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# EMPLOYMENT TRIBUNALS

**Claimant:** Ms E Baker  
**Respondent:** 4 Food London Ltd (in compulsory liquidation)  
**Heard at:** East London Hearing Centre by CVP  
**On:** 30 November 2023  
**Before:** Employment Judge W A Allen KC

## Representation

Claimant: in person  
Respondent: did not attend

# JUDGMENT

1. Claimant's Claim for a Redundancy Payment is dismissed on the basis that she lacks the requisite 2 years' service to bring such a claim. Her claims for unpaid wages, unpaid notice pay and unpaid accrued holiday entitlement are not dismissed.

# ORDER

2. The tribunal is satisfied that the Claimant was owed and was not paid the following amounts on termination of her employment on 6 July 2023:
  - a. £650 gross unpaid wages
  - b. £780 gross unpaid notice pay
  - c. £650 gross accrued untaken holiday entitlement.(total £2,080 gross)
3. However, given that the tribunal has been notified by email dated 13 November 2023 from the liquidators at K & W Recovery Ltd t/a Anthony Batty & Co, that Liquidators were appointed on 10 October 2023 by Court Order Reference LQD6902279, this claim cannot proceed and is stayed given that section 130(2) Insolvency Act 1986 provides that when liquidators have been appointed, no action or proceeding shall be proceeded with or commenced against the company or its property, except by

leave of the court and subject to such terms as the court may impose.

4. The Joint liquidators, Lawrence John King and Matthew John Waghorn of K & W Recovery Ltd t/a Antony Batty & Co are directed to supply the claimant with a CN Number and an LN Number to enable her to make an application to the Redundancy Payments Service.

## **REASONS**

1 The claimant's employment ended abruptly on 6 July 2023 upon the failure of the business in which she was employed, 4 Food London Ltd, trading as Ca'puccino. She was not paid for her last 5 days of work. She was not paid her statutory minimum 1 week notice pay. She was not paid for her 9 days of untaken accrued holiday entitlement. Her enquiries to her former employer were not responded to.

2 4 Food London was a company incorporated on 8 June 2022. It had one active director, Maurizio Raviolo. Ca'puccino started business in or about January 2023. The business ceased trading on 6 July 2023.

3 The claimant worked for 6 days per week on average 10 hours per day and she was paid £13 per hour.

4 The amounts outstanding to her were therefore:

4.1 £650 gross for 5 days of unpaid wages;

4.2 £780 gross for 1 week of notice pay;

4.3 £650 gross for accrued but untaken holiday pay.

5 I can only calculate gross amounts because I do not have sight of payslips.

6 The respondent did not provide the claimant with a P45.

7 I cannot make an order for payment in relation to the payments sought because the respondent is in compulsory liquidation. I have referred the claimant to the Redundancy Payments Service and directed the joint liquidators to supply her with the CN number and LN number that will assist her.

**Employment Judge Allen, KC**

**30 November 2023**