



EMPLOYMENT TRIBUNALS

Claimants: Mr Anthony Hellewell
Mrs Elaine Hellewell

Respondent: Queens Social Club Limited

HELD AT: Sheffield **ON:** 23 February 2018

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: In person

Respondent: No attendance. Appearance not entered

JUDGMENT

The Judgment of the Employment Tribunal is that:-

1. The claimants were employed by the respondent as steward with spouse to assist between 4 February 1985 and 21 July 2017. Upon the latter date, the respondent ceased to carry on the business for the purposes of which the claimants were employed and summarily terminated their contracts of employment.
2. In the circumstances, the claimants were dismissed by the respondent by reason of redundancy and were wrongfully dismissed as their contracts of employment were summarily terminated in circumstances in which they were entitled to 12 weeks notice of termination.
3. The Tribunal makes the following awards:-

Mr Hellewell

- 3.1. Mr Hellewell was 64 years of age at the date of termination of his contract of employment. He earned £240 per week gross and £226.24 per week net.

- 3.2. Mr Hellewell is therefore entitled to be paid a redundancy payment in the sum of £7,200.
- 3.3. The respondent shall also pay to Mr Hellewell damages for wrongful dismissal in the sum of £2,714.88 being an amount equivalent to 12 weeks net pay.
4. Mr Hellewell worked seven days a week. His holiday entitlement arises pursuant to the Working Time Regulations 1998. He therefore has an entitlement to 5.6 weeks holiday per year equivalent to 39.2 days based upon his working hours. As at 21 July 2017 he had taken seven days holiday. This left him with an accrued but untaken entitlement of 16.8 days. At the gross rate of £34.28 per day he therefore has an entitlement to be paid compensation by the respondent for accrued holiday untaken at the date of termination in the sum of £575.90.
5. Outstanding as at the date of termination of the contract of employment were loan accounts due to be paid to Mr Hellewell in the total sum of £18,000. The Tribunal is satisfied that these sums were loaned by him to the respondent and that there is therefore the necessary connection with Mr Hellewell's employment to vest the Tribunal with jurisdiction to consider the contractual claim pursuant to the Employment Tribunal's extension of jurisdiction (England and Wales) Order 1994. The respondent shall therefore pay to Mr Hellewell the sum of £18,000.

Mrs Hellewell

6. Mrs Hellewell was 61 years of age upon the date of termination of her contract of employment. Her gross weekly wage was in the sum of £277.50. She therefore has an entitlement to be paid a redundancy payment in the sum of £8,325.
7. The respondent shall pay to Mrs Hellewell damages for wrongful dismissal in the sum of £3,022.08 being an amount equivalent to 12 weeks net pay (at the rate of £251.84 net per week).
8. Mrs Hellewell's holiday entitlement arises pursuant to the Working Time Regulations 1998. Like Mr Hellewell, she worked seven days per week and therefore (also like him) had an annual holiday entitlement of 39.2 days. She had taken no holiday as at the effective date of termination of her contract of employment. She therefore had accrued 21.86 days of untaken holiday. The respondent accordingly shall pay to her the sum of £866.53 being an amount equivalent to 21.86 days gross pay in the sum of £39.64 per day.

Mr and Mrs Hellewell

9. All sums due to Mr and Mrs Hellewell shall be paid by the respondent to the claimant on or before 9 March 2018.

Employment Judge Brain

Date: 5 March 2018

Note - Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.