



EMPLOYMENT TRIBUNALS

Claimant: Miss H White

Respondent: Suhki Power t/a The Links Hotel

Heard at: Nottingham by CVP **On:** Wednesday 28 October 2020

Before: Employment Judge Hutchinson (sitting alone)

Representatives

Claimant: No appearance

Respondent: In person

JUDGMENT

The Employment Tribunal Judge gave judgment as follows: -

1. The judgment dated 19 February 2020 sent to the parties on 19 February 2020 is hereby revoked.
2. Seaside Hotels Limited of 196-202 Drummond Road, Skegness PE25 3BU are joined in the proceedings as Respondent.
3. They will be served with the proceedings and the case is listed for hearing on Friday 29 January 2021.

REASONS

The claim

1. The Claimant presented her claim to the Tribunal on 15 January 2020. Her claim was against Suhki Power trading as The Links Hotel. She said that she had been employed between 1 March 2018 and 6 October 2019 as a Chef and she claimed arrears of holiday pay. In her particulars of claim she said that she had been working at The Links Hotel since 1 March 2018 and that the business had been sold to Mr Power and that when she had left her employment on 6 October 2019 she had not received her holiday pay. She claimed £1,645.00.
2. The matter was listed for hearing on 20 March 2020 and the proceedings were served on Mr Power.

Judgment

3. Mr Power did not submit an ET3 and on 19 February 2020 I issued a default judgment against Mr Power in the sum of £1,645.00.

Mr Power's response

4. Mr Power wrote to the Tribunal on 21 February 2020 to say that he had been employed as a manager at the same hotel as the Claimant worked but that he was employed, as she was, by Seaside Hotels Limited. When a copy of this letter was sent to Ms White she claimed that Mr Power and Varinda Kandola had purchased the business and maintained that she was employed by him.

5. Mr Power then wrote back to the Tribunal on 10 March again confirming that he had never employed the Claimant.

6. On 12 March 2020 a letter was sent at my instruction saying that if Mr Power wished to defend the claim he must complete an ET3 response form. No response was received at that time.

7. Mr Power submitted a response eventually on 11 August 2020 together with an application to set the judgment aside and I agreed that there should be a reconsideration hearing.

8. Notice of the reconsideration hearing was sent to the Claimant and to the Respondent on 21 September 2020.

9. The Tribunal then wrote to the parties on 15 October 2020 to say that it was proposed that the reconsideration hearing would go ahead via CVP. Mr Power responded to this correspondence but the Claimant did not.

The hearing today

10. I heard evidence from Mr Power and the Claimant did not attend the hearing. Prior to the hearing I had undertaken a company search and noted that Seaside Hotels Limited has one Director, Varinda Singh Kandola.

11. I heard evidence from Mr Power who confirmed to me that he was employed by Seaside Hotels Limited from 5 September 2019 as a Manager and reported to the Director Mr Kandola.

12. He confirmed to me that the Claimant Holly White had worked there since March 2018 as a Kitchen Assistant. They both worked at The Links Hotel.

13. Seaside Hotels Limited purchased the business from the Claimant's previous employer Diamond International Limited and the Claimant would appear to have transferred her employment to Seaside Hotels Limited. Mr Power produced to me his payslips which showed that he was employed by Seaside Hotels Limited. He was not and appeared never to have been a Director of Seaside Hotels Limited.

14. I am satisfied that at no time was the Claimant employed by Mr Power. I have not seen any payslips to indicate that she was ever employed by Mr Power and it would appear that she was employed by Seaside Hotels Limited and they should be liable for her claim for holiday pay.

15. Before I can determine that, these proceedings need to be served now upon **Seaside Hotels Limited of 196-202 Drummond Road, Skegness PE25 3BU.**

Listing a further hearing

16. The claim will be heard by an Employment Tribunal on Friday, 29 January 2021 at 2:00 pm via Cloud Video Platform. The joining details will be sent to the parties nearer the date.

The Hearing will be conducted by an Employment Judge alone (sitting without members) at a public hearing.

The hearing has been allocated 2 hours to hear the evidence and decide the claim, including remedy (if appropriate) or such parts of the claim as remain outstanding following initial consideration or any preliminary hearing. If you feel that this is insufficient, please inform us in writing, preferably, within 7 days of the date of this letter.

Please make sure that you have clicked on the link to join the hearing at least 30 minutes before the hearing is due to start and you will be joined as soon as the Judge is ready.

You must also provide a copy of the joining details to any witnesses and any representatives and ask them to also read it carefully.

Please note that the Tribunal will not be able to use or accept paper bundles and witness statements on the day of the hearing. The Respondent is therefore required to deliver to the Nottingham Justice Centre, Carrington Street, Nottingham, NG2 1EE (by courier please use postcode NG2 1AA to be delivered to the gatehouse security team) to arrive at least four working days prior to the hearing two copies of the bundle and of the witness statements. If this is not complied with it is highly unlikely that the hearing will be able to proceed.

17. In the meantime, the judgment issued on 19 February 2020 by me is hereby revoked.

Employment Judge Hutchinson

Date 16 November 2020

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