



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Penny

**Respondent:** Godseye Security Ltd

**Heard at:** East London Hearing Centre (by Cloud Video Platform)

**On:** 15 February and 3 March 2021

**Before:** Employment Judge B Elgot

## Representation

Claimant: In person

Respondent: Ms Lisa Hartman, Director

***This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.***

## JUDGMENT

1. The claim for unpaid wages SUCCEEDS. The Claimant is entitled to his salary (£35000 per annum) and his agreed car allowance (£450 per month) for the period 2 - 30 September 2020 during which time he worked for the Respondent.
2. The Respondent is ORDERED to pay wages in the amount of £ 2916.66 plus £450 car allowance which is £3366.66. This sum has been calculated gross. The Respondent is entitled to deduct the appropriate sum for tax and national insurance and account to HMRC for the deductions.
3. The Claimant is entitled to accrued and unpaid holiday pay for the same period from 2 September 2020 to 30 September 2020 which is the date he has identified as the effective date of termination of his employment. He was contractually entitled to 30 days annual leave inclusive of statutory bank holidays. His daily rate was £ 134.62 calculated on the basis that he works 260 days per annum. The Claimant's pro rata holiday entitlement for September 2020 is 2.5 days multiplied by £134.62 = £336.52.

4. The grand total payable by the Respondent to the Claimant within 28 days is £3703.18 calculated gross and subject to the deduction for tax and national insurance as described above.
5. The claim for notice pay does not succeed and is DISMISSED. The Claimant was not continuously employed for one month or more as required by s 86 Employment Rights Act 1996 and is therefore not entitled to the minimum period of one week's notice.

**Employment Judge B Elgot**  
**Date: 4 March 2021**