

NOTES

- 1. Failure to comply with this Prohibition Notice is an offence** as provided by section 33(1)(g) of the Health and Safety at Work etc. Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction to imprisonment for a term not exceeding 6 months in England and Wales or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. Except for an immediate Prohibition Notice, an Inspector has power to withdraw a notice or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the notice or to perform any other statutory or common law duty resting on you.
4. **You can appeal against this notice to an Employment Tribunal.** Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG.

If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.

Time Limit for Appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the notice, or notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.

The entering of an appeal does not have the effect of suspending this notice. Application can be made for the suspension of this notice to the Employment Tribunal, but the notice continues in force until a tribunal otherwise directs.

An application for suspension of the notice must be in writing and must set out:-

- a) the case number of the appeal, if known, or particulars sufficient to identify it.
- b) the grounds on which the application is made. (It may accompany the appeal).

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237), as amended.

Public availability of information on all enforcement notices

1. Barnsley Metropolitan Borough Council (BMBC) for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is BMBC policy that this information should be brought to the public's attention. BMBC also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Therefore, details from relevant notices will be stored electronically and will be available on request.
2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of at least 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
3. Information will be withheld where, in BMBC's belief, its disclosure would:
 - cause harm or prejudice; or
 - be in breach of the law.
4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
5. If you are not satisfied with the information contained in the entry you have a further right to appeal to BMBC in the first instance.