



EMPLOYMENT TRIBUNALS (ENGLAND & WALES)

PETER HARRIMAN
Claimant

V

SAINSBURYS SUPERMARKETS LTD
Respondent

HELD AT: London Central ON: 30/8/2019
Employment Judge: Mr J S Burns

JUDGMENT

The Claimants application (in his letter dated 28/8/2019) for a reconsideration of the costs order dated 7/8/2019 (sent to the parties on 20/8/2019) is refused under Rule 72(1) of Schedule 1 of the ET's (Constitution and Rules of Procedure) Regulations 2013.

REASONS

1. The application has not been copied to the Respondent as required by Rules 71 and 92.
2. The Claimant in his application re-argues matters which have already been considered by the Tribunal. He has added some additional detail but had an opportunity to do so before the costs order was made. The elaboration he has added now does not show that the costs order is inappropriate in principle or in amount.
3. In relation to paragraph 5 of the application: - the Respondent's letter dated 26/7/2019 referred to the offer contained therein having been made previously, and the Claimant did not take issue with this at the time that the letter was produced and discussed on 7/8/2019. In any event, the decision on costs would be the same even if the offer made on 26/7 had not been made before.
4. In relation to paragraph 7 of the application: The lateness of the Respondent's witnesses on the first day did not cause the case to overrun into the third day as the Claimant gave his evidence first (he being willing to do so). Even if the case had lasted for 2 days, the sum of £8000 claimed by the Respondent would still have been modest and reasonable, having regard to the usual costs of litigating in the Central London tribunal.
5. It is agreed that the Claimant was punctual and well behaved in his personal demeanour at the Tribunal. This is expected of all parties at the Tribunal. The costs-order has not been made because of such matters but because the claim

was a hopeless one from the outset and because it was pursued based on a disingenuous argument. The costs would be justified on either basis.

6. The reasons given for the costs order signed on 7/8/2019 are repeated.

Employment Judge - Burns

Date : 30th August 2019

Date sent to the Parties

10/09/2019