



EMPLOYMENT TRIBUNALS

BETWEEN

Claimants

Ms Hailey Elkington & 10 others

Respondent

The Secretary of State for Business,
Energy and Industrial Strategy

Heard at: London Central Employment Tribunal (public hearing by CVP)

On: 5 November 2024

Before: Employment Judge Adkin

Representations

For the Claimants: Mr K Mills, Counsel

For the Respondent: n/a

JUDGMENT

- (1) Lady Ottoline Ltd (t/a The Lady Ottoline) failed to comply with any of the requirements of section 188 and section 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 ("**TULRCA**") and, therefore, the Claimants' complaints under Section 189 of TULRCA are well-founded
- (2) The Respondent shall pay each Claimant listed below a protective award equivalent to **90 days' pay**, with a commencement date of **29 June 2017**.

REASONS

The Claim

1. I am satisfied that the complaints are made out.

2. The Tribunal has taken the following into account when deciding this case:
 - 2.1. Witness statement of Stefanie Marechal signed and dated 18 February 2018;
 - 2.2. Witness statement of Jakub Valenta signed and dated 16 February 2018;
 - 2.3. Witness statement of Benjamin De Vos signed and dated 16 February 2018;
 - 2.4. Witness statement of Hannah Bonnell dated 5 November 2024, together with payroll data produced by her relating to June 2017 which showed that there were 20 employees in the Lady Ottoline pub at that time. Ms Bonnell attended the video hearing before me to give oral evidence;
 - 2.5. The Companies House website which shows that the Lady Ottoline Ltd (t/a The Lady Ottoline), commenced winding up on 1 February 2018 and was dissolved on 18 May 2023.
3. Based on the above and having heard representations from Counsel for the Claimants I am satisfied that there were 20 employees at this establishment, which was a single establishment, namely The Lady Ottoline (a public house) trading at 11A Northington St, London WC1N 2JF including the Claimants named below.
4. Each of these employees was dismissed for redundancy on **29 June 2017**, without any arrangements for the election of employee representatives nor any consultation. None of the information required by section 188(4) TULRCA was provided.
5. Given the total absence of any consultation and having had regard to the principles set out by the Court of Appeal in the case of Susie Radin v GMB [1994] ICR 893, I find that there are no mitigating circumstances and in the circumstances the appropriate award for all Claimants is **90 days' pay** which is the maximum amount under section 189(4) TULRCA.
6. The Schedule attached contains the names of the relevant Claimants.

Employment Judge Adkin

Date 5 November 2024

SENT TO THE PARTIES ON

13 November 2024

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FOR THE TRIBUNAL OFFICE

SCHEDULE OF CLAIMANTS' NAMES

22007367/2017	Ms Hailey Elkington
22007368/2017	Mr Jakub Valenta
22007369/2017	Mr Kevin Lowdermilk
22007370/2017	Ms Hannah Bonnell
22007371/2017	Mr Mario Pere Reynes
22007372/2017	Mr Tom Haste
22007373/2017	Mr Benjamin De Vos
22007374/2017	Ms Barbara Usai
22007375/2017	Ms Francesca Lanzafame
22007376/2017	Ms Stephanie Marechal
22007377/2017	Ms Fabrizia Bevilacqua