



Temporary use notice

A temporary use notice (TUN) allows the use of premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

Premises that may be suitable for a TUN include hotels, conference centres and sporting venues.

A TUN may only be granted to a person or company holding a relevant operating licence issued by the [Gambling Commission](#).

A TUN may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants.

Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Meaning of premises

A premises may be made up of individual parts (premises) owned/run by different people. These individual parts constitute a 'set of premises' within a building.

A 'set of premises' may not be the subject of temporary use notification for more than 21 days in a period of 12 months.

The application process

The licensing authority has six weeks for the completion of all proceedings on a TUN.

The holder of an operating licence must give notice to the licensing authority in whose area the premises is situated by using the prescribed form (see section below), which specifies the following:

- the type of gaming to be carried on
- the premises where it will take place
- the dates and times the gaming will take place
- any periods during the previous 12 months that a TUN has had effect for the same premises
- the date on which the notice is given
- the nature of the event itself

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 giver of the notice must ensure that copies of the TUN are with the other bodies prescribed below within seven days of the date of the notice:

- the Gambling Commission
- the Chief Officer of Police
- HM Revenue and Customs
- if applicable, any other licensing authority in whose area the premises is situated.

On receipt of the TUN, the licensing authority will send a written acknowledgement as soon as is reasonably practicable.

Responsible authorities

Responsible authorities are public bodies that must be notified and who are entitled to make representations in relation to TUN's. All representations made by responsible authorities are likely to be relevant representations if they relate to the three core objectives.

Representations

Responsible authorities have 14 consecutive days from the date of the TUN to make representations to the licensing authority.

The licensing authority will determine the relevance of the representation. To be relevant, they should usually relate to the licensing objectives. Vexatious or frivolous representations will not be considered.

Should a responsible authority object to a TUN, they must give a notice of objection to the original giver of the notice. Such a notice must also be copied to the licensing authority.

An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.

Hearings

A hearing will not be held if all parties have come to an agreement (mediation) in relation to the objection (s) received.

Otherwise a hearing will be held to determine the outcome of the application.

Determination

No objections

If no objections are made within 14 days of the date of the notice, the licensing authority must endorse the notice as valid and return it to the person who gave it.

Objections received

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
- allow the activity to take place subject to a specified condition.

If there is no requirement for a counter-notice, the TUN will take effect and be validated as above.

Appeals

Anyone appealing (including responsible authorities) against the licensing authority's decision has 21 days from receipt of the notice of decision from the licensing authority in which to make an appeal.

The appeal should be lodged with the magistrates court that covers the area in which the premises are situated.

There is a further right of appeal to the High Court on a point of law.

Display of notice

While the gambling is taking place, a copy of the TUN must be displayed prominently on the premises.

**Gambling Act 2005 – Temporary Use Notice
(for premises other than vessels)**

Part 1 - Notice

Notice is hereby given under Part 9 of the Gambling Act 2005 that:-

[insert name and address of the person or organisation giving the Notice]
intends to use the following premises:-

[Identify the premises giving an address and postcode]

For carrying on the following activities:-

[indicate the type of gaming which will take place under the Notice]
during the following period:-

Start Date

End Date

Part 2 – Additional Information

1. Please describe the nature of the premises to which the Notice relates:
[Where activities to be authorised by the Notice are to take place only in a part of the premises, include a description of the nature of the part of the premises in which the activities are taking place and its location within the premises].

2. Please describe the nature of the event, which is to take place (including the number of persons who are expected to participate in the event).

3. Please give for each day of the period of the Notice the times when activities are to begin and end.

Date

Start Time

Finish Time

[use additional sheets if necessary. These should be headed “Additional information about times when premises are to be issued under the Notice”, and attached to the notice].

4. Please give the operating licence number of the person or organisation giving the Notice.

5. (a) Please give the name of a person who is responsible for the conduct of the event to which the Notice relates, and who will be available to be contacted during the course of the event.

5. (b) Please specify that person's role or title in connection with the event.

5. (c) Please give a telephone number at which that person can be contacted when the event is taking place.

6. (a) Have any activities taken place, or will any activities take place, on the premises under any other Temporary Use Notice during the period of 12 months ending on the last day of the period specified in this Notice? Yes No

6. (b) Where the answer to question 6(a) is "Yes", give the dates on which such activities have taken or will take place:-

| Start Date | End Date | No. of Days |
|------------|----------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |

[Use additional sheets if necessary. These should be headed "Additional information on previous Notice periods", and attached to the Notice].

Part 3 – Notice Date

This Notice is given on:-

[Specify the date on which the Notice is given. This is the date on which you send or deliver it to the Licensing authority].

Part 4 – Declarations and Checklist

[please tick or check]

I confirm that, to the best of my knowledge, the information contained in this Notice is true. I understand that it is an offence under Section 342 of the Gambling Act 2005 without reasonable excuse to give information which is false or misleading in, or in relation to this notice.

Checklist

The date on which this Notice is given is more than 3 months before the date on which the activities to which this Notice relates are due to start.

Payment of the **£50.00** fee has been made/is enclosed.

I understand that premises cannot be used under Temporary Use Notices for more than 21 days in any 12-month period. I confirm that the Notice will not lead to this limit being exceeded.

I understand that each of the following persons and organisations must be given a copy of the Notice and that they must receive it no later than 6 days after the date on which it is sent or delivered to the Licensing Authority:-

- The Gambling Commission;
- The Chief Officer of Police, or in Scotland, the Chief Constable of the Police, for any area in which the premises are wholly or partly situated; and
- The Commissioners for Her Majesty's Revenue and Customs.

Part 5 - Signature

Signature of the person giving the Temporary Use Notice, or signature of the solicitor or other duly authorised agent acting on behalf of the person or organisation giving the Notice. If you are signing on behalf of the persons or organisation giving the Notice, please state in what capacity.

Signature:

Print Name:

Capacity:

Date:

[Where the Notice is given in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 6 – Contact Details

The following person can be contacted about this Temporary Use Notice:-

Name

Telephone Number

The postal and/or e-mail address for any correspondence associated with the Notice is:-

Part 7 – Endorsement of Notice by Licensing Authority

(for Licensing Authority use only)

Endorsed by:-

[North Devon Council – in accordance with Section 227 of the Gambling Act 2005]

Signed on behalf of the Licensing Authority:-

Signature:

Name:

Capacity:

Date: