



EMPLOYMENT TRIBUNALS

Claimant: Mr C Morton

Respondent: PB Manchester Limited

RECONSIDERATION

UPON a reconsideration of the judgment dated **24 February 2020** on the Tribunal's own initiative under rule 73 of the Employment Tribunals Rules of Procedure 2013, and without a hearing, the Tribunal considers that it is in the interests of justice to vary the judgment dated 24 February 2020 to amend the name of the respondent to PB Manchester Limited. A copy of the varied judgment is attached.

Reasons

1. The claimant brought this claim against Peaky Blinders Manchester, which is not a legal entity and is a trading name. The claimant understood that this was his employer. The address he provided for service on his claim form filed on 19 December 2019 for his employer was 23 Peter Street Manchester M2 5QR. The notice of claim was served addressed to Peaky Blinders Manchester at that address by letter dated 24 December 2019. That letter required the respondent to file a response to the claim by 21 January 2020 and further notified the parties that the claim would be heard by the Tribunal on 24 February 2020 at 10.00am. That letter was not returned.
2. Separately and mistakenly, a further copy of the claim was sent to Peaky Blinders Manchester Limited at an address at Pacific Chambers 11-13 Victoria Street Liverpool L2 5QQ. This was the registered office of Peaky Blinders Manchester Limited at Companies House.
3. There was no response filed in respect of either of the notices of claim and the claim proceeded to be heard on 24 February 2020 when judgment was entered against Peaky Blinders Manchester Limited.
4. It was only when the claimant sought to enforce that judgment against Peaky Blinders Manchester Limited that it came to light that Peaky Blinders Manchester was not the trading name of Peaky Blinders Manchester Limited, but rather of PB Manchester Limited, which is the correct legal entity of the claimant's employer as

evidenced on his payslip. PB Manchester Limited has its registered office at 23 Peter Street Manchester M2 5QR.

5. By email dated 15 May 2020, from a Carley Sinclair of Peaky Blinders Bar Group, she advised that she was writing on behalf of the correct respondent, and further correspondence was received on behalf of Peaky Blinders Manchester Limited confirming that they were not the claimant's employer.

6. It therefore appeared on initial consideration that the claim had been served upon the incorrect respondent. The matter was referred to Employment Judge Benson and she decided that it would be in the interests of justice to reconsider her judgment dated 24 February 2020. The respondent and claimant were asked to provide written representations. The claimant provided those by letter dated 1 July. The respondent did so by email of 11 September 2020.

7. The claimant has provided a pay slip with PB Manchester Limited named as his employer and I am satisfied that the correct name of the employer is PB Manchester Limited. I am further satisfied that the original notice of claim was correctly served on that company at its registered office address at 23 Peter Street Manchester M2 5QR, even though the full legal title of the company was not stated. There is no reason why a letter addressed to Peaky Blinders Manchester, would not have come to its attention. Notice of the hearing of 24 February 2020 was contained within that notice, but PB Manchester Limited did not file a response and did not attend the hearing.

9. I therefore consider that it was appropriate for the hearing before me on 24 February 2020 to have proceeded and there are no grounds upon which its findings and the decision I reached should be varied or revoked.

10. It is however clear that the judgment was issued against the incorrectly named respondent. It is unsurprising where companies have similar names that confusion occurs. I therefore vary the judgment to correct the name of the respondent to PB Manchester Limited.

Employment Judge **Benson**
Dated 5 February 2021

JUDGMENT SENT TO THE PARTIES ON
11 February 2021

OFFICE

FOR THE TRIBUNAL