



EMPLOYMENT TRIBUNALS

Claimant: Mr M Sowden

Respondent: Luxford Bar Ltd.

Heard at: London South **On:** 31 May 2018

Before: Employment Judge Cheetham QC

Representation

Claimant: In person

Respondent: Ms Holder (Manager)

JUDGMENT

1. The Respondent will pay the Claimant the sum of £1,286 in respect of unpaid wages.

REASONS

1. This is a claim brought by the Claimant, Mr Sowden, in which he complained that he was owed unpaid wages.
2. The Respondent had admitted this from the outset, but said in the ET3 that it would not pay him anything until the Claimant returned the keys and phone belonging to the Respondent. In response, the Claimant said he would not return the keys and phone until he received his money.
3. The parties arrived at this hearing with the same positions and therefore the same impasse. However, without the need to call any evidence and with just a

little encouragement from the Judge, good sense prevailed.

4. First, the Response had not been accepted by the Tribunal, given that it was admitted the arrears were unpaid. It was explained to the Respondent that their understandable wish to recover their property did not entitle them to withhold payment. That misunderstanding cleared up, the Response was allowed to stand under Rule 28(3).
5. Secondly, although it was not within the Tribunal's powers to force him to do so, the Claimant sensibly agreed that he would return both keys and phone by recorded delivery later that same day.
6. As it was accepted that the wages claimed had not been paid, the Tribunal then gave Judgment that they should be paid in the sum of £1,286.

Employment Judge Cheetham

Date 6 June 2018