the Home Office in crime reduction, who deals with crime risk and designing out crime advice for the built environment. They have nationally recognised qualifications. I would highlight the following points from the report.

During the visit for the EVA, staff were not observed to leave static points in the smoking area to move through the crowd. The club have implemented the policy of only doing so when staff are paired because of previous violence directed against them by patrons.

Visibility in the club is a challenge. This is due to a combination of light levels, dry ice, the layout of the club over several floors, alcoves which are part of the building structure, crowding and the ineffectiveness of CCTV due to a combination of these factors interfering with the coverage provided. Even a good CCTV system is affected by light levels and other environmental factors.

The search area is not a *cordon sanitaire* and does not facilitate effective searching. Pockets, bags, outerwear and headwear were not properly searched. The club has a training regime and staff should be appropriately trained.

Condition 30 *'...maximum number of persons accommodated at any one time in the premises shall not exceed <lists maximums per area>...'* During the course of the EVA, management stated that condition 30 of the club's licence was not being adhered to. This regards capacities in individual rooms. Staff were not counting numbers of patrons in each room.

A copy of this EVA was supplied to the club on Thursday 4th August.

Police are not aware of any measures that they have taken in line with the recommendations made in the report. Fabric have stated that they have commissioned their own report in response to it, though

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police have not been supplied with this at time of writing. The club have not informed police that they have implemented any of the recommendations. The report concludes that 'due to the current business model and style of operation which is not compatible with the building in which it operates, and the location of the premises, there are very limited options available that would increase public safety to an acceptable level'.

Statement of Chief Licensing Officer Ian Graham -

This statement was written after a full licensing visit conducted on 3rd July 2016 and lists a number of concerns about existing procedures in the club.

If someone is found to have drugs and is barred from the club, they take a photograph of the person and the ID. These are stored in a binder. The binder, when it was checked contained over a hundred images. Staff are therefore expected to know over a hundred faces in order to bar the relevant people. It does not include those turned away at the door. There is therefore nothing to stop someone being refused entry and then returning a short time later. This system is wholly inadequate.

He observed the search regime and states that at no time did he witness anyone being asked to empty their pockets.

He expresses concerns about general visibility in the club and the visibility of security staff.

Condition 35 He gives several examples of people who appeared to be visibly intoxicated in the venue. At the time, he was in company with members of staff for the licensing visit. It is condition of the licence that the '*security team...duties shall include: Looking for any individuals who are under the influence of excessive alcohol consumption or drugs*'.


Overt Licensing Visit Friday 22nd July 2016

Police Statements by PC Hislop and PC Kemp are included.

Concerns and Breaches:

Condition 35 '*...Looking for any individuals who are under the influence of excessive alcohol consumption or drugs*' - During a visit to the 'chill-out' zone in Room 3, a fire marshal was seen interacting with patrons. At the same time, a clearly intoxicated male who was not wearing a shirt walked past. Police Statement C details a return visit to the smoking area. There was no engagement except for a member of security apparently asking people to stand up and, in some cases, physically assisting them. This implies that they were intoxicated to such a level as to require help standing up.

Condition 48 '*customers shall be encouraged not to loiter in the smoking area*' relates to control of the smoking area and lack of enforcement regarding loitering. Failure of the club to control the smoking area. Even when staff were posted to the smoking area, they did not carry out any interactions during a ten minute period.

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Condition 52 ‘...random drug searches of customers using the smoking area’ There was a strong smell of cannabis in the smoking area. Even during a visit when staff knew police were checking the venue, it seems that they were unable to prevent open drug use in this area.

Concern - Visibility in the club is noted as poor. No staff were observed in the mezzanine area of Room 1.

PC Kemp also recounts two SIA members of staff producing photocopies of their badges when asked. They should have been checked by senior managers prior to starting work to ensure that they were complying with SIA regulations.

Email of 26th July 2016:

Islington Licensing sent an email following a GBH assault. A male had damage caused to a tooth after being struck in the face. The female suspect was ejected without details being taken or the police being called. Police were notified when the suspect attended a police station a couple of days after the assault.

The email sent by PC Harrington included a mention that significant witness statements had revealed that drugs had been taken in to the club concealed in socks on 25th June 2016. It asked what measures the club would put in place now that they knew this. Luke Laws (General Manager) responded by email *‘With regards to the reports of drugs being taken into the venue inside people’s shoes, we profile those entering the building and search their shoes & socks and beyond that we undertake random spot checks. This has been our policy for some time now, and we will continue this policy to restrict the opportunity of drugs to be smuggled into the venue inside shoes/socks.’*

Police are not aware of any data held by the club regarding searches conducted of socks and shoes. When the club opened that weekend, an arrest was made for PWITS on 30/07/2016 where drugs were found concealed in this manner. Police contend that this shows that such searches had either not been happening or had not been happening with sufficient regularity to provide an effective deterrent.


A rigorous search regime in itself assists in deterring drug use and drug dealers. Police contend that, such is the demand inside the venue, it would only be necessary for a potential supplier to conceal and take into the club a small number of pills for the opportunity to arise to sell these.

History

I summarise below the events which led to the standard review of the licence in October 2014. These events led to the imposition of the conditions by the Council and subsequent appeal to the magistrates’ court on two of the conditions which was upheld in December 2015.

Sunday 14th September 2014 – Death of an 18 Year Old Female

An 18 year old female PG attended Fabric with some friends. **Statement 5, Statement 5.1** and **Statement 6** contain evidence that MDMA was purchased inside the club from a male. She and her friends took some. She became ill, was taken to hospital and died shortly afterwards.

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Four statements were taken in relation to this; one of these is a clarification of a previous statement made (Statement 5.1). They are included redacted. A typed redacted document has been provided. Statement 5 provides evidence that drugs were bought by the deceased and her friends inside the venue. She paid £50 for half a gram at about 0145 whilst in the smoking area. They first took some of the drug on the third floor of the club by putting it on fingers. It was then mixed with water for further consumption.

Police Statement by T/DC Marston recounts details of a conversation that he had with a pastoral worker at the college where the deceased studied. He states *'I specifically recall that <M> said to me that if the students want to go and get drugs then "Fabric is the place to go to"'*. This suggests that the impression of the club as a place where people can go with the intention of taking drugs reaches outside London.

This was the incident, when combined with three other deaths and eight 'near misses' (serious drug related overdoses) which instigated the previous review.

Subsequent to the previous review but before the appeal hearing in December 2015, police are aware of five hospital admissions for drug related overdoses from the club. Two of these admissions were for people in a critical condition.

Conclusions


There is clearly an element of tragic misadventure in the drug related deaths at Fabric. However, it is the contention of the police that an environment which is tolerant of drug related serious crime has been created and maintained by the operation of the club in its current manner. Two further MDMA related deaths in six weeks to 6th August 2016 have occurred in addition to the four previous deaths.

In addition to these, there were five collapses associated with drug use between 1st January 2015 and 17th October 2015. There was also a drugs related collapse and hospital admission on the 25th June 2016 where a female was taken to the Royal London Hospital **LAS CAD 25/06/16, 661**.

Police contend that the level of intoxication in the club is high and that a major cause of this intoxication is MDMA use. Without reiterating the statements, which are powerful and emotive documents, it is clear that drugs are easily available and that this is widely known to patrons. Serious crime in the form of offering to supply and possession with intent to supply by people within the club are the key factors in the easy availability of drugs.

A further familiar theme is that alcoholic drink sales at the venue do not seem to be high. It supplies a free water bar as well as selling bottles of water. Though this has doubtless been implemented for the welfare of the patrons, medical evidence states that the amount of water consumed needs to be carefully regulated when people have taken MDMA and that it could be dangerous to drink too much.

The evidence summarised in this statement shows that the venue is associated with serious drug related crime and risks to public safety. It is appropriate therefore to address measures that could be implemented. The committee is asked to find that these measures have not been implemented following the four previous deaths from 2011-2014, after the previous review, the appeal hearing in

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December 2015 nor prior to, between or after the two further deaths this year to the date of the imposition of interim measures. Many of these measures are established methods for improving public safety at a venue and countering serious crime.

Other steps which could be taken are referred to and commented upon below. Police conclude that the imposition of conditions would not be appropriate for these reasons.

ID Scanners – the club are believed to possess one but do not use it. This was the subject of their previous review appeal to Highbury Corner Magistrates Court in December 2015. The court upheld the club’s appeal.

Deployment of drugs dogs at least 50% of the hours of operation each night – as above, this was the subject of their previous appeal which was upheld.

Reducing the terminal hour of operation. It is considered that ‘pre-loading’, combining drink and drugs, and physical tiredness may all be factors that exacerbate the risks associated with drug use. This would be in line with current Islington Council policy in a community impact area. However, the detailed instances of serious crime have occurred throughout the advertised opening hours of the club. Fabric is associated with drug use and serious crime. Reducing the hours of operation is unlikely to have any effect on that association.

Initiating a policy of admission for people aged 25 and over. Five of the six people who have died following MDMA overdoses at the club are under 25 years of age. Four are eighteen years of age. It might be said that inexperienced users of MDMA are more vulnerable to a fatal reaction to the drug. This lack of experience of the expectations of the effects of the drug seems likely to increase the chances of such people taking an overdose. Raising the age of admission may prevent younger people from dying in the club. Police do not condone people of any age taking MDMA or other prohibited drugs. This measure would need to be supported by a rigorous entry registration procedure and it is suggested that use of an ID Scanner would be appropriate. Minimum requirements regarding suitable identification documents would need to be set. The club already has a membership list and stores data on these members.

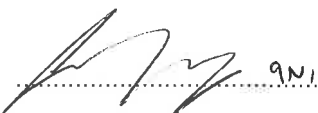
Initiating a policy of admission for people aged 21 and over. As above although police believe that this measure would carry greater risks than the 25+ policy.

Medical facilities. The medical facilities at the club are better than other licensed venues in Islington Borough. Police do not consider that having good medical facilities and trained staff on site creates a safe environment for the consumption of prohibited recreational drugs such as MDMA.

Reviewing employment of the present security regime.

Reviewing employment of the DPS. This by itself would not address the serious crime issues in the venue.

Re-training of staff in all aspects of work regarding health and safety, crime prevention, search and entry to a recognised higher standard than that now held.

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Instigating a period of suspension prior to a re-launch. This would give time for detailed measures, including structural changes, to be developed. However, police have concerns about the association of the brand 'Fabric' with drug use. Some of the statements demonstrate this association starkly.

Police contend that any proposals made by the club would have to be substantial and permanent in order to change the nature of the venue and reduce the risks. It is a private business. Police still do not consider that even these measures would be sufficient.

In order to comply with the licensing objectives, it is appropriate and necessary to create a robust, anti-drugs environment. The police contend that Fabric has not done enough to create this atmosphere. Instead, an environment of recreational drug use has flourished. After a review in 2014 following four deaths, it is deeply alarming that the venue has been brought back before a committee so soon after because of a further two deaths.

Police urge the committee to give serious consideration to revocation of the licence. If the premises continue to operate in the same way it is believed that further drugs related deaths will inevitably follow.

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