



EMPLOYMENT TRIBUNALS

Claimant: Mr K Haggerty

Respondent Nottingham City Council

JUDGMENT ON A RECONSIDERATION

The Respondent's application dated 1 February 2023 for reconsideration of the Judgment sent to the parties on 1 February 2023 is granted.

REASONS

The Respondent's email of the 1 February 2023 was accepted as a letter seeking a reconsideration of the Judgment, sent to the parties on 1 February 2023. That application is granted and the Judgment is revoked.

Rules of Procedure

1. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application without convening a reconsideration hearing if I consider there is no reasonable prospect of the original decision being varied or revoked.
2. The test is whether it is necessary in the interests of justice to reconsider the Judgment (rule 70). Broadly, it is not in the interests of justice to allow a party to reopen matters heard and decided, unless there are special circumstances, such as a procedural mishap depriving a party of a chance to put their case or where new evidence comes to light that could not reasonably have been brought to the original hearing and which could have a material bearing on the outcome.

The application

3. Judgment was issued on liability under Rule 21 on the grounds that the Respondent had failed to present a response. The Respondent in its email of the 1 February 2023 has supplied a copy of an email sent to the Tribunal on 12 December 2022 attaching the ET3 Grounds of Resistance. The Tribunal has no record of receiving the ET3 however it appears from the copy email that it was sent to the correct email address for the Tribunal and therefore the most likely explanation appears to be that there has been a procedural mishap by the Employment Tribunal.
4. The Claimant was given an opportunity to provide representations and on 10 February 2023 confirmed that he has no objection to the application being determined without a hearing and the Claimant minded to agree with my provisional view that there has been an administrative error. The Respondent also raised no objection to the matter being determined without a hearing.
5. I determine on the balance of probabilities, that there has been a procedural mishap and that it is in the interests of justice to grant the reconsideration application. The reconsideration application is therefore granted and the judgment sent to the parties on 1 February 2023 hereby revoked.

Employment Judge Broughton

Date: 27 March 2023