



# NOTICE UNDER SECTION 39 OF THE GAMBLING ACT 2005 OCCASIONAL USE OF TRACK FOR PURPOSE OF BETTING

This form should be completed and be returned to the Licensing and Land Charges Unit,  
Wesley House, Corporation Street, St Helens WA10 1HF,  
Email: [generallicensing@sthelens.gov.uk](mailto:generallicensing@sthelens.gov.uk) no less than ten clear working days before the event

**Name**.....  
Named person must be (a) responsible for the administration of event on the track, or (b) an occupier of the track

**Address**.....  
.....

**Address of Track**.....  
.....

**Date of event** .....  
Occasional use notices may only be granted in respect of a track for a maximum of 8 days per calendar year.

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

Checklist	
I shall <i>(please mark the appropriate boxes with an "x")</i>	
Send a copy of this notice to the licensing authority for the area in which the track is located	
Send a copy of this notice to the chief officer of police for the area in which the track is located	
If the track is situated in one or more licensing authority areas, send a copy of this notice to each additional licensing authority	
If the track is situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Sign the declaration below	

### Privacy Policy

Here at St. Helens Council we take your privacy seriously. We will only use your personal information to administer your application and provide the products and services you have requested from us.

From time to time we may need to contact you with details of the service or information we require from you and we will do this using the contact information you provided on your application form. This can either be by post, email, telephone or text message.

The Council has a duty to protect the public and we implement a number of security measures to maintain the safety of your personal information. Please be aware however that the information you provide on this application may be shared with other public bodies where required, such as Council Departments and Government Services, which may be used for the prevention of fraud or other serious offences.

If you require a copy of the data we hold or believe it to be inaccurate please contact the Council's Data Protection Officer by email on [dataprotection@sthelens.gov.uk](mailto:dataprotection@sthelens.gov.uk).

Any further information held by the Council about individuals will be held securely and in compliance with the law. Information will not be held for longer than required and will be disposed of securely. **Further information regarding retention periods is available on the Council's website at <https://www.sthelens.gov.uk/Licensing>.**

**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 causes 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
- (iv) 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)

<b>Signature</b>		<b>Date</b>	
<b>Name of Person Signing</b>			

**Gambling Act 2005 states:-**

**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 off 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) the activity is carried on in accordance with the notice.

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 are 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 fro 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 office 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 the Act.