



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Walker

Respondents: (1) Town & City Leisure Limited
(2) Jordan Hart t/a Harts Amusements

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The first respondent Town & City Leisure Limited is removed from the proceedings under rule 34 on the basis of the claimant's assertion that it was not her employer.
2. The title of the second respondent is amended to Jordan Hart t/a Harts Amusements.
3. In the absence of any response from defending the claims the following claims succeed against the second respondent and Jordan Hart is ordered to pay the sums specified:
 - (a) The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £6,655.50, of which £3,100.00 has been paid, leaving the sum of **£3,555.50** to be paid by Jordan Hart.
 - (b) The claimant was dismissed in breach of contract in respect of notice and Jordan Hart is ordered to pay damages to the claimant in the sum of **£3,132.00**. This is a net sum but is based on the claimant's gross pay because it is likely that the claimant will have to pay tax on this amount as Post Employment Notice Pay. It represents 12 weeks of notice at £261 per week gross.
 - (c) Jordan Hart made an unauthorised deduction from the claimant's wages in respect of holiday pay and is ordered to pay the claimant the gross sum of **£835.20** representing 16 days at £52.20 per day.
 - (d) Jordan Hart was in breach of his obligation to provide a written statement of the main terms of employment and is ordered to pay the claimant a further four weeks' pay in the sum of **£1,044.00**

4. The complaint of unfair dismissal against Jordan Hart is well founded but no award is made. The basic award is extinguished by the statutory redundancy payment, and no compensatory award is made because the closure of Harts Amusements on 13 November 2019 meant that employment would have ended then in any event even if Jordan Hart had acted fairly.
5. The complaint of unauthorised deductions from pay in relation to pension contributions is dismissed. The Tribunal has no jurisdiction over such a complaint because of the decision of the Employment Appeal Tribunal in *Somerset County Council v Chambers EAT/0417/12*.
6. The recoupment regulations do not apply to this judgment.
7. The total amount payable to the claimant by Jordan Hart is **£8,566.70**.

Employment Judge Franey

28 April 2020

JUDGMENT SENT TO THE PARTIES ON

29 April 2020

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at 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 numbers: **2400126/2020, 2400142/2020**

Name of case: **Mrs M Walker** v **1. Town & City Leisure Ltd**
2. Jordan Hart
t/a Harts Amusements

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: **29 April 2020**

"the calculation day" is: **30 April 2020**

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

For the Employment Tribunal Office