

**APPENDIX II to the minute of meeting
of the Infrastructure Services
Committee of 16 October 2007
(Articles 3(c) refers)**

MINUTE of MEETING of the **APPEALS (SMOKING IN PUBLIC PLACES) SUB-COMMITTEE** of the **INFRASTRUCTURE SERVICES COMMITTEE** held in the Law and Administration Meeting Room, Ground Floor, Angus House, Orchardbank Business Park, Forfar on Monday 17 September 2007 at 10.00 am.

Present: Councillors DAVID MAY, DAVID FAIRWEATHER and IAIN GAUL.

Councillor MAY, Convener, in the Chair.

1. APPEAL AGAINST SMOKING AND FIXED PENALTY NOTICE NO ISFPF 0123

There was submitted [Report No 854/07](#) by the Director of Infrastructure Services regarding an appeal against smoking and fixed penalty notice No ISFPF 0123. The circumstances of the alleged offence and issue of the fixed penalty notice were given in Appendix 1 to the Report. Also appended to the Report were copies of the fixed penalty notice and the written contest of issue of the fixed penalty notice by the appellant.

Mr Anderson, Environmental and Consumer Protection Division put forward the authority's case and called on Mr Millar, Enforcement Assistant, Environmental Health Division to give evidence.

The appellant then asked various questions of the officers.

The Sub-Committee then considered the written and oral submissions by the appellant.

Mr Anderson, Environmental and Consumer Protection Division and the appellant both summed up their case, following which all parties withdrew from the meeting.

Following discussion, the Sub-Committee agreed to refuse the appeal against the fixed penalty notice No ISFPF 0123.

The appellant was then recalled to the meeting and advised of the foregoing decision.

2. APPEAL AGAINST SMOKING AND FIXED PENALTY NOTICE NO ISFPF 1056

There was submitted [Report No 861/07](#) by the Director of Infrastructure Services regarding an appeal against smoking and fixed penalty notice No ISFPF 1056. The circumstances of the alleged offence and issue of the fixed penalty notice were given in Appendix 1 to the Report. Also appended to the Report were copies of the fixed penalty notice and the written contest of issue of the fixed penalty notice by the appellant.

Mr Anderson, Environmental and Consumer Protection Division put forward the authority's case and called on Mr Millar, Enforcement Assistant, Environmental Health and Ms Stallerbrass, Enforcement Assistant also Environmental Health to give evidence.

The appellant was not present and the Sub-Committee considered his written submission.

Mr Anderson, summed up his case, following which all parties withdrew from the meeting.

Following discussion, the Sub-Committee agreed to refuse the appeal against the fixed penalty notice No ISFPF 1056.