

SPECIAL LICENSING COMMITTEE

ABERDEEN, 7 December 2011. Minute of Meeting of the SPECIAL LICENSING COMMITTEE. Present:- Councillor Kirsty West, Convener; and Councillors Allan, Collie, Cormack, Cormie, Dean, Donnelly (as substitute for Councillor Wisely), Fletcher, Leslie, MacGregor, Noble, John Stewart, Townson and Young (as substitute for Councillor Boulton).

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2375&Ver=4>

APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - TULLOS SCHOOL LODGE, KIRKHILL PLACE

1. The Committee had before it for consideration an application for the Grant of a licence for a House in Multiple Occupation for Tullos School Lodge, Kirkhill Place, Aberdeen.

Also before the Committee were (a) two letters of representation against the application, one of which being a petition containing 252 signatures, and (b) a report by the applicant, Mr Edward Thomas, Assistant Homelessness Manager, Aberdeen City Council in support of the application.

The Convener outlined the procedure to be followed during the meeting.

As a preliminary matter, the Committee heard Mrs Lynn May, Solicitor, on behalf of the applicant address the Committee on the competency of the application. The Committee thereafter received legal advice in response.

At this juncture Councillor Young, moved as a procedural motion, seconded by Councillor Collie:-

“that the application be deferred to allow the applicant to receive more notice of and information on the basis of the objection in order to have a fair hearing.”

On a division, there voted:- for the procedural motion (4) - Councillors Allan, Young, Collie and Cormack; against the procedural motion (10) - the Convener and Councillors Cormie, Dean, Fletcher, Leslie, MacGregor, Noble, John Stewart, Townson and Donnelly.

The Committee resolved:-

that the application be considered today.

The Committee then heard Mr Ally Thain, Private Sector Housing Manager provide details in respect of his report on the property.

Thereafter the Committee was addressed by Mrs Michelle Stewart, Mrs A Dawson and Mrs Elaine Lyon who had signed the petition and were objecting to the application.

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Members of the Committee were given the opportunity to question the objectors.

The Committee then heard from Mrs May in support of the application.

The Convener, seconded by Councillor Donnelly moved:-

“That the application be granted under delegated powers following the satisfactory completion of the works which were outstanding on the property and with the following conditions applied:- (1) that tenants of the property are prohibited from accessing the grounds of Tullos School; (2) that the gate access between the property and Tullos School be permanently sealed off; and (3) that tenants must be in employment at time of allocation to the premises.”

Councillor Allan, seconded by Councillor Young moved as an amendment:-

“That the application be refused on the grounds that the living accommodation is not suitable for use as an HMO due to its location, the safety and security of the persons likely to occupy it and the possibility of undue public nuisance.”

On a division, there voted:- for the motion (9) - the Convener and Councillors Cormie, Dean, Fletcher, MacGregor, Noble, John Stewart, Townson and Donnelly; for the amendment (5) - Councillors Allan, Collie, Cormack, Leslie and Young.

Councillor Allan sought confirmation whether the application could be referred to Council. In response the Clerk advised that under Standing Order 36(7)(g) a referral to Council for the granting of any licence was prevented.

The Committee resolved:-

to adopt the motion to grant the application with conditions referred to above.

- **COUNCILLOR KIRSTY WEST, Convener.**