Briefing on Government Reforms to the Gambling Act 2005

Gambling Impact Assessments and Changes to the "Aim to Permit" Principle

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Purpose

To brief Members on emerging reforms to the Gambling Act 2005 that are intended to strengthen the powers of local authorities to manage the location and concentration of gambling premises and to address gambling-related harm within local communities.

The briefing outlines:

- The proposed introduction of **Gambling Impact Assessments (GIAs)**.
- Proposed changes to the operation of Section 153 of the Gambling Act 2005 ("aim to permit").
- The implications of these reforms for local authorities.
- The current legal status of the reforms. (they are NOT yet enacted)

1. Note the Government's proposed reforms to gambling premises licensing.
2. Note that the proposed Gambling Impact Assessment powers are not yet in force.
3. Note that the Council must continue to determine applications under the existing provisions of the Gambling Act 2005 until the reforms are commenced.
4. A further update when Government guidance and commencement regulations are published.

Legal Status of the Reforms

Members should note that while provisions relating to **Gambling Impact Assessments (GIAs)** and amendments affecting the operation of the Section 153 "aim to permit" principle have been included within the English Devolution and Community Empowerment Act 2026, the relevant provisions have **not yet been commenced** and are therefore **not currently in force**. Further commencement regulations, secondary legislation and guidance are expected before licensing authorities can exercise these powers.

- The existing provisions of the Gambling Act 2005 continue to apply.
- Licensing authorities remain under a statutory duty to "aim to permit" gambling premises where applications satisfy the relevant statutory requirements.
- Licensing authorities cannot currently refuse applications on the basis of a Gambling Impact Assessment.
- No implementation date has yet been published and detailed guidance from the Gambling Commission remains outstanding.

Accordingly, Members should regard the reforms outlined in this report as **anticipated future changes rather than current powers available to the Council**. Applications must continue to be determined under the existing legislative framework.

Background

Under Section 153 of the Gambling Act 2005, licensing authorities are required to "aim to permit" the use of premises for gambling provided that applications are:

- In accordance with relevant codes of practice;
- Reasonably consistent with the licensing objectives;
- In accordance with guidance issued by the Gambling Commission; and
- In accordance with the authority's Statement of Principles.

Historically, this has created a presumption in favour of granting gambling premises licences where statutory requirements are met. Licensing authorities have generally been unable to refuse applications solely because there are already a large number of gambling premises in an area or because local residents object to further provision.

The reforms have emerged from the Government's review of gambling legislation and longstanding concerns raised by councils, public health organisations and the Local Government Association regarding gambling-related harm and the concentration of gambling premises within vulnerable communities.

Gambling Impact Assessments (GIAs)

What are Gambling Impact Assessments?

The reforms would enable licensing authorities to prepare and publish **Gambling Impact Assessments (GIAs)** for specific geographical areas. These assessments would allow councils to identify areas where additional gambling premises may contribute to local harm or undermine the licensing objectives.

The purpose is broadly comparable to the cumulative impact approach used in alcohol licensing. A GIA may consider:

- Concentrations of gambling premises.
- Gambling-related harm.
- Local deprivation.
- Presence of vulnerable populations.
- Local community impacts.
- The cumulative effect of additional premises.

Types of Premises Potentially Affected

The reforms are expected to apply to:

- Betting shops.
- Adult Gaming Centres.
- Family Entertainment Centres.
- Bingo premises.

Proposed Changes to Section 153 ("Aim to Permit")

Current Position

The current legislation requires authorities to "aim to permit" gambling premises where statutory criteria are met. Licensing authorities cannot generally take account of demand or market saturation when considering applications.

Proposed Position

The reforms would significantly modify the practical effect of Section 153.

Where a Gambling Impact Assessment has been adopted, licensing authorities would be able to establish a presumption against granting certain gambling premises licences within areas covered by the assessment. Applicants would then need to demonstrate that granting the licence would remain consistent with the licensing objectives.

This would represent a substantial departure from the current position and provide councils with a stronger basis for resisting new gambling premises in areas where evidence indicates gambling-related harm or over-concentration.

Implications for Local Authorities

Greater Ability to Manage Clustering

Authorities would gain powers to address concentrations of gambling premises in particular areas where there is evidence that additional premises may contribute to harm or undermine licensing objectives.

This responds directly to concerns expressed by many councils that existing powers do not adequately allow them to manage gambling saturation.

Stronger Focus on Gambling Harm

The reforms are likely to encourage greater use of:

- Public health evidence.
- Gambling harm research.
- Local Area Profiles.
- Vulnerability mapping.
- Community safety information.
- Socio-economic indicators.

Enhanced Local Decision-Making

Licensing authorities would be able to develop locally tailored policies and identify areas where additional gambling premises may be inappropriate based on local circumstances and evidence.

Examples might include areas with:

- Existing clusters of betting shops.
- High levels of deprivation.
- Schools and youth facilities.
- Gambling treatment services.
- Identified gambling-related harm.

Increased Evidence and Resource Requirements

Should the reforms come into force, councils wishing to utilise the new powers would need to develop and maintain a robust evidence base, including:

- Local gambling profiles.
- Mapping of existing premises.
- Public health and deprivation data.
- Community consultation outcomes.
- Analysis demonstrating cumulative impact.

This is likely to require additional officer resources and partnership working with public health, community safety and external stakeholders.

Potential for Appeals and Legal Challenge

Any future refusals based upon a GIA are likely to be closely scrutinised and may result in appeals, particularly during the early implementation period. Licensing authorities will need to ensure their policies and evidence base are robust, proportionate and capable of withstanding challenge.

Implications for the Council

Should the reforms be commenced, the Council would have an opportunity to:

- Develop a borough-wide Gambling Impact Assessment.
- Strengthen its response to gambling-related harm.
- Better manage the location and concentration of gambling premises.
- Support wider public health and community safety objectives.
- Exercise greater local control over future gambling developments.

However, the successful use of these powers would depend upon the availability of robust evidence and the adoption of an appropriate policy framework.

Conclusion

The proposed introduction of Gambling Impact Assessments and modification of the Section 153 "aim to permit" principle represent the most significant proposed reforms to gambling premises licensing since the enactment of the Gambling Act 2005. If commenced, they will provide local authorities with significantly stronger powers to manage gambling premises and address gambling-related harm.

However, Members should note that these changes are **not yet in force**, and the Council must continue to determine applications in accordance with the current provisions of the Gambling Act 2005, the Council's Statement of Principles and guidance issued by the Gambling Commission until the relevant provisions are formally commenced by Government.