



# EMPLOYMENT TRIBUNALS

## Claimant

Ms V Charalambous

## Respondent

Venturespring Limited

AND

**HEARD AT:** London Central **ON:** 23 July 2019

**BEFORE JUDGE:** Employment Judge Hemmings

## Representation

**For Claimant:** Mr S Liberadzki (Counsel)

**For Respondent:** Not present

## DECISION ON RECONSIDERATION OF JUDGMENT

The Respondent's Application for Reconsideration of the Judgment against the Respondent at the Final Hearing is dismissed without reconsideration, neither the Respondent nor any representative on its behalf attending the Hearing to make the Application.

The Claimant's Applications for a Costs Order against the Respondent and/or a Wasted Costs Order against Cassandra Harris, Director and Shareholder, are adjourned to a date to be fixed.

## REASONS

1. Yet again, the Respondent is absent and unrepresented. A check conducted throughout Victory House establishes that nobody is present on behalf of the Respondent. There have been no communications from the Respondent, any Director, or any appointed representative to explain why, yet again, a Hearing has been convened at the Tribunal, an Employment Judge assigned, the Claimant and her barrister present to conduct their side of the case, but the chairs on the Respondent's side of the Tribunal room are again empty.
2. The conduct of the Respondent has been lamentable throughout these proceedings.
3. No Response was ever presented, admitting or defending the claims, nor a draft Response to support the Reconsideration Application.

4. Neither the Respondent nor any legal representative attended the Final Hearing notwithstanding that two belated last-minute applications by Cassandra Harris, Director and shareholder, on behalf the Respondent for an adjournment were rejected, firstly by the Regional Judge and secondly by the Employment Judge who considered the second application.
5. The Claimant has presented compelling evidence, nevertheless open to rebuttal had Ms Harris attended, that Ms Harris' representations to those Employment Judges that she could not attend the Final Hearing because she was out of the country was untruthful. It may be evidentially significant that Ms Harris has selectively filed with the Tribunal a copy of flight details to Los Angeles a week before the Final Hearing but failed to file her return ticket as proof of her whereabouts at the time of the Final Hearing.
6. In the absence of the Claimant's evidence being rebutted, it appears clear that Ms Harris was socialising in a London bar, Kadie's Cocktail Bar and Club, late into the evening the night before the Final Hearing.
7. The Judgment following the Final Hearing, in favour of the Claimant's five claims and awarding her £96,931.63, was sent to the parties on 18 December 2018.
8. Lawyers appointed by the Respondent presented an application for reconsideration, under Rule 71, on 30 December 2018 but subsequently removed themselves from the record as acting for the Respondent.
9. The Claimant intended to lodge applications for a Costs Order against the Respondent and/or a Wasted Costs order against Ms Harris for an amount in the region of £38,500, but postponed making those applications in the light of the Reconsideration Application.
10. Visits by High Court Enforcement Officers to the Respondent's premises, Ms Harris' home from where she was running the business, to seize the Respondent's assets in order to enforce the Judgment were suspended by those Bailiffs because of the Reconsideration Application.
11. There is evidence that, regardless of its liability to discharge the Judgment, the Respondent was in any event trading insolvently through failure to meet its obligations to HMRC. The Claimant has established that winding-up proceedings have been taken by HMRC.
12. Evidence has been placed before the Tribunal that around the same time Ms Harris formed a new company with an almost identical name to the Respondent and, having subsequently changed that name, is now trading through that Company. Ms Harris is still using her Venturespring email address
13. Counsel for the Claimant has placed before the Tribunal current correspondence between Ms Harris and the Claimant's solicitors. Ms Harris protests "*I've personally had enough of this*". She accuses the Claimant of causing "... *huge waste of everyone's time and money and emotional energy*". Ms Harris says "*I have no personal liability for it [the Respondent] going bankrupt or income to provide to her [the Claimant]...*" Ms Harris describes the Claimant's behaviour as "*shocking*". There are echoes of her autumn 2018 communications with the Employment Judge before the Final Hearing, Ms Harris claiming in respect of this Reconsideration Hearing today "*I am abroad during the court case and may not attend due to complications*".
14. With less than 10 minutes before close of business last Friday 19 July 2019, the Claimant's solicitors emailed Ms Harris in the following terms:

*Please be advised that our client reserves the right to make a costs application against the Respondent (Venturespring Ltd) and/or you personally during the hearing on Tuesday in accordance with regulation 76 and 80 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013.*

and attached copies of those two Regulations to the email.

15. It appears that a Winding Up Order has been made in respect of the Respondent and now registered at Companies House. In consequence obtaining a Costs Order at this point of time, and enforceability of the original Judgment and any Costs Order if made, are not free from difficulty.
16. In any event the Rules of Procedure, unsurprisingly, require a party against whom Cost Orders are sought to be notified of those applications and provided with a reasonable opportunity to make representations.
17. For all practical purposes the Respondent and Ms Harris have received only one full working days' notice of those applications, namely yesterday Monday 22 July 2019, and no communications in this respect from the Employment Tribunal.
18. The application for a Wasted Costs Order against Ms Harris raises interesting legal issues which will require careful examination and consideration.
19. In the circumstances the Claimant's Applications for a Costs Order against the Respondent and for a Wasted Costs Order against Cassandra Harris are adjourned to a date to be fixed, such listing to be for a three-hour Costs Hearing to take place on the earliest practicable date for such listing.

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**Employment Judge Hemmings**

Date 2 August 2019

JUDGMENT AND REASONS SENT TO THE  
PARTIES ON

7 August 2019

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FOR THE TRIBUNAL OFFICE