



EMPLOYMENT TRIBUNALS

Claimant: Mr Sofiann Lakhali

Respondent: 2nd Avenue Limited

Heard at: London South Employment
Tribunal (Croydon)

On: 06 January 2025
and 10 February 2025

Case number: 6003479/2024

Before: Employment Judge M Da Costa

REPRESENTATION:

Claimant: In person

Respondent: Mr Fubiani (Director)

JUDGMENT

The judgment of the Tribunal is as follows:

Wages

1. The complaint of unauthorised deductions from wages is well-founded. The Respondent made an unauthorised deduction from the Claimant's wages in the period 01 April 2024 to 23 April 2024 in the form of:
 - (a) unpaid wages in respect of arrears of pay corresponding to the shift worked by the Claimant on 23 April 2024 to the value of **£45.76**; and
 - (b) unpaid tips to the total value of **£90** (at the amount of £30 per week for a period of 3 weeks between 01 April 2024 and 21 April 2023).
2. The Respondent must pay the Claimant the gross sum of **£135.76** (being the sums in paragraphs 1(a) and (b) added together).
3. The Claimant is responsible for paying any tax or National Insurance.

Holiday Pay

4. The complaint in respect of holiday pay is well-founded. The Respondent failed to pay the Claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998.
5. The Respondent shall pay the Claimant the gross sum of **£1010.90**. The Claimant is responsible for paying any tax or National Insurance.

Failure to provide a written statement of employment particulars

6. When the proceedings were begun the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 of the Employment Act 2002 the Respondent shall therefore pay the Claimant **£385**.

Employment Judge M Da Costa
10 February 2025

Judgment sent to the parties on
20 February 2025

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 52) 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.