

## Aberdeenshire Licensing Boards

### Gambling Act 2005

#### General Guidance

#### Background

The Gambling Act 2005 received Royal Assent on 7<sup>th</sup> April 2005. The Act repealed the following Acts –

- The Betting, Gaming and Lotteries Act 1963
- The Gaming Act 1968
- The Lotteries and Amusements Act 1976

The Act sets out that gambling will be unlawful in Great Britain unless permitted under the Act.

The Act contains **three licensing objectives**. These objectives underpin everything permitted in the Act:-

1. **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime**
2. **Ensuring that gambling is conducted in a fair and open way**
3. **Protecting children and other vulnerable people from being harmed or exploited by gambling.**

The Act created a new, unified regulator for gambling in Great Britain, named **the Gambling Commission**, and also created a new licensing regime for commercial gambling. In Scotland, the Act retained the Licensing Boards as the body responsible for granting gaming and betting permissions for premises and as regulator of gambling premises.

The Gambling Commission regulates all commercial gambling in Great Britain with the exception of the National Lottery and spread betting, which continue to be regulated by the National Lottery Commission and the Financial Services Authority, respectively.

The Act provides for three types of licence:-

1. **Operating** licence: issued to gambling businesses
2. **Personal** licence: issued to those who are either in a senior managerial position e.g. a director, or those who have an ability to affect the outcome of gambling e.g. croupiers.

3. **Premises** licence: issued for gambling premises/establishments

The Gambling Commission issues operating and personal licences.

### **Operating Licences**

An operating licence is required by anyone wishing to provide facilities for gambling and is the main form of permission for commercial gambling. Operating Licences are issued for an unlimited period. A maintenance fee is payable on an annual basis. The Gambling Commission has power to review a licence, amend licence conditions and to revoke a licence if it has reason to do so.

### **Personal Licences**

Personal licences fall into two categories – management and operational.

Management functions include particular, legally defined roles such as directors or partners in a company. It also includes roles commonly filled by compliance officers and managers or supervisors of those handling significant amounts of money.

Operational functions include posts where the individual has the ability to influence the outcome of gambling, such as bingo callers or croupiers.

### **Premises Licences**

In Scotland, Licensing Boards are responsible for issuing premises licences. Licensing Boards can also issue other forms of authorisation that may permit gambling facilities to be provided in particular premises, for example temporary and occasional use notices, and a number of different permits.

#### When is a Premises Licence Required?

A premises licence is required for specific premises in respect of which an individual or company proposes to offer gambling. The licence is issued by the Licensing Board for the area in which the premises is located. Application for a premises licence can be made to the Licensing Board at the same time