



EMPLOYMENT TRIBUNALS

Claimant

Mrs J Pringle

Respondent

AND

(1) The Chairman and Members of the Committee of the Belford Community Club for the time being as at 22 June 2016 (sued as Belford Community Club)

(2) Mr George Morrison

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

EMPLOYMENT JUDGE HUNTER
(sitting in chambers)

ON

27 February 2017

JUDGMENT ON AN APPLICATION FOR RECONSIDERATION

The respondents' application dated 26 January 2017 for reconsideration of the Judgment sent to the parties on 18 January 2017 is refused.

REASONS

1. The respondents' application is made pursuant to Rule 70 contained in Schedule One of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. Rule 71 provides that an application shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the judgment was sent to the parties. The application was, therefore, received in time.

2. Rule 70 provides that a tribunal may reconsider any judgment where it is necessary in the interests of justice to do so. I remind myself that the review provisions are not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with a different emphasis, or further evidence adduced which was available before. (*Stevenson v Golden Wonder Ltd* [1977] IRLR 474). The interest of justice means justice to all parties. Where issues have been argued at the hearing, justice requires that a judgment should be regarded as final, subject only to a review where something has gone radically wrong with the procedure, involving a denial of natural justice or something of that order, or where something has come to light after the hearing which could not have been known or foreseen and subject also to the right of any of the parties to appeal against the decision.

3 When considering the interests of justice, a tribunal should not apply particular or restrictive formulae. Dealing with cases justly, however, requires that they be dealt with in accordance with recognised principles. Appropriate weight should be attached to the importance of finality in litigation: it may be unjust to give a litigant a second bite of the cherry. Justice requires an equal regard to the interests and legitimate expectations of both parties (*The Council of the City of Newcastle upon Tyne v Mr. J Marsden* UKEAT/0393/09).

4 I have given preliminary consideration to the application for reconsideration in accordance with Rule 72, applying these principles.

5 The application is that judgment should be varied in respect of the claimant's entitlement to a redundancy payment on the basis that the respondents are unable to pay it and that they are assisting the claimant to recover the payment from the Redundancy Payments Service. The respondents state that they have never contested the claimant's entitlement to a redundancy payment, having notified the claimant that she was being made redundant on 22 June 2016 due to the club having to close down on 30 June 2016.

6 I am satisfied on the evidence that the first respondents were the claimant's employer and are jointly and severally liable in that capacity. The second respondent was sued independently in his capacity as the Chairman of the club. Section 135 Employment Rights Act 1996 (ERA) provides that an employer shall pay a redundancy payment to any employee of his if the employee is dismissed by the employer by reason of redundancy. The claimant made an application to the tribunal under section 163 ERA for a determination as to her right to a redundancy payment and the amount. The judgment made on the 17 January 2017 accurately records the claimant's entitlement to the payment of a redundancy payment from the respondents, calculated in accordance with provisions of the ERA. That the claimant may or may not have made an application to the Secretary of State under section 166 ERA does not affect the respondents' liability under section 135 ERA.

7 I am satisfied that nothing went fundamentally wrong with the procedure and no new evidence has come to light. I am satisfied that the law was correctly applied and that the interests of justice do not require that the judgment should be varied or revoked.

8 For these reasons I am satisfied that the claimant's application has no reasonable prospect of success and I refuse it.

Employment Judge Hunter

Date: 27 February 2017

JUDGMENT SENT TO THE PARTIES ON

28 February 2017

FOR THE TRIBUNAL OFFICE
G Palmer