



EMPLOYMENT TRIBUNALS

Claimant: Mr M Holmes

Respondent: Abel's Harp Limited

Heard at: Midlands West (by Cloud Video Platform)

On: 24 November 2023

Before: Employment Judge Faulkner

Representation: **Claimant** - In person
 Respondent - Mr M Ward (Lay Representative)

JUDGMENT BY CONSENT

1. The parties informed the Tribunal that they agree that the Claimant was self-employed and not an employee or worker as defined by section 230 of the Employment Rights Act 1996 when he carried out work for the Respondent in or around late June to mid-July 2022.

2. On the basis of that agreement, and by consent, the Claimant withdrew his Claim on the ground that the Tribunal does not have jurisdiction to hear it.

3. The Claimant having expressed a wish to reserve the right to bring a claim against the Respondent in the civil courts for monies he says remain unpaid, by consent the Claim is not dismissed pursuant to rule 52 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Note: This was a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was video.

Employment Judge Faulkner
Date: 24 November 2023

Notes

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>