



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 PC Steven HARRINGTON 425NI on behalf of the Commissioner of Police of the Metropolis

Apply for the review of a premises license under Section 51 of the Licensing Act 2003 described in part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
FABRIC	
77A CHARTERHOUSE STREET	
Post town LONDON	Post Code EC1M 3HN

Name of premises licence holder or club holding club premises certificate (if known)
Fabric Life Limited 12 Greenhill Rents London EC1M 6BN

Number of premises licence or club premises certificate (if known)
LN/4086-030613

Part 2 - Applicant details

I am

Please tick ✓ yes

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

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

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

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

Pc Steven Harrington 425NI

**Police Licensing Officer
C/O Islington Council
Public Protection Division
222 Upper Street
London N1 1XR**

Telephone number (if any)

07799133204

E-mail address (optional)

licensingpolice@islington.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

the prevention of crime and disorder

public safety

the prevention of public nuisance

the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

I am Police Constable Steven Harrington 425NI Police Licensing Officer for Islington and I act on behalf of the Commissioner of Police of the Metropolis.

Fabric Nightclub: In the last three years, since 30/07/2011 there have been 8 incidents of patrons collapsing at the venue having taken illegal drugs. (Listed below) Four of these incidents resulted in the near death of the victims and four have resulted, unfortunately, in the death of the victims. Two of these drug related deaths at the venue have occurred in the last three months. The last incident occurred on Monday 15th September 2014. Fabric staff did not call or request Police attendance for any of these incidents. Police have only been made aware by LAS or by Hospital staff.

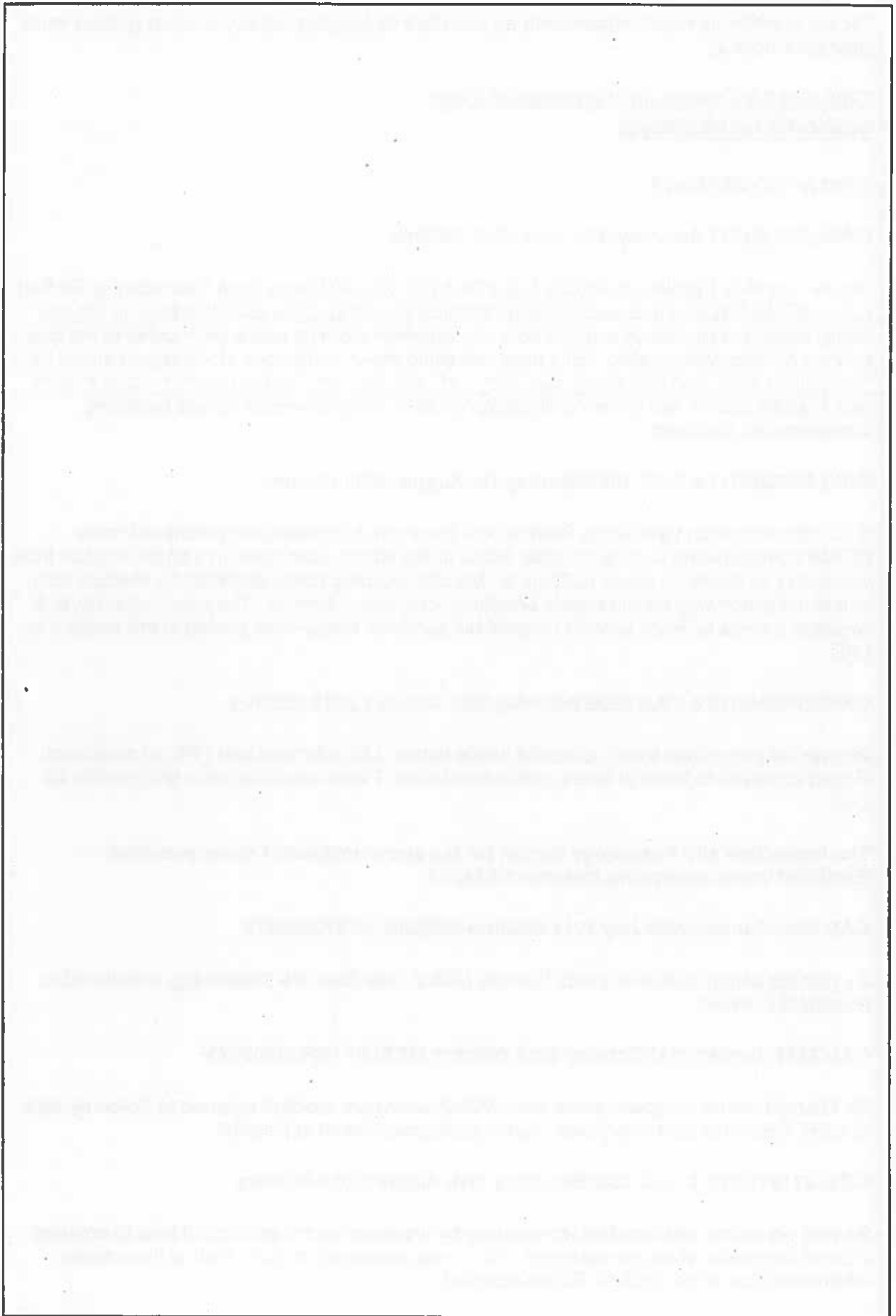
The levels of this type of incident are wholly disproportionate to other late night club venues in the area. I am not aware of any similar incidents at any of the other club venues in Islington Borough or in fact within the MPS.

In the last six months between 1st April 2014 and 1st October 2014 there have been 12 drug related offences at the premises where Police have been called to deal. (Listed below in the summary of incidents).

The Police invite the Sub-Committee to consider all proportionate and appropriate options available to them in order to deal with the issues arising at this premise and to promote the licensing objectives in the future.

Engagement:

The venue has been visited a number of times over the last three years and there have been meetings between the Management team of Fabric and the Senior Leadership Team from Islington Police. Letters and electronic correspondence have also been sent seeking voluntary implementation of measures to prevent further incidents of drug ingestion. The details of the above are in the attached schedule. (Fabric schedule of incidents).



Please provide as much information as possible to support the application (please read guidance note 2)

CRIS and CAD reports in chronological order:

SUMMARY OF INCIDENTS

CRIS & CAD REPORTS

CRIS 2719820/11 Saturday 30th July 2011 0336hrs

18 year old male travelled to Fabrics Night Club with 20 - 30 friends from Bedfordshire. He had taken MDMA that they had purchased in Bedfordshire whilst at the club. It seems he reacted badly, suffering seizures. Around 03.36hrs on Saturday morning police were called to the club by the LAS who were dealing with a male exhibiting violent behaviour. However, on arrival he had calmed down and was being treated by LAS. He was taken to the hospital where a coma was induced and he was placed on life support. By Sunday afternoon he was breathing independently. Survived

CRIS 2720005/11 & CAD 1057/Monday 1st August 2011 0030hrs

A 23 year old patron travelled to Fabrics from Stanmore Middlesex and purchased some MDMA from someone outside the club. Some of the MDMA was mixed in a bottle of water from which they all drunk. At about 12.30am on Monday morning police attended the medical room where the patron was having trouble breathing, lung had collapsed. The patron spent over 2 weeks in a coma in Royal London Hospital but survived. Police were alerted to this incident by LAS.

CRIS 2702344/12 & CAD 2229/Saturday 28th January 2012 0550hrs

28 year old patron was found collapsed inside Fabric. LAS attended and CPR administered Patron conveyed to hospital where pronounced dead. Police were alerted to this incident by LAS.

The Inquisition and Toxicology Report for the above incident. Copies provided. Exhibited in accompanying statement SAH/13

CAD 2794 Sunday 29th July 2012 0653hrs MERLIN 12FOU006877

21 year old patron collapsed inside Fabrics, MDMA overdose, life threatening, transferred to hospital & survived.

CAD 2474 Sunday 21st October 2012 0655hrs MERLIN 12FOU009473

22 Year old patron collapsed inside club. MDMA overdose. Incident reported to Police by staff at UCH. Fabric did not notify police. Patron pronounced dead at Hospital.

CRIS 2718173/13 & CAD 2504/Saturday 17th August 2013 0626hrs

24 year old patron was supplied with ecstasy by unknown person and took it prior to entering Fabrics Nightclub, where he collapsed. Patron was conveyed to UCH. Staff at the hospital informed Police of the incident. Patron survived

CRIS 2717261/14 & CAD 1499/Saturday 26th July 2014 0246hrs

21 year old patron attended Fabric and allegedly took illegal substances prior to entering the club. Patron collapsed in the club. LAS were called and attended. Patron conveyed to the UCH where later died. Police were alerted by LAS to this incident.

CRIS 2721386/14 Sunday 14th September 2014 0100hrs

An 18yr old female attended Fabric with some friends. The female purchased some MDMA powder within the premises and she and her friends took some. Female became ill and was eventually taken to hospital by Ambulance. The female has subsequently died. The venue did not inform the Police of the incident even though Police Sergeant Instone visited the premises between 5-6am during the time that the female was taken ill and spoke with the head of Security who stated that there were no problems. Police were only made aware of the incident when Staff at the Royal London Hospital contacted Police on Monday 15th September 2014 at 1434hrs.

Below is an extract from the details of investigation Page 1;

VIW2 stated he and VIW1 had gone to Fabric on Saturday 13th September just before midnight. Whilst in the club they started looking for drugs. The club is apparently on a number of levels. She first approached an Italian male on the second level and asked him where she could get some drugs. He told her 'The Italian guy upstairs on the third floor.' They went up to third floor and VIW1 purchase half a gram of what they believed to be MDMA powder. VIW2 does not know how much she paid for it.

The twelve recent drug related offences are as follows:

CRIS 2713924/14 - 16/04/2014 Person arrested on suspicion of Possession of drugs with intent to supply. MDMA Ongoing at this time.

CRIS 2709163/14 - 19/04/2014 MDMA Charged with possession.

CRIS 2709238/14 - 20/04/2014 charged with Possession with intent to supply MDMA and Ketamine

CRIS 2715557/14 - 06/07/2014 Caution for possession of MDMA

CRIS 2716727/14 - 20/07/2014 Caution for possession of MDMA

CRIS 2716726/14 - 20/07/2014 Caution possession of Ketamine

CRIS 2716728/14 - 20/07/2014 Caution possession of Ketamine

CRIS 2718997/14 - 17/08/2014 Possession with intent to supply. Awaits drugs analysis

CRIS 2720051/14 - 30/08/2014 Possession with intent to supply. Awaits drug analysis

CRIS 2720053/14 - 30/08/2014 Charged with Possession with intent to supply MDMA

CRIS 2721813/14 - 20/09/2014 Arrested on suspicion of possession of Class A drugs with intent to supply. Investigation ongoing

CRIS 2722431/14 - 27/09/2014 Arrested on suspicion of possession of Class A drugs with intent to supply. Investigation ongoing

SUMMARY & RECOMMENDATIONS

Fabric is a venue that appears to attract younger clientele. It attracts clientele from all over Europe and it would seem that the immaturity or lifestyle of these patrons leads to them becoming actively involved in the taking of illegal drugs and this could account for the disproportionate and wholly unacceptable number of deaths and near death incidents at the venue. The use of recreational drugs is far more prevalent than in the past and they are cheaper and far more readily available now and as a result of this Police would expect the Management of the venue to put in place all options open to them in an attempt to prevent these drugs being sold and used within their venue and to promote the Licensing Objectives. The management have engaged with Police but although there have been a number of letters and correspondence exchanged since 2012 and most recently following the two the deaths in July and September 2014, none of the recommendations suggested by Police have as yet been agreed or implemented.

A meeting was held at Islington police Station on 21st August 2014 in response to the death of the patron on 26/07/2014 and was between Supt Steve Deehan, the Owner of the club, the club's head of security, the Council Licensing Managers and Pc Paul Hoppe Police Licensing Officer. This meeting was to discuss the death and measures to be put in place to prevent any further such incidents. Minutes of this meeting are exhibited as SAH/04. However just a few weeks later a further death occurred at the premises.

During the last three years there have been a number of meetings, visits and letters from the Police giving recommendations to assist in dealing with the issues at the venue. The Management have engaged with Police but only to a certain level, stopping short of implementing the recommendations suggested by police. It is now time for effective measures to be implemented in an attempt to prevent any future deaths or near death incidents within the venue.

In light of this Police would seek as a minimum, the following:

1: An ID scanning system to be installed and operated at the venue during all hours of operation.

This will allow for the identification of all persons within the venue and will assist in identifying suspects involved in criminal activity within the club. This will also assist victims and police in identifying suspects. The system will automatically alert the staff to persons who have been barred from the venue. The system can be linked to other premises where the same system is operating allowing an exchange of information regarding persons involved in the sale or use of drugs and who have been barred from either venue for such.

In the last incident described above CRIS 2721386/14 September 14th 2014 the friends of the person who collapsed described the person who had sold them the drugs. If some form of scanning equipment had been in use this person could have been identified from the images stored on the scanner and if the time this person entered the club was logged then the scanner could have been used to identify the individual.

2: Drugs dogs to be used outside of the venue for at least 50% of the hours of operation per night. Shifts to be varied from night to night. Any person identified by the drugs dog, to be refused entry. A log to be kept of the hours the dogs are deployed and numbers of refusals.

The dogs would work in and at the front of the queue. Police would require the full details and track record of any company used to supply the dog and the company would only be employed on the approval of the Police. *Any person indicated by the dog will be refused entry. At times when the drug dog is not operating then a full search of persons and bags will be carried out by SIA Registered door staff. Everyone entering will be searched without exception. A full written record will be maintained listing all seizures of drugs found on persons and this record will be made available immediately to a Police Officer or officer from a responsible authority. Any person found attempting to enter with drugs will be barred from the venue.*

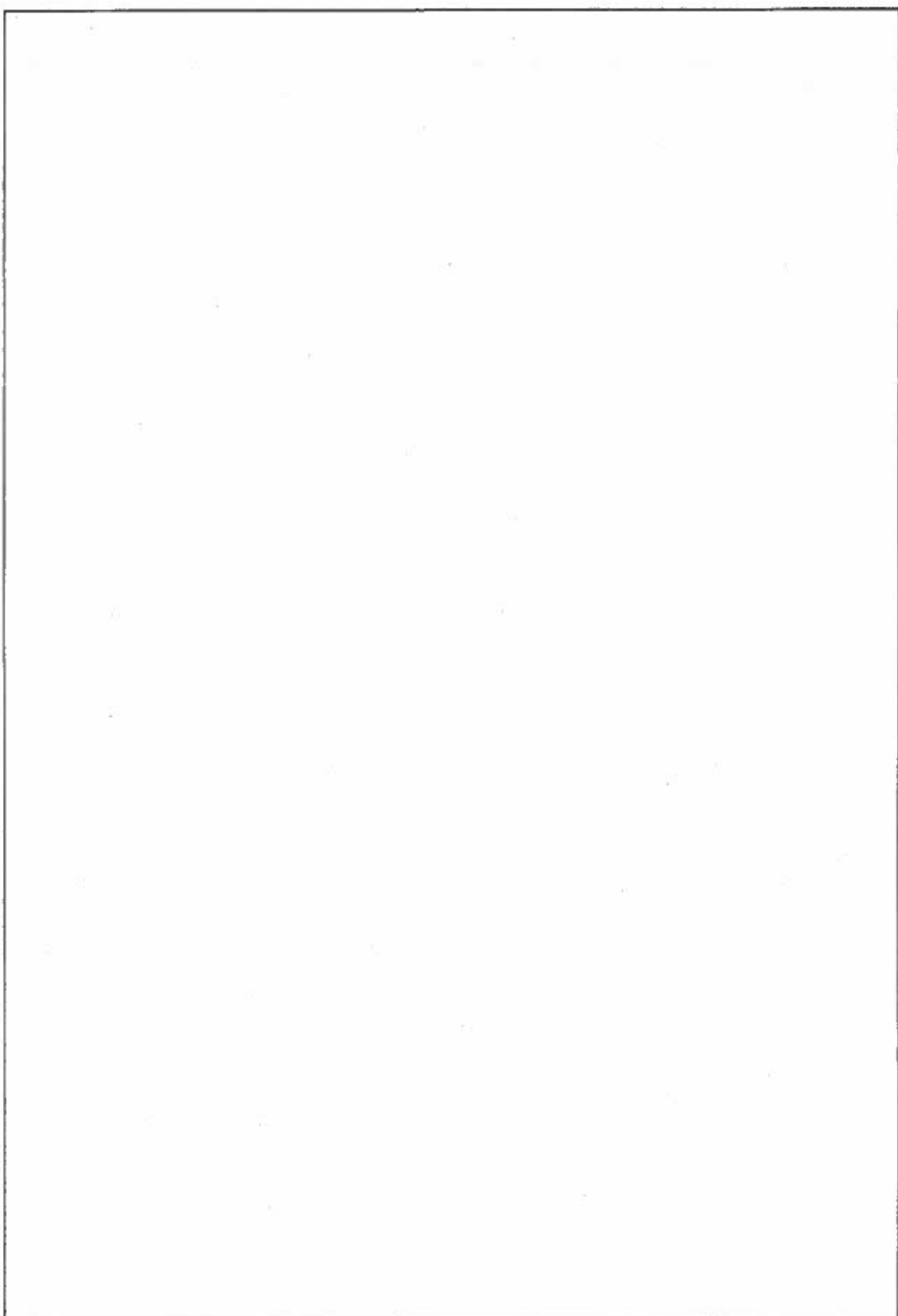
This condition would assist the venue greatly in reducing the amount of drugs within its premises. It will also allow the door supervisors to turn away people from the club who have handled drugs and perhaps taken them before they try and enter the venue. This would also act as a deterrent to persons who would normally attend the club to purchase or sell drugs within the venue

3: CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge.

This will allow investigating officers to progress a criminal investigation far more speedily and efficiently and assist in the identification of suspects when cross referenced with the ID Scanning system. This will also act as a deterrent to persons who currently feel that they can take or sell drugs within certain locations within the venue and not be identified

4. No patron will be admitted to the premises without being subjected to a thorough search of their person and bag.

The Police invite the Sub-Committee to consider the options set out above as well as any further action they deem appropriate and proportionate in order to promote the licensing objectives.



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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *James P. 415*
Date THURSDAY 6TH NOVEMBER 2014
Capacity Licensing officer for Metropolitan Police Service

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

The ground(s) for review must be based on one of the licensing objectives.

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

ISLINGTON COUNCIL LICENSING SUB-COMMITTEE
DECISION FORM

Licensing Sub-Committee D – 18 December 2014

Fabric, 77a Charterhouse Street, EC1

DECISION

The Sub-Committee have decided to modify the premises licence in respect of **Fabric, 77a Charterhouse Street, EC1** with the addition of conditions as outlined on Appendix 4 on page 195 of the report, including the draft conditions proposed by the licensing authority 1-49 on pages 162-170.

The following amendments regarding the licensing authority proposed conditions are set out below:-

Condition 1 – Final paragraph to read. In addition queuing arrangements shall be in accordance with any plan agreed in writing to the venue operators by Local Authority licensing officers or the Metropolitan Police.

Condition 9 – First paragraph to read. No patrons shall be admitted or re-admitted to the premises unless they have passed through a metal detecting search arch or scanned with a search wand.

Conditions 13 and 23 – Add the wording 'subject to a threshold agreed by the police'.

Condition 31. Add the wording 'if an ambulance is called and customer taken to hospital the police must be notified'.

The determination of the sub-committee (including the reasons for the decision) will be provided to you in writing within 5 working days.

Appendix 3

REASONS FOR DECISION

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee noted that the police recognised that the premises were well managed but that customers at Fabric are exposed to an exceptional risk in relation to illegal drugs. The premises have search procedures in place but recent incidents indicate that these procedures are not sufficient.

The Sub-Committee noted that Fabric in principle did not object to the use of a drugs dog at the premises but requested additional time in order to put a drugs dog into operation. The police submitted that the highest degree of certainty was required as to when the drugs dog would be implemented at the premises, in order for the prevention of crime and disorder licensing objective to be promoted. The Sub-Committee decided that the condition proposed by the police would mitigate further risk to Fabric's customers and that there should be no delay in implementing this. The proposed condition was therefore proportionate and justifiable. The Sub-Committee noted the evidence of Inspector O'Hara and was satisfied that Fabric would be able to source the required drug dogs in the private sector.

The Sub-Committee noted that Fabric had ID scanners in place and that they were looking for the proposed police condition to be amended to give them some discretion regarding customer ID scanning. The Sub-Committee noted that, with regards to invasion of privacy, the police would only download information from Fabric ID scan if an offence was committed at the premises and that introduction of judgement or intelligence led discretion would undermine the purpose of the ID scanning machine. The Sub-Committee was satisfied that the condition proposed by the police was proportionate and would promote the licensing objectives.

The Sub-Committee noted that in accordance with condition 19 of the current premises licence, the venue should have an Operating Plan which was updated sporadically to reflect new operating procedures. The conditions proposed by the licensing authority set out in Appendix 2 would form the new Operating Procedures for the venue.

Fabric submitted a document detailing their proposed changes to Appendix 2 and this was considered as follows:-

- Condition 1. The proposed amendment was accepted.
- Condition 3. This amendment was refused as the Sub-Committee accepted the police condition regarding ID scanners.
- Condition 5. This condition was to be included because the Sub-Committee noted that the provisions were already in place and had been developed over a number of years. The Sub-committee noted the licensing authority's request that the arrangements should be retained and that, in order to promote the licensing objective to prevent public nuisance, it was proportionate and justifiable for this condition to be imposed.
- Condition 9. This condition to be removed.
- Condition 11. This amendment was refused as the Sub-Committee accepted the police condition regarding the use of drug dogs.
- Condition 12. The condition was to be included because the Sub-Committee noted that the premises already undertake monitoring at the premises. The licensing authority submitted that the proposal was in accordance with good practice and would ensure that the licensing objective to promote public safety would be promoted.
- Condition 13 and 23. Amendments proposed by the Sub-Committee were accepted by the licensing authority and the police.
- Condition 31. The Sub-Committee noted that Fabric were now aware that they were required to take this action and the Sub-Committee therefore concluded that it was proportionate to include it as a condition.
- Condition 39. The Sub-Committee noted that the Technical Standards for the Places of Entertainment is a document that the Council still works to and Fabric accepted this condition should remain in place.

The Sub-Committee noted the representation from the noise team and that the proposed conditions would modernise the operating procedures in relation to noise control. The Sub-Committee noted that, when the current conditions were originally written, the smoking ban in public places was not in place. The Sub-Committee also noted the evidence of the interested parties regarding noise breakout from the premises and the Sub-Committee was therefore satisfied that the proposed conditions were proportionate and justifiable to promote the licensing objectives.

The Sub-Committee considered the Home Office guidance, paragraphs 11.24 – 11.28 regarding reviews arising in connection with crime. The Sub-Committee noted that where the crime prevention objective was being undermined, revocation should be seriously considered. However, following submissions of all the parties, the Sub-Committee was satisfied that, in this case, the licensing objectives would be promoted with the imposition of the additional conditions.

Note of the Committee

At the hearing, Fabric provided interested parties with contact details for their management to deal with public nuisance issues. This was welcomed by the Sub-Committee.

Conditions suggested by Metropolitan Police Service:

1. ID scanning system shall be installed and operated at the venue during all hours of operation.
2. Drugs dogs shall be employed outside the venue for at least 50% of the hours of operation per night. Shifts shall be varied from night to night. Any person identified by the drugs dog shall be refused entry. A log shall be kept of the hours that the dogs are deployed and the numbers of refusals.
3. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request, free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images free of charge.
4. No patrons shall be admitted to the premises without being subjected to a thorough search of their person and bag.

Conditions suggested by the Licensing Authority

As shown in representation 1 at Appendix 2

Conditions suggested by the Noise Service

In addition to the existing licence noise conditions:

5. Entertainment noise control systems (noise limiters) shall be installed and calibrated so the maximum sound levels approved by the Council shall not be exceeded.
6. The entertainment noise control systems (noise limiters) shall be checked and calibrated by an acoustician accredited by the Institute of Acoustics annually (at the time of the payment of annual fees) and copies of the calibration certificates shall be forwarded to the Pollution and Licensing Teams.
7. The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the Licensee or a designated manager.
8. The rear designated smoking area shall be managed in order to prevent noise nuisance to neighbours.
9. The rear smoking area shall be supervised at a rate of one identifiable steward per 25 customers. At least 50% of stewards employed shall be SIA registered to maintain order in the rear smoking area.
10. There shall be no sales of food or refreshments in the rear smoking area.
11. There shall be no heating or shelters provided to the rear smoking area.

Fabric - Draft Conditions

Queuing and outside management

<p>1</p>	<p>Queuing arrangements on the public highway shall be arranged so as:</p> <ul style="list-style-type: none">➤ To prevent crime and disorder within the venue by deterring organised and opportunist offenders from entering the venue➤ not cause an obstruction or nuisance to those wishing to enter other premises or use the public highway➤ to facilitate the club entry procedures with a view to minimising queuing times. <p>In addition queuing arrangements shall be in accordance with any plan stipulated in writing to the venue operators by local authority licensing officers or the Metropolitan Police.</p>
<p>2</p>	<p>The venue queuing system will be organised so as to provide for,</p> <ul style="list-style-type: none">• a number of points of contact with SIA licensed door supervisors within the queue, by providing a break in the queue supervised by a SIA registered door supervisor where questioning of patrons takes place prior to the search point and entrance to the venue• for SIA licensed door supervisors to question potential patrons on a one to one basis about their attendance at the venue before they progress to a final venue entry queue• for identification scanning to take place prior to entry• to allow for crime prevention advice to be given to patrons whilst in the queue• the designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear with adequate security and stewarding staff deployed to deliver the agreed queue plan at all times.
<p>3</p>	<p>A minimum of 1 SIA registered door supervisors per 100 customers present, including customers queuing, shall be on duty at the premises at all times whilst it is open for business, at least one of whom shall be a female. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall be clearly identifiable. All persons to be searched shall only be searched by an SIA trained member of staff and the location where the search is to take place must be monitored by the premises CCTV system. All door staff to receive a briefing at the start of each shift which should include updates on relevant police information and the identity of banned customers.</p> <p>The duties of the SIA licensed door staff and stewards shall include,</p> <ul style="list-style-type: none">• Stopping any pushing or shoving in the queue that could cause a surge towards the door• Looking for ticket touts• Looking out for people under the influence of drugs and/or alcohol to prevent them entering the premises

	<ul style="list-style-type: none"> • Ensuring customers are in the correct queue lane • Answering queries and directing people to the appropriate staff member. • Looking out for, and clearing, litter – in particular glassware. • Preventing persons from drinking alcohol in the queue • Informing any potential customers seen drinking alcohol on the street in the vicinity of the club that they will not be permitted entry to the club unless they immediately cease. • At least one SIA licensed door supervisor should be engaged in initial questioning within the queue to screen patrons. • Ensuring each customer entering the venue has been satisfactorily vetted by the computer based identification entry system. • Ensuring no persons under 18 years of age enters the premises • Ensuring patrons are being searched in accordance with the search policy. • Report any suspicious behaviour to the venue manager. • Ensuring accurate numbers of patrons entering and existing the premises are recorded.
4	<p>At least one experienced member of the venue management team shall be stationed at the entrance at all times the venue is in operation under the licence, unless called away to deal with an emergency situation. He / she should ensure that door staff are operating as outlined within these conditions, particularly with regard to actions to prevent drugs and crime.</p>
5	<p>Staff shall be employed to patrol the immediate vicinity of the premises to include Peter's Lane, Cowcross Place and St John's Lane around the Save the Children Building. They shall be specifically briefed to:</p> <ul style="list-style-type: none"> • Deter customers from urinating, littering, loitering or engaging in street drinking in these areas • When not patrolling to maintain a static position on Peter's Lane. • If people are loitering to ask them politely and quietly to move on. • Moderate the volume of their own voice and radio so as not to cause any potential addition disturbance. • If someone is abusive, refuses to keep quiet or move away call for assistance on their radio. • Regularly visually check the entrance of 88 Cowcross Street to ensure doorway clear at all times • Ensure Corps Shutter is down at all times when the club is open, if not, to notify the Club's General Manager or Duty Manager. • Where possible move minicab touts and vehicles attempting to park illegally in the vicinity. If driver refuses call 101 to report them and indicate this action to the person • If it is one of the drivers operating for the club, to take their details (driver number on rear view mirror ticket) and radio or pass details to the Club's management.

6	All SIA licensed door supervisors and stewards engaged in managing the queuing system and entry shall be clearly identifiable.
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Entry / Exit Policy and Controls

7	No persons under 18 years shall be permitted on the premises.
8	A proof of age scheme, such as Challenge (25), shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving license or passport / holographically marked PASS scheme identification cards)
9	<p>No patrons shall be admitted or re-admitted to the premises (excluding those who are re-entering from the smoking area) unless they have passed through a metal detecting search arch or scanned with a search wand.</p> <p>No patrons shall be admitted to the premises without being subjected to a thorough search of their person and bag.</p> <p>All patrons wishing to smoke on the premises must be directed by signage and staff to use the designated smoking area of the premises. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. All staff engaged in controlling this area, shall be clearly identifiable.</p> <p>Signs adverting the search policy shall be prominently displayed at the entrance. All searches must be carried out where they can be monitored by the club's CCTV system.</p>
10	ID scanning system shall be installed and operated at the venue during all hours of operation.
11	Drugs dogs shall be employed outside the venue for at least 50% of the hours of operation per night. Shifts shall be varied from night to night. Any person identified by the drugs dog shall be refused entry. A log shall be kept of the hours that the dogs are deployed and the numbers of refusals.
12	A record of numbers of persons accommodated within the premises shall be continually maintained. An hourly written record of these numbers shall be maintained at the door and made immediately available for inspection by authorised officers. The hourly record shall also include a record of accommodation splits within the premises. Hourly records shall be signed by a duty manager.
13	<p>A drugs safe and log system will be employed at the premises to record all seizures of drugs and weapons from customers. The premises management shall liaise with police on a weekly basis to report, and arrange for the collection of, any seized drugs and/or weapons. All seized items will be placed into evidence bags provided by police. The bags will be sealed, signed by person taking the drugs and times and dates written.</p> <p>The premises management will ensure that the Police are called to the premises where individuals are found in possession of quantities of drugs that suggest they</p>

	<p>may be engaged in the supply of drugs to others.</p> <p>Any person found attempting to bring drugs or weapons into the premises shall be refused entry and banned from future entry. Similarly any person found in possession of drugs or weapons on the premises shall be excluded from the premises and banned from future entry.</p>
14	<p>The premises shall prominently display signage at all entrances informing customers: -</p> <ul style="list-style-type: none"> • All persons entering and exiting this premise are liable to be searched. • Agreement to search is a condition of entry. If persons do not consent, entry will be refused. • Police may be called if drugs or weapons are found. • CCTV is in operation throughout these premises and is made available to the police. • Any person found carrying weapons or illegal drugs will be permanently excluded and the police will be informed. • Management reserve the right to refuse entry • To leave quietly and respect your neighbours <p>The club will advertise its search on entry and exit policy on their website and ticketing ensuring patrons are aware that this is a condition of entry and that any person refusing to be searched will have to remain at the club until police attend.</p>
15	<p>SIA licensed door supervisors will instigate search on exit during each opening session in order to deter offenders entering the premises and committing crime within.</p> <p>The times during which search on exit is being operated at the premises should be recorded in the security log.</p>

Security Staffing Procedures

16	<p>A register of security personnel employed on the premises shall be maintained in a legible format and made immediately available upon request by an authorised officer. The register should be completed by the DPS/duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; Full name, SIA badge number, registration expiry date and time of commencement of duties. The security operative should then sign their name against these details. This record shall be made immediately available upon request by Police or Local Authority Officers..</p>
17	<p>A record of allocated security positions shall be kept at the premises, to record the location and duties for each member of security and marshals/stewards. This record shall be made immediately available upon request by Police or Local Authority Officers.</p>
18	<p>All door staff to receive a briefing at the start of their duty to include any updates on local crime trends. Each member of security shall sign off to confirm that they have been briefed. A written record of the details of nightly security briefing shall be kept and made available upon request by an authorised officer, together with briefing sign off sheets.</p>

19	Each security staff member, member of management, technical staff, department supervisors and medics shall be equipped with a radio or other form of electronic communication devices to aid communication with each other, including the use of ear-pieces to ensure communications can be properly heard and understood at all times the premises are open to the public.
20	The management must instruct security staff and other staff members to assist police or local authority officers with any enquiries they make in the execution of their duties.
21	The premises are to take all reasonable steps to make security and other staff members aware of the identities of excluded persons. The premises are to keep a record of all excluded persons. This record is to be made available to police officers and local authority officers on request.
22	Undercover "spotter" staff shall be employed at the premises whose duties shall include looking for signs of drug use or dealing, potential thieves and other suspicious or inappropriate behaviour.
23	<p>Incident logs shall be kept at the premises, and made available on request to the Police or Local Authority Officers, which will record the following:</p> <ul style="list-style-type: none"> • all crimes reported to the venue • all ejections of patrons • any complaints received • any incidents of disorder • all seizures of drugs or offensive weapons • any faults in the CCTV system or searching equipment or ID scanning equipment • any refusal of the sale of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. • Persons refused entry for intoxication or providing false ID • Altercations in the queue or venue • Any person becoming ill or unconscious / unresponsive in the venue • Any visit by a relevant authority or emergency service. • Any other significant incident <p>The logs shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premise is open.</p> <p>Any information regarding crimes committed within the premises, including suspected drug dealing or violence, shall be reported to the police immediately or as soon as is reasonably practicable.</p>

Supply of Alcohol

24	No alcohol shall be sold or supplied for consumption off the premises.
25	No patron shall be permitted to leave the designated licensed area in possession of any glass vessel.
26	The sale of alcohol must be ancillary to the use of the premises for music and

	dancing.
27	No glass bottles shall be sold over the bar without first being decanted, with the exception of champagne and spirit bottles in the dedicated VIP area. Staff shall remove empty champagne and spirit bottles promptly. Polycarbonate glassware shall be used at all times when the premises is operating as a nightclub.
28	On induction staff shall receive training on alcohol and drug awareness, responsible retail of alcohol, conflict management, crime scene preservation, premises licence conditions, incident reporting procedures, cash handling, property management, evacuation procedures and security awareness. All staff shall sign to acknowledge receipt of this training and regular refresher training shall be carried out. Records of staff training shall be kept available for inspection, including the type and date of training received.

CCTV

29	CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request, free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images free of charge.
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Customer welfare / Crime Prevention

30	<p>Pre-opening checks shall be carried out and recorded prior to the admission of the public. Checks shall include:</p> <ul style="list-style-type: none"> • All emergency lighting/club lighting working and in order • Test emergency public address system • Ensure all fire exits/stairwells are clear and unobstructed • Check exits at street level and remove any obstructions • Unchain and unlock all fire exit doors • Ensure all extracts/supply fans are working correctly • Ensure all rubbish is placed in designated rubbish area • Make sure all signage/projected signage in working order • Make sure all emergency exit signs and crime prevention notices in place • All queue barriers in place • Issue all radio, or other forms of electronic communication • All security and stewards in position • All staff in appropriate uniforms and badges displayed • All bins in place • All bottle bins in place • Cash floats issued and cash locked away in back bar areas
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	<ul style="list-style-type: none"> • Issue all management sets of keys/bar keys • Check all toilets/sinks are working with running water • Ensure all staff and security have signed in • Check CCTV is fully operational • Search arches and wands are working and in place • The computer based identification entry system is operational. • Medical staff are on duty and medic room ready for use • All safety equipment is in place 						
31	<p>A dedicated and secure medic area shall be provided with easy access for paramedics/ambulance. A minimum of two trained medical staff shall be employed at the venue when it is operating as a club. Medical staff shall be trained in the ability to spot and monitor someone who is under the influence of either alcohol and/or drugs, together with knowledge of the remedies/procedures necessary to assist them with recovery. All staff shall take medical instructions from the onsite medical team. In addition at least one manager on duty shall hold a current first aid at work qualification.</p> <p>First Aid boxes shall be maintained throughout the venue, including all bars, the security office and entrance/exit points.</p>						
32	<p>The dedicated customer smoking area shall be maintained secure and only accessible via the premises. At least one member of security, wearing high visibility jacket or tabard, shall be present within the smoking area when it is in use. No drinks shall be permitted within the smoking area and customers shall be encouraged not to loiter within the smoking area. Any customer engaging in activity likely to cause a nuisance to occupants of dwellings within the vicinity shall be asked to leave.</p>						
33	<p>The maximum number of persons accommodated at any one time in the premises shall not exceed the following:</p> <table style="margin-left: 40px;"> <tr> <td>Basement Stage Two and Rooms Back of Stage Two:</td> <td style="text-align: right;">10</td> </tr> <tr> <td>Basement and Mezzanine One Dance Floor Three:</td> <td style="text-align: right;">1200</td> </tr> <tr> <td>Mezzanine One VIP Suite:</td> <td style="text-align: right;">300</td> </tr> </table>	Basement Stage Two and Rooms Back of Stage Two:	10	Basement and Mezzanine One Dance Floor Three:	1200	Mezzanine One VIP Suite:	300
Basement Stage Two and Rooms Back of Stage Two:	10						
Basement and Mezzanine One Dance Floor Three:	1200						
Mezzanine One VIP Suite:	300						
34	<p>Staffed and clearly sign posted, cloakroom facilities shall be provided for customer use during the whole time the premises is in use by customers.</p>						
35	<p>A clearly signed and visible staffed lost property area shall be provided at all times with the means to contact door supervisors immediately if a theft is reported. Telephones shall be made available for customers to report the loss or theft of items such as bank cards and telephones. Details of lost property reported or found must be recorded, and records forwarded to police on a weekly basis.</p>						
36	<p>A crime prevention policy shall be in place with the aim of tackling the latest crime trends associated with the venue.</p>						
37	<p>Privacy shields must be fitted to all chip and pin machines (PDQ's). The privacy shields must be sufficient to prevent customers Personal Information Numbers (PIN) being compromised.</p>						
38	<p>An internal security team, clearly identifiable, shall be employed within the venue.</p>						

	<p>Their duties shall include:</p> <ul style="list-style-type: none"> • Looking for any individuals who are under the influence of excessive alcohol consumption or drugs • Signs of potential conflict • Consumption of drugs/and or dealing • Ensuring the free flow of customers • Preventing unauthorised access to non-customer areas • Ensuring broken glass and spillages are promptly cleared • Safe guarding unattended property • Ensuring emergency exits and escape route are kept clear • Ensuring stairways are clear and customers do not loiter on stairways • Ensuring empty and unattended drinks vessels are removed • Actively advising patrons regarding the security of their property
39	The licence shall be subject to the Council's technical standards for Places of Entertainment.

Noise Control

40	<p>A maximum noise level of 116 dBL (103dBA) shall not be exceeded on dance floor 1.</p> <p>The measurement position is at 1.2m in the centre of the dance floor under the ring of high frequency speakers. Levels in the octave bands of 63 and 125Hz shall not exceed 114 and 110dB respectively.</p> <p>These levels shall not be exceeded except with the permission of the Council.</p>
41	The name and contact telephone number of the person(s) in charge of the premises shall be displayed on the premises in a prominent position so that it can be seen from the outside of the premises.

Dispersal

42	The licensee shall employ a dedicated cab company for the collection of customers to minimise disturbance to local residents.
43	Door Supervisors stationed outside the venue shall remain on duty until all customers have left the vicinity of the premises.
44	<p>At least one duty manager shall be present outside the venue until all customers have dispersed from the vicinity of the premises, unless called away to deal with an emergency situation. They shall ensure:</p> <ul style="list-style-type: none"> • Security encourage all departing customers to leave the area orderly, safely and quietly • The vicinity of the venue is clear of litter associated with customers of the premises.
45	The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Police Liaison and Partnership

46	The club's monthly event calendar to be sent to the Licensing Authority and Police Licensing team prior to the start of each month, together with any subsequent amendments.
47	No outside promoters shall be used.
48	A member of the premises management (whether the DPS or other owner/manager) must attend all Police Licensing Forums organised by the local police when invited and actively participate in the local Pubwatch scheme.
49	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

FABRIC LIFE LTD -v- LONDON BOROUGH OF ISLINGTON

DRAFT AGREED ADDITIONAL CONDITIONS

1. Lighting in the smoking area to be set to a standard agreed with the police and the licensing authority.
2. CCTV coverage in the smoking area to be agreed with the police and the licensing authority. Signage shall be displayed indicating that CCTV cameras cover the smoking area.
3. Three overt SLA registered staff to be employed in the smoking area at all times the premises are open to the public.
4. Two covert SLA registered staff to be employed at the premises are open to the public.
5. The premises licence holder will adopt a policy of carrying out random drug searches of customers using the smoking area. Signage shall be displayed in the smoking area indicating that such searches will be carried out. A record shall be kept of all such searches.
6. The website maintained by the premises licence holder shall clearly promote the zero tolerance drugs policy as agreed with the licensing authority adopted by the premises licence holder at all times.

Jones, Carol

From: Keshani, Mumtaz
Sent: 10 December 2015 18:06
To: Hart, Jan; Gallacher, Simon
Subject: Fabric Appeal
Attachments: Scanned from a Xerox Multifunction Device.pdf

Jan/Simon

Just a quick note to report on the outcome of the court hearing today when DJ Allison delivered her judgment ex tempore.

Conditions appealed which remained the subject of the appeal were:

No.11 " Drugs dogs shall be employed outside the venue for at least 50% of the hours of operation per night. Shifts shall be varied from night to night. Any person identified by the drugs dog shall be refused entry. A log shall be kept of the hours that the dogs are deployed and the numbers of refusals."

The DJ concluded that rather than promoting the licensing objectives the condition could undermine them. She gave 5 reasons for her decision which I noted.

No 10: "I.D. Scanning system shall be installed and operated at the venue during all hours of operation."

The DJ concluded that it would offer limited value and found the condition to be neither proportionate or appropriate. The condition declined to offer any discretion to Fabric, the reason given for this by the local authority was that it would undermine the licensing objectives.

There were conditions that in her view should be imposed instead and adjourned proceedings for the parties to agree covering the improving lighting to the smoking area, the number of SIA staff patrolling the smoking area, the searching of patrons in/out of the smoking area, and appropriate signage to indicate searches would be undertaken of patrons,

The email attachment lists the conditions that were agreed by the parties and put before the District Judge.

Sarah Le Fevre for the local authority then dealt with all the other conditions which were the subject of the appeal as set out in the Notice of Appeal. She informed the Court that the conditions proposed by the noise service would no longer be part of the licence (i.e. conditions 5,6,7 in Appendix 4 on page 195 of the report. Also conceded by the local authority was:

Condition No 12: "A record of numbers of persons accommodated within the premises shall be continually maintained. An hourly written record of these numbers shall be maintained at the door and made immediately available for inspection by authorised officers. The hourly record shall also include a record of accommodation splits within the premises. Hourly records shall be signed by a duty manager."

The Court was told that Condition No 5 relating to external patrols had been amended by agreement between the parties before the hearing.

There was no application for costs for the DJ to consider and so no order was made in this regard.

In reaching the conclusions she had come to the District Judge stated that the sub-committee quite rightly were very concerned with the situation presented to it, that she did not believe that the sub-committee's decision was wrong nor did she criticise the sub-committee although she noted that the sub-committee had deliberated for 35 minutes and made their decision at 10.35pm and did not have the benefit of the evidence before the court which had heard the case over 3 days.

The DJ also hoped the relationship between Fabric and the police and local authority would improve and suggested that police dogs and handlers could be used to carry out future trials to consider their effectiveness.

The above is a summary of the notes I took as the DJ delivered her judgment. I have asked Counsel to provide us with a note of the hearing by way of a debrief and will forward to you on receipt.

We can meet and go through the reasons for the decision.

Regards
Mumtaz

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Alternative contact: Imogen Wooder : 0207 527 2477 This communication contains information which is confidential and may also be privileged. It is for the exclusive use of the addressee. If you are not the addressee, please note that any distribution, dissemination, copying or use of this communication or the information in it is prohibited. If you have received this communication in error, please telephone me immediately on the above number. Thank you.