



EMPLOYMENT TRIBUNALS

Claimant: Mr P Dickens

Respondent: Nottinghamshire County Council

Heard at: Nottingham On: 21 January 2025

Before: Employment Judge M Butler (sitting alone)

Appearances

Claimant: No attendance or representation

Respondent: Ms J Duane, Counsel

JUDGMENT ON COSTS

The Respondent's application for costs succeeds and the Claimant is ordered to pay to the Respondent the sum of £6,533.10.

REASONS

Background

1. The substantive hearing in this case was held before me on 27 and 28 August 2024. Judgment was sent to the parties on 1 October 2024. The claim of unfair dismissal was found to be not well founded and was dismissed. By letter of 11 October 2024, the Respondent applied for costs limited to the amount of counsel's fees incurred in resisting the claim. The basis of the application was that the claim had no reasonable prospects of success, which the Claimant was warned about in correspondence, the last letter to this effect having been sent to the Claimant 4 days before the substantive hearing.

2. I made orders to be complied with by the parties in readiness for today's hearing. The orders were sent to the parties on 11 November 2024. They were complied with by the Respondent but not by the Claimant.

3. The hearing was due to commence at 10am today. By 10.30am the Claimant had not attended the hearing centre so I instructed the hearing clerk to contact him to ascertain whether he intended to attend the the hearing. His response was that he had

not received notice of the hearing, had not received any documents from the Respondent and had emailed the Tribunal (on a date unknown) to ask for any papers to be sent to him. Upon checking the Tribunal file, I note the Notice of hearing was sent to the parties by email on 3 December 2024 and there is no evidence of any correspondence from the Claimant to the Tribunal since the date of the substantive hearing. Accordingly, I do not accept the Claimant's application for his non-attendance today.

The application for costs

4. The application was made pursuant to Rule 74 of the Rules of Procedure which provides that a Tribunal may make an order for costs if, inter alia, the proceedings have been conducted by the paying party disruptively or unreasonably or if the claim had no reasonable prospect of success.

5. The Respondent in the bundle for this hearing provided evidence of repeated prevarication by the Claimant in complying with case management orders and the judgment itself makes clear that the Claimant's oral evidence was inconsistent and at odds with the documentary evidence before me.

6. Ms Duane has carefully and concisely set out in her skeleton argument why the Respondent considers the Claimant acted unreasonably in his conduct of the litigation before the hearing and the basis upon which the Respondent argues that the Claimant's claim had no reasonable prospects of success. Indeed, this is confirmed in the Respondent's costs warning letter sent to the Claimant on 21 August 2024.

Conclusion

7. The Claimant was given every opportunity to attend the hearing today and to provide evidence of his means but chose not to attend. Consequently, he has not challenged the Respondent's application which I find succeeds. At the time of the substantive hearing he had secured employment which I understand is continuing. He therefore has the means to satisfy this judgment at least by agreeing to pay in instalments.

Employment Judge M Butler

Date 21 January 2025

JUDGMENT & REASONS SENT TO THE PARTIES ON

.....10 February 2025.....

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FOR THE TRIBUNAL OFFICE