

Guidance notes



Gambling Act 2005 – temporary use notices

Updated March 2015

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 TUNs. All representations made by responsible authorities are likely to be relevant representations if they relate to the three core objectives.

The responsible authorities are listed in Appendix A of the council's statement of principles, which is on the council's website.

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.

Register

Notices can be viewed on the public register, listed together with other 'events' held against a given premises.