



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100008/2023

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Employment Judge Ian McPherson

Mrs Lynne Dill

**Claimant
In Person**

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Renfrewshire Leisure Limited (t/a OneRen)

**Respondents
Represented by:
Ms K Smith -
Trainee Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Further to the reserved judgment of the Employment Tribunal, dated 7 December 2023, and sent to both parties on 13 December 2023, and having considered in chambers, and without the need for an attended continued Final Hearing, further written representations received from both parties dated 31 January 2024, and of consent of both parties, and in terms of **Rule 64 of the Employment Tribunals Rules of Procedure 2013**, the Tribunal finds and declares as follows:

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(1) **Two hundred and ninety-one pounds, eighty-nine pence (£291.89) gross** is payable by the respondents to the claimant for accrued and unpaid holiday pay from 2 September 2022 until 18 October 2022.

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(2) **Three thousand, nine hundred and eighty-five pounds, fifty-four pence (£3,985.54) gross** is payable by the respondents to the claimant for unpaid wages from 2 September 2022 up to 18 October 2022.

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(3) The respondents' liability (if any) for the remaining disputed claims, and the claimant's remedy (if any) if the Tribunal upholds the remaining disputed claims as well-founded, will be determined by any Employment Judge sitting alone at a further Final Hearing, time estimate of one-day, on a date to be

hereafter assigned by the Tribunal, in the proposed listing period of March to May 2024.

REASONS

1. In the reserved judgment of the Employment Tribunal, dated 7 December 2023, and sent to both parties on 13 December 2023, following a defended Final Hearing, the Tribunal required further information from both parties in respect of the claimant's claim for unpaid notice pay and pension contributions, claim for accrued and unpaid holiday pay, and claim for unpaid wages and pension contributions, insofar as seeking payment from the respondents from 2 September 2022 up to 18 October 2022.
2. The Tribunal accordingly continued consideration of the case, and directed that parties were to co-operate and jointly agree, within 14 days of issue of that reserved Judgment, a calculation showing the final amount due to the claimant and notify the Tribunal of the agreed sums and invite the Tribunal to incorporate them into a Judgment by Consent in terms of **Rule 64 of the Employment Tribunals Rules of Procedure 2013**.
3. If parties could agree the final amount due to the claimant, for the period from 2 September 2022 up to 18 October 2022, then they were to clarify what specific sums for what specific heads of claim are agreed as payable by the respondents to the claimant, and also clarify and specify the nature of any dispute between them as regards the sums claimed by the claimant, as per her table set forth at paragraph 2 of her written statement dated 20 June 2023, in response to the respondents' solicitor's written closing submission dated 13 June 2023, all of which were to be articulated in parties' further written submissions for the Tribunal.
4. Further, parties were ordered, in that reserved Judgment, to indicate in those further written submissions whether they considered that the amount to be awarded by the Tribunal should be determined at a further Hearing, or by the Judge in the chambers, on consideration of the papers only.

5. In the event, parties did not comply within the 14-day period set by the Tribunal, i.e. by no later than 27 December 2023. Two extensions of time having previously been granted by Legal Officers to 4 and 18 January 2024 respectively, joint agreement was still not reached between the parties.
- 5 6. On 17 January 2024, the respondents' solicitor sought a further 21-day extension of time. That application was not granted by me as the allocated Judge, for the reasons given at the time, and as set forth in the Tribunal's letter of 19 January 2024, which allowed parties a further extension of time to no later than 4:00pm on 31 January 2024.
- 10 7. Further written representations were intimated by the claimant, and by the respondents' solicitor, to the Tribunal, and copied to each other, on 31 January 2024, and they were referred to me, in chambers, to determine further procedure.
- 15 8. Insofar as parties had agreed the terms of a Consent Judgment, for some of the amounts sought by the claimant, I have agreed to issue a **Rule 64** Consent Judgment, as requested by both parties.
- 20 9. The respondents dispute that **£1,264.80** (gross) is payable by them to the claimant for outstanding holiday pay before 2 September 2022, and they further dispute that **£2,529.60** (gross) is payable by them to the claimant for payment in lieu of notice. It is the respondents' position that both of these sums have already been paid to the claimant on 21 October 2022.
- 25 10. Notwithstanding the respondent's denial of liability for these two further sums, the respondents have suggested that the amount to be awarded by the Tribunal should be determined by Judge McPherson in chambers on consideration of papers.
11. Insofar as those other amounts remain in dispute, and where the claimant states that these further monies are still due to her, there will require to be a further Final Hearing on a date to be assigned before any Employment Judge sitting alone, unless the claimant hereinafter withdraws her claim for these

further payments, and accepts the respondents' contention that they have already been paid to her, and so no further monies remain due and outstanding to her from the respondents.

- 5 12. The remaining dispute cannot be determined in chambers on consideration of papers only. Oral evidence will be required from the claimant, and a payroll witness for the respondent. No payroll witness was led by the respondents at the Final Hearing.
- 10 13. I have made case management orders and directions as regards further procedure, and they have been sent to both parties under separate cover in correspondence from the Tribunal issued on 2 February 2024.
14. A Notice of Final Hearing will be issued to both parties in due course under separate cover from the Tribunal, if that further Final Hearing is still required.

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G. Ian McPherson

Employment Judge**5 February 2024**

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Date**Date sent to parties****6 February 2024**