

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER**

**Appeal No. UA-2023-001436-T
[2024] UKUT 213 (AAC)**

On appeal from the decision of Deputy Traffic Commissioner Denton of the East of England Traffic Area

Appellants

**VICTORY SCAFFOLDING LIMITED
MALGORZATA JANUSZEWICZ**

Decision date: 16th July 2024

ON APPEAL FROM:

**Tribunal: Nicholas Denton, Deputy Traffic Commissioner for the East
of England
Tribunal Venue: Field House, 15-25 Bream's Buildings, London, EC4A 1DZ
Date: 16th July 2024**

DECISION OF THE UPPER TRIBUNAL

Before:

**Her Honour Judge Beech, Judge of the Upper Tribunal
Stuart James, Specialist Member
Sarah Booth, Specialist Member**

Representation: Appellants failed to appear

DECISION

The appeal is dismissed.

REASONS FOR DECISION

1. This is an appeal against the decision of Nicholas Denton, the Deputy Traffic Commissioner for the East of England dated 11th September 2023 when he revoked the First Appellant's restricted operator's licence under s.26(1)(e),(f) and (h) of the Goods Vehicles (Licencing of Operators) Act 1995 ("1995 Act") and disqualified both Appellants for a period of 12 months from holding or obtaining any type of operator's licence in any traffic area and (in the Second Appellant's case) from being the director of any company holding or obtaining such a licence, pursuant to s.28(1), (4) and (5) of the 1995 Act.
2. By a hearing notice sent on 17th June 2024, both Appellants were informed of the date and time of their appeal and a questionnaire was attached for the Appellants to fill in to confirm whether they would be attending the hearing. The questionnaire was not returned to Upper Tribunal. On 10th July 2024, a further letter was sent to the Appellants to remind them of the hearing date and time. No response was received from them.
3. The hearing date and time was 16th July 2024 at 10.30. The Appellants did not appear. As a result, the clerk of the Tribunal rang the contact telephone number given for the Second Appellant three times. There was no answer. An email was sent by Francesca Hyde of the Administrative Appeals office to the First Appellant's email address which was not acknowledged or responded to.
4. The case was called on at 10.57 at which point the Appellants were not in court and did not respond to the case name being called out in the public area. The Tribunal concluded that the Appellants were not going to attend to pursue their appeals. In the absence of any communication from the Appellants whether in response to the hearing notice or otherwise since the date it was sent and in the absence of any explanation for the Appellants' failure to appear and in the absence of any request that the Tribunal determine these appeals in the Appellants' absence, they are dismissed.

**Her Honour Judge Beech
Judge of the Upper Tribunal
16th July 2024**