

£25,000 payout as Luminar Leisure held vicariously liable for the actions of a doorman, not directly employed by them, working at their Chicago Rock Café in Southend.

Last year the Court of Appeal upheld a High Court ruling that Luminar Leisure is vicariously liable for the actions of a bouncer working at their Chicago Rock Café in Southend, even though he wasn't directly employed by them.

An innocent firefighter who was attacked by a nightclub bouncer in Southend and left brain damaged is at last set to receive compensation more than five years after the incident. With the support of the Fire Brigades Union (FBU) and its lawyers Thompsons Solicitors, the latest appeals by the insurers and the nightclub owner have been dismissed.

This is a decision which will have serious implications for the UK's leisure, security and insurance industry.

Both defendants have today agreed to an interim payment of £25,000 between them.

This means that an organisation, which employs contract workers, may be held responsible for their actions while working on the premises depending on the level of control that they retain. The case dates back to August 2000, when David Hawley, then just 30, was out with a group of colleagues from Southend Fire Station. Following a confrontation with a group of students outside the Chicago Rock Café, he was punched in the face by doorman Jeffrey Warren so hard that he fell to the floor striking his head on the kerb. As a result of a combination of the punch and hitting the pavement Mr. Hawley sustained fractures of the skull, nose and jaw.