



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms Satbinder Nakra

v

Breezemount Services Limited

Heard at: Cambridge

On: 10 January 2025

Before: Employment Judge Tynan

Members: Mrs A Buck and Mrs S Laurence-Doig

Appearances

For the Claimant: In person

For the Respondent: Mr Warnes, Tribunal Advocate

COSTS JUDGMENT

1. The Tribunal orders the Claimant to pay the Respondent's costs assessed in the sum of **£3,600**.
2. The Claimant shall pay the costs to Citation Ltd on behalf of the Respondent.

REASONS

3. We apologise for the significant delay in this matter since the hearing on 10 January 2025. The Respondent's various emails to the Tribunal over the course of 2025 only came to Employment Judge Tynan's attention on 26 January 2026, following which clarification was sought as to Mr Warne's professional status.
4. At the hearing on 10 January 2025, attended by the Claimant, we determined that the threshold test was met for making a costs order against the Claimant in respect of the Respondent's costs incurred on 5 and 6 June 2024. However, we wished to give the Claimant an opportunity to provide the Tribunal with information regarding her ability to pay. We refer in that regard to our orders sent to the parties on 28 January 2025.
5. The Claimant has failed to comply with our orders. She has not submitted

a statement of her financial circumstances, or which addresses the terms of the settlement she agreed with Grocery Delivery E-Services UK Ltd, nor has she provided copies of the documents she was ordered to provide. On 27 February 2025 she sent a brief email to the Tribunal in which she apologised for having overlooked the matter, and asked that the Tribunal and Respondent “bear with me”. Since then there has been no further correspondence from her.

6. Rule 82 of the Employment Tribunal Procedure Rules 2024 provides that a Tribunal *may* have regard to the paying party’s ability to pay when deciding whether to make an order and when determining the amount of an order. The Claimant has been afforded the opportunity to place potentially relevant information before the Tribunal about her means but has failed to do so. In the circumstances, we cannot sensibly have any regard to her ability to pay, since we have no information in that regard.
7. The Respondent’s costs are to be assessed on the standard basis. Rule 76(1)(b) states that Employment Judges should apply the principles in the Civil Procedure Rules 1998 (“CPR”) when undertaking detailed assessments of costs. Whilst the order we made was for a summary assessment, nevertheless we have found it helpful in this matter to have regard to the CPR and to the 2021 Edition of the Guide to the Summary Assessment of Costs which is available to judges, parties and practitioners in the Civil Courts.
8. Rules 44.3(1) and (2) of the CPR provide that where the court assesses the amount of costs on the standard basis it will not allow costs which have been unreasonably incurred or are unreasonable in amount and will only allow costs which are proportionate to the matters in issue. Costs which are disproportionate in amount may be disallowed or reduced even if they were reasonably or necessarily incurred. The court will resolve in favour of the paying party any doubt which it may have as to whether the costs were reasonably incurred or were reasonable and proportionate in amount.
9. The Guide states that costs will be proportionate if they bear a reasonable relationship to (a) the sums in issue in the proceedings (b) the value of any non-monetary relief in issue in the proceedings (c) the complexity of the litigation (d) any additional work generated by the conduct of the paying party (e) any wider factors involved in the proceedings, such as reputation or public importance and (f) any additional work undertaken or expense incurred due to the vulnerability of a party or any witness.
10. Rule 44.4(3) sets out the factors to be taken into account in deciding the amount of costs. Those factors include: the conduct of the parties, including conduct before as well as during the proceedings; the efforts made, if any, before and during the proceedings in order to try to resolve the dispute; the value involved in the proceedings; the importance of the matter to the parties; the complexity of the proceedings; the skill and specialised knowledge of the lawyers; the place where the work was done;

and the receiving party's last approved or agreed budget (this is not relevant in the employment tribunals).

11. We do not underestimate the importance of this matter to the Respondent, in particular to those who were said to have discriminated against the Claimant. We recognise that findings of discrimination can impact working relationships, undermine morale and damage an organisation's reputation and third-party relationships.
12. Mr Warnes' employer, Citation Ltd does not engage in reserved legal activities, meaning that there is no requirement for him to maintain a practicing certificate. However, as he remains on the roll of solicitors maintained by the Solicitors Regulation Authority, we are satisfied that he is someone who has rights of audience as set out within the term "legal representative", as defined in Rule 2 of the 2024 Rules. In which case, the Respondent's ability to recover its costs are not capped at the rate specified under Rule 77(2).
13. In our judgement, the Respondent's representatives' costs are proportionate in the context of the various factors we have identified above, as well as comfortably in line with the fees one might expect to be charged by a qualified solicitor of Mr Warnes' call and experience. The current guideline hourly rates for solicitors and legal executives with over 8 years' experience working in Manchester is £295. Mr Warnes has 14 years' post qualification experience. The Respondent seeks £225 per hour in respect of his time, and claims 16 hours in total for his time on 5 and 6 June 2024, equating to £3,600. We have not awarded VAT on this sum on the understanding that the Respondent is registered for VAT and, as such, can reclaim any VAT, if it has not already done so.
14. We have not awarded an additional sum in respect of the Respondent's costs of the costs application as that would require a further costs application.

Approved by:

Employment Judge Tynan

Date: 10 March 2026

Sent to the parties on: 18 March 2026...

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For the Tribunal Office.

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>