



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Nelson

**Respondent:** Sefton Metropolitan Borough Council

**Heard at:** Manchester (by CVP)      **On:** 10-14 January 2022

**Before:** Employment Judge Phil Allen  
Mr AG Barker  
Mr S Husain

**Representation**

Claimant: In person

Respondent: Mr T Kenward, counsel

## JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimant was unfairly dismissed by the respondent.
2. Applying the principles from the case of *Polkey* there was a 50% chance that the claimant would have been fairly dismissed had a fair procedure been followed.
3. The claimant was not treated less favourably by the respondent because of his age. The claim for age discrimination does not succeed and is dismissed.
4. The respondent did make unauthorised deductions from the claimant's wages when it did not take account of the claimant's car allowance when determining the claimant's remuneration when making payment in lieu of the claimant's accrued but outstanding annual leave.

Employment Judge Phil Allen

17 January 2022

JUDGMENT SENT TO THE PARTIES ON

18 January 2022

FOR THE TRIBUNAL OFFICE

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.

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