



Gambling Act 2005

2005 CHAPTER 19

PART 5

OPERATING LICENCES

Issue

70 Consideration of application: general principles

- (1) In considering an application under section 69 the Commission—
 - (a) shall have regard to the licensing objectives,
 - (b) shall form and have regard to an opinion of the applicant's suitability to carry on the licensed activities,
 - (c) shall consider the suitability of any gaming machine to be used in connection with the licensed activities, and
 - (d) may consider the suitability of any other equipment to be used in connection with the licensed activities (by reference, in particular, to any relevant provision of standards established under section 89).
- (2) For the purpose of subsection (1)(b) the Commission may, in particular, have regard to—
 - (a) the integrity of the applicant or of a person relevant to the application;
 - (b) the competence of the applicant or of a person relevant to the application to carry on the licensed activities in a manner consistent with pursuit of the licensing objectives;
 - (c) the financial and other circumstances of the applicant or of a person relevant to the application (and, in particular, the resources likely to be available for the purpose of carrying on the licensed activities).
- (3) In considering an application for a non-remote casino operating licence the Commission shall have regard, in addition to the matters specified in subsection (1), to the applicant's commitment to—

Status: This is the original version (as it was originally enacted).

- (a) protecting vulnerable persons from being harmed or exploited by gambling, and
 - (b) making assistance available to persons who are or may be affected by problems related to gambling.
- (4) The statement maintained by the Commission under section 23 must specify the principles to be applied by the Commission in considering applications under section 69.
- (5) The statement must, in particular, specify the kind of evidence to which the Commission will have regard when assessing integrity, competence and financial or other circumstances; and that evidence may include—
 - (a) interviews conducted by or on behalf of the Commission;
 - (b) references provided to the Commission at the request of the applicant;
 - (c) information or opinions provided to the Commission (whether or not on request) by other persons;
 - (d) information sought by the Commission as to solvency in general and financial reserves in particular;
 - (e) the completion of training (whether provided in accordance with arrangements made by the Commission or otherwise);
 - (f) the possession of qualifications (whether awarded in accordance with arrangements made by the Commission or otherwise).
- (6) The statement must also, in particular, specify the kind of evidence to which the Commission will have regard in considering the suitability of a gaming machine or of other equipment; and that evidence may include—
 - (a) the result of a test carried out by a person at the request of the Commission;
 - (b) the opinion of any person.
- (7) The statement may specify a class of applicant or other person in relation to whom the Commission will or may assume integrity for the purpose of subsection (2)(a).
- (8) The statement may specify a class of gaming machine or other equipment in relation to which the Commission will or may assume suitability; and—
 - (a) a class may, in particular, be defined by reference to standards under section 89 or 96 or by reference to regulations under Part 10, and
 - (b) subsection (1)(c) and (d) shall not apply to the consideration of an application in so far as it specifies that a gaming machine or other equipment falling within a class specified under this subsection is to be used in connection with the licensed activities.
- (9) For the purposes of this section—
 - (a) in relation to an application, a reference to the licensed activities is a reference to the activities which will be the licensed activities if the application is granted, and
 - (b) a person is relevant to an application if, in particular, he is likely to exercise a function in connection with, or to have an interest in, the licensed activities.
- (10) For the purposes of this section “equipment” includes—
 - (a) a computer,
 - (b) a device for the playing of a casino game, and
 - (c) any other piece of equipment;

(but a gaming machine is not equipment for the purposes of this section).