



EMPLOYMENT TRIBUNALS

Claimant: Oladayo Akinniyi
Respondent 1: Altonian Coaches Limited
Respondent 2: WC1LDN Limited

Heard at: Bristol Employment Tribunal **On:** 16th January 2026

Before: Judge Sanger

Representation

Claimant: Did not attend
Respondent 1: Did not attend
Respondent 2: Did not attend

JUDGMENT

1. The claim for unpaid wages was dismissed.
2. The claim for holiday pay against the First Respondent was well founded. The First Respondent will pay the Claimant the gross sum of **£1,204.40**.
3. The claim for holiday pay against the Second Respondent was not well-founded and is dismissed.

REASONS

1. Neither party attended the hearing.
2. Mr Higgs, the director of R1 and R2, was contacted by the clerk and stated that he was not aware of the hearing. I note, however, that he attended a previous hearing at which the Respondents were amended to the present two. I am satisfied that he was aware of proceedings. Subsequent to that hearing, an updated ET1 was served upon the registered addresses of each of the Respondents. Mr Higgs has not responded to either and has not complied with any of the directions made in his presence on 25th July 2025 and later served upon him in writing. Neither Respondent has responded to requests for evidence or provided a witness statement.

3. A notice of hearing was sent to the registered address of each of the Respondent companies on 27th August 2025.
4. The Claimant did not attend and was also contacted. He also stated that he was unaware of the hearing date. The court system records his having been sent the notice of hearing by email on 27th August. The Claimant has previously provided evidence in support of his case and has sought further evidence from the Respondent, who has not complied with his requests. He has also provided a witness statement.
5. I considered Rule 47 and the overriding objective. I determined that I would proceed with the hearing in absence in order to ensure that the case is dealt with fairly and justly and in order to avoid delay and unnecessary expense. The issues in the case are not complex. The parties have had ample opportunity to provide evidence to the Tribunal and have committed to do so. None has been provided by either Respondent and I have enough evidence from the Claimant upon which to make a decision.

Claim for unpaid wages

6. At a previous hearing, on 25th July, it was conceded by the Claimant that there was no claim for unpaid wages. This was recorded in the CMO of the same date and the claim is therefore dismissed.

Claim for holiday pay

Identity of the employer

7. The identity of the Claimant's employer is in issue. The Claimant has asserted that his employer is the First Respondent. He has asked the Respondents to provide a contract. It has not been forthcoming.
8. Neither Respondent has acknowledged the ET1 and neither has made representations as to the identity of the employer.
9. The Claimant's payslips have been sent to the Tribunal. Payment is made, on each occasion by Transpora. This has been acknowledged, in correspondence and by EJ Kelly on the last occasion, to be a trading name of the First Respondent. It is listed on the Companies House website as a previous company name of the First Respondent, an active company, whose sole director is Philip Higgs.
10. The Claimant asserts, in his witness statement, that his company uniform bore Altonian or Transpora branding.
11. The Claimant has exhibited a WhatsApp conversation with Rhys Hand, a former director of the First Respondent. In it, Mr Hand stated: "*Altonian Coaches was your employer – which is still a trading entity ran by Philip Higgs – the bus garage, c/o Transpora, brinwell road, Blackpool FY4 4YQ*".
12. Finally, I have seen an email from Mr Hand to the Tribunal on 15th January 2026 stating: "*My only comments are that the employee although paid through WC1 LDN Ltd, the employees contract and employment was with Altonian Coaches Ltd*".
13. I have seen no evidence of payments being made through WC1 LDN Ltd. I have therefore determined that the Claimant's employer, at the relevant time, was the First Respondent.

14. The claim against the Second Respondent is dismissed.

Sums owed

15. The Claimant has made a claim in the sum of £3,780.00. The Claimant asserts, in his witness statement, that he was owed 21 days annual leave.

16. This appears to be based on a belief that he was entitled to 28 days' annual leave and that 21 had accrued during the course of his employment. The Claimant was employed between 25th March 2024 until 15th July 2024 and it was noted by EJ Kelly, at the last hearing, that the claim for 21 days annual leave therefore appeared to be misconceived. I agree.

17. I have calculated the holiday pay accrued by the following method:

- a. The Claimant asserts that his leave year ran from 6th April. This has not been disputed by the Respondent.
- b. The Claimant's pay slips reveal that he was paid an hourly rate and that his hours were irregular. I have therefore found that he was an irregular hours worker.
- c. There are periods during which no pay slips were presented and the Claimant made his calculation based only on the presented pay slips. I have therefore found that the Claimant was not paid for the periods for which pay slips were not presented.
- d. The way in which holiday pay was calculated for irregular hours workers changed during the period of the Claimant's employment.

Week ending 5th April 2024

- e. For leave years beginning prior to 1st April 2024, irregular hours workers were entitled to leave at a rate of 5.6 weeks per year, pro-rated to account for the weeks worked.
- f. Between 25th March and 5th April 2024 the Claimant worked for 29.08 hours at £15.00 per hour. He worked for 1 week and five days, which is 1.74 weeks out of the 52.14 weeks in a year.
- g. His average weekly pay in that period was therefore £256.59 gross.
- h. The Claimant therefore accrued 0.03 weeks' holiday pay over the course of his 1.74 weeks' work.
- i. Based on his average weekly earnings the Claimant accrued holiday pay in the sum of **£8.56**.

6th April – 19th July 2024

- j. Pursuant to Regulation 15F of the Working Time Regulations 1998, the Claimant was entitled to be paid holiday pay at a rate of 12.07% of pay accrued between 6th April and 19th July 2024.
- k. Between 6th April and 19th July 2024 the claimant was paid £9,904.54.
- l. The Claimant therefore accrued **£1,195.48** in holiday pay for that period.

Employment Judge Sanger
Date: 22 January 2026

JUDGMENT & REASONS SENT TO THE PARTIES ON
7 February 2026

Jade Lobb
FOR THE TRIBUNAL OFFICE