



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Riley  
**Respondent:** Liverpool Brewing Company Limited  
**Heard at:** Liverpool  
**On:** 3 and 4 June 2024  
**Before:** Employment Judge Horne

## Representatives

For the claimant: in person

For the respondent: did not attend and was not represented

The tribunal having decided to proceed in the absence of the respondent under rule 47 of the Employment Tribunal Rules of Procedure 2013

And the tribunal having treated the e-mails from Mr Shea dated 2 and 3 June 2024 as written representations from the respondent under rule 42 of the Rules

And the tribunal having extended the time for written representations under rule 5 of the Rules

## JUDGMENT

1. The respondent failed to pay the claimant's holiday pay on the termination of his employment and is ordered to pay him the gross sum of £3,064.80.
2. The respondent breached the claimant's contract of employment by failing to give notice of termination and is ordered to pay damages in the gross sum of £21,472.10.
3. The respondent made an unauthorised deduction from the claimant's wages by failing to pay his deferred salary for the period 1 October 2018 to 30 April 2021 and is ordered to pay the claimant the gross sum of £31,000.00.
4. The respondent made an unauthorised deduction from the claimant's wages for the period 1 to 24 September 2021 and is ordered to pay the claimant the gross sum of £3,656.00.

5. The respondent failed to provide the claimant with a statutory statement of particulars of employment and is ordered under section 38 of the Employment Act 2002 to pay the claimant the gross sum of £1,088.00.
6. The claimant was unfairly dismissed.
7. By way of remedy for unfair dismissal, the respondent is ordered to pay the claimant:
  - a. a basic award of £1,632.00; and
  - b. a compensatory award of £54,808.00.
8. The total amount payable to the claimant under this award is £116,720.90.
9. The claim to which the proceedings relate did not concern any matter to which the ACAS Code of Practice 1 (Disciplinary and Grievance Procedures) applied. The tribunal therefore has no jurisdiction to increase the claimant's award under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992.
10. The tribunal is satisfied that the claimant did not receive relevant benefits during the period to which the prescribed element of the award is attributable. The provisions of the Employment Protection (Recoupment of Benefits) Regulations 1996 therefore do not apply.

Employment Judge Horne  
4 June 2024

SENT TO THE PARTIES ON  
18 June 2024

FOR THE TRIBUNAL OFFICE

### **Notes**

If the respondent does not make deductions for tax and national insurance at source, the claimant will be liable to His Majesty's Revenue and Customs to pay tax on the sums awarded.

The sum at paragraph 2 is higher than the sum announced orally at the hearing. The increased sum corrects an arithmetical error during the "grossing up" calculation of the damages during the tribunal's oral judgment.

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

### **Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://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/>



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401667/2022**

Name of case: **Mr L Riley** v **Liverpool Brewing  
Company Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 18 June 2024

**the calculation day** in this case is: 19 June 2024

**the stipulated rate of interest** is: **8% per annum**.

Mr S Artingstall  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:  
[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.