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**WITNESS STATEMENT**

*(CJ Act 1967, s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)*

Statement of: Darrell John Butterworth

Age if under 18: Over 18

Occupation: Licensing and Security  
Compliance consultant

*(if over 18 insert "over 18")*

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This statement (consisting of 13 page(s) 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 in it anything which I know to be false or do not believe to be true.

Dated the 7<sup>th</sup> October 2015

Signature: D J Butterworth

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1. This report is made in relation to a Premises Licence Appeal application at Fabric 77A Charterhouse Street London EC1M 3HN

**Qualifications and Experience**

2. I am an independent licensing consultant and a former Police Inspector, having completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles.
3. The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.
4. During the period as the Force Licensing Inspector I was responsible for the good conduct of outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates Court hearings, Crown Court Appeals, The High Court and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level. I was responsible for the Force's response to support the Government led Alcohol Misuse Enforcement Campaigns (AMEC) which was highly acclaimed for reducing alcohol related crime and disorder.

5. Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police Officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection I became secretariat to the ACPO National Licensing officers group and National Licensing Forum (NLF). The latter group was made up of trade organisations including the British Beer and Pub Association, Retail Trade Consortium, Business in Sport and Leisure, Magistrates Association, Justices Clerks Society, Local Government Association, Home Office, and Department for Culture, Media and Sport. During the period above, these groups scrutinised and made recommendations for amendments to the proposed Green and White papers, which were subsequently presented to the House of Commons as the Licensing Act 2003.
6. In 2006 on leaving the Central Licensing Unit I received a Chief Officer's Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003
7. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. I continued to work with the licensed trade in that area to improve safety in and around licensed premises and reduce crime and disorder. I was chairperson of the Heywood Pub Watch and closed a number of premises in the town that failed in their licensing objectives using my powers under the Licensing Act 2003 and subsequent amendments.
8. In recent years I have continued my professional development in regard to licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors course. This enabled me both to successfully apply for a Personal Licence and to become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the British Institute of Inn keeping enabling me to carry out training in the award for responsible alcohol retailing and the award for personal licence holders which are National Vocational Qualifications.
9. Since January 2011 I have worked in a consultancy role with licensed premises in Bedford, Birmingham, Blackpool, Brighton, Cardiff, Chester, Derby, Guildford, Harrogate, Lancaster, Leeds, London, Manchester, Mildenhall, Newcastle, Nottingham, Preston, Sheffield, Stratford, Watford and York, producing strategies aimed at reducing crime and disorder in and around venues. I would estimate that since January 2011 I have visited in excess of 280 premises licensed under the Licensing Act 2003. In all of these cases I believe that I have been able to make a positive impact on the licensing objectives.
10. I am experienced in the production of independent written reports and giving evidence before Licensing Sub-Committees and Magistrates' Courts. It is important to stress that in carrying out this work, I act independently, record what I see and



express my own opinions. Due to concerns expressed by a number of Licensing Committees and Magistrates Courts that premises modify their behaviour in anticipation of a compliance visit I always endeavour to conduct my observations without the local operators being made aware of my impending visit. However due to the scope of this report it was necessary to inform the Licence Holder and DPs of my observations.

#### **Scope of Investigation**

11. I have been requested by Paddy Whur of Woods Whur LLP to attend the vicinity of the premises site at Charterhouse Street London in order to conduct an investigation into the current situation in the area and the impact on the Licensing Objectives from the activities at the premises. In preparation for my visit and in order to address my investigation to the matters of concern I have seen and read; the Premises Licence; application for review by the Metropolitan Police; representations of members of the public; the Licensing Committee agenda of the 18<sup>th</sup> December 2014; suggested amended conditions; and statistics regarding drugs dog deployments and searches.
12. I have not visited these premises before so I am unable to comment on how it has previously been managed. I have previously visited numerous licensed Premises in the London Boroughs. I have also worked as a consultant with a similar operator in the Manchester area called The Warehouse Project.
13. The following terms of reference for the investigation have been agreed with those instructing me.
  - a) Conduct observations in the area to assess the impact of the operation, other contributing factors and test the reliability of the representations being made.
  - b) Conduct a Licensed Premises compliance check at the premises to ensure the premises is compliant with its licence conditions and industry best practice.
  - c) Observe the policies and practices operated at Fabric and comment on their effectiveness in promoting the Licensing Objectives.
  - d) Make any recommendations where I have been able to identify areas of good practice that will assist the applicant in providing a safe and viable business that does not negatively impact on the Licensing objectives.
14. Throughout my observations I refer to differing levels of drunkenness. These are taken from the BII visible signs of increased intoxication (1 initial cheerfulness; 2 increased talkativeness; 3 slurred speech; 4 aggressiveness; 5 over sentimentality).

#### **Saturday 3<sup>rd</sup> October 2015**

15. My first visit to the charterhouse Street area took place on Saturday 3<sup>rd</sup> October 2015. My observations commenced at 2255 hrs and concluded at 0830 hrs. I recorded my observations onto a voice recording device and into a notes document which I later transferred onto a record of observations log for the purpose of this report.



16. At 2255 I commenced my observations in the Charterhouse Street area of Islington. Fabric had already opened for business and a three lane barrier system had been created to the right hand side of the entrance doors, which stretched to the junction with St John Street. 8 people were queuing to enter the premises and 5 members of the security team were situated around the queue and front entrance.
17. Also open in the area at this time were Grand Union (Bar), Beduin (Nightclub), Comptoir Gascon (Restaurant), Black House (Bar), St Bartz (Bar), Bird of Smithfield (Bar), Smiths (Bar), Best Mangal (Restaurant), Club Reina (Nightclub), Charter House (Bar), Be At One (Bar), Slice of Life (Fast food), Sunset 2 (Fast food), Subway (Fast Food), Pizza (Fast food), Burger and Lobster (Restaurant), Jasmine News (24 hour Off licence), La Forchetta (Fast food), Polpo (Restaurant), Rookery (Hotel), Eagle (Bar), The Castle (Bar), Cost Cutters (24 hour off licence), The fence (Bar), Sir John Castle (Bar), V Club (Nightclub), St John Street Bar and Restaurant, and Tinseltown (Milkshakes).
18. I then looked around the area for signs of Local Authority controlled CCTV cameras. Two PTZ type cameras were located at the junction of Charterhouse Street and St John Street that appeared to give a line of sight to the front of Fabric. At 2321 hours whilst outside the Sir John Castle, Wetherspoons public house I noted 12 people standing outside the premises in Greville Road. Some smoked and all had possession of drinks in glassware despite a sign next to the exit to these premises stating "No drinks or Bottles outside.
19. I then looked around the area for indications of residential accommodation that may have been effected by the activities taking place at Fabric. Directly opposite and to each side of Fabric there did not appear to be any residential properties. Immediately to the rear of the premises behind number 88 Cowcross Street was apartments which overlooked Greenhill's rents and the rear of Fabric.
20. At 2326 5 males exit Grand Union. Two of the males have to support a male in a blue shirt by holding him under each arm on their shoulders as he appears unconscious (BII 5). The males flag a taxi down. At 2341 3 young males are turned away by staff as they reach the front of the queue to enter Fabric. Throughout my period of external observations I witnessed door staff checking ID's and verifying that they were in the possession of the correct owner.
21. At 0007 a male in a suit and tie sways up to the front of the queue and is refused entry (BII 3). Staff from Fabric wash down urine at the market loading area opposite the premises. The design of the loading areas makes them an ideal location for this type of public nuisance as the individual is concealed on three sides from public view. At no time did I see any of the people urinating in these locations leave or enter Fabric and could not correlate this behaviour with the premises.
22. At 0038 6 black males are very noisy as they get out of cars on St John Street. The males continue shouting and being boisterous as they walk onto Charterhouse Street where they queue and enter Club Reina. The pedestrianised area and street

seating area at the junction of St John Street and Charterhouse Street is very busy with approximately 50 people seated and standing around talking. I estimated that 30% of these were in possession of intoxicants.

23. At 0050 a male in a blue padded jacket and wearing a blue cap with an Adidas bag over his shoulder is talking to the driver of a Mercedes motor vehicle parked on Charterhouse Street. As he passed me I noticed that the bag he was carrying contained red balloons and Nitrous Oxide canisters. The vehicle registration mark was ML54 BWC. The queue waiting to enter Fabric had grown to 25 people as they waited to have their ID's checked and be searched. The main noise in the area was from the sound of bass music coming from Club Reina and a number of its customers in its external smoking area which was on the footpath of Charterhouse Street next to the entrance.
24. At 0056 3 males who appear unsteady on their feet (BII 3) are refused entry to Fabric. They then enter Best Mangal but also get refused service there before they walk off along St John Street.
25. Still open in the area at 0100 are Fabric, Best Mangal, Club Reina, Beduin, Grand Union, V Club, Costcutters, Subway, La Forchetta, Jasmine News, Pizza Bar, Smiths, St John Street Restaurant, Tinseltown, Bar Smith, Slice of Life and Sunset 2.
26. At 0108 a group of 6 males and two females are sat in the doorway of Timpson's next to Farringdon Station drinking bottles with labels for Vodka and Gin from plastic cups. Members of the Fabric security team are situated at the shutters and the junction of Cowcross Street and Peters Lane near to the Rookery Hotel. This deployment of security staff was in compliance with condition 19 of the premises licence which states that the licensee shall comply with the procedures and practices contained in the venue operating plan (ref LN/4086-051011). 4 people are in a doorway opposite Jasmine News drinking cans of lager. A male wearing an orange tabard is collecting litter in the area. I later ascertained this male was also employed by Fabric.
27. At 0118 security staff from Fabric remove some of the clubs queuing barriers between Club Reina and St John Street. I later ascertained that this was as a result of it being a quieter than usual night and the additional queuing space was not required. Approximately 30 males and females (all IC3) are outside Club Reina. Some are smoking and others are waiting to enter the premises. The group are totally blocking the footpath making it necessary to walk in the road to get past them.
28. At 0125 I approached the security staff at the front of Fabric, identified myself and asked to speak to the manager Luke Laws who was stood near to the entrance. I then entered the club with Luke in order to conduct a structured licensing and policies compliance visit which I recorded on a Compliance check list (Exh ref DJB 2 refers). During this visit I learnt that the three outside queues were for cash payments, pre-booked tickets and guest list/members. 638 customers had entered the venue at this time and 44 had left. 2 airport style metal detectors were being

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used at the entrance, supported by door staff using hand held metal detector wands. All customers entering were subjected to a thorough pat down search and those who appeared to be under 25 had to produce identification.

29. During my internal inspection I visited all areas of the club. In the VIP mezzanine area I noted that there was glass bottles on the tables but all other areas were using polycarbonate type drinking vessels. There was a bar server just for tap water which Luke informed me provided the premises with an early indication of customers who may be suffering the early stages of heat exhaustion. A dedicated search room was located towards the rear of the premises with a CCTV camera, searching table and safe for seized property. A dedicated, air conditioned medical room, with 4 beds and equipment was also situated towards the rear of the premises staffed by two trained medics. A camera was also located in this room but not covering the treatment areas.
30. Whilst conducting the internal inspection, at 0151, Luke received a call from the front of house security team that an ambulance was on Charterhouse Street with its blue lights flashing. I exited the premises and saw a response LAS vehicle opposite the premises dealing with a very drunken male who was semi-conscious on the footpath outside Farringdon Market (B11 5). The male's four friends then carry him off along Charterhouse Street. The ambulance driver then drives further along Charterhouse Street where a second male is unconscious on the footpath. A member of the Fabric medical team and security staff assist the ambulance driver with treating the male whose friends inform them that they have come down on the train from Kingston on Thames and that the male had taken MDMA on the train. The male was treated at the scene and then taken to hospital. I then returned inside the venue to conclude my inspection including the smoking area to the rear of the premises.
31. During this inspection I conducted Cocaine swipes in the toilet areas. These test proved positive. To put these results into context I have conducted 10 such tests in various premises and locations nationally and 9 have produced a positive result. The only negative result was obtained at a Lap Dancing type of establishment in Leeds.
32. At 0315 I concluded my inspection visit and exited the premises to continue my external observations. Outside the premises a female walked along Charterhouse Street whilst drinking from a bottle of Sagres lager. Still open in the area at this time are Best Mangal, Club Reina, Sunset 2, Slice of Life, Jasmine News (male outside drinking from a can of lager) La Forchetta, Tinseltown, Subway and Costcutter.
33. At 0326 a male is observed urinating in Peter's lane. This took place near to St Johns Lane and due to the curve of the building line was out of site of the Fabric security team on Cowcross Street. The security officers from Fabric remain at the junction of Peter's Lane and Cowcross Street and at the security shutters. It was noticeable that no urination or anti-social behaviour took place within the sight and hearing of the Fabric security team. 4 people walked along Cowcross Street. Their voices were



quite loud and I heard the member of Fabric security team asking them to keep their voices down due to the hotel being nearby.

34. At 0340 Beduin is still open. 3 pools of vomit are on the footpath outside Comptoir and Gascon. A male urinates through the turnstile exit from the Cross Rail site nearby. 8 people stand outside Jasmine News drinking from paper cups. One male is seen to have a 70cl bottle of Sambuca that he is topping up the cups with. A pool of vomit is outside loading entrance 11 to Farringdon market near to where the male was treated by the LAS earlier.
35. At 0400 there is a queue of 40 people waiting to enter fabric as security staff continue to check ID's and search those entering. A male and female enter the queue. The female is unsteady on her feet (BII 3) and is refused entry.
36. By 0411 there was no queue to enter Fabric. 2 males are drinking bottles of lager outside Jasmine News. 50 people are on the footpath outside Club Reina. At 0428 I re-entered Fabric to conduct further internal observations. I ascertained from one of the medical staff that 4 people had been treated during the trading period. 1 female with a cut foot. 1 male for excess alcohol. 1 female upset that she had lost her friend. 1 male was currently being treated for suspected MDMA misuse.
37. I visited the smoking area and observed patrons and monitored noise levels. None of the people in this area appeared excessively intoxicated or suffering the ill effects of drug misuse. The noise levels were moderate and I did not consider them to be sufficiently high to be a public nuisance. This assumption I tested by later walking along Cowcross Street where voices could be heard but not at a level that would cause disturbance to residents. This noise level reduced even further on Peters Lane and could not be heard at all further away. I re-visited the VIP mezzanine, dance room 1 and dance room 2. Room 3 remained closed.
38. During this internal inspection I noted the following conduct by customers inside the premises.
- A male is dozing on a seating area on the stairs
  - A male in an orange shirt is unsteady on his feet (BII 3)
  - A male in a blue top stumbles as he walks down stairs (BII 3).
  - A male in a white T shirt is unsteady on his feet and slurring his words (BII 3).
39. At 0530 Approx. 60 people are in the smoking area. I returned to the front door and ascertained that 1450 people had entered the venue during the evening and 945 of these had left. I then continued my external observations. Still open in the area were Best Mangal, Sunset 2, Jasmine News, La Forchetta Subway and Costcutter. The front entrance to Club Reina was closed but music could still be heard emanating from the building. 30 people congregated outside Farringdon station waiting for it to open. Staff from Fabric remained on Cowcross Street near to Peters Lane, at the shutter doors on Cowcross Street and a member of staff dedicated to litter picking.

40. People continued to enter Fabric. At 0608 a male aged approx. 25 approached the entrance to Fabric. He produced ID to the security staff and was subjected to a pat down search before making his way to the cash point. 2 males exit Jasmine News with cans of Stella which they consume as they walk along Charterhouse Street. 2 security staff from Fabric were now on the paved area outside Jasmine News supervising the people in that area, the majority of whom, were not customers of Fabric.
41. At 0704 a male is stopped leaving Fabric with two polycarbonate glasses. 6-10 illegal taxi drivers are touting for business along the exit barriers from Fabric and outside Club Reina. By 0710 approx. 200 people remained inside Fabric and people were leaving in small manageable numbers. A male wearing a black hoody appears very unsteady on his feet and his face is very pale as he exits Fabric. The male stands in Charterhouse Street before making his way unsteadily towards Farringdon Road. The entrance door to Club Reina is open again and a male and female door supervisors were at the door.
42. At 0732 6 people exit a taxi and enter Club Reina. Music can be heard emanating from this clubs doorway. At 0737 a male is refused re-entry to Fabric and tries to push his way back inside the premises. He is spoken to by Luke Law and then spits in his face twice. Security staff intervene and after a brief struggle the male is calmed down and allowed to walk away from the premises. 7 people are smoking outside Club Reina. Music continues to be heard from the open door but not loud enough to cause a nuisance to nearby residents.
43. At 0754 a female is stopped leaving Fabric with a polycarbonate drinks vessel. At 0803 a male and female are sat on the street furniture outside Jasmine News whilst inhaling from a balloon. Between 0755 and 0805 39 people leave Fabric. None of these customers show signs of being over intoxicated or suffering from the ill effects of drug misuse.
44. The blue Mercedes first seen at 0050 returns to Charterhouse Street and parks outside Farringdon Market. The same male, who I had seen earlier with a bag containing Nitrous Oxide gets out of the passenger door with an Adidas bag and walks towards St John Street. A second male with a bag gets out of the rear of the vehicle and approaches a group of people who have left Fabric and are waiting outside Smiths. The male then sells balloons and canisters to a number of the group who then walk off towards Farringdon Road. The Mercedes and driver remain parked on Charterhouse Street outside the market.
45. Between 0805 and 0825 the remaining 59 people leave Fabric and the premises closes. The majority of customers walk towards St John Street with some going into the food shops. Club Reina, Jasmine News, Sunset 2, Subway and Costcutter all remain open. At 0830 I ceased my observations.

#### Summary



46. The distance that staff currently patrol from the club covers an area far greater than I have observed at other premises. This is beneficial to the local community as it provides a presence in areas which would otherwise be left unsupervised. A dedicated litter picker was observed throughout the trading period. His main role appeared to be collecting bottles, plastic cups, packaging and food waste from other premises in the area. Again this provided a positive resource for the local community as the amount of rubbish (with no connection to Fabric) would have been far greater.
47. I paid particular attention to the areas around Eagle Court, Albion Place and St John Lane where many of the resident representation originate from. I did not find these areas particularly noisy or suffered from the levels of conduct that was heard and observed on Charterhouse Street.
48. The premises was very well managed with all customers under 25 appearing to have their identification checked when entering the queuing lanes and prior to entering the search area. A significant number of people were refused entry. Although it was not always apparent why, it was clear that unreliable ID and drunkenness was the reason that some were refused
49. A number of customers were observed displaying signs of being BII 3. I did not find this number to be excessive considering the hours of operation, or an indication that the management tolerated this type of behaviour or actively sold alcohol to customers who were already drunk. The levels of drunkenness by customers of other premises and members of the public in the area from other events was far higher with two individuals being unconscious due to alcohol consumption (BII 5).
50. The airport style metal detection system and body search of every customer entering the venue was as thorough as I have ever witnessed at any club or festival site. The latter usually being more thorough due to the event taking place over a longer period of time and the propensity to smuggle alcohol or misuse drugs at such events. Apart from conducting what would amount to an intimate search the staff could not have been more thorough in their searching of customers.
51. The dedicated water servery bar is the only example of such an operating practice that I have witnessed at a Licensed Premises other than at outdoor summer festivals.

#### **ID Scanner**

52. I have been asked to comment on my experiences in relation to ID scanning and whether its implementation would assist in reducing the incidents at Fabric. In my experience ID scanners are most effectively used to promote the Crime and Disorder Licensing Objective. It acts as a deterrent to commit offences as the individual is aware that his image and details have been recorded and can be searched in the event of an incident. It also acts as a tool for the police when investigating incidents to be able to trace the individuals involved.



53. There are a number of negative aspects to ID scanners which I have witnessed causing operators significant problems when using them. The amount of time that suppliers claim it takes to input a document into the equipment, and advertised by the equipment manufacturers, is always considerably longer in practice. This time period is significantly lengthened when a non-standard document such as a foreign passport or other non UK document has to be manually inputted. This time period is critical to the licensing objectives as queueing customers not only can create noise nuisance but also can lead to disorder problems with lengthy queues and frustration amongst customers. From my observations at Fabric I would estimate that over 50% of its customers are foreign visitors who are likely to have non-standard identification documents.

54. Another negative aspect of the implementation of the equipment is the concerns expressed regarding Data Protection issues. My experience in this area relates to the barring of individuals on the system being a breach of this legislation as they have not been convicted of any offence. The storage of individual personal data has also been raised as an issue but I have not experienced any individual successfully or unsuccessfully challenging this.

#### **Drugs Dogs**

55. The drugs dog trials also raise the issue of false positive indications. I have read the proposed conditions regarding not allowing any patrons admittance where the drugs dog has indicated a positive scent. Having seen the data from the drug trials the numbers of false positives would exclude a large number of customers (and their party) who may have never taken illegal substances. The results from the drug dog trials at Fabric are similar to the results of drugs dogs seizures when used at The Warehouse Project in Manchester.

56. A down side to the use of drugs dogs is the habit of individuals to take all their drugs prior to attending the venue to avoid detection. This has led to drugs over doses of dance goers as the individual takes more drugs than his body is used to over a shorter period of time.

57. In my experience at other venues and festivals where a drugs dogs is present on a regular basis then people will actively attempt to find ways to avoid detection. It is common knowledge shared amongst dance goers on how to avoid a detection of drugs by a drugs dog. Individuals are aware that a drugs dog is not allowed to jump up at an individual so drugs particularly on females are secreted on the upperpart of the body away from the dog. People are also aware that tightly wrapping small quantities of drugs and secreting them in areas that can only be recovered on an intimate search are unlikely to be discovered by a drug dog or even a physical search. Without a comprehensive physical search of intimate body parts, for which there would have to be solid grounds and conducted by a qualified person following their detention, it is regrettably the case that it is impossible to prevent some drugs

getting into licensed premises. This is the case whether there is a drug dog present or not and Drug dealers in particular, are fully aware of this.

58. There is no method that will provide a 100% guarantee of preventing drugs from entering a venue. The most effective way of minimising such risks is to implement a variety of search methods which are constantly changed and updated based on intelligence and Public Health surveys. The largest risk to drugs entering a venue is regularity and complacency. The drugs tests that I have conducted confirm that drugs are used in nearly all licensed venues (90% detection rate for cocaine). It appears that Fabric are and will continue to put significant resources into preventing drugs entering its premises and the welfare of its customers.

#### **Crime and Disorder**

59. The most serious incident relating to this Licensing Objective was observed at 0737 when a customer attempting to re-enter the premises spits twice at the DPS. Unusually for a late night observation period I did not witness any incidents of violence anywhere in the locality.

#### **Public Nuisance**

60. There was nothing observed during this period of observations that I considered to be a breach of this Licensing Objective by Fabric or its customers. The premises are implementing a number of tactical options and resources to ensure that they promote this Licensing Objective. These resources are having a positive effect in the area and benefit the residents and other businesses that trade in the locality. People were observed vomiting, urinating and being boisterous in the area but I was unable to correlate this conduct with customers of Fabric who in comparison appeared to be less intoxicated, better behaved and considerate.

#### **Public Safety**

61. The largest risk to this Licensing Objective observed during these observations was the individuals selling balloons and Nitrous Oxide canisters. Intelligence relating to these individuals is within the report and may assist the authorities in combatting this issue. Nothing was observed by Fabric during this period of observations that I would consider to be a breach of this Licensing Objective.

#### **Protection of children from harm**

62. Nothing was observed during this period of observations that I would consider to be a breach of this Licensing Objective. No person was observed inside the venue who appeared to be clearly under the age of 18. Door staff appeared to be vigilante in checking that the identification document produced was the correct document for the individual.

#### **Conclusion**

63. Having observed the policies and procedures being put into place at Fabric it is clear that the premises are taking unusually thorough steps to promote the licensing objectives. During my observation visit I did not see any evidence to conclude that



the premises was not promoting the Licensing Objectives. A small number of customers were observed showing signs of being BII 3 but their state of intoxication was lower than other people observed in the Islington area during the evening. There was nuisance, disorder and public safety issues in the area but those I witnessed were created by customers of other venues or passing through the area.

64. The owners of Fabric are investing large resources to ensure that their venue is as safe as possible. This is demonstrated by the number of staff and security ratio to customers. The industry standard for door supervisors is 1:100. 21 SIA licensed door supervisors is an impressive resource in the night time economy. In addition to the 21 security staff a further 80 other staff were employed on the night of my visit in a variety of roles. It further demonstrates the Premises Licence Holders commitment to upholding the Licensing Objectives that this significant number of staff was not reduced on an evening when the premises operated below its maximum capacity.
65. I would concur with Commander Chisty when he refers to the policies and procedures at Fabric as being an example of best practice. However it is clear from the unfortunate incidents that have occurred that Fabric must continue to provide more than the standard response and ensure that it is employing the latest industry best practices to minimise all risks. By implementing my minor recommendations below, which I am sure they will do, the premises can operate as a successful business whilst continuing to promote the Licensing Objectives.
66. Every licensed premise in the country will, at one time or another, have customers who let out a stray shout, occasionally misbehave or suffer an unfortunate incident. The issue is always one of proportionality and what can reasonably be expected in a vibrant centre. However as with any entity constant improvements should be identified and actioned. By implementing my recommendations in full the owners of Fabric can demonstrate their willingness to fulfil their responsibilities in relation to promotion of the Licensing Objectives

#### **Recommendations**

1. There is no signage displayed in the venue informing customers about responsible alcohol consumption. Such signage has been shown to have a positive impact on customer behaviour, levels of intoxication and demonstrates the operator's stance on excessive alcohol consumption. Such signs should be obtained and displayed.
2. Signage was displayed in the smoking area reminding customers of nearby residents and asking them to keep the noise down. Similar signage should also be displayed near to the exit from the venue.
3. The none Personal Licence Holders working at Fabric are verbally authorised to sell alcohol. Industry best practice recommends that this should be in writing.
4. The camera that is being repaired should be reinstalled as soon as possible to provide optimum coverage.
5. That all staff receive training equivalent to the BII award in responsible alcohol retailing. Training to be refreshed every 6 months with written records of who has attended and when.



**EXPERT'S DECLARATION**

28. I understand that my duty in writing reports and giving evidence is to assist the court and this duty overrides any duty to the party by whom I am engaged or paid. I confirm that I have complied with and will continue to comply with that duty.

Signed DJ Butterworth

Dated 7<sup>th</sup> October 2015

**WITNESS STATEMENT**

(CJ Act 1967. s. 9, MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r70)

Statement of: Darrell John Butterworth

Age if under 18: Over 18

Occupation: Licensing and Security  
Compliance consultant

(if over 18 insert "over 18")

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Dated the 10<sup>th</sup> August 2016

Signature: D J Butterworth

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1. This report is made in relation to Fabric nightclub, 77A Charterhouse Street London EC1M 3HN.

**Qualifications and Experience**

2. I am an independent licensing consultant and a former Police Inspector, having completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles.
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4. During the period as the Force Licensing Inspector I was responsible for the good conduct of outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates Court hearings, Crown Court Appeals, The High Court and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level. I was responsible for the Force's response to support the Government led Alcohol Misuse Enforcement Campaigns (AMEC) which was highly acclaimed for reducing alcohol related crime and disorder.

Signature *D J Butterworth*

5. Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police Officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection I became secretariat to the ACPO National Licensing officers group and National Licensing Forum (NLF). The latter group was made up of trade organisations including the British Beer and Pub Association, Retail Trade Consortium, Business in Sport and Leisure, Magistrates Association, Justices Clerks Society, Local Government Association, Home Office, and Department for Culture, Media and Sport. During the period above, these groups scrutinised and made recommendations for amendments to the proposed Green and White papers, which were subsequently presented to the House of Commons as the Licensing Act 2003.
6. In 2006 on leaving the Central Licensing Unit I received a Chief Officer's Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003
7. Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. I continued to work with the licensed trade in that area to improve safety in and around licensed premises and reduce crime and disorder. I was chairperson of the Heywood Pub Watch and closed a number of premises in the town that failed in their licensing objectives using my powers under the Licensing Act 2003 and subsequent amendments.
8. In recent years I have continued my professional development in regard to licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors course. This enabled me both to successfully apply for a Personal Licence and to become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the British Institute of Inn keeping enabling me to carry out training in the award for responsible alcohol retailing and the award for personal licence holders which are National Vocational Qualifications.
9. Since January 2011 I have worked in a consultancy role with licensed premises in Bedford, Birmingham, Blackpool, Brighton, Cardiff, Chester, Derby, Guildford, Harrogate, Lancaster, Leeds, London, Manchester, Mildenhall, Newcastle, Nottingham, Preston, Sheffield, Stratford, Watford and York, producing strategies aimed at reducing crime and disorder in and around venues.
10. In addition to working with operators in these areas I have also been employed by local residents in Bristol, Cardiff, Haringey, Newcastle and York, opposing applications in these areas for new licences or reviewing licences currently in force. I would estimate that since January 2011 I have visited in excess of 360 premises licensed under the Licensing Act

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2003. In all of these cases I believe that I have been able to make a positive impact on the licensing objectives.

11. I am experienced in the production of independent written reports and giving evidence before Licensing Sub-Committees and Magistrates' Courts. It is important to stress that in carrying out this work, I act independently, record what I see and express my own opinions.

**Scope of investigation**

12. I have been requested by Paddy Whur of Woods Whur LLP to attend the vicinity of the premises site at Farringdon in order to conduct an investigation into the current situation in the area and the impact on the Licensing Objectives from the activities at the premises. In preparation for my visit and in order to address my investigation to the matters of concern I have seen and read: the Premises Licence; The Metropolitan Police Environmental Visual Audit dated 4<sup>th</sup> August 2016 and the Fabric Incident log of the 5<sup>th</sup> August 2016.
13. I have previously visited these premises on the 3<sup>rd</sup> October 2015 and have worked with the premises on crime reduction and public safety policies since that date. I have also visited numerous other London clubs and am familiar with the night time economy in the capital. The main issue at the premises throughout this period has been the taking of illegal substances prior to entering and inside the venue. More general issues have also been raised in respect of public nuisance caused by large numbers of people queuing to enter and in the area in general. I concentrated my observations on these problem areas during my visit.
14. The following terms of reference for the investigation have been agreed with those instructing me.
  - a. Conduct observations outside and inside Fabric to assess the impact of the operation, staff vigilance and supervision and test the reliability and effectiveness of the policies in place.
  - b. To monitor the effectiveness of steps put in place by the premises to reduce the likelihood of the premises being attractive to those currently seeking to take illegal substances as part of their lifestyle.
  - c. Conduct a licensed premises compliance check to assess the premises compliance with its licence and social responsibilities.
  - d. Assess the Fabric current policies with Manchester Warehouse Project and make recommendations as to how the policies and procedures at Fabric can be enhanced.
15. Throughout my observations I refer to differing levels of drunkenness. These are taken from the BII visible signs of increased intoxication (1 initial cheerfulness; 2 increased talkativeness; 3 slurred speech; 4 aggressiveness; 5 over sentimentality). Due to concerns raised by Licensing Committees and Magistrates that premises adapt their management practices in the knowledge that they are due to be inspected, I always endeavour to conduct my investigations without the knowledge of the local management team being

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aware of my visit. I am informed by those instructing me that this was the case in respect of this investigation.

**Saturday 6<sup>th</sup> August 2016**

16. My observations on this evening commenced at 22:50 hours. I arrived in Farringdon and noted that the area was similar to that noted during my earlier visit. Fabric had already commenced trading. 8 members of the security team were standing around the frontage of the venue and a 3 lane queuing area had been erected to the right hand side of the main entrance doors. Sufficient room was available between these barriers and the pavement edge to allow single file pedestrians to walk past the venue. I then looked around the area for signs of local authority controlled CCTV cameras. One such PTZ camera was located at the junction of Charterhouse Street and St John Street that appeared to have a line of sight to the frontage of Fabric. I then looked around the area for signs of residential accommodation that may have been effected by the activities at Fabric. There was no evidence of residential accommodation to the front, right or left elevations of the premises. The nearest residential accommodation to the rear of the building appeared to be in Greenhill Rents.
  
17. Between 2250 and 0215 I concentrated my observations on this main entrance area and guest arrival. At no time did more than 30 people queue to enter Fabric and these people were accommodated within the queuing barriers and did not extend to the frontage of other businesses. The main blockage of the footpath during these observations was the smoking area and queuing customers of Club Reina which on occasions totally blocked the footpath. The main noise outbreaks from the premises in the area occurred in relation to Club Reina, Bedouin and Grand Union. No music noise outbreak was heard in relation to Fabric. Noise was also created from a roof top event at the junction of Farringdon Road and Greville Street. Loud music could be heard throughout the area and roof top rope lights could be seen but I was unable to establish what the event related to.
  
18. Whilst observing the queue to enter Fabric I could see all guests being requested to show identification to security staff before entering the queuing barriers. A second check of identification was made once guests reached the front of the queue and a leaflet given to them regarding the dangers of using Ecstasy (Exh DJB 1 refers). At the front of the queue customers wearing caps were requested to remove them before passing the CCTV cameras and search area. A number of customers were refused entry to the queuing area for reasons of drunkenness or suspicious documentation. At no time did I see anyone entering the club that was above BII 2, looked under eighteen years of age or appeared under the influence of other substances.
  
19. During this period of external observations a number of the security staff from Fabric ran along Charterhouse Street to Subway in Cowcross Street to defuse a confrontation between two males inside the shop. The incident had been reported by Fabric security staff patrolling the wider area of Farringdon and radio communication made to the security office.

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20. At 0215 I approached the front entrance to Fabric and identified myself to a member of staff and requested to speak to Luke Laws the Designated Premises Supervisor. After speaking with Mr Law and explaining the purpose of my visit I took up a position inside the club from where I could observe the searching area. Between 0215 and 0315 I observed customers entering the club. Male customers entered the search area through an airport style metal detection arch and female customers were subjected to a metal detection wand. All satchels, rucksacks and females hand bags appeared to be examined. 3 male and 3 female security officers were allocated to conducting searches. The searches appeared thorough with all pockets being examined and wallets opened to inspect the card sleeves. A nearby table was used for placing bulkier items for examination and a separate member of staff was recording items seized.
21. On occasions some customers were requested to remove their shoes and socks which I have never previously observed of customers entering a night club. At least two of these searches of the feet area resulted in positive results with customers attempting to conceal small wraps of substances between their toes. I approached one of the doormen searching and asked him how he decided which patrons would be asked to remove their shoes and socks. He informed me that it was decided by the customer's demeanour, response to questioning and an involuntary physical reaction to being searched in a particular area. None of these indicators would be able to be identified by a drugs detection dog working at the venue.
22. At no time during my observations did I see anyone being allowed entry into the club who had been found in possession of a suspect article. All were escorted from the premises and shown to the external staff as being denied entry. The items seized were recorded and placed in a bag in the search area.
23. Whilst in the search area I observed members of staff passing through that wore T shirts with signs saying Look after your mobile phone and lost property patrol.
24. At 0315 I made my way into the smoking area to the rear of the venue. 3 door staff were located in this area all wearing high visibility vests. I found the lighting in this location to be good allowing clear monitoring of the 70 customers located there. Between 0315 and 0415 I observed customers in this area. No drinks other than plastic water bottles were allowed outside and customers appeared to smoke, use mobile phones or chat in small groups. The three members of the security team were proactive in moving amongst the groups and asking customers who were not smoking to go back inside. As a non-smoker I was approached on three occasions during this period to go back inside. At no time whilst in this area did I smell or suspect that cannabis was being smoked by any of the patrons.
25. At 0415 I conducted a Licensing Compliance check with Luke Laws (Exh DJB 2 refers). During this compliance check I conducted swabs in the unisex toilets for the presence of cocaine. Two of the five unisex toilet cubicles tested in the VIP area showed positive traces of Cocaine. One of the nine unisex toilets tested in the general customer area showed a positive result of Cocaine. The area of use for preparation of the drugs in all cubicles was the stainless steel surface of the sanitary disposal container.

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26. At 0545 whilst conducting my compliance checks with the DPS he received a report of a male Spanish customer complaining of being assaulted with bruising around the eye. The matter was reported to the police who did not attend the premises prior to my observations ending.
27. At 0600 I continued my external observation of customers dispersing from the premises. 385 customers remained inside and no new customers were being permitted entry. The queueing barriers had been altered to ensure departing customers remained on the footpath and did not walk out onto the road. A number of take away premises in the area remained open for customers and security patrols from Fabric continued to patrol Charterhouse Street, St John Street and Cowcross Street. My observations concluded at 0700 hours.

### **Summary**

28. The Farringdon area remains busy throughout the night time economy with people attracted to the vicinity by the variety of clubs, bars and eateries as well as the other facilities of hotels, cashpoints along with vehicles and pedestrians passing through to get to other parts of the City. The queueing system to enter the venue has been adapted to utilise all three queueing lanes at peak periods to reduce the impact on other businesses in the area. Caps were removed prior to entering and unfit customers were refused entry. At no time did I see anyone entering who appeared under 18, was already intoxicated or appeared under the influence of drugs.
29. Security staff employed by Fabric patrol a large area of Farringdon and intervene in disorderly conduct occurring at other premises in the area has seen with the incident at Subway when two males were prevented from assaulting each other by Fabric security staff.
30. The searching of customers appeared to be as thorough as anywhere I have conducted observations. At no other club have I seen customers removing shoes and socks as part of an entry search. All pockets appeared to be examined. All bags and rucksacks appeared to be examined. No one was seen to be allowed entry after being found in possession of a suspicious item.
31. The extended opening of the premises allowed for a gradual dispersal of the premises. At 0430, 805 customers were inside the venue. This number had gradually reduced to 385 by 0600. There was nothing observed or heard during this dispersal period that I would consider breached any of the Licensing Objectives. It was clear from conversations with patrons that even the extended hours afforded to Fabric did not satisfy their needs and after parties were due to take place into Sunday 7<sup>th</sup> August.
32. It was notable by myself and the author of the Metropolitan Police EVA report that no routine policing or targeting of the area by patrolling officers took place during our visits.

### **Crime and Disorder**

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33. During this visit I observed a number of people in possession of suspicious substances and attempting to enter Fabric with them. Possession of Class A – C drugs remains a criminal offence. None of the quantities seized amounted to a quantity that would lead me to suspect that the individuals involved intended dealing drugs inside the venue. At 0545 a male reported being assaulted to employees of the venue. The extent of his injuries was not apparent prior to me leaving the club.

#### **Public Nuisance**

34. During this visit I did not observe any conduct by employees of Fabric or its guests that breached this Licensing Objective. Sporadic outbreaks of low level nuisance were observed by some people in the area. None of these occurrences were created by customers of Fabric who in general appeared less intoxicated and behaved in a more mature manner than those entering and exiting other venues or passing through the area

#### **Public Safety**

35. Other than the possibility of drugs not being discovered during the searching of patrons entering Fabric I did not observe any conduct in the area that came close to breaching this Licensing Objective.

#### **Protection of children from harm**

36. During these visits I did not observe anyone who I considered to be clearly under the age of 18 drinking in any of the premises.

#### **Metropolitan Police Environmental Visual Audit**

37. I have analysed the Metropolitan Police EVA report and would agree with many of the suggestions made and conclusions drawn. Some of the recommendations made can be put into place with little time or financial investment needed. Other recommendations require substantial investment to be made and some certainty of business continuity would be required before committing to them.
38. At page 6 and 7 of the report the author refers to a photograph of a typical queue system used at Fabric. They do not state that this was the situation observed during their visit on the 3<sup>rd</sup> July which would have been at the peak time for patrons entering. From my conversation with the DPS I understand that the queuing system has now been amended to utilise all three queuing lanes and an area outside the meat market when queues extend beyond the current barriers and now rarely extend to other businesses in the area. The photograph shown is not a true reflection of what I observed during my visits or the current queuing policy of Fabric.
39. From page 9 of his report the author provides 8 options that may assist in the entrance of people to Fabric.  
Option 1 would be to make the current rear door the main entry to the venue. This option would bring clubbers closer to residential accommodation and the Rookery Hotel. In my experience this would increase noise levels in what is a mixed use area and lead to objections and complaints from local residents.

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Option 2 is to set a terminal hour of entry for the club. This would effectively reduce the amount of time customers had to enter the premises and the effect would be longer queues than is currently experienced. It would increase what is already a considerable queue which is caused by vigilant checking of documentation and searching. The effectiveness of both may be effected if pressure is put on employees to increase through flow and keep queues to a minimum.

Option 3 relates to the use of Operational Police officers and drugs dog indicators to discourage drug dealers in the area funded by the Late Night Levy. This may be effective in discouraging street dealers but intelligence from those who have suffered ill effects of taking substances is that the majority of club goers buy from known and trusted dealers. Option 4 would utilise local officers, council licensing officers and security from Fabric to patrol the area. No routine uniformed police patrolling of the area was evident during any of my visits to Farringdon. This option would benefit other businesses in the area, local residents as well as deterring other illegal activities.

Option 5 is for security staff to patrol the length of the queue with body worn cameras to deter drug dealers from approaching customers in the queue. Apart from the body worn cameras this is already the case and as previously stated the queue no longer extends to the lengths that it once did. I would therefore trial the use of body worn cameras by these resources.

Option 6 recommends further support and patrols paid for from the night time levy. Any increase in the uniformed presence in the area can only assist in increasing public confidence and deterring illegal activities.

Option 7 suggests buying car park space opposite for the dropping off and picking up of those arriving by vehicle. Having observed Charterhouse Street and the disregard shown by some drivers to other road users I do not believe that the creation of more parking spaces would alleviate this problem. There is currently parking spaces available opposite the club outside the meat market which are ignored by drivers who park and double park outside the venues. This issue is not unique to Fabric and also occurs outside Club Reina, Beduin and Grand Union.

Option 8 suggests two separate entrances for pre-paid and VIP guests using the rear entrance and walk up customers using the rear entrance. This would effectively require two entrances, two search teams and possibly two cloakrooms. The problem regarding increased footfall for residents is also a possibility.

The queue is created due to the diligence by staff in checking identification and methodical searching of all customers entering the venue. Any reduction in the length of queues should not negatively impact on these two primary functions.

40. At paragraph 4.2 the author of the report deals with surveillance inside the club and makes 4 recommendations.

Option 1 Different coloured lighting. I am not an expert in this field and would defer the benefits of this to someone who may be able to comment on the effectiveness of implementation.

Option 2 Increase the number of windows and openings within the club to improve lighting and visibility. Due to the structure of the building, the night time hours of opening and being a predominantly basement premises this does not appear to be achievable.

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Option 3 Use mirrors to see around blind corners. This is shown to work in shop areas and could be trialled at Fabric.

Option 4 Increase the use of CCTV cameras. The club currently have a 67 camera system. The use of body worn cameras by security staff would be a practical and cost effective means of increasing CCTV coverage.

41. At paragraph 4.3 the author deals with access control. He states that during the officers visit only pat down searching took place with pockets and bags not being searched. This was not the case during my visit with a thorough methodical search taking place, to the extent of patrons being requested to remove shoes and socks.

Option 1 Relocate the stairs to increase the search area. I am not aware if this is feasible on a structural or financial basis and I do not feel that increasing the search area would enhance the searching that I observed during my visit.

Option 2. If the entrance was moved to the rear then such a marquee structure could be incorporated.

Option 3. Improve lighting levels in the current search area. This could be achieved.

Option 4. Create designated search areas with tables and CCTV. This is achievable however, it is unclear how the recommendation for audio recording as well would assist the searching process.

Option 5, Retrain staff on searching techniques. I did not feel that the staff observed during my visit required any training on search techniques but refresher training based on intelligence and trends should be conducted on a regular basis.

42. At paragraph 4.4 the author of the report deals with access control and makes 3 options to assist.

Option 1 to obtain a hand held scanning device which can be used along the queue to record details. I am aware of hand held devices that can scan documents but as far as I am aware these only record the details of the document and cannot be used to identify banned individuals or link in with other units. I do concur with the report's conclusions that door staff cannot possibly remember all banned persons from a photographic album. I would therefore recommend a trialling of a full club scan system to evaluate its impact on queuing times and queue lengths.

Option 2 Linking systems to deter drug dealers. There is little evidence that drug dealers are prevalent inside the venue, however if the trial of the system is to be carried out then it would make sense to link it to other similar dance venues.

Option 3 Meet with local licensing officers on a fortnightly basis to share intelligence. I understand that this already occurs and should be continued. It would also benefit the club in passing on seized substances which can currently remain in the drugs safe for several months and street values of thousands of pounds retained at the venue.

43. At paragraph 4.5 the author deals with access control to the rear smoking area. During my visits to Fabric I did not witness customers entering the venue through the rear areas, although security staff and managers were observed using this route to access back of house areas. There is no evidence that this area has been used to gain unauthorised access to the club.

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Option 1 to replace the static security with a roller shutter door. This would reduce the physical human presence in this area which currently acts as a deterrent to anti-social behaviour and reporting of crime and disorder.

Option 2 fit automatic vehicle barriers. Again this would reduce the visible security presence in this area.

Option 3 Continue with manned security but with body worn cameras and CCTV coverage of the area. The area has never been breached in the manner outlined by the author and although there is a risk of it occurring in the future this is considered unlikely and low risk.

44. At paragraph 4.6 the author deals with lighting levels within the club and makes two options.

Option 1 Request a lighting plan from a qualified engineer with all outside areas compliant with BS 5482. An internet search of BS 5482 relates to the use of Butane Gas but I would agree with the reports general findings that some areas of the club would benefit monitoring by increased lighting levels.

Option 2 Materials in the club can be used to increase lighting levels. I would agree with this conclusion and recommend that advice be taken on best materials to use during any maintenance work.

45. At paragraph 4.7 the author deals with surveillance points within the club and considers two options.

Option 1 Raised static points. I would concur with this suggestion and recommend implementation.

Option 2 Corporate staff clothing. During my visit the security staff and lost property patrols were clearly identifiable in high visibility jackets for the security and T-shirts with crime prevention advice worn by other staff.

46. At paragraph 4.8 the author deals with customer flow. I do not concur with his comment that conditions regarding occupancy levels are being regularly breached. The occupancy levels on the licence are 1200 in the basement, 300 on the mezzanine level and 10 in the back of house VIP area. There is no occupancy level set for rooms 1, 2 and 3 as suggested by the report.

47. Option 1 Clear and legible signage. I would recommend improved signage throughout the club.

Option 2 Breach of capacity. There is no evidence that the capacity levels as stipulated in the licence have been breached.

Option 3 Clickers on all three areas. One area has a capacity of 10 people. Clickers would not be required for this area. Clickers could be utilised on one of the other two areas as the overall capacity in the club would give the remaining figure.

48. In his conclusion at paragraph 5 the author concludes that it is the business model, style of operation, building structure and location of the venue that increases the risk to public safety. I would disagree with that conclusion based on my experience at the Warehouse Project in Manchester. This venue is in a completely different location, building style and operating style to Fabric but suffers from similar occurrences to Fabric. Based on this my conclusion is that it is a lifestyle choice of a small number of people attending dance type

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events, that take illegal substances to enhance their experience, despite being fully informed of the risks involved.

#### **Warehouse Project (Manchester)**

49. I have worked closely with the operators of the Warehouse Project in Manchester since they promoted their first large event in the former Granada Studios building on the evening of the Millennium (31/12/2000). Since that time they have promoted events and festivals throughout the North West area and Croatia. I have seen in previous Metropolitan Police reports in relation to Fabric that officers have visited Warehouse Project events in Manchester and hold them up as being an example of good practice for other venues to mirror. Having worked for both operators I am able to say that all practices currently employed at the Warehouse Project are also in place at Fabric, apart from paid for policing which Greater Manchester Police are amenable too. At the time of the Metropolitan Police visit WHP also employed drugs dogs as a deterrent but this is now only necessary on a risk assessed basis, as they were deemed to be a visible message that the club has a zero tolerance to drugs, rather than an effective tool to prevent drugs being taken into the club.
50. WHP also suffers from the problem of drug dealers frequenting the approach routes to the venue and targeting club goers. This is deterred by the regular patrolling of these areas by the paid for uniformed police officers.
51. I have monitored the searching of customers entering WHP and Fabric and can say that the searches conducted at Fabric are more thorough (to the extent of removing shoes and socks) at Fabric than they are at WHP.

#### **Recommendations**

52. From my internal inspection of the venue I would say that the venue is well managed and compliant with its Licensing conditions and industry best practices. Only one recommendation is made in respect of compliance which relates to a Lost Property notice needs to be displayed at the Lost Property kiosk (Condition 32 Annex 3 Premises Licence).
53. In relation to its current policies and procedures I would recommend that the search policy be amended to include: hats and caps will be removed whilst patrons pass through the search area to allow for CCTV identification and search of headwear; Patrons will be requested to empty all items out of their pockets and an internal inspection of empty pockets will be conducted.
54. In relation to the Metropolitan Police EVA report I would recommend that consideration be given to the implementation of all those options that are realistically achievable. An immediate costing exercise conducted and a business plan produced as to how and when those changes can be made.

#### **Conclusion**

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55. From my observations within Fabric and intelligence obtained from people who have suffered the ill effects of drugs there does not appear to be evidence that drug supply inside the premises is a major issue. Undercover security staff and mystery shoppers patrol the club on every event and they have not frequently observed or been approached by drug dealers.
56. The main risk to the business appears to be from the people who purchase drugs away from the venue and either take them prior to entry or attempt to conceal them from the search teams. From the number of positive searches occurring it would be unrealistic to assume that all drugs are prevented from getting into the premises as search teams can only search outer clothing.
57. I would therefore conclude that the only way to reduce further incidents of drug misuse inside Fabric is increased intelligence (supported by police meetings and ID scan trials), safety information and drug awareness messages (loop) and continued staff training and development of new industry best practices as they become available.

**EXPERT'S DECLARATION**

58. I understand that my duty in writing reports and giving evidence is to assist the court and this duty overrides any duty to the party by whom I am engaged or paid. I confirm that I have complied with and will continue to comply with that duty.

Signed D J Butterworth

List of Exhibits

DJB 1 Ecstasy warning leaflet

DJB 2 Visit to Licensed Premises Compliance Check List

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