



EMPLOYMENT TRIBUNALS

Claimant: Ms B Bennetton

Respondent: Lancashire County Council

Heard at: Manchester **On:** 3 February 2020

Before: Employment Judge Hill

REPRESENTATION:

Claimant: Not in attendance

Respondent: Not in attendance

JUDGMENT

The claimant's application dated 04 January 2020 for reconsideration of the Judgment sent to the parties on 24 October 2019 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked because the issues that the claimant has raised in her reconsideration request were issues that we dealt with at the liability hearing on 30 September 2019.

Rules of Procedure

1. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application without convening a reconsideration hearing if I consider there is no reasonable prospect of the original decision being varied or revoked.

2. The test is whether it is necessary in the interests of justice to reconsider the Judgment (rule 70). Broadly, it is not in the interests of justice to allow a party to re-open matters heard and decided unless there are special circumstances such as a procedural mishap, depriving a party of a chance to put his case or where new evidence comes to light that could not reasonably have been brought to the original hearing and which could have a material bearing on the outcome.

The Application

3. By way of a letter dated 4 January 2020 the Claimant made an application for the Tribunal to reconsider its decision on the basis that the case had been decided without consideration of:

- a. camera evidence that had been obtained illegally
- b. a malicious witness who did not attend the hearing
- c. and that had this been known at the hearing that the Tribunal would have found in the Claimant's favour

4. The Tribunal has reviewed the evidence presented at the hearing and notes that the Claimant was aware that CCTV footage was being presented as evidence at her dismissal and at the Tribunal hearing. The Claimant did not suggest at any time that the footage had been obtained illegally and this is a matter that could and should have been raised at the hearing if there was evidence to support the allegation. There was no suggestion or evidence at the hearing that the CCTV evidence had been obtained illegally and was provided by the Respondent to the Claimant during the disciplinary process and as part of disclosure during these proceedings.

5. The Claimant raised concerns over the absence of a witness, Mr Charfe at the hearing. She considered Mr Charfe to be a hostile witness during the disciplinary investigation and confirmed to the Tribunal that she had not explained why and would not give any reasons as to why she considered this to be the case.

6. Both matters to which the claimant refers to in her application for a reconsideration were dealt with at the substantive hearing and the Claimant had ample opportunity to raise any issues or concerns in respect of the CCTV evidence and refused to give details in respect of the alleged hostile witness. There was no evidence before the Tribunal to suggest that the CCTV footage had been obtained illegally or that Mr Charfe was a hostile witness.

7. Finally the application for a reconsideration is considerably out of time and no reason has been given by Claimant as to why she did not make her request within the required timeframe. The Tribunal in these circumstances does not consider that an extension to the time should be granted.

8. For all the above reasons the Claimant's request is refused.

Employment Judge Hill

Date: 25 February 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON

26 February 2020

FOR THE TRIBUNAL OFFICE

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