



EMPLOYMENT TRIBUNALS

Claimant: Mr K Statham

Respondent: Oldham Council

COSTS JUDGMENT

Under rules 75(1)(a) and 76(2) the respondent is ordered to pay to the claimant the sum of **£954.80** in respect of the costs that the claimant has incurred as a consequence of the postponement of the hearing on 19 July 2019.

REASONS

1. In my case management order issued following the hearing on 19 July 2019 I explained how the hearing came to be adjourned and why I concluded that the power to award costs had arisen. Paragraphs (5) – (18) of that Order should be treated as incorporated into these reasons.
2. The claimant provided details of the amount claimed on 9 August 2019. The respondent replied on 30 August 2019. I have taken these written representations into account. Neither party requested a hearing to determine the amount to be awarded.
3. The total claimed is £1,831.67 plus VAT at 20%. I do not consider that all of the costs claimed should be awarded. The hearing was to have been resumed on 17 September 2019, and work which would have been of use for that resumed hearing has not been wasted by the adjournment. The subsequent withdrawal of the applications by the respondent and the consequent cancellation of that hearing is not a matter for which this costs award is being made.
4. On that basis I have disallowed the time spent on the substantive skeleton argument and consideration of the bundle. That would have been useful had the hearing taken place on 17 September. Broadly the rest of the time is properly referable to the adjournment application. However, I do not think it would have taken an hour just to advise that an adjournment was necessary due to the size of the bundle. I have reduced that first item to 30 minutes. I have also disallowed some of the time spent between Ms Murray and Mr Norman which exceeds a reasonable figure just to discuss seeking an adjournment.

5. The result of that summary assessment is that the respondent should pay the claimant the sum of £795.67 plus VAT, making a total of £954.80.

6. The cancellation of the hearing on 17 September means that there has been no opportunity to agree a list of issues based on the amended claim and response forms. The claimant must provide the respondent with a suggested list of issues without delay and an agreed version of that list (with competing formulations included if they cannot be agreed) must be lodged with the Tribunal by **4pm** on **Wednesday 20 November 2019**, accompanied by an agreed chronology of events. Three copies of each of those documents must be brought to the final hearing.

Employment Judge Franey

23 October 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

24 October 2019

FOR THE TRIBUNAL OFFICE

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