

**SPECIAL GENERAL PURPOSES BOARD - 18 SEPTEMBER 2008**

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**Special General Purposes Board**

**Thursday 18 September 2008 at 1 pm**

**Present:** Councillors Ahlfeld, Ferguson, Fyfe, McCallum, McIlwee, Moran and Rebecchi.

**Chair:** Councillor Ahlfeld presided.

**Apologies:** Councillor Brooks, Grieve, MacLeod, McKenzie.

**In attendance:** Mr H McNeilly and Mr J Douglas (for Head of Legal & Administration).

**The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Panel.**

**It was agreed in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 as amended that the public and press be excluded from the meeting during consideration of the following items on the grounds that the business involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7(A) of the Act.**

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| <b>620</b> | <p><b>Smoking Health &amp; Social Care (Scotland) Act 2005</b><br/> <b>Request for Hearing: Brian Gatens</b></p> <p>There was submitted a report by the Head of Legal &amp; Administration on a request for a hearing by Mr Brian Gatens on his receipt of a fixed penalty notice. The Board heard Mr H Gilliland and Mr C Thompson of Safer Communities.<br/> <b>Decided:</b> that the fixed penalty notice not be withdrawn.</p>   | <b>620</b> |
| <b>621</b> | <p><b>Smoking Health &amp; Social Care (Scotland) Act 2005</b><br/> <b>Request for Hearing: Alan Jenkinson</b></p> <p>There was submitted a report by the Head of Legal &amp; Administration on a request for a hearing by Mr Alan Jenkinson on his receipt of two fixed penalty notices. The Board heard Mr J Cushnaghan and Ms A Black of Safer Communities.<br/> <b>Decided:</b> that both fixed penalty notices not be withdrawn.</p>  | <b>621</b> |
| <b>622</b> | <p><b>Smoking Health &amp; Social Care (Scotland) Act 2005</b><br/> <b>Request for Hearing: Andrew Wilson</b></p> <p>Councillors Ahlfeld and Ferguson declared an interest in this matter by virtue of personal acquaintance with Mr Wilson. They also formed the view that the nature of their interest and of the item of business did not preclude their continued presence in the Chamber or their participation in the decision making process.<br/> There was submitted a report by the Head of Legal &amp; Administration on a request for a hearing by Mr Andrew Wilson on his receipt of a fixed penalty notice. The Board heard Mr H Gilliland, Mr C Thompson and Mr J Cushnaghan of Safer Communities and Mr Wilson.<br/> <b>Decided:</b> that the hearing be continued to a further meeting of the Board to allow Safer Communities to provide statements to Mr Wilson as requested.</p> | <b>622</b> |
| <b>623</b> | <p><b>Smoking Health &amp; Social Care (Scotland) Act 2005</b></p>   | <b>623</b> |

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**Request for Hearing: Alexander Sorrel**

There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Alexander Sorrel on his receipt of a fixed penalty notice. The Board heard Ms D Murphy and Mr D Harris of Safer Communities and Mr Sorrel.

**Decided:** that the fixed penalty notice not be withdrawn.

**624 Smoking Health & Social Care (Scotland) Act 2005 Request for Hearing: Charles Quigg 624**

There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Charles Quigg on his receipt of a fixed penalty notice.

**Decided:** that the item be continued to a further meeting of the Board to allow for his solicitor to be present.

**625 Smoking Health & Social Care (Scotland) Act 2005 Request for Hearing: Daniel Carter 625**

There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Daniel Carter on his receipt of a fixed penalty notice. The Board heard Mr H Gilliland and Mr C Thompson of Safer Communities and Mr Carter and Mr E McDonald on his behalf.

**Decided:** that the fixed penalty notice be withdrawn.

**626 Smoking Health & Social Care (Scotland) Act 2005 Request for Hearing: Andrew Mearns 626**

Councillors Rebecchi and Ferguson declared an interest in this matter by virtue of personal acquaintance with Mr Mearns. They also formed the view that the nature of their interest and of the item of business did not preclude their continued presence in the Chamber or their participation in the decision making process.

There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Andrew Mearns on his receipt of a fixed penalty notice. The Board heard Mr H Gilliland and Mr C Thompson of Safer Communities and Mr Mearns and Mr E McDonald on his behalf.

**Decided:** that the fixed penalty notice be withdrawn.

**627 Smoking Health & Social Care (Scotland) Act 2005 Request for Hearing: Colin Sayers 627**

There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Colin Sayers on his receipt of a fixed penalty notice. The Board heard Mr R McMaster and Mr C Gair of Safer Communities and Mr Sayers.

**Decided:** that the fixed penalty notice not be withdrawn.

**628 Smoking Health & Social Care (Scotland) Act 2005 Request for Hearing: Alan Fay 628**

There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Alan Fay on his receipt of a fixed penalty notice. The Board heard Mr J Cushnaghan of Safer Communities.

**Decided:** that the fixed penalty notice not be withdrawn.

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- 629 Smoking Health & Social Care (Scotland) Act 2005 629**  
**Request for Hearing: Robert Kelly**
- There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Robert Kelly on his receipt of a fixed penalty notice. The Board heard Mr H Gilliland and Mr C Thompson of Safer Communities.  
**Decided:** that the fixed penalty notice not be withdrawn.
- 630 Smoking Health & Social Care (Scotland) Act 2005 630**  
**Request for Hearing: James McGregor**
- There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr James McGregor on his receipt of a fixed penalty notice. The Board heard Mr R McMaster and Mr C Gair of Safer Communities.  
**Decided:** that the fixed penalty notice not be withdrawn.
- 631 Smoking Health & Social Care (Scotland) Act 2005 631**  
**Request for Hearing: John Barr**
- There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr John Barr on his receipt of a fixed penalty notice. The Board heard Ms D Murphy and Mr C Thompson of Safer Communities and Mr Barr.  
**Decided:** that the fixed penalty notice not be withdrawn.
- 632 Smoking Health & Social Care (Scotland) Act 2005 632**  
**Request for Hearing: Robert Barr**
- There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr Robert Barr on his receipt of a fixed penalty notice. The Board heard Ms D Murphy and Mr C Thompson of Safer Communities and Mr Barr.  
**Decided:** that the fixed penalty notice not be withdrawn.
- 633 Smoking Health & Social Care (Scotland) Act 2005 633**  
**Request for Hearing: Lawrence Meechan**
- Mr J Douglas advised the Board that this item has been withdrawn.
- 634 Smoking Health & Social Care (Scotland) Act 2005 634**  
**Request for Hearing: William Daw**
- There was submitted a report by the Head of Legal & Administration on a request for a hearing by Mr William Daw on his receipt of a fixed penalty notice. The Board heard Mr R McMaster and Mr C Gair of Safer Communities and Mr Daw.  
**Decided:** that the fixed penalty notice not be withdrawn.