

Case No: 2400579/2020
2400580/2020
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EMPLOYMENT TRIBUNALS

Claimants:

- (1) Mr J Penswick
- (2) Mrs J Smith
- (3) Miss A Lynch
- (4) Miss C Sutton
- (5) Miss J Aspinall
- (6) Mr M Eaves
- (7) Miss M Topping
- (8) Mr W Vine

Respondent: Bite Club LLSA Limited (in voluntary liquidation)

Heard at: Liverpool **On:** 19 March 2020

Before: Employment Judge Benson

Representation

Claimants: Mr J Penswick – in person
Ms J Smith – in person
Ms M Topping – in person
Mr W Vine – in person
No attendance by remaining claimants.

Respondent: no attendance

JUDGMENT

1. The correct respondent to these proceedings is Bite Club LLSA Limited (in voluntary liquidation).
2. All claims against other respondents are dismissed.
3. The respondent has made an unauthorised deduction from each of the claimants' wages and is ordered to pay to those claimants the gross sums set out below.

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4. The claimants Mr J Penswick and Mrs J Smith were dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to those claimants in the net sums set out below.
5. The respondent has failed to pay the holiday entitlement of Mr J Penswick and is ordered to pay to him the gross sum set out below.
6. The respondent has failed to pay the holiday entitlement of Mr M Vine being 19 days holiday. The amount of Mr Vine's arrears is to be determined.

Mr J Penswick:

Arrears of wages:

1 October 2019 to 24 January 2020 (£692.30 x 17 weeks) £11,769.10

Deductions purported to be for pension
(3 May 2019 to 31 October 2019)

£795.69

Notice period (1 week x £692.30)

£692.30

Holiday Pay (5 days x £138.46 per day)

£692.30

Total

£13,949.39

Ms J Smith

Arrears of wages

1 October 2019 to 22 January 2020

October £1441.63

November £1396.50

December £1263.00

January £1463.00

£5564.63

Notice Pay (1 week x £332.50)

£332.50

Total

£5,897.13

Ms M Topping

Arrears of wages

1 October to 31 October 2019 (as per payslip)

£411.95

November 2019 (24 hours x £7.70)

£184.80

Total

£596.95

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Mr W Vine

Arrears of pay

1 to 31 October 2019 (as per payslip)

£388.88

Ms C Sutton

Arrears of pay

1 to 31 October 2019 (as per payslip)

£365.35

Ms A Lynch

Arrears of pay

1 to 31 October 2019 (as per payslip)

£360.00

Ms J Aspinall

Arrears of pay

1 to 31 October 2019 (as per payslip)

£1488.48

Mr M Evans

Arrears of pay

1 to 31 October (as per payslip)

£709.13

Employment Judge Benson
Date 4 May 2020

JUDGMENT SENT TO THE PARTIES ON
5 May 2020

FOR THE TRIBUNAL OFFICE

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Notes

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

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.

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NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2400579/2020 & Others**

Name of case(s): **Mr J Penswick & Others** v **Bite Club LLSA Limited (in voluntary liquidation)**

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: 5 May 2020

"the calculation day" is: 6 May 2020

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

MR S ARTINGSTALL
For the Employment Tribunal Office

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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

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.