

Elmbridge Borough Council Draft Gambling Policy 2027 - 2029

Response to Consultation

Claygate Parish Council is grateful for the opportunity to comment on Elmbridge Borough Council's draft Gambling Policy for 2027-2029. There is one issue we would like to raise.

Para 1.17 of the draft recites the "aim to permit" rule in section 153(1) of the Gambling Act 2005, setting out the very limited circumstances in which Elmbridge BC, as the licensing authority, can refuse to grant a premises licence. No mention is however made of the amendments recently made to the Act which will give Elmbridge BC greater powers to refuse gambling premises licences in appropriate circumstances.

The amendments consist of the addition of sections 153A and 165A of the Act. They are added by section 87 of the English Devolution and Community Empowerment Act 2026:

<https://www.legislation.gov.uk/ukpga/2026/23/section/87>

Section 87 is not yet in force, and therefore nor are sections 153A and 165A of the Gambling Act 2005. However the Minister, Baroness Twycross, has undertaken to bring section 87 into force before the end of the year, so that the new provisions of the Gambling Act 2005 will be in force by the time Elmbridge's new Gambling Policy comes into force on 1 January 2027.

As the licensing authority for alcohol licensing under the Licensing Act 2003, Elmbridge BC will be familiar with the concept of cumulative impact assessment, allowing the authority to designate areas where there should be stricter rules for the licensing of premises for the sale of alcohol. There has until now been no equivalent provision for the licensing of gambling premises. The new section 153A will remedy this, so that in areas designated by the licensing authority in an impact assessment the "aim to permit" rule will be modified to allow licensing authorities to refuse to grant premises licences where to do so would not be consistent with the licensing objectives because of the cumulative impact in respect of the premises in the affected area. In other words, if in a specified area there are already many – too many – licensed gambling premises, the licensing authority will for the first time be able to refuse to grant any further licences solely on that ground.

This of course is only an outline of section 153A, and of the further qualifications in section 165A, which applies to a licence application where the licensing authority have published a gambling impact assessment and included in their Gambling Policy a presumption that they will reject an application for a licence which is within the scope of the assessment.

It seems to Claygate Parish Council that Elmbridge BC may not be aware of these new powers. These provisions have received very little publicity, and the Gambling Commission has not yet issued any guidance. But we suggest that the draft Gambling Policy should include a reference to them, and perhaps a statement of whether Elmbridge BC intend to consult on the possible publication of a gambling impact assessment in respect of some areas of Elmbridge. We appreciate that much of this work may fall to East Surrey Council when they become the licensing authority. They presumably will have the task of amalgamating the Gambling Policies of five district councils. They too should be made aware of these new powers.

26 July 2026