

[REDACTED]

To the members of Aberdeen City Council Licensing Committee.

Application for an HMO Licence for 52 Bedford Place by Eileen Thomson [REDACTED]

The above application is to be considered at the November meeting. I understand it is intended that the Committee take into account the fact that a previous committee considered my husband, David Thomson, to be 'not a fit and proper person' to hold this form of licence. I am seeking justice from the committee. In this regard it is necessary to explain how the objector's lies misled the previous committee, causing; unfairness, abuse of the law and the Councillors Code, and requiring my husband to have to appeal to The Commissioner for Standards in Public Life for fairness. These points mean the finding against my husband is unsafe in determining the outcome of my application for a licence.

At the September 2011 meeting of the Licensing Committee my husband was prevented from presenting our above case, in particular by three councillors who have an undeclared non-financial interest, and who failed to apply your objective test, even when one councillor did. (Objective test - Councillors Code section 5.3). It may be embarrassing for you to hear that several councillors were persuaded by a stack of lies to abuse their powers, but these are the facts. These councillors, when challenged, do not deny abuse of their position. Nor will they explain their actions; even though the Councillors Code places on them a duty to uphold the law, applying fairness, openness and honesty to their decisions.

The context: -

At the June 2010 meeting of the Licensing Committee the objector to the award of an HMO licence to my husband for 71 Craigievar Cres presented a series of lies, aided and abetted by a tenants' letter. This presentation suggested my husband was an unsuitable landlord, claiming he had manipulated the tenants into pretending to be Mormons to avoid the HMO licence. This was quite untrue. Having been advised to delay his licence application by Council officials, my husband set criteria that the tenants live in a way that maintained the religious exemption, and provided some reading material, nothing more. The Councillors believed the untrue statements, as they are entitled to, but then turned on my husband and destroyed his reputation by announcing assumptions in a public forum where there was no right of reply.

One Councillor announced the assumption Mr Thomson had put tenants lives at risk. (The necessary work for an HMO licence had been completed, before tenants moved in, with a completion certificate issued, demonstrating that this was not the case.)

Another Councillor announced the assumption that Mr Thomson had deliberately avoided the licence. (It was Mr Thain who had advised Mr Thomson not to apply for the licence until planners decided if a change of use was required.)

Councillor Boulton jumped to the conclusion that my husband was 'not a fit and proper person' to hold a licence, announcing this without a right of reply. She moved that he be denied the licence due to not being 'a fit and proper person'. The Human Rights act is to be adhered to according to Aberdeen City Council's own website (page 31. of the MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION: GUIDANCE FOR LICENSING AUTHORITIES). This legislation requires that my husband's reputation is preserved, he is treated as innocent until proven guilty in a court, and that

any punishment is proportionate to the offence. All these rights were denied by prejudiced, heavy handed councillors abusing their powers.

Any genuine, fair and proportionate investigation into whether an individual is not a fit and proper person would clearly require: -

- An investigation and report from officials.
 - Negative commentary from the Police.
 - Evidence that existing of HMO licences had been poorly managed.
1. There was no report from officials suggesting anything other than that the premises appeared suitable.
 2. There was confirmation from the police that Mr Thomson had no relevant convictions, cautions or other concerns. My husband had been advanced disclosure checked by the Council only two years previously before being appointed to work with young people.
 3. Glasgow Council had awarded and renewed Mr Thomson's HMO licence without objection. Although other HMO applications in the same building had objections.

A decision that someone is 'not a fit and proper person' is hugely different from a decision not to award a licence. It will normally result in other local authorities like Glasgow withdrawing Mr Thomson's current licence, and debar further applications.

Instead of responding to the appeals for fairness Mr Thomson made, that the committee members had allowed themselves to be misled; members failed to investigate and allowed the appeal to the Sherriff Court to progress. At the last minute Council lawyers conceded that there has been a breach of natural justice. It was agreed that a fresh consideration would take place at the September 2010 meeting of the Licensing Committee. The lawyers agreed the application be considered 'de novo', in fact the councillors were completely biased by the previous events, they sought to punish rather than adjudicate fairly. This is evidenced by the statement of reasons showing that the questions and investigation were leading, one sided, and designed to prosecute rather than administer a just decision. This unfairness and abuse of powers is now under investigation by the Commissioner for Standards in Public Life.

A subsequent appeal to the Sherriff Court was unsuccessful. Unfairness is dealt with by the Commissioner for Standards in Public Life not the Sherriff Court, and the Sherriff Court does not rule on Human Rights abuses.

In Conclusion

As a result of the above unfair bias, I am confident any fair evaluation of my application for an HMO Licence will result in award of the licence. If there had not been a dishonest objector (who admitted to the committee responsibility for related criminal activity) my husband's application would have been awarded under delegated powers.

Yours sincerely,

Eileen Thomson

2nd November 2011