

Aberdeenshire Licensing Boards

Gambling Act 2005

Gambling Premises Licences

Guidance on Variation, Transfer and Reinstatement

General Information

1. Where a gambling premises licence has been issued by a Licensing Board, the premises licence holder, or another person (who holds an operating licence issued by the Gambling Commission), may apply to the Licensing Board that issued the licence to make certain changes to it. These applications are for variation, transfer and reinstatement of the gambling premises licence.
2. The application forms associated with these applications are prescribed by the Premises Licences and Provisional Statements Regulations 2007.
3. The application process for a variation of a gambling premises licence is almost identical to that relating to an application for the grant of a gambling premises licence. As the proposed variation could result in a substantial change to the premises or the licensable activities within the premises, such an application justifies full scrutiny, especially as such applications may be contentious.
4. The application process for the transfer or reinstatement of a gambling premises licence is simpler. This is because the changes mainly relate to a change in licence holder rather than a change in the premises or the licensable activities within the premises.
5. In all cases, the applicant must submit the gambling premises licence to which the application relates with the application. Alternatively, the applicant must submit a statement explaining which the gambling premises licence cannot be produced, together with an application requesting that a copy of the gambling premises licence be issued. The licence must be submitted as the Licensing Board requires to amend and reissue the licence once the application has been determined. You should note that a certified copy of the gambling premises licence should be retained on the premises while the principal one is submitted to the Licensing Board.

Applications for Variation of Gambling Premises Licence

1. Section 187 of the Gambling Act 2005 sets out three ways in which a gambling premises licence can be varied:-
 - Adding, amending or removing an authorised activity;
 - amending another detail of the licence;

- excluding a default condition and/or a condition imposed by the Licensing Board.

A gambling premises licence cannot be varied so that it applies to different premises to that specified on the licence.

2. The application must be in the prescribed form, be accompanied by –
 - the relevant fee;
 - the gambling premises licence/a statement explaining why the gambling premises licence cannot be produced with the application.
 - A revised layout plan of the premises.
3. Where the applicant cannot produce the existing gambling premises licence, the applicant must request a copy of the licence by ticking the relevant box on the application form and submitting the relevant application fee.
4. The provisions for notice of the application and the lodging of representations in relation to an application for variation of the licence are identical to those relating to an application for the grant of a gambling premises licence. The same processes for notice of grant or rejection by the Licensing Board also apply and the Licensing Board must issue the applicant with an updated gambling premises licence where the application has been granted.
5. The Licensing Board must specify a date/time from which the variation is to take effect when granting an application for variation of a gambling premises licence.

Applications for Transfer of a Gambling Premises Licence

1. Businesses frequently change hands. In those circumstances, the person or organisation taking over the business will need to apply to transfer the gambling premises licence into their name. The person/organisation taking on the licence must have an operating licence. This will be checked with the Gambling Commission.
2. The application must be made using the prescribed form and must be accompanied by –
 - the relevant fee
 - the existing gambling premises licence/ a statement explaining why the gambling premises licence cannot be produced with the application.
 - a written statement from the existing licence holder consenting to the transfer of the licence. Please note that if the applicant has been unable to contact the licence holder, and has taken all reasonable steps to do so, the application may be processed without this statement.

- The application must also state the date when the transfer is to take effect from. The applicant can choose to be treated as the Licence Holder from the date the application is made, while the application is being processed. This can be used to allow the business to continue trading with no interruptions until the Licensing Board has made a decision on the application.
3. Where the applicant cannot produce the existing gambling premises licence, the applicant must request a copy of the licence by ticking the relevant box on the application form and submitting the relevant application fee.
 4. An application for transfer of the gambling premises licence is not as complicated as an application for variation of the licence. The premises are already suitable for gambling and none of the terms and conditions of the licence will be changed unless the Licensing Board considers an alteration necessary in relation to the transfer.
 5. An applicant for the transfer of a gambling premises licence must give notice of the application to responsible authorities only. Interested parties may not make representations in relation to a transfer application.
 6. If an applicant wishes to change any of the details of the licence, an application to vary the licence can be submitted once the application for transfer of the licence has been lodged, provided the applicant has asked to be treated as licence holder while the transfer application is being processed, failing which, the applicant must wait until the licence has been transferred before lodging an application for variation of the licence.
 7. Where the Licensing Board grants the transfer application, the Board must issue a notice of grant which specifies the date the transfer takes effect from. The Board must also issue an updated licence showing the details of the new licence holder. The Licensing Board can also attach or remove conditions in relation to the licence.
 8. Where the Licensing Board refuses the transfer application, the Board must issue a notice of rejection, together with details of their reasons for refusal.

Lapse of Gambling Premises Licence

1. Section 194 of the Gambling Act 2005 stipulates that a gambling premises licence will be deemed to have lapsed where the licence holder –
 - dies
 - becomes physically or mentally incapacitated
 - declared bankrupt
 - where the licence is held by a company or organisation, the licence will lapse in the event of the company ceasing to exist or becoming insolvent.

2. If the Licensing Board learns that a gambling premises licence issued by them has lapsed, the Board will notify the Gambling Commission, the Police and HMRC as soon as possible.

Reinstatement of Gambling Premises Licence

1. Section 195 of the Gambling Act 2005 allows another operator to apply to have a lapsed gambling premises reinstated where that operator takes on the operation of a business. Such an application can be made within a period of six months from the date the gambling premises licence was deemed to be lapsed.
2. The process of reinstatement is similar to that for the transfer of a gambling premises licence, outlined above.
3. An application for reinstatement of a gambling premises licences should be accompanied by –
 - the relevant fee
 - the existing gambling premises licence/ a statement explaining why the gambling premises licence cannot be produced with the application.
4. Where the applicant cannot produce the existing gambling premises licence, the applicant must request a copy of the licence by ticking the relevant box on the application form and submitting the relevant application fee.
5. The application for reinstatement must include a request that the reinstatement takes effect upon the application being granted. Additionally, the applicant is treated as being the licence holder for the period during which the application is being determined. The premises licence is effectively treated as being transferred to the applicant for the period between submission of the application for reinstatement and its determination by the Licensing Board. This contrasts with applications for transfer of a gambling premises licence, where an applicant can apply to be treated as a licence holder while the transfer application is being processed but conferral of this status is not automatic.
6. An applicant for the reinstatement of a gambling premises licence must give notice of the application to responsible authorities only. Interested parties may not make representations in relation to an application for reinstatement of a gambling premises licence.
7. The provisions for notice of the application and the lodging of representations in relation to an application for reinstatement of a gambling premises licence are identical to those relating to an application for the grant of a gambling premises licence. The same processes for notice of grant or rejection by the Licensing Board also apply and the Licensing Board must issue the applicant with an updated gambling premises licence where the application has been granted.