



**Notice under Section 39 of the Gambling Act 2005
Occasional Use of Track for Purpose of Betting**

Name	
<i>Named person must be: (a) responsible for the administration of event on the track, or (b) an occupier of the track</i>	
Address	
Address of track	
Date of event	
<i>Occasional use notices may only be granted in respect of a track for a maximum of 8 days per calendar year.</i>	

Number of Occasional Use Notices applied for in respect of this track in current year

Checklist – I shall *(please mark the appropriate boxes with an 'x')*

Send a copy of this notice to the licensing authority for the area in which the track is located	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the track is located	<input type="checkbox"/>
If the track is situated in one or more licensing authority areas, send a copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the track is situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
Sign the declaration below	

Declaration

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) Without reasonable excuse to give to the licensing authority information which is false or misleading;
- (ii) To use premises, or cause or permit premises to be used to provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting bets) in contravention of this notice.
- (iii) A person guilty of either of the above shall be liable on summary conviction to imprisonment not exceeding 51 weeks, a fine not exceeding level 5 on the standard scale or both.

I am a person responsible for the administration of events on the track

Or

An occupier of the track *(tick either or both boxes as appropriate)*

Signature		Date	
Name of person signing			

What the Gambling Act says:-

Section 37 – Use of premises

A person commits an offence if he uses premises, or causes or permits premises to be used, to provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets),.

Does not apply in relation to the use of a track by a person for accepting bets if the use is authorised by a premises licence (whether or not held by him).

A person guilty of an offence under this section shall be liable on summary conviction to:

- a) Imprisonment for a term not exceeding 51 weeks,
- b) a fine not exceeding level 5 on the standard scale, or
- c) both.

Section 39 – Occasional Use Notice

A person who accepts bets on a track, or who causes or permits premises to be used for the acceptance of bets, does not commit an offence under section 37 if:

- a) a notice has been given under this section in respect of the track, and
- b) the activity is carried on in accordance with the notice.

A notice under this section (an 'occasional use notice') in respect of a track may be given only by a person who is:

- a) responsible for the administration of events on the track, or
- b) an occupier of the track

An occasional use notice must:

- a) be given in writing to the licensing authority for any area in which the track is wholly or partly situated, and
- b) be copied to either:
 - I. in England and Wales, the chief officer of police for any area in which the track is wholly or partly situated, or
 - II. in Scotland, the chief constable of the police force maintained for the police area comprising that area.

An occasional use notice must specify a day on which it has effect.

An occasional use notice may not be given in respect of a track for a day in a calendar year if eight occasional use notices have been given in respect of that track for days in that year.

In this section:

- a) 'chief officer of police' has the meaning given by section 101(1) of the Police Act 1996 (c.16) and
- b) a reference to a chief officer's area is a reference to the area in respect of which he has responsibility under that Act.

Guidance Notes

1. An occasional use notice in respect of a track may be given only by a person who is:
 - a) responsible for the administration of events on the track, or
 - b) an occupier of the track.
2. The meaning of track in the Act cover not just horse racecourse or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place. Land, which has a number of uses, one of which fulfils the definition of track, can qualify for the occasional use notice provisions (e.g. agricultural land upon which a point-to-point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
3. A person who accepts bets on a track, or who causes or permits premises to be used for the acceptance of bets, does not commit an offence under section 37 of the Gambling Act 2005 if;
 - a) A notice has been given under section 39 in respect of the track, and
 - b) The activity is carried on in accordance with the notice.
No other gambling activity is permitted.
4. Those taking bets will be required to have an Operating Licence from the Gambling Commission.
5. An occasional use notice must:
 - a) be given in writing to the licensing authority for any area in which the track is wholly or partly situated, and
 - b) be copied to the Chief Officer of Police for any area in which the track is wholly or partly situated.
6. An occasional use notice must specify a day on which it has effect.
7. An occasional use notice may not be given in respect of a track for a day in a calendar year if eight occasional use notices have been given in respect of that track for days in that year.
8. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeding in the calendar year.
9. It would assist if the notice could be given at least 10 working days prior to the event.

General Data Protection Regulation (GDPR) 2016 Privacy Notice

The personal information you provide will only be used by Newark and Sherwood District Council, the Data Controller, in accordance with General Data Protection Regulation 2016 to:

process your application

or

undertake a statutory function

The basis for processing this information is to enable the council to undertake a public task or to provide the service that you are requesting.

Your personal information will be shared with statutory bodies in connection with the above purpose. Some of your personal information will be included in a public register in accordance with our statutory responsibility. Such public information may also be disclosed if requested under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004

Your personal data will be kept in accordance with the Council's retention policy and schedule. Details of which can be found on in the council's asset register on our website:

<http://www.newark-sherwooddc.gov.uk/yourcouncil/makingarequestforinformation/re-useofpublicsectorinformationregulations/>

In accordance with GDPR you have a right to:

have a copy of the personal information that we hold about you. Details of how to obtain this are

<http://www.newark-sherwooddc.gov.uk/dataprotection/>

Complain to the Information Commissioner if you feel that your information is not being handled appropriately

<https://ico.org.uk/>

You may also have a right

- to prevent automated processing and profiling
- to erasure (also known as the right to be forgotten)
- to stop processing

to data portability

For further details about how you information may be used or about your rights under this legislation and any subsequent data protection legislation, please contact the Council's Information Governance Officer on 01636 655216 or via email on freedom@nsdc.info