



EMPLOYMENT TRIBUNALS

Claimant: Josh Badge & Simon Privett

Respondents: Casual Dining Services Ltd (1)
Secretary of State for Business, Energy and Industrial
Strategy (2)

Heard at: Bristol (by video) **On:** 06 May 2022

Before: Employment Judge Housego

Representation

Claimant: Liam McKay

Respondents: None

JUDGMENT

The claims are dismissed.

REASONS

1. The Claimants were employed by the Respondent, at one of the brands they ran, Café Rouge, in the Exeter branch. Covid-19 forced the closure of the restaurants. The 1st Respondent did not survive the economic shock of the mass closure of its restaurants. The Claimants were made redundant. They, as part of a group of 18 claimants, made application for a protective award, on the basis that while the 1st Respondent said that they had consulted with elected representatives, this was not in fact so. As it appeared that the 1st Respondent might not be able to meet the liability, the 2nd Respondent was joined, in effect as a guarantor of payment if the claims succeeded.
2. Ultimately (and why is not known to me nor relevant to these two claims) there were only these two claims linked.

Cases No: 1405405/2020 & 1405430/2020

3. The 1st Respondent was dissolved on 08 October 2021 (it was Company number 06022528). Accordingly, there can be no judgment against that company as it no longer exists.
4. Mr Badge ceased to instruct his representative and so they are unable to represent him. I dismiss his claim under Rule 47 for non-attendance at this hearing, and under Rule 37(1)(d) as it is not actively being pursued. He can bring no claim against the 1st Respondent (as it no longer exists) and his claim against the 2nd Respondent cannot succeed as it depends on there being an order against the 1st Respondent. I dismiss the claim also under Rule 37(1)(a) as it has no reasonable prospect of success.
5. In Mr Privett's case the Secretary of State applied to the Tribunal to be removed from the case, once the 1st Respondent had been dissolved. This is because the Secretary of State can only be liable when there is an order against a former employer, and that was no longer possible as the former employer had been dissolved. Sensibly, Mr Privett agreed, and on 13 January 2022 his claim against the Secretary of State was dismissed on withdrawal.
6. Mr Privett's remaining claim, against the 1st Respondent, must also be dismissed as there is now no Respondent.
7. Therefore, both claims are dismissed.

Employment Judge Housego

Date 06 May 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON
24 May 2022 By Mr J McCormick

FOR THE TRIBUNAL OFFICE