



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Ms C Round  
Mr J Ryall  
Mr G Hawkins

v

The Liquor Works Ltd

Heard at: Watford

On: 27 March 2018

Before: Employment Judge R Lewis

## Appearances

**For the Claimant:** Ms C Round: In person, assisted by her father  
Mr J Ryall: No attendance or representation  
Mr G Hawkins: No attendance or representation

**For the Respondent:** No attendance or representation

## JUDGMENT

1. The first claimant's claim in relation to unlawful deductions is upheld. The respondent is ordered to pay to the first claimant the following sums:
  - 1.1 In respect of unpaid arrears of wages: £1,043.00
  - 1.2 In respect of one week's notice pay: £232.00
  - 1.3 In respect of 13.5 days' holiday: £788.40
2. The above sums are all stated to be gross sums.
3. The claims of the second and third claimants fail and are dismissed.

## REASONS

1. I give these brief reasons in the interests of justice.

2. The claimants were members of bar staff who started working for the respondent on or about 19 January 2017 and ceased work on or about 11 July 2017.
3. The response form stated that the named respondent is a dormant company which never employed staff, and asserted that the claimants were employed by Rokerfella Pub Group Ltd, a company about to enter into insolvency.
4. The respondent's representative, and signatory of the response form, Mr Ronan McKenna wrote to state that he would be unable to attend the hearing.
5. The first question was the identity of the respondent. Ms Round showed me a contract of employment issued to her by the respondent named above. No documentation in the name of Rokerfella Pub Group Ltd had ever been issued to her. I find that she had a contract of employment with the above named respondent which was therefore her employer.
6. Ms Round gave evidence that she had recorded the hours worked each day on a spreadsheet which she showed me, calculated her claim for underpayment by the simple expedient of adding up the hours which she worked, multiplying by the hourly rate of £8.00, and deducting payments made to her. She showed me bank statements showing direct transfer payments from Rokerfella Pub Group Ltd. That left a net balance of £1,043.00.
7. That figure included two weeks for which the claimant was not paid at all, the contract of employment stating that she had entered into a bond, which was in fact an old fashioned "payment in hand" obligation.
8. Ms Round said that she had been dismissed with immediate effect on 11 July 2017. She had over four weeks' employment and was therefore by statute entitled to one week's notice, which I have awarded at the figure of £232.00.
9. Ms Round had miscalculated her holiday pay claim. She told me that she had taken no paid holiday during her employment. I calculate her holiday pay as follows:
  - 9.1 She worked 25 weeks out of 52 and was entitled to 28 days' holiday in 52 weeks. She was therefore entitled to the following:  $28 \times 25/52 = 13.46$ .
  - 9.2 I calculate that she was due 13.5 days' holiday. I accept that on average she worked 7.3 hours per day, and therefore the holiday pay calculation is as follows:  $13.5 \times 7.3 \times 8 = 788.40$ .
10. All the above figures have been calculated gross and are so ordered. In the absence of payslips showing the basis of any deductions, I am unable to make calculation on any other basis.

11. Mr Ryall and Mr Hawkins did not attend. Ms Round stated that she did not represent them at this hearing. The only material from each of them before me was a spreadsheet, and I had no other documentation or supporting material from either of them. The spreadsheet on behalf of Mr Hawkins reached a different figure from that on the claim form, and Mr Hawkins' claim for holiday pay appeared on its face to be unsustainable. I found that neither Mr Ryall nor Mr Hawkins had made out their claims which were therefore dismissed.

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Employment Judge R Lewis

Date: 26 / 4 / 2018

Sent to the parties on: .....

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For the Tribunal Office