

CONSIDERATION OF REVOCATION OF THE ADULT GAMING CENTRE LICENCE IN RESPECT OF 'FIRST MOTORWAY SERVICES LTD, SYMONDS YAT SERVICES, A40 NORTHBOUND, WHITCHURCH, SYMONDS YAT, HR9 6DP.' – GAMBLING ACT 2005

Report By: Head Of Environmental Health And Trading Standards

Wards Affected:

Kerne Bridge

1. Purpose

To consider revocation of the adult gaming centre licence in respect of 'First Motorway Services Ltd, Symonds Yat Services, A40 Northbound, Whitchurch, Symonds Yat, HR9 6DP.

2. Legislation

The Gambling Act 2005

Section 184 - Annual fee

(1) The holder of a premises licence—

(a) shall pay a first annual fee to the licensing authority within such period after the issue of the licence as may be prescribed, and

(b) shall pay an annual fee to the licensing authority before each anniversary of the issue of the licence.

Section 193 - Revocation for failure to pay fee

(1) Where the holder of a premises licence fails to pay the annual fee in accordance with regulations under section 184 the licensing authority shall revoke the licence.

(2) But the licensing authority may disapply subsection (1) if they think that a failure to pay is attributable to administrative error.

The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

Section 6 - First annual fee for premises licence

(1) The amount of the first annual fee for a premises licence shall be determined by the relevant licensing authority.

Section 7 - Date by which first annual fee is payable

(1) Where a licence comes into effect on the issue date, the first annual fee for the licence shall be paid within 30 days after that date.

3. Background

First Motorway Services held a Section 34(5E) licence under the Gaming Act 1968. In essence this allowed them to have gaming machines, which paid a jackpot of a maximum of £250.

Upon the introduction of the Gambling Act 2005 existing holders of these licences were given to the opportunity to convert their existing licence into a Gambling Act Adult Gaming Centre Licence.

First motorway applied to Herefordshire Council to do this and a converted licence for the premise can into force on 1st September 2007.

The annual fee for the premises became payable in the period between 1st September and 30th September 2007. The onus for payment is placed on the licence holder under the act, as failure to pay means that the Licensing Authority shall revoke the licence.

On 26th October 2007 the Licensing Authority wrote to the holder of the licence (First Motorway) advising them that they must pay the annual fee within the next 7 days otherwise the Licensing Authority would revoke the licence.

No response has been received from First Motorway.

First Motorway has been sent a further letter advising them of this hearing.

4. Options

There are 3 options available to Committee: -

1. Revoke the Licence in accordance with Section 193 Gambling Act 2005
2. To allow the licence holder further time to pay
3. To reach some other conclusion.

5. Officer Recommendation

Section 193 states that the Licensing Authority shall revoke the licence unless there is an administrative error. Due to the Licensing Service having written to the licensee reminding them the payment is due, using the address provided on the application it is felt that lack of payment is not an administrative error therefore the Committee is advised to revoke the licence.

8. Background Papers

- a. Letter sent to First Motorway on 26th October 2007
- b. Letter sent to First Motorway regarding the hearing

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.