

**GAMBLING ACT 2005 – TEMPORARY USE NOTICE
APPLICATION GUIDANCE NOTES**

1. What is a Temporary Use Notice?

A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence. They may be applied for to allow a gambling operator who wishes to use the premises temporarily for providing facilities for gambling.

Premises that might be suitable for a TUN would include:

- Hotels
- Conference centres
- Sporting venues.

A TUN may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

The only activities permitted under a TUN are the provision of facilities for any form of equal chance gaming where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner (this does not include providing such facilities in circumstances where any person participating in the gaming does so by means of a gaming machine).

2. Is there a limit on the number of days I can have a TUN?

The same set of premises may not be the subject of a TUN for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

If the premises have been the subject of one or more TUN for more than a total of 21 days in the past 12 months, the licensing authority must issue a counter-notice that has the effect of stopping the TUN coming into effect. Failure to comply with the counter-notice will be an offence. The licensing authority may issue a counter-notice which limits the number of days that the TUN comes into effect, bringing it within the 21-day limit. Such counter-notices require consultation with the applicant to ensure that the restrictions they impose do not result in an unworkable event.

As notices may be given by different operators in respect of the same premises, the licensing authority will always need to check whether a counter-notice is appropriate.

3. Can I apply for a TUN for a Vehicle?

A notice may not be given in respect of a vehicle. A notice may be given in respect of a vessel, but only if it is a passenger vessel or a vessel that is situated at a fixed place. A vessel at a fixed place would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of the lake). Licensing authorities should note that a notice could only be given in respect of a vessel that is moored permanently at a place (i.e. it could move but it does not) if it is a passenger vessel.

4. Can anyone object to my TUN?

The licensing authority and the other bodies to which the notice is copied will consider whether or not they wish to give notice of objection. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications, they must give a notice of objection to the person who gave the TUN. The notice of objection should also be copied to the licensing authority (unless it is given by the licensing authority).

The notice of objection and the copy to the licensing authority must be given within 14 days of the date of the TUN. An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.

If objections are received, the licensing authority must hold a hearing to listen to representations from the person who gave the TUN, all the objectors and any person who was entitled to receive a copy of the notice. If all the participants agree that a hearing is unnecessary, it may be dispensed with.

Mediation may take place between all parties to alleviate concerns. Remedies may include a reduction in the number of days when gambling occurs or a restriction on the type of gambling permitted. If the modifications are accepted by the applicant, a new temporary notice must be prepared and the original notice withdrawn. The three-month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others to whom it is copied may object. If there are no new objections, there will be no need for a hearing.

If the licensing authority, after a hearing has taken place or has been dispensed with, considers that the TUN should not have effect, it must issue a counter-notice which may:

- prevent the TUN from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activity to take place subject to a specified condition.

The principles that the authority must apply in issuing a counter-notice are the same as those in determining premises licence applications. In particular, the licensing authority will aim to permit the provision of facilities for gambling under a TUN subject to its view as to whether to do so accords with section 153.

If the licensing authority decides not to issue a counter notice, the TUN will have effect. The authority must give notice of its decision to the person who gave the TUN and others to whom it was copied.

5. How do I apply for a TUN?

The holder of an operating licence must give notice to the licensing authority in whose area the premises are situated. The notice must specify:

- the gambling activity to be carried on;
- the premises where it will take place;
- the dates and times the gambling will take place;
- any periods during the previous 12 months that a temporary use notice has had effect on the same premises;
- the date on which the notice is given; and
- any other information that the secretary of state prescribes.

The TUN must be lodged with the licensing authority not less than three months and one day before the day on which the gambling event will begin. The application, maximum fee and counter notices have been specified by the Secretary of State. The application must be copied to:

The Licensing Authority
Operations
Peterborough City Council
Town Bridge
Peterborough
PE1 1HU

Tel: 01733 747474
Fax: 01733 453547

A copy must be served on:

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 2306500
Fax: 0121 2372236
Email: info@gamblingcommission.gov.uk

Licensing Department
Cambridgeshire Constabulary North Division
Bridge Street
Peterborough
PE1 1EH
Tel: 01733424462

HM Revenue & Customs
National Registration Unit
Portcullis House
21 India House
Glasgow
G2 4PZ
Tel: 0141 555 3633
E-mail: nrubetting&gaming@hmrc.gsi.gov.uk

And if applicable, any other licensing authority in whose area the premises are situated.

The person who is giving the TUN must ensure that the notice and the copies are with the recipients within 7 days of the date of the notice. Where the premises are situated in the area covered by more than one authority, the person giving notice must send the notice to one authority and copy to the other(s). Licensing authorities will work closely together in such circumstances to ensure that the 21-day maximum period for TUN at premises is not breached.

Upon receiving a notice the licensing authority must send a written acknowledgement as soon as is reasonably practicable. A written acknowledgment may include one sent by email.