

**The Highland Licensing Board**

**Meeting – Tuesday 3 November 2015**

Agenda Item	<b>7.1</b>
Report No	<b>HLC/116/15</b>

**Hearing to determine application for Personal Licence – Liam Chalmers**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report invites the Board to hold a Hearing to consider and determine an application for a Personal Licence under Section 72 of the Licensing (Scotland) Act 2005 (the Act).

**1. Background**

- 1.1 A Personal Licence is required to allow any individual to supervise or authorise the sale of alcohol.
- 1.2 On 20 July 2015, an application for a Personal Licence was received from Liam Chalmers.
- 1.3 Under Section 73 of the Act, Police Scotland has timeously intimated that they object to Mr Chalmers' application. A copy of the letter received from Police Scotland is attached (Appendix 1).
- 1.4 The applicant is entitled to be heard and has been invited to attend the Hearing along with Police Scotland.

**2. Legal Position**

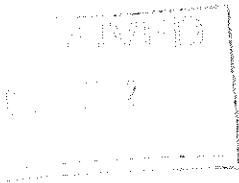
- 2.1 Section 74 of the Act requires that the Board refuse the application if, after having had regard to the Police Scotland letter, the Board is satisfied that it is necessary do so for the purposes of any of the licensing objectives. If not so satisfied, the Board must grant the application.

## **Recommendation**

The Board is invited to determine the application as follows:-

- (a) If, having had regard to the Police letter and any submissions made by the applicant and/or the Police Scotland representative at the Hearing, the Board is satisfied that it is necessary to do so for the purposes of any of the licensing objectives, the Board must refuse the application
- or,
- (b) If the Board is not so satisfied, the Board must grant the application.

Reference: HC/CSER/4689  
Date: 22 September 2015  
Author: G Sutherland  
Background Papers: The Licensing (Scotland) Act 2005/Application Form  
Appendix: Letter from Police Scotland



GPMS Classification: RESTRICTED



14 August 2015

Your Ref:

Our Ref: NE13577/15

Clerk to the Highland Licensing Board:  
Council Offices  
Girnigoe Street  
Wick  
KW1 4HW

Sir Stephen House:  
Highlands & Islands Policing  
Division  
Divisional Co-ordination Unit  
Divisional Headquarters  
Old Perth Road  
INVERNESS  
IV2 3SY

01463 720209

highlandislandlicensing  
@scotland.pnn.police.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE GRANT OF A PERSONAL LICENCE  
APPLICANT: LIAM CHALMERS, B.20/09/1984**

I refer to the above application and in terms of section 73(3)(b) of the Licensing (Scotland) Act 2005, I have to confirm that the applicant has been convicted of relevant offences and in terms of the Rehabilitation of Offenders Act 1974 these convictions are now spent. For the purposes of the

**Crime prevention**

**and**

**Securing public safety**

objectives, the Chief Constable objects to the application on the following grounds.

Apart from his convictions Mr Chalmers has come to police attention a further 10 times where he was reported to the authorities but no court action was taken:

18/03/2001 – (NE/6102/01) - Reported to the Procurator Fiscal for breach of the peace and noise pollution (excessive noise/music volume at a house party).

GPMS Classification: RESTRICTED

16/04/2001 – (NE/8668/01) - Reported to the Procurator Fiscal for breach of the peace where when in a drunken state on Dingwall High Street he challenged police to fight whilst brandishing sticks at them.

08/06/2002 – (NE/13817/02) - Reported to the Procurator Fiscal for a contravention of The Misuse of Drugs Act 1971 sec 5(2), possession of a controlled drug namely cannabis and other drug related items recovered from his home address whilst searched under a Misuse of Drugs search warrant.

22/06/2002 – (NE/15142/02) - Reported to the Procurator Fiscal for a contravention of The Misuse of Drugs Act 1971 sec 5(2), possession of a controlled drug namely cannabis recovered from his home address whilst searched under a Misuse of Drugs search warrant.

01/08/2003 – (NE/27389/03) - Reported to the Procurator Fiscal for a contravention of the Misuse of Drugs Act 1971 sec 5(2) x2 and sec 5(3) x4, possession of controlled drugs and possession of controlled drugs with intent to supply, namely ecstasy, cocaine and cannabis whilst entering premises which then was known as Blue Nightclub Inverness.

02/08/2003 – (NE/18883/03) - Reported to the Procurator Fiscal for a contravention of The Misuse of Drugs Act 1971 sec 5(2), possession of a controlled drug namely herbal cannabis and other drug related items recovered from his home address whilst searched under a Misuse of Drugs search warrant.

05/11/2005 – (NE/27496/05) - Reported to the Procurator Fiscal for a contravention of The Misuse of Drugs Act 1971 sec 5(2), possession of a controlled drug namely cannabis recovered from his home address whilst searched under a Misuse of Drugs search warrant.

24/12/2005 – (NE/31740/05) - Reported to the Procurator Fiscal for a contravention of The Misuse of Drugs Act 1971 sec 5(2), possession of a controlled drug namely cannabis and cocaine recovered from him as a result of a person search under the Misuse of Drugs Act.

25/02/2009 – (NN/6116/09) - Reported to the Procurator Fiscal on a charge of vandalism where he damaged property within TK Maxx Inverness.

21/02/2012 – (NE/2327/12) - Reported to the Procurator Fiscal for a contravention of The Misuse of Drugs Act 1971 sec 5(2), possession of a controlled drug namely cannabis and diazepam recovered from his home address whilst searched under a Misuse of Drugs search warrant.

There are also 20 intelligence entries, dated between November 2005 and June 2015, regarding Mr Chalmers, held on the Scottish Intelligence Database.

The dates given refer to the date the information was input onto the database.

18/06/2015 – B21  
Mr Chalmers is dealing controlled drugs.

05/03/2015 – E21

Mr Chalmers was supplied heroin.

22/01/2015 – A11

Mr Chalmers under the influence of a substance on 01/11/2014, searched and found in possession of cannabis.

07/11/2014 – A11

Mr Chalmers affected by a substance, spoken to by Police and admitted injecting a drug.

07/11/2014 – E21

Mr Chalmers was supplied controlled drugs.

28/02/2014 – E21

Mr Chalmers linked to a known drug supplier.

06/09/2013 – A11

Mr Chalmers searched for drugs with a negative result following travel to a known drug location.

26/08/2013 – B25

NOT TO BE DIVULGED FURTHER

26/08/2013 – A11

Mr Chalmers travelling to a known drug location.

20/03/2012 – C21

Mr Chalmers travelling to a known drug location.

01/03/2012 – A11

Mr Chalmers receiving suspected controlled drugs.

01/03/2012 – E21

NOT TO BE DIVULGED FURTHER - drug related

31/01/2012 – A11

NOT TO BE DIVULGED FURTHER - drug related

26/08/2011 – A11

Mr Chalmers liaising with a known drug supplier

24/08/2011 – A11

Mr Chalmers, in the company of a known drug user, both searched with a negative result, although drug paraphernalia was found.

05/04/2011 – B41

Mr Chalmers involved in the supply of controlled drugs.

01/02/2011 – A11

Mr Chalmers attended a residence which was being searched for controlled drugs by Police

04/10/2010 – A11

Mr Chalmers seen in the company of two known drug abusers/dealers

11/10/2006 – A11

Mr Chalmers searched and found in possession of controlled drugs

05/11/2005 – B21

Mr Chalmers linked to numerous individuals involved in the drug scene

As you will appreciate, the Chief Constable is not at liberty to divulge any further information regarding who or what the source of the information was.

All details listed above allude to Mr Chalmers continued involvement in the Misuse of Drugs.

In terms of section 73(4) of the Licensing (Scotland) Act 2005, the Chief Constable, in having regard to these incidents recommends that, for the purposes of the crime prevention and securing public safety objectives, the application be refused.

I am unable to confirm the existence of any foreign offence in respect of the applicant.

Yours faithfully



**Mairi MacInnes**  
**Chief Inspector**  
Divisional Co-ordination Unit

