



EMPLOYMENT TRIBUNALS

Claimant: Mr T Evans

Respondent: Lounge 69 Limited

HELD AT: Liverpool **ON:** 19 May 2021

BEFORE: Employment Judge Barker

REPRESENTATION:

Claimant: In person
Respondent: No attendance

JUDGMENT

The decision of the Tribunal is that the Claimant's claims for unpaid wages and holiday pay succeed. The Respondent is to immediately pay to the Claimant the sum of £2316.82, which is comprised as follows.

1. Between 5 December 2019 and 4 October 2020, the Respondent made unlawful deductions from the Claimant's wages in the sum of £1008.57;
2. During the Claimant's period on furlough pay between April 2020 and September 2020, the claimant's hourly rate of pay (£8.50) was below the National Minimum Wage (£8.72). The claimant's furlough pay should therefore be increased by 18 pence an hour to reflect this. His furlough pay has therefore been subject to unlawful deductions in the sum of £132.79; and
3. Between 5 December 2019 and 4 October 2020, the Claimant accrued holiday entitlement which he did not take nor was he paid for at the end of his employment. He is to be paid £1,175.46 to reflect this, based on the Respondent's calculated average of a 28.5 hour working week between this period.

Employment Judge Barker

Date 19 May 2021

JUDGMENT SENT TO THE PARTIES ON

21 May 2021

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FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2419853/2020**
Mr T Evans v Lounge 69

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 21 May 2021

"the calculation day" is: 22 May 2021

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.