



EMPLOYMENT TRIBUNALS

Claimant: Mr G Hinton

Respondent: TA Restaurant Holdings Limited

JUDGMENT

The claimant's application received by the Tribunal on 6 December 2025 for reconsideration of the Tribunal's judgment sent to the parties on 22 November 2025 is refused.

REASONS

The procedural rules

1. The Employment Tribunal Procedure Rules 2024 set out the rules governing reconsiderations. The pertinent rules are as follows:

Principles

68.—(1) *The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.*

(2) *A judgment under reconsideration may be confirmed, varied or revoked.*

(3) *If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.*

Application for reconsideration

69. *Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—*

(a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or

(b) the date that the written reasons were sent, if these were sent separately.

Process for reconsideration

70.—(1) *The Tribunal must consider any application made under rule 69 (application for reconsideration).*

(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.

2. The expression ‘*necessary in the interests of justice*’ allows the Tribunal a broad discretion to consider whether reconsideration is appropriate in the circumstances. However, the discretion must be exercised judicially which HHJ Eady QC explained means “*having regard not only to the interests of the party seeking the ...reconsideration, but also the interest of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation*”. (*Outasight VB Ltd v Brown 2015 ICR D11, EAT*).
3. Reconsideration of a judgment may be necessary in the interests of justice if there is new evidence that was not available to the tribunal at the time it made its judgment. In *Outasight*, the EAT held that the principles set out in *Ladd v Marshall 1954 3 All ER 745, CA* should apply. Those principles are that the claimant must show: (i) that the evidence could not have been obtained with reasonable diligence for use at the original hearing, (ii) that the evidence is relevant and would probably have had an important influence on the hearing; and (iii) that the evidence is apparently credible. However, the EAT also held that the interests of justice may still allow fresh evidence to be adduced, even if those principles were not strictly met.
4. Any preliminary consideration under rule 70(1) must be conducted in accordance with the overriding objective which appears in rule 3, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues and avoiding delay.

The claimant’s application

5. Within his email dated 6 December 2025 the claimant made an application for reconsideration on the following grounds:-
 - 5.1. Ground 1 – Factual Misapprehension;
 - 5.2. Ground 2 – Error of Law;
 - 5.3. Ground 3 – Procedural Irregularity.

Conclusions

6. I have concluded that the claimant’s applications have no reasonable prospect of resulting in the Judgment being varied or revoked and have therefore dismissed the application pursuant to rule 70 (2) of the Tribunal Rules for the following reasons:

Ground 1: Factual Misapprehension

7. For the most part, my understanding of the claimant’s application in this regard is that he does not agree with the Judgment of the Tribunal: in particular that he does not agree with the findings of fact made or the conclusions reached and that he

seeks to re-argue his points. This is not sufficient and I consider that it is an attempt to re-litigate a matter which has been adjudicated upon.

8. The claimant has referred to evidence which he says supported a different conclusion but he has not a) clearly identified what that evidence is by reference to the bundle or b) explained why he believes this evidence, if properly considered, should result in the Judgment being varied or revoked.
9. Having re-read my Judgment I have concluded that the findings of fact that I made are clearly explained, where necessary, and that adequate reasons for my conclusions are given with reference to the evidence.
10. The claimant refers in paragraph 3 of his application to the fact that the Tribunal did not consider the claimant's email dated 20 June 2024 and that its relevance was overlooked. This is a matter which was dealt with in the Judgment at paragraphs 6 and 7 (although that Judgment mistakenly refers to this email being dated 20 June 2025). This email was not admitted into the evidence for the reasons given within the Judgment and it is not the case that it was overlooked. The claimant has not provided any further, cogent reasons as to why this decision should be reconsidered now (for example he has not submitted why this document is relevant or why he did not disclose it at an earlier time) or why, if it were, that its admission would result in the Judgment being varied or revoked.
11. In these circumstances I do not consider that the claimant's application in this regard has any reasonable prospect of showing that the Judgment would be varied or revoked.

Ground 2: Error of Law

12. Paragraph 54.1 of the Judgment sets out my findings of fact in relation to the claimant's remuneration. I do not agree that a) my finding was that there was *implied agreement* to a contractual change (this is not referred to within the Judgment) and b) that the findings and conclusions were based upon *assumptions* as they were fully reasoned by reference to the evidence.
13. I do not consider that the arguments advanced by the claimant show any cogent argument that an error of law was made.
14. For these reasons I do not consider that the claimant's application in this regard has any reasonable prospect of showing that the Judgment would be varied or revoked.

Ground 3: Procedural Irregularity

15. Within his application the claimant refers to two documents. Those documents are the claimant's resignation letter dated 18 June 2024 and an email exchange between the claimant and the respondent of the same date. My understanding was that the resignation letter was sent to the Tribunal and the claimant at the same time during the course of the hearing and that the claimant was able to view this document and had the opportunity to make submissions upon it. The email exchange was submitted late, at the end of the hearing but the claimant was

provided with the opportunity to make submissions about this document within 7 days of the hearing but he did not do so.

16. In any event I do not consider, the claimant has made clear what submissions in relation to those documents he now makes which would result in the Judgment being varied or revoked.
17. In relation to the claimant's contention that he was denied access to "relevant communications", the claimant did not make any applications for specific discovery in advance of or at the hearing itself and has not explained why he did not do so. I therefore do not accept that it is reasonable for the claimant to raise this issue after his claim has been adjudicated upon.
18. In these circumstances I do not consider that the claimant's application in this regard has any reasonable prospect of showing that the Judgment would be varied or revoked.

Approved by:
Employment Judge A Close
Date: 11 December 2025

Sent to the parties on:
Date: 30 January 2026

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.