



# **EMPLOYMENT TRIBUNALS**

**Claimant****Respondent****Mr D Wright and others****v****Purple Parking Limited****Heard at: Watford****On: 3 December 2013****Before:** Employment Judge Bedeau**Members:** Mr P Jackson  
Mr S Bury**Appearances**

**For the Claimant:** Miss K Gardener – Counsel on behalf of Mr Thomas  
Mr S Bhatia – Solicitor on behalf of Mr Delicata  
Mr Small – In person and acting on behalf of some of  
the claimants.

**For the Respondent:** Mr D Van Heck - Counsel

## **JUDGMENT**

1. Liability having been conceded by the respondent, judgment is entered in favour of the four lead cases of Mr W Thomas; Mr G J Davies; Mr E Small and Mr M J Cousins as well as the remaining 17 claimants, including Mr R Morton, case number 3303772/2013.
2. This case is listed for a remedies hearing from Wednesday 8 January to Friday 17 January 2014 before this tribunal to start at 10.00am.

## **ORDERS**

**Made pursuant to the Employment Tribunal Rules 2013**

1. The claimants shall serve their amended schedule of loss on the respondent's representatives by not later than **4pm, 17 December 2013**.
2. The claimants shall serve evidence in support of mitigation of loss, namely details of any applications for employment; the responses to those

applications; whether they have been offered employment; if so, to give details of when it commenced, whether full-time or part-time and salary by not later than **4pm, 17 December 2013**.

3. The claimants shall serve on the respondent's representatives their applications for costs together with their schedule of costs by not later than **4pm 17 December 2013**.
4. The parties shall agree the order in which the claimants will be called to give evidence during week commencing **13 January 2014**, by not later than **4pm, 17 December 2013**.
5. In respect of Mr Delicata, his claim form is amended to read that his employment commenced on 8 May 2007 and not on 5 July 2007.

## **REASONS**

1. There are now 21 claimants, all of whom allege that they were unfairly dismissed and/or discriminated because of their age, being over 67 years at the time of their dismissal, except for Mr Thomas who was not age 67 years at the date of his dismissal. They were all employed as drivers by the respondent. The reason for their dismissal, as advanced by the respondent, was that its insurance company refused to provide insurance cover for its drivers over the age of 67 years because of the high number of claims involving drivers over that age.
2. The tribunal heard evidence in relation to liability on 30 September 2013 and on 3-7 October 2013. It was adjourned to 3 December 2013 for further evidence and submissions. The tribunal issued third party notices for a representative from Allianz Insurance Plc and from Jelf Insurance Brokers Limited to attend to produce documents and to give evidence at the hearing on 3 December 2013. Correspondence and documents from these companies were sent to the tribunal and distributed to the parties.
3. Before we heard further evidence, Mr Van Heck, counsel on behalf of the respondent, informed the tribunal that the respondent had conceded liability on Friday 29 November 2013. Neither the tribunal nor the claimants' representatives were aware of this concession. No further evidence on liability was heard. The tribunal then proceeded to discuss with the parties, case management orders in preparation for the remedies hearing listed for eight days to accommodate all of the claimants.
4. Miss Gardener, counsel on behalf of Mr Thomas, informed the tribunal that she will also be representing Mr D Wright, Mr K R Reynolds, Mr R W Fox and Mr R Morton.

5. The tribunal will be hearing at first the lead cases of Thomas, Wright, Small, Cousins, as well as Mr J R Flynn's case having regard to his health condition. The parties must come prepared for an effective remedies hearing.

### CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The tribunal may also make a further order (an "unless order") providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice under rule 19 or hold a pre-hearing review or a Hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

  
Employment Judge Bedeau

Date: 12/12/2013

Sent to the parties on: 12/12/2013

  
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.

# List of Cases for Multiple 2519 - Purple Parking Limited

6633/27

Submultiple 0 Not Allocated

Case Number	Claimant Name	Current Position
2702817/2012 ✓	Mr W Thomas	Listed for a remedy/costs hearing 6422/83
3302277/2012 ✓	Mr D Wright	Listed for a remedy/costs hearing
3302278/2012 ✓	Mr GJ Davies	Listed for a remedy/costs hearing
3302832/2012 ✓	Mr JE Barrow	Listed for a remedy/costs hearing
3302842/2012 ✓	Mr JJ Abrahams	Listed for a remedy/costs hearing
3302867/2012 ✓	Mr BT Davies	Listed for a remedy/costs hearing
3302892/2012 ✓	Mr C Shepherd	Listed for a remedy/costs hearing
3302893/2012 ✓	Mr MJ Flood	Listed for a remedy/costs hearing
3302894/2012 ✓	Mr JR Flynn	Listed for a remedy/costs hearing
3302895/2012 ✓	Mr E Small	Listed for a remedy/costs hearing
3302898/2012 ✓	Mr RP Govus	Listed for a remedy/costs hearing
3302899/2012 ✓	Mr F King	Listed for a remedy/costs hearing
3302904/2012 ✗	Mr BT Davies	Listed for a remedy/costs hearing
3302905/2012 ✓	Mr AN Fenton	Listed for a remedy/costs hearing
3302934/2012 ✓	Mr MJ Cousins	Listed for a remedy/costs hearing
3302944/2012 ✓	Mr J Duah	Listed for a remedy/costs hearing
3302947/2012 ✓	Mr R Delicata	Listed for a remedy/costs hearing
3302948/2012 ✓	Mr AJ Paisley	Listed for a remedy/costs hearing
3301726/2013 ✓	Mr KR Reynolds	Listed for a remedy/costs hearing
3301942/2013 ✓	Mr RW Fox	Listed for a remedy/costs hearing
3303772/2013 ✓	Mr R Morton	Listed for a remedy/costs hearing

Number of Cases 21