



EMPLOYMENT TRIBUNALS

Claimant: Mr R Goll
Respondent: Nottingham City Council
Heard at: Nottingham in Chambers
Heard on: 3 September 2026
Before: Employment Judge Victoria Butler

Representation

Claimant: In person
Respondent: Mr B Frew, Counsel

JUDGMENT ON COSTS

The decision of the Employment Judge is:

1. The Respondent's application for costs fails and is dismissed.

REASONS

Background

1. The parties attended a final hearing before me on 22 – 26 June 2026 and 1 – 2 July 2026. The claim failed in its entirety, and I delivered oral reasons for my decision on 2 July 2026. Full written reasons were sent to the parties on 27 July 2026.
2. The Respondent applies for its costs in attending hearings, and I made orders at the final hearing to give the Claimant time to see the application in writing and respond

accordingly.

3. The amount claimed by the Respondent is £28,173.19 + VAT being Counsel's fees for attending preliminary hearings on 3 October 2025 and 20 November 2025 and the final hearing.

The application

4. The application is advanced under Rule 74(2)(a) and (b) of the Employment Tribunals Rules 2024 ("the Rules"). In particular, the Respondent says:
 - (i) The Claimant vexatiously, abusively, disruptively and/or unreasonably exaggerated and/or fabricated ailments so as to bring disability related claims under the Equality Act 2010 ("EQA"); and/or
 - (ii) The Claimant vexatiously, abusively, disruptively and/or unreasonably assigned discrimination to acts or omissions against logic or reason so as to plead claims under the EQA; and/or
 - (iii) The Claimant vexatiously, abusively, disruptively and/or unreasonably exaggerated and/or fabricated events which in evidence he accepted were legitimate and fair; and/or
 - (iv) The Claimant vexatiously, abusively, disruptively and/or unreasonably centred allegations against Mr Dave Guy as a "*puppet master*" of his alleged treatment against logic or reason; and/or
 - (v) The Claimant gave untruthful or significantly misleading evidence: and/or
 - (vi) The Claimant's claim had no reasonable prospect of success, and he unreasonably ignored such warnings to this fact.

5. The Claimant opposes the application.

The law

6. Rule 74(2) provides:

(2) A Tribunal must consider making a costs order or a preparation time order where it considers that—

(a) a party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings, or part of it, or the way that the proceedings, or part of it, have been conducted; or

(b) any claim or response had no reasonable prospect of success, or

.....

7. Rule 75 provides:

(1) A party may apply for a costs order or a preparation time order at any stage up to 28 days after the date on which the judgment finally determining the proceedings in respect of that party was sent to the parties.

(2) The Tribunal must not make a costs order or a preparation time order against a party unless that party has had a reasonable opportunity to make representations (in writing or at a hearing, as the Tribunal may order).

8. Rule 76 provides:

1) A costs order may order the paying party to pay—

(a) the receiving party a specified amount, not exceeding £20,000, in respect of the costs of the receiving party;

(b) the receiving party the whole or a specified part of the costs of the receiving party, with the amount to be paid being determined—

(i) in England and Wales, by way of detailed assessment carried out either by a county court in accordance with the Civil Procedure Rules 1998, or by the Tribunal applying the same principles;

(ii) in Scotland, by way of taxation carried out either by the auditor of court in accordance with the Act of Sederunt (Taxation of Judicial Expenses Rules) 2019, or by the Tribunal applying the same principles;

(c) another party or a witness, as appropriate, a specified amount in respect of necessary and reasonably incurred expenses for the purpose of, or in connection with, an individual's attendance as a witness at a hearing;

(d) an amount agreed between the paying party and the receiving party in respect of the receiving party's costs.

(2) Where the costs order includes an amount in respect of fees charged by a lay representative, for the purposes of the calculation of the order, the hourly rate applicable for the fees of the lay representative must not exceed the rate under [rule 77\(2\)](#) (the amount of a preparation time order).

(3) A costs order under sub-paragraphs (b) to (d) of paragraph (1) may exceed £20,000.

9. Rule 84 provides:

“In deciding whether to make a costs, preparation time, or wasted costs order, and if so in what amount, the Tribunal may have regard to the paying party's (or,

where a wasted costs order is made, the representative's) ability to pay."

10. The determination of costs under Rule 74(2) initially involves a two-stage test. Firstly, I must decide whether there has been relevant conduct that falls within Rule 74(2). If I am satisfied the Claimant's conduct falls within that Rule, I must go on to decide whether it is appropriate to exercise my discretion in favour of awarding costs against him.

11. I was referred to **Barnsley Metropolitan Borough Council v Yerrakalva [2012] IRLR 78**:

"The vital point in exercising the discretion to order costs is to look at the whole picture of what happened in the case and to ask whether there has been unreasonable conduct by the claimant in bringing and conducting the case and, in doing so, to identify the conduct, what was unreasonable about it and what effects it had....."

12. I was referred to **McPherson v BNP Paribas [2004] ICR 1398, CA** in that I must have regard to the nature, gravity and effect of the unreasonable conduct as factors relevant to the exercise of discretion, but I do not have to find a precise causal link between any relevant conduct and the specific costs claimed.

13. I was also referred to **Daleside Nursing Home Ltd v Mathew UKEAT/0519/08, Boras Topic v Hollyland Pitta Bakery and ors UKEAT/0523/11, Ghosh v Nokia Siemens UKEAT/0125/12 and Sunuva Ltd v Martin UKEAT/0174/17/JOJ**

14. The purpose of an award of costs is to compensate the party in whose favour the order is made, not to punish the paying party.

15. Vexatious conduct is where a Claimant brings a hopeless claim not with any expectation of recovering compensation but out of spite to harass his employer or for some other improper motive.

16. I may have regard to the Claimant's ability to pay but if I do not, I should give my reasons why.

17. I remind myself that costs are the exception and not the rule.

Submissions

18. The Respondent takes issue with the following specific parts of the Claimant's claim, and I summarise the parties' respective positions. I have, however, taken their full submissions into account in arriving at my conclusions.

The Claimant's casual status

19. The Respondent says that its Resolution and Grievance Policy does not apply to casual workers and, despite the Claimant knowing this, his allegations that the Respondent's conduct as to his alleged grievances and/or status were discriminatory

amounted to vexatious, abusive, disruptive and /or unreasonable behaviour and had no reasonable prospect of success.

20. In response, the Claimant says that the status of the policy did not preclude him from protection under the EQA.

The spent conviction

21. The Respondent says (and I found as fact) that the Claimant disclosed the conviction voluntarily, was appointed regardless and subsequently given an additional role. The Claimant's reliance on it as having tainted the Respondent's thought processes as discriminatory was vexatious, abusive, disruptive and /or unreasonable behaviour and had no reasonable prospect of success.
22. The Claimant says the spent conviction became relevant in June 2023 when it was raised by Mr Guy in response to a question from HR. His appointment despite it did not preclude it from later influencing Mr Guy's perception.

The June 2023 rumour

23. The Respondent says that the Claimant's allegation of discrimination arising out of the Respondent's handling of the rumour was vexatious, abusive, disruptive and /or unreasonable behaviour and had no reasonable prospect of success. It relies on the Claimant's admission in evidence that the Respondent needed to investigate the rumour, that Mr Guy did so fairly and the reference to age came from the NAT. The Claimant only made allegations of age and sex discrimination on receipt of the relevant e-mail in his DSAR when there was no reason for age or sex to be considered at all.
24. The Claimant disputes his allegations were made after his DSAR and refers to his grievance within which he refers to prejudice and lack of inquiry.

Shrek/Clarkson's Farm

25. The Respondent says the complaints in relation to Shrek and Clarkson's Farm were legitimate management conversations and no action was taken against the Claimant in respect of either. The Claimant did not raise issues with his health or alleged disabilities, and it was the Claimant who sought out Mr Guy raising his voice in anger. Despite this, his assignment continued, and it was therefore vexatious, abusive, disruptive and/or unreasonable behaviour to consider these events discriminatory. Alternatively, the allegations had no reasonable prospect of success.
26. The Claimant says he did not rely on the conversations as standalone allegations of discrimination and criticises the Respondent's evidence about the incidents. Further, he raised these issues to support an inference of discrimination rather than discrete allegations.

CCTV and termination

27. The Respondent says that because these allegations failed on both the facts and law it was therefore vexatious, abusive, disruptive and/or unreasonable conduct to consider these events as discriminatory and/or the claims had no reasonable prospect of success.
28. The Claimant says that the failure of the allegations on the facts does not equate to his evidence being knowingly false or unreasonable when advanced.

GDPR

29. In short, the Respondent says that it was perverse of the Claimant to consider GDPR issues as amounting to victimisation nor was there any litigation prejudice thus it was vexatious, abusive, disruptive and/or unreasonable conduct to consider these events as victimisation and/or the claims had no reasonable prospect of success.
30. The Claimant says that the Respondent delayed access to material relevant to active discrimination proceedings which was disadvantageous to him. An adverse conclusion on causation did not make it perverse to rely on them.

Health and Safety

31. The Respondent relies on my finding that this claim was misconceived and says it is '*laughable*' to suggest that the Claimant reasonably considered Mr Guy was a danger to him, and he felt he was going to die. The claim was vexatious, abusive, disruptive and/or unreasonable conduct and had no reasonable prospect of success.
32. The Claimant says this was not the case advanced. Rather, his evidence was that an immediate realisation triggered physical symptoms, and he felt he was going to die, he did not consider Mr Guy intended physical harm. The issue advanced was whether he reasonably believed there were circumstances of serious and imminent danger, and the relevant question was therefore not confined to the existence of objectively proven danger independent of that belief.

Unauthorised deductions from wages

33. The Respondent says this claim falls within rule 74(2)(a) because his evidence was inconsistent but, in any event, he was paid for an extra shift which he did not work as a gesture of goodwill.
34. The Claimant says that a separate payment made for a separate reason did not establish whether the disputed thirty minutes had been worked or were payable. He says its failure on the merits did not convert it into '*petty minded*' revenge.

Disability

35. The Respondent relies on my findings of facts and conclusions namely that the Claimant was not a disabled person and, in any event, the treatment he complained of was unrelated to disability.

36. The Claimant says that my decision did not itself establish fabrication or exaggeration. Furthermore, simply because his evidence on the functional effects of impairments was not reproduced identically in GP records is not a positive contradiction or evidence that his later description was knowingly false.
37. The Claimant has introduced new medical records which were not before me at the final hearing, and I do not take them into account.

Conduct in the proceedings

38. The Respondent says the Claimant's conduct of the proceedings was vexatious, abusive, disruptive and /or unreasonable. In support, it relies on the Claimant approaching Mr Guy in a public place when he was with his son saying "*F**k you*". Furthermore, the Claimant frustrated the creation of a sensible list of issues, was subject to three deposit orders which he paid and subsequently withdrew at the final hearing yet relied on amended versions of the same allegations. The Respondent also refers to the DRA, but I was not a party to that and make no comment on it.
39. The Claimant refers to a previous preliminary hearing at which the Employment Judge said his behaviour towards Mr Guy did not amount to witness intimidation and no issues arose during the final hearing. He denies attempting to frustrate the agreement of the issues and denies an attempt to circumvent the deposit order. He addresses the chronology for both in detail.
40. The Claimant says that the Respondent's conduct of the proceedings was unreasonable because it confirmed its position on disability two hundred and sixty days late and was late in complying with orders relating to bundles and witness statements. Furthermore, it did not engage in preparing the chronology nor did it serve a skeleton argument.

The Claimant's means

41. The Claimant tells me that his income is low, variable and he has no reliable disposable income after paying his outgoings. He has no property, vehicle, savings, investments or other material assets save a £25 premium bond. He is also in arrears with rent and council tax.
42. I have had regard to the contents of his evidence bundle when assessing his ability to pay.

Discussions and conclusions

43. The Claimant presented his claim to the Tribunal on 23 August 2024 and alleged direct age discrimination: discrimination arising from disability: failure to make reasonable adjustments: harassment related to age, disability and sex: victimisation: health and safety detriment; and unauthorised deductions from wages. All his claims failed before me.
44. The Claimant is a litigant in person, and his conduct of the proceedings should not

be addressed by the standards of a professional representative. I have borne that in mind when arriving at my conclusions.

45. Prior to the final hearing, the parties attended three preliminary hearings, in the main to identify the issues which ultimately ran to thirty-four pages. Post agreement of the issues, the Claimant made two further applications to amend them, both of which were refused.
46. I add for completeness that I have identified a typographical error at paragraph 131 of the written reasons. The final sentence of that paragraph should read "*I do not find that explanation credible*" that being my finding which was delivered orally on 2 July 2026.

No reasonable prospect of success/unreasonable behaviour

47. Overall, I am satisfied that viewed objectively the claims had no reasonable prospect of success for the reasons I explain below.
48. The Claimant was not a disabled person at the material time, and I concluded that his disability impact statement lacked credibility and was inconsistent with the medical records.
49. The Claimant's allegations about the Respondent's grievance process clearly had no reasonable prospect of success. The policy is clear - it did not apply to him as a casual worker, and he was explicitly told the same. He was advised that he could air his complaints under the Respondent's '*Have your Say*' procedure but chose not to. He was not denied the right to air his complaints; he was just required to do it under a different procedure.
50. The allegations in respect of the spent conviction were without foundation. The Claimant disclosed the conviction himself, and it was without consequence. Mr Guy did not view it adversely when he was investigating the 2023 rumour either as demonstrated by the evidence.
51. The allegation that Mr Guy's investigation into the NAT rumour amounted to discrimination was also without foundation. Mr Guy was entirely fair in his investigation which the Claimant conceded in evidence. The Claimant unreasonably viewed neutral management actions through a lens of discrimination retrospectively following his DSAR.
52. I say the same in respect of the CCTV incident. The Claimant should not have viewed the footage or shown it to Mr Brown. He was simply reminded by the Respondent that he should refrain from doing it again and Mr Guy sent a neutral e-mail to everyone reminding them of their GDPR obligations more generally. There was no consequence suffered by the Claimant, he was in the wrong, yet he accused Mr Guy of discrimination again without foundation.
53. The Shrek and Clarkson's Farm incidents were also without consequence and thus not supportive of an inference of discrimination.

54. The Claimant's termination was in consequence of him losing his temper and objectively any claim that it was discriminatory in some way had no reasonable prospect of success. The events prior had no consequence for the Claimant, yet he retrospectively alleged discrimination.
55. The allegations that the GDPR issues were victimisation were again made without foundation, and the health and safety claim was misconceived for the reasons I explain in my written reasons. Even on the reading of the relevant legislation, it should have been obvious to the Claimant that his feeling of panic did not amount to circumstances of danger.
56. The wages claim had no reasonable prospect of success given the Claimant's own evidence undermined his claim that he was owed thirty minutes pay.
57. I cannot conclude that the Claimant knew that the claims had no reasonable prospect of success because he was clearly entrenched in his position. However, I am satisfied that he should have known at the outset, more so on receipt of his DSAR, disclosure and the Respondent's witness statements. By way of example, Mr Guy's e-mail dated 19 June 2023 to HR about the rumour effectively exonerated the Claimant, yet he continued to allege discrimination, despite conceding in evidence that Mr Guy handled the matter fairly. The documents the Claimant relied on, and on occasion his own evidence, undermined his allegations, yet he continued to pursue them without merit.
58. I have had regard to the fact that the Claimant is a litigant in person and did not have access to professional advice. That said, he can articulate and document his position at length, both orally and in writing, with reference to the relevant legal frameworks. Taking a common-sense approach to assessing the information, the Claimant should have known that his claims had no reasonable prospect of success.
59. I am also satisfied that the Claimant's continuance of the claim considering the documentation and witness evidence amounted to unreasonable behaviour. A list of issues running to thirty-four pages was litigated when the Claimant should have known the allegations would fail.

Vexatious

60. It was apparent from the issues litigated that the Claimant developed an entrenched belief that Mr Guy acted in a discriminatory way towards him. However, I am satisfied that Mr Guy was an honest and credible witness, and the contemporaneous documents demonstrated that he took a neutral and professional approach to all matters involving the Claimant. The Claimant persisted with the allegations against Mr Guy despite disclosure and witness evidence substantially undermining them.
61. I am satisfied that the Claimant improperly directed his grievances against Mr Guy in the form of allegations of discrimination thus amounting to vexatious behaviour.

Discretion

62. Whilst I am satisfied that the Claimant meets the threshold for an award of costs, balancing all the relevant factors I decline to exercise my discretion in favour of the Respondent for two reasons.
63. Firstly, the Respondent failed to send any costs warning to the Claimant or urge him to seek professional advice. Such a failure is not a barrier to an award of costs. However, when a litigant in person pursues claims that are said to be misconceived or have no prospects of success, it is ordinarily prudent to warn them, urge them to take legal advice and advise of the intention to apply for costs. No explanation for why this was not done has been provided.
64. Secondly, I have considered the Claimant's means. He has no property, no savings (other than a £25 premium bond), no vehicle or assets and his income is variable supplemented with benefits. I am satisfied it is unlikely this will change in the future. Even if I made an award, realistically it would be unrecoverable and serve little purpose other than to create an unenforceable debt.
65. For these reasons, the Respondent's application for costs fails and is dismissed.

Approved by:

Employment Judge Victoria Butler

Dated: 02 October 2026

Sent to the parties on

....08 October 2026.....

For the Employment Tribunal

.... Hakeem Nuama.....

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