



# EMPLOYMENT TRIBUNALS

BETWEEN

*Claimant*

*Respondent*

(1) Ms Hannah Wears  
(2) Ms Cheryl Williams

AND (1) 1728 Pubco Limited  
(2) Country Leisure Limited

## JUDGMENT OF THE TRIBUNAL

Heard at: North Shields

On: 14 June 2019

Before: Employment Judge A M Buchanan

### *Appearances*

**For the Claimants: In person**

**For the Respondents: No response entered and no attendance**

### JUDGMENT

It is the Judgment of the Tribunal that:

1. These proceedings are combined.
2. All proceedings in these combined claims against the first respondent 1728 Pubco Limited are dismissed. The first respondent was dissolved on 23 April 2019.

### **Claim Number 2500485/2019: Hannah Wears (“the first claimant”)**

3. The claim for unpaid holiday pay is well-founded and the second respondent (Country Leisure Limited) is ordered to pay to the first claimant the sum of **£696.29** (60.39 hours at £11.53p per hour gross) in respect of unpaid holiday pay. This is a gross sum and the first claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.

4. The claim in respect of unauthorised deduction from wages is well-founded and the second respondent is ordered to pay to the first claimant the sum of **£1928.16** (78.5 hours at £11.53p per hour gross in respect of hours worked and not paid and £100 gross in respect of an agreed bonus for working on Christmas Day 2018) in respect of unpaid wages. This is a gross sum and the first claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt. This award is increased by an award of two weeks gross pay totalling £923.06 (2 x £461.53) pursuant to the provisions of section 38(3) of the Employment Act 2002 (“the 2002 Act”). The award under section 38(3) of the 2002 Act is not subject to income tax or national insurance contribution.

5. The total sum due to the first claimant from the second respondent is **£2624.45** and is payable forthwith.

**Claim Number 2500486/2019: Cheryl Williams (“the second claimant”)**

6. These proceedings advanced against the first respondent alone are dismissed on withdrawal by the second claimant. The second claimant relies on the proceedings 2500518/2019 referred to below.

**Claim Number 2500518/2019: Cheryl Williams**

7. The claim for unpaid holiday pay is well-founded and the second respondent (Country Leisure Limited) is ordered to pay to the second claimant the sum of **£1175.30** (11.5 days at £102.20 per day gross) in respect of unpaid holiday pay. This is a gross sum and the second claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.

8. The claim in respect of unauthorised deduction from wages is well-founded and the second respondent is ordered to pay to the second claimant the sum of **£2750.17** (127.5 hours at £12.77p per hour gross in respect of hours worked and not paid and £100 gross in respect of an agreed bonus for working on Christmas Day 2018) in respect of unpaid wages. This is a gross sum and the second claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt. This award is increased by an award of two weeks gross pay totalling £1022.00 (2 x £511 per week gross) pursuant to the provisions of section 38(3) of the 2002 Act. The award under section 38(3) of the 2002 Act is not subject to income tax or national insurance contribution.

9. The total sum due to the second claimant from the second respondent is **£3925.47** and is payable forthwith.

10. The awards referred to above under section 38(3) of the 2002 Act are made because the first respondent transferred the business in which the claimants worked to the second respondent in November 2018 and the second respondent did not issue an amended statement of terms and conditions of employment to either of the

claimants at all and let alone at the earliest opportunity or not later than one month of the change as required by section 4(3) of the Employment Rights Act 1996.

**EMPLOYMENT JUDGE A M BUCHANAN  
JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 14 June 2019**

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**

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



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2500485/2019, 2500486/2019 & 2500518/2019**

Name of case(s): **Mrs H Wears & Mrs C Williams** v **1728 Pubco Ltd & Others**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **27 June 2019**

"the calculation day" is: **28 June 2019**

"the stipulated rate of interest" is: **8%**

MISS K FEATHERSTONE  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.