



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr B Cole

**Respondent:** Sevenoaks District Council (1)  
Dartford Borough Council (2)

## JUDGMENT

The Claimant's application dated 9<sup>th</sup> July 2018 for reconsideration of the judgment sent to the parties on 18<sup>th</sup> June 2018 is refused. It is not necessary in the interests of justice for this matter to be reconsidered.

## REASONS

Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Judgment may be reconsidered where it is in the "interests of justice to do so". However, this does not mean that every disappointed litigant is entitled to a reconsideration. Something particular is required to establish this ground.

The Claimant's application for reconsideration is lengthy and seeks to revisit not only the outcome of the hearing but also case management decisions that preceded the hearing such as EJ Kurrein's order made at the Preliminary Hearing on 19<sup>th</sup> March 2018.

In the application for reconsideration, which was supplemented by further submissions sent on 16<sup>th</sup> July 2018, the Claimant states that he was prejudiced by the omission of certain documents which were not in the bundle. However, many of these were the subject of an application for specific disclosure which was refused by EJ Kurrein.

The Claimant also says he was prejudiced by the Respondent's failure to comply with case management orders but EJ Spencer notes that the case was the subject of extensive case management prior to the hearing. The Claimant's complaints about failures to produce documents were dealt with at the time and the Claimant's earlier application to strike out the response (or impose other sanctions) for failure to comply with case management orders or disclose

documents was refused. The additional evidence to which the Claimant refers does not appear to be material which was relevant to the issues and necessary for a fair hearing (or as the Claimant suggests “critical”) to the issues before it. The bundle already ran to over 3000 pages. It is too late now to raise issues about the way that the bundle was presented.

The Tribunal did not have difficulty understanding the Claimant’s case because of the way he presented his witness statement. It did however note that Claimant had a tendency to be verbose and to make sweeping statements without setting out the underlying evidence in support. That was not a consequence of any direction from EJ Kurrein.

The rest of the application is an attempt to make additional submissions on matters that the Tribunal has already considered or to reargue matters which could have been raised during the hearing.

A reconsideration hearing is not a means by which a party can have a second shot at arguing his case. The Tribunal has now heard and considered the evidence and submissions of both parties and come to a conclusion. There is no reasonable prospect of the original decision being varied or revoked.

Employment Judge Frances Spencer

Dated 7<sup>th</sup> September 2018