
Council Meeting Agenda

15 December 2025



SUMMONS

To All Members of the Council

You are hereby summoned to attend a meeting of the District Council to be held in Council Chamber - Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA on Monday, 15 December 2025 at 6.30 pm



Kate Ryan
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This agenda can be viewed online (<https://democracy.newforest.gov.uk>). It can also be made available on audio tape, in Braille and large print.

Members of the public are welcome to attend this meeting. The seating capacity of our Council Chamber public gallery is limited under fire regulations to 22.

Members of the public can watch this meeting live, or the subsequent recording, on the [Council's website](#). Live-streaming and recording of meetings is not a statutory requirement and whilst every endeavour will be made to broadcast our meetings, this cannot be guaranteed. Recordings remain available to view for a minimum of 12 months.

Anyone wishing to attend the meeting should contact the name and number shown below.

Enquiries to: Karen Wardle
Email: democratic@nfdc.gov.uk
Tel: 023 8028 5071

AGENDA

Apologies

1. MINUTES (Pages 7 - 40)

To confirm the minutes of the following meetings as correct records:

- 25 September 2025 (Special meeting)
- 13 October 2025
- 3 November 2025 (Special meeting)

2. DECLARATIONS OF INTERESTS

To note any declarations of interests made by members in connection with an agenda item. The nature of the interests must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. CHAIRMAN'S ANNOUNCEMENTS

4. LEADER'S ANNOUNCEMENTS

5. TAXI LICENSING POLICY – AMENDMENTS TO APPENDIX B (Pages 41 - 102)

6. REPORT OF CABINET - 5 NOVEMBER 2025 (Pages 103 - 124)

7. REPORT OF CABINET - 3 DECEMBER 2025 (Pages 125 - 294)

8. QUESTIONS (To Follow)

To ask questions under Standing Order 22. Questions received will be published ahead of the meeting. (Members are reminded that questions must be submitted to Democratic Services by no later than 12.00 noon, Wednesday, 10 December 2025).

9. NOTICE OF MOTION

In accordance with Standing Order 21, Cllr M Wade will move the following motion:-

This Council Notes Associated British Ports have been holding public consultation meetings on their plans for their Strategic Land Reserve on Dibden Bay.

Dibden Bay has not been identified in this Council's Current statutory planning document, the District Local Plan 2016 -2036, as an allocated site for port expansion. However, a decision on whether port operations can be expanded looks to be taken out of our hands on the basis that it is nationally significant.

This Council believes that the likely local impacts to the environmental sites on Dibden Bay along with being so close to our National Park outweigh the potential economic benefits. Notwithstanding this, the decision should be taken by locally elected Councillors.

Therefore Council resolves to write to the Prime Minister accordingly, urging him to give local people, through their local councillors, the final say and in doing so reminding him of his commitment to localism.

Cllr M Clark will second the motion.

Under the provisions of Standing Order 42, the above motion, after being proposed and seconded (without speeches), should stand referred to the body within whose terms of reference the subject matter of the motions comes, or the Cabinet or such Committees or Panels that the Council may determined.

The Chairman may allow the motion to be dealt with at this meeting if they consider it urgent, convenient or conducive to the despatch of business.

10. ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES AND PANELS (Pages 295 - 306)

11. DATE OF NEXT MEETING

RECOMMENDED:

That the Council Meeting scheduled for 6.30 pm, Monday 23 February 2026, be moved to 6.30 pm, Thursday 26 February 2026.

12. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

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25 SEPTEMBER 2025

NEW FOREST DISTRICT COUNCIL

Minutes of a Special meeting of the New Forest District Council held on Thursday, 25 September 2025

* Cllr John Sleep (Chairman)

* Cllr Dave Penny (Vice-Chairman)

Councillors:

- * John Adams
- * Alan Alvey
- * Peter Armstrong
- * Geoffrey Blunden
- Hilary Brand
- * Mark Clark
- * Steve Clarke
- * Jill Cleary
- * Kate Crisell
- * Sean Cullen
- * Jack Davies
- * Steve Davies
- * Philip Dowd
- * Barry Dunning
- * Jacqui England
- * Richard Frampton
- * Allan Glass
- * David Harrison
- * Matthew Hartmann
- * David Hawkins
- * John Haywood
- * Jeremy Heron
- Nigel Linford

Councillors:

- * Patrick Mballa
- * Colm McCarthy
- * David Millar
- Ian Murray
- Stephanie Osborne
- Alan O'Sullivan
- Adam Parker
- * Neville Penman
- * Dan Poole
- * Caroline Rackham
- * Alvin Reid
- * Joe Reilly
- * Janet Richards
- * Barry Rickman
- Steve Rippon-Swaine
- * Michael Thierry
- * Derek Tipp
- * Neil Tungate
- * Alex Wade
- * Malcolm Wade
- * Christine Ward
- * Phil Woods
- * Richard Young

*Present

Officers Attending:

Kate Ryan, Richard Knott, Daniel Reynafarje, Karen Wardle and Matt Wisdom

Apologies

Apologies for absence were received from Cllrs Brand, Linford, Murray, Osborne, O'Sullivan, Parker and Rippon-Swaine.

35 DECLARATIONS OF INTERESTS

The Monitoring Officer referred to the advice which had been circulated to all members and confirmed that a dispensation had been granted, to enable all members to speak and vote on any recommendations, at minute 36 below, in respect of local government reorganisation. This was because it could be argued that Members may have a disclosable pecuniary interest in potential local

government reorganisation, by virtue of their receipt of a Members' allowance as a Member of New Forest District Council.

The Monitoring Officer also specifically referred to those members who were also Hampshire County councillors, and clarified that they had a standing dispensation to enable them to participate at NFDC meetings, having regard to the allowance they received from HCC.

Finally, the Monitoring officer confirmed that his advice given did not extend to any other interests that might preclude Members from participating in the business of the meeting.

There were no other declarations of any disclosable pecuniary interests by Members.

36 LOCAL GOVERNMENT REORGANISATION - FINAL PROPOSAL

The Leader introduced the report and expressed her thanks to all those who had been involved in the work undertaken get to the submission of the final proposals. She highlighted that devolution or local government reorganisation was not sought by NFDC, but that there had been extensive work to do what was felt to be the best for new forest residents. Keeping the forest whole had been the task, and she thanked all the Group Leaders for their united support, recognising the importance of having one voice.

Reference was made to the residents having one voice, wanting to keep the forest rural and whole. They did not want to join a city-based council and whilst they may shop or use services across the wider Hampshire region, this did not mean they should be subsumed into an urban structure that does not reflect their local needs. It was highlighted that residents had told the council that life orientates around the forest, using the local businesses and facilities within the district.

Business and partners had been equally clear, wanting to keep the forest rural, and whole. They valued dealing with a rural authority that listens and understands the complexity of the area. There were concerns over the potential loss of identity and localness.

The Leader felt that Option 1 was the only option to support. In her view, it was the strongest option when assessed against the government's criteria. She spoke about the rigorous, collaborative process with 12 councils working together, supported by expert analysis and extensive engagement.

She considered Option 1 to:

- Be a sustainable model that is the most balanced and locally responsive.
- Create four new unitary councils, and crucially, for the New Forest and Mid Hampshire
- Give a voice in the new Strategic Authority to the county's rural and market towns and their communities.
- Keep the forest whole, avoiding boundary changes that would split district communities.
- Deliver financial sustainability, with a payback period of just three years and annual savings of £63 million, backed by robust financial modelling and a clear implementation plan.

- Best support public service reform.
- Enable place-based working, neighbourhood empowerment, and local decision-making.
- Allow the design of services around communities, not forcing communities to fit around services.

In summing up, the Leader felt that Option 1 was the only option that truly reflects how people live and identify with their place. It was considered the only option that protected the rural character, the local voice, and the ability to lead for communities.

Cllr S Clarke proposed the following motion:

That in recognising the overwhelming support from residents, businesses, local organisations and stakeholders, who have clearly expressed a desire to:-

- *Prioritise a rural identity and governance model that reflects the unique character and needs of the New Forest and Mid Hampshire; and*
- *Keep the Forest whole, avoiding any boundary changes that would divide the New Forest, the National Park and our historic communities.*

The Council endorses the Cabinet recommendations to submit Option 1 for local government reorganisation, which proposes the creation of a new rural unitary council for Mid Hampshire, encompassing the New Forest, Test Valley, Winchester and East Hampshire.

Cllr S Clarke addressed the motion and expressed his thanks to the Leader for her strong and determined leadership and rebuttal to the recent criticism in the press from other council leaders. The proposal to submit option 1 had been developed having listened to local residents and that the majority of residents he had spoken to were in support of option 1. He felt it was important to listen to the local community and that the consultation had been a tool to seek their views. The views of local businesses had also been considered, and there had been due regard to the culture and history of the district. He felt that option 1 was the right option to support and that this option understood the traditions of the national park and its unique management. He requested that members endorse the motion.

Cllr Young seconded the motion.

During the debate, the following key points were made:-

- It was suggested that local government reorganisation was not what the council would wish to be doing. Members spoke with pride of the council, its services, staff and how the organisation was continually striving to learn and improve.
- There was scepticism of local government reorganisation, and the growing cost of demand led services including adults and children, in the context of a broader public sector funding challenge. A further concern related to larger authorities, democratic representation, and the benefits that district councils currently bring in being close to communities.
- Concerns were raised regarding the risks associated with local government reorganisation, due to short term financial pressures and any debts from other authorities. It was also recognised there was much uncertainty and that the expected savings might fail to materialise.

- It was acknowledged that government would make the final decision, not local authorities. Some Members felt that the district council should have a greater influence on the future decisions that would govern service delivery to its communities.
- Despite the points above, Members recognised the benefits in being involved in developing proposals, ensuring that local needs were taken into account. Thanks were expressed to the work of the Leader, councillors on a cross-party basis, and officers in bringing forward an option that is sustainable and deliverable that reflects the needs of the New Forest.
- The overwhelming response of residents, stakeholders, businesses and communities to the council's engagement was in support of Option 1, with a number of Members highlighting the duty of councillors to represent these views.
- The fully parished nature of the New Forest District, Test Valley, East Hampshire and the vast majority of Winchester was noted, bringing a model of local government together that understood this community governance and representation. The alignment with areas such as Southampton and Eastleigh, with few or no parishes, concerned Members.
- The stewardship of National Parks and protected landscapes across Option 1 was promoted. There were concerns that any model that saw the alignment of these environmentally sensitive areas with urban centres, and in some cases, the split of National Parks, would undermine the council's duty in this area.
- Members spoke of the rural alignment of the New Forest District and the need to ensure future governance structures did not place the district in an urban model.
- Regarding the prospect of boundary changes, Members highlighted that the government guidance invited proposals aligned to district building blocks and this should be respected.
- The impact on housing tenants in relation to boundary changes, was noted. 2,108 council tenants, in properties representing 40% of the district's housing stock would be lost through the boundary change modifications. Members heard of the impact of revising operational arrangements, data, borrowing, income loss and reviewing policies, and how the alignment with an urban model would create real challenges in addressing the housing needs of the New Forest. There would also be detrimental impact on those on the current NFDC housing register with the boundary change option.
- Waterside councillors spoke of how Southampton Water divided the district from the city, with huge cultural and economic differences. The New Forest District was thriving, including a community of small businesses and freelancers. Culturally, waterside residents felt an intrinsic link to the wider New Forest district. As a collection of parishes, Option 1 provided the scope for this model to work on a larger geography. A city model presented great challenges to this community governance.

- A number of Members reflected on the findings of the Waterside Engagement Report, expressing deep appreciation for the voices and insights shared by residents across Totton, Marchwood, Hythe, Holbury, Fawley, Dibden Purlieu and Calshot. One councillor emphasised that the report is not merely a consultation summary, but a textured narrative of place, identity and belonging. It captures the lived experience of communities who feel emotionally and culturally aligned with the New Forest, rather than the urban centres to the east.
- Members reaffirmed their commitment of total opposition to any proposal which split the New Forest community through boundary changes.
- Members were united in support of Option 1, with the resolution below passing unanimously.

RESOLVED:

That in recognising the overwhelming support from residents, businesses, local organisations and stakeholders, who have clearly expressed a desire to;-

- Prioritise a rural identity and governance model that reflects the unique character and needs of the New Forest and Mid Hampshire; and
- Keep the Forest whole, avoiding any boundary changes that would divide the New Forest, the National Park and our historic communities.

That the Council endorsed the Cabinet recommendations to submit Option 1 for local government reorganisation, which proposes the creation of a new rural unitary council for Mid Hampshire, encompassing the New Forest, Test Valley, Winchester and East Hampshire.

37 QUESTIONS

The Chairman confirmed that a supplementary agenda had been published the day before with seven questions to be asked at the meeting. These had been reviewed by the Chief Executive, and those considered to be relevant to the business on the summons had been included in the supplement.

The Chairman reported that, after taking advice, he considered that there were special circumstances to allow questions to be asked, as a matter of urgency under section 100B(4) of the 1972 Act in that they related to Local Government Reorganisation, the reason behind the calling of the special meeting.

Members were invited to put their questions under Standing Order 22, as follows:-

Cllrs Harrison, Rackham, McCarthy and M Clark withdrew their submitted questions at the meeting, in light of the debate on the previous item. This was in relation to questions, 1, 2, 3, 5, and 7. This left two remaining questions.

- From Cllr Osborne to the Leader, Cllr Jill Cleary, regarding discussions with Hampshire County Council.
- From Cllr A Wade to the Leader, Cllr Jill Cleary, regarding Options 2 and 3 and what they could mean for residents.

Note: A copy of the full questions and replies are attached to these minutes.

CHAIRMAN

Special Council – 25 September 2025

Questions Under Standing Order 22

First Questions

Question 1

From Cllr David Harrison to the Leader of the Council, Cllr Jill Cleary

How can you present a united case for reorganisation when your own councillors can't agree which side they're on?

Note: Cllr Harrison withdrew his question in light of the debate on the previous agenda item.

Question 2

From Cllr Caroline Rackham to the Leader of the Council, Cllr Jill Cleary

If adult social care isn't fragmented and unstable, why does your own evidence say it is?

Note: Cllr Rackham withdrew her question in light of the debate on the previous agenda item.

Question 3

From Cllr Colm McCarthy to the Leader of the Council, Cllr Jill Cleary

How can you defend a case the NHS itself has branded 'damaging' and 'unprofessional'?

Note: Cllr McCarthy withdrew his question in light of the debate on the previous agenda item.

Question 4

From Cllr Stephanie Osborne to the Leader of the Council, Cllr Jill Cleary

Page 120 says the County was 'unwilling to discuss' district concerns — who is telling the truth, you or Cllr Adams-King?

Reply

A meeting was held on 9th July with Hampshire County Council, East Hampshire, and Gosport to present the three options under consideration and to invite feedback. During that session, we posed a series of questions about the options, including their strengths, challenges, and any concerns or suggestions. However, the County Council did not provide any views in the meeting and instead directed us to their own report, which was due to be published later that day, for any formal response.

This is a matter of public record and reflects the County's chosen approach to engagement at that stage. It's not about assigning blame - it's about acknowledging that meaningful dialogue didn't take place at that point, despite efforts to create space for it.

What's important now is that we focus on the future. Option 1 presents a real opportunity to move beyond fragmented structures and build a truly place-based model of local government - one that is responsive, integrated, and shaped by the voices of all partners and communities. We remain committed to working constructively with all councils to achieve the best outcome for residents.

Note – this question was dealt with in writing in the absence of Cllr Osborne.

Question 5

From Cllr Mark Clark to the Leader of the Council, Cllr Jill Cleary

Two of your own Tory councillors, Michael Thierry and Barry Dunning, voted with Hampshire County Council and against New Forest District's submission. If even your side can't back the case you signed, why should residents believe it's credible?

Note: Cllr M Clark withdrew his question in light of the debate on the previous agenda item.

Question 6

From Cllr Alex Wade to the Leader of the Council, Cllr Jill Cleary

What effort will be made by NFDC to present what Options 2 and 3 could mean for our Residents and provide a clear view of the likelihood of either proposals not favoured by NFDC being the final outcome?

Reply

Let me begin by saying that while none of us have a crystal ball to predict the final decision of Government, what we do have is a strong, evidence-based case for Option 1 - a case that puts our residents first, protects local services, and strengthens local democracy.

That said, we recognise the importance of our residents' engagement in whatever the outcome might be. As the programme progresses, we will ensure that residents are kept informed. We are committed to presenting what this could mean for our communities in a clear and accessible way.

Ultimately, our focus remains on securing the best possible outcome for the New Forest and its people. And we will continue to advocate for that with integrity and transparency.

In response to a supplementary question regarding clear messaging to residents recognising that the District Council would be a consultee, and not the decision maker in relation to any new unitary authority, it was confirmed that there would be clear communication to local residents to convey that the final decision would be taken by the government and not the district council.

Second Questions

Question 7

From Cllr Mark Clark to the Leader of the Council, Cllr Jill Cleary

Do you accept that Thierry and Dunning voting against their own district's position shows party loyalty mattered more to them than representing New Forest residents?

Note: Cllr M Clark withdrew his question in light of the debate on the previous agenda item.

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13 OCTOBER 2025

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held on Monday, 13 October 2025

* Cllr John Sleep (Chairman)

* Cllr Dave Penny (Vice-Chairman)

Councillors:

- * John Adams
- * Alan Alvey
- * Peter Armstrong
- * Geoffrey Blunden
- * Hilary Brand
- * Mark Clark
- * Steve Clarke
- * Jill Cleary
- * Kate Crisell
- * Sean Cullen
- * Jack Davies
- * Steve Davies
- * Philip Dowd
- * Barry Dunning
- * Jacqui England
- * Richard Frampton
- * Allan Glass
- * David Harrison
- * Matthew Hartmann
- * David Hawkins
- John Haywood
- * Jeremy Heron
- * Nigel Linford

Councillors:

- * Patrick Mballa
- * Colm McCarthy
- David Millar
- Ian Murray
- Stephanie Osborne
- * Alan O'Sullivan
- Adam Parker
- * Neville Penman
- * Dan Poole
- * Caroline Rackham
- * Alvin Reid
- * Joe Reilly
- * Janet Richards
- * Barry Rickman
- * Steve Rippon-Swaine
- * Michael Thierry
- * Derek Tipp
- * Neil Tungate
- * Alex Wade
- * Malcolm Wade
- * Christine Ward
- * Phil Woods
- * Richard Young

*Present

Officers Attending:

Kate Ryan, Alan Bethune, James Carpenter, Sara Hamilton, Rachel Higgins, Richard Knott, Joanne McClay, Daniel Reynafarje, Karen Wardle and Matt Wisdom

Apologies

Apologies for absence were received from Cllrs Haywood, Millar, Osborne and Parker.

38 MINUTES

Cllr Blunden referred to the minutes of the meeting of 15 September, and his response to a supplementary question in relation to Question 8 from Cllr M Wade. He reported that his response at the meeting, had been provided based on the ongoing delivery arrangements of plastic sacks across the district. He reported he

had however, clarified the position regarding the provision of sacks to all members via email, following the meeting and this clarification is detailed below:

Following several members questions I wanted to offer some clarity regarding provision of sacks to residents in the New Forest referring to the recycling and rubbish section of the council's web site. Sack deliveries in the phase 1 area have ceased for now, as residents there have largely moved onto bin collections. Sack deliveries in the phase 2 area in the west of the district are now also coming to a close as we prepare for the start of bin collections. Sack deliveries in the phase 3 area (Lyndhurst, Beaulieu and Waterside) are continuing as residents are not due to commence bin collections until March next year. Going forwards, a household not suitable for bins will remain on sack collections. In line with our collection policy, the council will continue to supply clear sacks to these households, to enable full participation in recycling, but black sacks, widely available from retailers, will be provided by the householder.

The council has supplied an initial supply of liners for food waste caddies, delivered alongside the caddies and bins. These are designed to last a household for the first few months. After this initial period, residents have been advised that if they wish to continue to line the caddy, they can use small plastic bags they would otherwise throw away (like bread or salad bags), newspaper, or liners. All liners are mechanically removed at the anaerobic digestion facility before food waste is recycled.

RESOLVED:

That the minutes of the Extraordinary meeting held on 28 August and the meeting on 15 September 2025, be confirmed.

39 DECLARATIONS OF INTERESTS

There were no declarations of any disclosable pecuniary interests by Members.

40 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported on the following engagements:

British Empire Medal Award Ceremony

On Friday 19 September, he had represented the District at a British Empire Medal award ceremony for Jacki Keable of the New Forest Disability Information Service. Jacki had launched the service over 30 years ago and had recently retired. The service continues to provide vital support to those in need across the local community. The award was presented to Jacki by the Lord-Lieutenant of Hampshire.

Civic Events

The Chairman had attended the Mayor of Christchurch's Civic Day, along with civic services for the Mayor of Fareham and the Mayor of Basingstoke and Deane. The Vice-Chairman, Cllr Dave Penny, attended the Harvest Civic Service for the Town Mayor of New Milton on Sunday 28 September.

Charity Variety Show

The Chairman had attended an amazing charity variety show for the Mayor of Basingstoke and Deane. The show commenced with a local young dance group dressed in their 'CATS' outfits, and the rest of the show included all members of 'The Grand Order of the Water Rats'. This was finished by Rick Wakeman and his son. It was a brilliant cast and a great evening.

Tools for Self Reliance 45th Anniversary

Both the Vice-Chairman and Chairman had attended the Tools for Self Reliance 45th Anniversary on Friday, 10 October, which honoured the people, partnerships and progress that had shaped their story since 1980. There were inspiring stories from their projects in Africa and the UK and they met volunteers, supporters and staff.

Annual Law Sunday Service

Finally, the Chairman reported he and the Vice-Chairman and his consort had attended the annual Law Sunday Service on Sunday, 12 October at the invitation of the High Sheriff and the Mayor of Winchester, held at Winchester Cathedral.

Future events

The Chairman reported he was very pleased that plans were being made for a signing ceremony to be held in November at Appletree Court, for the revised and renewed Armed Forces Covenant. He would be signing this jointly with the Commanding Officer of 17 Port and Maritime Regiment, RLC and would be accompanied at the ceremony by the Leader, Cllr Jill Cleary, Cllr Alvin Reid, the Member Armed Forces Champion and the officer Armed Forces Champion with the Chief Executive and veterans who were also employees.

He concluded that he would be representing the District at the Lyndhurst service on Remembrance Sunday, as well as hosting the usual commemoration at Appletree Court on Armistice Day, Tuesday 11 November. He reported he would be very pleased to see members at this event at 11.00am, alongside Military representatives, veterans and staff.

41 LEADER'S ANNOUNCEMENTS

The Leader made the following announcements:

Community Grants

Local community groups in the new forest could apply for funding through the community grant scheme. The scheme provides financial support to local organisations that deliver services, activities or facilities for the benefit of residents and contributes to the wellbeing of communities across the district.

For the financial year 2025/26, over £150,000 had been awarded in revenue grants to 20 organisations. This support included helping vulnerable households, young carers and people with disabilities. Just over £77,000 had been awarded in capital grants to eight organisations, contributing to improvements to village halls, a creative hub and sports facilities.

The Leader reported that she was proud to be able to help community groups continue their valuable work, making a real difference across the district. Applications were open until 25 October 2025 for the 2026/27 allocation, and more information was available on the District Council website.

Phase 2 of the Waste and Recycling Roll out

Starting on 20 October, residents in phase 2 would start using the new waste and recycling collection service. This included, Bransgore, Fordingbridge, Ringwood and surrounding areas and residents would have their waste and recycling collected using wheeled bins and food caddies. The second phase of this roll out would mark an important milestone in the commitment to how waste and recycling would be managed across the district.

Hurst Spit Maintenance and Recycling

Coastal engineers were currently undertaking maintenance work at Hurst spit. Taking advantage of the favourable weather, shingle material was being recycled from the wider sections of the spit to reinforce the narrower areas of the spit which had experienced significant erosion following the winter storms. The essential work would help restore the integrity of the spit and ensure continued flood and erosion protection for Keyhaven and the surrounding areas this coming winter.

4 free parking days in town and village centre car parks in December

Finally, the Leader reported that four free parking days in town and village centre car parks this December had recently been announced. The first of the free parking days would be on 'Small Business Saturday', on 6 December 2025. This was an annual national campaign to encourage consumers to shop local all year round and support small businesses in their communities.

Other free parking days included the last weekend before Christmas and an additional day where local town and parishes could request free parking in support of their Christmas events. The Leader was sure that this decision would encourage residents and visitors to shop locally and support new forest businesses.

42 REVIEW OF MARKET SUPPLEMENT PAYMENTS

Cllr Cleary introduced the report and moved the recommendation. Cllr S Davies seconded the motion.

RESOLVED:

That the revised Market Supplement Policy, as recommended by HR Committee be approved.

43 REPORT OF CABINET - 1 OCTOBER 2025

PART I – ITEMS RESOLVED BY CABINET

There were no speakers on items 1-3 resolved by Cabinet at its meeting on 1 October 2025.

Item 4 – Climate Change and Nature Emergency Annual Update

A comment was made by a councillor in relation to the Climate and Nature Change Action Plan (Appendix 2), in particular, page 40 which detailed public transport improvements and partnership working. It was suggested that reference to ferries be removed from this, due to requests for funding towards the Hythe ferry not being supported. It was however acknowledged that there were other ferries operating in the district such as the Isle of Wight ferry.

The Portfolio Holder for Environment and Sustainability reported that this would be passed to the Member Task and Finish Group to review.

PART II – RECOMMENDATIONS TO COUNCIL**Item 5 – Medium Term Financial Plan Scene Setting**

Cllr Heron introduced the report and moved the recommendations. Cllr S Davies seconded the motion.

Cllr J Davies proposed an amendment to the motion, specifically in relation to recommendation 5 and the proposed parking charges for 2026. Cllr J Davies proposed that there be no charge for the first hour in town and village centre car parks.

Cllr Rackham seconded the amendment.

Cllr J Davies spoke on the amendment and was very pleased that at a recent Council meeting members had voted unanimously to support a motion to ask Hampshire County Council to reinstate the one hour free parking in Lymington High Street. However, it was not just the on street parking charges which had been driving trade away from the high street. Town centre parking was crucial to encourage shoppers to use the high streets and local businesses, instead of travelling to places offering free parking out of town. The Council provides five free parking days in the lead up to Christmas for this reason. The increase in the cost of the long stay car park parking clock by £80 was referenced and highlighted that the projected income arising from this increase had not materialised. There was a cost of living crisis and people were struggling to make ends meet and should be supported. The council had £1,000,000s available in reserves and should provide support people and local businesses.

Those who spoke in support of the amendment felt it would support local businesses in the district which were struggling in the current economic climate, with high business rates and competing with online shopping. Local businesses also provided employment of local people. The amendment would help to support the vibrancy of local high streets, recognising that the number of vacant retail units had been increasing over recent years and this had an detrimental impact on the character of towns and villages and reduced the footfall further. Members also felt that the amendment would support local residents in the cost of living crisis. It would encourage people to shop locally rather than to travel to places which provided free car parking, in particular it would support those short visits, for example in order to buy a pint of milk. It was felt the amendment would in turn generate more visits, increase spending and support the local economy. It was recognised that Fordingbridge, for example, had nowhere free to park and was disadvantaged as a result. It was felt that the profit received from car parks was significant and that they would continue to generate a profit if the amendment was

supported. Members suggested that the turnover of car parking spaces in the car parks would be greater making it easier for people to find a parking space. One member indicated that the amendment be run as a 12 month pilot which could be funded through reserves.

Those who spoke in opposition to the amendment expressed the view that residents could park in the town and village car parks at a discounted rate by purchasing a parking clock. This provided good value for money parking and could be used in all NFDC owned car parks in the towns and villages in the district. The council also provided support to blue badge holders with free car parking. Members who did not support the amendment, recognised that there would be a loss of income which would have a detrimental impact on the financial support which could be provided to other council services. It was felt that the car parking charges were fair and proportionate and that to provide one hour of free car parking would be irresponsible. It would have an impact on the long term financial planning of the council and the future financial deficit was highlighted. The amendment had not been costed by officers and the financial impact was unknown. It was also recognised that business rates were paid on car parks.

The view was expressed that one hour free parking in towns and villages would not support the vitality of the high streets and it was likely to encourage shorter visits. People should be encouraged to spend more time in the local high streets and spend more money, rather than visits of under an hour. It was also questioned whether there would be an impact on the availability of car parking spaces.

A number of members made reference to the motion agreed unanimously at the previous meeting to request Hampshire County Council to reinstate one hour of free parking in Lymington High Street. The view was expressed by some members that the amendment further supported this motion and that it would be hypocritical not to offer free parking in the same way as Hampshire County Council were being asked to do so. Those who spoke against the amendment cited that the offering by the County Council was different to that of the District Council and that the parking clock already provided discounted parking.

One member made reference to the parking charges in the neighbouring authority, Test Valley, which charged £1 for two hours parking and £2 for three hours of parking. It was also recognised that the car parking clock was unique to the New Forest.

Cllr J Davies thanked members for their contributions in the debate.

Cllr Heron, Portfolio Holder for Finance and Corporate responded to the debate and acknowledged that there would be a significant financial impact with the introduction of one hour of free parking, in town and village centre car parks which had not been assessed. This would have a detrimental impact on the sale of the parking clocks and expressed concern that it would put the future of the parking clock at risk.

The Portfolio Holder reported that parking clocks provided three hours parking at a discounted rate. A change to provide one hour of free parking would reduce the time people spend in the town centres and this could have a disastrous impact for local businesses. Reference was made to the offer from Hampshire County Council in relation to on street car parking and that HCC did not provide any alternative to the parking metred charges. The NFDC parking clock provided assistance to those in the local area. Finally, he reported he could not support the amendment and that the original motion provided a balanced budget.

The Section 151 officer was invited to speak by the Chairman. He highlighted that with such a significant amendment, it was important to point out the key financial details. A level of income had been built into the balanced budget, in terms of the parking account, which was just under £5 million. The amendment had not been fully costed and therefore it was not possible to understand the scale of the costs to the council, however it could have a significant impact on the proportion of the £5 million expected in income. The S151 officer sought a degree of assurance on the longer term strategy of the proposal and acknowledged that whilst reserves had been mentioned, they could only be used once and therefore he wanted to see more clarity on how this would be funded as a sustainable proposal.

Upon put to the vote the amendment was not carried.

A councillor spoke about the Medium Term Financial Plan, recognising that with LGR the council would cease to exist in 2028. There would be one more budget where the District Council had sole control over its finances and therefore it was suggested that consideration be given regarding how to support residents in the New Forest, before the district became part of a wider unitary authority.

The Portfolio Holder Finance and Corporate reported that the council was obliged to have a medium term financial plan and of the importance of good financial planning. He highlighted that LGR could be delayed and it was responsible to ensure appropriate planning in order to hand over any new unitary authority.

RESOLVED:

That the:

1. Council's MTFP continues to be prepared on a going-concern basis, until such a time that LGR plans for the District are backed by appropriate legislation;
2. Revised MTFP forecasts, as outlined within the report and appendices be adopted;
3. Options identified to close the budget gap for 2026/27 and through to 2029/30 are developed further;
4. Reporting timeline as set out in paragraph 82 of the report be agreed, and
5. Proposed car parking fees and charges from 1 January 2026 as referenced in paragraph 53 and detailed in appendix 5 of the report, are approved.

Item 6 – Readoption (2025) of the Christchurch Bay & Harbour Flood Coastal Erosion Risk Management (FCERM) Strategy

Cllr Blunden introduced the report and moved the recommendations. Cllr S Davies seconded the motion.

A councillor acknowledged that the updated strategy was positive in that the estimated remedial costs over the next 20 years had been adjusted downwards. A few members raised the issue of a development of Strategy for the east of the district, from Lymington to Eling, recognising that without a strategy, it was likely to block access to funding for the cost of any works to address flooding matters. This had been discussed by the relevant scrutiny panel and it was felt that the district

council should be working with the Environmental Agency in the development of a strategy.

Cllr Blunden responded to the comments made and reminded members that the development of a Strategy was not the responsibility of the district council. The Environment Agency would drive the Strategy, and the role of the council was to influence it.

RESOLVED:

1. That Council approve and adopt the revised Strategy, with the recommended leading options identified in the Christchurch Bay & Harbour Flood & Coastal Erosion Risk Management (FCERM) Strategy for the New Forest District Council area, subject to securing the necessary funding contributions; and
2. That Council, in approving and adopting the revised Strategy, commits to developing a Funding Strategy that will seek to identify and aim to secure the necessary funding contributions to enable the national or local leading options to be implemented via future capital schemes and maintenance of existing/new schemes, noting that the exact amount of contributions will need to be confirmed as schemes are developed.

Item 7 – Draft Air Quality Strategy – Public Consultation Report

Cllr Poole introduced the report and moved the recommendation. He reported that the Air Quality Strategy had been fully supported at the Scrutiny Panel meeting and by the Cabinet. Cllr S Davies seconded the motion.

One member spoke in support of the Strategy and acknowledged the work of officers and members in its development. It was recognised that future developments, such as Dibden Bay were likely to cause environmental harm with increased lorry movements and the resulting level of air pollution, which was a concern for residents in the local area.

RESOLVED:

That the Air Quality Strategy be adopted.

44 REPORT OF THE MEMBER APPOINTMENT PANEL

Cllr Cleary introduced the report and highlighted that the appointment panel had unanimously agreed on the proposed appointment. She then moved the recommendation. Cllr S Davies seconded the motion.

RESOLVED:

That Richard Knott be appointed Chief Operations Officer / Deputy Chief Executive

A few members spoke expressing their congratulations to Richard Knott on his appointment.

45 QUESTIONS

Questions were put and answered under Standing Order 22, as follows:-

- From Cllr Osborne to the Portfolio Holder for Environment and Sustainability, Cllr Blunden, regarding NFDC vehicles and other HGVs using Main Road, Dibden to access the A326 at Dibden Roundabout.
- From Cllr J Davies to the Portfolio Holder for Housing and Homelessness, Cllr S Davies, regarding younger people and housing provision.
- From M Wade to the Portfolio Holder for Environment and Sustainability, Cllr Blunden, regarding communication and delivery of plastic sacks.
- From Cllr Dowd, to the Leader of the Council, Cllr Cleary, regarding risks around the LGR Option 1 should central government reject or modify the proposal.
- From Cllr M Clark to the Portfolio Holder for Planning and Economy, Cllr Tipp, regarding help for the survival of high streets.
- From Cllr A Wade to the Portfolio Holder for Environment and Sustainability, Cllr Blunden regarding the estimated cost of one-hour free parking in town / village centre car parks between 1 November - 28 February.
- From Cllr Cullen to the Leader of the Council, Cllr Cleary, regarding Hythe Ferry and the plans to get the ferry running again.
- From Cllr Rackham to the Portfolio Holder for Environment and Sustainability, Cllr Blunden regarding a flood or coastal plan for the Waterside.

46 NOTICE OF MOTION

The Chairman announced that in accordance with Standing Order 42.2 that he would allow the motion to be dealt with at the meeting, as he considered it to be convenient to the despatch of business.

In accordance with Standing Order 21, Cllr A Wade moved the following motion:

Council notes:

That the Government is pushing forward with an agenda to encourage Councils to build more homes, and reform the planning system, including some changes that this Council has raised serious concerns about.

NFDC faces serious challenges over affordable homes for it's Residents, with 2000 Families/Individuals on the waiting list for a NFDC property, alongside limited space for new developments due to a significant percentage of our area being within a National Park.

In 2.4 of The adopted Local Plan 2016-2036 Part 1: Planning Strategy seeks to deliver a new housing requirement of at least 10,420 (net) dwellings for the period 2016-2036. Policy STR5 sets out a stepped housing target as follows:

- 2016/17 to 2020/21 - 300 dwellings per annum
- 2021/22 to 2025/26 - 400 dwellings per annum
- 2026/27 to 2035/36 - 700 dwellings per annum

National house building targets remain a difficult target to be met for our Authority, and as the current Local Plan is more than five years old and its strategic housing

policies need to be updated, the Council is now required to use the standard method housing need figure as the basis for calculating its five-year housing land supply requirement. The current (as of August 2025) standard method local housing need for the New Forest District (including the National Park) is 1,511 dwellings per annum.

Recent sales of major Police Station sites in Lymington and Hythe could have made a considerable difference in reaching our original 600 NFDC built homes, and supported wider Housing need as set out in our local Plan. Both sites if agreed to be passed to NFDC earlier could have contributed to wider social benefit, by providing safe, secure, centrally located homes for local Families. It is proven how having a home can be the foundation for your wellbeing.

By allowing a fellow public service priority, this proposal could support local housing need as reflected in our local plan and the neighbourhood plans created by local Town and Parish Councils. It would also reflect how our authority wishes to maintain local leadership over housebuilding and a willingness to develop and build homes for our local Families.

Council recommends:

1. That the Leader of the Council write to the Secretary of State for Housing, Communities and Local Government, the Minister of State for Housing and Planning, the Minister of State for Local Government and Homelessness and our Members of Parliament for New Forest East and West, requesting that the Government should consider a proposal where any sale of a public asset is offered to a fellow public body, first and not necessarily to the highest bidder from the private sector.
2. That the Council engages with the LGA to seek wider support for a campaign that allows public assets to be maintained for the wider community benefit and not sold off solely for profit

Cllr Cullen seconded the motion.

Cllr A Wade addressed the motion and explained that NFDC and members representing local communities were best placed to understand local housing need. Cllr Tipp had presented a motion a few months ago on Government proposals for planning for local councils, which was an example of Government not listening to local authorities and proposing a top down, one size fits all approach to all Councils.

Reference was made to examples where the council had built homes for those on the waiting list and encouraged development in the district, despite a significant proportion being within the National Park. The challenges for councils to provide affordable homes for residents was acknowledged and the impact of right to buy, funding cuts to council budgets and residents need for housing as a basic need.

The Council's target of 600 affordable homes to be built by 2026 and recent data indicated that 462 would be completed by 2025/26, not yet hitting that target. As of August, NFDC had 62 households in Emergency Accommodation, including many families with young children, not to mention the high number in temporary accommodation. Councillor casework around housing and homelessness was highlighted, as well as the five-year housing land supply assessment which showed that for the period 2025/26-2029/30, only 1.5 years could be demonstrated of deliverable housing sites and the significant challenges of providing homes.

LGR emphasises partnership working, efficiencies, and asset management and it was felt that public services should work together for the local community. Hythe Police Station was cited as an example of a derelict building since 2016, and that if the PCC and local authority partners had agreed to pass over this community asset to NFDC, it would keep its use within public benefit and need. The benefit was clear, public buildings were often centrally located, reducing needs for cars and encouraging sustainable travel, encourage more footfall in our high streets and ensures a community's younger generations are not forced to move away.

Cllr Wade reported he was not suggesting assets be handed over for free, but that where public assets were available, discussions take place so that the offer to another public body be prioritised. This would improve partnership working and put local community need first, and ensure such assets be put back into use more quickly. Hythe Hospital was a positive example where NFDC would have 22 affordable homes available for local people.

It was recognised that this would not solve the housing crisis, but leading and campaigning for a smarter, cooperative management of public assets, could improve the wellbeing of so many of our local people and families. This would help those 1,879 households on the housing waiting list, for example.

The Government was trying to use undemocratic and unpopular proposals to encourage house building. Cllr Wade proposed that his motion showed the desire to build homes, but also make it accessible, affordable and achievable for Councils to do so.

Those who spoke in support of the motion further highlighted the difficulties with the lengthy housing waiting list and the lack of affordable housing, particularly for young people and families. It was highlighted that a home lays the foundation for a decent life. Public land and assets, if sold to the highest bidder would be lost to the local community. The district was constrained with limited space for development due to the national park. The motion proposed an opportunity for public bodies to work together for the benefit of residents and its communities, rather than for profit. It was recognised that the district council had been interested in purchasing of Hythe Police station for example but had been unable to compete with the commercial value of the site. Finally, it was recognised that there would need to be a change in legislation by the Government in order to facilitate the proposal.

Those who spoke in opposition to the motion recognised the importance of the provision of affordable housing in the District, however, other public bodies, such as the police and NHS were individual business units, and it was essential that they were able to dispose of assets, seeking the best price, which would enable the profit received to be reinvested into that public service, which would be of benefit to those using the service. One member clarified the legal position in that Local Government Act 1972 Section 123, required public bodies to get the best return on any asset and that anything less could lead to accusations of corruption. It was felt that the open market was the best place to determine the price of an asset.

Cllr A Wade in his summing up, expressed his thanks to those who had contributed to the debate. He spoke about the costs associated with emergency accommodation, deprivation and supporting vulnerable people. He clarified that the motion, sought collectively help public bodies that that being able to invest in more homes, would have a net benefit for them, with less need for temporary accommodation, reduced crime and antisocial behaviour, supporting the local

economy, improved mental health and wellbeing, which would reduce the demand and cost of public services.

Upon put on the vote the motion was lost.

47 ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES AND PANELS

The Chairman brought forward this item at the meeting, which had been published as an urgent item under agenda item 11. It was highlighted that the final allocations and memberships had been published that afternoon, following consideration by the Group Leaders.

Cllr Cleary presented the report and moved the recommendations recognising that it had been supported by all group leaders. Cllr S Davies seconded the motion.

A member highlighted that a seat on committees and panels had not been allocated to one of the non-aligned members and questioned whether they should be offered one.

RESOLVED:

That the Council:

1. Considered the allocation of seats to committees and panels in accordance with the principles set out in the report, and in doing so, agrees to the allocation set out in the table in Appendix 1; and
2. Appoints councillors to individual committees and panels, as identified in Appendix 2, for the remainder of the four year period ending May 2027.

48 MEMBERSHIP OF COMMITTEES AND PANELS

This item had been considered through the previous item.

CHAIRMAN

Council – 13 October 2025

Questions Under Standing Order 22

First Questions

Question 1

From Cllr Stephanie Osborne to the Portfolio Holder for Environment and Sustainability, Cllr Geoffrey Blunden

What can be done to prevent NFDC refuse vehicles and other HGVs using Main Road, Dibden to access the A326 at Dibden Roundabout?

Reply

All of our crews are briefed, and their routes are monitored to ensure that they adhere to any weight restrictions in place in the district. In terms of the specific road being referred to, the limited number of NFDC vehicles using it are operating legally, in the same way as any other type of vehicle using the road as there are no restrictions in place.

Queries about imposing weight restrictions or otherwise, and the volume of traffic generally on a particular road are a matter for the County Council as highways authority

Note: This question was dealt with in writing in the absence of Cllr Osborne

Question 2

From Cllr Jack Davies to the Portfolio Holder for Housing and Homelessness, Cllr Steve Davies

I'm really pleased to see the Better Futures programme. It's really important we invest in supporting young people to develop skills they need to get on in life. However, It's not just skills. Housing is the number one priority for young people. Can the Portfolio Holder tell me what the Council are doing to get more housing for younger people across the New Forest?

Reply

I certainly agree that the Council's Economic Development team are delivering some great work for our residents. So too are our housing teams.

Significant legislative duties guide our approach to meeting housing needs, and that is one steeped in equality and opportunities for all. Those aged 35 and under, represent 37% of current housing register applicants.

In the last 12 months social housing lettings to those aged 35 and under match demand, with 37% of lettings going to this age demographic.

We are very much focused on additional housing delivery; providing a range of property types and sizes to meet a range of demand.

In the next 18 months 135 flats and houses will be delivered across the district by this council, and through our enabling and planning roles a further 422 units of registered provider housing will be delivered over the next 2 years.

However, it isn't just social rented where we are providing homes which benefit young people. The Council has now sold 13 units of Shared Ownership homes with 9 sales involving applicants under the age of 35. Shared Ownership is a fantastic form of housing supporting our residents, often with their first steps on the property ladder and we are currently committed to providing a further 51 units ourselves, alongside our partners who are delivering significantly more with 129 in the pipeline.

As more and more of the strategic sites, allocated in our Local Plan, come forward the more affordable housing will be delivered for the benefit of our residents.

Note: In response to a supplementary question recognising the local circumstances in Lymington and Pennington with new market homes being retirement flats and that new affordable homes from strategic sites were for the over 55s, and how this could be overcome in order to deliver housing for young people. The Portfolio Holder acknowledged this, and felt that the emerging Local Plan would need to lay down the foundations for what it wanted to achieve. It was highlighted that the Eastlands development in New Milton had been built specifically for those under the age of 35.

Question 3

From Cllr Malcolm Wade to the Portfolio Holder for Environment and Sustainability, Cllr Geoffrey Blunden

The residents of the Waterside are in an uproar over the failure of this council to deliver the black bin bags and recycling sacks. This is now months behind schedule. Why has the communication on this issue to local members, and more importantly the Public, on why this has happened, and when they will be finally delivered, been so poor? As this has made the situation much worse.

Reply

Sack deliveries for Phase 3 are continuing, with deliveries commencing in the Hythe area this week. Deliveries will thereafter continue in a southerly direction of travel to include Dibden Purlieu, Holbury, Blackfield, Fawley, Lepe, Langley, Calshot, Exbury, Beaulieu, and surrounding areas.

We have a main crew out and have been supplementing this with an additional crew when capacity allows. We also supplement this with streetscene capacity and agency staff when available.

We currently expect sack deliveries to be completed by mid to late December, with a necessary caveat however that if we need to deploy the resource working on sacks to deliver the statutory function and responsibility of waste collection, that will ultimately take operational priority. Evidently there have been times recently where this has been the case, and which is why sack deliveries are behind the usual schedule, and I'm sorry for any inconvenience this has caused. As highlighted in previous questions, many local authorities like us are experiencing disruption to waste services due to staff shortages and agency staff availability.

Residents who are already preparing for the future service, acquiring their own bin bags via retail or online outlets will of course be able to utilise the sacks when we deliver to them within their new wheeled containers. In the meantime, residents who are not in a position to wait to receive their sacks, can contact customer services with their address to arrange collection of additional sacks from an information office.

Waste and recycling updates are circulated to members weekly and may I refer you to the most recent one dated 10 October 2025, specifically regarding sacks. Information on all aspects of the waste service is

available for residents on the council website and supplemented via direct mailing.

In response to a supplementary question seeking the Portfolio Holder to personally commit to the residents in Phases 2 and 3 that they would not experience the same level of distribution as those in the first phase, the Portfolio Holder explained that the aim was to ensure that a first class service was provided. He could not however provide a such a commitment, as the roll out of the new service was complex and that it was difficult to predict matters such as staff shortages. It was normal for there to be some missed collections, breakdown of vehicles, hold up on the roads as this was the nature of the business. Officers were working very hard to provide an excellent service.

Question 4

From Cllr Philip Dowd to the Leader of the Council, Cllr Jill Cleary

The Council recently backed option 1 unanimously for a Mid Hampshire Unitary that keeps the New Forest whole. What are the detailed financial, service-delivery, governance risks and contingency plans if central government rejects or modifies this proposal?

Reply

I addressed a very similar question at our last Council meeting, and I would refer you to that answer as it remains highly relevant.

I would further add that both the Council and Cabinet have endorsed a significant body of work that specifically outlines the risks associated with boundary changes, particularly in relation to service delivery and governance. These risks, and the potential implications of central government not adopting our preferred option, are the subject of ongoing dialogue with MHCLG. That engagement directly informs our scenario planning for all possible outcomes.

Our emerging LGR programme is designed to manage these risks and puts appropriate arrangements in place to keep resources, finances and emerging issues under review.

We recognise that the current lack of clarity around future groupings is in itself a key risk, and we are actively monitoring this and stepping up our planning accordingly. Our proportionate approach ensures that

contingency measures are in place to safeguard financial stability, maintain service continuity, and uphold strong governance arrangements, whatever the final decision may be.

Question 5

From Cllr Mark Clark to the Portfolio Holder for Planning and Economy, Cllr Derek Tipp

The Fawley Waterside “Venice of Britain” scheme was recently dropped due to viability concerns. What lessons has the Council learnt from that process, and how will it ensure future large developments are financially robust, environmentally sustainable, and aligned with local character?

Reply

The viability of a development scheme is the responsibility of the developer, so it is very important for a developer to do their own research before putting in a planning application to ensure the financial robustness of their scheme.

Fawley Waterside remains the most complex development site in the district in terms of delivery and constraints. Its scale, location, and environmental sensitivities mean that any future proposals will require careful consideration and detailed engagement.

I would remind Members that you are all invited to a dedicated briefing session on Tuesday, 21 October, where the developers will provide an update on progress and outline their intentions for the site. This will be an important opportunity to hear directly from them, ask questions, and understand the next steps.

The Council will continue to work closely with the developers to ensure that any proposals brought forward are deliverable, environmentally sustainable, and appropriate for the unique character of the New Forest.

In response to a supplementary question regarding future development and whether a purely commercial development would lead to a financial benefit to Fawley Parish and the wider Waterside area, the Portfolio Holder reported that he could not provide a full answer in the meeting, but would provide one thereafter in writing.

Question 6

From Cllr Phil Woods to the Portfolio Holder for Planning and Economy, Cllr Derek Tipp

High streets in the West of the New Forest are struggling, with established shops closing in Lyndhurst and many empty units in Fordingbridge. Residents suggest cheaper parking, cleaner street scenes, more frequent weeding and regular litter picking – and in many cases residents are doing these tasks on a voluntary basis. Can I ask what the Portfolio Holder what NFDC has done and will do next to help our vital high streets to survive?

Reply:

Thank you for this question which gives me opportunity to list the many initiatives that we are taking across the district. NFDC is actively supporting our high streets including Lyndhurst and Fordingbridge, through a range of initiatives:

- Economic Development team are working locally to provide tailored business support and build partnerships with Town and Parish Councils.*
- An Empty Shops Project is in development to help revitalise vacant units.*
- Up to £10,000 in Rural Prosperity funding per applicant (total fund £57,000) has been allocated, with an additional £20,000 via the New Forest National Park Authority for micro and small producers.*
- We're attending and supporting local networking events, including in Lyndhurst.*
- £200,000 of UK Shared Prosperity Fund is funding new programmes (25/26) including start-up and scale-up support, an Apprenticeship Hub, and digital support.*
- We co-sponsored the Hampshire Fare stand at the Speciality & Fine Food Fair in London which showcased 2 NF businesses in collaboration with TVBC and Winchester CC.*
- A sustainability project is being developed to support retail and hospitality businesses with cost-of-living challenges.*
- We promote digital marketing boot camps and are also sponsoring two business awards: one for micro businesses and one for young talent in food and drink.*
- A new Economic Development Strategy is being written and Skills Action Plan in progress.*

- *Our business newsletter, with over 3,000 subscribers, regularly highlights local businesses and developments.*
- *Over the past three years, NFDC's Economic Development service has invested £1.54 million into the local economy through infrastructure and business support.*

Other areas of the Council are also working to improve our high streets, including the work our streetscene team do day in and day out across our district keeping the district clean and tidy. There are also the four days of free parking that have been offered in our towns before Christmas, starting on Small Business Saturday on the 6th December.

I hope Members will agree that this clearly demonstrates our ongoing commitment to supporting and revitalising our high streets.

In response to a supplementary question, asking the Portfolio Holder to support a trial of the first hour free of parking in Fordingbridge, as a special case to support high street recovery, the Portfolio Holder responded acknowledging the debate earlier in the meeting on the matter of one hour free car parking and therefore had nothing more to add.

Question 7

From Cllr Alex Wade to the Portfolio Holder for Environment and Sustainability, Cllr Geoffrey Blunden

Please can you advise the estimated cost of one-hour free parking in NFDC car parks not on sea fronts and in proximity to a high street, for the period from November 1st to February 28th?

Reply

The estimated loss in 1 hour ticket sales would be approximately £120,000 per annum. However, what this doesn't do is take into account customers who currently pay for more than 1 hour, and potentially therefore spend more time in the high streets.

In response to a supplementary question, asking that an hour of free car parking be considered, in particular for the winter months for the next year, in addition to the free parking days and that the financial information be available when setting in the budget for 2026/27, the Portfolio Holder responded noting that the comments would be considered when setting the budget for next year.

Question 8

From Cllr Sean Cullen to the Leader of the Council, Cllr Jill Cleary

Can I ask you as Leader of NFDC write to NJORD Partners, the organisation who have recently taken over Red Funnel, and therefore ownership of Hythe Ferry, and ask them for clarity on their plans for Hythe Ferry, and urge them to expedite any works on the pontoon to get this valued and strategically important mode of transport back up and running?

Reply

Thank you for raising this matter, I am aware of the keen interest in the Hythe Ferry from the many previous times it has been raised in this Chamber.

I am very happy to write to NJORD Partners, the new owners of Red Funnel and therefore the Hythe Ferry, to request clarity on their plans for the Hythe Ferry service. I am keen from a transparency perspective, for our residents, to get a clear timetable for any works required on the pontoon, as they fall to the owners to fund.

I hope that the new owners will be quick to take the steps they need to; to bring the Hythe Ferry back into operation so it can play a part in the district's transport network and help support local connectivity.

Question 9

From Cllr Caroline Rackham to the Portfolio Holder for Environment and Sustainability, Cllr Geoffrey Blunden

The majority of our population lives along the Waterside, yet there is still no overarching flood plan or coastal plan for the Waterside. When can we expect one?

Reply

Another return outing for this topic, and understand this is important to you and the residents.

At risk of sounding like a broken record it is the Environment Agency who are responsible for this work, not New Forest District Council.

The Environment Agency has confirmed that a Flood and Coastal Erosion Risk Management Strategy for the Lymington to Redbridge coastal frontage, which includes much of the Waterside, is listed in their forward programme of works.

This has a provisional start date of 2027/28 with an estimated delivery period thereafter of 5 years. The strategy is expected to be combined with the plan for the eastern side of Southampton Water, creating a more integrated approach to coastal risk management across the region.

With regard to funding, I would stress that the strategy is not yet funded, the estimated cost is £5 million, and again that is for the Environment Agency to resolve.

This was discussed in detail at the Place and Sustainability Overview and Scrutiny Panel on 19 June 2025, where an EA officer presented the current position. The minutes and recording remain available to you and any other interested members.

In response to a supplementary question regarding how the District Council would ensure that any risk of flooding in the Waterside area would be mitigated against, recognising that there were expected to be large infrastructure projects in the area, the Portfolio Holder explained when the strategy is published, the district council would be fully engaged. It was further highlighted that flooding was in the remit of the Environment Agency.

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3 NOVEMBER 2025

NEW FOREST DISTRICT COUNCIL

Minutes of a Special meeting of the New Forest District Council held on Monday, 3 November 2025

* Cllr John Sleep (Chairman)

* Cllr Dave Penny (Vice-Chairman)

Councillors:

- * John Adams
- * Alan Alvey
- * Peter Armstrong
- * Geoffrey Blunden
- * Hilary Brand
- * Mark Clark
- * Steve Clarke
- * Jill Cleary
- * Kate Crisell
- Sean Cullen
- Jack Davies
- * Steve Davies
- * Philip Dowd
- * Barry Dunning
- Jacqui England
- * Richard Frampton
- * Allan Glass
- * David Harrison
- * Matthew Hartmann
- * David Hawkins
- * John Haywood
- * Jeremy Heron
- * Nigel Linford

Councillors:

- * Patrick Mballa
- * Colm McCarthy
- David Millar
- * Ian Murray
- Stephanie Osborne
- * Alan O'Sullivan
- * Adam Parker
- * Neville Penman
- * Dan Poole
- * Caroline Rackham
- * Alvin Reid
- * Joe Reilly
- Janet Richards
- * Barry Rickman
- * Steve Rippon-Swaine
- * Michael Thierry
- * Derek Tipp
- * Neil Tungate
- * Alex Wade
- * Malcolm Wade
- * Christine Ward
- * Phil Woods
- * Richard Young

*Present

Officers Attending:

Kate Ryan, Sara Hamilton, Richard Knott, Andy Rogers, Karen Wardle and Matt Wisdom

Apologies

Apologies for absence were received from Cllrs Cullen, J Davies, England, Millar, Osborne and Richards.

49 DECLARATIONS OF INTERESTS

The Monitoring Officer reported that a dispensation had been granted under Section 33(2b) of the Localism Act 2011 to Cllr Jill Cleary. This dispensation permitted her to participate in discussion and vote on a motion relating to the removal of the Leader, should one arise. He reported that while it was arguable whether the receipt of a special responsibility allowance, and indeed Members'

Allowances generally, constituted a disclosable pecuniary interest under the legislation, the dispensation had been granted for the avoidance of doubt, as it had been in other circumstances relating to the receipt of Members' allowances, to remove uncertainty and ensure the proper conduct of business.

There were no declarations of any disclosable pecuniary interests by Members.

50 CONSIDERATION OF THE REMOVAL OF THE LEADER OF THE COUNCIL

The Monitoring Officer provided some context to the meeting on request of the Chairman. It was clarified that the background was detailed on the summons for the meeting and members had been provided with an email with summary advice.

The Chief Executive had called the Special meeting, in accordance with Section 4/5 of the Council's Constitution, that section being "Procedure for Removing and Replacing the Leader of the Council". A copy of this full chapter had been enclosed with the agenda. The relevant sections of this procedure were noted to be paragraphs 1, 2(b), 9 and 11. The procedures to be followed also complied with Section 9IA(1) of the Local Government Act 2000.

The procedure set out the only circumstances in which the Leader of the Council could be removed by resolution. In light of the loss of political majority by the political group of which the Leader is a Member, the "Change of Political Balance" section within the procedure had been triggered. It was noted that since that initial loss, the Conservative Group had re-gained its political majority. The regaining of a majority did not suspend the procedures. Therefore, the Council had to consider, in light of the temporary loss of political majority of the Conservative Group, whether it wished to remove the Leader.

The Chairman asked whether members had any motion be tabled to remove the Leader and in light of no relevant motions being forthcoming, the Chairman closed the meeting, with the Council in effect deciding not to remove the Leader.

CHAIRMAN

Council – 15 December 2025

Taxi Licensing Policy – Amendments to Appendix B

Purpose	For Decision
Classification	Public
Executive Summary	The Convictions Policy (Appendix B) of the Taxi Licensing Policy has been amended in line with the Institute of Licensing’s Suitability Guidance. Following a public consultation, the revised Policy is recommended for adoption.
Recommendations	That the updated Appendix B of the Taxi Licensing Policy be approved.
Reasons for recommendation(s)	The Institute of Licensing has recently updated the Suitability Guidance. The Convictions Policy (Appendix B) of the Taxi Licensing Policy, which refers to this guidance, has been amended to reflect latest changes.
Ward(s)	All
Portfolio Holder(s)	Cllr Dan Poole – Community, Safety and Wellbeing
Strategic Director(s)	Peter Matthew – Strategic Director of Housing & Communities
Officer Contact	Christa Ferguson Licensing Manager 023 8028 5352 christa.ferguson@nfdc.gov.uk Joanne McClay Service Manager – Environmental and Regulation 023 8028 5325 joanne.mcclay@nfdc.gov.uk

Introduction

1. The Taxi Licensing Policy 2025 was adopted by Full Council on 24 February 2025 following an extensive review with the trade, Officers, Councillors and the public.

2. The Policy refers to guidance including that produced by the Institute of Licensing (IoL), in order to promote consistency, raise standards and assist in the protection of the public.
3. The Institute of Licensing (IoL) Suitability Guidance was originally published in 2018 and has since been revised to include information on offenders and offending, update thresholds and considerations for some offences and placed an emphasis on risk-based decision making.
4. The Licensing Authority is seeking to incorporate this updated guidance within the Taxi Licensing Policy.

Background

5. The Local Government (Miscellaneous Provisions) Act 1976 provides that a Licensing Authority must satisfy themselves, before a licence is granted, that the applicant for a driver or operator licence is a fit and proper person.
6. The Council requires an enhanced criminal records check (DBS) as part of its fit and proper person test and the Taxi Licensing Policy includes a Convictions' Policy (in Appendix B) to guide applicants and decision makers in relation to interpreting information highlighted during the application process.
7. The Convictions' Policy is based on the Institute of Licensing *Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades*, originally published in 2018 and revised in 2024 (**Appendix 1**).
8. The guidance is referenced in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards (2022) and both provide the basis for decision making on offences and convictions.
9. Whilst the IoL Guidance provides direction to Licensing Authorities in determining suitability of applicants, it does not remove the requirement for Licensing Authorities to adopt their own policies, which they should have regard to when making licensing determinations. As with any policy, each case must be determined on its own merits, having taken into account all the information available.
10. The Suitability Guidance was revised following extensive consultation with the taxi and private hire trade, national and local government councillors, lawyers, the Probation Service, the Police and interested charities. It has been endorsed by key bodies including Lawyers in Local Government (LLG), the National Association of Licensing and

Enforcement Officers (NALEO) and the National Anti-Fraud Network (NAFN).

11. The guidance has successfully been cited in legal proceedings where adopted by local authorities and as a stand-alone reference.

Issues for consideration

12. The key amendments to the Convictions' Policy (**Appendix 2**) include:

Section 5.0

Updated publication dates for the Suitability Guidance and Statutory Taxi and Private Hire Standards documents.

Section 5.2

Offences involving exploitation and criminal harassment includes 'stalking without violence'.

Section 5.3

Offences involving violence against persons, property or the State. Further information is included on 'fear of violence' and that a licence will never be granted where there has been an offence of violence committed against a child or vulnerable adult.

Section 5.4

Offences involving Public Order. This is a new section and states that a licence will not be granted for a period of 5 years following a public order offence.

Section 5.6

Offences involving Sex, indecency or obscene materials, which now includes 'sexual harassment'.

Section 5.9

Offences involving Alcohol Abuse, Misuse or Dependency. This is a new section which states that licences will not be granted until at least 5 years have elapsed from completing a sentence relating to drunkenness not in a motor vehicle and that medical testing or assessments may be required prior to an application being considered.

Section 5.10

Offences involving Discrimination. This section has been enhanced to include non-compliance with the Equality Act 2010 and including refusal to carry assistance dogs or to provide mobility assistance.

Section 5.11

Offences involving Regulatory non-compliance. This is a new section to address regulatory crimes which demonstrate a lack of compliance with legal requirements and whether the applicant is a safe and suitable person to hold a licence.

Section 5.15

Other motoring offences. This includes time restrictions on granting of a licence where an offence resulted in injury to a person, damage to property or an insurance offence.

Section 8.0

Behaviours. This is a new section that addresses driver behaviours which fall short of criminal behaviour but would give potential serious cause for concern, particularly for drivers with lone passengers. Where there is a pattern of repeated predatory behaviours, the applicant should not be licensed.

Corporate plan priorities

13. **Theme:**
Empowering our residents to live healthy, connected and fulfilling lives. Future New Forest. Transforming tomorrow, together.
14. **Corporate Plan Objective:**
Protect and improve the health and wellbeing of our communities. Being financially responsible.
15. **Service Objective:**
Implementation of the Environmental and Regulation Service Plans.

Consultation

16. A consultation process took place with key stakeholders regarding the proposed amendments to Appendix B, following agreement by Members at General Purposes and Licensing Committee on 5 September 2025.
17. No responses were received during the consultation period and therefore agreement was sought from the Chairman of General Purposes and Licensing Committee for the report to go directly to Council with the recommendation to adopt the amended Appendix B in the current Taxi Licensing Policy.

Financial and resource implications

18. There will be no additional costs in adoption of changes to Appendix B.

Legal implications

19. Adoption of the guidance as a core reference document and amendments to the policy, aligns the Council's policy with national best practice and strengthens defensibility in appeals and judicial reviews.

Risk Assessment

20. A formal risk assessment is not required.

Equalities implications

21. Amendments to the policy ensure consistent and transparent decision-making to address discrimination.

Crime and disorder implications

22. Revision of the convictions policy enhances the Council's ability to protect the public from unsuitable drivers and operators.

Data protection / Information governance / ICT implications

23. There are no direct implications.

Conclusion

24. The revised Appendix B of the Taxi Licensing Policy, will strengthen the fit and proper considerations for drivers and applicants and reflect the updated Institute of Licensing Suitability Guidance.

Appendices

Appendix 1 – Institute of Licensing Suitability Guidance 2024

Appendix 2– Taxi Licensing Policy Revised Appendix B (Convictions Policy)

Background Papers:

[Appendix B \(Convictions Policy\) of the Taxi Licensing Policy with tracked changes as reported to the General Purposes and Licensing Committee on 5 September 2025](#)

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Suitability Guidance

Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire industry.

2024



Produced by the Institute of Licensing in partnership with:

Foreword

Taxi licensing began in 1635, when King Charles I limited the numbers of hired coaches in London. Charles II seemed disinclined to abandon regulation. He issued more licences, set fees and standards.

The present licensing system has its roots in the Town Police Clauses Act 1847 which declared “Hackney carriages to be licensed”. Although the requirement for licensing was national, standards and enforcement were local, through Commissioners, and taxi licensing has been determinedly local ever since.

The first – and most recent - edition of this Guidance was published in April 2018. It noted that there had been “no recent Statutory or Ministerial Guidance as to how decisions should be approached or what matters are relevant or material to such a decision”.

In my work as Chair of the Independent Inquiry into Telford Child Sexual Exploitation, I heard lacerating accounts from children sexually exploited by taxi drivers. I further heard that it was essentially impossible for the Borough to enforce local standards as over the years different – even neighbouring - authorities had maintained different approaches to drivers’ characters and behaviours, as to required driver training and even as to vehicle condition.

The first edition of this Guidance contained advice as to each of those elements, and detailed consideration of the effect of particular types of offending on suitability, all of which plainly **influenced the Department for Transport’s subsequent Statutory Guidance. Since then, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022** has mandated the use of the NR3S database by English local authorities.

The progress is plainly welcome, and this thoughtful and comprehensive second edition of the Guidance will no doubt influence the debate as its predecessor did. But while this Guidance sets a goal of consistency, as long as the system allows drivers to choose their licensing authority by price, rather than by the area in which they operate, it is the low-cost, lighter touch regulators that will thrive and those (like Telford) who have put in place thoughtful suitability criteria, including high quality training, that will struggle for custom. It seems to me that is not only an odd result of something deemed “localism”, but also one profoundly not in the public interest.

In 2018 a government report¹ recommended legislation for national minimum standards for taxi and PHV licensing; the Government agreed², and said that it would take forward legislation “when time allows”. Perhaps, after almost 400 years, an Act in the reign of Charles III might finish the job his predecessors began.

TOM CROWTHER KC
23ES CHAMBERS

¹ <https://assets.publishing.service.gov.uk/media/60085e35e90e073ecce20064/taxi-and-phv-working-group-report-document.pdf>

² <https://assets.publishing.service.gov.uk/media/5f76f9308fa8f55e36671b26/taxi-task-and-finish-gov-response.pdf>

Acknowledgements

The IoL originally published its *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades* in April 2018. The original Guidance was the result of many months of work by a dedicated group of individuals who formed the Suitability Working Group.

The April 2018 publication was formally endorsed by the Local Government Association, Lawyers in Local Government, and the National Association of Licensing and Enforcement Officers. It was gratifying when Chapter 4 of the original guidance was closely mirrored in the annex at s 10 of the [Department of Transport's Statutory taxi and private hire vehicle standards](#), published in 2020.

The Guidance was and is intended to assist local licensing authorities in considering their own local licensing policies on determining the suitability of applicants and licence holders for taxi and private hire licensing. It was well received among such authorities generally, with many updating or reviewing their policies by incorporating the guidance in part or in whole, ahead of or subsequent to the publication of the DfT standards. The Guidance has been successfully cited in courts where it has been so incorporated by authorities and as a stand-alone reference.

The Suitability Working Group had an informal review planned for 2021. Work started in 2022 (delayed from 2021 due to the pandemic), with an initial consultation (round 1) in 2022 on the effectiveness and level of adoption of the guidance. The Working Group assessed the round 1 consultation responses but opted to pause the work pending the then anticipated imminent publication of the DfT's *Best Practice Guidance* which eventually followed in November 2023.

The draft revised Guidance was subject to a further consultation (round 2), which closed on 30 September 2024, following which all the consultation responses were carefully reviewed in producing this revised Guidance.

With sincere thanks to the Suitability Working Group:

- Stephen Turner, Solicitor at Hull City Council (Working Group Chair)
- Phil Bates, Licensing Manager, Southampton City Council
- Ellie Birch, IoL Executive Assistant
- James Button, James Button & Co Solicitors
- Linda Cannon, former Licensing Manager, Basingstoke Council
- Yvonne Lewis, Licensing Manager, City & County of Swansea
- John Miley, former Licensing Manager (Broxtowe Council) and National Chair for NALEO
- Sue Nelson, IoL Executive Officer
- Professor James Treadwell, Professor of Criminology, Staffordshire University

Suitability Guidance Preface

Chapter 1: Introduction is an introduction to the Suitability Guidance. It refers to the importance of the licensing regime in protecting public safety and sets out the legislative position that a licensing authority must be satisfied has been met by an applicant before deciding if they are a fit and proper person to hold a licence.

Chapter 1 refers to policies having a “bright line approach” and explains the position in this regard. Finally, Chapter 1 sets out some of the approaches taken in later chapters of the Suitability Guidance, which will be looked at in turn.

Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview, has been extensively reviewed. It looks at patterns of behaviour for offenders, and aims to assist licensing authorities in considering previous convictions and non-conviction information (complaints etc) alongside time factors (time elapsed), trends and the nature of behaviours in order to make a reasoned judgement of suitability when there are matters of concern.

While considering all criminal behaviour, this chapter looks in detail at sexual offences, which are naturally of key concern when considering an individual's suitability to hold a licence. It underlines the role of licensing as a form of safeguarding and risk management of activities, recognising that licensees are in positions of trust, and have the opportunity to take advantage of potentially vulnerable passengers on a daily basis.

Chapter 3: Taxi and Private Hire Licensing Overview provides an overview of taxi and private hire licensing law, including the legislative framework, and the principal objective of the licensing regime (to protect the public).

The chapter looks at the licence types under the regime, and considers the application and decision-making processes and key considerations in each case, including the legal thresholds which apply (for example the need for the local authority to be satisfied that an individual is a fit and proper person before granting a licence). It emphasises the need for reasoned decisions and clear records of decisions to be maintained. There are references to relevant parts of the [DfT's Statutory taxi and private hire standards](#) and the system of recording refusals, suspensions and revocations on the NR3S database (mandated in England and wholly adopted in Wales).

Chapter 3 acknowledges that the vast majority of applicants and licence holders are decent, law-abiding people who work hard to provide a good service to their customers and the local community. They are an essential part of our communities, and many local residents rely heavily on them. The licensing regime, when working correctly, should exclude those who are not safe and suitable from the profession, protect licensees as a whole by increasing public confidence, and uphold the professionalism of the industry.

Chapter 4: Guidance on Determination has been subject to much discussion and review. The overriding principle of listing categories of offending rather than listing specific offences has been maintained. This is essential as consideration is not confined to conviction information - non-conviction information is relevant and must be considered alongside convictions. In addition, a list of specific offences would be too narrow, and become superseded by new offences, or arguments that a particular offence was “different” from a listed one.

Some categories have been expanded. For example, “exploitation” now includes “criminal harassment”; “offences involving violence” includes fear of violence and violence against property, animals and the State; and “sex and indecency offences” includes a reference to the “Sex Offenders’ Register” and “barred” lists.

Additional categories have been included: “alcohol misuse or dependency”, in addition to “drugs misuse” (which now includes “dependency”), and a further category of “discrimination”. There is also a section on behaviours which looks at non-criminal behaviours which would be a potential cause for concern.

Motoring offences have been an area which has been subject to intense discussion. This was the main area of feedback on the original Guidance, in particular the reference to minor traffic or vehicle related offences. The “motoring offences” section sets out the guidelines in relation to motoring offences and the reasoning behind them.

Chapter 4 maintains the view set out in the original guidance, that the considerations under each category should be applied when considering applicants and licensees for driver, operator and vehicle proprietor licences.

Version history

- 28th October 2024 – Formally approved
- 13th November 2024 – First published
- 20th November 2024 – [WLGA endorsement added](#) (Chapter 1, para 1.1)

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Terminology

This Guidance follows the approach to terminology used by the Department for Transport (DfT) in its Best Practice Guidance:

Vehicles licensed under section 37 of the Town Police Clauses Act 1847 and section 6 of the Metropolitan Carriage Act 1869 are referred to in that legislation as ‘hackney carriages’. This term is also used in older regulations. In more recent legislation the term ‘taxi’ is used.

In this document ‘taxi’ means a hackney carriage. It does not include private hire vehicles (PHVs).

When referring to both types, the term “taxi and private hire” is used.

Chapter 1: Introduction

- 1.1 This document was originally published by the Institute of Licensing in April 2018 and this revised edition follows extensive consultation and review. As previously, it has been produced by the Institute working in partnership with the Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO). We are grateful to all those organisations for their contributions and endorsement. The Guidance has also been endorsed by the National Anti-Fraud Network (NAFN) and the Welsh Local Government Association (WLGA).
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Taxi or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Taxi and Private Hire services. It is a regulated activity, and the purpose of regulation is to ensure, so far as possible, that those engaging in this activity are suitable persons to do so. Entry requirements are necessarily high to ensure the safety of the public, and the reputation of those who are themselves licensed.³
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications.⁴ The onus lies with the applicant or licensee to satisfy the licensing authority that they are or remain a fit and proper person.⁵ It is a key part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.
- 1.4 If a licensee falls short of the fit and proper standard at any time after grant, the licence should be revoked or not renewed on application to do so.
- 1.5 There is some Statutory and non-statutory guidance as to how such decisions should be approached or what matters are relevant or material to a decision contained in the DfT *“Statutory Taxi and Private Hire Vehicle Standards”*, *“Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England”* and the Welsh Government’s *“Taxi and private hire vehicles: licensing guidance”*, but it is not comprehensive. This document complements that guidance as does the LGA’s Taxi and Private Hire

³ See paras 3.2 of *“Statutory Taxi and Private Hire Vehicle Standards”* Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards> and 3 of *“Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England”* Department for Transport revised in 2023 (available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>) and the Welsh Government Guidance Document *“Taxi and Private Hire Vehicles: licensing guidance”* revised in September 2024’ (available at <https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>)

⁴ Except vehicle proprietors. In those cases, there is no “fit and proper” requirement, but the authority has an absolute discretion over granting a licence.

⁵ This was confirmed by the High Court in *R v Maidstone Crown Court, ex p Olson* [1992] COD 496 QBD

Licensing Councillor's Handbook and any further Government guidance. It is gratifying and seen as an endorsement of the previous edition of this document that the DfT accepted the suggested convictions guidance in Chapter 4, almost in its entirety.

- 1.6 Local authorities in England should be complying with the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which requires use of the NR3S database hosted by the National Anti-Fraud Network. Such use is currently advisory in Wales.
- 1.7 Chapter 4 of this document provides licensing authorities and their decision makers with guidance on determining suitability, taking into account the character of the applicant or licensee. Licensing authorities are encouraged to adopt this guidance within their own Taxi and Private Hire policies. In particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it should not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case. Any departure from the adopted policy should be the exception, rather than the rule.
- 1.8 A licensing authority can say "never" in a policy, known as taking a 'bright line approach', but it remains a policy, and as such does not amount to any fetter on the discretion of the authority. This approach was endorsed by the High Court in *R (on the application of Nicholds)*.⁶ Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will only happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. Full and detailed reasons must be provided to the applicant or licensee for every decision, including the reasons for any departure from the Council's policy.
- 1.9 In Chapter 2 this document explores the current academic thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraphs 1.7 and 1.8 and Chapters 3 and 4.
- 1.10 Chapter 3 of this document sets out in overview form the Institute's view of the current law, practice and procedure relating to Taxi and Private Hire licensing. Neither Chapter 3 nor any other part of this document constitutes formal legal advice which licensing authorities should obtain for themselves where required.
- 1.11 The guidance in Chapter 4 contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by a licensing authority's policy or guidance as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should

⁶ [2006] WHC (Admin), [2007] 1 WLR Admin Crt

lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

- 1.12 The guidance in Chapter 4 cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national standards.
- 1.13 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Taxi and Private Hire Trades, Academics, the Probation Service, NAFN, National and Local Governments, interested Charities and the Police.

Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public.⁷ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour. While all offending behaviour can be considered when it comes to fitness and propriety, the unique position that licensed taxi and private hire drivers occupy in terms of their occupation and the opportunities and risks that come with such employment mean that some focus and understanding of the nature and character of violent and sexual offences is valuable. Such offences are often important as indicators that an individual might present a risk of serious harm to other people.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining potential future behaviour as well as culpability, it is essential that the decision maker(s) considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed. The wider and broader the evidence base that can be considered, the better the judgement is likely to be.
- 2.4 Crime tends to emerge in teen years, and many people commit offences but do not find themselves persistently involved in crime and criminality. Those who do become more frequent offenders tend to share several risk factors: associations with delinquent peers; school/employment problems; family problems; certain types of mental health problems; and alcohol/substance abuse are the most important predictors of persistence in crime. The predictors of persistence in crime highlight the multiple causes of persistent antisocial behaviour, and how antisocial behaviour and attitudes can be quite deep rooted. While people who commit crime can and do change and reform, there is also useful predictive value in previous conduct, as past behaviour is often a good indicator of underlying attitudes and potential future conduct.
- 2.5 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years, offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. While this is true, such points should not be used to downplay the vital role that disbarring people of bad character from roles and occupations which provide heightened opportunity for them to harm plays. What can be done, is to examine each case on its

⁷ DfT 'Taxi and Private Hire Licensing – Best Practice Guidance, Section 3

individual merits, and look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

- 2.6 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is public protection. This includes assessing the risk of re-offending and the risk and scale of harm.⁸ Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences in the criminal justice system. Local Authorities are not always privy to this information, so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.
- 2.7 Flaud⁹ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place.¹⁰
- 2.8 In the Criminal Justice system, His Majesty's Prison and Probation Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards both static and dynamic factors. While no risk assessment can be infallible, there has been a growing recognition for the need to make justifiable and defensible decisions based on public protection.
- 2.9 Understanding the person, their history (including any offending) and their patterns of behaviour and establishing both risk factors related to future offending and protective factors which reduce the risk of future offending is at the centre of managing risk. Risk Factors are aspects of an individual offender's life that have inclined them towards harmful behaviour. Protective factors are the features of an individual's life that may incline them away from harmful behaviour.
- 2.10 Static factors are historical and do not change such as age, and previous convictions. These can be used as a basis for actuarial assessments and are core in considering an individual's potential to reoffend in future.¹¹ For example, about half imprisoned adults are reconvicted within two years of release from custody. It is also widely accepted that persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous convictions.¹² In 2022 adults

⁸ Kemshall, H. (2008). *Understanding the Management of High Risk Offenders* (Crime and Justice). Open University Press

⁹ Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

¹⁰ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

¹¹ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

¹² Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

released from custody or starting a court order had a proven reoffending rate of 33.4% within a year of their conviction in court or release from prison.¹³

- 2.11 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity.¹⁴ Behaviour can also be a factor in assessing risk, and behavioural changes can be used in making risk assessments. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated or is a risk, it is important to have regard towards the motivation behind their offending, and the dynamic risk factors present at the time of offences against the steps taken to address such factors, thus reducing the risk of re-offending.
- 2.12 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population.¹⁵ Many of these factors are interlinked and embedded in an individual's past experiences. These factors can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed. However, we also ought to recognise that, and at core, known previous behaviour is the best predictor of future behaviour bar none. Good risk assessment is evidence based and uses statistical evidence, understands offence type and risk factors, but also is individualised and takes account of factors that can reduce or increase an individual's risk. It is also holistic and takes account of behaviour in a range of contexts and a good understanding of the whole person at the centre of the assessment. It also requires a somewhat critical and sceptical attitude and doubt towards emotional claims and assertions of change. Often persistent offenders will claim that they have stopped offending only to be reconvicted. These are assertions from the subject that are challenged by contradictory behaviours.
- 2.13 Whether a person who has offended is a risk in the future is a complex debate and has given rise to extensive publications, theories and changes in legislation, with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described in criminal justice as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time".¹⁶
- 2.14 Kurlychek, in her study noted that "a person who has offended in the past has been found to have a high probability of reoffending, but this risk is highest in the time period

¹³ [Proven reoffending statistics: April to June 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/proven-reoffending-statistics)

¹⁴ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

¹⁵ Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

¹⁶ National Offender Management Service (2016). *Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015*

immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”.¹⁷ In contrast though, one of the few long-term studies (The Sheffield Desistance Study)¹⁸ which examined the lives of 113 men aged 19–22 years over four years. Their subsequent convictions over the next ten years generally demonstrate a pattern of continuing convictions, but with major crime-free gaps suggesting with some very persistent offenders, desistance, if seen as continuing cessation from crime, may not be fulfilled.

- 2.15 A consistent finding in criminological literature is that many male offenders tend to desist from crime over time, and risk of offending even for those previously convicted reduces once individuals reach the aged 30 years and over.¹⁹ It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationship.²⁰ Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females is 14 compared to 19 for males.²¹ It is true that generally many people do age out of crime, but we should be careful not to count all crime as the same. Serious sexual and violent offences may not be the same as acquisitive offences.
- 2.16 Some people are convicted of crime and will not be further convicted. The Rehabilitation of Offenders Act 1974 aims to help some offenders re-enter the workforce and makes some convictions spent after a determined period. For people who have been involved in persistent and more serious offending, it is a difficult and complex process, likely to involve lapses and relapses. Some criminal convictions, especially those attracting lengthy prison sentences are not considered spent. Some individuals may never desist from crime.²² As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low risk of re-offending. Often the only way of achieving this is through lapse of significant time.
- 2.17 Typically, the longer the time elapsed since an offence has been committed, the more likely the individual has desisted from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance.²³ Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to re-offend or offend again than individuals

¹⁷ Kurlychek, M C, Brame, R (2007). *Scarlet letters and recidivism: Does an old criminal record predict future offending?* University of South Carolina.

¹⁸ Bottoms, A.E. & Shapland, J. (2016) Learning to desist in early adulthood: the Sheffield Desistance Study. In: J. Shapland, S. Farrall & A.E. Bottoms (Eds.) *Global perspectives on desistance: reviewing what we know, looking to the future*. Abingdon: Routledge or Shapland, J. (2022) Once convicted? The long-term pathways to desistance. *The Howard Journal of Crime and Justice*, 61, 271–288. <https://doi.org/10.1111/hojo.12473>

¹⁹ Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

²⁰ Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

²¹ Trueman, C.N. (2015). *Women and Crime*. The History Learning Site. Ingatestone: Essex.

²² Farrell, S (2005). *Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback*.

²³ Maguire, M., Morgan, R. and Reiner, R. (2002). *The Oxford Handbook of Criminology*. 3rd Edition. Oxford: Oxford University Press.

who have offended in the recent past”.²⁴ This is likely substantively true, and yet there are some categories of crime, and some crime types, perhaps particularly sexual offences, where caution is very much needed, because those crimes are so much less frequently taken through the justice system successfully and the offence may illustrate more complex attitudinal and behavioural and thinking patterns. For general offences (not violence and sexual offences), some academics have suggested that a period of around seven years is when the risk of offending for convicted offenders and non-convicted population becomes the same.²⁵

- 2.18 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when deciding whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

- 2.19 Offences where taxi and private hire drivers are victims are much more frequent than offences by such drivers. Taxi and private hire drivers are often in situations where they can face victimisation in terms of violence, threat, assault and false allegations. It must be recognised that taxi and private hire drivers have access to people who are vulnerable because of their situation, very often as a sole individual unsupervised in a vehicle. A small minority of people may seek to abuse their positions, or even secure positions because of the potential to take advantage of passengers’ trust and vulnerability.

- 2.20 It is estimated that 23.5 per cent of males in England and Wales in the age range 10 – 52 in 2006 had had a previous a conviction. For adult males aged between 18 and 52 the figure is 28.2 per cent. Almost a third of all adult males in the UK have a criminal conviction. However, often individuals will come to light and be recognised because of patterns of behaviour, not always criminal behaviour. It ought to be remembered that a great deal of criminal behaviour in some categories may never come to be known about by authorities, and it is widely accepted that, for example, violence against women and girls, domestic violence and sexual crimes tend to be the most under reported and least convicted.

- 2.21 According to ONS crime statistics for England and Wales,²⁶ 20% of women (1 in 5) and 4% of men will experience sexual violence in their lifetime. It is vital that it is recognised that a great deal, and likely most, of the sexual abuse may never be reported. It has been suggested that some 40% of adults who are raped will not report, and unreported childhood cases are likely much higher. The Crime Survey for England and Wales (CSEW)

²⁴ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

²⁵ Soothill, K and Francis, B (2009) *When do ex-offenders become like non-offenders?* Howard Journal of Criminal Justice, 48 (4). pp. 373-387. ISSN 0265-5527

²⁶

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdecember2023#overall-estimates-of-crime>

estimated that 1.1 million adults aged 16 years and over experienced sexual assault in the year ending March 2022 (798,000 women and 275,000 men).

- 2.22 It is claimed that only some 10-15% of sexual offences are reported to the police in any year, and even when reported, sexual crimes are amongst the hardest to prove. In 2018 less than 1 in 65 reports of rape (1.5%) resulted in a charge or summons. However, according to CSEW statistics for the year ending March 2022, sexual offences recorded by the police were at the highest level recorded. In May 2021, there were 95,844 people on the sex offenders register in England and Wales, yet based on the accessing of Child Sexual Exploitation material the UK's National Crime Agency estimate that there could be between some 550,000 and 850,000 people in the UK who pose varying forms of sexual risk to children. While there is no consensus about the pathways between non-contact and contact offending, it seems sensible to consider even one incidence of possession of child sexual exploitation material must be seen as a risk flag.
- 2.23 There are a range of crimes that can be considered as sexual offences, including non-consensual crimes such as rape or sexual assault, crimes against children including child sexual abuse or grooming, and crimes that exploit others for a sexual purpose, whether in person or online. Crimes can occur between strangers, friends, acquaintances, current or ex-partners, or family members. The passage of time does not prevent the effective prosecution of sexual offences, and an increasing number of cases referred to the CPS by police feature allegations of a non-recent nature.
- 2.24 There is also complexity added to the category of sexual offences as there can be a sexual component in offences that may not be categorised primarily as a sexual offence, and the category runs a full gambit from sexually motivated homicides to non-contact internet offending in the form of possession of Child Sexual Exploitation material.
- 2.25 Sexual offences are prosecuted as part of the CPS Violence Against Women and Girls (VAWG) Strategy. This is an overarching framework to address crimes that have been identified as being committed primarily but not exclusively by men against women, but we ought not forget that men also commit sexual offences against men and boys. Reynhard Sinaga, a postgraduate student jailed for life in 2020 is who is thought to be the UK's "most prolific rapist"²⁷ was convicted of 136 rapes in Manchester and is believed by police to have assaulted over 200 men. There is a huge variation in sexual offenders, and there is a range of complex factors in their offending, which can vary hugely and significantly. Some historic crimes are no longer crimes due to changes in legislation since their conviction. For example, alterations in the age of consent that existed for gay men.
- 2.26 There is no singular type when it comes to sexual offending, and there are many gaps in knowledge. We know that most sexual offenders are men. Sex offenders constitute a diverse population of individuals and can be classified into types based upon characteristics and motivations of offending. The most common classification systems are those differentiating between types of rapists, child molesters, female sex offenders, juvenile sex offenders and cyber-sex offenders. There is also sometimes a division

²⁷ <https://www.judiciary.uk/wp-content/uploads/2020/12/McCann-Sinaga-Shah-judgment-111220.pdf>

between non-contact (online) and contact offending, and discussions about whether the former is a pathway to the latter. It is often said that reoffending amongst sexual offenders is lower than that of general offenders, but we need to be careful to also frame that with the general knowledge we have about the complexity and difficulty in securing convictions for sexual offences generally.

2.27 Sex offenders constitute a similarly diverse group of individuals who begin offending for a range of reasons. Many offenders do not fit into discrete categories. Like violent offenders, sexual offenders have unique personal and criminal histories, and the attitudes and beliefs that support their deviant behaviour can vary. There is no clear-cut profile of a sex offender. Some offenders were sexually abused as children, but others have no such history. Some are unable to function sexually with adult partners and so prey on children, while others also have sexual relations with adults. Research shows that sexual offenders exhibit a variety of characteristics. Abusive people, including sexual offenders, typically think they are unique, they are different from other people, they have a sense of entitlement and do not have to follow the same rules as everyone else. Rather than being unique, abusers and sexual offenders often have a lot in common with one another, including their patterns of thinking and behaving. They are also often highly manipulative of other people and situations and will employ a range of tactics that can include lying, upsetting others or intimidating them with threats. Equally, they may attempt to charm people, engender feelings of sympathy to manipulate, feign interest or concern, or attempt to elicit sympathy. Sex offenders when compared to other offenders generally:

- Are more likely to deny their behaviour and guilt, can lack empathy (and victim) empathy and ability to understand or see things from the point of view of others.
- Have inappropriate or be very fixed in attitudes and character, including attitudes to sex.
- Put themselves in places and situations where vulnerable victims are present. (Offenders may frequent an amusement arcade or join a social media site or gaming platform where they will regularly be engaging with youth on a peer level or attempt to become a taxi or private hire driver" as referred to in the Telford report).²⁸
- The motivations to sexually offend can vary from offender to offender and offence to offence, but the specific deviant sexual motivations including paraphilias (a persistent and recurrent sexual interests, urges, fantasies, or behaviours of marked intensity involving objects, activities, or even situations that are atypical in nature) are often apparent. However sexual offenders will commit nonsexual offences.

2.28 Like sexual offenders, violent offenders are a diverse population, whose offences generally tend to be either expressive (a loss of control and anger) or instrumental (violence that is used to acquire or gain something, including some forms of acquisitive violence). We know that men commit far more violent offences than women and a very small group (less than

²⁸ Para 4.193 Report of the Independent Inquiry Telford Child Sexual Exploitation available at <https://www.iitcse.com/>

5% of the male population tend to commit around 50-70% of violent crime.²⁹ Often the most persistent violent offenders commence offending early in life and are characterised by criminal versatility, but because of their overt nature, much violence (with exceptions around domestic and intimate partner violence) has tended to be detected and prosecuted. Serious violence tends to result in conviction.

- 2.29 The risk of harm is not always linked to the offences committed previously, as persistent and repeat offenders often escalate or fluctuate in terms of the severity of crimes and the type of offences that they commit, and offenders often are not specialist and do not restrict themselves to one sort of crime.
- 2.30 Criminal versatility and a diversity of criminal offence types can also be indicative of underlying antisocial attitudes. Previous behaviour is a good indicator of future risks. Any conviction for a serious violent or sexual offence suggests at a degree of risk to the public that is heightened over those who have no convictions.
- 2.31 Beyond a very narrow core of hard cases, there are issues in both the boundaries of what constitutes the kind of behaviour that can be considered dangerous, which is open to dispute, and to what degree of likelihood of future risk should be required before an individual can be said to present a danger of future offending and subject to restrictions?
- 2.32 What is vital when considering violent and sexual offences are the access and opportunity that the offender requires to attempt to commit any offence. This is the focus of situational and administrative criminology. Situational crime prevention (SCP) is an applied criminological paradigm founded on two distinct, complementary conceptions of criminal situations. The first is the rational choice and the second is the routine activities perspectives.³⁰
- 2.33 SCP approaches consider criminal situations and understand that crime occurrences are essentially 'opportunities' that arise when an already motivated or criminally disposed offender, having rationally weighed up in terms of effort, risk, and reward decides to commit an offence. All else being equal, a crime is more likely to be committed when it requires little effort, when the would-be offender judges that there is a low risk of that crime being detected and punished, and when they anticipate they will meet their intended outcome. Core to the crime is a suitable target being available, there is the lack of a suitable guardian to prevent the crime from happening, and a motivated offender is present.
- 2.34 Licensing is a form of safeguarding and risk management. By virtue of the role and function of what opportunities and privileges a taxi or private hire drivers' licence affords, there can be a great deal of opportunity to access people who are situationally vulnerable, particularly those in the night-time economy. John Worboys (also known as John Radford)

²⁹ Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behaviour: A developmental taxonomy. *Psychological Review*, 100(4), 674–701. <https://doi.org/10.1037/0033-295X.100.4.674>

³⁰ Cornish, Derek B., and Ronald V. Clarke. "Crime as a rational choice." *Criminological theories: Bridging the past to the future* (2002): 77-96, and *Social Change and Crime Rate Trends: A Routine Activity Approach*, Lawrence E. Cohen and Marcus Felson Vol. 44, No. 4 (Aug., 1979)

the British convicted serial sex offender, known as the Black Cab rapist, was convicted in 2009 for attacks on 12 women committed between 2007 and 2008. In 2019, he was convicted for attacks on four more women, the earliest of which took place in 2000. Police say he may have had more than 100 victims while operating in London and Dorset.

- 2.35 The taxi trade and licensing has also featured as part of the backdrop of discussions of Child Sexual Exploitation in a number of English towns. These crimes have frequently been discussed as the product of ‘grooming gangs’. While this term has been controversial, the night-time economy (NTE) and particularly take aways, taxi and private hire companies and children's homes all also featured as part of the situational and social context of offending across a number of English towns such as Telford, Rotherham, Bradford, Luton, and Rochdale. Specifically vulnerable, young white females were predominately the victims of Bangladeshi and Pakistani male perpetrators’, some of whom were employed as taxi drivers.
- 2.36 While the term ‘grooming gangs’ has become a contentious one bringing often unhelpful claims and counterclaims, the reality is that much Child Exploitation (CE), including Child Sexual Exploitation and Child Criminal Exploitation happens when vulnerable young people (under the age of 18) are encouraged, forced or manipulated into criminal or sexual acts. While not all victims of CE and CSE are vulnerable by virtue of factors other than age, many victims have a range of heightened vulnerabilities. These can include problems at home, statutory care experiences, trauma, emotional and physical neglect, experiences with a family member with mental health or substance use disorders, experiences of domestic violence and abuse, poverty, experiences of racism and discrimination and experiences of violence in the community. Those in the taxi and private hire trades can also gain useful local knowledge and insight around concerns about exploitation and can be extremely useful in crime prevention and encouraging and promoting community safety.
- 2.37 Individuals applying for or renewing taxi and private hire driver’s licences are subject to an enhanced DBS with barred lists check. There are debates as to whether taxi and private hire driving should become a regulated activity within the provisions of the Safeguarding Vulnerable Groups Act 2006.
- 2.38 When making decisions around individuals being ‘fit and proper’ it is important that too much weight is not placed on individual testimony or evidence that cannot be substantiated. Rather, a focus should be on:
- What further offence(s) might the individual commit or exhibit?
 - Would they cause serious harm?
 - Who might the victim(s) be? Can they be accessed via occupational role?
 - What features might contribute to serious harm (the risk factors)?
 - What might protect against serious harm (the protective factors) and are they able to be guaranteed?
 - How probable is a high-risk scenario (likelihood)?

- How quickly could a further serious harm take place (imminence)?

2.39 Focusing on questions of access and opportunity and seeing licensing as a mechanism of safeguarding is vital when deciding if someone should be -licensed. While refusal of a licence is a restriction for the individual, it is also a method of situational safeguarding that can serve to prevent future victims.

Chapter 3: 'Taxi' and Private Hire Licensing Overview

- 3.1 Taxis and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi or private hire driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for taxi and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi and private hire licensing is detailed in the DfT *"Taxi and Private Hire Licensing best practice guidance for licensing authorities in England"* para 3. which states:

"The primary and overriding objective of licensing [the taxi and PHV trades] must be to protect the public."

Supported by para 3.2 of the DfT Statutory Taxi and Private Hire Vehicle Standards which states:

"When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public."

And acknowledged in part 1 of the Welsh Government Guidance document "Taxi and Private Hire Vehicles: Licensing Guidance" which states:

"The licensing regime needs to be updated to remedy the current problems; ensure that the taxi and PHV licensing system is fit for modern Wales; and promote public safety."

- 3.4 Within the two licensing regimes, there are 5 types of licence: taxi vehicle; private hire vehicle; taxi driver; private hire driver and private hire operator.

- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT,³¹ there are no national standards.³²
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, it is for the applicant or licensee to satisfy the licensing authority that they are “fit and proper”, not for the authority to prove that they are not.
- 3.9 The authority has powers to grant or refuse a licence, renew or refuse to renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.10 What is the role of these powers, and how do authorities determine an application, or take action against a licence? Each Licensing Authority should adopt a cohesive Taxi Licensing Policy.³³ If a matter or situation is not addressed or covered by the Policy, that does not mean that matter cannot be taken into account by the Authority: in such circumstances the Authority will have to consider the issue from first principles, as if it had not adopted any policy on this topic.
- 3.11 Whenever a decision is made by a licensing authority (whether that is by Councillors or Officers), full and detailed reasons for that decision must be given.³⁴ This requirement is not just for refusals. It is important that all decisions are recorded correctly, and reasons given. This will include grants (on first application and renewals), addition of conditions, suspension, revocations and refusals. To assist decision makers, [Appendix 1](#) contains guidance on recording decisions against NR3S criteria and [Appendix 2](#) contains an example of a Decision Notice, both of which are adaptable for a council’s own purposes.

³¹ “Statutory Taxi and Private Hire Vehicle Standards” Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards> and 3 of “Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England” Department for Transport revised in 2023 (available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>)]

³² The Government has stated that it will introduce national standards for taxi and private hire licences. However, at the time of writing (May 2024) this will be after the next General Election. In Wales, Welsh Government has consulted on new legislation, but again this is awaited.

³³ see Para 3.1 Dft Statutory Standards

³⁴ This was made clear by the Court of Appeal in *R (app Hope and Glory Public House Ltd) v Westminster City Magistrates’ Court* [2011] EWCA Civ 31, [2011] 3 All ER 579, CA.

Taxi & Private Hire Drivers

- 3.12 There are two different occupations: taxi drivers and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted. Some authorities grant separate taxi or private hire licences whilst others grant “dual” or “combined” licences to cover both occupations. Some authorities also issue “restricted” licences to drivers who only wish to perform home to school transport (H2S) work. Irrespective of the type or purpose of the licence, the decision making criteria remain the same.
- 3.13 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, comply with tax conditionality requirements and be a “fit and proper” person.³⁵
- 3.14 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.15 An applicant must have the right to remain, and work in the UK.³⁶ Again, this is ultimately a question of fact, and the local authority should follow the guidance issued by the Home Office.³⁷
- 3.16 The tax conditionality rules require any driver applying to renew their licence to demonstrate they are registered for tax with HMRC; new applicants must acknowledge that they will be required to register with HMRC.³⁸
- 3.17 Those requirements are all questions of fact. It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*.³⁹ Silber J said:

“... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”

³⁵ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers taxi drivers.

³⁶ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of taxi drivers.

³⁷ “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, June 2024 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

³⁸ <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

³⁹ [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt

- 3.18 This is reflected in a test suggested by the DfT Statutory guidance (although it is not a statutory test):

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?’⁴⁰

- 3.19 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

- 3.20 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers’ licence?

- 3.21 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”⁴¹

This “information” can include any pre-conditions or tests that they consider necessary

- 3.22 Some of these are mandatory, such as Proof of right to work, Tax conditionality on renewal, NR3S search (conducted by the licensing authority, but this is only advisory in Wales). Others are universally required such as medical assessments.⁴² Some authorities may require further information such as:

- Enhanced DBS Certificates (recommended although widely regarded as mandatory),
- sign-up to the DBS update service;
- Knowledge tests;
- Driving tests;
- Disability awareness/training;
- Periodic signed declarations;
- Spoken and written English tests;
- CSAE (child sexual abuse and exploitation) awareness/training;
- County lines awareness/training.
- Relevant taxi qualifications

- 3.23 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the

⁴⁰ <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards/statutory-taxi-and-private-hire-vehicle-standards#decision-making~:text=5.4%20Fit%20and%20proper%20test>

⁴¹ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

⁴² See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

- 3.24 In making the decision, as to whether an applicant is, or remains a fit and proper person, the licensing authority can take into account any information which is relevant to determining that question. This can include information obtained by the LADO (the Local Authority Designated Officer). The LADO is a statutory appointment under the Children Act 1989 whose role is to oversee and manage investigations following allegations being made against individuals who work or come into contact with children regularly. Their role is described in detail in *Working Together to Safeguard Children 2023*. The basis of the lawfulness of the sharing of LADO information is that it is being used by the Licensing Authority for the same purpose as it was obtained by the LADO, namely safeguarding.
- 3.25 Both taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared⁴³) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.⁴⁴
- 3.26 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Adult and Children Barred Lists checks⁴⁵ and to provide this to the Licensing Authority. This must be for “other workforce”+ “taxi”. Where a driver undertakes home to school contract work for an Education Authority (EA), they must obtain a different, separate Enhanced DBS Certificate to provide to the Education Authority, because that activity is “regulated activity” within the meaning of the Safeguarding Vulnerable Groups Act 2006, whereas general or day to day “private hire and taxi driving is not. The EA Enhanced DBS is for” Child Workforce“. A Licensing Authority cannot accept a Child Workforce DBS, and an Education Authority cannot accept an Other Workforce + Taxi DBS.⁴⁶ Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence. Some licensing authorities issue “restricted” licences solely for home to school transport use.

⁴³ “Protected convictions” and “protected cautions” are generally minor and elderly matters that do not appear on any DBS Certificates.

⁴⁴ See *Adamson v Waveney District Council* [1997] 2 All ER 898 QBD

⁴⁵ “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” - para 6.2 “Statutory Taxi and Private Hire Vehicle Standards” Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>).

⁴⁶ This is because School Transport is “regulated activity” within the Safeguarding Vulnerable Groups Act 2006, whilst general taxi and private hire driving is not.

- 3.27 If any new applicant has spent 6 months or more (whether continuously or in total), while aged 18 or over residing outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.⁴⁷ Where an applicant is unable to provide a satisfactory criminal record check, a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.
- 3.28 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability.⁴⁸ This may be 'never' due to the type of offence/behaviour and the risk of re-offending capability as a taxi driver.
- 3.29 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a fit and proper person to hold such a licence.
- 3.30 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.31 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration that can be taken into account.⁴⁹ This then leads to the question of whether the stance taken by some local authorities is robust enough to achieve that overriding aim of public protection.
- 3.32 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that those making these decisions, whether they are Councillors or Officers, recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the

⁴⁷ There are considerable discrepancies between Government guidance across England and Wales about the timescales when overseas information is required. In Wales the Taxi and Private Hire Vehicles: Licensing Guidance refers to 6 or more continuous months spent outside the UK since the applicant's 10th birthday. The Home Office Guidance on the application process for criminal records checked overseas referred to in the DfT Statutory taxi and private hire vehicle standards requires criminal record checks where you have lived for 12 months or more (whether continuous or in total), in the last 10 years before the application, while aged 18 or over.

This paragraph has been revised having regard to these recommendations.

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>

<https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>

⁴⁸ See para 5.15 "Statutory Taxi and Private Hire Vehicle Standards" Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>)

⁴⁹ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin), [2012] RTR 15 Admin Crt

matter, is the baseline for acceptability. The policy should only be departed from in exceptional circumstances and for justifiable reasons which should be carefully and comprehensively recorded. Licensing Authorities should monitor their decisions on an annual basis and examine how often they depart from the policy.⁵⁰

- 3.33 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour. Predators want taxi drivers' licences as it gives them easy access to victims.⁵¹ It should be noted that a licensing authority cannot prevent a person who has been refused a licence (or had it revoked) from re-applying to that, or any other, authority.
- 3.34 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. There should be a high standard of acceptability to enter the taxi industry. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. It also undermines the position and reputation of the vast majority of professional licensed drivers. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.35 Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.36 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they

⁵⁰ See para 3.5 of DfT Statutory Standards

⁵¹ Telford report volume 3 para 4.193: *'That is in my view a significant result and one which is more likely to be attributable to some feature of the job which is attractive to perpetrators, rather than to chance. The obvious feature that a CSE perpetrator would find attractive is that taxi drivers hold a position of responsibility to the public; people tend to trust them. It also shows why an effective system of licensing and enforcement is vital, and why the public must know about the standards they are entitled to expect: they must know how to complain and must be able to make a complaint easily and quickly.'* Report of the Independent Inquiry Telford Child Sexual Exploitation available at <https://www.iitcse.com/>

are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

- 3.37 As a society, we need to ask the question “who is driving my taxi or private hire vehicle?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law-abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi and private hire drivers. This is detrimental to all involved.
- 3.38 In England, when any action is taken in relation to a drivers’ licence: refusal to grant or renew, revocation or suspension, the authority must apply the legal test to determine if this action must be entered by that authority on the NR3S database in accordance with the Taxi and Private Hire Licensing (Safeguarding and Road Safety) Act 2022. It is recommended in DfT Guidance that this action is also undertaken in Wales. When considering any new application, the name or names of the applicant must be checked against the NR3S database. There is no mechanism for a driver to surrender or hand in their licence, or to withdraw an application to avoid suspension, revocation or refusal, and thus avoid such an entry being made. In such circumstances, licensing authorities must make decisions to revoke, suspend or not renew. This will ensure the NR3S Database is accurate.⁵² A failed applicant for a licence cannot avoid the recording of a refusal.

Private Hire Operators

- 3.39 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority.⁵³ A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK, on renewal meets the HMRC Tax Conditionality requirements, and is a fit and proper person.⁵⁴
- 3.40 As with taxi drivers the role of the PHO and their staff goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information.

⁵² See Journal of Licensing (2019) 24 JoL 46

⁵³ See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

⁵⁴ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

e.g. periods away from home, destinations, regular journeys. It is therefore vital that a PHO and their staff are as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Taxis can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a taxi driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

- 3.41 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.42 The decision is made by the licensing authority. Each authority can decide by whom those decisions are made under their Scheme or Schedule of Delegations (contained in the Council’s Constitution). Decisions can be made by Councillors sitting on a Committee or delegated to Sub-committee, or officers.
- 3.43 Spent convictions, but not protected convictions, can be taken into account when determining suitability for a licence, and these must be declared on the application form. In addition, the applicant (or licensee on renewal) should be asked to obtain and then provide a Basic Disclosure from the Disclosure and Barring Service.
- 3.44 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.45 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and in the absence of a DfT test, this is suggested:

“Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”⁵⁵
- 3.46 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. A condition should be imposed on a PHO licence requiring them to have a policy to undertake checks on those they engage (whether as employees, workers or independent contractors) within their business to satisfy themselves that they are fit and proper people to undertake that task using the same criteria as the licensing authority used in relation to the PHO. The PHO must then retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

⁵⁵ This is a slightly modified version of the suggested test in Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

- 3.47 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation.⁵⁶ Only by so doing can a decision be made as to the fitness and propriety of the operating entity. In these circumstances, a condition should be imposed on the PHO licence requiring notification to the licensing authority of any changes in membership any partnership or directors or secretary of a limited company. Such notification must be made within 7 days of the alteration and be accompanied by a Basic DBS for every new person.

Vehicle Proprietors

- 3.48 Similar considerations apply to the vehicle proprietors, both taxi and private hire. Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence), they clearly have an interest in the use of the vehicle. That is to say all of those named on the licence as proprietor or part proprietor.⁵⁷ They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety. Where any insurance replacement vehicle is involved, special considerations may apply.
- 3.49 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or who may be at risk of being, or are being, abused, exploited or enslaved.
- 3.50 In relation to both taxis and private hire vehicles, the local authority has an absolute discretion over granting the licence⁵⁸ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself.
- 3.51 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions (but not protected convictions or protected cautions) on initial application and every subsequent renewal. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs. This will not be required for proprietors who are already licensed as drivers and are registered with the DBS update service.

⁵⁶ See s57(1)(c) of the 1976 Act.

⁵⁷ "Proprietor" is defined in s80 Local Government (Miscellaneous Provisions) Act as: "'Proprietor" includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement."

⁵⁸ S37 of the 1847 Act in relation to taxis; section 48 of the 1976 Act to private hire vehicles.

3.52 in the absence of a DfT test, this is suggested as a suitable test:

“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”⁵⁹

⁵⁹ This is a slightly modified version of the suggested test in Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4: Guidance on Determination

- 4.1 This Guidance is not binding on licensing authorities. They are all independent bodies, and it is for them to determine their own standards. This Guidance is intended to encourage greater consistency in decision making where it concerns the suitability of applicants for taxi and private hire licences.
- 4.2 This Guidance is also intended to enable licensing authorities, as the regulators of taxi and private hire drivers, vehicles and operators, to set standards that protect the public, and uphold the reputation of the trade and those licensed to work in it. As with any regulated activity, absolute certainty of safety cannot be achieved, and there will always be a tension between those regulated, and the regulators. The aim of this Guidance is to enable regulators to protect the public, whilst not preventing the vast majority of decent, law-abiding applicants and licensees to obtain and retain those licences. The 'public' is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.
- 4.3 As is clear from the [Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview](#) above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.4 Many members of our society use, and even rely on, taxis and private hire vehicles to provide transportation services. This is especially true of disabled and vulnerable people. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.5 Ideally, all those involved in the taxi and private hire trades (taxi and private hire drivers, taxi and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.6 It is essential those making decisions (whether Councillors or officers) undertake regular (annual) training in the legislation relative to licensing and the purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

- 4.7 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks and overseas checks for the vehicle proprietor;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space, comfort and any similar considerations
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.
- Electric Vehicles may have additional considerations

Drivers:

- Enhanced DBS checks (Other Workforce + Taxi) with update service and overseas checks;
- Checks made to the National Anti-Fraud Network NR3S database on refusals, revocations, and suspensions of taxi and private hire licences;
- Medical checks (Group 2 Standard as a minimum);
- Knowledge of the geographic area (for taxi and dual licences);
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation, county lines and safeguarding training;
- Right to work checks;
- Tax conditionality checks.

It should be noted that records only remain on the NR3S database for a period of 11 years after which they must be removed under S 4(3)(b) of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. This means that there will no longer be any record of whatever caused the entry to be made. This is unsatisfactory because any subsequent search after 11 years have elapsed from the date of entry will not reveal anything and is therefore worthless. It is believed that the period is set at 11 years to prevent a conviction that has become protected being revealed. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198) contains a long list of offences that will never become protected so it is some comfort that they will be disclosed on an Enhanced DBS in the normal way.

Operators:

- Basic DBS checks and overseas checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area;
- CSAE and County Lines Training for operator and staff
- Right to work checks;
- Tax conditionality checks.

- 4.8 The licensing authority sets its own application requirements which will be detailed in its licensing policy.
- 4.9 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.10 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.11 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a taxi or private hire proprietor’s licence.
- 4.12 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership⁶⁰) is “safe and suitable” to hold the licence.
- 4.13 In determining safety and suitability, the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament. The categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.
- 4.14 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction.⁶¹ Fixed penalties and community resolutions will also be considered in the same way as a conviction.⁶²

⁶⁰ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

⁶¹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁶² This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

- 4.15 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority.⁶³ In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.16 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.17 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.18 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi and private hire trades will not be seen as mitigating factors.
- 4.19 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.20 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.21 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
- 4.22 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The

⁶³ See *R v Maidstone Crown Court, ex p Olson* [1992] COD 496, QBD; *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889, QBD; and *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt.

licensing authority has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

- 4.23 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.24 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.
- 4.25 This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a licensing authority. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.26 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.
- 4.27 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy, and then determine applications in the light of that policy.
- 4.28 It must always be borne in mind that these are Guidelines, not fixed periods, and if there are "truly exceptional circumstances"⁶⁴ the time periods can be reduced in individual cases. Such instances should only be for "truly exceptional circumstances" and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances

⁶⁴ DfT Statutory Standards Guidance para 5.15

and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.⁶⁵

Drivers

- 4.29 As the criteria for determining whether an individual should be granted or retain a taxi driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.30 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 4.31 As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.32 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed 'Motoring Offences' below.
- 4.33 As stated above, the categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

- 4.34 A licence will not be granted to a person who is on any barred list.

Offences resulting in death

- 4.35 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Offences involving exploitation and criminal harassment

- 4.36 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming,

⁶⁵ *Nottingham City Council v Farooq (Mohammed) Times, October 28, 1998 QBD*

psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

- 4.37 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.
- 4.38 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

- 4.39 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

- 4.40 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Sex, indecency or obscene materials

- 4.41 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.
- 4.42 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

- 4.43 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Alcohol abuse, Misuse or Dependency

- 4.44 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

- 4.45 Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.46 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.47 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

- 4.48 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

- 4.49 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

- 4.50 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.
- 4.51 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.52 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.⁶⁶
- 4.53 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁶⁷ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction, or the date of the offence depending on the type of offence (see "Penalty points (endorsements)").⁶⁸
- 4.54 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.
- 4.55 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

⁶⁶ Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol: <https://www.trl.co.uk/news/transport-select-committee-road-safety-enquiry-on-the-use-of-mobile-phones> Using an electronic device which is 'hands free' or 'factory fitted' does not constitute an offence on its own but drivers need to maintain proper control of the vehicle at all times. Any behaviour or activity other than driving may be considered an offence where control of the vehicle is compromised.

⁶⁷ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

⁶⁸ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

- 4.56 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.
- 4.57 Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.
- 4.58 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

- 4.59 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.
- 4.60 Behaviours such as
- Asking a passenger for their contact or social media details
 - Asking personal or intimate questions
 - Inappropriate physical contact with passengers or invade their personal space
 - Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

- 4.61 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.
- 4.62 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.
- 4.63 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.64 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.65 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.66 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.
- 4.67 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

- 4.68 Vehicle proprietors (both taxi and private hire) have two principal responsibilities.
- 4.69 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.70 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.71 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.72 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Appendix 1 - Guidance on Recording Decisions, Reasons and NR3S Criteria for reporting purposes

It is important all decisions including reasons are recorded (see example Decision Notice in [Appendix 2](#)). The following template may assist in preparing to report a decision to NR3S when appropriate and for the council's internal records.

Directorate:	The Directorate or department that oversees licensing matters in your authority.
Decision Maker	This will be either the committee/ sub-committee or officer under delegated powers
Subject	Name of licence holder
Delegated Powers Reference	If decision under delegated authority quote relevant section of the scheme here.
Decision	State in simple terms the decision and whether immediate effect. e.g. Revoked with immediate effect
Detail	Provide the facts in this section, not your views or thoughts. List the evidence you considered
Reason	Now explain your findings here, where there are conflicting accounts explain here the account you prefer and the reasons why. Refer to your policy and how you have applied it. Cover all of the options open to you and why others were discounted and why the option was chosen. Demonstrate consideration of the pieces of legislation listed in the 'Other' section below Include consideration whether the action is to have immediate effect and explain the reasons for this.
NR3S	The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 imposes a duty on councils in England, and it is advisory in Wales, to record details on the NR3S Register, of any refusal, revocation and/or suspension of a driver's licence where the reasons meet one or more of the following criteria (tick all that apply):- ☐ has committed a sexual offence (whether or not the person was charged with, prosecuted for or convicted of the offence); ☐ has harassed another person; ☐ has caused physical or psychological harm to another person;

	☐ has committed an offence that involves a risk of causing physical or psychological harm to another person (whether or not the person was charged with, prosecuted for or convicted of the offence); ☐ has committed an offence under section 165, 168 or 170 of the Equality Act 2010 (whether or not the person was charged with, prosecuted for or convicted of the offence); ☐ has done anything that, for the purposes of the Equality Act 2010, constitutes unlawful discrimination or victimisation against another person; ☐ has threatened, abused or insulted another person; ☐ poses a risk to road safety when driving; ☐ may be unsuitable to hold a driver's licence for other reasons relating to— ☐ the safeguarding of passengers, or ☐ road safety. The Act also imposes a duty on council's to search NR3S Register before making a decision on a person's application for, or for the renewal of, a driver's licence. Further information can be found at www.nafn.gov.uk
Other	I have fully considered the relevant legislation including The Equality Act, Crime and Disorder Act, Human Rights Act, the Local Government (Miscellaneous Provisions) Act 1976 (this is not an exhaustive list). I am duly authorised to make this decision.

Declared Officer / Member Interests				
Details of consultation undertaken if appropriate		Yes	No	Date
	Director			
	Chair of Regulatory Committee			
	Senior Solicitor			
Contact Person		Contact No		
Authorised Signatory		Date		

Appendix 2 – Example Decision Notice

NB: This is not a prescribed form and should be adapted for a council's own purposes

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 Section 60/61/62

NOTICE OF [GRANT / REFUSAL / SUSPENSION / REVOCATION / RENEWAL / NON-RENEWAL/] of [LICENCE TYPE] LICENCE

TO: _____

OF: _____

LICENCE NO. _____

NOTICE IS HEREBY GIVEN that [Council], has today [granted / refused / suspended / revoked / renewed/not renew] [licence type] licence, [with immediate effect / with effect from XXXX / for the period from XXXX until XXXX] on the ground(s) and for the reason(s) indicated and stated below:

You are a fit and proper person to hold such a licence / You are not a fit and proper person to hold such a licence

Vehicles – Section 60

The vehicle is unfit for use / you are unsuitable to hold a proprietor's licence / on the following grounds

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847, or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause

Drivers – Section 61

You are no longer a fit and proper person to hold the licence on the following ground(s):

- (a) That you have since the grant of the licence:
 - (i) been convicted of an offence involving dishonesty, indecency or violence, and/or
 - been convicted of an offence under or failed to comply with the provisions of
 - (ii) the Town Police Clauses Act 1847 or of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- (aa) That you have since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (b) any other reasonable cause

Operators - Section 62

You are no longer a fit and proper person to hold the licence on the following ground(s):

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- (ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (d) any other reasonable cause.

Reason(s):

[INSERT FULL AND DETAILED REASONS]

This decision does not take effect until 21 days have elapsed after receipt of this notice, except where the decision is to have immediate effect.

NOTICE IS FURTHER GIVEN that in accordance with section 61 and supplementary provision contained in section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, [Council] is satisfied that it is both proportionate and in the interests of public safety that the [suspension/ revocation] of your driver's licence takes effect immediately on receipt of this notice.

The effect of this part of the decision is that you cannot continue to drive a licensed vehicle (hackney carriage or private hire vehicle) pending the outcome of any appeal to the Magistrates' Court. You are required, in accordance with section 61(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976, to return immediately your driver badge number [BADGE NO] to the Licensing Department, [COUNCIL ADDRESS]. Failure to do so is an offence at law.

DATED XXXX

Signed on behalf of [Council]

RIGHT OF APPEAL

Sections 60(3), 61(3) and 62(3) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any applicant, proprietor, driver or operator aggrieved by the decision of this council to suspend, revoke or refuse to renew a licence may appeal to the Magistrates Court. The appeal must be submitted to the Court within 21 days of the date of service of this Notice. You are advised to take legal advice to ensure that your appeal is correctly submitted to the Court together with the required Court fees, for which you may be liable.

If you choose to appeal and do so within the time limit you may continue to drive until your appeal is determined except where this decision has immediate effect.

In the event that you choose to appeal and are unsuccessful, the council may seek costs against you. If you are successful, the council will resist any application for costs made by you.

Any correspondence with the council must be addressed to [NAME AND ADDRESS OF THE COUNCIL].

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Appendix B – Convictions’ Policy

1.0 Introduction

This policy provides guidance on the criteria taken into account by New Forest District Council (‘the Licensing Authority’) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a dual driver licence or operator licence.

The decision maker will consider all relevant factors when determining applications, including previous convictions, cautions and complaints and the time that has elapsed since these were committed.

The overriding aim of the Licensing Authority is to protect the safety of the public and they will aim to ensure that any person licensed to drive a hackney carriage or private hire vehicle or an operator:

- is a fit and proper person; and
- does not pose a threat to the public.

It will also aim to ensure that the public, in particular, children, young persons and vulnerable adults are adequately safeguarded.

The term “fit and proper person” for the purposes of licensing is not legally defined and in assessing whether someone is “fit and proper” the Licensing Authority will consider enhanced conviction history, driving history and any offences, Right to Work in the UK and medical fitness, together with any other relevant information.

Where licensing officers have delegated powers to grant licences, they will use these guidelines when making a decision to grant a licence. In certain circumstances applications for licences will be referred to the Licensing Sub-Committee. Whilst officers and Elected Members will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and where the circumstances demand, the committee/officer may depart from the guidelines.

The type of offence, pattern of behaviour and overall history should be taken into consideration when determining an application.

In addition, these factors will also be taken into account when action against a licence holder is being considered.

2.0 Appeals

Any applicant who is refused a driver or operator licence on the grounds that the Licensing Authority is not satisfied that they are a fit and proper person to hold such a licence has a right to appeal to the Magistrates’ Court within 21 days of the notice of refusal.

Any driver or operator who has his/her licence revoked on the same grounds also has the right to appeal to the Magistrates' Court within 21 days of the notice of revocation.

3.0 Powers

Sections 61 and 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a driver's or operator's licence respectively if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; or an offence related to immigration; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause. The commission of an offence or a serious allegation which falls within this policy and brings into question whether a licensed driver or operator is a fit and proper person to continue to hold a licence may lead the Licensing Authority to conclude that there is a "reasonable cause" to suspend, revoke or refuse to renew their licence.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a driver licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions or cautions, particularly where there is a long history of offending or a recent pattern of repeat offending.

4.0 Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that any applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle driver licence and/or private hire operator licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will investigate all matters disclosed and any other matters that may be relevant.

Licensed drivers and operators are required to notify the Licensing Authority in writing within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or any motoring offence or receipt of a police caution. Failure to do so will call into question the fitness and propriety of the licensee.

The Licensing Authority requires an enhanced disclosure certificate from the DBS for any new or renewal driver licence application. Applicants for an operator licence will be required to obtain a basic DBS check at their own expense (unless they are the holder of a current hackney carriage or private hire driver's licence issued by NFDC).

The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority

or other licensing authorities and information disclosed by the police or any other third party.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

For renewal applications and current licence holders, the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred, or they are otherwise brought to the attention of the Licensing Authority for conduct that would call into question a person's suitability to hold a licence.

Offences not covered by this policy will be considered by the Licensing Authority when determining whether the applicant/licensed driver or operator is a fit and proper person.

5.0 Conviction guidelines

This Appendix is based on the Institute of Licensing document: "Suitability Guidance" issued in 2024. This replaces the previous version issued in 2018, together with the "Statutory Taxi and Private Hire Standards" document published by the Department for Transport in July 2020 and updated in November 2022.

These documents have been widely adopted by Licensing Authorities in the UK to promote consistency, raise standards and assist in the protection of the public.

5.1 Offences resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

5.2 Offences involving exploitation and criminal harassment

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse and stalking without violence, but this is not an exhaustive list.

5.3 Offences involving violence against persons, property or the State

Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of "violence" is wide, but any such behaviour will be of concern. This appendix does not differentiate between levels of violence. It will be for the licensing authority to

determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult, a licence will never be granted.

5.4 Offences involving Public Order

Where an applicant has a conviction for a public order offence or similar that is not itself an act of violence, a licence will not be granted for a period of 5 years.

5.5 Offences involving Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

5.6 Offences involving Sex, indecency or obscene materials

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

5.7 Offences involving Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

5.8 Offences involving the use, possession or supply of Drugs

Where an applicant has any conviction for, or related to, the production, import, trade, or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

5.9 Offences involving Alcohol abuse, Misuse or Dependency

Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the

application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

5.10 Offences involving Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010 a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes refusal to carry assistance dogs or to provide mobility assistance.

5.11 Offences involving Regulatory non-compliance

Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

5.12 Motoring convictions

Drivers of hackney carriages and private hire vehicles are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not normally prohibit the grant of a licence or may not result in action against an existing licence. Any subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

5.13 Offences involving Drink driving or driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed, whichever is the later.

5.14 Using a hand-held telephone or handheld device whilst driving

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

5.15 Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

A driver licence will not be granted to any new driver applicant who has 9 or more points for minor motoring convictions showing on their driving licence.

Existing licence holders reaching seven or more points for minor motoring convictions will receive a warning and will be required to attend appropriate training, as defined by the authority, at their own expense.

Existing licence holders reaching 9 points or more for minor motoring convictions and who have previously attended training under this policy may have their licence refused or revoked dependent on the individual circumstances of the driver concerned and offences omitted. In considering such action, the intention of the policy will be to only refuse or revoke a licence where there are very clear concerns for public safety.

Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

5.16 Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, including use of a licensed vehicle, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

6.0 Outstanding charges or summonses

If an applicant is the subject of an outstanding charge or summons their application will be held and not progressed until the outcome of the proceedings has been determined.

7.0 Non-conviction information

If an applicant has been arrested or charged, but not convicted, for a serious offence which falls within the policy which suggests they could be a danger to the public, consideration will be given, under the Council's scheme of delegation to refusing the application or revocation if licensed.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

8.0 Behaviours

Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.

If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

9.0 Cautions

An admission of guilt is required before a caution can be issued; therefore cautions are treated the same as a conviction and applied as above pertinent to the type of offence. Every case will be considered on its own merits including the details and nature of the offence.

10.0 Licences issued by other licensing authorities

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect. They should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

One of the background checks carried out for new and renewal drivers, involves a review of the National Anti-Fraud Network (NAFN) NR3S database. Officers will check the applicant's name against the NR3S Register held by NAFN to determine if another Licensing Authority has taken action against the applicant/driver. If a positive match is found, background information will be obtained and considered by the Licensing Authority.

The register provides names of all those drivers/applicants who have had a licence application refused, revoked or suspended.

This is to protect the public and ensure that any driver who has been revoked or refused a licence does not obtain a licence with another authority, by simply failing to supply previous licence history. The database provides the opportunity for every Local Authority to properly consider applicants and the background to a previously refused or revoked licence, by another authority.

Licensing authorities will retain the reasons for any refusal, revocation or suspension and provide those to other authorities as appropriate under the terms and conditions of the database.

Where this Licensing Authority has refused to grant a driver licence to an applicant or has had a licence revoked or suspended, or it has expired during a period of suspension, no new application will be considered for a at least three years (in line with the time periods above) from the date of refusal, revocation or expiry.

Any application subsequently received, will be determined by members of a Licensing Sub-Committee who will consider the applicant's history and background.

11.0 Summary

It is vital that passengers, other road users and society have confidence in the licensing regime and can rely on the suitability of all those involved in providing licensed vehicles. Careful consideration must be given to all applications and a thorough vetting of applicants must be undertaken.

This Appendix is intended to assist the Licensing Authority in determining the suitability of applicants and licensees. It also provides clear guidance for applicants and licence holders with regard to the standards expected by the Authority.

Council – 15 December 2025

Report of Cabinet – [5 November 2025](#)

Part I – Items Resolved by Cabinet

1. Appletree Property Group AGM 2025

Portfolio – Finance and Corporate

Cabinet Resolution:

That Cabinet:

1. Noted the contents of the report and appendix summarising the position of Appletree Housing as at March 2025; and
2. Endorsed the Immediate to Medium Term Objectives.

Cabinet Discussion:

The Portfolio Holder for Finance and Corporate clarified that Appletree Holdings was a separate independent company, providing properties to rent and had no connection to the HRA. An AGM had recently been held and this showed that the company was doing well with its property holdings. Additional properties were not currently being purchased. It was noted that rental income continued to increase.

The Assistant Director of Finance confirmed there had been no further properties purchased over the last year. The market value of the properties had increased by £0.5 million and a loss had been made of £29,000 over the last financial year. However, the performance against all the KPIs was positive, properties were compliant in terms of maintenance, there was a low level of rent arrears and that following a tenant survey it was noted that the responses received showed that tenants were very satisfied.

A recommendation in the report sought to endorse the eight objectives, which were included in the appendix. These included, for example considering the implications of LGR and reviewing rents in 2026 to maximise rental income and keep in line with market rent.

A non-Cabinet member, who had been appointed as a board member to Appletree Property Holdings reported that preference for these properties was to let to people in the district with a local connection

and to be a landlord of choice. It was highlighted that a survey had been carried out with tenants and there was nearly a 100% level of satisfaction with the tenants.

In response to a question regarding LGR and whether it would be transferred to the new authority, the Portfolio Holder for Finance and Corporate confirmed that it would be transferred across to the new unitary authority as an asset.

2. Appointments to Outside Bodies

Portfolio – Leader

Cabinet Resolution:

That the appointments to the New Forest National Park Authority, be agreed as follows for the remainder of the four year term ending in May 2027:

Conservative (2): Barry Rickman and Derek Tipp

Liberal Democrats (1): Caroline Rackham

Independent (1): Joe Reilly

Cabinet Discussion:

The Leader highlighted the recommendation, specifically the two conservative members, Cllr Barry Rickman and Cllr Derek Tipp to be appointed to the National Park Authority for the remainder of the four year term.

Part II – Recommendations to Council

3. Financial Monitoring Report (based on performance April – September 2025 inclusive)

Portfolio – Finance and Corporate

Cabinet Resolution:

That Cabinet:

1. noted the latest budget forecasts of the General Fund, HRA, and Capital;
2. approved the list of roles as outlined in the report to support the commencement of phase 1 LGR activity;
3. approved the budget virements within the HRA to utilise a forecast underspend on Major repairs and external gutter/render cleaning to increase spend on condition surveying and decarbonisation; and
4. approved net changes to the Capital Programme totalling £154,000.

Recommended:

1. that £1.5 million is transferred from the Budget Equalisation Reserve to the Local Government Reorganisation Reserve, with the previously approved delegation extended to cover this increased balance.

Cabinet Discussion:

The Portfolio Holder for Finance and Corporate reported that the report had been prepared based on the financial performance for the first half of the year and showed that the council was on target with a balanced budget. There had been a change to the capital programme with a net increase of £154,000, which would enable the acquisition of new vehicles. The updated capital programme budget was therefore £52.478 million.

The most significant movement was the recommendation that £1.5 million be transferred from the Budget Equalisation Reserve to a Local Government Reorganisation Reserve. This would enable the council to fund changes in light of LGR.

The Portfolio Holder finally highlighted that the HRA budget had a balanced position. Additional revenue funding was required in relation

to the stock condition surveys and that this corresponded with a reduction in capital expenditure.

The Assistant Director – Finance further confirmed that the General Fund and HRA presented a balanced budget position. This was due to the additional interest earnings which had offset the additional budget requirements. There had been an increase in the capital programme.

The most significant recommendation related to the proposal that £1.5 million be added to the LGR reserve. This would be used to bolster the workforce capacity and resources over the next 2.5 years in order to prepare the authority as much as possible for vesting day of a new Unitary authority.

There were a number of uncertainties in the report around clarity over the waste rollout budget, senior staffing changes and the homelessness temporary accommodation budget which remained under review.

A non-Cabinet member referred to the car parking income which was forecast to be lower than that budgeted for, and recognising that the proposed new charges were expected to address some of this shortfall in the budget. It was felt that increasing car parking charges would reduce usage and that it has been seen over the last few years where the income received had been lower than the budget. Concern was expressed that increasing the charges would not make up the loss of income and that a different approach should be considered.

The Portfolio Holder for Finance and Corporate responded to this and explained that income from the car parks had increased just not quite as high as initially forecast. Reference was made to the competition and highlighted that there were no national parking companies operating in the district, indicating that they could not provide car parking services for less than the council. He referred to the short stay car parking clock as the cheapest and most effective method of parking in the district. The Portfolio Holder felt that those people who did not have a car should be supported. The car parking charges were insignificant compared to the cost of owning a car, they were reasonable and fair and had been raised by the cost of inflation.

Appendix 1 – Background report to Cabinet

Cabinet – 5 November 2025

Financial Monitoring Report (based on performance April to September 2025 inclusive)

Purpose	For Decision
Classification	Public
Executive Summary	This report provides the latest budget forecasts for the General Fund, Housing Revenue Account (HRA) and capital programme for the 2025/26 financial year, based on the first half of year performance from April 2025 to September 2025 inclusive. It shows: a. a balanced budget in the General Fund as additional interest earnings (£459,000) offset the additional budget requirements in this quarter (£201,000) and the previous quarter (£258,000); b. a balanced position across the HRA revenue and capital programme due to a reduction in the capital programme to offset the £148,000 additional budget requirement and; c. a net increase in the capital programme for 2025/26 of £154,000. d. a recommendation to increase the Local Government Reorganisation (LGR) reserve by an additional £1.5 million, by way of a transfer from the Budget Equalisation reserve.
Recommendation(s)	a) It is recommended that Cabinet: 1) note the latest budget forecasts of the General Fund, HRA, and Capital. 2) approve the list of roles as outlined in the report to support the commencement of phase 1 LGR activity. 3) approve the budget virements within the HRA to utilise a forecast underspend on Major repairs and external gutter/render cleaning to

	increase spend on condition surveying and decarbonisation. 4) approve net changes to the Capital Programme totalling £154,000. b) It is recommended that the Cabinet recommend to the Council: 1) that £1.5 million is transferred from the Budget Equalisation Reserve to the Local Government Reorganisation Reserve, with the previously approved delegation extended to cover this increased balance.
Reasons for recommendation(s)	To comply with accounting codes of practice and best practice which requires councils to regularly monitor the annual budget position and take any action to support the sustainability of the council's financial position ensuring we are being financially responsible. To comply with the council's financial regulations regarding budget virements and supplementary budget requests.
Ward(s)	All
Portfolio Holder(s)	Councillor Jeremy Heron – Finance and Corporate
Strategic Director(s)	Alan Bethune – Strategic Director Corporate Resources and Transformation (Section 151 Officer)
Officer Contact	Paul Whittles Assistant Director - Finance 02380 285766 paul.whittles@nfdc.gov.uk

Introduction and background

- Following the approval of the Original Budget for 2025/26 in February 2025, this report provides a further update on the General Fund, Housing Revenue Account and Capital budgets, adjusting for any budget changes now required and recommended.

2. Financial Monitoring is an important feature in the management of the council's finances as it gives an opportunity to reflect on variations as against the latest set budget and reflect on the impact that these variations may have over the period covered by the council's Medium Term Financial Plan (MTFP).

General Fund revised projection

3. Appendix 1 sets out the General Fund budget of £25.509 million for 2025/26 as agreed by council in February 2025 (£28.719 million at Portfolio analysis level, with other budget elements reducing this to this lower General Fund budget figure).
4. The quarter one monitoring report to September Cabinet presented additional budget requirements of £258,000 and this report identifies a further £201,000 with the full £459,000 being offset by an improvement in interest earnings against budget.
5. The latest budget variations reported include net favourable expenditure variations of £55,000 and net favourable income variations of £203,000. In addition to internal virements between portfolios, major variations are detailed below (ordered in accordance with **Appendix 1**), with full variations listed in **Appendix 2**.

Environment and Sustainability (Place, Operations and Sustainability)

6. **Car Parking (£65,000)** – Initial analysis forecast a shortfall in car parking income of £94,000 versus the annual £5.238 million budget. Following the approval of the 2026 Fees and Charges at the October Cabinet meeting to be introduced in January 2026, this variance will reduce by £29,000.
7. **Keyhaven River (£29,000)** – Income for year was expected to be £32,000 less than the £252,000 annual budget. Following the approval of the 2026 Fees and Charges at the October Cabinet meeting to be introduced in January 2026, this variance will reduce by £3,000.

Finance and Corporate (Corporate Resources and Transformation)

8. **Commercial Property (£120,000)** – Platinum Jubilee Business Park now has an 88% occupancy rate. The 3 remaining vacant units will result in an income variation (£85,000) and a business rate liability (£35,000) in the current year. Active marketing is ongoing with the Council's agents to source tenants for the final few

remaining units. The Estates Manager is also considering other options to increase marketing and awareness of the available vacant units.

9. **Treasury Management (£459,000)** - It is anticipated that additional treasury investment returns will be received in 2025/26. The additional income being forecast will be sufficient to offset the current adverse General Fund budget shortfall as covered within this report, and within the previous report. Forecasting will be continually updated as the year progresses, with there being the potential for further improvement based on current balance forecasts and interest rate expectations. The forecast position will be regularly reported on through future financial monitoring reports.
10. The revised General Fund Budget for 2025/26 can be seen at Appendix 1, with further details on the variations being reported included within Appendix 2.

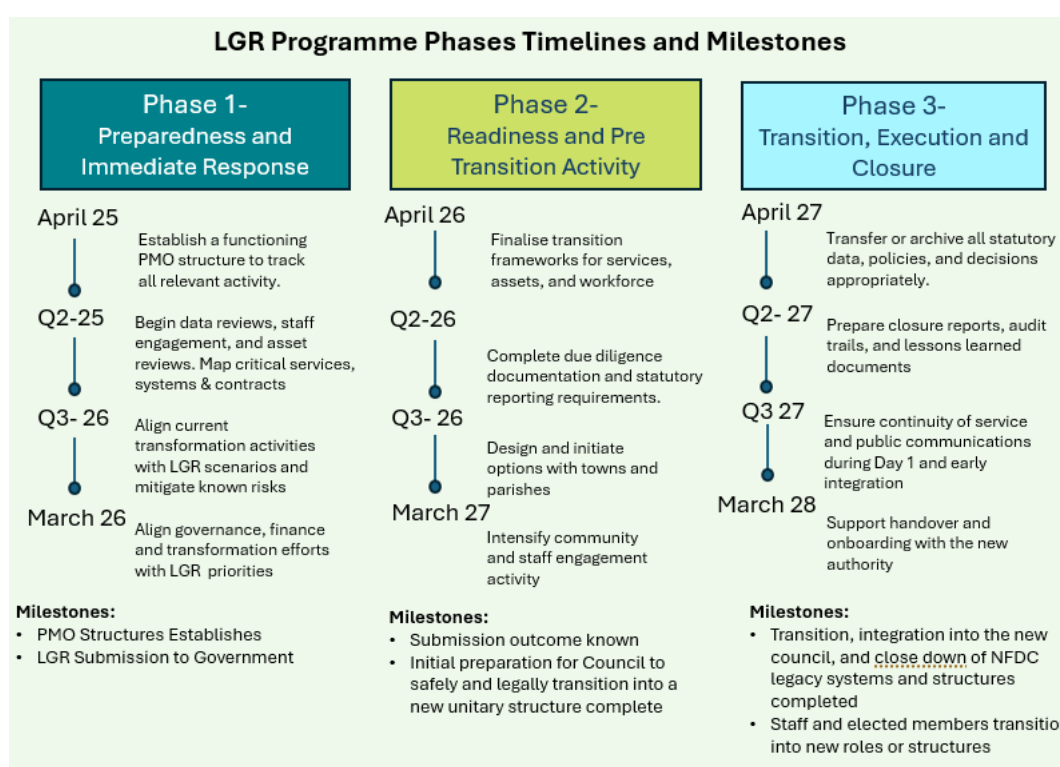
Local Government Reorganisation (LGR)

11. LGR will increasingly present significant delivery and capacity challenges. The council has played an active role in shaping the regional response however, the differing views on which future unitary configuration the New Forest should be part of results in a number of possible scenarios. This means that the district needs to be represented across multiple geographies to help inform and shape options, above and beyond comparable authorities. This is exacerbated by the added complexity of a significant boundary change proposal which if successful will result in additional capacity requirements to support significant disaggregation of district services.
12. The Government has been clear that no additional funding beyond the initial £26,540 that has been received by the Council will be provided to support LGR. As has been the case in other reorganisations, required funding will need to be met from constituent councils. Consequently, NFDC initially established a £150,000 annual revenue budget, and this has been used to immediately fund essential roles to support the LGR process (Programme Manager 1FTE and GIS Officer 1FTE).
13. Additionally, the council created a £500,000 LGR reserve, with expenditure and commitments to date totalling £113,000.
14. An initial internal LGR programme plan has been developed to embed a structured, multi-phase programme that manages risk,

aligns with regional priorities, and supports a responsible transition to a future unitary authority. This will be further supported by the development of the Programme Management Office (PMO) that will bring increased structure and assurance to the development and delivery of priorities and management of resources.

15. The Programme plan recognises that the delivery of LGR will require significant resources and whilst NFDC is not responsible for designing the new unitary organisation it is accountable for managing its own transition with integrity, transparency and assurance.

Three phases have been identified for the NFDC programme:



16. The initial preparation phase includes activities, such as ensuring good knowledge of our baseline position from a digital, HR and wider data perspective. The sooner these activities commence the better position we will be in to align with the wider programme and for this council to help shape and contribute constructively to the reorganisation process.
17. The Appendix 5 provides a summary of some of the likely key activities for each phase, although it is not an exhaustive list and will be refined and further informed as clarity emerges.

18. Further clarity will emerge for phase 2 and 3 activities as a wider regional delivery programme is stood up and when the implementation team for the new unitary is established. At this point consideration will be needed regarding additional capacity for phases 2 and 3.
19. It has become increasingly clear that the current level of revenue and reserve funding will be inadequate to cover the likely further resources required through to vesting day identified in response to this early assessment of necessary activities and subsequent resources.
20. A number of additional resources have been identified to manage different aspects of the phase 1 programme as detailed in the following table. The on-going commitment of phase 1 resources plus the likely increased resource requirement phases 2 and 3 will add, requires additional funding to be made available. Member approval is sought to transfer £1.5 million from the Councils Budget Equalisation Reserve (currently £2.699 million) into the LGR reserve in order to cover these anticipated costs and leave headroom for inevitable additional costs not yet fully quantified, as the council works through phases 2 and 3.

LGR Phase 1 additional resources and funding

Service	Extra FTE	2025/26	2026/27	2027/28
ICT	3.14	52,700	174,500	180,200
HR	1.00	21,400	66,100	68,300
Communications	1.00	21,700	67,200	69,400
Other	2.00	25,600	105,300	108,600
Total	7.14	121,400	413,100	426,500

21. Throughout this process we will seek to utilise the skills and experience we have within the organisation. As well as providing a development opportunity, internal resources better understand the context of the organisation and have existing relationships with stakeholders. Moreover, we will retain these skills in the new

organisation. Where these arrangements are agreed, backfill arrangements will be considered.

22. Work has commenced and will be ongoing to assess the Council's prioritisation of business as usual and project delivery activity in accordance with outcomes that best align to corporate priorities. Every effort will be made to utilise and free-up any potential resource capacity to reduce the overall additional cost of LGR to the New Forest tax payer. It is however inevitable that preparations for LGR will cost this Council a significant sum of money, hence the required approval for a top in the LGR reserve of the £1.5 million. The previously agreed delegation will still apply to this increased sum, with members receiving regular updates on the LGR programme through the Resources and Transformation Overview and Scrutiny Panel, and meetings of the Cabinet and Council.

Other Financial Matters of note

23. Given the scale of the investment supporting the roll out of the new waste collection service, all costs continue to be closely monitored. Lessons learned from phases one and two, plus the behind the gate trials, will continue to inform changes to the existing assumptions and highlight new budget requirements which shall need to be considered in line with financial regulations. A service update is expected in December and is anticipated to outline a requirement for significant additional capital and revenue resources.
24. The council has recently restructured its executive management team. The financial consequences of this, plus any backfill arrangements will be included in future financial monitoring report updates and addressed through the MTFP accordingly.
25. Bed and Breakfast spend to date is currently ahead of the profiled budget, whilst increases in expenditure shall be mitigated in part by an increase in benefit subsidy received, the council remains watchful of this evolving situation as it could lead to an in-year budget pressure.

Housing Revenue Account Revised Projection

26. A break-even HRA budget for 2025/26 was agreed in February 2025, with a Revenue Account contribution of £10.200 million supporting the financing of the £30.820 million HRA Capital Programme.
27. The quarter one monitoring report to September Cabinet identified additional budget requirements of £60,000.

28. This report identifies proposed net budget increases of £148,000 due to the employment of external stock condition surveyors (£240,000) to enhance delivery of the current programme requirement, offset by a reduction of £92,000 in gutter/render cleaning works, due to the need to retender contracts.
29. The updated HRA budget can be seen at Appendix 3.

Capital Expenditure (General Fund and Housing Revenue Account)

30. A Capital Programme budget of £50.231 million for 2025/26 was agreed by council in February 2025.
31. Principally due to rephasing from 2024/25, the budget was increased by £2.093 million to £52.324 million in the September Cabinet report.
32. The latest forecast confirms net programme changes totalling £154,000 which results in an updated 2025/26 Capital Programme Budget of £52.478 million (Appendix 4).
33. Details of the significant changes are provided below:
34. **Housing and Communities (-£500,000)** – A reduction in Disabled Facilities Grant cases coming through from Hampshire County Council (HCC) is resulting in the council forecasting less activity this year and consequently a reduction in the amount of grant able to be utilised.
35. **Environment and Sustainability (£749,000)** – An acceleration in vehicle acquisitions is forecast to catch up the prior year underspend as well as deliver the in-year plan. This effectively required the previously unspent budget from 2024/25 to be made available in the current financial year.
36. **Housing Revenue Account (-£148,000)** – A review of the Major Repairs programme has identified an anticipated, in year, underspend of £348,000, largely due to the need to review some contracts and some unforeseen structural issues. It is proposed that this underspend be used to offset the revenue cyclical maintenance increase of £148,000 and to enhance the Decarbonisation Works programme by £200,000.

Corporate plan priorities

37. Regular monitoring and reporting of our financial activity including adjusting budgets whilst maintaining a balanced medium term financial plan (MTFP), ensures we are being financially responsible and supports our Future New Forest transformation programme which underpins the delivery of all our priorities.

Options appraisal

38. The Cabinet could opt not to support the budget virement within the Housing Revenue Account, but this would simply defer required expenditure to another financial year, as opposed to fully utilising funding available in the current financial year.
39. The recommendation to increase the LGR reserve could be declined, however this would either place an unmanageable burden on existing staff resources or more likely lead to a reactive, unstructured and piecemeal approach to resourcing LGR demands as they arise, which would not be in the council's best interests.
40. The option to utilise the Budget Equalisation Reserve to provide the necessary additional funding to the LGR reserve is considered the best option, as opposed to creating a future revenue burden within the Council's Medium Term Financial Plan.

Consultation undertaken

41. Internal consultation between finance officers, service managers and budget holders has determined the forecast data presented in the report.

Financial and resource implications

42. This is a financial report with budget implications already detailed and considered in the main body of the report.

Legal implications

43. The Council will have a legal requirement to play a role in ensuring that the new Sovereign Authority created through a structural change order in due course, is 'Safe and Legal' on vesting day.

Risk assessment

44. The projected forecast is prepared based on estimates and assumptions in consultation with services. There are key risks in the projections across all service areas and both revenue and capital activity.

Environmental / Climate and nature implications

45. There are no environmental implications arising directly from this report.

Equalities implications

46. There are no equality implications arising directly from this report.

Crime and disorder implications

47. There are no crime and disorder implications arising directly from this report.

Data protection / Information governance / ICT implications

48. There are no data protection, information governance or ICT implications arising directly from this report.

Appendices:

Appendix 1 – Revised General Fund Budget 2025/26

Appendix 2 – Variation Analysis General Fund 2025/26

Appendix 3 – Revised Housing Revenue Account Budget 2025/26

Appendix 4 – Revised Capital Programme 2025/26

Appendix 5 – LGR – Summary of some of the likely key activities for each phase of LGR preparations

Background Papers:

[Cabinet 3 September 2025](#)

Financial Monitoring Report
(based on performance April to June 2025 inclusive)

[Cabinet 19 February 2025 – Budget Reports 25/26](#)

Housing Revenue Account Budget and the Housing Public Sector Capital Expenditure Programme 2025/26

Medium Term Financial Plan and Annual Budget 2025/26

FINANCIAL MONITORING 2025/26						
REVISED GENERAL FUND BUDGET 2025/26	Feb-25	Sept-25	November-25			
	2025/26 £'000's Original Budget	2025/26 £'000's Latest Budget	2025/26 £'000's New Variations Expend.	2025/26 £'000's New Variations Income	2025/26 £'000's New Variations Rephasings	2025/26 £'000's Updated Budget
PORTFOLIO REQUIREMENTS						
Community, Safety and Wellbeing	3,389	3,530	0	0	0	3,530
Environment and Sustainability	11,747	12,274	24	94	0	12,392
Finance and Corporate	3,710	3,612	41	109	0	3,762
Housing and Homelessness	3,652	3,686	0	0	0	3,686
Leader	2,243	2,277	-53	53	0	2,277
Planning and Economy	3,978	4,494	0	0	0	4,494
Multi Portfolio adjustments - To be allocated	0	0	-43	0	0	-43
	28,719	29,873	-31	256	0	30,098
Reversal of Depreciation	-2,768	-2,768				-2,768
Contribution (from) / to Earmarked Revenue Reserves	-1,645	-2,541	-24	0	0	-2,565
NET PORTFOLIO REQUIREMENTS	24,306	24,564	-55	256	0	24,765
Minimum Revenue Provision	2,512	2,512				2,512
Contribution to Capital Programme Financing (RCCO)	1,100	1,100				1,100
Interest Costs	206	206				206
Interest Earnings	-1,432	-1,432		-459		-1,891
Waste Services Grant	-1,175	-1,175				-1,175
Other Grants	-8	-8				-8
GENERAL FUND NET BUDGET REQUIREMENTS	25,509	25,767	-55	-203	0	25,509
COUNCIL TAX CALCULATION						
Budget Requirement	25,509	25,767	-55	-203	0	25,509
Less: Settlement Funding Assessment						
Lower Tier Service Grant	0	0				0
Services Grant / Revenue Support Grant	-1	-1				-1
New Homes Bonus	-36	-36				-36
Employers National Insurance Grant	-155	-155				-155
Guarantee Grant (MHCLG)	-676	-676				-676
Business Rates Baseline	-4,378	-4,378				-4,378
	-5,246	-5,246	0	0	0	-5,246
Locally Retained Business Rates	-5,007	-5,007				-5,007
Estimated Collection Fund (Surplus)/Deficit Business Rates	-192	-192				-192
Estimated Collection Fund (Surplus)/Deficit Council Tax	-162	-162				-162
Contribution from Business Rates Equalisation Reserve	192	192				192
Contribution to/ from(-) Variation Reserves	0	-258	55	203	0	0
COUNCIL TAX	15,094	15,094	0	0	0	15,094
TAX BASE NUMBER OF PROPERTIES	73,355.00	73,355.00				73,355.00
COUNCIL TAX PER BAND D PROPERTY	205.77	205.77				205.77
GENERAL FUND BALANCE 31 MARCH	3,000	3,000				3,000

APPENDIX A

FINANCIAL MONITORING 2025/26					
VARIATION ANALYSIS GENERAL FUND 2025/26					
	Sept-25	November-25			
	2025/26	2025/26	2025/26	2025/26	
	£'000's	£'000's	£'000's	£'000's	
	Previous	New	New	New	Updated
	Variations	Variations	Variations	Variations	Budget
		Expend.	Income	Rephasings	
PORTFOLIO ADJUSTMENTS					
Community, Safety and Wellbeing					
Previously Reported;					
Implications of the 25/26 pay award	27				
Grants - Rephasings	29				
CCTV Expansion - Rephasing - part £300k	51				
Community Safety - grant	34				
New Items;					
	141	0	0	0	0
Environment and Sustainability					
Previously Reported;					
Implications of the 25/26 pay award	126				
Cemeteries - Sway & New Milton AMR schemes into 25/26	47				
Foreshores - Coastal Water Safety AMR scheme into 25/26	21				
Open Spaces - Scheme virement to Contingency (Finance & Corporate)	-30				
Operational Restructure - budget movement to Finance & Corporate	-36				
Refuse & Recycling- additional Grant re New Service Roll Out	-151				
Operations Administration - service change workload and sickness temporary cover	25				
Refuse & Recycling - New Drivers to be appointed earlier than budgeted	67				
Refuse & Recycling - Narrow Access Round	59				
Waste Transition - Recruitment of additional waste advisers	46				
Waste Transition - Additional Customer Services	20				
Waste Transition - Additional Programme Support	22				
Public Conveniences - Cleaners pay adjustments/Streetscene income	26				
Refuse & Recycling/StreetScene - Drivers pay to reflect market supplement (Contingency)	116				
Refuse & Recycling - Behind Gates Collection trial	150				
Refuse & Recycling - New Waste Supervisor	19				
New Items;					
Car Parking - projected income shortfall, new F&C's 2026 (clocks/meter)			65		
Keyhaven River - projected income shortfall, new F&C's 2026 (mooring fees)			29		
Public Conveniences - survey costs		24			
	527	24	94	0	118
Finance and Corporate					
Previously Reported;					
Implications of the 25/26 pay award	65				
Pay award 25/26 implications funded by Contingency	-316				
Additional Pay award 25/26 implications funded by Contingency - Drivers	-116				
Contingency - Scheme virement from Open Spaces (Env. & Sustain.)	30				
Operational Restructure - budget movement from Env. & Sustain.	36				
People Strategy - budget movement to Transformation (Leader)	-50				
Lymington Town Hall Site - Residual HCC Grant into 25/26	16				
Commercial Inv. Property - Salisbury Road, Totton Scheme into 25/26	157				
Corporate Management - Fleet & Infrastructure Strategy into 25/26	80				
New Items;					
Revenues Service - Vacancy Salary Savings / reduced court cost income		-24	24		
Pension Increase Act - Added Years		30			
Commercial Inv. Property - Platinum Jubilee Business Park		35	85		
	-98	41	109	0	150
Housing and Homelessness					
Previously Reported;					
Implications of the 25/26 pay award	34				
New Items;					
	34	0	0	0	0

FINANCIAL MONITORING 2025/26					November-25			
VARIATION ANALYSIS GENERAL FUND 2025/26					2025/26	2025/26	2025/26	2025/26
					£'000's	£'000's	£'000's	£'000's
					Previous	New	New	New
					Variations	Variations	Variations	Updated
PORTFOLIO ADJUSTMENTS					Expend.	Income	Rephasings	Budget
Leader								
Previously Reported;								
Implications of the 25/26 pay award					9			
Resident Insight Survey - remove budget					-25			
People Strategy - budget movement from Corp. Management (Finance)					50			
New Items;								
UK Shared Prosperity Fund budget transfer from Revenue to Capital						-53	53	
					34	-53	53	0
								0
Planning and Economy								
Previously Reported;								
Implications of the 25/26 pay award					55			
Local Plan - Local Plan Grant rephasing & Green Belt grant					298			
Policy - Improve Digital Planning Grant					63			
Economic Development - budget for Totton Masterplan					100			
New Items;								
NOTE ONLY - Planning DM - Income								
					516	0	0	0
Portfolio adjustments - Non Direct								
New Items;								
Corporate Administration - Vacancy Salary Savings						-43		
					0	-43	0	-43
TOTAL PORTFOLIO ADJUSTMENTS					1154	-31	256	0
								225
NON-PORTFOLIO ADJUSTMENTS								
Contribution to/from(-) Earmarked Reserves						-24		
Interest earnings							-459	
TOTAL NON-PORTFOLIO ADJUSTMENTS					-896	-24	-459	0
								-483
GRAND TOTAL ADJUSTMENTS (Credited to (-) / Debited from (+) Budget Reserves)					258	-55	-203	0
								-258

FINANCIAL MONITORING 2025/26				
REVISED HOUSING REVENUE ACCOUNT BUDGET				
2025/26	Feb-25	Sept-25	November-25	
	2025/26	2025/26	2025/26	2025/26
	£'000's	£'000's	£'000's	£'000's
	Original	Latest	New	Latest
	Budget	Budget	Variations	Budget
INCOME				
Dwelling Rents	-34,230	-34,230		-34,230
Non Dwelling Rents	-735	-735		-735
Charges for Services & Facilities	-1,142	-1,142		-1,142
Contributions towards Expenditure	-277	-277		-277
Interest Receivable	-418	-418		-418
Sales Administration Recharge	-33	-33		-33
Shared Amenities Contribution	-361	-361		-361
TOTAL INCOME	-37,196	-37,196	0	-37,196
EXPENDITURE				
Repairs & Maintenance				
Cyclical Maintenance	2,234	2,242	148	2,390
Reactive Maintenance - General	3,520	3,546		3,546
Reactive Maintenance - Voids	1,886	1,896		1,896
Supervision & Management				
General Management	8,288	8,295		8,295
Grounds Maintenance and Trees	1,087	1,094		1,094
Older Person and Temporary Accommodation	1,199	1,201		1,201
Rents, Rates, Taxes and Other Charges		0		0
Provision for Bad Debt	150	150		150
Capital Financing Costs - Interest/Debt Management	5,608	5,608		5,608
Capital Financing Costs - Internal Borrowing		0		0
TOTAL EXPENDITURE	23,972	24,032	148	24,180
HRA OPERATING SURPLUS(-)	-13,224	-13,164	148	-13,016
Contribution to Capital - supporting Housing Strategy	10,200	10,200		10,200
Capital Financing Costs - Principal	3,174	3,174		3,174
HRA Total Annual Surplus(-) / Deficit	150	210	148	358
Contribution to/from(-) Earmarked Reserves	-150	-210		-210
HRA TOTAL ANNUAL SURPLUS(-) / DEFICIT	0	0	148	148

FINANCIAL MONITORING 2025/26						
REVISED CAPITAL PROGRAMME 2025/26		Feb-25	Sept-25	November-25		
Portfolio		2025/26 £'000's Original Budget	2025/26 £'000's Latest Budget	2025/26 £'000's New Variations Expend.	2025/26 £'000's New Variations Rephasing	2025/26 £'000's Latest Budget
UK Shared Prosperity Fund	LEADER/ALL	60	60	53		113
Rural England Prosperity Fund	LEADER/ALL		162			162
Disabled Facilities Grants	HSG (GF)	1,500	1,500	-500		1,000
Sustainability Fund - Unallocated	ENV & SUSTAIN	100	100			100
Strategic Regional Coastal Monitoring (22-27)	ENV & SUSTAIN	2,829	3,009			3,009
Barton Horizontal Directional Drilling Trials	ENV & SUSTAIN	135	238			238
Hurst Spit Beach Shingle Source Study	ENV & SUSTAIN	75	90			90
Milford Beach and Cliff Study	ENV & SUSTAIN	230	230			230
Waste Strategy Container Roll Out	ENV & SUSTAIN	4,550	4,593			4,593
Asset Modernisation Programme - Public Convenience	ENV & SUSTAIN		58			58
Eling Tide Mill Urgent Repair Works	FIN & CORP	200	200			200
Eling Toll Bridge and Quayside Repairs	FIN & CORP	60	100			100
New Depot Site: Hardley	FIN & CORP					
Commercial Property - Queensway - addit.works	FIN & CORP		323			323
ATC Accommodation Refurbishment	FIN & CORP	200	200			200
Ringwood Depot: Extension and Works	FIN & CORP		248			248
V&P; Replacement Programme	FIN & CORP	2,463	2,463	53		2,516
V&P; Replacement Programme - Waste Strategy Vehicles	FIN & CORP	3,709	3,709	696		4,405
Mitigation Schemes	PLAN & ECON	1,000	1,000			1,000
Infrastructure Projects	PLAN & ECON	1,000	1,000			1,000
Strategic Infrastructure Projects	PLAN & ECON	1,000	1,000			1,000
Arts & Culture Projects	PLAN & ECON	300	300			300
TOTAL GENERAL FUND CAPITAL PROGRAMME		19,411	20,583	302		20,885
Fire Risk Assessment Works	HRA	1,500	1,500			1,500
Major Structural Refurbishments	HRA		921			921
HRA - Major Repairs	HRA	11,100	11,100	-348		10,752
Decarbonisation	HRA	1,870	1,870	200		2,070
Estate Improvements	HRA	200	200			200
Council Dwellings - Strategy Delivery	HRA	15,200	15,200			15,200
Disabled Facilities Grants	HRA	950	950			950
TOTAL HRA CAPITAL PROGRAMME		30,820	31,741	-148		31,593
GRAND TOTAL CAPITAL PROGRAMME		50,231	52,324	154		52,478

Summary of some of the likely key activities for each phase of LGR preparations

Phase 1 – Preparedness and immediate response (Sept 2025 – March 2026)

This phase focuses on establishing and collating baseline organisational information and data in preparation for the government decision and in support of future phases.

Elections

- Prepare for Mayoral and County Council Elections

Technology

- Map technical architecture, infrastructure and licensing arrangements
- Identify, cleanse and manage data sets
- Map digital and cyber security arrangements and policies
- Identify core system contracts

Contracts and legal

- Commence mapping contracts

Communications and engagement

- Establish communications and stakeholder engagement plans
- Scenario plan and prepare response actions for decision

People

- Map job descriptions and employee policies
- Undertake skills and capabilities assessments
- Devise and implement employee engagement plan

Property and estates

- Map current assets and arrangements
- Deliver initial strategy actions

Finance

- Understand existing liabilities (identify pensions costs)
- Gather data on trading companies, assets, policies and treasury

Programme

- Establish Programme Management Office
- Establish single taxonomy for service, budget and HR data

Phase 2 – Readiness and pre transition activity (April 2026 – March 2027)

This phase continues organisational readiness activities and focuses on reducing risks, aligning internal transformation efforts and building resilience across services, systems and people.

Elections

- Deliver Mayoral and County Council Elections
- Prepare for Shadow Authority and Town and Parish Elections

Technology

- Cleanse and standardise data
- Identify treatment of systems and contracts
- Collaborate on infrastructure connectivity and security and contribute to the design of future arrangements

Contracts and legal

- Identify treatment of contracts
- Assess arrangements for records management, retention and destruction

Communications and engagement

- Continued engagement and preparatory activities

People

- Continued engagement with staff and employee side representatives
- Prepare staff for change, including career development, upskilling and wellbeing support
- Contribute to initial workforce modelling and people vision

Property and estates

- Continue delivery of strategy actions
- Contribute to the establishment of an integrated major projects pipeline

Finance

- Baseline MTFP, align savings and scenario planning
- Collaborate and contribute to building reporting, approach to pension scheme, council tax and business rates

Programme

- Prioritise and align outstanding transformation activities with LGR programme
- Develop contingency plans for critical services
- Finalise transition arrangements

Phase 3 – Transition, execution and closure (April 2027 – March 2028)

This phase focuses on the formal closure of NFDC and ensuring a smooth transition to the new authority.

Elections

- Deliver Shadow Authority and Town & Parish Elections

Technology

- Disaggregation/alignment and transfer of data and systems
- Provide support to Shadow Authority

Contracts and legal

- Transfer of contracts
- Transfer and archive of all statutory data, policies and decisions

Communications and engagement

- Public communications toolkit and day 1 messages for residents

People

- Tailored support to staff
- Staff transition packs
- TUPE arrangements

Property and estates

- Disaggregation/transfer and alignment of assets

Finance

- Conduct final audits and prepare closure

Programme

- Support handover and onboarding with new authority
- Mark end of the authority

Council – 15 December 2025

Report of Cabinet – [3 December 2025](#)

Part I – Items Resolved by Cabinet

1. Medium Term Financial Plan – General Fund Update

Portfolio – Finance and Corporate

Cabinet Resolution:

That Cabinet:

1. noted the revised MTFP forecasts, as outlined within the report and appendices 1 – 3;
2. endorsed development of further options to close the budget gap for 2026/27 and through to 2029/30; and
3. endorsed the approach taken to set the Asset Maintenance and Capital Programme Budgets for 2026/27, including the proposed approach for an enhanced Public Convenience renovation and maintenance programme over the next 2 years.

Cabinet Discussion:

The Portfolio Holder for Finance and Corporate introduced the item and explained that the latest changes in the Government's funding calculations would impact on the New Forest District Council's (NFDC) finances, with the four-year deficit expected to rise from £0.5m to £3.8m. The outcome of the Fair Funding Review appeared to favour urban areas and cities rather than rural areas. The additional £1.5m investment into the new waste service would, in the short term, be helped by the Extended Producer Responsibility funding to be received, with a further £1.2m anticipated in 2026/27. On pension costs, following the triannual review of the pension fund and the ongoing successful returns on investments, there would be a reduction in contributions required by the Council of £620,000 per annum, expected over the next 3 years. Overall, the Portfolio Holder reported that the Council remained in a strong financial position despite the various impacts.

The Assistant Director of Finance provided some further information on the report and the impacts on the General Fund over the next four years. He stated that the overall position had worsened due to the

likely changes to Government financing which would be confirmed by the provisional local government financial settlement later in December 2025. He reported on the unfortunate likely removal of separately identified New Burdens funding for food waste collection and commented on the new unfavourable methodology for funding of rural councils.

The Assistant Director for Finance explained that on Waste investment, there would be a likely increase in the Extended Producer Responsibility Funding from £1.75m to £2.4m, however future years cannot be guaranteed. There were some options to close the gap over the 4-year period but emphasis would be on maintaining strong financial management.

A non-Cabinet member referenced the Revenue Contribution to Capital Outlay and suggested exploring greater use of the Council capital fund to support local development and projects across the District. The Portfolio Holder for Finance and Corporate explained that NFDC had long-term commitments to meet and that there were various costs, such as the acquisition of new waste-trucks, that would take priority in order to remain responsible in handing over a sound financial position to the new authority.

2. Medium Term Financial Plan – Housing Revenue Account Update

Portfolio – Finance and Corporate & Housing and Homelessness

Cabinet Resolution:

That Cabinet:

1. Noted the revised MTFP forecasts, as outlined within the report and appendix 1; and
2. Endorsed the approach taken to set the Revenue Maintenance and Capital Programme Budgets for 2026/27.

Cabinet Discussion:

The Portfolio Holder for Housing and Homelessness introduced the report and explained that the Council had a legal requirement to provide an annual, balanced budget demonstrating financial stability over the medium to long term. The Housing Revenue Account (HRA) would need to be stable in order to facilitate the orderly transition of services as part of LGR.

The Portfolio Holder for Finance and Corporate explained how the robust budgeting of the HRA continued to enable the Council to reinvest in its housing stock as well as develop new stock, supported in part through the £11.114m, of HRA reserves.

The Assistant Director for Finance confirmed that the report covered the four-year period up to 2029/2030 and that there was nothing significant to update other than the improvement due to the reduction in pension contributions.

A non-Cabinet member asked whether NFDC housing stock would be maintained to the best condition prior to handover to the new authority post-LGR. The Portfolio Holder for Housing and Homelessness referred to the ongoing project of keeping stock up to highly maintained standards and that the Stock Condition Survey, currently at 87% completion, would be finalised by March 2026. Those units that were most in need of updating were being prioritised. The Portfolio Holder was confident that the legacy of NFDC's housing service would be overwhelmingly positive

3. Allocation of community infrastructure levy (CIL) to local infrastructure projects

Portfolio – Planning and Economy

Cabinet Resolution:

1. Approved a supplementary budget of £18,365
2. Approved the list of 24 projects at Appendix 1 for inclusion in the capital programme for 2026/27 with a total allocation of £1,018,365;
3. Authorised the Strategic Director for Place, Operations and Sustainability, in consultation with the Portfolio Holder for Planning and Economy, to make such amendments as they deem appropriate to the approved project lists within 10% of the total budget. Any such amendments will be reported to Cabinet via the financial monitoring reports; and
4. Approved the opening of the local infrastructure bid windows, for bids up to £100,000, for the 2027/28 financial year for two-months during Spring 2026.

Cabinet Discussion:

The Portfolio Holder for Planning and Economy introduced the report and explained that 92 bids, totalling £3.8m in funding requests, had been submitted through the Local Infrastructure Projects 26/27 scheme. After assessment using the CIL expenditure framework and review of the bids by the cross-party working group, a total £1m was recommended to various projects. The Portfolio Holder thanked members and officers for their time and work during the process. It was reported that the projects that would be supported by the fund ranged from school facilities, community amenities and environmental enhancements. Providing funding support to these various projects would support the corporate priorities. The Portfolio Holder explained that a supplementary budget of £18,365 was being requested, for the 2026/27 budget to fund the proposed projects with these totalling more than the £1m already approved in the budget.

The Planning Policy Infrastructure and Delivery Service Manager thanked everyone who had submitted bids and for those involved in the process of reviewing. He clarified that the supplementary budget of £18,365 would be part of the next financial year.

Other Cabinet members acknowledged the time and work invested in the process and the significant impact that the funding makes across the District.

There was particular recognition of the Calshot Road crossing point at B3053 Calshot Road adjacent to St George's Church, which had been identified to receive a £100,000 allocation which would enable safe crossing of the road and vital improvement to the area.

A non-Cabinet member asked for clarification on what NFDC can allocate CIL funding on across the Forest. The Portfolio Holder for Planning and Economy responded by explaining that NFDC were allocating funding across various other projects, such as via the Strategic CIL fund and that the Council were keen to allocate funding efficiently to projects that could be delivered and provide positive improvements to the District

4. Half Yearly Update Complaints Performance and Service Improvement Report

Portfolio – Finance and Corporate & Housing and Homelessness

Cabinet Resolution:

That Cabinet noted the half yearly update.

Cabinet Discussion:

The Portfolio Holder for Finance and Corporate introduced the item and explained that the number of complaints had increased since the last half-yearly update and that most of these concerned the new waste service. He was pleased that residents were able to feedback to the Council and raise concerns and acknowledged that complaints were now being processed efficiently and in a timely manner.

The Portfolio Holder for Housing and Homelessness explained that the Council had received some complaints in its capacity as landlord under the jurisdiction of the Housing Ombudsman. The Housing service were committed to dealing with complaints swiftly and he was reassured that the best way to measure and monitor performance was through its complaints. This process also allowed the Council to resolve any issues that were brought to its attention.

The Service Manager for Legal and Information Governance provided further detail on the report and explained that the Council was under the jurisdiction of two ombudsman for its handling of complaints. These were: the Local Government and Social Care Ombudsman and the Housing Ombudsman, both of which had complaints handling codes that the Council must meet, in terms of compliance, reporting and scrutiny. The Council had chosen to produce this half-yearly update in addition to the statutory annual report to support ongoing scrutiny of complaints during the financial year. The Council's Resources and Transformation Overview and Scrutiny Panel had considered the report, along with those members of the Housing and Communities Overview and Scrutiny Panel who attended.

Within the report, the Service Manager for Legal and Information Governance referred members to section 5, the overview of number of complaints received during this time frame and the general themes, section 6 which concerned tenant complaints and section 8 which covered ombudsman decisions during the half yearly period and confirmed that there were no complaints upheld nor were there any findings of maladministration from the two ombudsmen.

The Portfolio Holder for Environment and Sustainability acknowledged the number of complaints received for the new waste service. However, he did stress that the Council made around 40,000 collections a day and that the Council's waste collection service includes refuse, recycling, food waste, garden waste and glass, all of which demonstrated the scale of the challenge.

The Leader thanked the Council's Customer Services team for their hard work in handling enquiries and complaints. Cabinet acknowledged that complaints were serious and required proper assessment and continual reviews of handling processes.

A non-Cabinet member raised concern over equalities and whether residents with a disability were being served sufficiently and encouraged to feed back to the Council. The Portfolio Holder for Housing and Homelessness reassured members that supporting those residents with a protected characteristic was of great importance. The Deputy Chief Executive explained that the Council was undertaking a data-collection exercise for all tenants. A bulk survey had returned results for 35% of the Council's tenants. Each year, the Council gains new data for 400 tenants, and a follow up programme that involves a variety of ways that the Council can collect data which will ultimately feed into a number of plans and projects to improve Council services.

A non-Cabinet member referred to the 120% increase in complaints for the 24/25 financial year. He acknowledged that a bulk of the complaints for the half year period related to the new waste service rollout but wanted reassurance that the Council was handling all its other complaints sufficiently. The Deputy Chief Executive explained that several of the remaining complaints were from tenants and related to housing which were handled separately to other complaints to the Council. He explained that there are several monitoring measures following actions taken to address complaints in the housing service. He stated that the number of housing complaints received by the Council were low when compared to other authorities and he was confident that trust levels were high among Council tenants due to the Council's encouragement for tenants to engage with the service and request action or change where appropriate to resolve any issues.

The Portfolio Holder for Finance and Corporate emphasised that all areas were important, and that the Council would continue to address any systemic issues that were brought to its attention through the complaints process.

Part II – Recommendations to Council

5. Council Tax 2026/2027

Portfolio – Finance and Corporate

Recommended:

That Council approve:

1. the calculation of the tax base for the year 2026/27 of 74,305.8; and
2. pursuant to the report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by this Council as its council tax base for the year 2026/27 as detailed in paragraph 13.

Cabinet Discussion:

The Portfolio Holder for Finance and Corporate explained that the process of setting the Tax Base was extremely complex. He acknowledged that this year there was a more accurate reflexion of the current position due to the latest actuals obtained by the Council.

The Service Manager - Revenues Benefits and Customer Services provided some further clarity on the item, stating that the report set out the Council Tax base for 2026/2027 which involved detailed calculations on the number of properties in each tax band within each Town and Parish, adjusted to allow estimates of discounts, exemptions, reductions, Council Tax Reduction and premiums. The estimated in year collection rate stood at 98.5%. The overall Band D equivalent net dwellings had increased by 950.80 (1.29%) from 2025/2026 to 2026/2027.

Appendix 1 – Background report to Cabinet

6. Council Tax Support Scheme, Council Tax Premiums, S13A Policy, Discretionary Housing Payments Policy and Crisis Resilience Fund

Portfolio – Finance and Corporate

Recommended:

That Council agrees that:

1. The current Council Tax Reduction scheme continues from 1 April 2026 with no proposed changes;
2. The current application of Council Tax Premiums continues from 1 April 2026 with no proposed changes;
3. The S13A (1) (C) Policy be approved; and
4. The Discretionary Housing Payments Policy be approved.

Cabinet Discussion:

The Portfolio Holder for Finance and Corporate introduced the report and advised of an update in the recommendations, notifying members that Cabinet were asked to recommend to Council the recommendations contained within the report. He advised that there were no changes from the previous scheme.

The Service Manager - Revenues Benefits and Customer Services provided further detail on the report and stated that there were around 8,000 claimants who received support in paying their Council Tax, roughly totalling £10m a year. The Council had responsibility to determine their own local support schemes for those of working age residents, with support schemes for pension aged claimants set by the Government. There were no proposed changes to the scheme from 1 April 2026.

Council Tax premiums were introduced from 1 April 2025 for properties unoccupied and furnished and for those empty for more than 1 year, with no proposed changes to these premiums. The report further recommended the approval of two policies – the Discretionary Housing Payment Policy which supports households with a shortfall in rent and the Section 13A Policy which supports those with paying Council Tax during hardship. Both policies had been reviewed as part of the Council's cyclical review, with no changes in legislation and only minor amendments made to the policies.

The Council were awaiting details of the recently announced Crisis Resilience Fund.

A non-Cabinet member raised concern over the supporting of residents during the harmonisation of Universal Credit and how they would be impacted in terms of their Council Tax support. The Portfolio Holder for Finance and Corporate explained that the complexity of the matter meant there was no one-size fits all scheme but reassured members that where the Council had discretion, it would endeavour to support residents where there may be issues. The Portfolio Holder acknowledged that though the Council would always listen to residents that it was inevitable to satisfy every individual and referred anyone that was dissatisfied to the appeals process and the relevant Ombudsman.

The Service Manager - Revenues Benefits and Customer Services reassured members that the Council's scheme aligns itself to the Universal Credit scheme and that the Exceptional Hardship Payments scheme is available to support those who still had a shortfall in their Council Tax and where the shortfall is causing hardship.

A non-Cabinet member highlighted that within the District there were pockets of deprivation and sought assurance that NFDC would continue to support residents throughout the handover to the new authority. The Service Manager - Revenues Benefits and Customer Services reassured members that any new scheme in the new authority would consider these factors, and additional support would be made available to residents who needed assistance. . A holistic approach is currently given to support residents, with advice, information and signposting.

The Portfolio Holder for Finance and Corporate assured members that an appreciation and understanding of the unique nature of the Forest and the needs of its various communities would be passed on to the new authority.

Appendix 2 – Background report to Cabinet

7. Lymington and Pennington Neighbourhood Development Plan, Examiner's Report

Portfolio – Planning and Economy

Recommended:

That Council:

1. Note the recommendations made in the Examiner's Report (Appendix 1) into the Lymington and Pennington Neighbourhood Plan (Appendix 2 shows the submission plan);
2. Agree the Examiner's proposed modifications (including further minor modifications identified by the two planning authorities) and the NFDC responses to them as set out in the Decision Statement (Appendix 3); and
3. Subject to the separate agreement of New Forest National Park Authority, agree for officers to make the necessary arrangements for the Lymington and Pennington Neighbourhood Plan to proceed to Referendum (the date of the referendum is anticipated to be towards the end January 2026).

Cabinet Discussion:

The Portfolio Holder for Planning and Economy introduced the report. He explained that the plan had been 9 years in the making and he hoped that, following all of the hard work that had gone into it and approval of the examiners, suggested modifications, and the approval by the New Forest National Park that this can then proceed to a referendum in January 2026. Once adopted the plan will help serve the residents of Lymington and Pennington in the future.

Appendix 3 – Background report to Cabinet

8. Waste Service Budgetary Position

Portfolio – Environment and Sustainability

Cabinet Resolution

That Cabinet supported the recommendations of the Waste Programme Board to:

1. Make permanent the collections of food waste containers from “behind the gate” in the defined areas open to free roaming livestock;
2. Instruct officers to conduct a whole service review after the completion of the phase 3 roll-out to include consideration of the approach to collection of wheeled bins from areas open to livestock and to also assess overall service productivity and efficiency; and
3. Support additional funding to the current bring-site service, and that a review be conducted upon completion of the phase 3 roll-out.

Recommended:

4. That Council:
 - a) Approves an additional £1.500m of annual budget to be added to the Council’s Medium Term Financial Plan from 2026/27 onwards to maintain collection service continuity, bring site services and retain the collections of food waste containers from behind gates in areas open to free roaming livestock;
 - b) Approves an additional £967,000 to be added to the Council’s Capital Programme for 2026/27 to accommodate the purchase of the additional vehicles required to support recommendation 1; and
 - c) Approves a supplementary budget of £301,000 to 2025/26 to support the continued bring-site service.

Cabinet Discussion:

The Portfolio Holder for Environment and Sustainability introduced the report and explained the current position of the new waste service rollout and the steps needed to maintain its success. He highlighted the environmental benefits of the new service and emphasised the imperative of meeting the statutory obligations under the Environment Act 2021.

The report addressed the operational challenges of the new service in areas of the Forest where there was free-roaming livestock and recommended permanent 'behind-the-gate' food waste caddies which proved to be successful in safeguarding livestock and the delivery of the service. The report also sought additional funding to maintain the bring-site provision. The Council was committed to a full review after phase 3 of the rollout was complete, which would allow the Council to consider its approach and wider changes that may need be made. These changes to the service would be informed by data and formal modelling.

The Portfolio Holder highlighted the financially significant recommendations, to include a £301,000 supplemental budget in 25/26, a £1.5m annual increase for the service overall from 26/27 and £967,000 of capital funding for additional vehicles to be acquired in 26/27. Council focus was on ensuring that the service remained effective, efficient and resilient alongside being environmental responsible and legally compliant, while also allowing scope for further considerations of long-term options once the service had bedded in.

The Strategic Director of Place, Operations and Sustainability provided further detail on the report. He stressed the careful planning and flexible approach required for a service-wide change of this scale. He referred to the partner engagement and necessary advice sought in crafting the recommendations put before Cabinet with a reminder of the recommended further review following phase 3 of the rollout.

A non-Cabinet member asked whether Cabinet were confident that there were enough resources and a sufficient budget in place to reassure residents in areas covered by phase 3 of the rollout. The Portfolio Holder for Environment and Sustainability responded that the Council had learned many things from phase 1 of the rollout and that despite the scale of the logistical service change he was confident that phase 3 would be delivered to meet the needs and wishes of NFDC residents.

Non-Cabinet members acknowledged the successes of the first two phases and noted that the experience of the new service rollout had been positive for the vast majority of residents.

A non-Cabinet member congratulated officers on their hard work during the rollout and on the lessons that they had taken on board during the first two phases. He noted that phase 2 had benefitted from the lesson learned during phase 1.

On education of waste habits, the Portfolio Holder acknowledged that education was a very important factor and that Council officers would continue to reach out to schools and the wider community to promote more sustainable practices.

Appendix 4 – Background report to Cabinet

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Cabinet – 3 December 2025

Council Tax 2026/27 – Setting the Tax Base

Purpose	For decision
Classification	Public
Executive Summary	The Council sets the tax base each year being an annual calculation which sets out the estimated number of chargeable dwellings in the district, expressed at the number of Band D equivalents. This report provides details of the tax base for 2026/27 and the calculation process.
Recommendation	That Cabinet recommend to Council the approval of: 1. the calculation of the tax base for the year 2026/27 of 74,305.8 2. pursuant to this report and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by this Council as its council tax base for the year 2026/27 as detailed in paragraph 13.
Reasons for recommendation	To approve the tax base for determining budget setting and the amount of council tax to levy.
Wards	All
Portfolio Holder	Councillor Jeremy Heron – Finance & Corporate
Strategic Director	Alan Bethune – Strategic Director Corporate Resources and Transformation
Officer Contact	Ryan Stevens Service Manager Revenues, Benefits and Customer Services 02380 285693 Ryan.stevens@nfdc.gov.uk

Introduction and background

1. The purpose of this report is to enable Members to approve the tax base for 2026/27.
2. Setting the tax base is an integral part of the Budget setting process and the determination of Council Tax levels. The tax base must be calculated in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012, and the calculation has to be set between 1 December and 31 January. The approved tax base must be notified to the County Council by 31 January.
3. The tax base is a yearly calculation and represents the estimated number of dwellings to which council tax is chargeable and is set to a "Band D equivalent" figure. The Valuation Office Agency allocate each domestic dwelling into one of eight valuation bands (A to H) for council tax purposes, with different proportions of tax payable by each band.
4. The tax base is the estimated number of dwellings in the district, modified to take account of the different proportions payable, and any premiums, discounts, exemptions and other reductions. The Council's Medium Term Financial Plan includes an assumption of additional Council Tax collection based on an expectation of annual growth in the Tax Base, pursuant to the Local Plan and required housing growth targets.
5. The calculation of the tax base for tax setting also includes an estimated allowance for non-collection.
6. Separate calculations are required of the tax base for each Parish.

The Calculation Process

7. The starting point is the number of properties in each council tax valuation band, which is then adjusted to allow for estimates of:
 - The number of properties estimated as being exempt as not all properties are liable to pay council tax
 - The number of demolished properties due to be removed from the valuation list
 - The number of properties that have a disabled band reduction, where eligible properties are treated as being in the band below the one in which it is actually valued (for dwellings in Band A they pay 5/9th of the Band D charge)
 - The number of properties that have a 25% or 50% discount (i.e. single person discount)

- The number of properties where a 100% discount will apply for one month only, due to being unoccupied and unfurnished ('void') dwellings.
 - Known growth where a completion notice has been issued for a property, but a valuation banding has not been received from the Valuation Office Agency
 - The estimated number of properties subject to an Empty Homes Premium,
 - The estimated number of properties subject to the Second Homes Premium of 100%.
8. The resultant net number of dwellings is multiplied by the relevant proportions to ascertain equivalent Band D properties. The relevant proportions are shown in Appendix 1.
 9. The Council Tax Reduction scheme (CTR) operates as a discount on claimants Council Tax bills to support households on a low income with paying their council tax, with the effect of reducing the council tax base. The value of CTR awarded to pensioners and those of working age is dependent on their circumstances and are aggregated to arrive at the total council tax reduction. These values are converted into the tax base and band D equivalents. The number of claimants remains constant, at approximately 8,000. There are no changes proposed to the CTR scheme for 2026/27.
 10. The next step of the calculation is to assess the likely in-year collection rate and thereby make an appropriate allowance for non-collection. The estimated in-year collection rate for 2026/27 is 98.5%, which takes into consideration our consistent record of good performance in Council Tax collection in recent years, the impact of the cost of living, and is considered prudent. Contributions in lieu for Ministry of Defence dwellings are then added. A summary of the whole calculation process is shown in Appendix 3.
 11. The figures used in the calculation process are based on latest actuals at a given date. Appendix 2 shows 2026/27 tax base compared to 2025/26. Negative changes in amounts could be due to an increase in discounts, reductions, exemptions, or CTR, thus reducing the tax base.
 12. Although there may be some growth in the tax base in the forthcoming year, for example new developments, it is advisable to take a prudent approach, for example they may have a discount or claim Council Tax Reduction. If dwellings are improved and/or extended, council tax valuation bandings only normally change after a subsequent sale or the granting of a lease of 7 years or more.

Tax base for 2026/27

13. The tax base for 2026/27 is 74,305.8. For each Town and Parish the tax base is as follows:

TOWN/PARISH	TAX BASE 26/27
Ashurst & Colbury	951.9
Beaulieu	577.9
Boldre	1137.8
Bramshaw	352.5
Bransgore	1884.1
Breamore	185.7
Brockenhurst	2022.3
Burley	851.6
Copythorne	1242.7
Damerham	254.8
Denny Lodge	165.3
East Boldre	391.8
Ellingham, Harbridge & Ibsley	649.9
Exbury & Lepe	132.3
Fawley	4648.8
Fordingbridge	2599.4
Godshill	234.9
Hale	267.3
Hordle	2495.5
Hyde	545.3
Hythe & Dibden	7563.9
Lymington & Pennington	7975.7
Lyndhurst	1562.1
Marchwood	2078.6
Martin	196.4
Milford on Sea	3164.5
Minstead	385.8
Netley Marsh	857
New Milton	10825.8
Ringwood	5497.4
Rockbourne	169.4
Sandleheath	303.2
Sopley	395.6
Sway	1779.8
Totton & Eling	9587.5
Whitsbury	107.5
Woodgreen	263.8
Whole District	74,305.8

14. The overall Band D equivalent **net dwellings** has increased by 950.80 (1.29%) from 2025/26 to 2026/27, the higher this growth in dwelling numbers the higher the tax base and consequent council tax yield. The second year application of the second homes premium has largely led to the increase in the overall tax base for 2026/27, as 2025/26 was based on a prudent estimate of second homes with actual numbers being higher than originally estimated. This confirmed net growth figure will now be reflected in the next update to the Council's Medium Term Financial Plan.

Corporate plan priorities

15. The setting of the tax base is a legal requirement and supports our corporate priorities by ensuring we are financially responsible and manage our finances prudently.

Options appraisal

16. The Local Authorities (Calculation of Council Tax Base) Regulations 1992 set out the requirements for the calculation of the council tax base for tax setting purposes. Therefore, there are no alternative options.

Financial and resource implications

17. The calculation of the tax base is a key part of the annual budget cycle, and the Council needs to determine the council tax base for the financial year 2026/27 to enable the required level of Council Tax to be calculated for that year.
18. The tax base figures provided within Appendix 2 of this report have been communicated to town and parish councils and the other precepting authorities, so that they can start to factor these into their budget setting process for 2026/27.
19. Any Council Tax surplus/deficit on the Collection Fund will be shared between the Principal Authorities, pro rata to the demand/precept on the fund for the year concerned.

Legal implications

20. There is a legal requirement to set the tax base. Members should be aware of the provisions of Section 106 of the Local Government Finance Act 1992, which applies to members where;

(a) they are present at a meeting of the Council, the Cabinet or a Committee and at the time of the meeting an amount of Council Tax is payable by them and has remained unpaid for at least two months; and

(b) any budget or Council Tax calculation, or recommendation or decision which might affect the making of any such calculation, is the subject of consideration at the meeting.

21. In these circumstances, any such members shall at the meeting and as soon as practicable after its commencement disclose the fact that Section 106 applies to them and shall not vote on any question concerning the matter in (b) above. It should be noted that such members are not debarred from speaking on these matters. Failure to comply with these requirements constitutes a criminal offence, unless any such members can prove they did not know that Section 106 applied to them at the time of the meeting or that the matter in question was the subject of consideration at the meeting

Risk assessment

22. There are no risk assessments required.

Environmental / Climate and nature implications

23. There are no environmental or climate and nature implications arising from this report.

Equalities implications

24. There are no equality implications arising from this report.

Crime and disorder implications

25. There are no crime and disorder implications arising from this report.

Data protection / Information governance / ICT implications

26. There are no data protection, information governance or ICT implications arising from this report.

Conclusion

27. The setting of the tax base is a legal requirement and the regulations require that the tax base be formally approved for each parish/town Council area, with the calculations being approved through a resolution by the Council.
28. A prudent approach is taken in forecasting the tax base. Clearly, there is an obligation to ensure that sufficient funds are realised to meet the Council's expenditure. A realistic collection rate has to be determined. It is important that the tax base is not overstated, as any shortfall will result in interest costs falling on the Council's General Fund.

Appendices

Appendix 1 – Valuation Bands
Appendix 2 – Tax Base comparison
Appendix 3 – Calculation summary

Background Papers:

The Local Authorities (Calculation
of Tax Base) (England)
Regulations 2012

VALUATION BANDS

All dwellings have been valued by the Valuation Office Agency, based on property prices at April 1991. There are eight valuation bands and each dwelling has been placed into one of these bands according to its assessed value at that time. Band A is the lowest. The higher the band, the higher the council tax charge will be. See the table below:-

BAND	RANGE OF VALUES	PROPORTION
A	Up to£40,000	£1.00
B	Over£40,000 -£52,000	£1.17
C	Over£52,000 -£68,000	£1.33
D	Over£68,000 -£88,000	£1.50
E	Over£88,000 -£120,000	£1.83
F	Over£120,000 -£160,000	£2.17
G	Over£160,000 -£320,000	£2.50
H	Over£320,000	£3.00

For every £1.00 of Council Tax for a band 'A' property, a band 'B' property will be charged £1.17 - and so on. Any discounts and reductions would make the difference less than this.

TAX BASES FOR 2026/27 COMPARED TO PREVIOUS YEAR 2025/26

PARISH/TOWN	TAX BASE 25/26	TAX BASE 26/27	CHANGE
Ashurst & Colbury	952.2	951.9	-0.3
Beaulieu	541.6	577.9	36.3
Boldre	1,094.5	1137.8	43.3
Bramshaw	347.4	352.5	5.1
Bransgore	1,864.5	1884.1	19.6
Breamore	189.4	185.7	-3.7
Brockenhurst	1,969.8	2022.3	52.5
Burley	830.5	851.6	21.1
Copythorne	1,236.9	1242.7	5.8
Damerham	252.1	254.8	2.7
Denny Lodge	162	165.3	3.3
East Boldre	389.6	391.8	2.2
Ellingham, Harbridge & Ibsley	650.7	649.9	-0.8
Exbury & Lepe	121.4	132.3	10.9
Fawley	4,625.6	4648.8	23.2
Fordingbridge	2,576.9	2599.4	22.5
Godshill	230.2	234.9	4.7
Hale	269.5	267.3	-2.2
Hordle	2,472.1	2495.5	23.4
Hyde	533.9	545.3	11.4
Hythe & Dibden	7,511.6	7563.9	52.3
Lymington & Pennington	7,716.4	7975.7	259.3
Lyndhurst	1,507.8	1562.1	54.3
Marchwood	2,073.2	2078.6	5.4
Martin	197.9	196.4	-1.5
Milford on Sea	3,031.5	3164.5	133
Minstead	384	385.8	1.8
Netley Marsh	837.4	857	19.6
New Milton	10,741	10825.8	84.8
Ringwood	5,507.3	5497.4	-9.9
Rockbourne	167.8	169.4	1.6
Sandleheath	302.1	303.2	1.1
Sopley	406.7	395.6	-11.1
Sway	1,752.6	1779.8	27.2
Totton & Eling	9,542.8	9587.5	44.7
Whitsbury	107.1	107.5	0.4
Woodgreen	257	263.8	6.8
Whole District	73,355.00	74,305.8	950.8

Appendix 3

	SUMMARY									
	DIS. A	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H	TOTAL
Total no. of dwellings	0	7339	12262	18291	19483	13708	7221	4705	625	83634
Active exemptions	0	387	215	282	377	210	102	59	7	1639
Demolished and to be removed	0	6	3	3	5	3	2	3	0	25
No. dwellings subject to disabled reduction	0	34	87	190	209	173	78	64	25	860
No. of disabled band reductions	34	87	190	209	173	78	64	25	0	860
No. of dwellings adjusted for disabled relief	34	6999	12147	18025	19065	13400	7103	4604	593	81970
No. entitled to 25% discount	16	4219	5650	6147	5929	3380	1467	801	77	27681
No. of dwellings entitled to 50% discount	0	185	31	24	36	24	41	38	7	386
No. entitled to 100% discount	0	32	38	34	23	13	4	3	3	150
Total discounts	16	4654.78	5739.56	6206.56	6008.8	3436.08	1550.36	878.02	92.02	28583.2
Discount deduction	4	1163.69	1434.89	1551.64	1502.2	859.02	387.59	219.5	23.01	7145.8
Net dwellings	30	5835.3	10712.11	16473.36	17562.79	12540.98	6715.41	4384.49	569.99	74824.2
Second homes premium (100%)	0	63	78	165	302	226	185	162	29	1210
No. subject to a premium (100%)	0	52	51	51	62	29	49	18	5	310
No. subject to a premium (200%)	0	19	3	10	2	1	7	0	0	42
No. subject to a premium (300%)	0	5	2	0	1	3	0	3	0	14
Adjusted net dwellings	30	5940.3	10768.11	16544.36	17631.8	12580.98	6778.41	4411.49	574.99	75260.45
Band D equivalents	16.7	3960.2	8375.2	14706.1	17631.8	15376.8	9791	7352.5	1150	79784.4
Reduction due to CTR band D equiv	4.97	923.42	1406.09	1330.30	583.69	240.74	54.93	24.53	1.46	4570.14
Adjusted band d equivalents	11.93	3078.75	7029.92	13522.45	17351.04	15412.36	10003.21	7598.17	1206.44	75214.3
								98.5% Collection rate		74086.09
								Contributions in lieu		220
								Tax base		74305.8

Cabinet – 3 December 2025

Council Tax Support Scheme, Council Tax Premiums, S13A Policy, Discretionary Housing Payments Policy and Crisis Resilience Fund

Purpose	For decision
Classification	Public
Executive Summary	The Council has a Council Tax Reduction scheme to support those on a low income with paying their council tax. The Council has discretion to set a local scheme for working age claimants, with pension age claims being administered in accordance with government regulations. The scheme is reviewed annually and there are no proposed changes from 1 April 2026. From 1 April 2026 the Council introduced a Council Tax Premium of 100% for second homes and reduced the period from 2 years to 1 for applying an Empty Homes Premium of 100% to empty properties. This report provides an update on the application of these premiums. The S13A Policy and Discretionary Housing Payments policy are reviewed periodically to ensure relevance and to take into consideration any changes to government guidance. From 1 April 2026 the government have announced the Crisis Resilience Fund which merges the Household Support Fund and Discretionary Housing Payments to support households and organisations.
Recommendation	That Cabinet agree: 1. The current Council Tax Reduction scheme continues from 1 April 2026 with no proposed changes 2. The current application of Council Tax Premiums continues from 1 April 2026 with no proposed changes

	3. The S13A (1) (C) Policy be approved 4. The Discretionary Housing Payments Policy be approved.
Reasons for recommendation	To approve the continuation of the Council Tax Reduction Scheme and Council Tax Premiums from 1 April 2026 and S13A (1) (C) Policy and Discretionary Housing Payments Policy.
Wards	All
Portfolio Holder	Councillor Jeremy Heron – Finance & Corporate
Strategic Director	Alan Bethune – Strategic Director Corporate Resources (Section 151 Officer)
Officer Contact	Ryan Stevens Service Manager Revenues, Benefits and Customer Services 02380 285693 Ryan.stevens@nfdc.gov.uk

Introduction and background

1. The purpose of this report is to provide an update on the Council Tax Support scheme and council tax premiums from 1 April 2026, and to approve the Discretionary Housing Payments policy and S13A policy, and an update on the Crisis Resilience Fund.

Council Tax Reduction scheme

2. Local authorities are responsible for determining their own local Council Tax Reduction Scheme to support those of working age on low income with paying their council tax. The Government stipulated that there must be no change to the level of support that pensioners receive and there are no plans to localise the scheme for this group. There are currently no plans to include Council Tax Reduction within Universal Credit.
3. There are currently 7,790 claimants receiving Council Tax Reduction. Of these 4,171 are working age and 3,619 are of pensionable age. The current Council Tax Reduction Scheme costs approximately £10 million per annum, with this cost (foregone Council Tax) being shared between all precepting authorities.

4. The amount of Council Tax Reduction awarded affects the tax base of each organisation.
5. A Task and Finish Group conducted a thorough review of the scheme in 2024 for implementation from 1 April 2025. There have been no wider welfare reform changes to consider, and as the scheme has run effectively and efficiently during the current financial year, there are no proposed changes to the scheme from 1 April 2026.
6. The government decision on Local Government Reorganisation (LGR) for the region, expected in the spring of 2026, will give an opportunity to consider scheme alignment to our cluster authorities as we head towards the vesting day of the new council.
7. Therefore from 1 April 2026 the scheme is proposed to be the same as the existing scheme from 1 April 2025.

Council Tax Premiums

8. From 1 April 2025 the Council introduced two Council Tax Premiums, these being:
 - reducing the length of time a 100% premium can apply for long term empty properties from 2 years to 1 year
 - a 100% premium for properties which are furnished and periodically occupied, commonly referred to as “second homes”
9. Government have provided legislation and accompanying guidance that stipulate specific exceptions where a premium cannot apply, some of which are time limited, such as the property is being actively marketed for sale or let, whilst other exceptions are not, such as annexes that form part of a main dwelling, properties where year round occupation is restricted, or those living elsewhere in armed forces accommodation. The Council have not used their discretion to adopt any local exceptions.
10. There are currently 1,120 properties where the “second homes” premium is being applied, with 313 properties which are subject to an exception from the premium.
11. Following successful implementation of the premiums, in accordance with government legislation and guidance, no changes are being proposed for the period commencing 1 April 2026

S13A (1) (c) Policy

12. S13 of the Local Government Finance Act 1992 provides local authorities with discretion to reduce or remit the amount of Council Tax payable. These awards are financed through the general fund,

and are only made in exceptional circumstances, taking into consideration numerous factors. The policy has been reviewed with minor amendments, including reformatting to the corporate template.

Discretionary Housing Payments

13. Local Authorities receive funding from the Department for Work and Pensions each year to award Discretionary Housing Payments (DHPs). DHPs can be awarded to households where there is a shortfall between the rent a landlord is charging and the amount of Housing Benefit or the housing element of Universal Credit being awarded, and the shortfall is causing exceptional financial hardship. The policy has been reviewed with minor amendments, including reformatting to the corporate template.
14. DHPs are actively promoted, both internally and externally with our partners, to ensure the funding is fully allocated so that as many households as possible are supported. Support with making an application is given to vulnerable households, with phone calls to applicants to resolve any queries, to ensure a timely decision. However, this fund will merge into a new Crisis Resilience Fund in the future.

Crisis Resilience Fund

15. The government have announced that from 1 April 2026 Discretionary Housing Payment and the Household Support Fund will be merged into one scheme, the Crisis Resilience Fund. The Department for Work and Pensions have consulted with stakeholders, including Local Authorities and third-party organisation to co-design a future scheme.
16. The purpose of the new scheme is to:
 - Provide **emergency financial support** to households in crisis
 - Support **preventative measures** to build long-term financial resilience
 - Reduce reliance on **emergency food parcels** and other short-term aid
17. However, as consultation and scheme developments continue, there will be a phased approach, with the Discretionary Housing Payment element and funding remaining ringfenced until 31 March 2028 and will continue to be administered by Local Authorities.
18. Funding for the residual Crisis Resilience Fund will be allocated to Unitary/Upper Tier authorities, i.e. Hampshire County Council, and we await details of our involvement in the scheme from 1 April 2026. We will continue to work collaborate with our local partner organisations to signpost and support vulnerable households.

Corporate plan priorities

19. The Council Tax Support scheme and Discretionary Housing Payments Policy support our key priorities of our Corporate Plan by supporting low-income households.

Options appraisal

20. The Council could opt to make changes to its Council Tax Reduction Scheme or to the application of Council Tax premiums. As outlined within the report, the current schemes are considered to be appropriate and proportionate at this time and so no alternative options have been presented for consideration.
21. The Department for Work and Pensions are due to produce guidance on the new Crisis Resilience Fund, and we will be working with Hampshire County Council to provide input, support and any resulting administrative requirements of a scheme. If scheme and policy discretion is given to Local Authorities a report will be brought through to the Scrutiny Panel for discussion and recommendation.

Consultation undertaken

22. The report was considered by the Resources and Transformation Panel Overview and Scrutiny Panel on 20 November 2025. The Panel supported the recommendations to Cabinet.

Financial and resource implications

23. As there are no proposed changes to the Council Tax Reduction scheme for 2026/27 there are no subsequent financial implications.
24. As there are no proposed changes to the application of Council Tax premiums for 2026/27 there are no subsequent financial implications.
25. Any amounts granted under S13A (1) (c) are normally financed through the Council's general fund and do not form part of the collection fund. Any awards are only made in exceptional circumstances and with consideration given to the interests of local taxpayers.
26. Awards of Discretionary Housing Payments are fully funded by the Department for Work and Pensions who provide Local Authorities with an annual fund. For 2025/26 our allocated funding is £203,218, which is expected to remain for 2026/27 and 2027/28, and every effort is made to ensure the full amount is distributed. This includes active promotion and working collaboratively with our partners, both internally and externally.

27. Should the Council receive any funding from the Crisis Resilience Fund, existing resources will be used to administer and distribute funding in accordance with agreed policy.

Legal implications

28. The Local Government Finance Act 1992 states that all local authorities must have a Section 13A policy and have a Council Tax Reductions scheme for working age households, so this report ensures compliance.
29. The Levelling Up and Regeneration Act 2023 updates section 11B of the Local Government Finance Act 1992 which enables Local Authorities to make a determination on applying a premium of properties that are furnished and periodically occupied.
30. The legislation covering Discretionary Housing Payments is the Discretionary Financial Assistance Regulations 2001. The policy review gives full regard to the updated Department for Work and Pensions Guidance Manual for Discretionary Housing Payments and demonstrates our proactive and collaborative approach to supporting households.

Risk assessment

31. There are no risk assessments required.

Environmental / Climate and nature implications

32. There are no environmental or climate and nature implications arising from this report.

Equalities implications

33. Our Council Tax Reduction scheme and Discretionary Housing Payments policy continues to support those on a low income and protects vulnerable households. Proactive steps are taken to promote and maximise take-up, including working with partners, as well as to provide additional advice and support where appropriate, for example the availability of local support, such as food larders and debt advice, and benefit entitlement, to ensure a holistic approach is taken. Opportunities are provided at in person drop ins, via phone or online to discuss the schemes with officers

Crime and disorder implications

34. There are no crime and disorder implications arising from this report.

Data protection / Information governance / ICT implications

35. Personal records are held on corporate databases in accordance with data management principles. There are no further data protection, information governance or ICT implications arising from this report.

Conclusion

36. The Council's Council Tax Reduction scheme and Discretionary Housing Payments policy continues to support those on a low income with their Council Tax and rent, and are proactively promoted through collaborative working relationships. The new Crisis Resilience Fund will introduce a new focus on providing support and resilience to households and we await full details before actively administering.

Appendices

Appendix 1 - S13A Policy
Appendix 2 – Discretionary Housing
Payments Policy

Background Papers:

There are none



Council Tax Discretionary Reduction in Liability Policy

(Section 13A (1) (c) Local Government Finance Act 1992)

Revenues, Benefits and Customer Services

November 2025

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1. Introduction

- 1.1 The following policy outlines the Council's approach to granting discretionary reductions in liability for Council Tax under S13A (1) (c) of the Local Government Finance Act 1992 (as amended). This legislation allows a billing authority to reduce liability for Council Tax in relation to individual cases or class(es) of cases that it may determine where national discounts and exemptions cannot be applied.
- 1.2 This policy is divided into two main areas, namely:
- (a) **The Flood Recovery Framework** – this part of the policy covers situations outlined by Central Government where any parts of the Council's area were to be designated as a designated flood area; and
 - (b) **Reductions in Council Tax liability in all other circumstances** - this part of the policy applies to all other circumstances where an application is made to the Council for a reduction in Council Tax liability under S13A (1) (c) of the Local Government Finance Act 1992.

2. Legislation

- 2.1 The relevant legislation (S13 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012), states the following:

Reductions by billing authority

- 2.2 The amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day (as determined in accordance with sections 10 to 13):
- (a) in the case of a dwelling situated in the area of a billing authority in England, is to be reduced to the extent, if any, required by the authority's council tax reduction scheme.
 - (b) (not relevant to English Billing Authorities)
 - (c) in any case, may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit.
- 2.3 The provisions stated in (c) above, allows the Council to reduce the Council Tax liability for any taxpayer in addition to any application for

Council Tax Reduction under the Council's scheme. This is a general power that has always been available to the Council.

3 Roles and responsibilities

- 3.1 All staff within the Revenues and Benefits Service, have a responsibility to promote the S13A policy as part of an overall holistic approach to support to vulnerable households. The Revenues Manager is responsible for maintaining procedures and administering awards, with the Service Manager responsible for authorising awards above a threshold, appeals and policy reviews.

4 Finance

- 4.1 Any amounts granted under S13A (1) (c) are normally financed through the Council's general fund and do not form part of the collection fund. In certain circumstances, Central Government provides funding directly to the Council to compensate for specific events such as severe flooding. Where this is available, the Council will look to use all funding provided.
- 4.2 Any additional assistance, outside of the funding, would fall to be paid by the Council itself.
- 4.3 The Council, in dealing with collection of council tax liability, may make decisions to 'write off' debt. Such decisions will be made through an assessment of collectability of the debt and does not constitute a reduction in liability as defined within S13A (1) (c) of the Local Government Finance Act 1992.

5. The Flood Recovery Framework

- 5.1 In a severe weather event with significant wide area impacts, local authorities may need central support to help their communities and businesses return to normal. Building on these principles, a core package of business and community recovery support has been developed by Central Government to serve as a framework for flood recovery funding when needed.
- 5.2 It will be for Government Ministers to determine when this support will be made available. Weather incidents with localised impacts will not usually trigger a recovery support package.
- 5.3 In relation to Council Tax, Central Government have developed a Council Tax discount package that is available under S13A (1) (c).

Who is eligible for a council tax discount?

5.4 Where the Council Tax Discount Scheme is activated following severe weather, MHCLG will refund eligible local authorities for granting discounts in the following circumstances:

(a) 100% discount for a minimum of 3 months, or while anyone is unable to return home if longer, for primary residences whereas a result of the relevant weather event:

- Flood water entered into the habitable areas; or,
- Flood water did not enter into the habitable areas, but the local authority regards that the residence was otherwise considered unliveable for any period of time. AND

(b) 100% council tax discount on temporary accommodation for anyone unable to return to their home, in parallel with the discount on their primary residence where applicable.

5.5 Second homes and empty homes will not be eligible.

5.6 Instances where households might be considered unliveable could include:

- where access to the property is severely restricted (e.g. upper floor flats with no access).
- key services such as sewerage, draining, and electricity are severely affected.
- the adverse weather has resulted in other significant damage to the property such that it would be, or would have been, advisable for residents to vacate the premises for any period of time, regardless of whether they do vacate or not.
- flooded gardens or garages will not usually render a household eligible but there may be exceptions where it could be demonstrated that such instances mean effectively that the property is unliveable.

5.7 It will be for the Council to determine eligibility under the scheme.

Properties affected by multiple instances of flooding

5.8 Residences impacted in multiple flood events will not be precluded from repeat support where this is made available by Government in respect of separate weather events.

5.9 Where the scheme is activated for two separate instances of flooding within 3 months of each other, the two discount periods will run concurrently. For example, if the second flood event occurred after 2

months, flooded properties already receiving support could be eligible for another 3 months' discount, making the total period of reimbursement 5 months.

Funding

- 5.10 In such cases, Central Government will make payment to the Council via a Section 31 grant.

The Council's Policy in respect of the Flood Recovery Framework

- 5.11 The Council shall operate the scheme strictly in accordance with Central Government guidelines.

6. Reductions in council tax liability under S13A (1) (c) in other cases

- 6.1 Reductions are at the discretion of the council and an applicant does not have a statutory right to a reduction. Where the Council receives an application for a reduction in liability in any other case (other than listed within the Central Government sponsored scheme specified above), all applications will be treated on their individual merits.
- 6.2 In such cases, the Council will require the applicant (where appropriate) to:
- Make a formal application for Council Tax Reduction in an appropriate format, clearly setting out the circumstances on which their application is based, and provide any relevant evidence or information to support their application.
 - Consider potential changes in payment methods and payment arrangements.
 - Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted.
 - Maximise their income through the application for other welfare benefits.
 - Have taken all reasonable steps to resolve their situation prior to application.
 - Provide evidence of exceptional financial hardship or exceptional personal circumstance that would merit a reduction in the Council Tax liability; and
 - Not have access to assets, capital or other financial remedy that could be used to meet the Council Tax liability.
- 6.3 The Council will only make an award in exceptional circumstances, giving regard to the wider taxpayer, and circumstances affecting the ability to meet Council Tax liability must not be intentional by the applicant and must be deemed to be out of the applicant's individual control.

7. Delegated Powers

- 7.1 This S13A (1) (c) policy has been approved by the Council. However, the Service Manager – Revenues, Benefits and Customer Services is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, for certain defined schemes, Central Government guidance.
- 7.2 The decision whether to make an award will be undertaken by either the Benefits Manager or the Revenues Manager

8. Amount of relief

- 8.1 The amount of any relief awarded will be at the council's discretion, taking into account the amount of the debt, the applicant's circumstances, and the extent to which the criteria are met. Any awards over £2,500 will be approved by the Service Manager – Revenue, Benefits and Customer Services.

9. Notification

- 9.1 The Council will issue a written decision by letter or email to the applicant within one month of the request or as soon as practicable thereafter. This will include:
- the level and period of the award, if relevant
 - full reasons of the decision
 - how it will be paid; and
 - information about how to ask for a review of the decision

10. Review of decisions

- 10.1 Notwithstanding any reductions applied automatically to the Council Tax account, where any application is refused, the applicant will be notified that they can ask for the decision to be reviewed. Any request for a review must be made, in writing or by email, within one month of the decision letter.
- 10.2 The Service Manager – Revenues, Benefits and Customer Services shall undertake the review and shall respond within two months and will have regard to any further evidence supplied.
- 10.3 If the applicant is dissatisfied with the outcome of the review, they can, within two months of the Council's reply, appeal to the independent Valuation Tribunal Service to consider their case.

11. Duration of Reduction

- 11.1 The duration of any award will depend on the circumstances of each case. However, in all cases the following principles will apply:
- (a) Where the reduction is applied under a Central Government Scheme, the reduction shall be applied to the Council Tax account for the period specified in Government guidance.
 - (b) In all other cases,
 - (i) the application for the reduction can only relate to the current Council Tax financial year in which the application is made unless the delay was due to an exceptional circumstance; and
 - (ii) If an application is successful, the award period will be specific to the applicant's circumstances, but it cannot exceed a period greater than the financial year it has been awarded in or exceed the total Council Tax charge for that period.

12. Changes in circumstances and misrepresentation

- 12.1 Any taxpayer claiming a discretionary reduction in liability must notify the council of any changes in circumstances that may be relevant to their claim. A reduction in liability under S13A (1) (c) can be recovered if it has been made as a result of misrepresentation or failure to disclose a material fact, either fraudulently or otherwise. It can also be recovered as a result of the subsequent application of a national discount or adjustment in banding by the Valuation Office Agency.
- 12.2 Changes of circumstances that subsequently negate the need for a reduction in liability under this policy will be recovered by the Council. Where this occurs, the Council shall notify the taxpayer accordingly.
- 12.3 Reductions in liability are not transferable following a change in address.
- 12.4 The Council reserves the right to recover any reductions in liability as a result of a change in legislation or regulation.
- 12.5 The Council is mindful that it is important to protect public funds and, as such, will take action to prosecute any case where the applicant acts fraudulently in applying for a reduction in Council Tax liability.

13. Fraud

- 13.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.
- 13.2 An applicant who tries to fraudulently claim a Discretionary Housing Payment by falsely declaring their circumstances, providing a false

statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

- 13.3 Where the Council suspects that such an offence may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

15. Policy Review

- 14.1 This policy will be reviewed on a regular basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant changes in legislation. In consultation with the Portfolio Holder, Finance and Corporate, the Service Manager, Revenue, Benefits and Customer Services, is delegated to make minor changes to the policy.



Discretionary Housing Payments (DHP) Policy

Revenues, Benefits and Customer Services

November 2025

Version	Author	Date	Changes made
1.0	Ryan Stevens	November 2025	

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1. What are Discretionary Housing Payments?

- 1.1 Local Authorities can award Discretionary Housing Payments (DHPs) where there is a shortfall between the rent a landlord is charging and the amount of Housing Benefit or the Housing Element of Universal Credit being awarded, or to help with housing costs. Where Universal Credit is awarded and housing costs refer to support for mortgage interest payments, owner-occupiers are not eligible to receive DHPs.
- 1.2 The main features of DHPs are:
- the scheme is purely discretionary,
 - there is no right to a payment,
 - there must be an entitlement to Housing Benefit, or the Housing Element of Universal Credit
 - they cannot be awarded to pay for ineligible service charges,
 - the total amount of DHPs that can be awarded in any financial year is limited by the Secretary of State. Once this budget is spent the Council cannot make any more awards.
 - The council is allowed to spend up to 2½ times the funding allocations. However, the extra money must be sourced from the council's own finances.
 - Any unspent Discretionary Housing Payment funding will have to be returned to the Department for Work and Pensions.
- 1.3 The Council will assist potential beneficiaries to claim a DHPs.

2. Purpose of this policy

- 2.1 The Council will operate the DHP scheme and consider making a DHP to applicants who meet the qualifying criteria as detailed below. Every application will be treated on its merits and all applicants will be treated equally and fairly. The Council is committed to work closely with the Council's Homelessness Team, Social Landlords, the local voluntary sector, and other organisations where appropriate, and seek, through the operation of this policy, to:
- to safeguard tenancies and prevent homelessness
 - minimise hardship
 - reduce the need for temporary accommodation for homeless households
 - encourage and sustain New Forest residents in employment
 - support the vulnerable in the local community
 - help applicants through personal crisis and difficult events
 - keep families together
 - help applicants with their rent whilst they seek cheaper/smaller accommodation

- 2.2 The DHP scheme should be seen as a short-term emergency fund to help New Forest residents. However, in some cases long term awards may be appropriate.

3. Legislation

- 3.1 The legislation covering Discretionary Housing Payments is the Discretionary Financial Assistance Regulations 2001. This policy gives full regard to the Department for Work and Pensions Guidance manual for Discretionary Housing Payments.

4. Roles and responsibilities

- 4.1 All staff within the Revenues and Benefits Service, along with staff in Housing and Customer Services, have a responsibility to promote DHP's as part of an overall holistic approach to welfare support to vulnerable households. The Benefits Manager is responsible for maintaining procedures and administering awards, with the Service Manager responsible for appeals, returns to the Department for Work and Pensions, policy reviews, and promoting.

5. What are "Housing costs"?

- 5.1 Housing costs are not defined in the regulations and this approach purposely allows broad discretion and interpretation. In general, "housing costs" usually refers to rental liability, although the term can be interpreted to include:
- Rent in advance
 - Other lump sum costs associated with a housing need such as removal costs.
- 5.2 Council Tax liability cannot be met by DHP, even where an applicant is receiving Council Tax Support. To support those in receipt of Council Tax Support with any shortfall, there is an Exceptional Hardship Payments policy and scheme.
- 5.3 A DHP can be awarded in exceptional circumstances and where other financial support is not available, for a rent in advance for a property that the applicant is moving to. When awarding a DHP, The Benefits Service will ensure that:
- The rent is affordable for the tenant, and
 - The tenant has a valid reason to move, and
 - The deposit or rent in advance is reasonable and
 - The applicant's circumstances are exceptional

- 5.4 The Council will establish if the applicant is due to have a rent deposit returned to them in respect of their existing tenancy, and other assistance available to them, for example the Council's Rent Deposit Scheme.

6. Welfare Reform

- 6.1 The Government has implemented a number of welfare reforms. This includes:

- Size criteria in the social rented sector
- Local Housing Allowance
- Benefits Cap
- Universal Credit
- 2 Child limit for new claims

- 6.2 The Benefits Service will work with applicants affected by welfare reforms. This may include awarding a DHP. Where an application is received, we will look to signpost to other support where appropriate and work in partnership with relevant agencies and internal departments to ensure applicants are offered the appropriate support, advice, and information.

7. What a DHP cannot help with

- 7.1 A DHP cannot help with the following:

- Ineligible service charges which are included in the rent for example gas, electricity, or water
- Mortgage payments
- Shortfalls in HB due to overpayment recovery or certain sanctions
- Rent arrears where the applicant was in receipt of maximum Housing Benefit or Universal Credit
- Short fall in rent due to Housing Benefit or Housing Element within Universal Credit that have been suspended
- Household goods such as furniture or white goods
- Payments towards a council tax bill

8. Claiming a DHP

- 8.1 Before an award is made, the Council must be satisfied that the applicant is entitled to:

- Housing Benefit (HB) or the Housing Element of Universal Credit; and
- Requires further assistance with their housing costs.

- 8.2 Where there is no entitlement to Housing Benefit or Universal Credit a DHP cannot be awarded.

- 8.3 A DHP can be claimed for two properties in exceptional circumstances, such as where someone is temporarily absent from their main home because they are a victim of domestic abuse.
- 8.4 To claim DHP's the applicant, or someone acting on their behalf, must fill in and sign an application form, or complete an e-form, detailing all their income and expenditure. The Council may accept details of income and expenditure not on its own application form and will assist those that are vulnerable to complete an application form, for example a home visit.
- 8.5 The Benefits Service will usually request bank statements for the previous two months, showing all transactions, an applicant's Universal Credit award and tenancy agreement, and may request further information or evidence to assist in making a decision. The applicant will be asked to provide the evidence within one month of the date of request, although this may be extended in appropriate circumstances. If the applicant fails to provide the requested evidence, the council will make a decision on the information available. The Council will contact the applicant by telephone, email, or arrange an interview or home visit if necessary.
- 8.6 Before a decision is made, the Benefits Service will seek to ensure the applicant maximizes their income by checking entitlement to other state benefits or financial support that may be available to them, for example Council Tax Reduction and Personal Independence Payments. The Benefits Service will also give budgeting advice and refer for debt advice through Citizens Advice or other agencies if appropriate

9. Awarding a DHP

- 9.1 In making a decision the following factors will be considered:
- what steps the applicant is taking to move to smaller or more affordable accommodation
 - the amount of the shortfall between the Housing Benefit or the Housing Element of Universal Credit awarded and the amount of rent
 - how long the shortfall is likely to be for
 - the household of the applicant and their circumstances and whether they are likely to change
 - the financial circumstances of the household, including all income, the types, amounts and reasonableness of expenditure
 - what steps the applicant is taking to reduce expenditure and engage in budgeting support if appropriate
 - the amount of household savings and debts
 - any social or medical issues in the household or adaptation's due to a disability which may make moving to a suitable alternative accommodation difficult
 - the impact on the applicant and the council if the application is refused
 - whether the applicant contributed to the shortfall

- if tied to an existing tenancy
- if a rent deposit is needed to assist in moving to affordable accommodation
- if there has been a previous award of DHP
- if the applicant is engaging with their work coach if receiving Universal Credit
- any other special circumstances

9.2 The Benefits Service will consider the above factors, which is not exhaustive, and decide on the level of DHP to award. Any award will not exceed the total eligible rent.

9.3 An award of DHP does not guarantee that a further award will be made at a later date where a subsequent application is made, even if the applicant's circumstances have not changed.

10. Amount and duration of award

10.1 The duration and the amount of the award are determined at the discretion of the Council and will be based on the evidence supplied and the circumstances of the claim. The start date of the award will normally be:

- the Monday following receipt of the application form, or
- the date HB or Universal Credit entitlement starts, providing the application is received within one month of this date, or
- an earlier date if the Benefits Service considers reasonable

10.2 The DHP award will:

- normally award DHPs for a three-month period when on expiry the award can be reviewed, or a new application made. A DHP may be made for a shorter period of time where appropriate.
- not normally award a DHP for more than a year. Awards may be extended if the applicant's circumstances are exceptional or unlikely to change.
- consider any reasonable requests for backdating an award of DHP, usually limited to the current financial year, so long as there is an award of Housing Benefit or Universal Credit.

10.3 A DHP shall not be awarded for any period where the applicant has no entitlement to either Housing Benefit or the Housing Element of Universal Credit.

11. Paying a DHP

11.1 The Benefits Service will decide who the most appropriate person to receive the DHP award. This will normally be to whoever is receiving the Housing Benefit or the Housing element of Universal Credit. However, the Benefits

Service may decide to pay the landlord if appropriate. Payments will be by electronic transfer (BACS) or by crediting the applicants rent account.

11.2 Payment frequency will normally be in line with Housing Benefit payments, either 2 weekly or 4 weekly if paid to a landlord. Where an applicant is receiving Universal Credit, payments will be monthly.

11.3 Where payments of Housing Benefit are suspended or where there is a sanction on Universal Credit, payments of DHP will be suspended. This is to ensure that the applicant takes the necessary steps to provide the relevant information to the Council or the Department for Work and Pensions.

12. Authorisation

12.1 Any one-off awards over £2,500 will be approved by the Service Manager – Revenue, Benefits and Customer Services.

13. Notifying an award of DHP

13.1 On receipt of an application for a DHP the Benefits Service will aim to inform the applicant of its decision within two weeks of receiving all the evidence and information, or as soon as reasonably practicable thereafter.

13.2 Where the application is successful the notification will advise the applicant:

- the weekly amount of DHP awarded,
- if the award is a one-off award,
- the start and end date of the award and the need to re-apply on expiry if appropriate
- how, when and to whom the DHP will be paid
- the requirement to report any changes in circumstances
- any actions that need to be undertaken by the applicant and/or partner

13.3 Where the application is not successful, the notification will state this, along with an explanation for the decision and the right for a review.

13.4 The Benefits Service will keep a record of all decisions in accordance with its retention policy.

14. Appeals

14.1 DHPs are not payments of Housing Benefit and are therefore not subject to an appeal. However, the Council will operate the following approach following a refusal to award a DHP, the amount of DHP, a decision not to backdate an award of DHP, or that there has been an overpayment of DHP:

14.2 An applicant (or appointee) who disagrees with a DHP decision can request an explanation of the decision. This must be done by e-mail, letter, or phone

within one month of the date of the decision. The Benefits Service will explain its decision to the applicant and aim to resolve the matter.

- 14.3 Where the applicant disagrees with the reasons for the decision this must be done by e-mail, letter, or phone within one month of the date of the decision. This decision will be made by the Service Manager Revenues, Benefits and Customer Services. This decision is final and may only be challenged via judicial review or by complaint to the Local Government Ombudsman.
- 14.4 In exceptional circumstances the one-month time limit to appeal a decision can be extended.

15. Changes in circumstances

- 15.1 On awarding a DHP the applicant must notify the council of any changes in circumstances to the Benefits Service straight away. The Benefits Service may revise the award of DHP or decide to end the award, for example where the applicant has misrepresented or failed to disclose a material fact, or where they no longer need financial assistance towards their housing costs
- 15.2 The decision will be notified to the applicant within 14 days, or as soon as reasonably practical.

16. Overpayments

- 16.1 Where a DHP is overpaid, officers will consider whether it is appropriate to recover in full, or in part, or not at all. The Council will seek to recover any DHP which has been overpaid as a result of misrepresentation or failure to disclose a material fact, fraudulently or otherwise.
- 16.2 Overpaid DHPs will be recovered from the applicant or payee. This is normally done by sending an invoice. Under no circumstances will recovery be made from Housing Benefit payments due to the applicant.
- 16.3 The Council does have discretion not to recover an overpayment of DHP.
- 16.4 The Benefits Service will notify the applicant of a decision to recover an overpayment of DHP, along with details on how to request the offer of a review of the decision.

17. Fraud

- 17.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.
- 17.2 An applicant who tries to fraudulently claim a Discretionary Housing Payment by falsely declaring their circumstances, providing a false statement or

evidence in support of their application, may have committed an offence under The Fraud Act 2006.

- 17.3 Where the Council suspects that such an offence may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

18. Complaints

- 18.1 The Council's "Feedback, comments and complaints" procedure is available on the Council's website and will be applied if a complaint is received about this policy or administration of the scheme.

19. Publicity

- 19.1 The Council will publicise the scheme and proactively work with applicants to identify and assist with applications, in particular vulnerable applicants. Information will be included in decision notices, on the council's website and the Benefits Service will actively work with partner organisations, including the Council's Housing and Homelessness Teams, Social Services, Citizens Advice, voluntary organisations, and Housing Associations.

20. Reporting

- 20.1 The Council is required to submit returns to the Department of Work and Pensions by specified dates on the estimated expenditure in a forthcoming year and actual expenditure.

21. Policy Review

- 21.1 This policy will be reviewed every 3 years, or sooner in the event of a relevant change in legislation or guidance, for example when DHP's are merged with the Crisis Resilience Fund.

CABINET – 3 December 2025

**Lymington and Pennington Neighbourhood Plan –
Examiners Report**

Purpose	For Decision
Classification	Public
Executive Summary	This paper seeks approval for the modifications recommended by the Examiner of the Lymington and Pennington Neighbourhood Development Plan (the Plan) and agreement that the Plan can proceed to local referendum. The referendum will allow residents of the parish to vote on the modified Plan. If residents vote to approve the Plan will be formally adopted and become part of the statutory Development Plan, guiding future planning decisions. The Neighbourhood Plan area spans both New Forest District Council and the New Forest National Park Authority jurisdictions, and both authorities must endorse the Examiner's recommendations before the referendum can take place.
Recommendations	That Cabinet recommends that the Council agree to: 1. Note the recommendations made in the Examiner's Report (Appendix 1) into the Lymington and Pennington Neighbourhood Plan (Appendix 2 shows the submission plan). 2. Agree the Examiner's proposed modifications (including further minor modifications identified by the two planning authorities) and the NFDC responses to them as set out in the Decision Statement (Appendix 3).

	3. Subject to the separate agreement of New Forest National Park Authority, agree for officers to make the necessary arrangements for the Lymington and Pennington Neighbourhood Plan to proceed to Referendum (the date of the referendum is anticipated to be towards the end January 2026)
Reasons for recommendation	To allow Lymington and Pennington Town Council to move forward with its Neighbourhood Plan to the public referendum stage.
Ward(s)	Lymington, Pennington
Portfolio Holder(s)	Councillor Derek Tipp – Portfolio Holder for Planning and Economy
Strategic Director(s)	James Carpenter – Strategic Director for Place, Operations and Sustainability
Officer Contact	Andrew Herring Senior Policy Planner andrew.herring@nfdc.gov.uk James Smith Planning Policy Team Leader james.smith@nfdc.gov.uk Debbie Everett Electoral Services Manager debbie.everett@nfdc.gov.uk

Introduction

1. Cabinet are asked to note the modifications recommended by the Examiner of the Lymington and Pennington Neighbourhood Plan (Appendix 1) and to agree that the Neighbourhood Plan progresses to local referendum.

2. The referendum is a decision by the residents of Lymington and Pennington parish to agree, or not, the Neighbourhood Plan as modified. Therefore in practical terms the decision to approve the Neighbourhood Plan proceeding to referendum would also be an endorsement of the document by the district council in its final form.
3. It should be noted that as the designated Neighbourhood Plan Area falls partly (approximately one-third of the parish) within the New Forest National Park, the New Forest National Park Authority (NPA) are going through a similar process for the part of the parish within its planning jurisdiction. Once both authorities have agreed their responses to the Examiner's Report the revised Neighbourhood Plan can proceed to local referendum.

Background

4. Neighbourhood plans were introduced by the Localism Act 2011 to give communities direct power to shape the development of their local area. Neighbourhood plans are planning documents that, once adopted, will then become part of the statutory 'development plan' for the area alongside the Local Plan. Local planning authorities and planning inspectors considering planning applications or appeals must make their decisions in accordance with the policies of the development plan, unless material considerations indicate otherwise.
5. The Lymington and Pennington Neighbourhood Plan 'Neighbourhood Area' was designated in September 2015 and covers the whole of the Parish.
6. Work on the Lymington and Pennington Neighbourhood Development Plan has been overseen locally by a steering group of town councillors and community representatives. The Town Council commenced a series of working groups throughout 2016 and 2017, and steering group work continued with help and input from consultants from 2018 until 2023 when informal consultations took place on draft NP content. Formal public consultation took place on an initial Pre-Submission (Regulation 14) Neighbourhood Plan between 7 August 2024 and 9 October 2024. Following the submission of the draft Neighbourhood Plan to the two local planning authorities in March 2025, the Plan was subject to a final 6-week public consultation between 18th April and 30th May 2025.
7. The representations made during this final consultation and various supporting documents (including a Consultation Statement and a Basic Conditions Statement) were submitted to the independent Examiner for consideration on 13 June 2025.
8. The Examiner was required to assess whether the Neighbourhood Plan meets the 'basic conditions', which are that it should:

- have regard to national policy
 - contribute to the achievement of sustainable development
 - be in general conformity with strategic policies in the development plan
 - be compatible with EU obligations.
9. The Examiner's role was also, if required, to recommend modifications where they were necessary to enable the basic conditions tests to be met.
 10. The council (with the National Park Authority) has had a role in providing advice and assistance to the Town Council in producing its Neighbourhood Plan, as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

Examination

11. The Lymington and Pennington Neighbourhood Development Plan has now been through its Examination and the independent Examiner's report has been received (25 September 2025). The Examiner has recommended modifications to the Plan in order that it meets the basic conditions and other legal requirements. These are listed at the end of the Examiner's Report (Appendix 1 of this report, pages 19 – 20).
12. The Examiner's Report also recommends that the Plan, once modified, should proceed to Referendum on the basis that it has met all the relevant legal requirements.
13. Ultimately it is the responsibility of the two planning authorities to decide what action to take in response to the Examiner's recommendations. The modifications and the District Councils proposed responses are set out in the councils Decision Statement (Appendix 3).
14. The modifications proposed include refining policy wording to improve clarity and ensure consistency with national and local planning policy, particularly the National Planning Policy Framework and the adopted New Forest District Local Plan Part 1 (adopted July 2020). Specific proposed modifications (PM) are recommended to policies on housing mix, town centre development, and green infrastructure to ensure they are deliverable and supported by evidence. In summary they are:

Policy LP2: Lymington Town Centre

Change: Modify Clause C to clarify that contributions must be directly related to the development and make it acceptable in planning terms (PM1). Justification: Ensures compliance with national guidance on

planning obligations and aligns with strategic policies.

Policy LP3: Key Regeneration Opportunities

Change: Add references to strategic mitigation schemes and nutrient neutrality; adjust site boundary for Solent Mead; clarify site ownership and development potential (PM2). Justification: Enhances clarity and ensures alignment with habitat mitigation requirements and air quality monitoring, supporting sustainable development.

Policy LP4: Pennington Shopping Parades

Change: Add explanatory text to clarify what constitutes “day-to-day” needs and relevant use classes (PM3). Justification: Improves clarity for development management and aligns with national and local retail policies.

Policy LP5: Walkable Neighbourhoods

Change: Correct internal references, remove ambiguous terms, and clarify acceptable uses and their accessibility (PM4). Justification: Enhances clarity and legal precision, ensuring the policy is usable and enforceable.

Policy LP6: High Quality Design

Change: Remove the claim that the Lymington Local Distinctiveness SPD carries full Development Plan weight; replace with a statement about future design code collaboration (PM5). Justification: Aligns with national policy which treats SPDs as material considerations, not Development Plan documents.

Policy LP7: Balanced Mix of Dwellings

Change: Add a viability clause to the requirement for small dwellings in developments of 5+ units (PM6). Justification: Addresses concerns about deliverability and aligns with strategic housing policies.

Policy LP8: Green Infrastructure and Nature Recovery

Change: Apply the policy to “appropriate development” rather than all development (PM7). Justification: Makes the policy more realistic and implementable while supporting nature recovery.

Policy LP11: Net Zero Carbon Building Design

Change: Remove Post Occupancy Evaluation (POE) requirement; exempt householder applications; revise clauses for feasibility and clarity (PM8). Justification: POE could affect viability and is difficult to enforce via planning conditions. Modifications ensure the policy remains effective and legally sound.

15. Lymington and Pennington Town Council has confirmed that the proposed modifications are acceptable to it.

16. It should be noted that now the Examiner's Report has been received there is a 'duty to have regard' to the Neighbourhood Plan. Therefore, it is now a material consideration in the determination of planning applications in Lymington and Pennington Parish.

Next steps and referendum

17. Following approval to proceed to the referendum for the Neighbourhood Plan (as proposed to be modified), the council as 'relevant authority' is required to:
- publicise the Plan
 - publish the required notices regarding the date of the referendum and
 - Provide information on how people can vote in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.
18. The Returning Officer for the referendum is designated as the Counting Officer and is responsible for all arrangements regarding the referendum within the referendum area.
19. If the majority of those who vote (i.e. over 50%) are in favour of the draft Neighbourhood Plan, then the Plan must be 'made' (adopted) by both the District Council and the NPA no later than 8 weeks after the referendum date. It then becomes a part of the statutory Development Plan, alongside the adopted Local Plan.

Financial and resource implications

20. The council can claim £20,000 towards the cost of supporting the preparation of the Neighbourhood Plan, arranging the Examination and carrying out the referendum from the Ministry of Housing Communities and Local Government (MHCLG) once the date for the referendum has been set
21. Communities that have a made Neighbourhood Plan and secure the consent of local people in a referendum, will benefit from a further 10% (rising from 15% to 25%) of the Community Infrastructure Levy revenues arising from qualifying development in their area.
22. Alongside this Neighbourhood Plan, a number of other town and parish councils are progressing neighbourhood plans. These plans place a statutory requirement on the council to engage with neighbourhood planning groups and also meet specific deadlines for facilitating consultations and, ultimately, referenda. An additional resource to help facilitate this is currently being put in place.

Legal implications

23. Other than the legal considerations set out in the main body of this report, there are no further legal implications arising.

Risk assessment

24. Deciding not to proceed with a referendum would result in the community not having an opportunity to guide development in their areas and risk significant loss of confidence in the neighbourhood planning process.
25. There is a low risk of a legal challenge to a decision for a neighbourhood plan to proceed to referendum. However, the Examiner's reasoning is fully articulated in the report and his conclusions and recommendations are considered reasonable and logical. Officers do not see any justification for departing from the Examiner's recommendations.
26. There is also an unknown risk that the Neighbourhood Plan receives a 'no' vote in a referendum. NFDC will continue regular dialogue with the Town Council to ensure consultation and engagement with the community at the earliest opportunity. However, there are limited controls available, seeing as the purpose of the referendum is to enable residents to decide whether they want a plan.

Environmental / Climate and nature implications

27. The Neighbourhood Plan allows the community to influence local development and facilitates local distinctiveness and granularity to take account of the local environment.

Equalities implications

28. None directly from this report. However, the Lymington and Pennington Neighbourhood Plan has been developed through extensive community engagement and reflects a commitment to inclusivity and equality. The Plan responds directly to local concerns about housing affordability and accessibility, particularly the need for more first homes and smaller dwellings suitable for younger people and families, thereby addressing age and socio-economic disparities. It also promotes improved green infrastructure and active travel routes, enhancing access for people with mobility challenges and encouraging healthier lifestyles across all demographics.

Crime and disorder implications

29. None directly from this report. However, the Neighbourhood Plan supports the creation of safe, inclusive, and well-designed environments that help reduce opportunities for crime and anti-social behaviour.

Data protection / Information governance / ICT implications

30. Neighbourhood Plan engagement, including public consultation, requires the collection and processing of some personal information in a manner compliant with GDPR. Collection of data, and its use, is contained with the Planning Policy privacy notice. How data is collected and used will also be made clear to residents during the consultation.

New Forest National Park implications

31. Around one third of the Neighbourhood Plan area is within the National Park. There is a statutory requirement to further the purposes of the New Forest National Park, particularly where development pressures risk undermining landscape character, biodiversity, and opportunities for quiet enjoyment.
32. The Examiner has not identified any conflicts that could constrain the ability of the Neighbourhood Plan to align with the National Park Authority's objectives. The Neighbourhood Plan reiterates the range of adopted mitigation measures already in place, and these are deemed sufficient or compatible with the Park's special qualities.
33. Finally, the implications of the Neighbourhood Plan on the National Park Authority will be the subject of further formal consideration by the NPA, prior to any agreement to proceeding to the referendum.

Conclusion

34. Following the outcomes of the Examiner's report into the Lymington and Pennington Neighbourhood Plan, it is recommended that all the necessary modifications are agreed and that the final version of the Plan proceed to local referendum.

Appendices:

Appendix 1: Examiner Report

Appendix 2: Lymington and
Pennington Neighbourhood Plan
Appendix 3: NFDC Decision
Statement

Background Papers:

None.



Report on the Lymington and Pennington Neighbourhood Plan 2016 – 2036

An Examination undertaken for the New Forest District Council and the New Forest National Park Authority with the support of the Lymington and Pennington Town Council on the February 2025 version of the submitted Plan.

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 25 September 2025

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Main Findings - Executive Summary

From my examination of the Lymington and Pennington Neighbourhood Plan (LPNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Lymington and Pennington Town Council (LPTC);
- The Plan has been prepared for an area properly designated – the Lymington and Pennington Neighbourhood Area as shown on Plan A on page 4 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2016 - 2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Lymington and Pennington Neighbourhood Plan 2016–2036

- 1.1 Lymington, a historic market and harbour town, lies on the south coast of the New Forest where the Lymington River flows into the Solent. The A337 is the main road into Lymington from Lyndhurst (14 km to the north) and the A31/M27 a further 7 km to the north. Bournemouth lies about 30 km to the west. Lymington is also a ferry port for the Isle of Wight (Yarmouth). The Plan area includes land within the New Forest National Park. In 2021, the population of the Town Council area was 14,858.¹
- 1.2 The preparation of the Lymington and Pennington Neighbourhood Plan (LPNP) began in 2015 and in 2016 a Steering Group was formed. Led by the Steering Group, evidence was collected, consultations were carried out and the final version of the Plan was submitted to the New Forest District Council (NFDC) and the New Forest National Park Authority (NFNPA) in March 2025.

¹ 2021 Census.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the LPNP by the NFDC and the NFNPA with the agreement of the Lymington and Pennington Town Council (LPTC).
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations (under retained EU law)²; and
 - meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.³

2. Approach to the Examination

Planning Policy Context

- 2.1 The current Development Plan for the Lymington and Pennington Area, excluding policies relating to minerals and waste development, principally includes:
- the New Forest District Core Strategy (2009);
 - the New Forest District Local Plan Part 2 (2014);
 - the New Forest District Local Plan Part 1 (2020); and
 - the New Forest National Park Local Plan (2016-2036).

In addition, Policy DW-E12 (Protection of Landscape Features) is saved from the New Forest District Plan First Alteration (2005). The Basic

² The existing body of environmental regulation is retained in UK law.

³ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Conditions Statement helpfully includes in Table B an assessment of general conformity with the strategic policies of the main four planning documents which comprise the Development Plan for the area. The NFDC and NFNPA Local Plans are being reviewed but they are at a very early stage in their preparation.

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented. It should be noted that the latest iteration of the NPPF was published on 12 December 2024. However, paragraph 239 of that version includes transitional arrangements for neighbourhood plans, stating that the revised NPPF only applies to neighbourhood plans submitted after 12 March 2025. As the Plan was submitted to NFDC and the NFNPA on 7 March 2025, all references in this report read across to the earlier December 2023 NPPF.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Lymington and Pennington Neighbourhood Plan 2016 – 2036 (February 2025);
 - Appendix A of the Plan: Vision for the Town Centre (January 2025);
 - Appendix C of the Plan: Lymington Local Distinctiveness Supplementary Planning Document (SPD)(February 2011);
 - Map A on page 4 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
 - the Consultation Statement (February 2025) and Appendices A – F;
 - the Basic Conditions Statement (February 2025);
 - the Screening Statement on the determination of the need for a Strategic Environmental Assessment (SEA)/Habitats Regulation Assessment: New Forest District Council (February 2017);
 - the Screening Statement on the determination of the need for a Strategic Environmental Assessment (SEA)/Habitats Regulation Assessment: New Forest National Park Authority (March 2017);
 - the Sustainability Appraisal (SA) (July 2024);
 - the Habitats Regulations Assessment (HRA) (June 2024) and update (February 2025);
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the responses received on 14 August 2025 from LPTC and on 19 August 2025 from NFDC to the questions of clarification in my letter of 7 July 2025.⁴

⁴ View at: <https://newforest.gov.uk/lymingtonandpenningtonplan>

Site Visit

- 2.4 I made an unaccompanied site inspection to the LPNP Area on 20 August 2025 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered a hearing session was not necessary, as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing were received.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The LPNP has been prepared and submitted for examination by the LPTC, which is a qualifying body. The LPNP extends over all the area designated by the New Forest District Council on 1 October 2015 and the New Forest National Park Authority on 15 September 2015. I am satisfied it is the only Neighbourhood Plan for the Lymington and Pennington Area and does not relate to any land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.2 The Plan period is from 2016 to 2036 as clearly stated on the front cover.

Neighbourhood Development Plan Preparation and Consultation

- 3.3 The Consultation Statement (CS), as illustrated in the comprehensive dateline on pages 4-6 of the CS, describes the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process. A Steering Group was formed in 2016 early in the preparation process of the Plan which then also set up six working groups for various aspects of the Plan. The collection of the evidence for the Plan included informal public consultations in 2017 and 2023. Methods of communication included the LPNP web site, press articles, posters, social media, public exhibitions, stakeholder consultations and public meetings.

- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 7 August 2024 until 9 October 2024. An overview of the analysis of comments made by the NFDC, the NFNPA, statutory consultees and members of the public are summarised in Appendix D of the CS, together with the responses of the LPTC in Appendices E and F and any resulting changes to the Plan.
- 3.5 The final version of the Plan was submitted to the NFDC and the NFNPA on 7 March 2025. Consultation in accordance with Regulation 16 was carried out from 18 April 2025 until 30 May 2025. 25 responses were received about the Plan, including those from NFDC. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the LPNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.⁵

Human Rights

- 3.8 The Basic Conditions Statement (BCS) notes that the LPTC has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in the process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan. I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

⁵ See section 61K of the 1990 Act.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 A Sustainability Appraisal (SA) was prepared for the Plan. Following an appraisal of the policies, the SA concluded that no significantly negative effects were identified, but that many positive effects would occur, mostly due to the emphasis on brownfield regeneration.
- 4.2 The Plan was also subject to Habitats Regulations Assessment (HRA). The Habitats Sites considered within this report were: the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar; the Solent Maritime SAC; the Solent and Southampton Water SPA and Ramsar; the Avon Valley SPA and Ramsar; the River Avon SAC; and the Solent and Isle of Wight Lagoons SAC. The Screening for Likely Significant Effects (LSEs) were considered using impact pathways including loss of functionally linked land, recreational pressure, air pollution and water quality.
- 4.3 Overall, it was concluded that the LPNP will not result in any LSEs on Habitats Sites in relation to the identified impact pathways, both alone and in-combination. This is because the LPNP does not make specific allocations or propose quanta of growth. With the current policies included in the LPNP, it was concluded that there was no requirement for undertaking an Appropriate Assessment (AA). Nevertheless, the HRA recommended that Policy LP3 (Key Regeneration Opportunities in the Town Centre) included a reference to the need for developers to provide adequate funding in line with the requirements set out in the Bird Aware Solent and the New Forest Revised Habitat Mitigation Scheme Supplementary Planning Document. The statutory consultees did not dissent from these conclusions.
- 4.4 Having read the SA and HRA related documentation and other information provided and, having considered the matter independently, I agree with the conclusions. Therefore, I am satisfied that the LPNP is compatible with EU obligations as retained in UK law.

Main Issues

- 4.5 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.6 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A

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neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁶

- 4.7 Accordingly, having regard to the Lymington and Pennington Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the LPNP policies (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development?

Vision and Objectives

- 4.8 The vision for the LPNP is based on issues raised by the community during the initial stages of the consultation process. The succinct vision is described on page 20 of the Plan followed by seven broad objectives which are then used to help to achieve the vision, and which form the basis for the thirteen specific land use based policies.

Policy LP1: A Spatial Strategy For The Town

Policy LP2: Lymington Town Centre

Policy LP3: Key Regeneration Opportunities In The Town Centre

- 4.9 I have considered Policies LP1, LP2 and LP3 together because of their interaction. Policy LP1 sets out the strategy of reusing brownfield land in Lymington Town Centre for suitable development opportunities, Policy LP2 refines the strategy to a more local level describing the vision for the town centre and Policy LP3 identifies five key regeneration sites within the town centre.
- 4.10 The focus on “brownfield first”, using other suitable development opportunities within the settlement boundary and the gentle densification within the town, is seen as the means of accommodating housing needs whilst protecting the National Park landscape around the town and preventing inappropriate development in the adjoining Green Belt. The comprehensive explanation of Policy LP1 is given in paragraphs 5.4 and 5.5 of the Plan. The policy has regard to national guidance⁷, generally conform with Policies STR1, STR2, STR3, STR4 and ENV2 of the New Forest District Local Plan (NFDLP) Part 1; Policies SP1, SP3 and SP4 of the New Forest National Park Local Plan (NFNPLP) and meets the Basic Conditions.
- 4.11 The Lymington Town Centre Vision is described in Appendix A with the accompanying Town Centre Spatial Framework outlined on Map H of the Plan. Policy LP2 supports proposals for redevelopment provided they demonstrate how they will contribute to the Town Centre Vision. Clause C

⁶ PPG Reference ID: 41-041-20140306.

⁷ NPPF: paragraphs 90, 123, 152 and 182.

of the policy requires development proposals to make a direct and proportionate contribution to projects and town centre improvements which would deliver the objectives of the Town Centre Vision. However, although contributions sought may be appropriate in scale, nature and location, they must make the development acceptable in planning terms and be directly related to the development.⁸ Therefore, I shall recommend a modification to the policy to ensure that it has regard to national guidance.⁹ **(PM1)** The policy would then also generally conform with Policy ECON5 and IMPL1 of the NFDLP Part 1 and meet the Basic Conditions.

- 4.12 NFDLP Part 1 Policy STR5 sets an overall housing target 2016 – 2036 for the District, which includes at Clause ii. b. around 200 homes on sites to be identified at Lymington and Pennington. LPNP Policy LP3 identifies five key regeneration sites in the Town Centre where redevelopment in the form of mixed uses, including housing, will be encouraged provided they contribute to the Town Centre Vision. The five sites are: a. Bridge Road; b. Gosport/Cannon Street; c. Town Hall, Avenue Road; d. Post Office and BT Site; and e. Solent Mead. The policy dovetails with the strategy outlined in Policy LP1 of prioritising brownfield redevelopment ahead of development in the Green Belt or other countryside.
- 4.13 NFDC concede that it is unclear that the sites will by themselves achieve a combined residential capacity of 200 homes, but there have been two large windfall sites permitted giving a net gain of 72 dwellings since the Local Plan was adopted in 2020. NFDC appear broadly satisfied that Policy LP3 is sufficient to enable the strategic functions for housing for Lymington and Pennington set out in NFDLP Part 1 Policy STR5 to be met. I have no reason to question that judgement. The housing capacities of the regeneration sites have not been defined, and representations claimed that greater precision was necessary. However, considering the flexibility required for viability and design, I believe the stance in Policy LP3 is entirely reasonable.
- 4.14 The HRA recommended that the policy includes references to the strategic requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD and nutrient neutrality which has been incorporated in the final sentence. NFDC has asked that a reference is made to air quality monitoring and this I shall recommend. NFDC also indicated that the Solent Mead regeneration site boundary should be amended to take into account the NFDC ownership of some of the land. I shall recommend the adjustment. **(PM2)** Policy LP3 would then have regard to national guidance¹⁰, would generally conform with Policy STR5 of the NFDLP Part 1 and would meet the Basic Conditions.

⁸ NPPF: paragraph 57.

⁹ NPPF: paragraphs 57 and 90 a).

¹⁰ NPPF: paragraphs 8 b), 63, 64 b) and 124 c),

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- 4.15 Representations sought the allocation of sites for housing on land north of Torreyanna Gardens, Pennington; the Boat Building Factory, Waterloo Road; and the former Edgards Dairy Yard, Pennington. However, I consider that the Plan generally conforms with the strategic policies of the Local Plan and so I am not required to identify further land for housing. In any event, I accept the reasons advanced by LPTC for not allocating those sites.¹¹

Policy LP4: Pennington Shopping Parades

- 4.16 Policy LP4 defines Local Shopping Frontages at Milford Road and South Street, and Pennington Square and South Street as shown on the Policies Map (Inset 1). The aim of the policy is to prevent the loss of uses on ground floors within the Local Shopping Frontages which meet the day-to-day needs of the local community. I can understand that a use which meets “day-to-day” needs may lack the standard precision for development management and that some uses may be lost through permitted development. Nevertheless, I support the aim behind the policy and should a proposal be made for a change of use which would erode the convenience shopping opportunities within a Local Shopping Frontage, I consider that it should be possible for planning permission to be refused for that reason. The additions to paragraph 5.15 of the Plan suggested by NFDL and to paragraph 5.17 suggested by LPTC, both of which I shall recommend, would enhance and provide the necessary clarity to the implementation of the policy. **(PM3)** With this recommended modification, the policy will have regard to national policy¹², generally conforms with Policy ECON6 of the NFDLP Part 1 and meets the Basic Conditions.

Policy LP5: Walkable Neighbourhoods

- 4.17 Policy LP5 Clause A identifies broad locations at Buckland, Woodside, Lower Pennington and Upper Pennington as Walkable Neighbourhoods which are primarily residential areas located more than a 800m walk from Lymington Town Centre. Policy LP5 Clauses B – F then explain how the policy will be implemented. Clauses C, D, E and F refer to uses defined in Clause B which does not define any uses. LPTC has suggested amendments to the policy which would correct that error and which I shall recommend. With one other exception, I consider that the policy has regard to national guidance¹³ and generally conforms with Policies ECON5 and ECON6 of the NFDLP Part 1. The exception is the use of the term “established” use in Clause F which has legal connotations. Therefore, I shall recommend the deletion of that word which would mean the policy would then meet the Basic Conditions. **(PM4)**

¹¹ Response from LPTC to my question Q3.

¹² NPPF: paragraphs 97 a) and 97 d).

¹³ NPPF: paragraphs 97 a) and 108 c).

Policy LP6: High Quality Design

- 4.18 Policy LP6 aims to achieve high quality design in new development that contributes positively to local distinctiveness, the quality of life and enhances the character and appearance of the locality. The policy has regard to national policy¹⁴, generally conforms with Policies STR1 and ENV3 of the NFDLP Part 1, Policy DP18 of the NFNPLP and meets the Basic Conditions. However, paragraph 5.20 states that the Lymington Local Distinctiveness Supplementary Planning Document (SPD) carries the full weight of the Development Plan in decision making and is not subordinate or supplementary guidance carrying lesser weight. The NPPF states that Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the Development Plan.¹⁵ Therefore, even though the SPD was Appendix C of the Plan and part of the consultation process, it was appended to the Plan and does not form part of the Development Plan. Accordingly, I shall recommend the deletion of the final sentence in paragraph 5.20 and the substitution of an alternative. **(PM5)**

Policy LP7: Providing A Balanced Mix Of Dwellings To Meet Local Needs

- 4.19 Policy LP7 aims to provide a balanced mix of dwellings to meet local needs. Clause B states that the number of small dwellings should be greater than 50% of the total in schemes of 5 or more dwellings. I note the concern expressed by NFDC about deliverability on smaller sites and I shall recommend the inclusion of a viability test as in Policy HOU1 of the NFDLP Part 1. **(PM6)** The policy would then have regard to national policy¹⁶, would generally conform with Policy HOU1 of the NFDLP Part 1, Policy SP1 of the NFNPLP and would meet the Basic Conditions.

Policy LP8: Green Infrastructure And Nature Recovery Network

- 4.20 Policy LP8 designates a Green Infrastructure and Nature Recovery Network. Clause C provides that all development should embed Green Infrastructure in a way that helps to support nature recovery, whereas I shall recommend that the policy should apply to appropriate development, which is more reasonable and realistic. **(PM7)** Policy LP8 would then have regard to national policy¹⁷, would generally conform with Policies STR1 and ENV4 of the NFDLP Part 1, Policy DM9 of the NFDLP Part 2, Policy SP6 of the NFNPLP and would meet the Basic Conditions.

Policy LP9: Safer Lanes Network

- 4.21 Policy LP9 identifies a Safer Lane Network in order to protect the rural and historic characteristics of the lanes and promote the lanes as shared

¹⁴ NPPF: paragraph 132.

¹⁵ NPPF: Annex 2 Glossary.

¹⁶ NPPF: paragraphs 8 b) and 64 b).

¹⁷ NPPF: paragraphs 96 c) and 180.

spaces. Policy LP9 has regard to national policy¹⁸, generally conforms with Policies STR1 and ENV4 of the NFDLP Part 1, Policy DM9 of the NFDLP Part 2, Policy SP55 of the NFNPLP and meets the Basic Conditions.

Policy LP10: Active And Healthy Travel

- 4.22 Policy LP10 supports measures to encourage active and healthy travel in the Plan area. Policy LP10 has regard to national policy¹⁹, generally conforms with Policies CCC1 and CCC2 of the NFDLP Part 1, Policy SP55 of the NFNPLP and meets the Basic Conditions.

Policy LP11: Net Zero Carbon Building Design

- 4.23 Policy LP11 is aimed at encouraging efficient energy performance in new development, with paragraphs 5.54 to 5.60 of the Plan offering a clear explanation of the reasoning behind each of the five Clauses of the policy. In general, with some focussed modifications and noting the comprehensive reply from LPTC to my questions, the policy has regard to national guidance²⁰, generally conforms with Policies ENV3 and IMPL2 of the NFDLP Part 1, Policies SP1 and SP11 of the NFNPLP and meets the Basic Conditions.
- 4.24 However, a significant exception is within Clause C, which introduces Post Occupancy Evaluation (POE) an explanation of which is in paragraph 5.56 of the Plan and Appendix B. The basis of POE is that a condition would be imposed on certain planning permissions to require a report to be submitted showing any gap in performance between the predicted energy consumption at the design stage and actual energy consumption when the building is occupied. The planning condition would only be discharged when any performance gap had been rectified.
- 4.25 I accept that the POE would not set energy efficiency standards and would only incentivise designers and developers to conform with the standards, such as Passivhaus, so that the POE could be avoided, but I note the comments by NFDC that monitoring charges for compliance checking has been introduced by the Council. Therefore, the additional POE costs would fall on the developers and affect either the viability of a scheme or have a consequent impact on property prices. The additional costs would be exacerbated were there to be any disputes between the main parties.
- 4.26 Even though the court of appeal judgement *R(Rights: Community: Action Ltd) v SoS HCLG [2025] EWCA Civ 990* found that the Written Ministerial Statement (WMS) of December 2023 is not a legal barrier for setting higher energy efficiency standards in Development Plan Documents than advised in Building Regulations, I consider that the effect on viability is a significant criticism of implementing POE via a planning condition. Perhaps

¹⁸ NPPF: paragraph 180.

¹⁹ NPPF: paragraphs 108 c).

²⁰ NPPF: paragraphs 8 c) and 159 b).

some form of self-certification is possible, but that would fall outside land use based policies of the Neighbourhood Plan. Therefore, notwithstanding whether the planning condition seeking POE meets the six tests set out in paragraph 56 of the NPPF, I shall recommend the deletion of the relevant section of Clause C and consequent modifications to Clause B. I shall also recommend a modification to Clause A so that it does not apply to householder applications. **(PM8)** With the recommended modifications, Policy LP11 would meet the Basic Conditions.

- 4.27 I note NFDC's response to my question 8 advises, with reference to implementing Policy R10 of the Ringwood Neighbourhood Plan (which is very similar to Policy LP11 of this Plan), that "...NFDC is starting to acknowledge with regards to R10 that there is conflict with wider policy and having to weigh this in the balance, considering the development plan and national framework as a whole".²¹ However, I have no substantiating evidence to identify which Clauses of Policy R10 (Ringwood Neighbourhood Plan) or LP11 of this Neighbourhood Plan cause concern.

Policy LP12: Urban Greening And Canopy Cover

- 4.28 Policy LP12 aims to maximise urban greening and tree canopy cover. The policy has regard to national guidance²², generally conforms with Policies STR1, ENV3 and ENV4 of the NFDLP Part 1, Policy DM9 of the NFDLP Part 2, Policy SP6 of the NFNPLP and meets the Basic Conditions.

Policy LP13: Digital Communication Infrastructure

- 4.29 Policy LP13 seeks to encourage the provision of new digital communications infrastructure. This policy also has regard to national guidance²³, generally conforms with Policy STR8 of the NFDLP Part 1 and meets the Basic Conditions.

Local Infrastructure Improvements And Other Non-Planning Matters

- 4.30 The Plan includes a section (paragraph 6.4) on priorities for local infrastructure improvements when appropriate funding is received by the local planning authority. In addition, paragraph 6.5 lists other various non planning matters as actions to be taken or issues to be addressed which cannot be delivered through land-use planning policies. These are not considered as part of the examination and will not form part of the statutory Development Plan. Nevertheless, they represent aspirations or actions which would benefit the community and demonstrate one of the valuable associated attributes of the neighbourhood planning process.²⁴

²¹ See response from NFDC dated July 18 2025.

²² NPPF: paragraph 159 a).

²³ NPPF: paragraph 118.

²⁴ PPG Reference ID: 41-004-20190509.

Overview

- 4.31 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the LPNP are in general conformity with the strategic policies of the Development Plan, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.32 A consequence of the acceptance of the recommended modifications would be that amendments will have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. Further minor amendments might also include incorporating factual updates, correcting inaccuracies, typographical and punctuation errors, any text improvements suggested by NFDC in their Regulation 16 or Regulation 14 consultation responses and any other similar minor or consequential changes in agreement with the NFDC and the NFNPA. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.²⁵

5. Conclusions

Summary

- 5.1 The Lymington and Pennington Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the LPNP, and the evidence documents submitted with it.
- 5.2 I have recommended eight modifications to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. The LPNP, as modified, has no policy which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be that of the designated Neighbourhood Plan Area.

²⁵ PPG Reference ID: 41-106-20190509.

Concluding Comments

- 5.4 The LPTC, the Neighbourhood Plan Steering Group and other voluntary contributors are to be commended for producing a succinct and comprehensive Plan. The Plan is logically presented, informative and extremely well illustrated. The Consultation Statement and the Basic Conditions Statement were concise and very useful. The Plan also benefitted from the constructive comments from the considered responses from the LPTC and NFDC to my questions. Subject to the recommended modifications, the LPNP will make a positive contribution to the Development Plan for the area and should enable the extremely attractive character and appearance of Lymington and Pennington to be maintained whilst enabling sustainable development to proceed.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy LP2	Amend Clause C by the addition of: "... Town Centre Vision, provided the contributions make the proposals acceptable in planning terms and are directly related to the development."
PM2	Policy LP3	Amend the final paragraph to: "For the avoidance of doubt, strategic policy requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD, NFDC air quality monitoring and nutrient neutrality will continue to apply." Amend the boundary for site e) on the Policies Map (Inset 2) to match the Hampshire County Council ownership as shown on the map submitted at paragraph 1.11 of the NFDC response to examiner's questions dated 18 July 2025. Rephrase the final sentence of paragraph 5.11 of the Plan to: "The Solent Mead site is in split ownership between Hampshire County Council (HCC) and NFDC. A decision was made by HCC in 2025 to close its part of the site and it is therefore likely that that part of the site will become available for development during the Plan period. The NFDC housing on the site will remain."
PM3	Policy LP4	Amend paragraph 5.15 of the Plan by the inclusion of the following third sentence: "This approach aims to ensure that residents can access day to day services and amenities, for example, convenience shops, education and healthcare facilities." Amend paragraph 5.17 of the Plan by the inclusion of a new penultimate sentence: "Uses which are considered to meet day-to-day needs include Class E(a)"

		convenience food retail for up to a total of 500 sq.m of net internal retail floorspace, Class E(b) café, Class E(d) indoor sport and recreation, Class E(e) medical services, Class E(f) day centre or nursery, Class F1 learning and non-residential institution; and/or a Class F2 local community use of an appropriate scale."
PM4	Policy LP5	Amend Clause C to: "Proposals including uses which are intended to meet the local communities' day to day needs may be delivered as ground floor units in a scheme with housing on upper floors ..." Amend the second sentence of Clause D to: "Within this context, clustering of uses intended to meet day-to-day community needs in each broad location is preferred." Amend Clause E to: "Proposals including uses which are intended to meet the local communities' day-to-day needs must demonstrate that the site is located and accessible by walking, ..." Amend Clause F to: "Proposals to change the use of land or premises in a walkable community from a use which contributes to meeting the local communities' day-to-day needs to another use will not be supported."
PM5	Paragraph 5.20	Delete the final sentence and substitute: "LTC will seek to work with NFDC and local community groups in the preparation of a District wide Design Code which is intended to retain the emphasis on local distinctiveness. The Code will be consulted upon as part of a separate process in due course."
PM6	Policy LP7	Add the following phrase to the end of Clause B: "... taking into account the viability of the scheme."

PM7	Policy LP8	Amend Clause C to: "All appropriate development should embed Green Infrastructure ..."
PM8	Policy LP11	Amend Clause A to: "All development (except for householder development) should be "zero carbon ready" ...". Amend Clause B to: "Where feasible, buildings should aim to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m2/year." Amend Clause C to: "All planning applications for new or refurbished buildings should include a demonstration to show that their energy efficiency has been tested to ensure that the buildings will perform as predicted at the design stage."

LYMINGTON AND PENNINGTON NEIGHBOURHOOD PLAN

2016 - 2036

Submission Plan

PUBLISHED BY

Lymington and Pennington Town Council under the
Neighbourhood Planning (General) Regulations 2012 (as
amended).

FEBRUARY 2025

GUIDE TO READING THIS PLAN

Of necessity, this Neighbourhood Plan is a detailed technical document. The purpose of this page is to explain the structure and help you find your way around the plan.

1. INTRODUCTION & BACKGROUND

This section explains the background to this Neighbourhood Plan and how you can take part in and respond to the consultation.

2. THE NEIGHBOURHOOD AREA

This section details many of the features of the designated area.

3. PLANNING POLICY CONTEXT

This rather technical section relates this Plan to the National Planning Policy Framework and the planning policies of New Forest District Council (NFDC) and the New Forest National Park Authority (NFNPA).

4. COMMUNITY VIEWS ON PLANNING ISSUES

This section explains the community involvement that has taken place.

5. VISION, OBJECTIVES & LAND USE POLICIES

This key section firstly provides a statement on the Neighbourhood Plan Vision and Objectives. It then details Policies which are proposed to address the issues outlined in the Foreword and in Section 4. These Policies are listed in Table 1. There are Policy Maps at the back of the plan and additional information in the Appendices to which the policies cross reference.

6. IMPLEMENTATION AND MONITORING

This section explains how the Plan will be implemented and future development guided and managed. It suggests projects which might be supported by the Community Infrastructure Levy which the Town Council will have some influence over. Finally, it deals with a number of issues which although relevant are outside the scope of a Neighbourhood Plan.

FOREWORD

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APPENDIX B – POST OCCUPANCY EVALUATION GUIDANCE

APPENDIX C – LYMINGTON LOCAL DISTINCTIVENESS SPD

FOREWORD

This Neighbourhood Plan has been written to help shape the development priorities of the people of Lymington and Pennington. It has been a long time coming.

The Neighbourhood Plan process was started in 2015 when Lymington and Pennington was designated a Neighbourhood Plan Area by NFDC and NFNPA. A vision and action plan were created in March 2017 with working groups established to form an evidence base. An informal community consultation was held in July 2017.

NFDC adopted their Local Plan (Part One) in 2020 which included two sites in Pennington (SS5 and SS6). Unlike the Local Plan, this Neighbourhood Plan is concerned with small sites which can be developed rather than the larger, strategic allocations of NFDC.

I want to thank the previous Chair of the Neighbourhood Plan Steering Group, Councillor James Hoare, and all the Councillors, many of whom no longer sit on this Council, who have been involved in the Neighbourhood Plan process since 2015. Many members of the public also took part in the original working groups and I am very grateful to them for their input. Apart from a short stint on the Green Spaces working group in 2017, I did not come into this process until May 2023 when I took over as Chair of the Neighbourhood Plan Steering Group following the Local Elections.

The policies in this Neighbourhood Plan show Lymington and Pennington's desire to look to the future whilst respecting our past. Our focus has been on ensuring that the younger generation and local families are prioritised when it comes to housing, digital infrastructure is improved, and commercial space is protected and enhanced. Most of all, this is a Neighbourhood Plan that is ambitious for the future of Lymington and Pennington.

I hope that we have made the people of Lymington and Pennington proud.

Jack Davies

Chair of the Neighbourhood Plan Steering Group

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1. INTRODUCTION & BACKGROUND

1.1. Lymington and Pennington Town Council is preparing a Neighbourhood Plan for the area designated by the respective local planning authorities, NFDC and the New Forest NFNPA, in September 2015. The area coincides with the parish boundary (see Plan A on page 4). Pennington Common and the areas around the Lymington & Pennington Marshes fall within the New Forest National Park. The plan is being prepared in accordance with the Neighbourhood Planning (General) Regulations of 2012 (as amended).

1.2. The purpose of the Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications in the area in the period to 2036. The Plan will form part of the development plan for the District, alongside the NFDC Plan part 1: Planning strategy (2020) and the saved policies from NFDC Local Plan Part 2: Development Management (2014), the NFDC Core Strategy (2009) and the NFDC Local Plan First Alteration (2005) and for those parts of the parish which fall within the National Park, alongside the NFNPA Local Plan (2019).

1.3. Neighbourhood Plans provide local communities with the chance to manage the quality of development of their areas. Once approved at a referendum, the Plan becomes part of the Local Planning Authority's statutory development plan and will carry significant weight in how planning applications are decided in the neighbourhood area. Plans must therefore contain only land use planning policies that can be used for this purpose. This often means that there are important issues of interest to the local community that cannot be addressed in a Plan if they are not directly related to planning. Although there is scope for the local community to decide on its planning policies, Neighbourhood Plans must meet all of the relevant basic conditions (see Figure 1 overleaf).

1.4. In addition, the Town Council will need to demonstrate to an independent examiner that it has successfully engaged with the local community and stakeholders in preparing the Plan. If the examiner is satisfied that it has, and considers the Plan meets the above conditions, then the Plan will go to a referendum of the local electorate. If a simple majority (over 50%) of the turnout votes in favour of the Plan, then it becomes adopted as formal planning policy for the district.

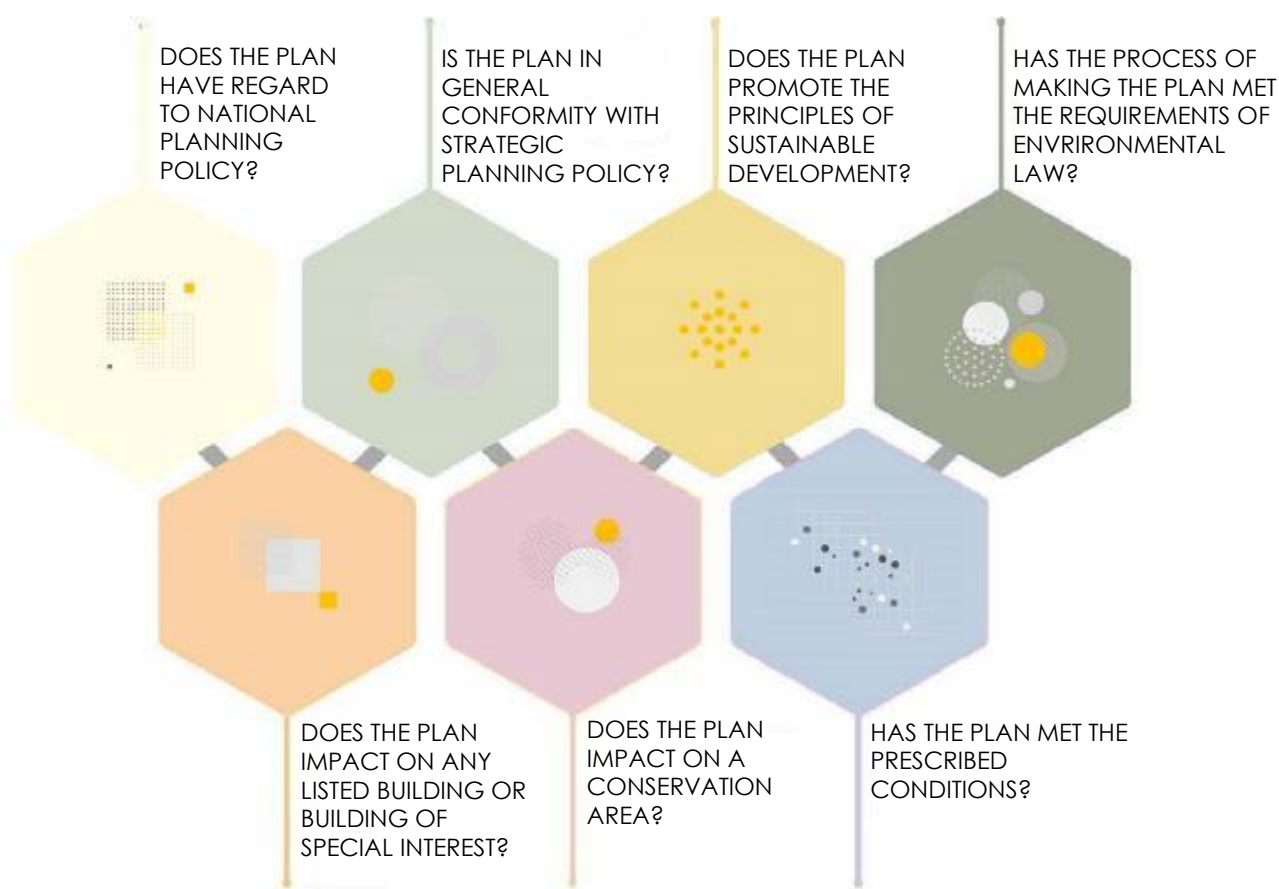


Figure 1: Basic Conditions

THE SUBMISSION PLAN

1.5. A draft ('Pre-Submission') Plan was published for consultation in August 2024 in line with the Regulations. The Parish Council has reviewed the comments received from the local community and other interested parties, including NFDC and NFNPA, and have made changes to this final version.

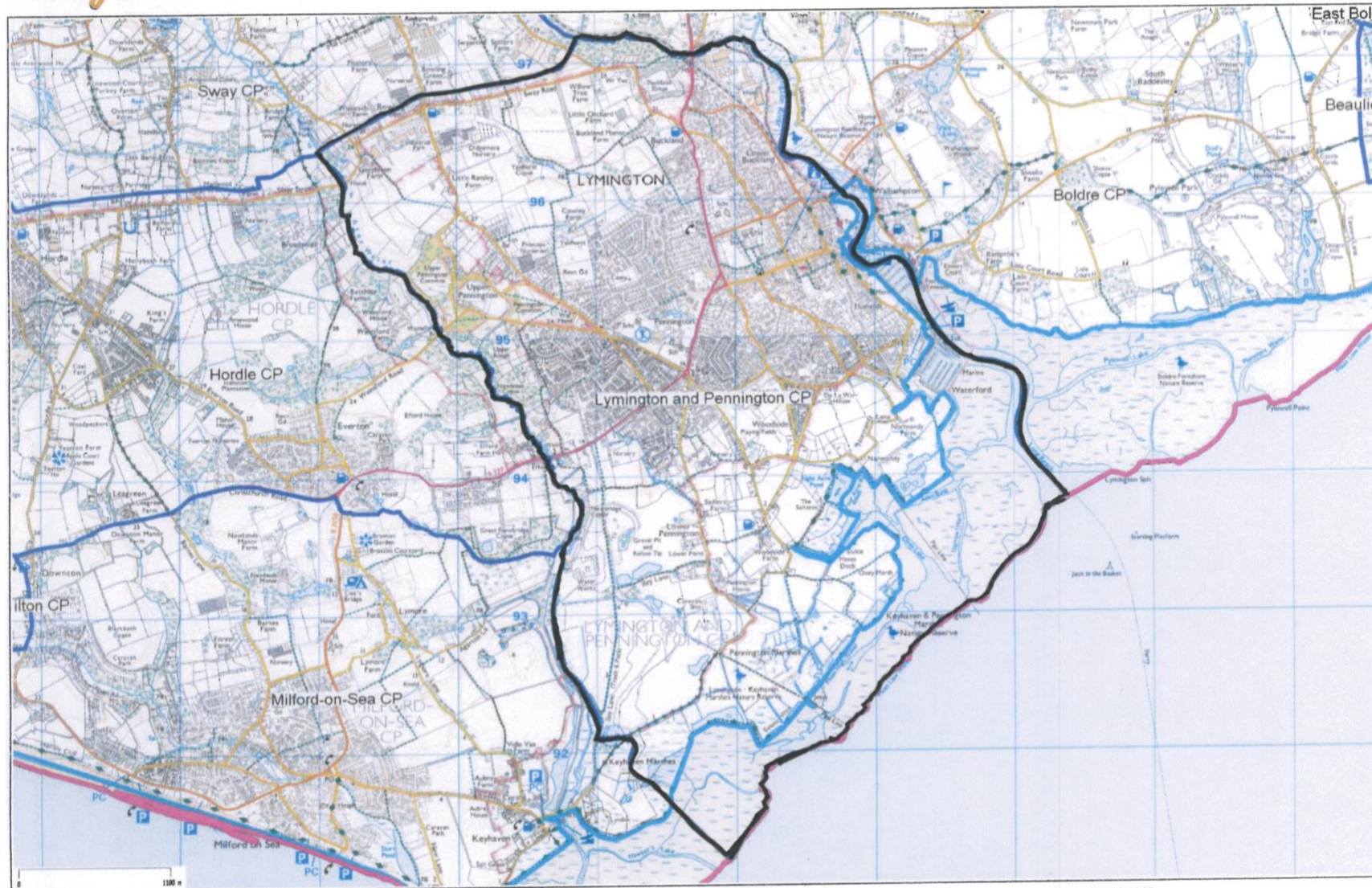
STRATEGIC ENVIRONMENTAL ASSESSMENT & THE HABITATS REGULATIONS

1.6. NFDC and NFNPA confirmed in a screening opinion of March 2017 that a Strategic Environmental Assessment (SEA) is required in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). The SEA is published alongside this plan.

1.7. The screening opinion also confirmed that a Habitat Regulations Assessment is required in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended). The HRA is published alongside this plan.

THE NEXT STEPS

1.8. This Plan will be submitted to NFDC and NFNPA for a further consultation and to arrange for its examination by an independent examiner and subsequent referendum, if the examiner is satisfied that the draft plan meets the basic conditions.



Date Created: 22-6-2015 | Map Centre (Easting/Northing): 431699 / 94198 | Scale: 1:35776 | © Crown copyright and database right. All rights reserved (100030848) 2015

Plan A: Designated Neighbourhood Area

2. THE NEIGHBOURHOOD AREA

2.1 Lymington is a small market and harbour town of considerable historic interest located on the south coast of the New Forest where the Lymington River flows into the Solent. It includes a number of villages and outlying hamlets which were formerly outside the main town such as Pennington.

2.2 Pennington sits on the river terrace plateau between Avon Water to the west and Yaldhurst stream to the east. The Solent forms Pennington's southern coastal border. The northern border is Sway Road. The hamlet of Bowling Green is in Upper Pennington on the border with Sway.

2.3 The earliest settlement in the Lymington area was around the Iron Age hill fort known today as Buckland Rings. The hill and ditches of the fort survive, and archaeological excavation of part of the walls was carried out in 1935. The fort has been dated to around the 6th century BC. There is another supposed Iron Age site at nearby Ampress Hole. However, evidence of later settlement there (as opposed to occupation) is sparse before Domesday book (1086).

2.4 Lymington itself began as an Anglo-Saxon village. The town is recorded in Domesday as "Lentune". About 1200, the lord of the manor, William de Redvers created the borough of New Lymington around the present quay and High Street, while Old Lymington comprised the rest of the parish. He gave the town its first charter and the right to hold a market.

2.5 Lymington was famous for salt-making from the Middle Ages up to the 19th century. There was an almost continuous belt of salt workings along the coast toward Hurst Spit.

2.6 Large In the 18th and early 19th centuries, Lymington possessed a military depot that included a number of foreign troops – mostly artillery but also several militia regiments. At the time of the Napoleonic Wars, the King's German Legion-Artillery was based near Portchester Castle and sent sick soldiers to Lymington or Eling Hospital. As well as Germans and Dutch, there were French émigrés and French regiments. They were raised to take part in the ill-fated Quiberon Invasion of France, from which few returned (contrast the Battle of Quiberon Bay, or Bataille des Cardinaux, a 1759 victory). From the early 19th century, Lymington had a thriving boatbuilding industry, particularly associated with Thomas Inman, builder of the schooner Alarm, which famously raced the American yacht America in 1851. The town is fortunate in that its historic structure and layout remain largely intact. Much of the town centre is Victorian and Georgian, with narrow cobbled streets in the area of the quay.

2.7 Pennington Village is the main historical settlement and is where major residential development throughout the twentieth century was concentrated. Most of Pennington's shops are located in the village along with a majority of Pennington's schools. Pennington Village also has a leisure centre, which has a 25-metre indoor swimming pool, a sports hall,

a gym, and an astro-turf football pitch. Pennington Common and Pennington Recreation Ground are open spaces used for sports and local community events.

2.8 Pennington and Oxy Marshes, historically the largest salt pans in the area, are popular spots for bird watching, walking, fishing, photography and cycling. Pennington Common and Upper Common are designated Sites of Special Scientific Interests ('SSSIs'). Pennington and Oxy Marshes are divided into 11 designated SSSIs.

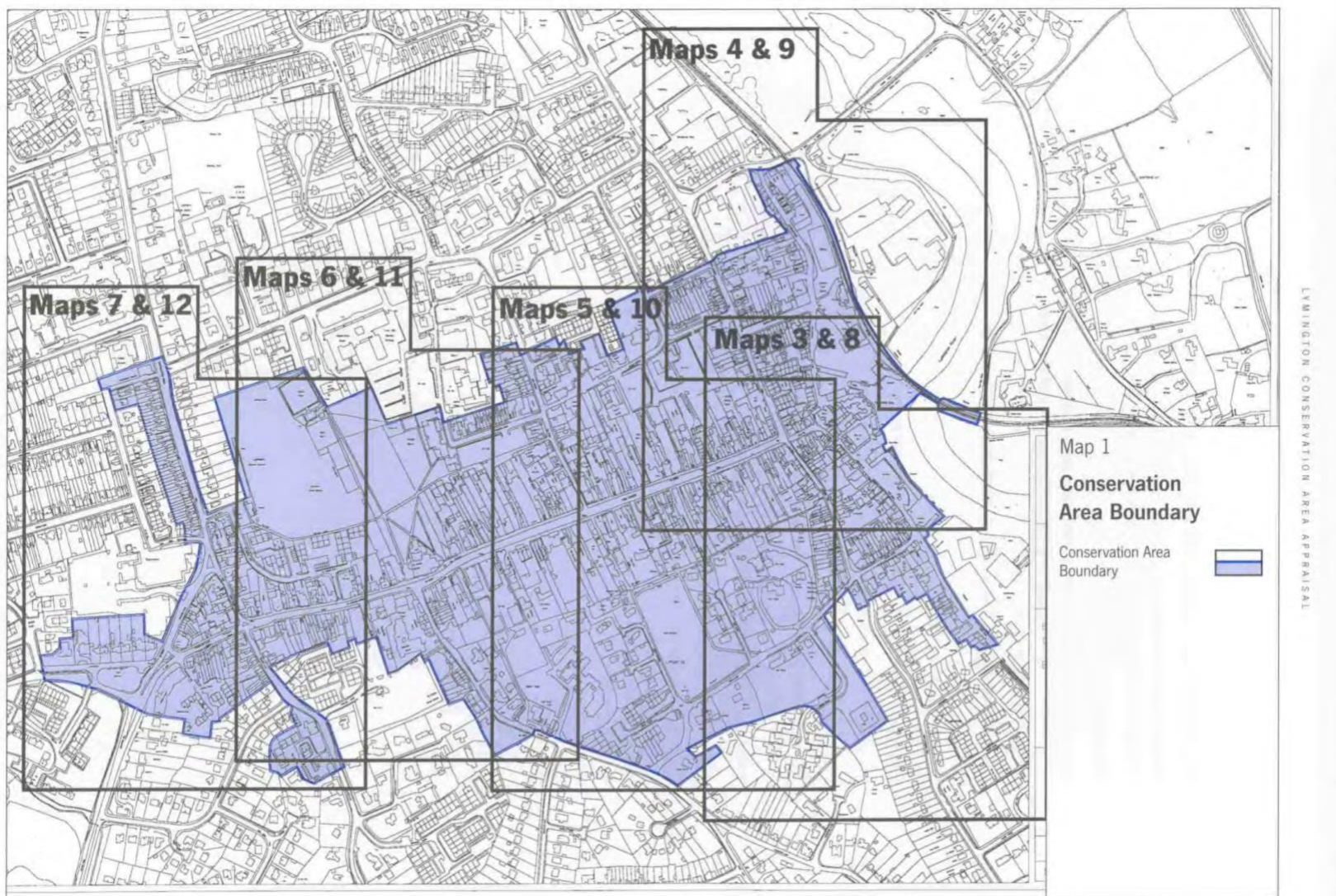
2.9 Lymington has remained largely unaffected by major development. The town has a high proportion of residential accommodation but does not suffer to the same degree the severe problems arising from empty off-season second homes often seen in coastal towns. Lymington retains a vibrancy, colour and richness that only a place where people actively live and work can have.

2.10 Lymington & Pennington retains a strong relationship with the surrounding landscape (the forest, river and proximity of the sea), permeating the fringes of the settlement and influencing much of the character further into the built-up area. Through this relationship to its surroundings and through clear social links the town is intrinsically part of the wider New Forest and Solent environment.

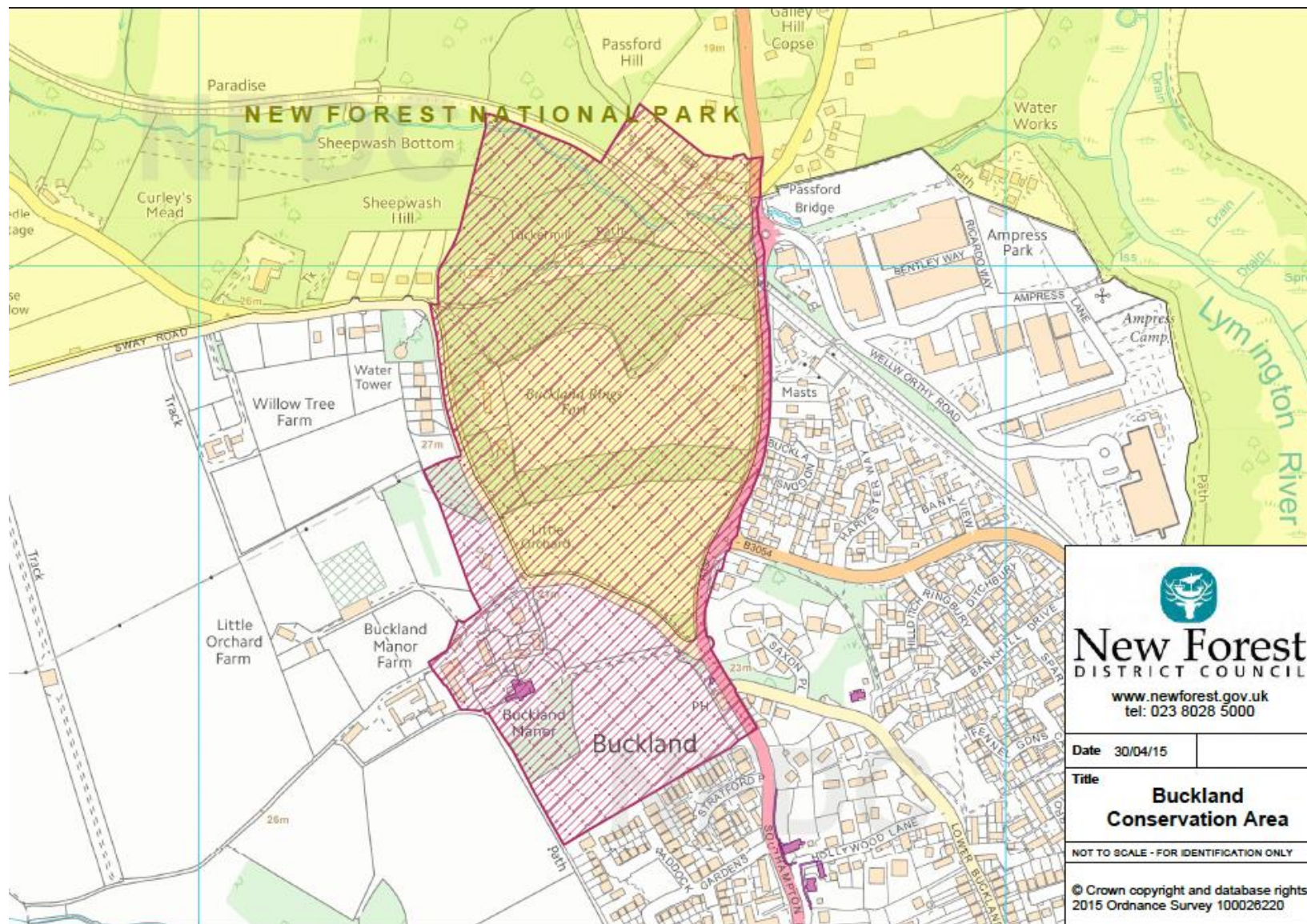
2.11 Lymington comprises the main body of the settlement and is structured around the High Street running east-west from the Lymington River, which is the historic, retail and community core. A number of residential areas wrap around the High Street, planned around a combination of road loops and cul-de-sacs that are typical of twentieth century residential layouts.

2.12 The A337 is the main road which runs through the New Forest from the M27/A31 into Lymington. This road runs down to a gyratory system at the western end of the High Street which effectively diverts through traffic to the west towards Bournemouth. There is a crossing to the east across the Lymington River on the B3054, but this is a relatively minor road. Consequently, Lymington does not suffer heavily from through traffic and the High Street retains an attractive pedestrian environment.

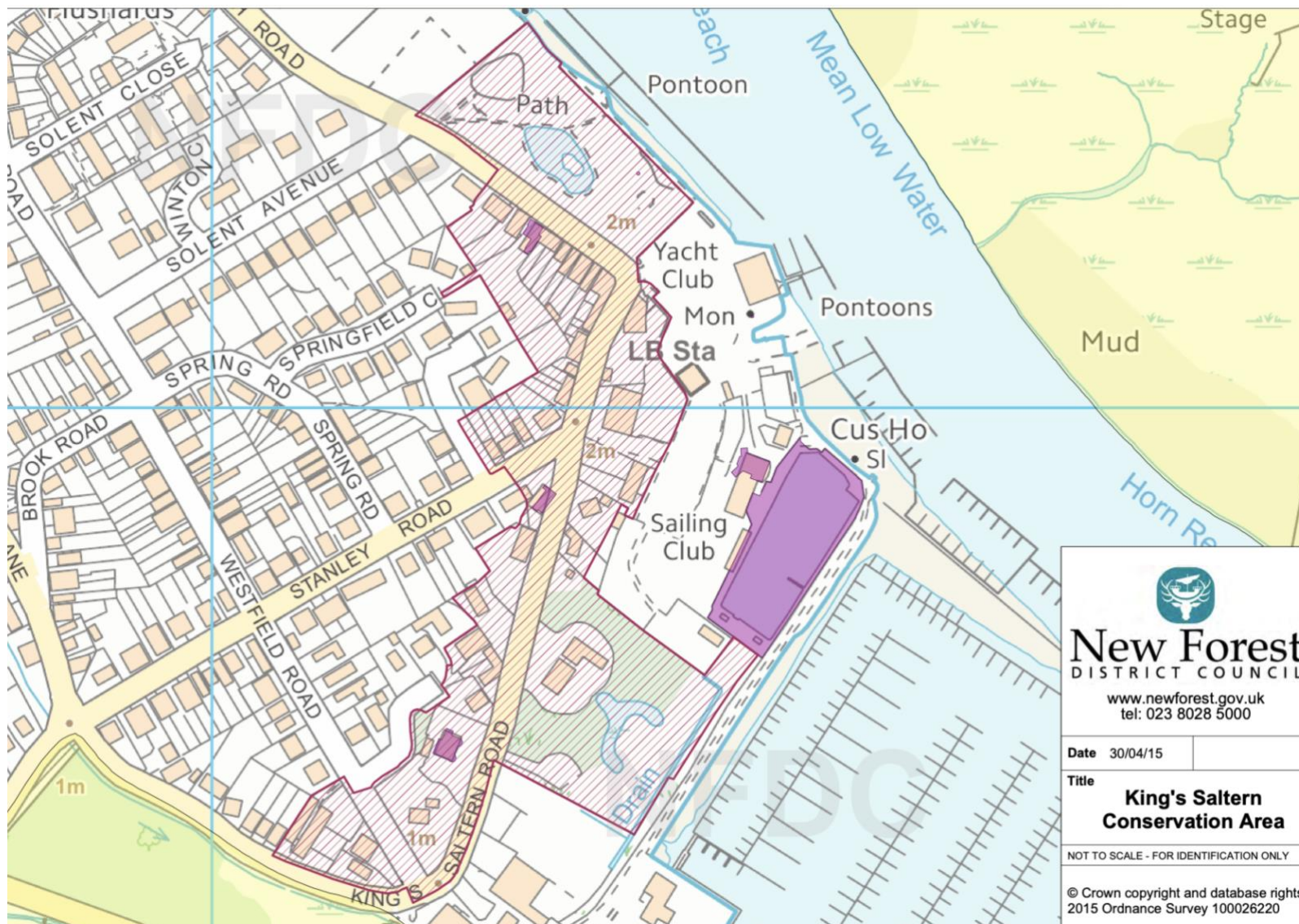
2.13 Pennington originally formed part of the Parish of Milford until 1839. In 1859, Pennington was constituted a separate ecclesiastical parish, it became own separate civil parish in 1911. In 1932, Pennington, together with Milford-on-Sea, Hordle and New Milton, formed part of the new enlarged borough of Lymington. Lymington Borough was abolished on 1 April 1974 under terms of the Local Gov. Act 1972, becoming an unparished area, in the district of the New Forest with charter trustees. It was then divided into 4 civil parishes. New Milton, Lymington & Pennington where upon Lymington & Pennington Town Council was formed. Since 1932 the population has risen from 1246 to over 6000.



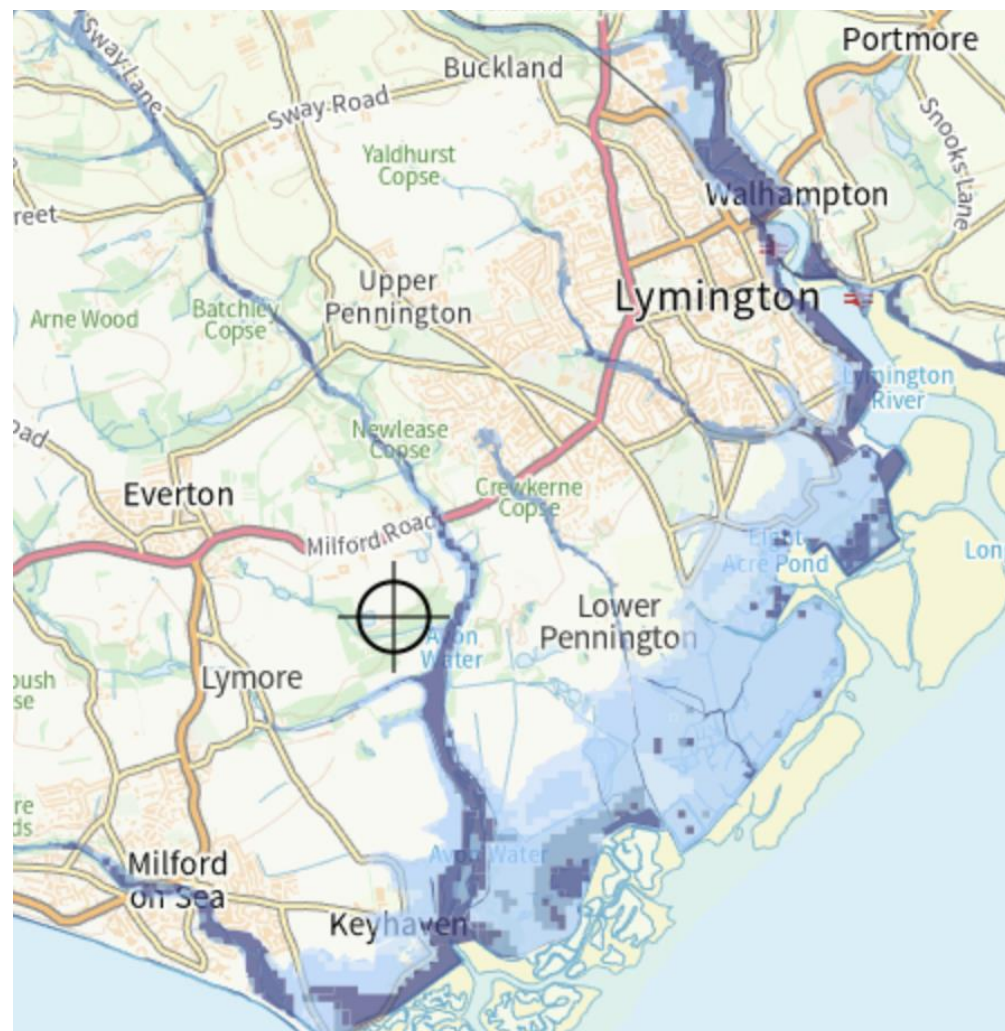
Plan B: Lymington Conservation Area (maps 3-11 can be viewed within the Lymington Conservation Area Appraisal <https://www.newforest.gov.uk/article/1236/Conservation-areas>)



Plan C: Buckland (Lymington) Conservation Area



Plan D: King's Saltern (Lymington) Conservation Area



Plan E: Flood risk from rivers or the sea in Lymington and Pennington

Extent of flooding from rivers or the sea

● [High](#)
● [Medium](#)
● [Low](#)
● [Very Low](#)
⊕ Location you selected

3. PLANNING POLICY CONTEXT

3.1 Lymington and Pennington lie within the NFDC and NFNPA planning authority areas in the county of Hampshire.

NATIONAL PLANNING POLICY

3.2 The National Planning Policy Framework (NPPF) published by the Government is important in the preparation of local plans and neighbourhood plans. The following paragraphs of the latest NPPF version published in 2023 are considered especially relevant:

- Neighbourhood planning – non-strategic policies (§28 - §30)
- Housing needs for different groups (§63)
- Ensuring the vitality of town centres (§90)
- Promoting health and safe communities (§96 - §97)
- Local Green Spaces (§105 - §107)
- Promoting sustainable transport (§110)
- Making effective use of land (§123 - §125)
- Achieving well-designed places (§131 - §137)
- Protecting Green Belt land (§152)
- Planning for climate change (§158)
- Conserving and enhancing the natural environment (§180)
- National Parks (§182 - §183)
- Conserving and enhancing the historic environment (§196)

3.3 A new iteration of the NPPF was published in December 2024. However, it sets out in §239 that neighbourhood plans submitted to the local planning authority under Regulation 15 before 12 March 2025 will be assessed under the previous framework (2023 NPPF).

3.4 The Government has also set out a requirement for the provision of First Homes in a Written Ministerial statement on 24 May 2021. These requirements were subsequently incorporated into National Planning Practice Guidance. As the Parish is 'washed over' by Green Belt (all of which is situated outside the settlement boundary), First Homes Exception Sites are unable to come forward in the Parish. It is anticipated that the forthcoming Local Plan will deal with this matter appropriately and NFDC has published an Interim Advice regarding First Homes in the meantime ([link](#)). NFNPA has granted planning permission for a limited number of First Homes on the adopted NFNPA Local Plan (2019) site allocations. However, First Homes are not supported on rural exception sites in National Parks in national policy.

3.5 The Levelling Up and Regeneration Act (LURA) received Royal Assent on 26 October 2023. The Act demonstrates a continued support of Neighbourhood Planning, and changes proposed is currently awaiting secondary legislation.

3.6 The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan for the New Forest. The development plan primarily comprises saved policies of the NFDC CORE STRATEGY (2009), THE NFDC LOCAL PLAN PART 2 (2014) and the NFDC LOCAL PLAN PART 1 (2020) for that part of the neighbourhood area which lies in the NFDC area, and the NFNPA LOCAL PLAN (2016 – 2036) for that part of the neighbourhood area which lies in the NFNPA area as well as separate minerals and waste plans for Hampshire.

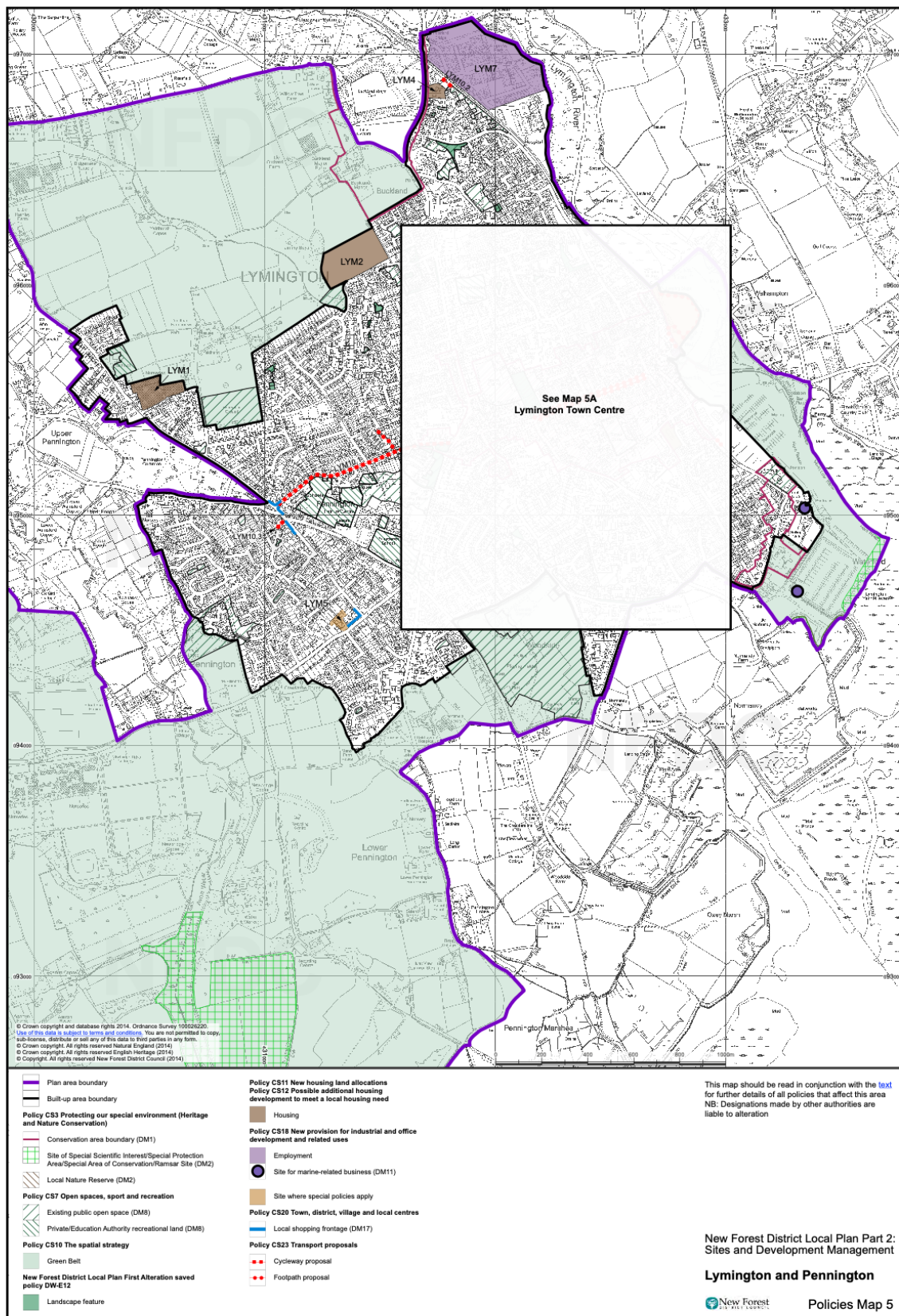
3.7 The following saved policies of the NFDC CORE STRATEGY (2009) are relevant to the Lymington and Pennington area:

- *Policy CS7 Open Spaces, sport and recreation* – securing a minimum standard of open space to serve the district including Lymington and Pennington through protecting existing and the provision of new open space.
- *Policy CS19 Tourism* – enhancing the visitor appeal of coastal environments and settlements including Lymington.
- *Policy CS21 Rural economy* – setting out a strategy for the rural economy applying to the rural part of the designated neighbourhood area that does not lie within the NFNPA area.

3.8 The following policies of the NFDC LOCAL PLAN PART 2 (2014) are relevant to the Lymington and Pennington area:

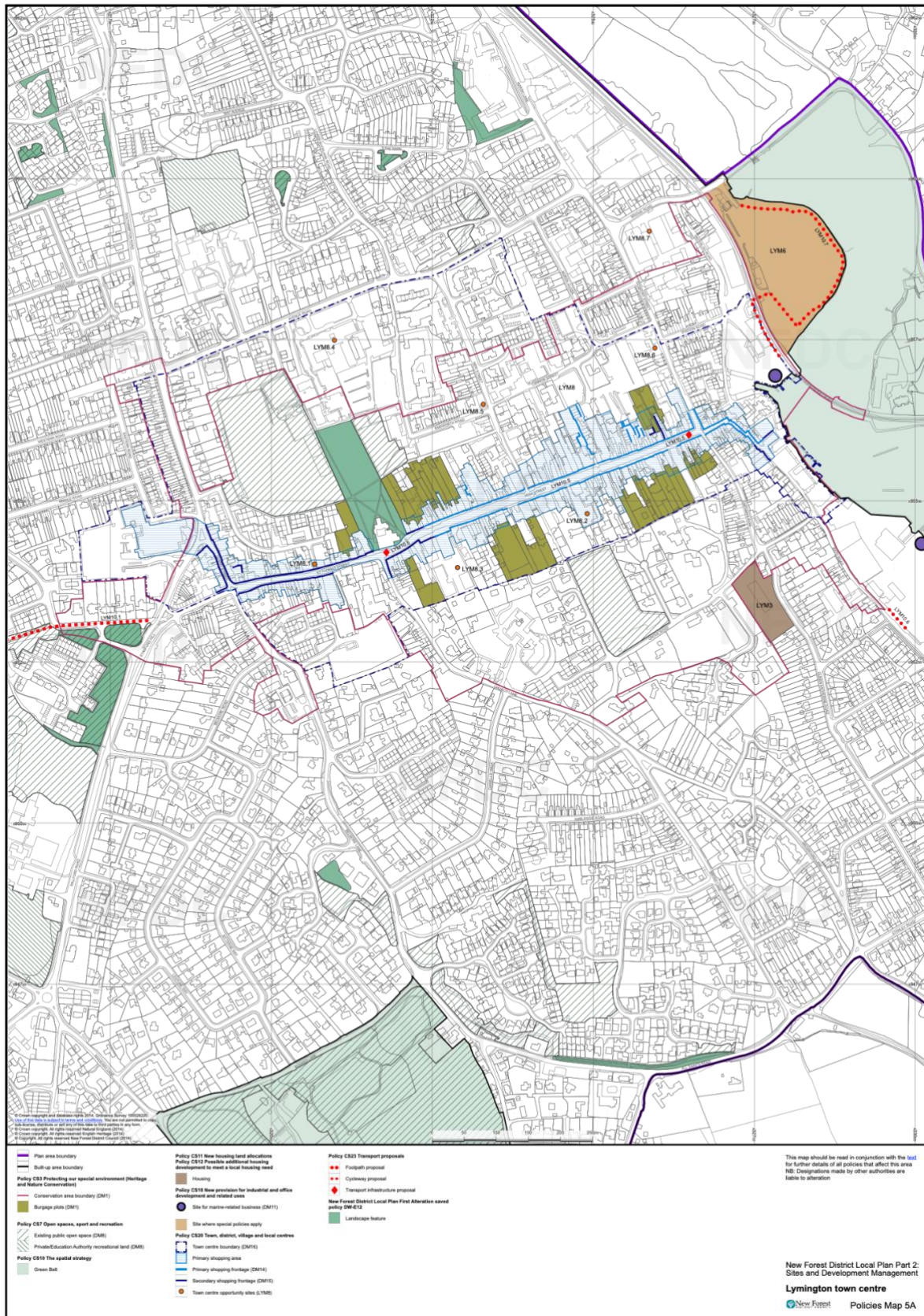
- *Policy DM1 Heritage and Conservation* – conserving and enhancing the historic environment, including listed buildings, Hillfort at Buckland Rings scheduled monument, the Buckland, Kings Saltern, and Lymington conservation areas, burgage plots (nos. 2-24; 45-51; 55-58; 63-75; 124-131 High Street and 43-48 St Thomas' Street) and other heritage assets in the designated neighbourhood area.
- *Policies DM2 Nature conservation, biodiversity and geodiversity and DM3 Mitigation of impacts on European nature conservation sites* – protecting the integrity of Solent and Southampton RAMSAR, The New Forest, Solent Maritime, and Solent and Isle of Wight Lagoons SACs, Solent and Southampton SPA and The New Forest, Lymington River, Lymington River Reedbeds, Hurst Castle and Lymington River Estuary SSSIs within the designated neighbourhood area as well as safeguarding habitats and species on several SINC and the Lymington-Keyhaven Marshes LNR ensuring appropriate mitigation is secured.
- *Policy DM8 Protection of public open space, private recreation land and school playing fields* – including several such spaces in the designated neighbourhood area.
- *Policy DM9 Green Infrastructure linkages* – protecting and seeking improve connections between green infrastructure assets including those in the designated neighbourhood area.

- *Policies DM11 Sites for marine-related businesses and access to the water and DM12 Maintaining access to the water* – identifying Lymington Marina, Bath Road; Bath Road, Lymington, yacht clubs, harbour offices, car and boat parks; Boat Yard, Mill Lane; and Lymington Yacht Haven, Kings Saltern Road as sites particularly suited for marine-related business and requiring continued access to the water in these locations.
- *Policy DM13 Tourism and visitor facilities* – supporting new serviced visitor accommodation in defined built-up areas and re-use of existing tourist accommodation buildings where no longer viable.
- *Policies DM16 and DM19 on town centres and small shops* – providing a starting point for considering main town centre uses and small shop proposals.
- *Policies DM20 – DM25 on Countryside policies* – setting out the approach to development applying to the rural part of the designated neighbourhood area that does not lie within the NFNPA area.
- *Policy DM26 Development generating significant freight movements* – requiring proposals to be located close to the main road network.
- *Site-specific Policies LYM4* allocating a site in Lymington for residential-led development, all of which has now been completed.
- *Site-specific Policy LYM5* allocating Fox Pond Dairy Depot and Garage, Milford Road, Pennington for mixed use development which has not yet come forward.
- *Site-specific Policy LYM7* designating Ampress Park, Southampton Road for employment uses.
- *Site-specific Policy LYM 8* identifying seven 'Town Centre Opportunity Sites' for main town centre uses.
- *Policy LYM9 Burgage Plots* – preventing development which would harm this important historic feature of Lymington town centre.
- *Policy LYM10.5 & 10.7 Transport Schemes* – identifying specific transport schemes aimed at promoting the use of sustainable travel.



Plan F: NFDC Local Plan Part 2 Policies Map - Lymington and Pennington extract ([link](#))

The most up to date mapping can be viewed online ([link](#))



Plan G: NFDC Local Plan Part 2 Policies Map - Lymington Town Centre extract ([link](#))

The most up to date mapping can be viewed online ([link](#))

3.9 The following policies of the NFDC LOCAL PLAN PART 1 (2020) are relevant to the Lymington and Pennington area:

- o *Policies STR1 – STR3 on spatial strategy* – directing development to the most accessible locations within the district and protecting the countryside, and the adjoining National Park setting.
- o *Policy STR4 Settlement hierarchy* – setting out the nature and scale of development with Lymington classified as a 'town' and one of the most sustainable locations for growth.
- o *Policy STR5 Meeting our housing needs* – identifying at least 6,000 homes on Strategic Site Allocations including 285 new homes in Lymington and Pennington at:
 - *SS5 Land at Milford Road, Lymington* for 185 new homes and public open space;
 - *SS6 Land to the east of Lower Pennington Lane, Lymington* for 100 new homes and public open space;and 200 homes on additional sites to be identified in Lymington and Pennington.
- o *Policy STR6 Sustainable economic growth* – carrying forward the employment allocation of Local Plan Part 2 Policy LYM7.
- o *Policy STR7 Strategic transport priorities* – supporting and encouraging proposals resulting in improvements to accessibility of sustainable travel.
- o *Policy STR8 Community services, infrastructure and facilities* – protecting existing and ensuring adequate provision of new infrastructure.
- o *Policy STR9* carrying forward provisions of the Minerals and Waste Local Plans as much of the designated neighbourhood area falls within either a Minerals Safeguarding Area or Minerals Consultation Area (see below).
- o *Policies ENV1 – ENV4* on protecting the special environment of the district including the designated neighbourhood area.
- o *Policies HOU1 – HOU5* on the type, size and mix of new housing in the district including the designated neighbourhood area.
- o *Policies ECON1 – ECON2; ECON5 – ECON6* on protecting and improving business and the economy needs in the district including the designated neighbourhood area. Specifically, updating the designations of Local Plan Part 2 Policies DM14 – DM19 as well as identifying a 'Primary Shopping Area' in the town centre of Lymington.
- o *Policies CCC1 – CCC2* on community safety and climate change for the district including the designated neighbourhood area.
- o *Policies IMPL1 – IMPL3* on the implementation and monitoring of the plan and new developments.

There is only an interactive version of the NFDC LOCAL PLAN PART 1 (2020) Policies Map available which can be seen by visiting the NFDC website ([link](#)).

3.10 NFDC are proceeding with a full Local Plan (LP) Review but is currently in the very early stages. Conscious that Planning Practice Guidance (ID:41-043-20140306) requires the Qualifying Body and NFDC/NFNPA to work constructively together to avoid duplicating planning processes, the NP Steering Group agreed to address any additional housing

delivery and allocations under a future Neighbourhood Plan review or participation in the LP review as the process progresses.

3.11 The [NFNPA LOCAL PLAN \(2016 - 2036\)](#) recognises that Lymington is one of the main towns adjacent to the National Park which is an important local employment centre and provide services to meet most of the needs of the National Park, including providing access to its two train stations, link with the Isle of Wight ferry, and buses to Southampton via Lyndhurst and Brockenhurst (Policy SP4: Spatial strategy). There are a number of development management policies which cover the rural area of Lymington and Pennington in the National Park including that of Policy DP12 on flood risk which draws attention to the risks of coastal flooding but also that of other water bodies e.g. the Lymington River and Policy SP55 on Access which supports community transport initiatives including the Lymington to Brockenhurst Community Rail Partnership. Other relevant policies of the NFNPA Local Plan are detailed in the Basic Conditions Statement published alongside the Neighbourhood Plan. There is only an interactive version of the [NFNPA LOCAL PLAN \(2016 - 2036\) Policies Map](#) available which can be seen by visiting the NFNPA website ([link](#)).

3.12 The [HAMPSHIRE MINERALS AND WASTE PLAN \(2013\)](#) identifies minerals and waste infrastructure safeguarded within the Plan area, including Manor Farm, Lymington and the Lymington Waste Transfer Station as per Policy 16 and 26 respectively. Much of the designated neighbourhood area falls within a Minerals Safeguarding Area for sand and gravel which is safeguarded against needless sterilisation by non-minerals development, unless 'prior extraction' takes place as per Policy 15. There is only an interactive version of the [HAMPSHIRE MINERALS AND WASTE PLAN \(2013\) Policies Map](#) available which can be seen by visiting the Hampshire County Council website ([link](#)). A partial update of the Hampshire Minerals and Waste Plan as been submitted to the Secretary of State and will shortly be subject to an Examination.

3.13 The Hampshire Local Transport Plan LTP4 ([link](#)), adopted in February 2024, includes a number of policies that are relevant to this Neighbourhood Plan. Of particular relevance are the following:

- Policy HP1 – Deliver the infrastructure required to support a large-scale shift towards walking and cycling for everyday trips
- Policy HP2 – Enable healthy neighbourhoods and high streets in partnership with communities
- Policy BT1 – Regulating traffic, parking, and kerbside deliveries
- Policy RT1 – Maintaining accessibility in rural areas, and providing viable alternatives to the private car
- Policy RT2 – Sustainable access to the countryside
- Policy DM1 - Integrate transport and strategic land use planning to reduce car dependency
- Policy DM2 - Support proactive masterplanning of new development sites for high quality neighbourhoods

3.14 There are no made neighbourhood plans in the vicinity.

CONSERVATION AREAS

3.15 There are three Conservation Areas in the Town;

- Lymington Conservation Area was designated in July 1977 and the boundary has since been amended a number of times, most recently in 1999. See Plan B on page 8.
- Buckland (Lymington) Conservation Area was designated in December 1999. See Plan C on page 9.
- King's Saltern (Lymington) Conservation Area was designated in April 2001. See Plan D on page 10.

Conservation Areas were introduced by the Civic Amenities Act of 1967, to protect areas of special interest as opposed to individual buildings. Since 1967 some 8,000 conservation areas have been designated in England. Under the Planning (Listed Buildings and Conservation Areas) Act 1990 local authorities have a duty to designate conservation areas and from time to time to review the boundaries. Such areas are defined as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'.

3.16 The main attributes that define the special character of an area are its physical appearance and history, i.e. the form and features of buildings and the spaces between them, their former uses and historical development. Where there are a number of periods of historical development, the character of individual parts of the conservation area may differ. Contrasts between the appearance of areas and the combination of buildings of various ages, materials and styles may contribute to its special character.

4. COMMUNITY VIEWS ON PLANNING ISSUES

4.1 The Lymington and Pennington Neighbourhood Plan has a Steering Group consisting of seven Town Councillors.

4.2 Initially six working groups were created, comprising of Town Councillors, representatives of local community groups, residents and local businesspeople. These groups discussed various planning and infrastructure issues including:

- Green Infrastructure
- Design and Heritage
- Strategic Site
- Business, Tourism and Employment
- Social Infrastructure
- Transport and Roads
- In 2021 a Town Centre Working group was added.

4.3 In 2017 and 2023 informal consultations were held with the local Community. Both consultations comprised of a drop in exhibitions, with Steering Group members and Council Officers available to answer questions. The events were held in St Marks Church Hall, Pennington and Town Hall, Lymington. The 2017 exhibitions attracted over 1300 residents between them and over 800 people visited both the exhibitions in 2023. Local interest groups were also invited to a question/answer meeting in 2023 with the Steering Group.

4.4 Both informal consultations included surveys asking the Community their views on planning issues, with the latter focusing on policies to be included in the plan. 586 responses were received in 2017 and 93 in 2023. The 2017 consultations included the strategic sites, which is the likely reason for a greater response.

4.5 Throughout the Plan period the consistent response from the community has been on the need for more first homes/smaller homes for younger people and less retirement properties being built in Lymington. There has also been a strong demand for improved green infrastructure links, encouraging pedestrians and cyclists and connecting open spaces. Other areas raised include:

- Improved telecommunications
- Raise design standards
- Development on brownfield sites only
- Energy efficient housing
- Improvements to Lymington High Street and Pennington Village.

4.6 A full account of consultation will be included in the Consultation Statement which will be published alongside the submission version of the Plan document in due course.

VISION

- “A flourishing town with a younger, economically active population;
- A thriving town centre utilising its heritage, marine and tourism appeal to differentiate itself from other towns in the forest;
- A green town well connected to the surrounding coast, countryside and National Park;
- A self-contained town able to meet all its community health, education and recreational needs;
- A delightful town of distinct local areas, streets and rural lanes successfully blending the old with the new;
- A sustainable town that contains its impacts on the high-quality biodiversity and green belt that surround it”.

OBJECTIVES



5.1 The purpose of these policies is both to encourage planning applications for proposals that the local community would like to support, and to discourage applications for development that the community does not consider represent sustainable development in the Parish.

5.2 The planning framework for the Parish will continue to rely on national and local policies in addition to the policies introduced under the Neighbourhood Plan. Set out below are the proposed land use policies. Each policy is numbered and titled. Where necessary, the area to which it will apply is shown on the Policies Map attached to the document. After each policy is some supporting text that explains the purpose of the policy, how it will be applied and, where helpful, how it relates to other development plan policies.

POLICY LP1: A SPATIAL STRATEGY FOR THE TOWN

A. The focus for new development in Lymington and Pennington, outside of the National Park will be on reusing brownfield land and on realising other suitable development opportunities within the settlement boundary, as shown on the Policies Map. The principles of 'brownfield first' and of 'gentle densification' in the town will deliver a supply of developable land over the Plan period that will reduce the need for land to be further released from the Green Belt for development that will avoid significantly eroding the special historic and architectural interest of the Lymington Conservation Area.

B. The focus on using brownfield land and for gentle densification will contribute to bolstering and sustaining the Lymington town centre's vitality and viability as the primary centre for retail and other town centre uses. The local centres at Pennington will continue to help meet the day-to-day needs of the local community in line with '20-minute neighbourhood' principles. Outside the town and local centres, the residential character of the suburban areas of Lymington and Pennington will be sustained and enhanced through sensitively designed high quality infill and plot redevelopment.

C. Beyond the settlement boundary the focus will be on enhancing the natural environment, contributing to nature recovery, protecting and enhancing the National Park landscape and maintaining the essential characteristics of openness and permanence of the Green Belt in accordance with national policies, avoiding inappropriate development, unless material considerations indicate otherwise.

5.3 This policy establishes a coherent spatial plan for the town and its surrounding countryside that shows how its key component parts – Lymington town centre, Pennington

local centres, the suburban areas and undeveloped countryside areas – will work together to bolster this sustainable community. It accords with the broader spatial strategy objectives of the NFDC and NFNPA Local Plans and does not attempt to revise the way in which development plan policies apply to the area, it simply refines the distinct spatial components of the area in more detail whilst taking into account that other material considerations, such as the latest version of the NPPF, will continue to apply.

5.4 Critical to the success of the town will be maintaining its identity as a distinct, self-contained settlement nestled within the Green Belt. The urban fabric of the town offers opportunities for gentle densification, especially in and around the town centre area and at the local centres in Pennington serving the surrounding residential areas, but also to reuse previously developed ('brownfield') land. Gentle densification can be defined as increasing the density of a proposed housing development to meet housing needs, whilst guarding against detracting from the character of the particular area which includes the special historic and architectural interest of the Lymington Conservation Area as set out in the Lymington Conservation Area Appraisal and other design guidance. There will also be a need for appropriate levels of car and cycle parking provision for new developments.

5.5 The policy requires proper attention to be given to prioritising and realising such opportunities as they arise, rather than utilize the Green Belt. Not only is this approach more efficient in using a scarce land resource, but it will avoid creating unsustainable patterns of growth, poorly located from established infrastructure and therefore car dependent.

POLICY LP2: LYMINGTON TOWN CENTRE

- A. The Neighbourhood Plan defines a Spatial Framework for Lymington Town Centre, as shown on Plan H, for the purpose of delivering the objectives of the Lymington Town Centre Vision, as set out in Appendix A.**
- B. Proposals for redevelopment within and adjacent to the key elements of the Spatial Framework will be supported provided they demonstrate how they will contribute to the Lymington Town Centre Vision.**
- C. As appropriate to their scale, nature and location, development proposals will be required to make a direct and proportionate contribution to projects and town centre improvements which deliver the objectives of the Lymington Town Centre Vision.**

5.6 Lymington Town Centre has retained its attraction as a vibrant destination that draws in many visitors and tourists throughout the year, however it cannot become complacent in considering changing economic and consumer trends, including other

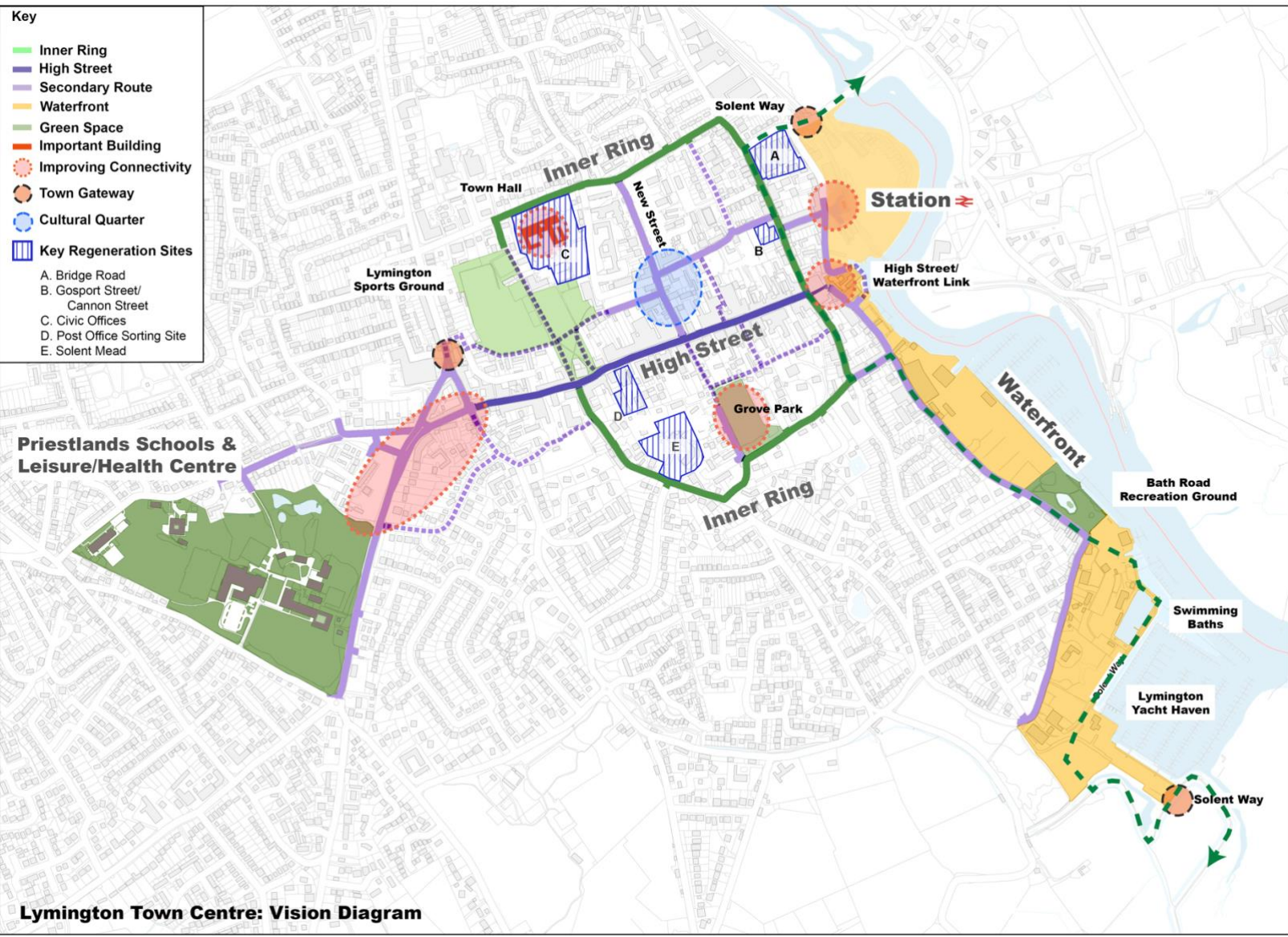
longer-term challenges such as the climate crisis. It has therefore been important to consider how Lymington Town Centre can continue to provide a balanced mix of social, public and economic activities. It must take a 'Place First' approach that reflects the needs of its users, its specific characteristics, strengths, culture and heritage. This approach is in line with the Grimsey Review 2 (July 2018) [\(link\)](#) conclusions which highlight the need to reshape centres into community hubs which incorporate health, housing, arts, education, entertainment, business/office space, as well as some shops, while developing a unique selling proposition.

5.7 The policy therefore defines a Spatial Framework for Lymington Town Centre which incorporates not only the essential commercial, business and service uses within the village centre but also existing and new open space provisions. The key elements of the Spatial Framework are shown in Plan H below and are set out in more detail in the attached Appendix A.

5.8 The Town Centre functions encompasses residential, commercial, business and service, local community and leisure uses. The existing open spaces and other amenities and their connection and close proximity to the commercial, business and service uses serves a much wider purpose than simply offering access to a wide range of employment, services and facilities. The area functions as an important meeting place for local people which meets health, recreational and day-to-day business, commercial and service needs with new development anticipated to contribute to this wider purpose.

5.9 The policy therefore seeks to retain the wider functions of the Town Centre and make provisions for redevelopments to enhance these functions through improving accessibility and the safety and enjoyment of the active travel environment, the public realm and the green environment. This will be achieved through managing the design features for all new development proposals within the Spatial Framework of the Lymington Town Centre.

5.10 Finally, the policy seeks to refine NFDC Local Plan Part One Policy IMPL1 by ensuring that allocated funds are directed to projects and town centre improvements identified in Appendix A to deliver the objectives of the Lymington Town Centre Vision. The mix of town centre uses will continue to be managed by existing development plan policies until such a time that they are replaced, either through other policies in this Neighbourhood Plan, its review, or an emerging Local Plan.



Plan H: Lymington Town Centre Spatial Framework

POLICY LP3: KEY REGENERATION OPPORTUNITIES IN THE TOWN CENTRE

A. Proposals for redevelopment of the following key regeneration sites, as shown on the Policies Map, are encouraged provided they demonstrate how they contribute to the Lymington Town Centre Vision and accord with other relevant development plan policies:

- a. Bridge Road**
- b. Gosport/Cannon Street**
- c. Town Hall, Avenue Road**
- d. Post Office and BT Site**
- e. Solent Mead**

For the avoidance of doubt, strategic policy requirements on Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites and nutrient neutrality will continue to apply.

5.11 The policy seeks to encourage the redevelopment of a number of key regeneration sites within the town centre. Collectively these opportunity areas have the potential capacity to deliver new homes in a sustainable location to contribute to the housing requirement of around 200 set out in Policy STR5 of the NFDC Local Plan Part 1. All of the sites have been identified in the NFDC Strategic Housing Land Availability Assessment: Appendix 5 Lymington dated June 2018 with the exception of Bridge Road and Solent Mead. The Bridge Road site was the only additional site that was made available through previous Neighbourhood Plan consultations. A decision was made earlier this year to close Solent Mead and it is therefore likely that the site will become available during the plan period.

5.12 The residential element of proposals is encouraged to deliver housing types and tenures that are more suited to younger households than older households, although downsizing opportunities will also be supported as part of a balanced mix of homes. As further set out in Policy LP7, the aim of securing a mixed and balanced community demographic is key in the town and will significantly improve the ability to sustain a vibrant town centre. In addition to residential development, these sites can also provide for other non-residential uses; including retail, employment and hotel uses and there may therefore

not be a need to relocate some of the employment uses. All of the sites fall within the town centre boundary and offers an opportunity to contribute to the Town Centre Vision.

5.13 All of the sites lie either adjacent or close to the Inner Ring proposed as part of the Town Centre Vision providing an opportunity to influence the design and layout of schemes to contribute to its delivery. The Bridge Road site (a.) provides an opportunity to respond to its location at one of the town's gateways and the redevelopment of the Civic Offices (c.) provides an opportunity to create a more mixed use and lively environment. Further details are set out in Appendix A. The Town Council will continue to lobby all landowners to maximise the provision of affordable housing for social rent on all of these sites.

5.14 The Neighbourhood Plan acknowledges that redevelopment of brownfield land may have higher development costs and it may therefore be necessary to change some of the policy levers to fully realise the redevelopment potential of these sites. The Town Council therefore encourages future developers to engage directly with it and the local community, alongside wider stakeholders, to discuss and agree options for enabling the delivery of viable schemes supported by the local community.

POLICY LP4: PENNINGTON SHOPPING PARADES

A. The Neighbourhood Plan defines Local Shopping Frontages at Milford Road and South Street, and Pennington Square and South Street, as shown on the Policies Map. Proposals for a change of use that will result in the loss of a use that meets the day-to-day needs of the local community on ground floor frontages in a Local Shopping Frontage will not be supported.

5.15 This policy is intended to protect the essential local shopping and service facilities at Milford Road and South Street, and Pennington Square and South Street replacing the provisions of NFDC Local Plan Part One Policy ECON6. Both parades play a vital role in providing the local communities with convenience and local services that reduce their dependence on travelling further afield. It is necessary to update this policy provision following the implementation of the new Use Class Order which consolidated a number of uses into a new Class E (commercial, business and service) uses and the impact from shops changing into residential uses in these locations. The figures below demonstrate the extent of existing uses and the shopping frontages defined on the Policies Map reflect this updated evidence base. It has not been necessary to amend the extent of the parades as defined in the NFDC Local Plan Part One Policy ECON6.

5.16 It is recognised that some changes of use do not now require planning permission and new permitted development rights has enabled changes of use from what are now Class E uses to residential uses. The Town Council will monitor the loss of such uses to residential uses in partnership with NFDC. Should monitoring indicate that such uses are being lost to residential uses at a rate that harms the ability of the local communities' day-

to-day needs being met the Town Council will discuss the opportunity of NFDC initiating an Article 4 Direction application with the Secretary of State. An Article 4 Direction can remove permitted development rights, enabling such changes to remain in planning control.

Fox Pond Shopping Parade



- Class C3 (residential use)
- Class E (commercial, business and service use)

Pennington Square Shopping Parade



- ☐ Class C3 (residential use)
- ☐ Class E (commercial, business and service use)



POLICY LP5: WALKABLE NEIGHBOURHOODS

- A. The Neighbourhood Plan identifies broad locations at Buckland, Woodside, Lower Pennington and Upper Pennington, as shown on the Policies Map, as walkable communities that are primarily residential areas lying more than 800m walk from the defined Lymington Town Centre.**
- B. In each broad location, proposals comprising uses to meet the local communities day-to-day needs will be supported in principle.**
- C. Proposals that comprise one or more uses defined in Clause B may be delivered as ground floor units in a scheme with housing on upper floors if designed to manage any potential for conflicts in amenity between those uses.**
- D. Proposals must demonstrate how schemes are considered to strengthen the mix and balance of uses which provide for the day-to-day needs of local people. Within this context clustering of one or more uses defined in Clause B in each broad location is preferred.**
- E. Proposals that comprise one or more uses defined in Clause B must demonstrate that the site is located and accessible by walking, cycling and/or public transport from established residential areas in a walkable community area in safe, convenient and pleasant ways.**
- F. Proposals to change the use of land or premises in a walkable community area from an established use defined in Clause B to another use will not be supported.**

5.17 The policy is inspired by the 20-minute neighbourhood concept which seeks to ensure that there is good access to a range of services and facilities within a 10 minute walk (800m) of home. Interest in the idea has grown as the COVID-19 pandemic lockdowns put a spotlight on the importance of the liveability of neighbourhoods, perhaps working at home if possible, using public green space, cycling and walking instead of using cars and connecting with neighbours. There is generally a good coverage of services and facilities across Lymington and Pennington and the policy therefore identifies broad locations within the town's suburban areas to protect established every day/convenience Class E – such as the Local Shopping Frontages defined in Policy LP4 above – and community uses spread across the town from loss to other uses and to support the provision of new uses. To clarify the policy does not promote a critical mass of commercial developments or main town centre uses in these broad locations but seeks to meet the day-to-day needs of local people.

5.18 Hampshire County Council and NFDC conducted a consultation on the draft Local Cycling and Walking Infrastructure Plan (LCWIP) ([link](#)) in September-November 2024 and anticipates adopting this in Summer 2025.

- A. All development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. To achieve this development proposals are required to have full regard the Lymington Local Distinctiveness SPD, attached as Appendix C, as relevant to their location, scale and nature.
- B. In addition, development proposals should:
- I. Use a combination of design responses to create places that have a clear identity, are easy to navigate, and are in keeping with the character and appearance of the area. These can include landmark buildings, distinct building features, distinct landscaping and mature trees, signage at key nodes and arrival points, variations in alignment and small setbacks of buildings where appropriate; and
 - II. Use a combination of environmental design responses to provide benefits for people, wildlife and the environment including creating habitats for wildlife, street planting, and new woodlands with careful consideration of the location, species and spacing. The loss of existing healthy specimen hedgerows and green features to accommodate development or provide access should be minimised. Landscaping and layout schemes will be expected to demonstrate how development has incorporated existing healthy specimen hedgerows and green features. Where removal is necessary replacements should be of an appropriate size and species; and
 - III. Minimise the impact of vehicle parking on the street scene. Where parking is at the front of buildings it should be combined with high quality and well designed soft landscaping.
- C. Until such a time that Building Regulations approved documents make Part M4 (2) category buildings mandatory for all new homes, all homes should be constructed to Building Regulations Part M4 (2) accessible and adaptable standard (as amended) unless it can be demonstrated that the application of this requirement would render a development unviable, supported by an independent viability assessment that demonstrates that the application of the standard would make the development unviable. In addition, the provision of homes constructed to Building Regulations Part M4(3) for wheelchair accessible homes will also be supported.

5.19 This policy responds to the Government's encouragement that neighbourhood plans should set out local design guidance by refining NFDC Policy ENV3 and NFNPA Policy DP18.

5.20 The Lymington Local Distinctiveness SPD has been a material consideration since 2011 and remains broadly up to date and crucial in guiding the design of schemes in Lymington and Pennington Parish. The SPD is therefore an integral part of the policy but is extensive in distinguishing different areas of the town and is therefore published separately to the Neighbourhood Plan as its Appendix C. To be clear therefore, as the SPD has been prepared and consulted on as part of the Plan, its content carries the full weight of the development plan in decision making and is not subordinate or supplementary guidance carrying lesser weight.

5.21 Applicants will therefore be expected to have acknowledged, understood and responded positively to the SPD as relevant to the location, scale and nature of their proposals. Where a proposal does not seek to follow the requirements of the SPD then the applicant will be obliged to justify why an exception should be made, for example, because a scheme meets the Net Zero Carbon provisions of Policy LP11 requiring a design solution that cannot fully comply with the SPD. Whilst Appendix C has undergone the process of being adopted as an SPD, this policy seeks to provide it with a status of the full weight of the development plan, rather than a material consideration as SPD's are normally considered.

5.22 The policy also seeks to retain provisions included in the Lymington and Pennington Design Guidelines and Codes at the Regulation 14 stage of this plan. Its content duplicated many existing national and strategic policy provisions and other neighbourhood plan policies. In responding to important stakeholder comments following the Regulation 14 consultation and to avoid unnecessary duplication as per the NPPF provisions, the Lymington and Pennington Design Guidelines and Codes has therefore been removed from the plan. However, the policy, in its Clauses B and C, has drawn out those matters from the Lymington and Pennington Design Guidelines and Codes that is considered is not sufficiently covered by existing national and strategic policy provisions or other neighbourhood plan policies. The Town Council remains committed to securing high quality design and will continue to do so through its responses to planning applications, higher tier design codes and guidance, emerging local plans, and through any future reviews of this plan.

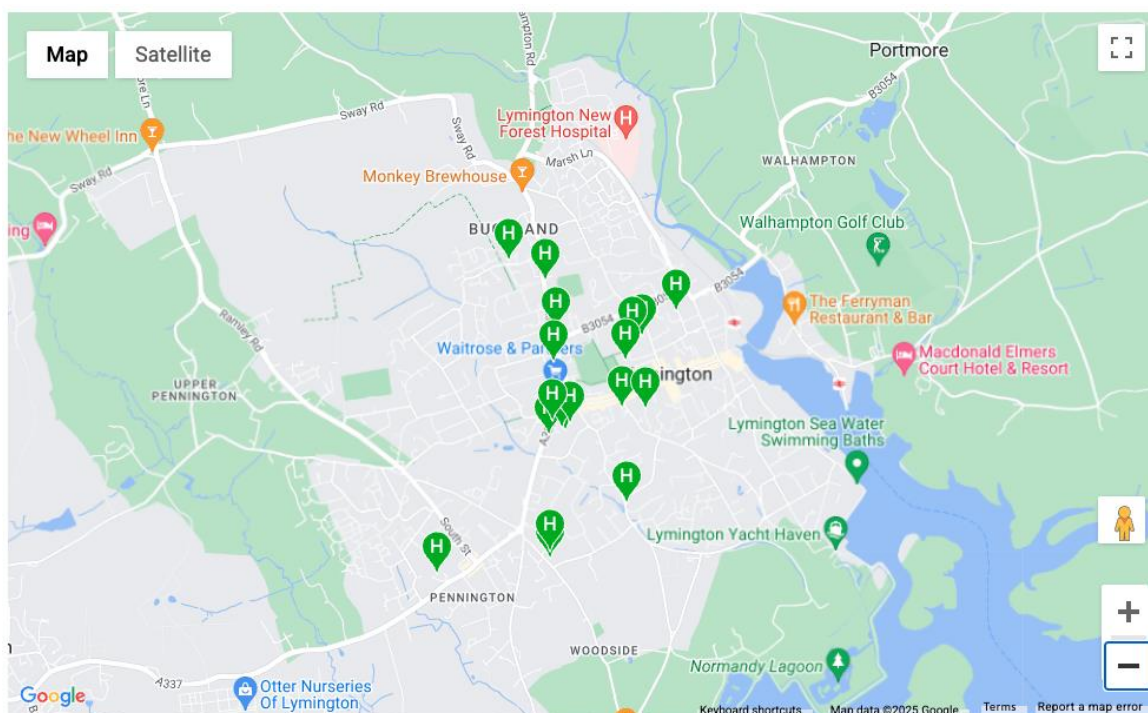
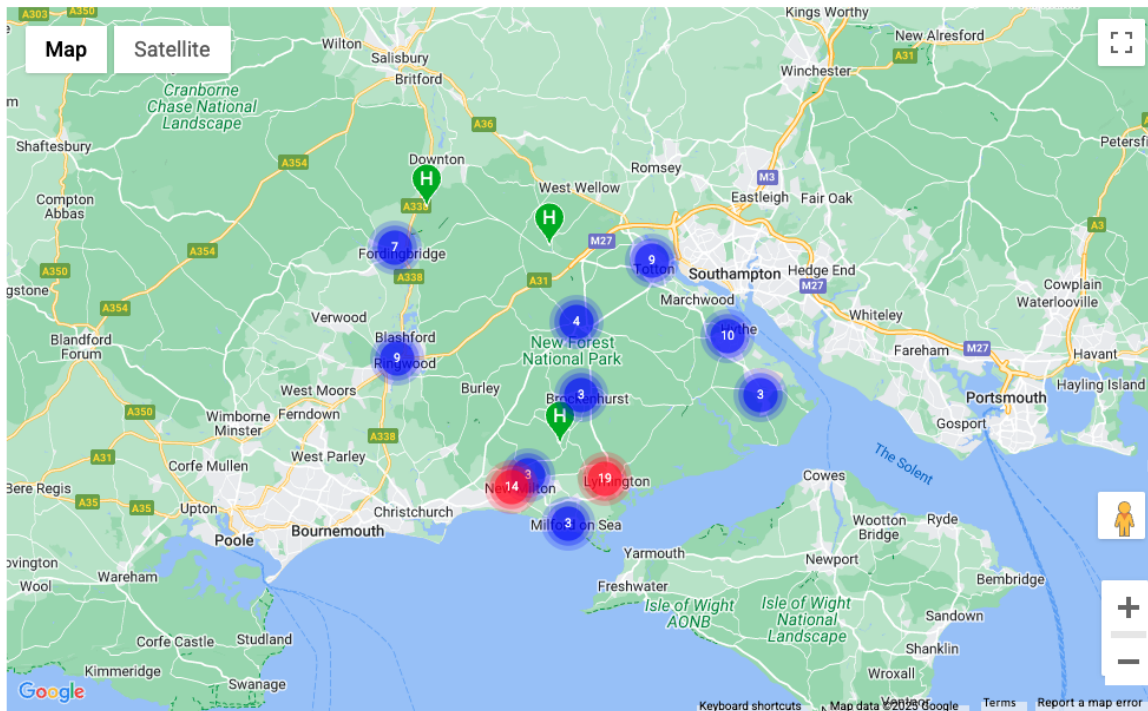
POLICY LP7: PROVIDING A BALANCED MIX OF DWELLINGS TO MEET LOCAL NEEDS

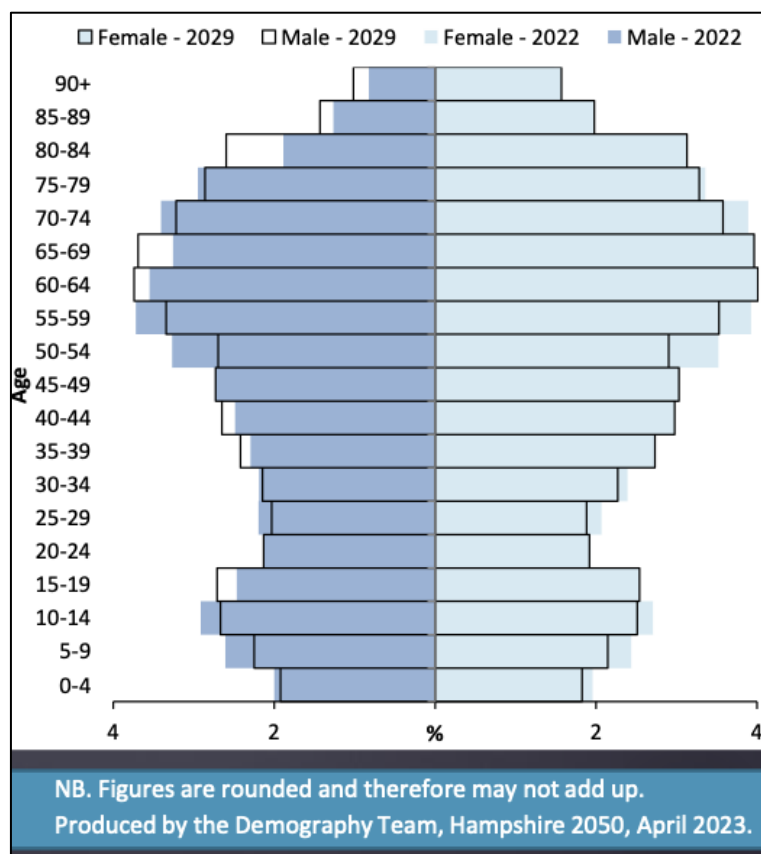
- A. Proposals for residential development will be expected to provide a mix of dwelling types and sizes to address the nature of local needs and contribute to the objective of creating a mixed and balanced community.**
- B. To achieve this objective, new residential development must seek to include in their housing mix smaller dwellings that have one or two bedrooms and a tenure suitable for those looking to rent/buy their first home and downsizers. The number of small dwellings should be greater than 50% of the total in schemes of five or more dwellings.**
- C. The Neighbourhood Plan encourages schemes to give full consideration to deliver some of the affordable housing element through a Community Land Trust, or equivalent body, for which an appropriate lettings policy will be agreed between the Trust and the District Council/Park Authority.**

5.23 The policy seeks to diversify the housing stock to allow younger people/families with a local connection to Lymington and Pennington to remain in the town. The provision of a stock of small housing units would also give the elderly an opportunity, if they wish, to vacate their larger dwellings, yet remain resident in the town and provide an opportunity for younger and/or key worker, one and two person households to find suitable accommodation in the area. Better utilisation of the existing housing stock is unlikely to occur unless smaller units are available either by the construction of new small dwellings or by the conversion of existing properties. The provision of the policy is key in seeking a mixed and balanced demographic.

5.24 NFDC Local Plan Part 1 Policy HOU1 on housing type, size, tenure and choice states that proposals should improve the diversity of housing choice. It's paragraph 6.5 recognises that the existing housing stock of the Plan Area is predominantly 3 and 4 bedroom homes and that a turnover within the existing housing stock will continue to be the main source of supply for meeting future demand for larger homes. In this respect the Neighbourhood Plan has adopted the definition of smaller homes as being 1 and 2 bedroom homes. The provision of a given proportion of smaller dwellings (i.e. greater than 50% of the total) will also ensure an efficient use of land in the built-up areas of the town. The policy is intended to provide a starting point for proposals in Lymington and Pennington to achieve that aim. It is necessary to diversify the local housing stock to generally improve choice by prioritising two broad local housing markets, young people and families new to the housing market and older people whose opportunity to downsize may be limited. In this respect the Town Council will continue to resist additional retirement homes to an otherwise already saturated market.

5.25 The figures below show a simple search conducted for housing and care homes held by the Elderly Accommodation Counsel (ECA), a national charity which supports older people in finding housing and care. There are 18 separate sites offering housing for older people, by far the largest provider of such homes, with only New Milton not far behind, when compared to the remainder of the district. (One of the sites is recorded twice on the map hence the figures shows 19). According to the ECA there are 507 retirement homes built in Lymington, see table below. A further 32 retirement flats are under construction on the site of the former police station and will be completed in 2025.





Source: <https://documents.hants.gov.uk/population/Factsheet-NewForest.pdf>

5.27 The provisions of the policy are therefore considered to be a necessary step to secure a more balanced community in the longer term and provide opportunities for younger people and 'downsizers' to be able to access housing which otherwise the market would not deliver.

5.28

To the extent that affordability is an issue, it is important that all possible steps are explored including a longer-term potential for Community Led housing. The policy therefore also encourages landowners and their future development partners to give full consideration to the desire by the local community to see a proportion of new homes delivered by a new Community Land trust, or equivalent body. This is not a policy requirement, but there is local community support to deliver housing in the parish in this way to ensure that local needs are prioritised and homes are genuinely affordable in perpetuity. In the event that such a model is pursued an appropriate lettings policy will be agreed with NFDC and NFNPA. Where this is not delivered in this way, the adopted NFDC and NFNPA Local Lettings Policy for the area will continue to apply. The Town Council will continue to seek to negotiate high levels of affordable homes for rent.

POLICY LP8: GREEN INFRASTRUCTURE AND NATURE RECOVERY NETWORK

- A. The Neighbourhood Plan designates a Green Infrastructure and Nature Recovery Network, as shown on the Green Infrastructure and Nature Recovery Map, for the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the parish and into the National Park; helping to mitigate climate change. The Network comprises the town's variety of green spaces, ancient woodland, trees and hedgerows, water bodies, Safer Lanes Network, assets of biodiversity value, children's play areas and recreational playing fields.**
- B. Development proposals that lie within or adjoining the network are required to have full regard to maintaining and improving the functionality of the network, including delivering a net gain to biodiversity and improving connections to existing green infrastructure assets and the wider countryside, in the design of their layouts and landscaping schemes. Proposals that will harm the functionality or connectivity of the network will not be supported.**
- C. All development should embed Green Infrastructure in a way that helps to support nature recovery to reverse the decline in biodiversity and result in a net gain. Development proposals that will lead to an extension of the network will be supported, provided they are consistent with all other relevant policies of the development plan.**
- D. The Policies Map shows those parts of the designated Network that are known or likely to have biodiversity value. For the purpose of calculating Biodiversity Net Gain requirements using DEFRA's latest metric, development proposals located within or adjoining that part of the Network should anticipate achieving at least a medium distinctiveness multiplier score.**
- E. Any proposal that can demonstrate that off-site compensation to mitigate for biodiversity loss is necessary must follow a sequential approach to its delivery. The gain should be delivered within or adjoining the network where the land is suited in principle for delivering the necessary gain. If this is not practical, then gain should be delivered on land within an adjoining Parish that is suited in principle for delivering the necessary gain. Only if it can be shown that this is not practical may the gain be delivered on other land.**

5.29 The policy defines the presence of green and blue infrastructure assets in the Parish. Green infrastructure is a network of multi-functional green space and other green features,

urban and rural, which can deliver quality of life and environmental benefits for communities. Green infrastructure is not simply an alternative description for conventional open space. It includes parks, open spaces, playing fields, woodlands – and also street trees, allotments, private gardens, green roofs and walls, sustainable drainage systems (SuDS) and soils. It also includes rivers, streams and other water bodies, sometimes called 'blue infrastructure'.

5.30 Nature Recovery means leaving nature in a better state than we found it and is typically achieved by:

- Restoring protected sites to favourable condition.
- Creating or restoring habitats outside of protected sites - the "stepping stone" habitats.
- Supporting the recovery of species.
- Increasing woodland cover.

5.31 All of the above are the ingredients which contribute towards a Green Infrastructure and Nature Recovery Network, of which the network defined for Lymington and Pennington parish will form a small part of what eventually will become a national network of connected wildlife-rich places to address the 'climate and ecological emergency'. In this respect a Local Nature Recovery Strategy is being prepared for Hampshire which will further inform the priorities for nature recovery.

5.32 The policy requires that all development proposals that lie within the Network, or that adjoin it, should consider how they may improve the Network, or at the very least do not undermine its integrity of connecting habitats. The Green Infrastructure and Nature Recovery Map shows the full extent of the Network, which allows applicants to determine if their proposals should take this policy into account. Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Network, for example in complementing existing biodiversity value through the design of the landscape scheme. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be a reason for refusal of planning permission.

5.33 Clause D relates to those parts of the Network of biodiversity value. Given it includes all defined priority habitats and semi-natural habitats, native hedgerows and trees and natural water bodies, the clause anticipates that the distinctiveness multiplier score of the BNG Metric (from very low to very high) will be at least medium. Clause E sets out how the loss of biodiversity-value will be addressed through a sequential approach. The new biodiversity net gain requirement of at least 10% (as set out the Environment Act of 2021) should be delivered either onsite or within or adjoining the Network so that the benefits of development are accrued as close as possible to the development site. However, it is accepted that the Network in the Parish may not be suited to delivering every type of required off-site gain. In such cases Clause E allows for the gain to be delivered in adjoining Parishes or, as a final resort, on land elsewhere.

5.34 The policy provides a local element to the provisions of NFDC Policy STR1, ENV1 and DM2 together with NFNPA Policy SP6 and SP9 seek to protect, maintain and enhance biodiversity and green infrastructure assets. NFDC has also prepared 'Interim Guidance on Biodiversity Net Gain' to ensure that each development will make provision for biodiversity improvements. Similarly, NFNPA also require environmental enhancements to be achieved as described in Section 7 of their Design Code SPD.

5.35 The Parish is an area rich in wildlife and contains a range of high-quality natural habitats that are greatly valued by the local community and visitors. The eastern boundary of the Parish is defined by the Lymington River which follows a meandering path through mudflats to join the Solent. The river and its marine related functions are a fundamental part of the character of Lymington. The landscape character of the eastern boundary is a combination of a wetland floodplain along the river to the north of the B3054 river crossing, and a developed edge defined by the marine activities associated with the River Lymington to the south, including employment uses, sheds, harbours, pontoons and slip ways.

5.36 The railway line also runs into the town along this edge with the station located on a bend in the river behind the recent residential development at Almansa Way. The river frontage along the northern part of this boundary is relatively inaccessible given the railway line but opens up to the south of Haven Quay as the railway line crosses the river to the Lymington Pier terminus. This southern part of the river contains the yachting and marine industry related environment that is part of the Lymington character and attraction. Lymington Reedbeds SSSI lies north of the river crossing. Lymington River SSSI is also recognised as an important nature conservation area, bordered by mudflats and saltmarshes that are vital to the ecosystem surrounding the estuary.

5.37 The southern boundary follows the coastline along the Solent and includes a number of inlets formed by the drainage ditches and watercourses. The landscape character between this boundary and the southern edge of the settlement is a rich wetland habitat of marshes, drains and mudflats with views across to the Isle of Wight and contains the Lymington and Keyhaven Marshes Local Nature Reserve, also designated as part of the Solent and Southampton Water SPA and RAMSAR. The ecological value of the Safer Lanes Network also makes a substantial contribution to the Network connecting the urban area with the saltmarshes.

5.38 The Nature Reserve is historic and has nature conservation importance, being a habitat recognised nationally and internationally. Hampshire County Council began taking ownership of the area in 1974 purchasing Normandy Farm. Subsequently they took ownership of Pennington Marshes (1979) and Keyhaven Marshes (1984). This was in response to the rate of development and loss of habitat in the previous decades. Today, the reserves cover over 1200 hectares and incorporate mudflats, salt marshes, shingle banks, coastal grazing marshes, and saline lagoons and supports important populations of birds and rare and specialist plants and invertebrates.

5.39 The western boundary follows the course of Avon Water, a watercourse that flows from the New Forest into the Solent linking a number of marsh and meadow Sites of Importance for Nature Conservation (SINCs) along its route. To the east of Avon Water lies Upper Pennington and Pennington Common SSSI's which form the Core Area to the west of Ramley Road. The river corridor is wooded along its course with additional woodland belts and copses separating the western developed edge of Lymington/Pennington from the village of Everton to the west which is outside the Neighbourhood Plan boundary.

5.40 The northern boundary runs along a tributary to the Lymington River before following the rear of the properties along the northern side of Sway Road. The landscape character of this area up to the northern edge of Lymington is still predominantly rural with a combination of arable and pasture fields, farm buildings and access tracks. This area also includes the Bucklands Ring Fort, which is a Scheduled Ancient Monument.

5.41 The mapping has been derived from the Hampshire Biodiversity Information Centre (HBIC). HBIC have mapped the Lymington and Pennington Ecological Network. The network forms the basis of the identification of the Lymington and Pennington Green Infrastructure and Nature Recovery Network Map overleaf. The network is hierarchical and based on the following components:

- Biodiversity Opportunity Areas (BOAs) - the Strategic Network
- Core Statutory Sites
- Core Non-statutory Sites
- Network Opportunity Areas

5.42 The Lymington and Pennington Green Infrastructure and Nature Recovery Map overleaf comprises:

5.43 Core Areas: These comprise statutory designated sites including Sites of Special Scientific Interest, and Local Nature Reserves. Here this will include the Safer Lanes Network.

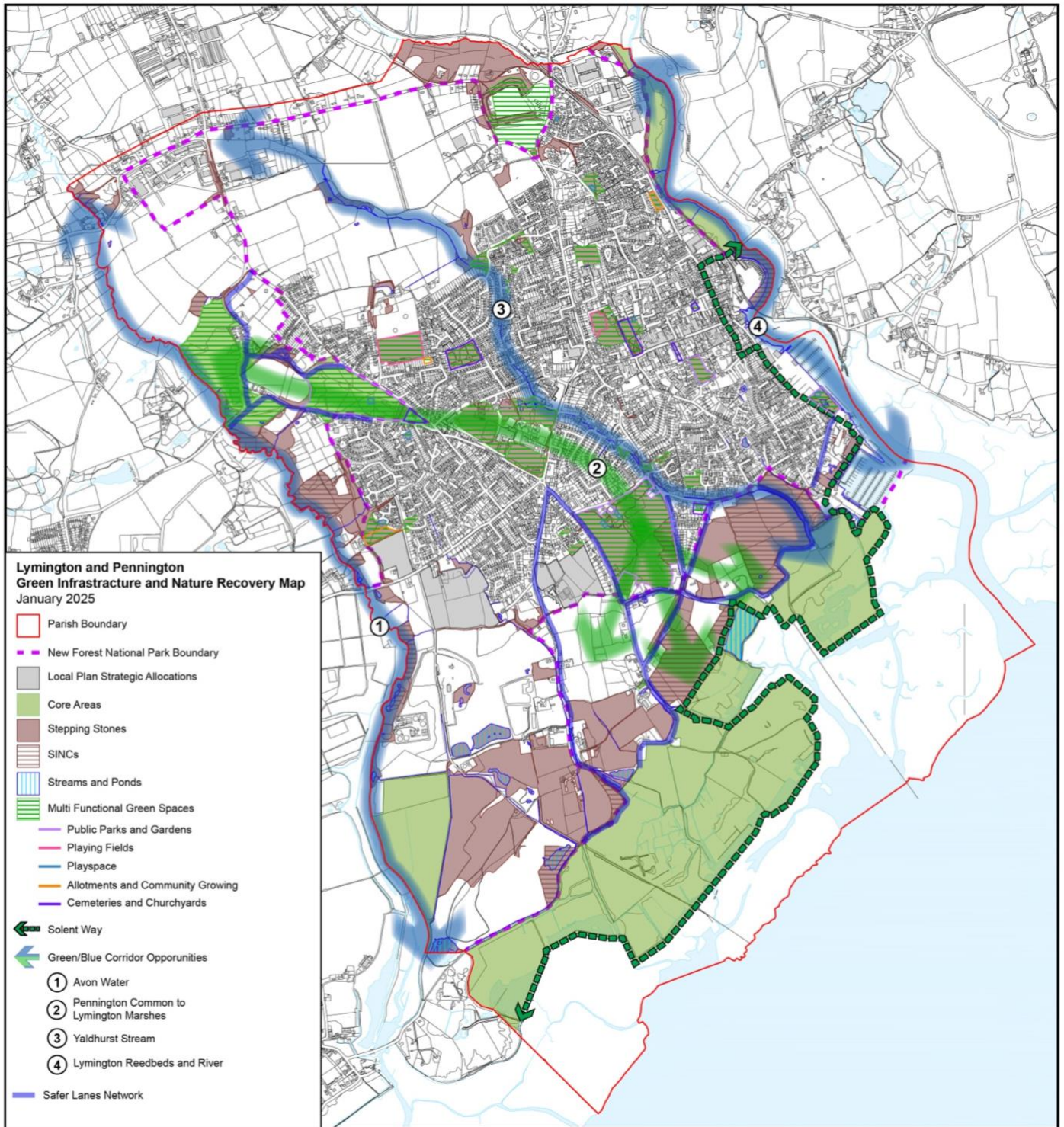
5.44 Stepping Stones: These comprise non-statutory sites and may include Sites of Importance for Nature Conservation, Priority Habitats and Woodland. Within towns and villages they also include amenity greenspace, parks and gardens, playing fields, cemeteries and allotments.

5.45 Network Opportunity Areas: These may be areas of woodland, neutral or calcareous grassland and other linear features such as hedgerows and watercourses which also offer network opportunities.

5.46 'Green/Blue Corridor' Opportunities: In the case of Lymington and Pennington, the 'Network Opportunities' component of the HBIC mapping; the application of Natural England's guidance (Ref. 2) together with local knowledge of urban green and blue spaces have been used to identify the four 'Green/Blue Corridor opportunities'. These corridors could equally be used, where appropriate, to inform proposals to achieve biodiversity net gain as part of the planning application process in line with provisions of the

Neighbourhood Plan policy to promote the restoration and re-creation of priority habitats including increasing the size of existing wildlife sites, enhance connections between sites, either through physical corridors or through 'stepping-stones', enable the recovery and enhancement of priority species populations.

5.47 Hampshire County Council and NFDC conducted a consultation on the draft Local Cycling and Walking Infrastructure Plan (LCWIP) ([link](#)) in September-November 2024 and anticipates adopting this in Summer 2025. Also of relevance is the Hampshire Countryside Access Plan ([link](#)).



Plan I: Green Infrastructure and Nature Recovery Map

POLICY LP9: SAFER LANES NETWORK

- A. The Neighbourhood Plan identifies a Safer Lanes Network, as shown on the Policies Map, for the purposes of protecting the rural and historic characteristics of the lanes and promoting the lanes as shared spaces.**
- B. Where relevant to the nature, scale and location, proposals should preserve, and where practicable enhance, the rural character and tranquillity of the Safer Lanes Network having regard to the key objectives set out in Clause C below.**
- C. Safer Lanes Network Key Objectives:**
 - i. Retaining the key rural characteristics of the lanes including tree and hedgerow lined frontages with any fencing set back from the lane and screened with hedgerow planting, permeable frontages, and the retention and maintenance of ditches and verges avoiding the introduction and use of culverts;**
 - ii. Avoiding the introduction of urbanising highways infrastructure, including reducing unnecessary lighting pollution and avoiding the introduction of inappropriate lighting schemes;**
 - iii. Preventing parking on verges using infrastructure appropriate to a rural setting. Where parking is necessary, mitigating any harm to the biodiversity value provided by verges;**
 - iv. Prioritising non-motorised users of the lanes and avoiding the introduction of transport and access arrangements which adversely effects their use by non-motorised users and the rural and historic characteristics of the lanes.**

5.48 The historic lanes in Lymington and Pennington are an important feature in the character of the area and hold value as recreational routes. They continue to provide insights into past communities and their activities, may contain archaeological potential, have considerable ecological value as habitats serving as corridors for movement and acting as vital connections between other habitats, and also promote well-being for non-motorised users. The policy seeks to protect these lanes by preserving, as far as possible, the trees, hedgerows, banks, ditches and verges which contribute to their character and by resisting development proposals which have a detrimental effect on them.

5.49 The Lymington Local Distinctiveness SPD notes rural lanes which led down from the town to the salterns, withy beds, fishermen's cottages and the old sea water baths pre-

date common use of the motor car and inform much of the character of the Waterford and Westfield area. Throughout the area of Pennington the original routes of the old lanes remain of vital importance to the character of the place and in the Rural Lanes character area notes that the edges of lanes have a huge effect upon the character of the place. It goes on to note that old rural lanes and their green and varied edges, verges, ditches, as well as hedgerow boundaries and mature native trees, can positively inform new development proposals. Verges along the older lanes are important and under threat from car encroachment, as well as new access points and any further car standing areas. Any proposals which involve the reinforcement of the character and tranquillity of these lanes or which improve user safety and widen non- motorised access choices will be supported. Proposals should also have regard to the NFDC adopted Parking Standards SPD ([link](#)).

5.50 Hampshire County Council and NFDC conducted a consultation on the draft Local Cycling and Walking Infrastructure Plan (LCWIP) ([link](#)) in September-November 2024 and anticipates adopting this in Summer 2025.

POLICY LP10: ACTIVE AND HEALTHY TRAVEL

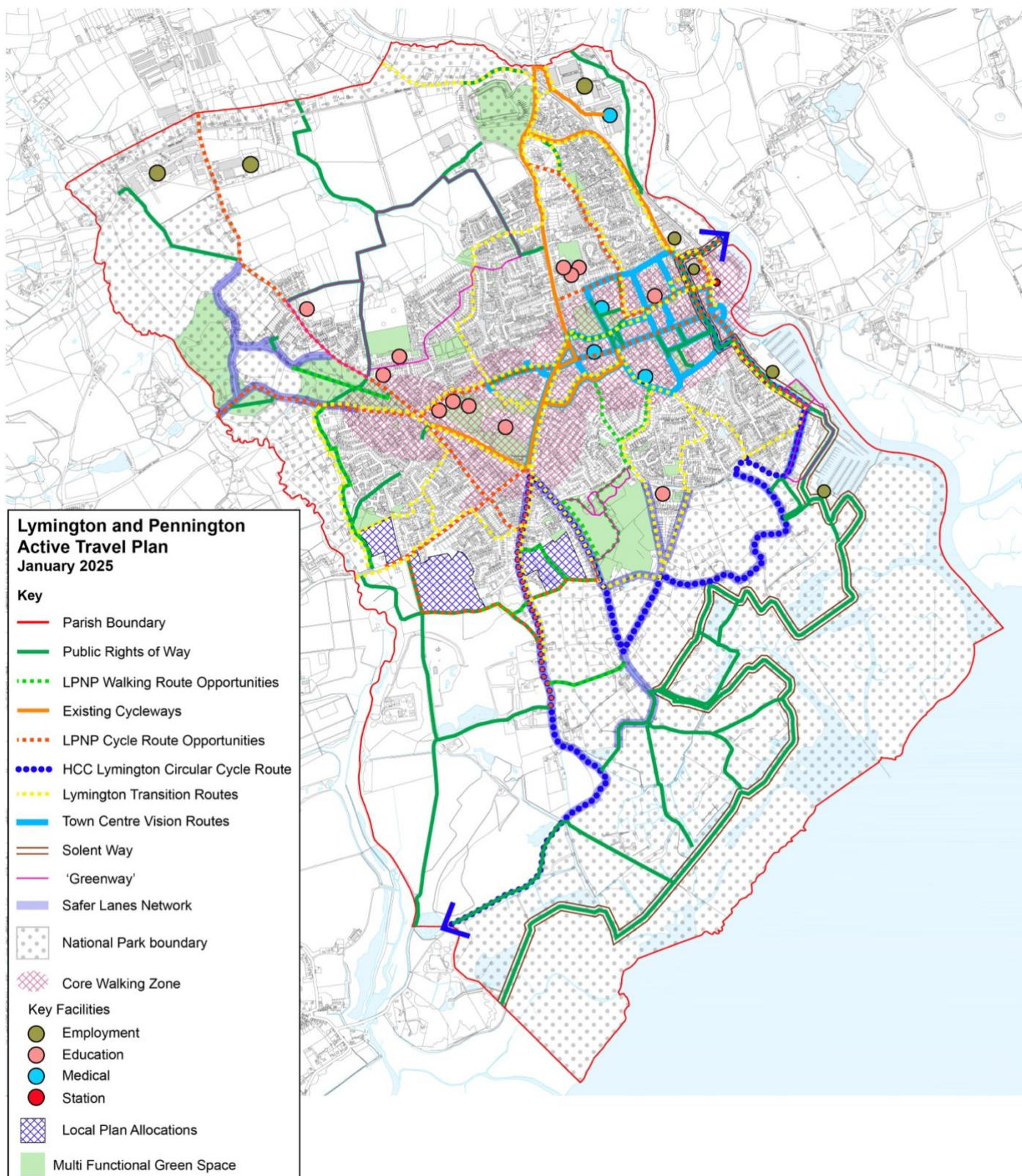
- A. The Neighbourhood Plan identifies the existing Sustainable Travel Network and opportunities for improvements, as shown on the Lymington and Pennington Active Travel Plan, for the purpose of supporting healthy and safe active travel opportunities in the Parish.**
- B. Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout and means of access and landscape treatment.**
- C. Proposals that avoid harm to the functioning or connectivity of the Network, or opportunities for improvements to the Network, will be supported.**

5.51 The policy seeks to encourage safe, accessible, convenient and enjoyable means of active travel in the parish which will likely also lead to improvements of the physical and mental wellbeing of users. Active travel refers to modes of travel that involve a level of activity, including walking and cycling, as well as trips made by wheelchair, mobility scooters and adapted cycles. It refines NFDC Local Plan Part 1 Policies CCC1 and CCC2 and NFNPA Local Plan Policies SP54 and SP55 by providing a local element to its provisions. There may also be other opportunities for improvements to the Network which have no spatial consequence, such as wayfinding projects.

5.52 Lymington and Pennington have a good network of links, including the Coastal Path, incorporating part of the Solent Way Trail, and a coastal route stretching 60 miles from

Milford-on-Sea to Emsworth Harbour. The Active Travel Plan shown below shows the location of the existing routes, which allow applicants to determine if their proposals should take this policy into account. The policy requires that all development proposals that lie within or adjacent to the Network to consider how they may improve, or at the very least do not undermine the existing value of the Network, or the opportunities for improvement.

5.53 Where proposals include provision for amenity spaces, landscape, new means of access or new layouts, there may be an opportunity to relate the land better to the Network and/or improve the attractiveness and connectivity of routes. Proposals should therefore consider this in the design of their schemes without undermining other planning policy objectives. In some cases, proposals will enable the creation of new connections and/or the delivery of opportunities for improvement that extend the benefits of the Network. They will be supported provided they are appropriate in other respects. At the very least, the policy requires that proposals that will undermine the existing value of the Network, or opportunities for improvement, will be refused permission.



Plan J: Active Travel Plan

POLICY LP11: NET ZERO CARBON BUILDING DESIGN

- A. All development should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.
- B. Buildings proposed to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m²/year will not be subject to the provisions of Clause C. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.
- C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the buildings will perform as predicted and will include a planning condition to require the provision of a post occupancy evaluation report to the local planning authority within a specified period, unless exempted by Clause B. Where the report identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged .
- D. All planning applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.
- E. Climate Change Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the energy hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

5.54 The policy is in five parts, the combination of which is intended to deliver a step change in the energy performance of all new developments in the Parish and, in doing so, encourage and incentivise the use of the Passivhaus or equivalent standard of building design. The policy has been informed by the Ringwood Neighbourhood Plan Policy R11 which has recently been successful at examination.

5.55 Clause A of the policy requires developers to ensure they address the Government's climate change targets and energy performance at the very initial stages of design. 'Zero Carbon Ready' by design means making spatial decisions on layout and orientation of buildings at the outset to maximise the passive design benefits ('free heat') of a site and avoids leaving this to technical choices and assessment at the Building Regulation stage, by which time the opportunity may have been lost. Applicants are directed to the Net-Zero Carbon Toolkit created by Cotswold District Council and two partner councils, WODC and Forest of Dean District Council. The toolkit is available as a resource for private and public sector organisations to use and adopt ([link](#)).

5.56 There is a growing evidence base to suggest that buildings do not perform as well as anticipated at design stage. Findings demonstrate that actual energy consumption in buildings will usually be twice as much as predicted. This passes on expensive running and retrofitting costs to future occupants. Clause C of the policy therefore requires that every building in a consented development scheme of any size is subject to Post-Occupancy Evaluation (POE) including actual metered energy use, and to submit the report to the local planning authority. It will be implemented by attaching a planning condition, which will only be discharged once the report has been submitted and any recommended actions to rectify any performance gap with the design stage assessment are carried out by the developer. There is no current adopted development plan policy which seeks to deal with the performance gap. In the absence of supplementary guidance from NFDC on POE, guidance has been included in Appendix B. Passivhaus certified schemes will not fail in this way and they are therefore exempted from this policy requirement. PassivHaus is the most common and rigorous design approach, although the build cost is slightly higher than normal, the ongoing energy cost to occupiers is a fraction of the cost now (so avoiding fuel poverty).

5.57 To further incentivise the use of Passivhaus, or equivalent standard, Clause B of the policy acknowledges that there may sometimes be a trade-off between its objectives and local design policy. Although meeting these objectives ought not to compromise a scheme fitting in with the character of a local area, on occasions this may be the case. It therefore allows for some degree of flexibility in meeting local design guidance, especially in terms of prevalent building orientation and density.

5.58 Proposals seeking to apply the Passivhaus Planning Package (PHPP) must be able to demonstrate that the Passivhaus standard can be achieved. Prior to commencement a 'pre-construction compliance check' completed by a Passivhaus Designer accredited by the Passive House Institute (PHI) will be required and secured by condition. Upon completion a Quality Approved Passivhaus certificate for each building will be required prior to occupation, again secured by condition.

5.59 Clause D requires all development proposals that are not householder applications to be accompanied by a Whole Life-Cycle Carbon Emissions Assessment, RICS methodology is preferred ([link](#)). The assessment will enable the design team to understand and respond to the lifetime consequences of their design decisions and to design for adaptability, longevity and disassembly; contributing to resource efficiency (Clause A) and contributing to the 'circular economy'. This requirement will be added to the NFDC/NFNPA Council Validation Checklist for outline and full planning applications applying to proposals in the Neighbourhood Plan area until such a time that there is a district-wide requirement.

5.60 Clause E requires the Climate Change Statement for applications already required to be submitted to cover the following:

- an assessment of the proposal to minimise regulated and unregulated emissions, the embodied emissions and the emissions associated with maintenance, repair and replacement of the new building(s), as well as its dismantling, demolition and eventual material disposal
- a calculation of the energy and carbon emissions covered by the Future Homes Standard and Building Regulations and, separately, the energy demand and carbon emissions from any other part of the development that are not covered by the Future Homes Standard or Building Regulations
- the proposal to reduce carbon emissions beyond the Future Homes Standard and Building Regulations through the energy efficient design of the site, buildings and services
- the proposal to further reduce carbon emissions through the use of zero or low emission decentralised energy where feasible
- the proposal to further reduce carbon emissions by maximising opportunities to produce and use renewable energy on-site, utilising storage technologies where appropriate
- the proposal for a demand-side response, specifically through installation of smart meters, minimising peak energy demand and promoting short-term energy storage
- an analysis of the expected cost to occupants associated with the proposed energy strategy

5.61 Every new build or redevelopment project in the Neighbourhood Plan area provides an opportunity to make a difference and a contribution towards meeting our climate change targets for 2050. This new information requirement need not be an unreasonable expectation of even the smallest schemes for new buildings.

Net Zero Operational Carbon

Ten key requirements for new buildings

By 2030 all new buildings must operate at net zero to meet our climate change targets. This means that by 2025 all new buildings will need to be designed to meet these targets. This page sets out the approach to operational carbon that will be necessary to deliver zero carbon buildings. For more information about any of these requirements and how to meet them, please refer to the: UKGBC - Net Zero Carbon Buildings Framework; BBP - Design for Performance initiative; RIBA - 2030 Climate Challenge; GHA - Net Zero Housing Project Map; CIBSE - Climate Action Plan; and, LETI - Climate Emergency Design Guide.

Low energy use

- 1 Total Energy Use Intensity (EUI) - Energy use measured at the meter should be equal to or less than:
 - **35 kWh/m²/yr** (GIA) for residential¹

For non-domestic buildings a minimum DEC B (40) rating should be achieved and/or an EUI equal or less than:

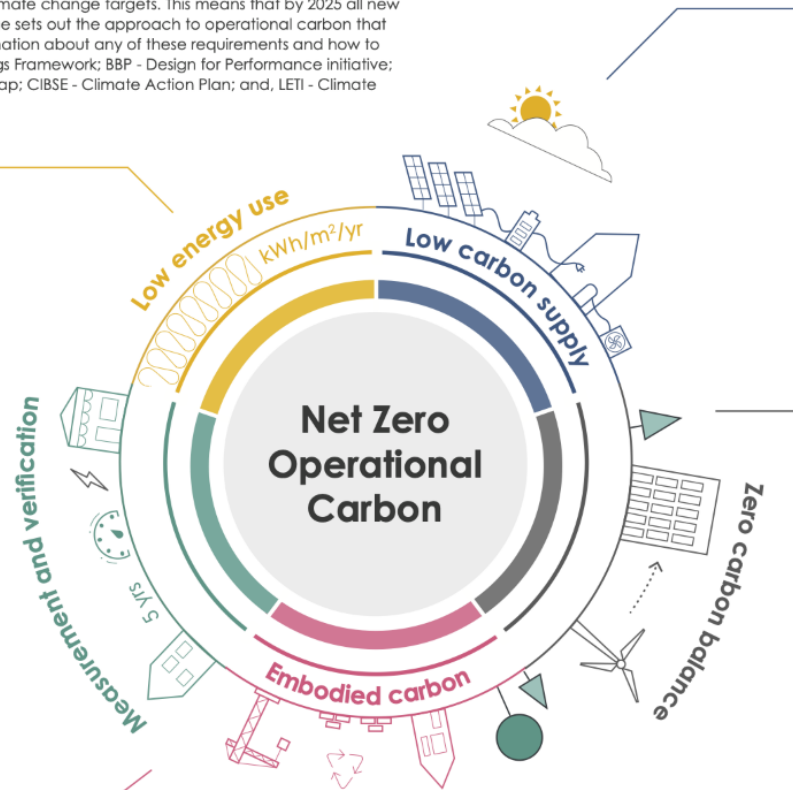
 - **65 kWh/m²/yr** (GIA) for schools¹
 - **70 kWh/m²/yr** (NLA) or **55 kWh/m²/yr** (GIA) for commercial offices^{1,2}
- 2 Building fabric is very important therefore space heating demand should be less than **15 kWh/m²/yr** for all building types.

Measurement and verification

- 3 Annual energy use and renewable energy generation on-site must be reported and independently verified in-use each year for the first 5 years. This can be done on an aggregated and anonymised basis for residential buildings.

Reducing construction impacts

- 4 Embodied carbon should be assessed, reduced and verified post-construction.³



Low carbon energy supply

- 5 Heating and hot water should not be generated using fossil fuels.
- 6 The average annual carbon content of the heat supplied (gCO₂/kWh) should be reported.
- 7 On-site renewable electricity should be maximised.
- 8 Energy demand response and storage measures should be incorporated and the building annual peak energy demand should be reported.

Zero carbon balance

- 9 A carbon balance calculation (on an annual basis) should be undertaken and it should be demonstrated that the building achieves a net zero carbon balance.
- 10 Any energy use not met by on-site renewables should be met by an investment into additional renewable energy capacity off-site OR a minimum 15 year renewable energy power purchase agreement (PPA). A green tariff is not robust enough and does not provide 'additional' renewables.

Notes:

Note 1 - Energy use intensity (EUI) targets
The above targets include all energy uses in the building (regulated and unregulated) as measured at the meter and exclude on-site generation. They have been derived from: predicted energy use modelling for best practice; a review of the best performing buildings in the UK; and a preliminary assessment of the renewable energy supply for UK buildings. They are likely to be revised as more knowledge is available in these three fields. As heating and hot water is not generated by fossil fuels, this assumes an all electric building until other zero carbon fuels exist. (kWh targets are the same as kWh_{net,elec}). Once other zero carbon heating fuels are available this metric will be adapted.

Note 2 - Commercial offices
With a typical net to gross ratio, 70 kWh/m² NLA/yr is equivalent to 55 kWh/m² GIA/yr. Building owners and developers are recommended to target a base building rating of 6 stars using the BBP's Design for Performance process based on NABERS.

Note 3 - Whole life carbon
It is recognised that operational emissions represent only one aspect of net zero carbon in new buildings. Reducing whole life carbon is crucial and will be covered in separate guidance.

Note 4 - Adaptation to climate change
Net zero carbon buildings should also be adapted to climate change. It is essential that the risk of overheating is managed and that cooling is minimised.

Developed in collaboration with:



Developed with the support of:



POLICY LP12: URBAN GREENING AND CANOPY COVER

- A. Development proposals on sites of 0.5 ha or more outside the Lymington Town Centre boundary, as shown on the Policies Map, should achieve a future canopy cover of at least 25% of the site area principally through the retention of existing trees and the planting of new trees. Where such an approach would be impracticable for viability, layout or design reasons, the use of other green infrastructure (such as green roofs and walls) should be used where they can offer similar benefits to trees.**
- B. Development proposals in the Lymington Town Centre Boundary, and on sites of less than 0.5 ha, should maximise the opportunities available for canopy cover, including tree retention and planting or the provision of other green infrastructure (such as green roofs and walls).**

5.62 The i-Tree Canopy tool was created by Forest Research as part of a baseline study The Canopy Cover of England's Towns and Cities: baselining and setting targets to improve human health and well-being (Trees People and the Built Environment 3, 2017). Forest Research is currently undertaking a mapping exercise to build an urban canopy cover map of the UK. It indicates that the majority of the built-up area of Lymington and Pennington currently has <15-20% of canopy cover.

5.63 Canopy cover is the layer of leaves, branches and tree stems that cover the ground. Trees help mitigate the environmental and social challenges our built-up areas, especially our Town Centre, face in a quantifiable way. This is supported by the Government's NetZero Strategy: Build Back Greener October 2021 which recognises the role of green and blue infrastructure, including trees, in providing an opportunity to benefit local economies and bring about long-term improvements in people's health and wellbeing. The policy therefore draws inspiration from others, like Wycombe District Council and Cornwall Council who are operating planning policies which require new development (excluding householder applications) to achieve a quantifiable future canopy cover, with many others in the process of developing this type of policy. The London Plan operates a similar approach with its Urban Greening Factor.

5.64 The policy refines NFDC Local Plan Part Two Policy DM9 which seeks to minimise the loss of green features on sites. Doick et al suggests that "towns and cities with at least 20% cover should set targets to increase cover by at least 5% within ten to twenty years" and given that Lymington and Pennington's canopy cover is below this recommended baseline the policy requires new development to achieve a minimum of 25% canopy cover of the site area to start to bring Lymington and Pennington's canopy cover in line with this baseline (Trees People and the Built Environment 3, 2017). In doing so, a wide range of benefits are expected including storing carbon, reducing the urban heat island effect and improving air quality. The policy has been designed to be applied in a flexible way. In specific terms it acknowledges that issues such as commercial viability, site layouts and

design may make the expectations of the policy impracticable on a site by-site basis. This will be a matter for NFDC/NFNPA to consider based in the evidence provided with each development proposal. In addition, matters such as site layout and commercial viability may also be affected where development proposals would also need to provide open space and landscaping to meet other policies.

5.65 As NFDC/NFNPA does not currently have guidance for applicants to calculate canopy cover, the adopted Wycombe Tree Canopy Cover Supplementary Planning Document (SPD) provides a Canopy Cover calculator, developed in partnership with Treeconomics Forest Research and Wycombe District Council ([link](#)). This guidance will assist applicants in calculating how their proposed scheme should seek to meet the requirements of the policy, until such a time that NFDC/NFNPA adopts its own guidance.

POLICY LP13: DIGITAL COMMUNICATION INFRASTRUCTURE

A. Proposals are required to be sensitively located and designed in order to avoid or minimise potential harm to designated heritage assets or adverse effects to the special landscape and scenic beauty of the National Park. The public benefit of improving access to digital communication infrastructure in the area will carry significant weight in the planning balance of proposals that may cause harm to designated heritage assets or to the special landscape and scenic beauty of the National Park.

5.66 This policy seeks to encourage the provision of new digital communications infrastructure that will drive technological advancements necessary to support new businesses and homes. This infrastructure includes the installation of new transmitters, antennas, junction boxes and satellite dishes. Creative industries, office space and commerce rely on high speed, reliable connectivity but this is difficult in rural areas. It is acknowledged that many such works may be permitted development but where they are not then the policy requires that significant weight is attached to the public benefit of having access to this infrastructure when weighed against any harm to heritage and landscape in the planning balance of each proposal. To clarify, the policy is not encouraging harm to heritage assets or to the special landscape and scenic beauty of the National Park. The level of harm to these important assets will still need to be identified and weighed against the proposal. The policy is simply making it clear that the benefit of having access to digital communication infrastructure should carry significant weight in considering whether benefits outweigh the harm identified.

6. IMPLEMENTATION & MONITORING

6.1 The policies of the Neighbourhood Plan will be implemented through the determination of planning applications by the respective Local Planning Authorities consideration and determination of planning applications for development in the designated neighbourhood area.

DEVELOPMENT MANAGEMENT

6.2 The Town Council will use a combination of the Local Plans and this Neighbourhood Plan policies to inform and frame its representations on submitted planning applications. The Parish Council is a statutory consultee on planning applications made in the parish and it will be made aware of any future planning applications or alterations to those applications by the relevant planning authority. It will seek to ensure that the Neighbourhood Plan policies have been identified and applied correctly by applicants and by officers in their decision reports.

6.3 Where necessary, the Town Council may seek to persuade the Secretary of State to call-in a planning application that it considers is in conflict with the Neighbourhood Plan but which the planning authority has deemed to consent. Similarly, it may also seek to persuade the Secretary of State to recover an appeal of a refused application, where the conflict with one or more Neighbourhood Plan policies has been important in the reasons for refusal. In both cases, the Town Council will do so if it considers matters of national policy significance (for neighbourhood planning) are raised.

LOCAL INFRASTRUCTURE IMPROVEMENTS

6.4 The Town Council propose that the priorities for investment of future Community Infrastructure Levy, and/or S106 funding received by the local planning authority are:

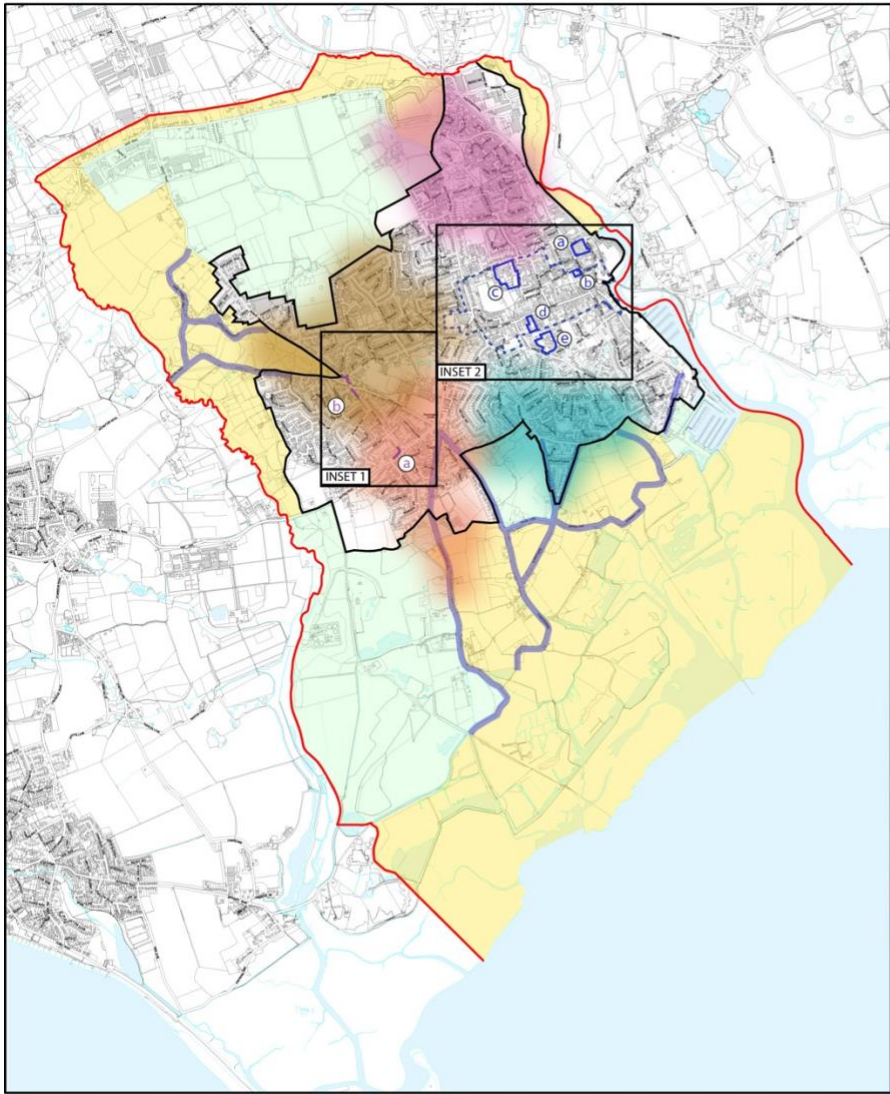
- **High Street** - To make the High Street more accessible and encourage people to spend more time on the High Street by improving the High Street environment, linkages and wayfinding.
- **Captains Row** – Due to the slope of the High Street and Quay Hill, some better crossover points with dropped kerbs and a different crossover section at the critical points is advocated. An example of this could be embedded cobles or pavers across Captains Row at the highest volume crossover point.
- **Grove Gardens** - With a few low key interventions, the open space at Grove Gardens has the potential to be used as a town Park, a green space that is easily accessible to the High Street.
- **The Waterfront, focusing on the Quay** - The River front and quay need a simple public space at the northern end to improve the link to the High Street and provide a focus and destination around the Quay Road/Quay Street/slipway area.
- **The Station** - The station is detached from the High Street and the Waterfront and is an uninviting pedestrian environment. Improvements are needed to create a more welcoming gateway to Lymington town centre and improve its status as a transport hub.
- **Lymington Town Hall** - Given its location and relationship to the Lymington Sports Ground and other amenities, the redevelopment of the Lymington Town Hall site, either in whole or part, provides an opportunity to improve the town centre.

- **Priestlands Gyratory** - Although the Priestlands Place/Stanford Road gyratory has an important traffic management function it is also a gateway to the town centre from the north and the west. Consideration should be given to how it functions as an entrance to the town centre and the potential for improving connectivity.
- **The New Street Community/Cultural area** - The area around New Street has been recommended by the neighbourhood plan Design and Heritage group to become a 'Cultural zone'. It includes the Lymington Centre, St Barbe Museum, and the now largely unused Literary Institute.
- **Woodside Park, Avenue Road Sports Ground and Pennington Sports Ground**
- **The Sea Water Baths** – Connected to the cycle network by Transition Lymington Route 10.
- **Transition Lymington cycle routes** – Four of the Transition Lymington suggested cycle routes run close to Pennington Common, making it a potentially accessible destination within 10-15 minutes from all parts of the town by bike. There may be opportunities to improve signage as well as cycling infrastructure such as secure bike racks close by. On some routes the changes needed to deliver them require not much more than gathering travel survey data and a safety audit of junctions.
- **Communication technology** – Improvements to the infrastructure supporting broadband and 5G connectivity.
- **LCWIP** – Improvements to schemes that will be identified in the New Forest Local Cycling and Walking Infrastructure Plan.

OTHER NON-PLANNING MATTERS

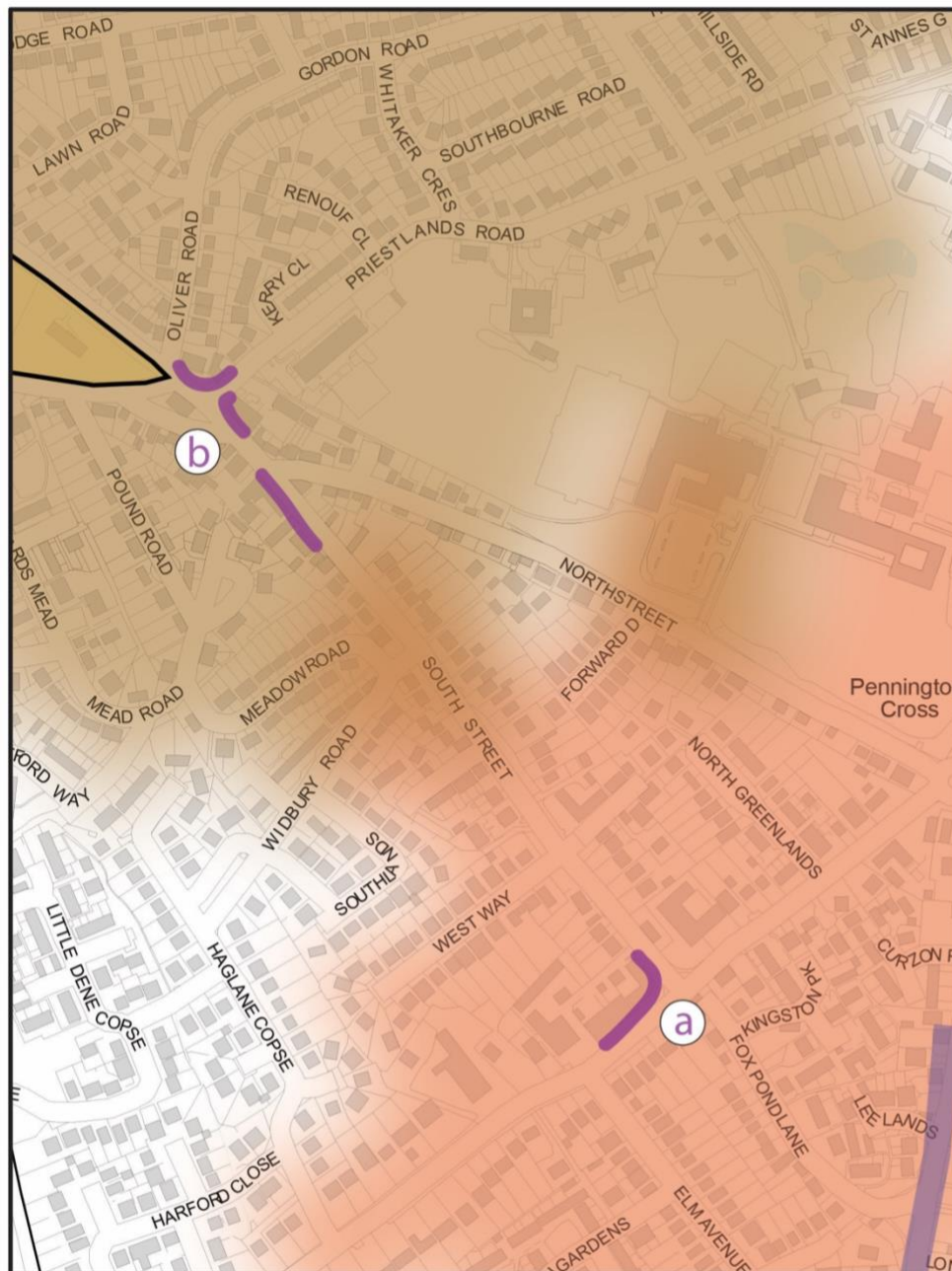
6.5 During the process of preparing the Neighbourhood Plan, there have been many ideas for improving or addressing current problems in the parish that lie outside the scope of the land use planning system to control. The Town Council has noted these issues and will take them forward through its day-to-day business and in partnership with the local community and relevant parties. These include:

- Other public realm improvement projects including repair of pavements along Bath Road, the area outside the old Post Office and repairs to the Town Quay
- Nature Recovery and Biodiversity Net Gain improvements
- Active travel improvements for non-car users, including walking and cycling routes, pedestrian and cycle friendly zones and Safe Routes to Schools
- Improvements to green the urban environment and street scene through tree planting and wildflower and bulb planting on public and private land including roadside verges
- Reducing mowing regimes to promote biodiversity
- Community activities for younger people
- Community bus
- A continued relationship with NFDC, HCC and local businesses to enhance general maintenance of the town
- Investigating measures to enhance road safety, including 20mph speed limits around schools
- Reviewing parking provision, wayfinding and travelling in, and to, the town



**Lymington Neighbourhood Plan
Policies Map - January 2025**

- Neighbourhood Area Boundary
- LP1: A Spatial Strategy for the Town
 - Settlement Boundary
 - Town Centre
 - National Park
 - Green Belt
- LP3: Key Regeneration Sites
 - a. Bridge Road
 - b. Gosport/Cannon Street
 - c. Town Hall, Avenue Road
 - d. Post Office and BT Site
 - e. Solent Mead
- LP4: Pennington Shopping Parades
 - a. Fox Pond Shopping Parade
 - b. Pennington Square Shopping Parade
- LP5: Walkable Neighbourhoods
 - Buckland
 - Woodside
 - Lower Pennington
 - Upper Pennington
- LP9: Safer Lanes Network
 - Safer Lanes Network



Lymington Neighbourhood Plan Policies Map (Inset 1) - January 2025

LP1: A Spatial Strategy for the Town



Settlement Boundary



National Park

LP4: Pennington Shopping Parades



a. Fox Pond Shopping Parade

b. Pennington Square Shopping Parade

LP5: Walkable Neighbourhoods



Lower Pennington



Upper Pennington

LP9: Safer Lanes Network

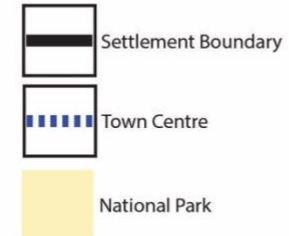


Safer Lanes Network

Lymington Neighbourhood Plan Policies Map (Inset 2) - January 2025



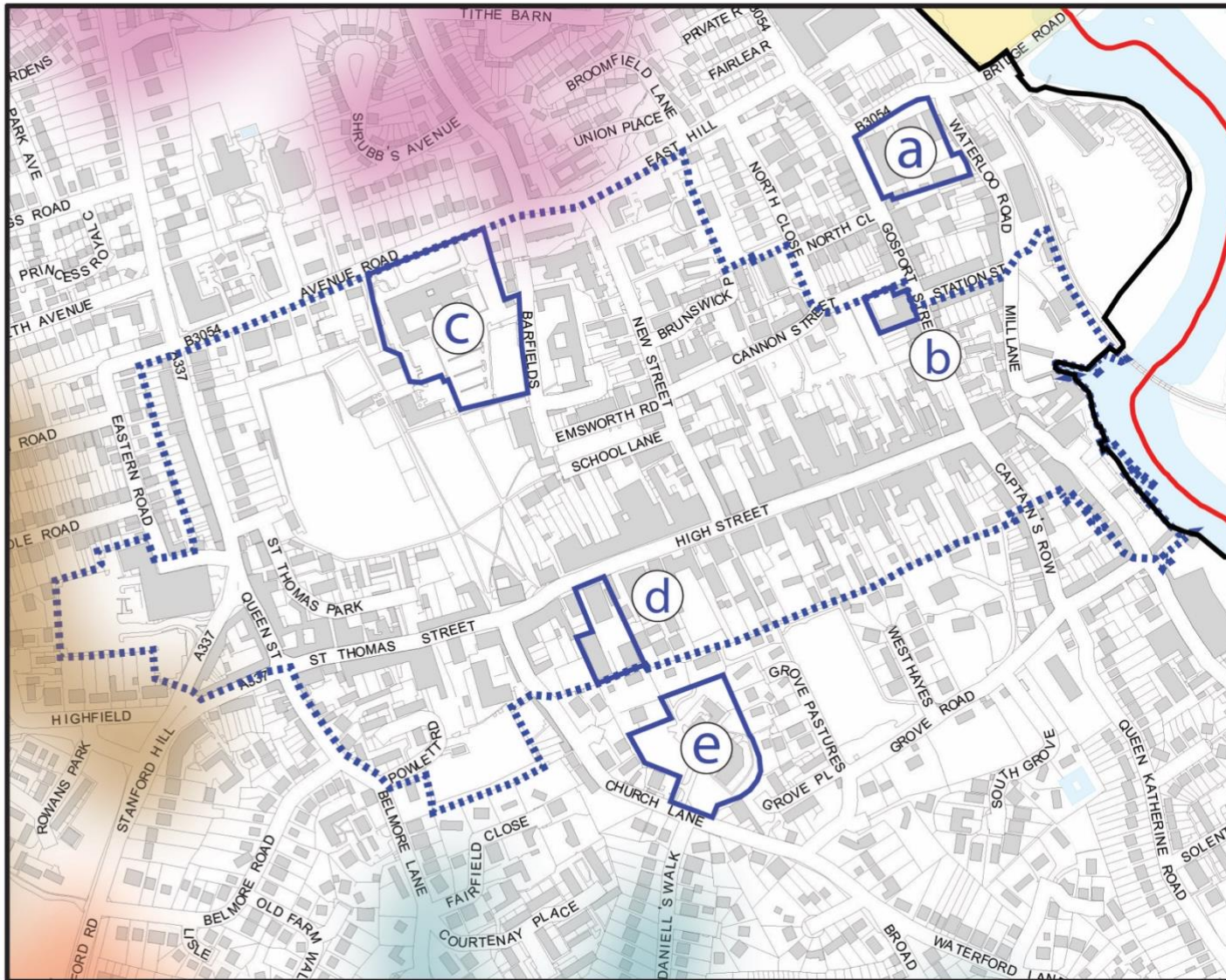
LP1: A Spatial Strategy for the Town



LP3: Key Regeneration Sites



LP5: Walkable Neighbourhoods



APPENDIX B – POST OCCUPANCY EVALUATION GUIDANCE

This guidance note sets out how Post-Occupancy Evaluation (POE) should be undertaken and is derived from published guidance and best practice.

1. Post-Occupancy Evaluation (POE) is the method of obtaining feedback on a building's energy performance 'in use', to ensure it measures up to the commitments made by the team that designed and built it. It offers significant potential to address the performance gap and occupant satisfaction.
2. Where a monitoring regime to ensure the 'as designed' building performance targets are achieved in practice for all new and refurbished buildings is required, it is important that data is collected robustly, following good practice POE principles. It is therefore recommended that for residential development the POE methodology in section 11.4 of the Home Quality Mark ONE: Technical Manual: England, Scotland & Wales SD239 (2018)58, or as updated, is used as a guide for meeting this requirement. For non-residential buildings the BSRIA Soft Landings and Design for Performance framework (BG 76/2019), or as updated, may be used.
3. Applicants are required to set out in their Energy Statement how their monitoring regime, based on the HQM, BSRIA or similar methodology, will work in practice and be independently verified by a third party. The Energy Statement to be submitted with the planning application.
4. As each new or refurbished building comes into use, the developer must ensure performance monitoring and data collection for all relevant parameters for one whole year is carried out once the building is substantially occupied, in line with good POE practice for residential or non-residential uses. This verification process should entail, after appropriate commissioning has taken place, comparison of the 'as designed' parameters (energy, carbon, air quality and overheating risk) to monitoring data under the same categories, to assess and compare actual performance.
5. In order to account for seasonality, a minimum of 12 months monitoring data is required. On the other hand, to account for actual weather, the modelling results can be adjusted with degree days for the relevant year. A 'performance gap metric', which will compare designed and actual performance (e.g. a percentage difference) for each of the 4 required parameters (energy, carbon, air quality and overheating risk) should be issued at POE stage. This needs to be issued for both the 'central' scenario and the 'lowest acceptable performance /reasonable worst-case scenario' as a minimum, with multiple scenarios considered if at all possible. The process and reporting methodology used for the POE will need to be repeatable, so that performance can be monitored for at least 2 annual space heating cycles.
6. A report will then be required to be submitted to both building owners/occupiers and to Council, which states the performance gap metric and identifies any reasons for deviation from predicted energy usage, carbon emissions, indoor air quality and overheating performance, as well as recommendations for reasonable corrective action that will be taken to reduce or eliminate the performance gap.

7. The submission of the monitoring report to owners/occupiers and the council must be secured by planning condition, to be determined at the time of application based on case-specific factors. The applicant must demonstrate that the reasonable corrective actions committed to in the monitoring report, and subsequently agreed by Buckinghamshire Council, have been implemented through another annual heat cycle before the condition will be discharged.

Lymington and Pennington Neighbourhood Plan

Decision Statement

October 2025

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Introduction

- 1.1. New Forest District Council has a statutory duty to assist local communities in the preparation of neighbourhood plans. As the planning authority for the area outside the National Park, the council is also required to support draft neighbourhood plans through the Examination process towards local Referendum.
- 1.2. The draft Lymington and Pennington Neighbourhood Plan was submitted for independent Examination on 13th June 2025 and the Examiner's Report was issued on 25th September 2025. Under the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended), the District Council must: (i) decide what action to take in response to each recommendation made in the Examiner's Report; and (ii) publish their decision and the reasons for it in a 'Decision Statement'.
- 1.3. This statement confirms that the modifications proposed by the Examiner's report have been accepted by the district council and the draft Lymington and Pennington Neighbourhood Plan has been modified as a result. Therefore the Plan may now proceed to referendum.

Background

- 1.4. The Lymington and Pennington Neighbourhood Plan relates to the area that was designated by New Forest District Council and New Forest National Park Authority in October 2015. This 'Neighbourhood Area' corresponds with the Lymington and Pennington Parish boundary and includes land within the administration of both New Forest District Council and New Forest National Park Authority as local planning authorities.
- 1.5. Following the submission of the draft Lymington and Pennington Neighbourhood Plan to New Forest District Council and the National Park Authority, the Plan was publicised and representations were invited for a 6-week period, closing at the end of May 2025.

- 1.6. Mr Andrew Mead BSc (Hons) MRTPI MIQ was appointed by New Forest District Council and New Forest National Park Authority – with the agreement of Lymington and Pennington Town Council - to undertake the examination of the draft Neighbourhood Plan and to prepare a report of the independent examination.
- 1.7. The Examiner’s report concluded that subject to the modifications set out in Table 1 below, the draft Neighbourhood Plan meets the basic conditions. The Examiner recommended that the Plan, once modified, should proceed to Referendum on the basis that it met all the relevant legal requirements. The Examiner also concluded that the Referendum area does not need to be extended beyond the designated area to which the Plan relates.

Decision

- 1.8. As outlined above, the Neighbourhood Planning (General) Regulations 2012 (as amended) require the District Council to outline what action to take in response to the recommendations made in the Examiner’s Report.
- 1.9. New Forest District Council, New Forest National Park Authority and Lymington and Pennington Town Council have considered each of the recommendations made in the Examiner’s report. Ultimately it is the responsibility of the local planning authorities (New Forest District Council and New Forest National Park Authority) to decide what modifications should be made to the Neighbourhood Plan. Having considered each of the recommendations made by the Examiner’s report (and the reasons for them), New Forest District Council has decided to accept the modifications to the draft Plan. Table 1 on the following pages outline the alterations to be made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner’s recommendations.

Table 1 – Modifications

Report reference	Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
PM1 (Policy LP2)	Amend Clause C by the addition of: "... Town Centre Vision, provided the contributions make the proposals acceptable in planning terms and are directly related to the development."	Ensures compliance with national guidance on planning obligations and aligns with strategic policies.	Accept modification. Strengthens the policy and ensures alignment with national policy.
PM2 (Policy LP3)	Amend the final paragraph to: "For the avoidance of doubt, strategic policy requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD, NFDC air quality monitoring and nutrient neutrality will continue to apply." Amend the boundary for site e) on the Policies Map (Inset 2) to match the Hampshire County Council ownership as shown on the map submitted at paragraph 1.11 of the NFDC response to examiner's questions dated 18 July 2025. Rephrase the final sentence of paragraph 5.11 of the Plan to: "The Solent Mead site is in split ownership between Hampshire County Council (HCC) and NFDC. A decision was made by HCC in 2025 to close its part of the site and it is therefore likely that that part of the site will become available for development during the Plan period. The NFDC housing on the site will remain."	Enhances clarity and ensures alignment with habitat mitigation requirements and air quality monitoring, supporting sustainable development.	Accept modification. For improved clarity and accuracy.

Report reference	Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
PM3 (Policy LP4)	Amend paragraph 5.15 of the Plan by the inclusion of the following third sentence: "This approach aims to ensure that residents can access day to day services and amenities, for example, convenience shops, education and healthcare facilities." Amend paragraph 5.17 of the Plan by the inclusion of a new penultimate sentence: "Uses which are considered to meet day-to-day needs include Class E(a) convenience food retail for up to a total of 500 sq.m of net internal retail floorspace, Class E(b) café, Class E(d) indoor sport and recreation, Class E(e) medical services, Class E(f) day centre or nursery, Class F1 learning and non-residential institution; and/or a Class F2 local community use of an appropriate scale."	Improves clarity for development management and aligns with national and local retail policies.	Accept modification. Strengthens the policy and ensures alignment with national policy.
PM4 (Policy LP5)	Amend Clause C to: "Proposals including uses which are intended to meet the local communities' day to day needs may be delivered as ground floor units in a scheme with housing on upper floors ...". Amend the second sentence of Clause D to: "Within this context, clustering of uses intended to meet day-to-day community needs in each broad location is preferred."	Enhances clarity and legal precision, ensuring the policy is usable and enforceable.	Accept modification. For improved clarity and accuracy.

Report reference	Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
	Amend Clause E to: "Proposals including uses which are intended to meet the local communities' day-to-day needs must demonstrate that the site is located and accessible by walking, ...". Amend Clause F to: "Proposals to change the use of land or premises in a walkable community from a use which contributes to meeting the local communities' day-to-day needs to another use will not be supported."	Enhances clarity and legal precision, ensuring the policy is usable and enforceable.	Accept modification. For improved clarity and accuracy.
PM5 (Policy LP6 - Paragraph 5.20)	Delete the final sentence and substitute: "LTC will seek to work with NFDC and local community groups in the preparation of a District wide Design Code which is intended to retain the emphasis on local distinctiveness. The Code will be consulted upon as part of a separate process in due course."	Aligns with national policy which treats SPDs as material considerations, not Development Plan documents.	Accept modification. For improved accuracy.
PM6 (Policy LP7)	Add the following phrase to the end of Clause B: "... taking into account the viability of the scheme."	Addresses concerns about deliverability and aligns with strategic housing policies.	Accept modification. Strengthens the policy and ensures alignment with national policy.

Report reference	Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
PM7 (Policy LP8)	Amend Clause C to: "All appropriate development should embed Green Infrastructure ..."	Makes the policy more realistic and implementable while supporting nature recovery.	Accept modification. Provides clarity
PM8 (Policy LP11)	Amend Clause A to: "All development (except for householder development) should be "zero carbon ready" ...". Amend Clause B to: "Where feasible, buildings should aim to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m2/year." Amend Clause C to: "All planning applications for new or refurbished buildings should include a demonstration to show that their energy efficiency has been tested to ensure that the buildings will perform as predicted at the design stage."	Post Occupancy Evaluation could affect viability and is difficult to enforce via planning conditions. Modifications ensure the policy remains effective and legally sound.	Accept modification. Strengthens the policy and ensures alignment with national policy.

- 1.10. New Forest District Council, the National Park Authority and Lymington and Pennington Town Council have also identified further minor amendments (in addition to the modifications recommended in the Examiner’s Report). Neither of these affect the ‘Basic Condition’ assessment and are factual updates or minor clarifications to help the accuracy of the document. For clarity this ‘Decision Statement’ provides these amendments (as set out in Table 2 below).

Table 2 – Additional minor amendments

Neighbourhood Plan section	Commentary	New Forest District Council Decision
Policy LP3 – Amend examiners modification (PM2) to include the National Park mitigation strategy: “For the avoidance of doubt, strategic policy requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD <u>in New Forest District, the revised New Forest Habitats Mitigation Scheme SPD in the National Park area</u>, NFDC air quality monitoring and nutrient neutrality will continue to apply.”	The HRA recommended that the policy includes references to the strategic requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD and nutrient neutrality which was incorporated into the final sentence of the Submission plan. NFDC asked that a reference is made to air quality monitoring too, and the examiner recommended this (PM2). However, during its 8 October 2025 meeting to agree the examiner modifications, it was noted that for the sake of completeness and accuracy there should also be a reference to the mitigation strategy that addresses development in the parts of the parish that are within the National Park.	Factual updates required to reflect the mitigation scheme in the NPA area.
Policy LP6 (Paragraph 5.20) – Amend examiners modification (PM5) to the correct acronym: Delete the final sentence and substitute:	The examiners modification is accepted, however the acronym that he has used (LTC) is not factually correct and omits the Pennington element: an amendment is made to the proposed modification to reflect the full name of the parish council.	Factual update required to improve accuracy.

"~~LTC~~ (LPTC) will seek to work with NFDC and local community groups in the preparation of a District wide Design Code which is intended to retain the emphasis on local distinctiveness. The Code will be consulted upon as part of a separate process in due course." Inset acronym into paragraph 1.1 to provide the explanation for what LPTC stands for: "Lymington and Pennington Town Council (LPTC) is preparing a Neighbourhood Plan..."		

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Cabinet – 3 December 2025

Waste Service Budget Position

Purpose	For Decision
Classification	Public
Executive Summary	New Forest District Council (NFDC) is implementing a phased rollout of a new waste collection service to meet statutory requirements under the Environment Act 2021 and improve recycling performance. Phases 1 and 2 of the new service commenced in June and October 2025, with Phase 3 scheduled for March 2026. The transition has delivered environmental benefits, including higher recycling rates and reduced street litter. However, operational challenges have emerged, notably resource shortfalls and the need for policy adjustments to manage food waste collections in areas with free-roaming livestock. A temporary “behind-the-gate” collection policy for food waste caddies in the pannage period, as advocated for and supported by forest partners, has significantly reduced animal interactions with waste and is recommended for permanent adoption. Additional ongoing operational pressures include maintaining bring site services amid rising contamination and fly-tipping, and resourcing extra rounds to ensure service continuity. These factors require increased funding beyond the original Medium-Term Financial Plan (MTFP).
Recommendation(s)	That Cabinet support recommendations of the Waste Programme Board to: 1. Make permanent the collections of food waste containers from “behind the gate” in the defined areas open to free roaming livestock.

	2. Instruct officers to conduct a whole-service review after the completion of the phase 3 roll-out to include consideration of the approach to collection of wheeled bins from areas open to livestock and to also assess overall service productivity and efficiency. 3. Support additional funding to the current bring-site service, and that a review be conducted upon completion of the phase 3 roll-out. 4. Recommend to Council the; a) Approval of an additional £1.500m of annual budget to be added to the Council's Medium Term Financial Plan from 2026/27 onwards to maintain collection service continuity, bring site services and retain the collections of food waste containers from behind gates in areas open to free roaming livestock b) Approval of an additional £967,000 to be added to the Council's Capital Programme for 2026/27 to accommodate the purchase of the additional vehicles required to support recommendation 4a. c) Approval of supplementary budget of £301,000 to 2025/26 to support the continued bring-site service
Reasons for recommendation(s)	The recommendations are made to address the following: • Service Continuity: The additional funding ensures that the waste collection service can continue operating effectively across all areas, especially where logistical challenges have created resource shortfalls. • Animal Interactions: Behind-the-gate food waste collections in areas with free-roaming livestock have significantly reduced incidents of animals interacting with waste containers. This approach is advocated for and supported by forest partner organisations.

	• Environmental Protection: Investment in resources for bring sites will reduce litter and overflowing bins at these sites and protect our local environment. • Legal Compliance: The Environment Act 2021 mandates separate food waste collection by April 2026. The funding supports compliance with this legislation.
Ward(s)	All
Portfolio Holder(s)	Councillor Geoff Blunden – Environment and Sustainability
Strategic Director(s)	James Carpenter – Place, Operations and Sustainability
Officer Contact	Liz Mockeridge Service Manager – Waste & Transport Liz.Mockeridge@nfdc.gov.uk Chris Noble Assistant Director – Place Operations Chris.noble@nfdc.gov.uk

Introduction and background

1. New Forest District Council (NFDC) began a phased rollout of a new waste collection service for residents in June 2025 as part of a wider waste management strategy and programme. The changes are designed to improve recycling rates, modernise collection services and meet the statutory requirements set out in the Environment Act 2021 which come into force in 2026. The Act requires that by 1 April 2026, household food waste is collected separately from other waste, and sent for recycling.
2. The waste strategy was agreed at a meeting of the Council in July 2022 with an updated rollout programme and timetable considered in February 2024. The policies to support the strategy were agreed at a meeting of the Council in July 2023.
3. The key elements of the new service are:
 - New weekly food waste collections with a lockable 23-litre caddy and a 7-litre kitchen caddy; and
 - Fortnightly recycling and rubbish collections using new 240-litre (recycling) and 180-litre (rubbish) wheelie bins

4. In support of these frontline service changes, the overall Waste Programme includes many supporting projects, including depot improvements (new depot at Hardley, enhancements at others), revised route planning, procurement, new ICT, and communications and engagement to support the new service.
5. A dedicated Waste Management Programme Board is in place to oversee the complex workstreams required to deliver the roll out in time to meet government targets, and within approved budgets. The membership of the Board comprises the Leader, Portfolio Holders for Environment & Sustainability and Finance & Corporate, members of the Executive Management Team and senior waste officers. The Board meets monthly and is supported by weekly steering group meetings.
6. In keeping with the approved strategy, the project rollout is being completed in three phases:
 - Phase 1 (Lymington Depot area) commenced June 2025
 - Phase 2 (Ringwood Depot area) commenced October 2025
 - Phase 3 (Hardley Depot area) commencing March 2026
7. At a meeting on 3 September 2025, the Council's Cabinet considered a report (see background papers) containing a review of phase 1. The Cabinet approved a recommendation that phases 2 and 3 should continue as planned, with the agreed mitigations and improvements noted in the report. Since this report, the new service has commenced in the phase two area.
8. The report also made recommendations relating to the collection of food waste within areas with free-roaming livestock to address the issues raised below.

Changes to food waste caddy collection within the parts of the district where there are free-roaming livestock

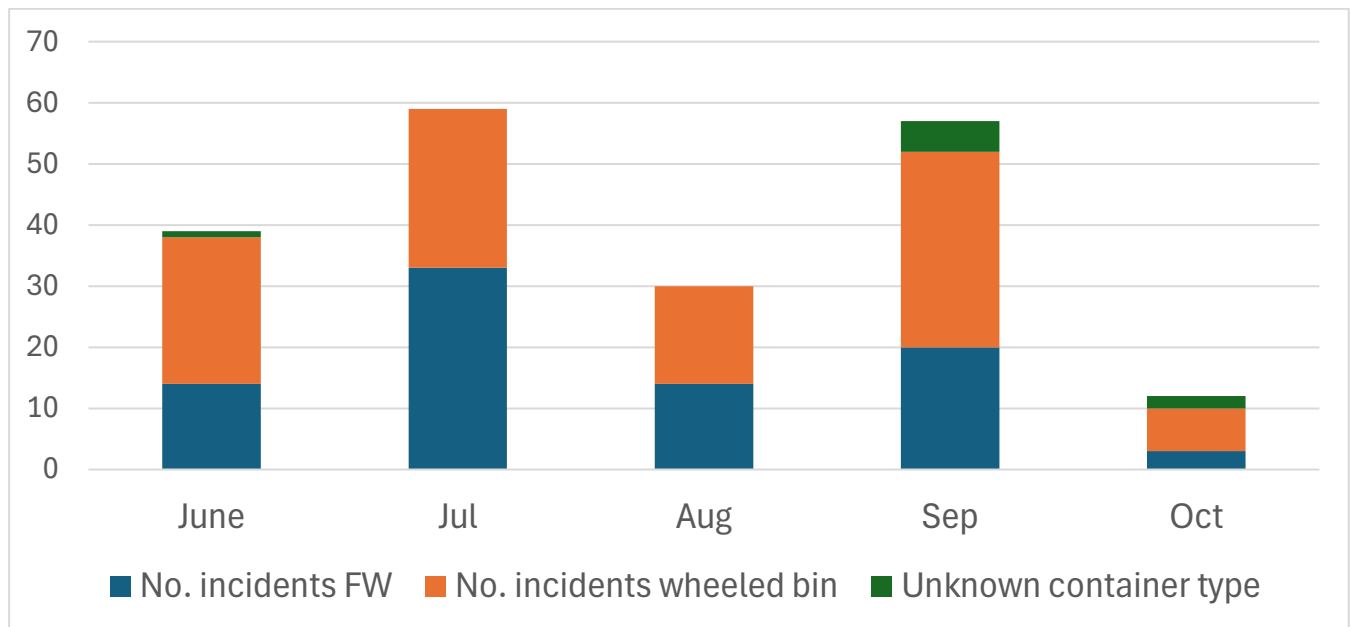
9. The Council's agreed waste and recycling service collection policy (see background papers) is that for properties with access to free-roaming animals, *"all containers should be set out at the edge or curtilage of the property, where it meets the public highway. In some circumstances the council may request that containers are left behind the householder's gate. Safe pedestrian access must be maintained, operatives cannot cross a cattle grid to collect waste and recycling containers."*

10. During the phase 1 rollout, there were instances of animals accessing food waste caddies and the contents of wheeled bins. National and local media coverage of the very visual and evocative images of forest animals breaking into the newly introduced food waste bins posed a clear reputational risk to the Council, and was the subject of prolonged media coverage and public outcry and complaint.
11. Whilst designed to be “lockable” and despite advice being given on how to effectively present food waste caddies, some animal interactions remained and some bins were either forcibly accessed, or accessible through mis-presentation.
12. Further engagement was had with our Forest Partner organisations the Verderers, Forestry England, the Commoners Defence Association, and the New Forest Association. Whilst concerned for all animals, Forest partners had specific concerns about the implications of food waste being consumed by pigs, due to specific risk of disease. This was most notably in the pannage period, when pigs are released to deal with the acorn mast, a traditional part of the management of the forest, and its environmental and ecosystem management.
13. At the time the Animal & Plant Health Agency (“APHA”), contacted the council, via Hampshire County Councils Trading Standards in response to public concerns. They were satisfied with the detail provided including details of the bins and food waste caddies, however the Council wanted to ensure further steps were taken to reduce the risk.
14. Ensuring that waste can be collected with as little interaction with animals is key. Take up of the food waste service across the New Forest has vastly exceeded expectations, and it is essential that residents continue to have confidence in the service to ensure that food waste is not instead displaced into refuse collections. By proxy, ensuring an effective and secure food waste service has the benefit of removing waste that may be of interest to animals from wheeled bins, which remain comparably more secure in terms of the presentation of bagged waste inside of them, than previous sack collection presentation.
15. As a result of the animal interactions with the food waste caddies during the phase 1 roll-out, in September, additional funding of £150,000 was endorsed by the Cabinet to enable a trial of “behind the gate” food waste collection within the parts of the district where there are free-roaming livestock for the pannage period. In these areas the crew now collect and return the caddies to the behind the gate position. Cabinet agreed “in principle” to this policy change

being made permanent, subject to the review of the business case/cost implications as presented here.

16. In support of obtaining effective data, since June, an online tool for reporting of incidents involving animals and waste has been available. The graph below shows this data between June and October, with significant reduction in incidents related to both wheeled bins and food waste between September and October.

Fig. 1 – Number of incidents of animal interactions with waste reported



17. Work has been carried out to assess options for how to manage collections in the area open to free roaming livestock in the longer term. This must be carefully considered, because a change in policy can significantly affect the time taken to collect waste from each property, reducing collection efficiency and increasing the amount of resource required to complete collections. This cost needs to be understood, and consideration given to how long it may take to hire additional staff and secure additional vehicles, if needed. A decision to alter the policy without due consideration to these issues would result in incomplete rounds and waste left uncollected.
18. Getting collection resource levels right is a complex exercise taking account of numbers of properties, set-out rates, travel times, distances and speed of working, with the aim of ensuring that work is completed safely and efficiently within working hours. This is a fine balance, and in practice, in phase 1, work has taken longer than planned to complete.

19. Contributing factors have included higher than expected participation rates for food waste (which as yet show no sign of reducing), an increasing number of assisted collections, and containers being collected from behind gates (both before and after this approach was taken for the panning period). This led to rounds not completing on some days in the first 2 months of phase 1, with additional resource being brought forward from later phases and now being used to ensure round completion in the phase 1 area.
20. The original resources estimated for food waste collections were 11 full crews, and 19 refuse/recycling wheeled bin crews. To resolve the issues described in above, including the permanent delivery of "behind the gate" collections of food waste, modelling suggests there is a requirement for 4 more food waste rounds and 1 more wheeled bin round. The financial implications of this are covered below.

Glass and Bring Site collections, vehicle and crew resourcing

21. The council operates 19 "bring sites" in NFDC or supermarket car parks for the depositing of recyclable waste by residents. This includes glass and mixed recycling containers. NFDC is the only Council in Hampshire to operate mixed recycling containers in bring sites, all other councils have removed them due to the coverage provided by household collections and HCC's network of Household Waste Recycling Centres.
22. Bring sites provide an additional service to the public, but they also have a range of historical problems, including high levels of environmental crime, and loss of valuable recyclable material through very high levels of contamination of recycling with non-recyclable material.
23. There has been a more recent escalation in problems, where we are now seeing levels of both illegal activity and genuine depositing of domestic recycling rise to levels that are unmanageable based on the current resource level across our operational services. This increase not only impacts our waste collection teams, but also the street scene operatives clearing the sites and recording fly tipping, and the enforcement team as they work to monitor and investigate non-compliance.
24. In the original operational planning for the new service there was a proposal to deal with bring site collections using bulk collection crews and support from kerbside collection vehicles. Prior to the new service roll out this was confirmed as an appropriate workable resource level based on previous waste levels. However, the change in resident behaviour and the increased material at bring sites combined with the changes linked to the new service, including the

switch to fortnightly collections, now make it much more difficult to regularly service bring sites utilising the kerbside rounds.

25. The Waste Programme Board has agreed at this point in the new service roll out the bring site service should be maintained and the costs of this have been included in this report. Once the phase 3 rollout has been completed, ongoing provision of bring site services would be subject to a review.
26. The Financial implications are considered below.

Corporate plan priorities

27. The new waste collection service supports Corporate Plan Priority 2 - Protecting our climate, coast, and natural world by:
 - Minimising non-recycled waste through the separate collection of food waste from households
 - Cutting vehicle emissions by using the Bartec system to design more efficient waste collection routes.
 - Boosting recycling rates by introducing separate food waste collections and providing larger wheeled bins for recyclables.
 - Reducing litter and spillages by replacing sacks with more secure and contained waste collection methods.

Options appraisal

28. With regard to the general increase in resource requirement, delivery of core statutory collections must be maintained.
29. With regard to future of food waste collections in areas open to livestock, as described above, the recommendation is to continue with food waste collections from "behind the gate". Other options considered included:
 - a) Cease food waste collections at these properties – discounted because food collection is a legal requirement as of April 2026
 - b) Revert to food waste caddies presented outside gates – the data shows that moving the caddies behind gates has reduced the instances of animal strikes and this would likely increase again if the "behind gate" approach was reversed.
 - c) Issuing of alternative food waste containers with increased security - these are unproven in the unique environment of the New Forest, and such a service would be difficult to achieve now that food waste caddies have been moved behind the gate.
30. Moving food waste "behind the gate" has removed the higher risk interactions with waste containers and as covered in paragraph 14 of this report serves to alleviate wider risk balanced against the

historic context. Where there may remain a view that a longer-term change of approach to collection of wheeled bins from areas open to livestock should be considered, it is appropriate at this time that the data, and collection round productivity and efficiency continue to be reviewed to inform as appropriate.

31. It is recognised that a full review of bring site provision is required, and this will be carried out after the full rollout of the new kerbside service is complete. Undertaking this now, whilst within Service change would not allow time for the service to bed in, nor for wider data or action (e.g. enforcement) to have been effective

Financial and resource implications

32. The last full year waste service budget pre-service change was set in 2023/24 and was £5.5m. This represented 24.4% of the overall General Fund budget for that year.
33. In order to commence the roll-out of the new waste service, the annual budget for 2025/26 was set at £8.5m. The largest elements of the increase related to the estimated first-time roll-out of the new food waste collection service, with varying assurances received from the government that the additional costs would be financed through new burdens funding. The new service budget of £8.5m represented 33.2% of the overall General Fund budget for the 25/26 financial year.
34. The waste roll-out programme was also supported by an additional 3-year Transition budget. In September 2025 this was increased by £88,000 in order to provide additional waste advisor and customer advisor capacity to assist with the roll out of phases 2 and 3.
35. Aside from variations in the one-off transition estimates as the programme commenced, it has also been important for the ongoing new service costs to be closely monitored and continually re-evaluated.
36. There were three other additional resource costs identified in September:
 - a) During the phase 1 roll out, a new and additional round was identified as required to facilitate waste collections around narrow access areas. A new 2025/26 service budget of £59,000 was approved, with an annual implication of £95,000. In 2026/27, a new vehicle will also be required to continue this service
 - b) An additional waste supervisor role was agreed for 2025/26 at a cost of £19,000 (with an annual implication of £45,000),

taking the new supervisory capacity from 4 posts to 5, reflecting the overall increase in frontline workforce numbers, which by March 2026 will stand at 52.7 additional FTE's (primarily employed for food waste collections). Supervisor vehicle costs will be incurred in 2026/27.

- c) Phase 1 resourcing was not sufficient to complete rounds, particularly food waste rounds where participation has been higher than expected. To ensure service resilience, recruitment of staff planned for phase 3 was brought forward, with a 25/26 implication of £67,000.

37. The three areas of ongoing costs described above have led to a budget increase of 1.7% on the original estimated service budget for 2025/26.

38. The following table shows:

- a) Part A – Budget increase for new waste service, as per Feb 2025 MTFP (noting the previously anticipated increased service cost to £2.505m (+£534k from 2025/26) in reflection of the part-year roll-out during 2025/26
- b) Part B – items described in section 13 and approved in September 2025
- c) Part C – Vehicle cost implications as described in section 13
- d) Part D – Cost of resource required to maintain service delivery, including behind the gate collections of food waste and improved service to bring sites, as described in sections 22 and 27. These costs include some vehicle hire costs in 2026/27 whilst awaiting delivery of new vehicles which need to be procured. From 2027/28, these additional costs will be removed to deliver a saving of £60,000.

WASTE - NEW SERVICE ROLL OUT (NSRO) AND NEW IMPLICATIONS		25/26 REVENUE	26/27 REVENUE	26/27 CAPITAL New Vehicles
		£'000	£'000	£'000
Part A - New Service MTFP				
New Service - Wheeled Bins		357	219	-
New Service - Food Waste		1,441	2,113	-
New Service - Bring Sites		173	173	-
MTFP - Feb'25		1,971	2,505	-
Part B - New items reported in 25/26 and 26/27 implications;	See Report section:			
Narrow Access Round (+1 crew)	13	59	95	-
New Supervisor		19	45	-
Behind Gates Collection trial		150	-	-
New Drivers appointed earlier than budgeted		67	-	-
Total New Items		295	140	-
TOTAL NSRO AND NEW APPROVED ITEMS (MTFP Oct'25)		2,266	2,645	-
Part C - New items reported in 25/26 - 26/27 Vehicle implications;	See Report section:			
Narrow Access Round crew - new vehicle	13	-	26	180
New Supervisor - new vehicle		-	16	33
New Items to be agreed		-	42	213
Part D - New items identified, to be agreed	See Report section:			
Food Waste combination of 'Behind the Gate' & Resource shortfall	22	-	684	496
Wheeled Bins Collections - resource shortfall	22	-	185	258
Bring Sites Continued service delivery	27	301	589	-
New Items to be agreed		301	1,458	754
TOTAL new items to be agreed (Part C + D)		301	1,500	967
TOTAL AFTER NEW ITEMS		2,567	4,145	967

39. The recommendation of this report ultimately seeks Council resolution of the additional budget required in accordance with the summarised position as above. This includes a supplementary budget request of £301,000 to 2025/26, an additional budget requirement to the 2026/27 year, to be reflected in the Council's Medium-Term Financial planning, of £1.500 million and an additional capital programme budget of £967,000 for 2026/27 to enable the procurement of the additional vehicles required to fulfil the 'behind the gate' food waste collection position.
40. Whilst work is ongoing on setting the Council's budget for 2026/27, it is anticipated that the annual waste service budget will represent in the region of 41% of the Council's 2026/27 general fund.

Legal implications

41. The Council has taken appropriate legal advice at various stages of the implementation of the Waste Rollout, and as issues have arisen. Under the Environmental Protection Act 1990, the Council has a legal responsibility to collect household waste, and to collect food waste from all households from 1 April 2026.
42. It has to be noted that this duty does not apply where it is "*situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and... as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste.*"
43. In accordance with the Best Value Duty under Section 3 of the Local Government Act 1999, the Council must make arrangements to secure best value in the way its waste services are exercised, having regard to a combination of cost, efficiency and effectiveness. The resources required to maintain this statutory duty at varying levels of effectiveness, considering local conditions, are included in this report.
44. The proposed approach regarding the collection of food waste is considered legally compliant and to ensure that all affected properties are effectively communicated to around the continuing approach, the Council will write to those households to reaffirm the position in line with the Section 46 notice requirements if Cabinet approves recommendation 1.

Risk assessment

45. The additional resources detailed in this report mitigate against the risk of a failure to deliver statutory collection services, and also reduce the risk of animal interaction with waste material in a proportionate way.

Environmental / Climate and nature implications

46. The change to the waste service is leading to a significant increase in recycling rate and is reducing waste being sent to incineration. Any changes in policy should encourage participation in our services to maximise benefits.
47. Investment in resources for bring sites will reduce litter and overflowing bins at these sites and protect our local environment.

Equalities Implications, Crime and disorder implications, Data protection / Information governance / ICT implications

48. The proposed changes to “behind the gate” do not raise any specific considerations beyond those previously covered in the report. The Councils original policy considered equalities implications and there is a flexibility built in through our assisted collection policy, and the ability to request differing capacity of bins.
49. The issues relating to “fly tipping” at bring sites are set out in the report, and enforcement and partnership working across the Forest to tackle this issue holistically remains the Councils core approach.

New Forest National Park / Cranborne Chase National Landscape implications

50. The issue of livestock interactions with waste is one which is unique to the New Forest. NFDC recognises its duty to protect the character of the New Forest, including the tradition of free-roaming livestock.

Consultation undertaken

51. The Council has discussed the future of food waste collections, with Forest partner organisations including the Verderers, Commoners Defence Association, Forestry England, and the New Forest Association. These organisations are in support of the continuation of food waste collections from behind the gate.
52. The proposed changes have not been subject to wider public engagement.

Conclusion

- 53. The new waste service has been successful in increasing recycling rate and reducing street litter through better containment of waste.
- 54. The factors described in this report mean that there are resource shortfalls in some areas, which must be resourced to ensure service continuity, maintenance of the behind gate policy for food waste, and improvements in bring site management.
- 55. The report clearly sets out the steps to be taken, and the cost implications, both in terms of capital and revenue of the recommendations made.

Appendices:

Background Papers:

Review of new waste collection service phase 1 roll out and motion to suspend phases 2 and 3 – Item 28, Cabinet, September 2025

Waste and recycling service collection policy

Council – 15 December 2025

Allocation of seats and appointments to committees and panels

Purpose	For Decision
Classification	Public
Executive Summary	Following recent changes to the membership of the Conservative Group and the number of non-aligned members, it is necessary to review the representation of political groups on committees and panels. Having regard to the current number of Members on the Council and applying the necessary principles of proportionality in order, the council is required to consider changes to its previously agreed position. The number of Members in each political group has not changed and therefore this has not altered the overall allocation when applying the political proportionality rules. It is however necessary to review the appointments of councillors to individual committees and panels in light of recent changes.
Recommendations	That the Council:- 1. considers the allocation of seats to committees and panels in accordance with the principles set out in the report, and in doing so, agrees to the allocation set out in the table in Appendix 1, which proposes no change to the previous position agreed on 13 October; and 2. appoints councillors to individual committees and panels, as identified in Appendix 2, for the remainder of the four year period ending May 2027.
Reasons for recommendations	To comply with the provisions of Section 15 of the Local Government and Housing Act 1989,

	relating to the duty to allocate seats to political groups, following a division on the Council.
Wards	All
Portfolio Holder	Councillor Jill Cleary, Leader
Strategic Director	Kate Ryan, Chief Executive
Officer Contacts	Karen Wardle Principal Democratic Services Officer 023 8028 5071 Karen.wardle@nfdc.gov.uk Matt Wisdom Assistant Director – Strategy and Engagement (Monitoring Officer) 023 8028 5072 Matt.wisdom@nfdc.gov.uk

Introduction and background

1. In accordance with Section 15 of the Local Government and Housing Act 1989, it is necessary to review the representation of political groups on committees, whenever there is a division on the Council. This review is necessitated by a changes to the membership of the Conservative Group and to the non-aligned Members. For this purpose, “committees” includes the Council’s Overview and Scrutiny Panels but excludes the Cabinet.
2. There are four statutory principles of political balance which have to be applied in filling appointments to committees. These are contained in Section 15(5) of the Act.
3. The principles that have to be applied are as follows:-
 - (a) that not all seats on the body are allocated to the same political group;
 - (b) that the majority of the seats on the body are allocated to a particular political group if the number of persons belonging to that group are a majority of the Authority’s membership;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant Authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that Authority as is borne by the number of

members of that group to the membership of the Authority;
and

- (d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the same number of all seats on that body as is borne by the number of members of that group to the membership of the Authority.
4. Once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
 5. Those members who are not members of political groups have no legal entitlement to an allocation of seats on committees. However, once the political groups' entitlement has been reached, any remaining seats may be filled by members not belonging to a political group. Such Members are classed as being non-aligned.
 6. These provisions need not be applied if a different position is agreed without any member of the authority voting against.
 7. It should be noted that, although the legislative position refers to "political" groups, this also includes the Independent Group. Although not affiliated with a political party, the Independent Group have formed a group in accordance with the legislation.

Changes to the political balance since the Current position

8. At the Council meeting on 13 October, the Council considered a report detailing the changes to the political balance. Since that meeting the following changes have occurred:
 - Cllr Thierry resigned as a member of the Conservative Group on Thursday, 16 October.
 - Cllr Penman joined as a member of the Conservative Group on Monday, 20 October.

Essentially, this means that there is no change to the political balance.

9. The political balance of the Council now stands as follows:-

Conservative Group	25	(52.08%)
Liberal Democrat Group	14	(29.17%)
Independent Group	4	(8.33%)

Green Group	2	(4.17%)
Labour and Co-operative (Non-aligned)	1	
Reform UK (Non-aligned)	1	
Non-aligned	1	
Total	48	

Appointments to committees and panels

10. There are 84 seats to which appointments should be made under the principles of proportionality.
11. The application of the percentages outlined at paragraph 9 provides for the following allocation of whole seats to political groups across the overall Council position:-

Conservative Group	44
Liberal Democrat Group	25
Independent Group	7
Green Group	4
Unallocated	4
Total	84

12. Having regard to the overall position outlined at paragraph 11, the application of the percentages outlined at paragraph 9 requires the rounding up or down of calculated figures to give whole numbers on committees. The Council should, as far as practicable, ensure fairness on each committee, including across the wider allocation in making these adjustments, whilst taking into account the proportionality rules in their stated order, as far as practicable.
13. In this particular instance, the Council must have regard to the principle in the legislation, noted at paragraph 3(b), that the majority of the seats on the body are allocated to a particular political group if the number of persons belonging to that group are a majority of the Authority's membership. An adjustment of +2 to the number of seats allocated to the Conservative Group is necessary to achieve this outcome.

14. The final recommended allocations are outlined at Appendix 1, following a review of the implications for individual committees and panels by Group Leaders.
15. At the last review undertaken in October 2025, the Council also resolved to allocate two seats to two non-aligned Members, on the Appeals Committee and the Housing and Communities Overview and Scrutiny Panel. The Council's Constitution makes provision for the allocation of seats to Members who are not members of a political group, as nearly as possible in proportion to the number of those members on the Council. It is now the case that there are two seats that can be allocated to two of the three non-aligned Members, having first complied with the legislative principles for the allocation of seats. It is acknowledged that with three non-aligned Members, it is not possible to allocate a seat to all three, when complying with the legislative provisions above.
16. The nominees of the political groups to the committees and panels are detailed in Appendix 2. It should be noted that if Members seek to make any amendments, this may affect the calculations and subsequently the nominees.

Corporate plan priorities

17. The recommendations support the Council in delivering all corporate plan priorities by maintaining the Council's ability to function as a collective body in accordance with relevant legislation.

Options appraisal

18. Within the current decision making structure of a total of 84 seats, there is no mechanism to achieve a position which allocates 44 seats to the Conservative Group, whilst maintaining the overriding principle that as the majority group, it must hold the majority of seats on each individual committee/panel. Indeed, a fundamental review of the committee structure to adjust the total number of seats up or down from 84 is likely to also impact on the allocation of seats to other political groups.
19. The Council can choose to agree an alternative allocation that does not satisfy the proportionality requirements, providing that this is agreed without a single Member of the Council voting against.

Consultation undertaken

20. Consultation has been undertaken with the Council's Statutory Officers, the Portfolio Holder (Leader) and all other Group Leaders.

Financial and resource implications

21. There are no financial or resourcing implications arising specifically from this report.

Legal implications

22. The proportionality requirements, as outlined in the Local Government and Housing Act 1989 have been followed in reaching the recommendations.

Risk assessment

23. It is not deemed necessary to complete a formal risk assessment in respect of this procedural report.

Environmental / Climate and nature implications

24. There are no environmental or climate and nature implications arising directly from the review of political proportionality.

Equalities implications

25. There are no equalities implications arising, although the process of reviewing proportionality ensures that the democratically elected position of the Council is reflected in the Council's approach to committee and panel business.

Crime and disorder implications

26. There are none arising from this report.

Data protection / Information governance / ICT implications

27. There are none arising from this report.

Appendices

Appendix 1 – Table of allocations
Appendix 2 – Appointments to
Committees and Panels

Background Papers:

Local Government and Housing
Act 1989

Allocation of seats – committees and panels

Committee / Panel	Seats	Cons	Lib Dems	Inds	Greens	Non-aligned
Appeals Committee	13	7	4	1	0	1
Audit Committee	9	5	2	1	1	-
General Purposes and Licensing Committee	13	7	4	1	1	-
HR Committee	9	5	3	1	0	-
Planning Committee	13	7	4	1	1	-
Housing and Communities O&S Panel	9	5	3	0	0	1
Place and Sustainability O&S Panel	9	5	2	1	1	-
Resources and Transformation O&S Panel	9	5	3	1	0	-
Total	84	46 (+2)	25	7	4	2

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Committee and Panel Memberships

Appeals Committee (13 Members)

Conservative (7)	Liberal Democrat (4)	Independent (1)	Green (0)	Non-Aligned (1)
John Adams Alan Alvey Steve Clarke Allan Glass John Sleep Neil Tungate Christine Ward	Mark Clark Philip Dowd Colm McCarthy Phil Woods	Joe Reilly		Barry Dunning

Audit Committee (9 Members)

Conservative (5)	Liberal Democrat (2)	Independent (1)	Green (1)
John Adams Alan Alvey Kate Crisell Alan O'Sullivan Richard Young	Caroline Rackham Malcolm Wade	Jacqui England	Janet Richards

General Purposes and Licensing Committee (13 Members)

Conservative (7)	Liberal Democrat (4)	Independent (1)	Green (1)
Steve Clarke Allan Glass David Hawkins Dave Penny Alvin Reid Neil Tungate Richard Young	Jack Davies Philip Dowd David Harrison Colm McCarthy	Nigel Linford	Janet Richards

HR Committee (9 Members)

Conservative (5)	Liberal Democrat (3)	Independent (1)	Green (0)

Jill Cleary	Mark Clark	Joe Reilly	
Kate Crisell	Sean Cullen		
Steve Davies	Colm McCarthy		
Jeremy Heron			
Alan O'Sullivan			

Planning Committee (13 Members)

Conservative (7)	Liberal Democrat (4)	Independent (1)	Green (1)

Richard Frampton	Jack Davies	Joe Reilly	Janet Richards
Matthew Hartmann	Philip Dowd		
David Hawkins	Malcolm Wade		
Dave Penny	Phil Woods		
Barry Rickman			
John Sleep			
Christine Ward			

Housing and Communities Overview and Scrutiny Panel (9 Members)

Conservative (5)	Liberal Democrat (3)	Independent (0)	Green (0)	Non-aligned (1)

John Adams	Hilary Brand			John Haywood
Steve Clarke	Sean Cullen			
Kate Crisell	Patrick Mballa			
Richard Frampton				
Neil Tungate				

Conservative Subs (2)	Liberal Democrat Subs (2)

Allan Glass	Colm McCarthy
Barry Rickman	Alex Wade

Place and Sustainability Overview and Scrutiny Panel (9 Members)

Conservative (5)	Liberal Democrat (2)	Independent (1)	Green (1)
Allan Glass Matthew Hartmann Neville Penman Alvin Reid Steve Rippon-Swaine	Stephanie Osborne Malcolm Wade	Peter Armstrong	Adam Parker

Conservative Subs (2)	Liberal Democrat Subs (2)	Independent Subs (2)	Green Subs (1)
Steve Clarke Kate Crisell	Caroline Rackham Phil Woods	Nigel Linford Joe Reilly	Janet Richards

Resources and Transformation Overview and Scrutiny Panel (9 Members)

Conservative (5)	Liberal Democrat (3)	Independent (1)	Green (0)
Alan Alvey Alan O'Sullivan Barry Rickman John Sleep Christine Ward	Jack Davies Alex Wade Phil Woods	Jacqui England	

Conservative Subs (2)	Liberal Democrat Subs (2)	Independent Subs (2)
John Adams Alvin Reid	Philip Dowd David Harrison	Peter Armstrong Joe Reilly

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