

30/03/2017

Your Ref:

Our Ref: 142

Head of Legal and Democratic
Services
Angus Council
Angus House
Sylvie Way
Forfar
DD8 1AN



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

Dundee Division Headquarters
West Bell Street
Dundee
DD1 9JU

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - SECTION 36
PREMISES LICENCE REVIEW APPLICATION
LICENCE NO: 162
PREMISES: PLOUGH INN
48 MARKET STREET, FORFAR, ANGUS, DD8 3EW.
PREMISES LICENCE HOLDER: EENSK LTD**

In terms of section 36(1) of the Licensing (Scotland) Act 2005 I hereby make application to the Angus Licensing Board for a review of the premise licence in respect of the premise known as PLOUGH INN 48 MARKET STREET, FORFAR, ANGUS, DD8 3EW.

This application is made in terms of Section 36(3) (b) on grounds relevant to one or more of the licensing objectives as articulated at Section 4(1) of the 2005 Act, namely:

- Preventing crime and disorder
- Securing Public Safety
- Protecting Children from Harm

In support of this application, the following information is provided for your consideration.

The Plough Inn is a public house in Market Street, Forfar. There is a function room at the premise and the premise regularly caters for functions within this room. A large number of these events involve celebratory parties and charitable functions.

NOT PROTECTIVELY MARKED

About 2345 hours, Saturday 12th December 2015, Police were called to a disturbance within the premise. A male had been assaulted and had sustained two fractures to his right eye socket. This incident had occurred at a private function within the premise.

Consequently, on 17th December 2015 Licensing Officers from Police Scotland attended and met with the owner and Designated Premise Manager, Mr Ian Whyte, who was well aware of the licensing objectives. Mr Whyte agreed at this time to advise Police Scotland of any pre-planned functions.

About 0150 hours, Friday 25th December 2015, Police received a report of two assaults at the premise. On their arrival they observed approximately 30 persons in the street outside the premise. Enquiries established that a disturbance between two males had taken place in the function suite resulting in one of the males being head butted by the other. Door staff have intervened and the injured male was ejected from the premise. Whilst outside the premise the same male has been assaulted again by other males and again the door staff have intervened. The police were contacted by the person who was assaulted and no member of staff has contacted the police to report the assault.

Mr Whyte was again spoken to again by the enquiry officers in relation to this incident however denied any knowledge of the assault. It was also ascertained that the CCTV system at the premise was not operational. There are no conditions contained within the premise licence that stipulate a requirement for a functional CCTV system to be in place.

About 0030 hours, Sunday, 27 December, 2015 an assault occurred within the function room at the premise whereby a female was assaulted by another female and was punched twice to the face and had a plastic tumbler presented at her. The assault was not reported to Police at the time and when spoken to by the enquiry officers, Mr Whyte had no knowledge of this incident. There was no CCTV covering the locus and there were no door staff on duty.

About 2310 hours, Saturday, 30 January, 2016, Police carried out a routine visit to the premise and found a large number of apparently underage persons outside. On entering the premise, a staff member informed the Police that an 18th birthday party was being held in the function room and that the party had been 'gate crashed' by a large number of people, many of whom were underage. On entering the function room the attending officers described the scene as 'chaotic'. The fire exit doors at the front and side of the function room were propped open and youths were entering the premise through these doors. The premise appeared to be overcrowded and there were a number of drunk and under age youths on the premise. It appeared to the police officers in attendance that staff were not in control of the situation, albeit ID checks were being made and individuals aged 18 years and over had received stamps on their hands, which allowed them to be served alcohol at the bar.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Police ejected a large number of youths and a 19 year old male was arrested for failing to quit licensed premises at that time.

On Wednesday 3rd February 2016, as a result of the foregoing incidents, the Police Local Area Commander for Angus met with Mr Whyte to discuss concerns regarding his staff's ability to run the premise safely. Good practice and early intervention strategies were also discussed and acknowledged by Mr Whyte to prevent matters from escalating.

Due to the foregoing incidents, the premise was then designated as 'Monitored' by the Police, in order that a tasked inspection regime could be instigated to ensure Police attendance at the right times and to allow for the provision of advice and support to Mr Whyte and his staff.

About 2355 hours, Friday, 12 February, 2016, a further assault occurred at a function being held at the premise. A male patron was assaulted by another male within the premise and the victim was described by other persons present, as being heavily under the influence of alcohol and appeared to sleep at one of the tables in the function room for a large part of the night. It was noted that staff had declined to serve this male any more alcohol due to his level of intoxication, however, he was not asked to leave the premise.

Mr Whyte was spoken to by Police in relation to this incident but again he was unable to operate the CCTV system.

On 16 February 2016, Mr Whyte agreed to and signed an Intervention Plan, intended to run for 6 months, albeit he disputed events and the overcrowding issue at the 18th birthday party on 30 January 2016 and made his own amendments for clarification purposes, prior to signing.

About 2245 hours, Sunday 19 February 2016, Police were advised of a 16 year old male who was taken to hospital due to consuming controlled drugs. He stated that he had taken them into the Plough Inn and abused them on the premise.

Police attended at the premise and there was a 20th birthday party taking place within the function room at this time. A check of the toilets was carried out and there were traces of white powder on the toilet cisterns. Mr Whyte was advised of this as he was present at premise at this time. He was concerned that apparent drug abuse had taken place. The Divisional Licensing Team were also subsequently notified.

On 18th March 2016, Police attended at the premise in response to a noise complaint emanating from an 18th birthday party being held at the premises. On arrival, Police observed several teenagers milling around the side alleyway, smoking and causing noise, near to an open fire exit door. Mr Whyte was present on this occasion and was spoken to in relation to noise management. It should be noted that on this occasion the function appeared to be well managed with no obvious drunkenness issues and there were no other adverse incidents reported to the police.

NOT PROTECTIVELY MARKED

On Saturday 28 May 2016 an 18th birthday party took place at the premise.

An ambulance was contacted for an 18 year old male who had fallen and cut his head however there were no concerns regarding the intoxication levels during the course of this night but the following day a young female reported that her purse had been stolen from her handbag.

At the conclusion of the 6 month Intervention plan in August, 2016, the situation was reviewed by the Local Area Commander and the situation was deemed to have improved to an extent that there was no longer a requirement to monitor the premises.

On Sunday 23rd October 2016, Police received information that an 18th birthday party had taken place at the premises. The function had appeared on Social Media and had been 'gate-crashed' by youths from all over Angus. Information given to police also suggested that there was a high level of underage drunkenness and some of the youths were repeatedly leaving and re-entering the premise to consume alcohol which had been stashed externally. Police had been unaware this event was to be taking place and as such the premise was not visited when the function was ongoing.

On Thursday 27th October 2016 representatives from Police Scotland and Angus Council met with Mr Whyte to discuss their concerns in relation to the running of the premise, specifically with regards the 18th birthday party held the previous weekend. Mr Whyte accepted that he had been surprised by the numbers of youths who had attended the function and accepted that he had been unable to properly control movement to/from premise due to insufficient staffing. He was given advice in relation to this and was reminded of the actions listed within the earlier Intervention Plan which would assist him run these events safely without placing children and young persons or public at risk. Mr Whyte agreed to provide Police with a list of upcoming events, which he did by way of email on 27th October 2016.

On Saturday 29th October 2016, Police attended a call in relation to a 17 year old female alleging that her purse had been stolen from her handbag while attending an 18th birthday party at the premise the previous night, Friday 28th October, 2016. The purse was subsequently recovered, minus any money from the roof of a premise adjacent to the Plough Inn.

On Saturday 29th October 2016, Police attended at the premise in response to a complaint about the noise. On their arrival there was an 18th birthday party being held at the premise and there were four youths traced who had just come out from the party.

Mr Whyte was spoken to at this time and made aware of the complaint. He was encouraged to monitor patrons outside his premises. He stated that identification checks were being carried out prior to alcohol being served and drunkenness

NOT PROTECTIVELY MARKED

levels were being monitored. Attending officers were, however, doubtful that these checks would be maintained.

Later that same night, Police were called to a report of a vehicle parked adjacent to the premise which had been vandalised. A 17 year old youth was traced and admitted responsibility for damaging the vehicle. The youth stated to police that he had been in the premise with friends and other 'underagers' consuming alcohol prior to committing the offence. The youth was extremely intoxicated at this time.

Further enquiries were made and a further vehicle was also found to be damaged. The youth concerned admitted responsibility and was issued with a Recorded Police Warning.

On Thursday, 15 December, 2016 an 'after school' event took place within the function room at the premise for pupils from Forfar Academy which Police Scotland had not received prior notification. About 2312 hours, same date, a complaint was made by a local resident in relation to a group of male youths, hanging about in the lane adjacent to the premise, making a lot of noise. Police attended at about 2345 hours and traced a group of youths outside the premise but none had been drinking. Staff were then made aware of the complaint that had been made but nothing further was brought to the attention of the Police that night.

Angus Council subsequently received a further complaint via e-mail from another local resident on 16 December, 2017 highlighting that young persons had been entering and leaving the premise, accessing alcohol which had been hidden in various gardens around the premise and taking alcohol into the premise the previous night. The resident went on to say that there was shouting and screaming and excessively loud music until about 01.45 hours and that cans and bottles were strewn about the surrounding area.

On Thursday 22nd December 2016, Mr Whyte was jointly visited by an officer from Police Scotland's licensing department and the Angus Council Licensing Standards Officer where the aforementioned incident was discussed. He accepted this account but refuted that any alcohol had been taken on to the premises. Concerns were again raised in relation to these type of events falling foul of the licensing objectives in a number of areas. Mr Whyte and his staff were provided with further advice and guidance to support the running of functions to prevent a repetition. A summary of this meeting was formally recorded by the Police Scotland Divisional Licensing Team.

About 0410 hours, Sunday, January 2017, Police were called to a complaint of noise from the premise. An 18th birthday party had been held at the premise the previous evening. On arrival at the premise Police observed two youths in the alleyway smoking and causing noise. It was evident that a side fire exit had been left open and that there were people within the premise. Police entered the premise and found about 10 youths within the function room. Mr Whyte was also present at this time. He was asked why the premise was still open and he stated that he was interested in listening to the issues faced by teenagers in the local

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

area and their views. There was no evidence of any alcohol being consumed by the youths that were present and Mr Whyte stated that no alcohol had been sold or consumed after the terminal hour. All the persons were requested to leave the premise which they did.

On Saturday 21st January 2017, Mr Whyte notified police that there was to be an 18th birthday party held at the premise on Saturday 11th March 2017. He was expecting 180 guests and informed police that there would be 8 staff on duty which included 2 SIA registered stewards.

About 2330 hours, Saturday 11th March 2017, police therefore carried out a routine visit to the premise. At this time there were approximately 100 persons in attendance within the function room where a disco was playing. There was one door steward on the side entrance where all guests for the event were entering. A staff member was spoken to who stated that strict bag and age verification checks were being carried out and that various bottles of alcohol had been confiscated from those attending at the party attempting to enter the premise in possession of them. Police were informed that there had been a staff presence at the top of the alleyway adjacent to the premise to look out for possible alcohol consumption from hidden bottles. Mr Whyte was present and spoken to. He was carrying out DJ duties at that time.

About 0050 hours, Sunday, 12th March, 2017, Police responded to a complaint of loud music coming from the premise. On police arrival the music was not deemed excessive, however once within the premise staff were observed removing a drunk female from the function room.

The female in question was highly intoxicated and could barely talk. It was noted that her top was open, her bra-strap was undone and scratches were observed on her back. It was established that this female was only 15 years of age.

Mr Whyte was spoken to who stated that he did not believe that the female had been within the premise. When police officers pointed out that they had witnessed her being removed from the function room by staff he was unable to provide an explanation to this other than she must have managed to sneak past the door steward and Manager, Tara Godfrey. It is however understood that the young female had sustained her scratch injuries and state of dishevelment whilst consuming alcohol stashed out with the premise.

At the time of this visit there were approximately 140 patrons within the function room.

The female was visited by police the following day and stated that she had consumed alcohol from a vodka bottle which had been hidden in the alleyway outside and that she had entered the premise unchallenged but had not attempted to purchase alcohol from the bar within the premise.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

Furthermore, after the aforementioned party had concluded, a 16 year old male was assaulted in a nearby street by a 17 year old male after he left the premise. Both individuals had been in attendance at the 18th party.

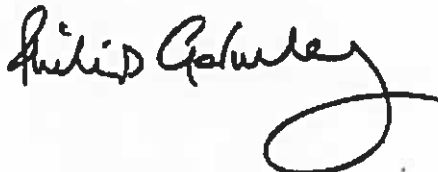
The most recent incidents remain under investigation and police are also following lines of enquiry into a further allegation that an 18 year old male had been supplying underage youths with alcohol that he had purchased from the bar during the party. It has been established that staff did identify what was happening and intervened early and ejected the individuals concerned. The matter was not however reported to Police at the time.

It is the opinion of Police Scotland that given the numerous incidents recorded at the premise that Mr Whyte is unable to manage the premise effectively. Events continue to breach the Licensing Objectives despite Mr Whyte being given support and guidance from both Police Scotland and Angus Council.

If satisfied that a ground for review has been established, you may wish to consider appropriate action under the terms of section 39(2) of the Act, for the purpose of securing the licensing objectives. I would further request that consideration be given to prohibiting the holding of any further private functions at the premises which are likely to attract the attendance of children and young persons intent on consuming alcohol.

I request that the Licensing Board considers the aforementioned grounds for review and take such steps as it considers necessary or appropriate for the purposes of the Licensing Objectives under the terms of Section 39(2) of the Act.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Philip Gormley', with a large, stylized flourish at the end.

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01382 591542.

NOT PROTECTIVELY MARKED