



DECISION OF

SHERIFF GEORGE JAMIESON

**ON AN APPLICATION TO APPEAL AND AN APPEAL
IN THE CASE OF**

Mr Nigel Kennedy

Appellant

- and -

Glasgow City Council

Respondent

FTS Case Reference: PG00088-2603

Representation

Appellant: Party

Respondent: None

Paisley 1 October 2026

Decision

The Upper Tribunal for Scotland (UTS), in respect the Respondent intimated its intention to withdraw from these proceedings by notice to the UTS dated 18 September 2026, and was willing to refund any payment made by the Appellant in respect of the penalty charge notice issued on 25 October 2025 at 14:50 hours and subsequent notice to owner dated 24 December 2025 in respect of an alleged contravention by the Appellant at West Princes Street, Glasgow, Grants the Appellant



permission to appeal the Decision of the First-tier Tribunal for Scotland (FTS) dated 26 March 2026 refusing his appeal against the said penalty charge notice and notice to owner, Dispenses with the requirement for a Response and Reply to the appeal, Allows the appeal against the Decision of the FTS, Quashes said Decision of the FTS; Remakes that Decision; Allows the appeal against said notices, Directs that said notices be cancelled and Declares the Appellant free of liability to pay any sums that would otherwise have been due in respect of said notices.

Note

[1] I considered this case at a hearing on permission to appeal on 22 September 2026 at which the Appellant was present. The Respondent was absent at that hearing, having intimated a notice of withdrawal from the proceedings to the UTS. It advised of its intention to make a refund to the Appellant, from which it can be inferred it now accepted the penalty charge notice should be cancelled. It did not support the Decision of the FTS. The Appellant advised he did not pay the penalty charge of £100.00 and there was therefore no requirement to refund that money to him.

[2] In these circumstances, though on the face of the Decision of the FTS, the legal member appeared to have considered the evidence before him within the appropriate legal framework, I considered the interests of justice required the penalty charge notice and notice to owner to be cancelled. I made the above order to give effect to that Decision.

Further Appeal

[3] A party to this case who is aggrieved by this decision may seek permission to appeal to the Court of Session on a point of law only. A party who wishes to appeal must seek permission to do



so from the Upper Tribunal within 30 days of the date on which this decision was sent to him or her.

[4] Any such request for permission must be in writing and must (a) identify the decision of the Upper Tribunal to which it relates, (b) identify the alleged error or errors of law in the decision and (c) state in terms of section 50(4) of the Tribunals (Scotland) Act 2014 what important point of principle or practice would be raised or what other compelling reason there is for allowing a further appeal to proceed.

George Jamieson
Sheriff of North Strathclyde
Legal Member of the Upper Tribunal for Scotland