

Case Numbers: 3202439/2020
3202438/2020; 3202448/2020
3202447/2020; 3202446/2020
3202440/2020; 3202444/2020



EMPLOYMENT TRIBUNALS

Claimants: Darren Dowsett
Wayne Chapman
Michael Turner
Cameron Smith
Lauren Rogers
Leeann Hale
Symphonii Hale

Respondent: Blakes Golf Club Limited

Heard at: East London Hearing Centre

On: 21 January 2022 & 25 March 2022

Before: Employment Judge F Allen

Representation

Claimants: Ms Reid acting as a lay representative for all 7 claimants

Respondent: Mr Leith, Director of Blakes Golf Club Limited, represented Blakes Golf Club Limited.

JUDGMENT

1. The claim against the First and Second Respondents Mr Ian Leith and Ms Deborah Tyler-Curtis is struck out.
2. The Third Respondent Brook Lodge Ongar Management Limited is substituted for Blakes Golf Club Limited.

Darren Dowsett

3. The Claimant's claim for unlawful deduction of wages is well-founded. The Respondent is ordered to pay the Claimant the agreed sum of **£2722.75** that being the shortfall between the sum properly payable to the claimant as wages and the sum actually paid by the respondent during the period 1 September 2019 and 30 June 2020. This sum is gross and respondent is ordered to pay the required income tax and national insurance contributions due to the Claimant as per paragraph 6 below.

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4. The Respondent failed to pay the Claimant in lieu of accrued but untaken annual leave and is ordered to pay the Claimant the agreed sum of **£1061.10**. This sum is gross and the Claimant will be responsible for ensuring that any tax and national insurance contributions are paid to HMRC.
5. The Respondent is ordered to pay, the following agreed sums, to the Claimant
 - a) **£1417.05** for a breach of contract by failure to pay employee pension contributions, deducted but not paid to the pension provider for the period 1 April 2019 to 30 June 2020.
 - b) **£1293.24** for a breach of contract by failure to pay employer pension contributions to the pension provider for the period 1 April 2019 to 30 June 2020.
6. The claim that the respondent has failed to pay the Claimant's income tax and national insurance contributions for April, May and June 2020 is well founded. The Respondent accepts that these contributions have not been paid and is ordered to pay the agreed sum of **£1848.06** to the Claimant who will be responsible for payment of these contributions to HMRC. This payment includes the income tax and national insurance contributions for May and June 2020 as set out at paragraph 3 above.
7. The Claimant withdraws the claim for wrongful dismissal and/or compensation and this part of the claim is dismissed.
8. The Respondent is ordered to pay the Claimant a total amount of **£8342.20** gross.

Wayne Chapman

9. The Respondent failed to pay the Claimant in lieu of accrued but untaken annual leave and is ordered to pay the Claimant the agreed sum of **£1160.00**. This sum is gross and the Claimant will be responsible for ensuring that any tax and national insurance contributions are paid to HMRC.
10. The Respondent is ordered to pay the agreed sum of **£585.00** to the Claimant for breach of contract. This is in respect of pension contributions, deducted but not paid to the pension provider during the period 1 April 2019 to 30 June 2020.

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11. The claim that the respondent has failed to pay the Claimant's income tax and national insurance contributions for April, May and June 2020 is well founded. The Respondent accepts that these contributions have not been made and is ordered to pay the agreed sum of **£873.00** to the Claimant who will be responsible for payment of these contributions to HMRC.
12. The Claimant withdraws the claim for compensation which is dismissed.
13. The Respondent is ordered to pay the Claimant the total amount of **£2618.00**

Michael Turner

14. The Respondent failed to pay the Claimant in lieu of accrued but untaken annual leave and is ordered to pay the Claimant the agreed sum of **£520**. This sum is gross and the Claimant will be responsible for ensuring that any tax and national insurance contributions are paid to HMRC.
15. The Respondent is ordered to pay the agreed sum of **£345.00** to the Claimant for breach of contract. This is in respect of pension contributions, deducted but not paid to the pension provider during the period 1 April 2019 to 30 June 2020.
16. The Claimant withdraws the claim for compensation which is dismissed.
17. The Respondent is ordered to pay the Claimant the total amount of **£865.00** gross.

Cameron Smith

18. The Respondent failed to pay the Claimant in lieu of accrued but untaken annual leave and is ordered to pay the Claimant the agreed sum of **£1760.00**. This sum is gross and the Claimant will be responsible for ensuring that any tax and national insurance contributions are paid to HMRC.
19. The Claimant withdrew the claim for compensation which is dismissed.
20. The Respondent is ordered to pay the Claimant the total amount of **£1760.00** gross

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Lauren Rogers

21. The Respondent failed to pay the Claimant in lieu of accrued but untaken annual leave and is ordered to pay the Claimant the agreed sum of **£747.00**. This sum is gross and the Claimant will be responsible for ensuring that any tax and national insurance contributions are paid to HMRC.
22. The Claimant withdrew the claim for compensation and the claim is dismissed.
23. The Respondent is ordered to pay the Claimant the total amount of **£747.00** gross.

Leeann Hale

24. The Respondent failed to pay the Claimant in lieu of accrued but untaken annual leave and is ordered to pay the Claimant the agreed sum of **£588.00**. This sum is gross and the Claimant will be responsible for ensuring that any tax and national insurance contributions are paid to HMRC.
25. The Respondent is ordered to pay the agreed sum of **£750.00** to the Claimant for breach of contract. This is in respect of pension contributions, deducted but not paid to the pension provider during the period 1 April 2019 to 30 June 2020.
26. The Claimant withdrew the claim for compensation and the claim is dismissed.
27. The Respondent is ordered to pay the Claimant the total amount of **£1338.00** gross.

Symphonii Hale

28. The Respondent failed to pay the Claimant in lieu of accrued but untaken annual leave and is ordered to pay the Claimant the agreed sum of **£720.00**. This sum is gross and the Claimant will be responsible for ensuring that any tax and national insurance contributions are paid to HMRC.
29. The Claimant withdrew the claim for compensation and the claim is dismissed.

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30. The Respondent is ordered to pay the Claimant the total amount of **£720.00**.

**Employment Judge F Allen
Date: 29 March 2022**