



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms R Bemrose and Ms B Hassell

**Respondent:** TSRC Property Services Limited  
(In creditors voluntary liquidation)

**Heard at:** Nottingham on the papers

**On:** 20 December 2021

**Before:** Employment Judge Butler

## COSTS JUDGMENT

The Judgment of the Tribunal is that the Respondent is ordered to pay costs of £12,100 (inclusive of VAT) to the Claimants.

## REASONS

### Background

1. Judgment in these consolidated cases was sent to the parties on 3 August 2021. The Claimants applied for costs against the Respondent.

### The Rules

2. Rule 76 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides:

**(1) A Tribunal may make a costs order .... , and shall consider whether to do so, where it considers that –**

**(a) a party .... has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings (or part) or the way that the proceedings (or Part) have been conducted...**

### The Respondent's conduct of the proceedings

3. Throughout these proceedings, the Respondent failed to comply with the Tribunal's case management orders, on time or at all. Whilst they submitted a

response to the claims, they provided no evidence to substantiate it. Further, on the day before the hearing, which was held on Monday 10 May 2021, they emailed the Tribunal to say they could not attend "due to unforeseen circumstances". No further information was given. In these circumstances, I decided that the hearing should proceed. The Claimants' evidence was unchallenged and judgment given for them.

The Claimants' application for costs

4. The Claimants made an application for costs and submitted a schedule of costs including solicitors' and counsel's fees. The total claimed is £15,900 inclusive of VAT.

5. I consider some of the time claimed by the fee earners at Fosse Law to be far more than I would expect fee earners of their experience to take to complete the tasks identified in the schedule. For example, 5.7 hours to take instructions and advise on the claims is excessive and I do not understand how this would have necessitated 19 letters and telephone calls. The same applies to drafting the claims and particulars of claim. But the most obvious example of excessive time claimed is that of 39.05 hours for preparation of amended schedules of loss etc.

6. In all the circumstances, I consider fees of £10,500 plus VAT, to include counsel's fees, to be more appropriate and this is the amount of costs I order to be paid. The total award is £12,100.

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Employment Judge Butler

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Date 20 December 2021