

REPRESENTATIONS LIST

APPENDIX D

Application No: 055338

Application Date: 1 March 2023

Licence Type: Premises Licence WITH Alcohol

Licence No: PLWA0275

Application Type: Variation Application

Premises: Kilminster Cross Services

Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Applicant: Motor Fuel Limited

Gladstone Place, 36-38 Upper Marlborough Rd, St Albans, Hertfordshire, AL1 3UU.

Person making Representation: Devon & Cornwall Police

Licensing Department, Launceston Police Station, Launceston, Cornwall

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details:

From: NORSWORTHY Mike 57895

Sent: 13 March 2023 14:13

To: Licensing EDDC

Subject: FW: Kilminster Cross Service Station application to Vary Licence

Team,

Please see the below email trail regarding an agreed position I have come to with the applicants for the above licence variation. Accordingly I would like to make a representation under the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives to have the additional conditions detailed added to the licence should the variation be granted.

Cheers

Mike

Mike NORSWORTHY

Alcohol Licensing Officer (Teignbridge and East Devon)

From: NORSWORTHY Mike 57895

Sent: 13 March 2023 14:10

To: Tina Vlahovic

Subject: RE: Kilminster Cross Service Station application to Vary Licence

Hi Tina,

I am happy with your alternative wording, East Devon District Council requires me to submit a representation regarding any mediated agreed position I come to with applicants during the consultation process.

I will do that today, if you also wish to send your agreement to them just as confirmation that is no problem.

Kind regards

Mike

Mike NORSWORTHY

Alcohol Licensing Officer (Teignbridge and East Devon)

From: Tina Vlahovic

Sent: 13 March 2023 12:49

To: NORSWORTHY Mike 57895

Cc: Robert Botkai

Subject: RE: Kilminster Cross Service Station application to Vary Licence

Good Afternoon Mike

Thank you for your email below.

Our client has a network of over 900 licensed premises. We are instructed to keep licence conditions as consistent as possible.

We are instructed to agree the following by way of additional conditions:

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales.

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Induction training must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

2. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

3. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

Please confirm if this is agreeable. We will notify the licensing officer and will copy you in.

Kind Regards

Tina

Tina Vlahovic (She/Her)
Licensing Assistant

From: NORSWORTHY Mike 57895

Sent: 13 March 2023 11:35

To: Tina Vlahovic

Subject: Kilminster Cross Service Station application to Vary Licence

Dear Tina,

I am in receipt of your application for a Variation to the Premises licence at the above business. Having assessed the application, in order to further promote the Licensing Objectives, I would like to have the following amendments/additions made to the licence should it be granted. If you agree with the amendments/additions please reply to me as such, there is no requirement to contact the Local Authority to make any amendments to the application, when we have come to an agreed position, I will forward the agreement to the Local Authority who will make the necessary changes should the licence be granted.

You have applied to sell alcohol beyond midnight, as such I refer you to the East Devon District Councils statement of licensing Policy which states:-

"when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas."

In light of this, in addition to the conditions you have offered I would like the following conditions added to the licence should it be granted:-

UNDER THE PREVENTION OF CRIME AND DISORDER LICENSING OBJECTIVE:-

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- Recognising the signs of drunkenness.
- The operating procedures for refusing service to any person who is drunk, under-age or appears to be

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under-age, or appears to be making a proxy purchase.

vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12-month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

INCIDENT LOG

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Any faults in the CCTV system
- vi. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

UNDER THE PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE:-

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

Kind regards

Mike
Mike NORSWORTHY
Alcohol Licensing Officer (Teignbridge and East Devon)

Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Kilminster Parish Council
C/O Adrian Jenkins, Clerk to Kilminster Parish.

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance

Details:
From: Adrian Jenkins
Sent: 28 March 2023 13:14
To: Licensing EDDC
Subject: Premises Licence Variation Application reference No. 055338 - Kilminster Cross Services, Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB

Dear Licensing Team
East Devon District Council

Kilminster Parish Council wish to make the following representation in respect of the above premises licence variation application:-

Can you please acknowledge receipt of this email and representation.

Representation
055338 Variation Application for Premises Licence Kilminster Cross Services Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB]
Ward: Newbridges
Name of Applicant: Motor Fuel Limited
Premises Licence Variation Application to include
1. To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.
2. Provision of late-night refreshment between the hours of 2300 and 0500 daily.
3. To remove the conditions listed under Annexe 2.
4. To include in Annexe 2 the conditions in boxes b to e of Section 16 of the application.

Introduction

At a meeting of the Kilminster Parish Council on Monday 13th March it was resolved to object to the application 055338 extension of the licensing hours for the sale of alcohol and refreshments at Kilminster Cross Service Station.

Availability of alcohol in Kilminster at Present

The population of Kilminster is 830, with a profile of 43% aged 60 and over. There is already adequate provision for the sale of alcohol to the local community at the following premises:

- " The New Inn Public House
- " The Old Inn Public House
- " Londis convenience store, Kilminster Cross Service Station, existing licence 08:00 to 22:00 hrs.
- " Pit Stop Café at Kilminster Cross Service Station - alcohol within its restaurant.
- " Millers Farm Shop retail sales
- " Cranberries Luxury Hideaway
- " Kilminster Village Hall, alcohol sales during community events.

Therefore, there will be extremely little benefit to local residents for a new license to purchase alcohol between the hours of 22:00 and 05:00 in the morning.

Therefore, one assumes the target market must be:

- " A35 drivers passing through and their passengers,
- " Drivers and passengers from the extended area outside Kilminster, including Axminster, specifically driving to KCSS to make takeaway purchases.

Location of Kilminster Cross Services (KCSS)

The KCSS is in a rural village alongside a trunk road and has residential housing opposite and close by, including a neighbourhood plan development site for new housing for older people. School and church car parks are close by and have previously been used by late night drinkers and drug takers, beer cans and syringes left on the ground.

Prevention of crime and disorder / Prevention of public nuisance

Kilminster is fortunate to have minimal crime in recent years, with only isolated break-in incidents recently. However, at night, there is regularly antisocial behaviour from 'boy-racers' with noisy exhausts and screeching tyres. In the past they have occasionally used the school / church car parks to gather late at night, leaving beer cans and even some drug paraphernalia / syringes on the ground.

In the past KCSS operated from 06:00 to 22:00. The new owners now open 24hrs, this has not been received well by village residents as this has already resulted in:

- " increased nuisance overnight from customers, vehicle engines and exhausts, doors slamming, loud in car stereos particularly when vehicle doors are left open on the forecourt. At night background noise levels in Kilminster are low,
- " the bright forecourt lights disturbing neighbours and the local community, in an AONB area where we are trying to encourage a 'Dark Skies' programme. Kilminster has no street lights and bright all night security lights are discouraged.

If 24hr licenses are granted for refreshments and alcohol sales, it is likely to encourage 'the wrong kind of customers' from the surrounding area into the village throughout the night.

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Premises: Kilminster Cross Services

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Our research shows Axminster and Seaton have no 24hr alcohol off sales. Some customers will have been drinking previously at other venues, so their behaviour may not be entirely orderly. This will result in further increased noise, possible anti-social behaviour and increase the likelihood of drink driving and local crime.

Management of Customers

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

3.4 'noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives.'

We appreciate that to be economically viable and safe, most overnight forecourts operate with a single staff member locked inside the shop, serving through a kiosk window. We question if it will be possible at night, across the large site car park, for staff to effectively differentiate between the consumption of non-alcoholic refreshment (licence permitted), and alcohol consumption on site (not license permitted). Also, could one member of staff effectively manage noise, disruption or safety issues outside on the forecourt.

Public nuisance, noise, light pollution and litter

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

16.1 To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

As the license terms state customers should only consume the alcohol off site, this may result in village amenities, village hall/school car park, local lanes, A35 laybys, etc. being used as gathering places for alcohol consumption, drugs etc. These areas are not staffed at night. We already have had incidents in the morning of food litter, alcohol cans and even drugs paraphernalia and needles being found in the school car park.

This short video taken at 02:00 am (church clock can be heard 1:15 in background) on Tuesday 28th March 2023 demonstrates the noise problem of late night opening. And this is without a 24hr alcohol license. https://m.facebook.com/story.php?story_fbid=pfbid0SeTU9r7M9iNLL5X8YMc97ncLhKTAvaA3tQJZi2nwQmPNeYETmpyhuL24YeiytPvLI&id=1257125052

PLEASE NOTE - ADDITIONAL COMMENTS RECEIVED 29/03/2023 RELATING TO VIDEO CLIP - NOTES BELOW

From: Adrian Jenkins

Sent: 29 March 2023 19:58

To: Licensing EDDC

Subject: Re: Premises Licence Variation Application reference No. 055338 - Kilminster Cross Services, Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB

Dear Lesley

Thank you for your email confirming that the representation has been accepted.

Since your email at 16.41pm this afternoon we have been able to obtain the facebook clip we mentioned in a different format as an ordinary video clip.

Please find attached the video clip. We would ask that you include this in the Committee report as it clearly demonstrates the noise issue that the residents living opposite have to endure at present at 02:00 AM in the morning and this is without a 24 hour alcohol license in place.

This short video was taken at 02:00 am (church clock can be heard 1:15 in background) on Tuesday 28th March 2023. It needs to be viewed to the end in order to appreciate the number of cars with loud music playing and the lack of any action by the staff on duty at the garage to deal with this noise issue. We would say that this is not an isolated incident, it has happened several times since the garage started 24 hour service about 4 to 6 weeks ago.

Kind regards

Adrian

Adrian Jenkins

Clerk to Kilminster Parish Council

REP CONTINUES:

Promotion of public safety

As Devon and Cornwall Police inform us they are focusing on reducing drink driving, it would seem counter productive to offer 24hr alcohol sales alongside this trunk road; particularly as there are very few potential customers within walking distance, therefore most will be driving to the shop.

The A35 through Kilminster has a speed limit of 50 mph. Highways England accident reports show that in the village for the five year period 2015 to 2019, there were accidents involving 65 vehicles resulting in 3 fatalities, 52 casualties, 7 serious and 19 slight injuries. The many more non-serious accidents and near

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misses go unreported. At night exiting a bright forecourt onto unlit roads will require significant care, particularly when tourist families are traveling during the busy holiday periods.

Kilmington Parish Council discussions with Motor Fuels Group (MFG)

Kilmington Parish Council (KPC) initiated a meeting with the regional management of MFG to discuss our concerns. KPC is keen to work with and promote local businesses which provide employment and local services to our community. MFG have agreed to reconsider implementing 24hr alcohol sales and have said they will ask a contractor to examine the forecourt lighting to seek to reduce the light pollution.

Action Requested

Kilmington Parish Council ask that Licensing will not grant a license extension to the existing hours, which cease the sale of Alcohol at 22.00.

Kilmington Parish Council ask that Licensing limit the sale of late-night refreshment to cease at midnight.

Thank you.

END 250323

Adrian Jenkins

Clerk to Kilmington Parish Council

Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Peter Ball

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance

Details:
From: Peter Ball
Sent: 29 March 2023 14:25
To: Licensing EDDC
Subject: Representation 055338

Sirs,

Attached is my representation regarding the Licensing application 055338 Kilminster Cross Service Station.

Thank you
Peter Ball

Representation

055338 Variation Application for Premises Licence Kilminster Cross Services Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB]

Premises Licence Variation Application to include

1. To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.

2. Provision of late-night refreshment between the hours of 2300 and 0500 daily.

Action Requested

I ask that Licensing refuse to grant a license extension to existing hours, which cease the sale of alcohol at 22.00.

I ask that Licensing limit the sale of late-night refreshment to cease at midnight.

The new Government Anti-social Behaviour Action Plan, launched this week, 'sets out the importance of focusing on the needs of the victim and the local community':

" acts of anti-social behaviour are unacceptable.

" Local authorities will play an important role in tackling anti-social behaviour through prevention and enforcement using the range of powers and tools available to them.

Devon and Cornwall Police are now specifically focusing on reducing Anti-Social Behaviour, in addition to ongoing Drink Driving campaigns.

In view of the action above, it would seem totally counterproductive to extend the sale of alcohol to 24hrs, particularly alongside a trunk road in a small, quiet, rural village.

Prevention of crime and disorder / Prevention of public nuisance

There is already adequate provision for the sale of alcohol to the local small community at pubs, restaurants, and off-licenses. There will be extremely little benefit to local residents for a new license to purchase alcohol through the night 22:00 to 05:00 in the morning.

The extended licenses will target passing A35 drivers and their passengers and drivers and passengers specifically driving from outside Kilminster, including Axminster, to make takeaway purchases between 22.00 to 05.00.

Any increase in traffic during this quiet period will disturb residents in the housing located close to the services. Site staff will not be able to manage increased nuisance overnight from customers, vehicle engines and exhausts, doors slamming, loud in car stereos particularly when vehicle doors are left open on the forecourt.

Inevitably some customers will have been drinking elsewhere before visiting and this will increase the likelihood of anti-social behaviour and possibly crime. A single staff member locked behind a window will have no control over the offenders.

As alcohol must be consumed off the forecourt, school and church car parks close by could be used by late night revellers. These areas have previously been used by late night drinkers and drug takers, who have left beer cans and syringes on the ground. At night, there is regularly anti-social behaviour from 'boy-racers' with noisy exhausts and screeching tyres.

The forecourt open hours have recently been extended and all night bright flood lights already disturb neighbours, the local community and nature, in an AONB area with a 'Dark Skies' programme. Kilminster has no streetlights and bright all night security lights are discouraged.

Promotion of public safety

Devon and Cornwall Police inform us they are focusing on reducing anti-social behaviour and drink driving, therefore it would seem counterproductive to offer 24hr alcohol sales alongside this trunk road; particularly as there are very few potential customers within walking distance, therefore most will be driving to the shop.

The A35 through Kilminster has a speed limit of 50 mph. Highways England accident reports show that in the village for the five-year period 2015 to 2019, there were accidents involving 65 vehicles resulting in 3 fatalities, 52 casualties, 7 serious and 19 slight injuries. The many more non-serious accidents and near misses go unreported.

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Requested EDDC Action

I hope that East Devon District Council will understand my concerns and use the Licensing powers they have been granted as a tool to support the new Government Anti-Social Behaviour Action Plan. I believe if EDDC refuse to extend these licenses, this will prevent an increase in anti-social behaviour which, if alcohol was made available for 24hrs at this site, would be almost inevitable.

Thank you,
Signed,
Peter Ball



Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Nicola Bayley

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance, Children from Harm

Details:
From: Nicky Bayley
Sent: 29 March 2023 09:59
To: Licensing EDDC
Subject: A representation concerning Kilminster Cross Services ref:055338

I am writing to make a representation voicing my concerns regarding the application for a 24-hour alcohol licence being made by Kilminster Cross Services .
Although sitting alongside the A35, the Services is situated in a quiet rural area with the only potential customers able to realistically access it on foot being the residents of Kilminster. As we currently have Millers Farm Shop, Cranberries Resort & two Public Houses where we can purchase alcohol, plus a Co-op & late opening Tesco in Axminster, I cannot see the need for us to have a 24-hour off licence too. The Village has many elderly residents & young families, none of whom I can imagine taking advantage of being able to purchase alcohol late at night or in the early hours of the morning.
Any other prospective customers would have to reach the premises using a form of transport, which would suggest the potential for incidents of drinking & driving.
While it is understandable the Services wishes to provide food/beverages as well as fuel to drivers using the A35, I question the relevance of them also being able to buy alcohol at 3am???

Addressing each of the points for consideration separately my concerns are as follows...

1: Prevention of crime & disorder:

The residents of Kilminster are already victims of crime & antisocial behaviour. There is a certain demograph of society in the surrounding area who have a tendency to race their cars along the A35 & it is common knowledge that the Village Hall car park is regularly used as a meeting point for cars whose occupants are engaging in late night drug deals. I believe the 24-hour availability of alcohol from the Services will be a further draw to these people as it will be the only place trading throughout the night for many miles.
The Services state on their licence application that CCTV will be monitoring the premises inside & out to ensure the over 25 policy is adopted for alcohol sales & that no alcohol is consumed on the premises, but I question how easily these two points will be upheld with potentially only one member of staff of being on duty??
Also, if the purchasers of alcohol are not able to consume it on the premises, my concern is that they will go to another nearby location such as one of the Village car parks, the recreational ground, common or nearby quiet lanes / laybys to do this.

2: Public safety:

If crime or anti-social behaviour are taking place, this could put the safety of both the Services staff and other customers at risk, plus residents of Kilminster & other road users.

3: Prevention of public nuisance:

Although the Services state they will have bins both inside & outside, I very doubt much they will be used by all of the late-night customers, especially as they are not permitted to drink alcohol on the premises. Littering on our roadsides is sadly becoming more prevalent, the majority of which is cans, bottles & food wrappers & other detritus thrown from car windows. There are regular litter picks undertaken by residents of the Village to keep our nearby roads clean, but I'm certain littering will become more prevalent now the Services are open for 24-hours a day.
As stated before, I believe the Services will become a meeting point for certain groups of people from the surrounding area resulting in an increase in noise pollution from a general increase in traffic, plus revving car engines, slamming doors, loud music & shouting, plus continual light disturbance, in what is usually a dark & quiet residential area. This will be particularly invasive & distressing for those residents whose homes are directly opposite / in the immediate vicinity of the Services.

4: Protection of kids from harm

While it is presumed all children would be safely at home & in bed late at night, there is still a risk to children who may be travelling in a car at this time, either at the Services itself or on a nearby road, especially if there is an increase in drink driving / dangerous driving. Therefore, there is a potential risk of them becoming victims of a drink driving incident or some other form of irresponsible behaviour.
On this point I would like to add that it is not just children who need protecting from harm, but ALL people, irrespective of their age!

For the reasons I have stated above & as a resident of Kilminster Village, I fully object to Kilminster Cross Services being granted either a 24-hour alcohol licence or an extended hot food licence.
The Government has recently announced a crackdown on the anti -social behaviour that is sadly becoming more prevalent in our everyday lives. If these licenses are granted I truly believe they will encourage this behaviour rather than discourage it.

Whilst typing this email I've had bought to my attention a post on our Village Facebook group Kilminster Now [REDACTED], whose home [REDACTED] Kilminster Cross Services. It is a video taken at 2am showing cars on the forecourt with their engines revving & the occupants playing loud music & shouting, which shows why I am against the granting of a 24-hour alcohol licence.

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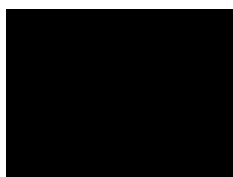
Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

If this is happening before it is granted, it will only become worse if it does!!!!

Yours sincerely

Nicola Bayley
(signed)

29th March 2023



Evidence:

Suggestion:

Application No: 055338

Premises: Kilmington Cross Services
Gammons Hill (A35), Kilmington, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Sian Plant

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance

Details:
From: Sian Plant
Sent: 28 March 2023 12:18
To: Licensing EDDC
Subject: 055338 Variation Application for Premises Licence Kilmington Cross Services

I wish to support the objections raised by Kilmington Parish Council to the application for a licence to extend the times in which they can sell alcohol and foods and in particular the request for a 24 hour alcohol licence made by Kilmington Cross Service Station.

I agree with all the points made in the attached document. Not only would this be of no benefit to the local community it is likely to be highly detrimental to it. The granting of such a licence would be entirely against the Government's stated object of reducing anti-social crime.

I trust the interests of the community will prevail against commercial greed.

Sian Plant

Representation
055338 Variation Application for Premises Licence Kilmington Cross Services Gammons Hill (A35), Kilmington, AXMINSTER, Devon, EX13 7RB]
Ward: Newbridges
Name of Applicant: Motor Fuel Limited
Premises Licence Variation Application to include
1.To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.
2.Provision of late-night refreshment between the hours of 2300 and 0500 daily.
3.To remove the conditions listed under Annexe 2.
4.To include in Annexe 2 the conditions in boxes b to e of Section 16 of the application.

Introduction

At a meeting of the Kilmington Parish Council on Monday 13th March it was resolved to object to the application 055338 extension of the licensing hours for the sale of alcohol and refreshments at Kilmington Cross Service Station.

Availability of alcohol in Kilmington at Present

The population of Kilmington is 830, with a profile of 43% aged 60 and over. There is already adequate provision for the sale of alcohol to the local community at the following premises:

- " The New Inn Public House
- " The Old Inn Public House
- " Londis convenience store, Kilmington Cross Service Station, existing licence 08:00 to 22:00 hrs.
- " Pit Stop Café at Kilmington Cross Service Station - alcohol within its restaurant.
- " Millers Farm Shop retail sales
- " Cranberries Luxury Hideaway
- " Kilmington Village Hall, alcohol sales during community events.

Therefore, there will be extremely little benefit to local residents for a new license to purchase alcohol between the hours of 22:00 and 05:00 in the morning.

Therefore, one assumes the target market must be:

- " A35 drivers passing through and their passengers,
- " Drivers and passengers from the extended area outside Kilmington, including Axminster, specifically driving to KCSS to make takeaway purchases.

Location of Kilmington Cross Services (KCSS)

The KCSS is in a rural village alongside a trunk road and has residential housing opposite and close by, including a neighbourhood plan development site for new housing for older people.

School and church car parks are close by and have previously been used by late night drinkers and drug takers, beer cans and syringes left on the ground.

See Supporting Plan giving location details at end of Sian Plants representation.

Prevention of crime and disorder / Prevention of public nuisance

Kilmington is fortunate to have minimal crime in recent years, with only isolated break-in incidents recently. However, at night, there is regularly antisocial behaviour from 'boy-racers' with noisy exhausts and screeching tyres. In the past they have occasionally used the school / church car parks to gather late at night, leaving beer cans and even some drug paraphernalia / syringes on the ground.

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Premises: Kilminster Cross Services

Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

In the past KCSS operated from 06:00 to 22:00. The new owners now open 24hrs, this has not been received well by village residents as this has already resulted in:

" increased nuisance overnight from customers, vehicle engines and exhausts, doors slamming, loud in car stereos particularly when vehicle doors are left open on the forecourt. At night background noise levels in Kilminster are low,

" the bright forecourt lights disturbing neighbours and the local community, in an AONB area where we are trying to encourage a 'Dark Skies' programme. Kilminster has no street lights and bright all night security lights are discouraged.

If 24hr licenses are granted for refreshments and alcohol sales, it is likely to encourage 'the wrong kind of customers' from the surrounding area into the village throughout the night. Our research shows Axminster and Seaton have no 24hr alcohol off sales. Some customers will have been drinking previously at other venues, so their behaviour may not be entirely orderly. This will result in further increased noise, possible anti-social behaviour and increase the likelihood of drink driving and local crime.

Management of Customers

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

3.4 'noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives.' We appreciate that to be economically viable and safe, most overnight forecourts operate with a single staff member locked inside the shop, serving through a kiosk window. We question if it will be possible at night, across the large site car park, for staff to effectively differentiate between the consumption of non-alcoholic refreshment (licence permitted), and alcohol consumption on site (not license permitted). Also, could one member of staff effectively manage noise, disruption or safety issues outside on the forecourt.

Public nuisance, noise, light pollution and litter

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

16.1 To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

As the license terms state customers should only consume the alcohol off site, this may result in village amenities, village hall/school car park, local lanes, A35 laybys, etc. being used as gathering places for alcohol consumption, drugs etc. These areas are not staffed at night. We already have had incidents in the morning of food litter, alcohol cans and even drugs paraphernalia and needles being found in the school car park.

This short video taken at 02:00 am (church clock can be heard 1:15 in background) on Tuesday 28th March 2023 demonstrates the noise problem of late night opening. And this is without a 24hr alcohol license. https://m.facebook.com/story.php?story_fbid=pfbid0SeTU9r7M9iNLL5X8YMc97ncLhKtAvA3tQJZi2nwQmPNerYETmpyhuL24YeytPvLI&id=1257125052

- PLEASE NOTE - THIS VIDEO IS THE SAME AS SUPPLIED BY THE PARISH COUNCIL

Promotion of public safety

As Devon and Cornwall Police inform us they are focusing on reducing drink driving, it would seem counter productive to offer 24hr alcohol sales alongside this trunk road; particularly as there are very few potential customers within walking distance, therefore most will be driving to the shop.

The A35 through Kilminster has a speed limit of 50 mph. Highways England accident reports show that in the village for the five year period 2015 to 2019, there were accidents involving 65 vehicles resulting in 3 fatalities, 52 casualties, 7 serious and 19 slight injuries. The many more non-serious accidents and near misses go unreported. At night exiting a bright forecourt onto unlit roads will require significant care, particularly when tourist families are traveling during the busy holiday periods.

Kilminster Parish Council discussions with Motor Fuels Group (MFG)

Kilminster Parish Council (KPC) initiated a meeting with the regional management of MFG to discuss our concerns. KPC is keen to work with and promote local businesses which provide employment and local services to our community. MFG have agreed to reconsider implementing 24hr alcohol sales and have said they will ask a contractor to examine the forecourt lighting to seek to reduce the light pollution.

Action Requested

Kilminster Parish Council ask that Licensing will not grant a license extension to the existing hours, which cease the sale of Alcohol at 22.00.

Kilminster Parish Council ask that Licensing limit the sale of late-night refreshment to cease at midnight.

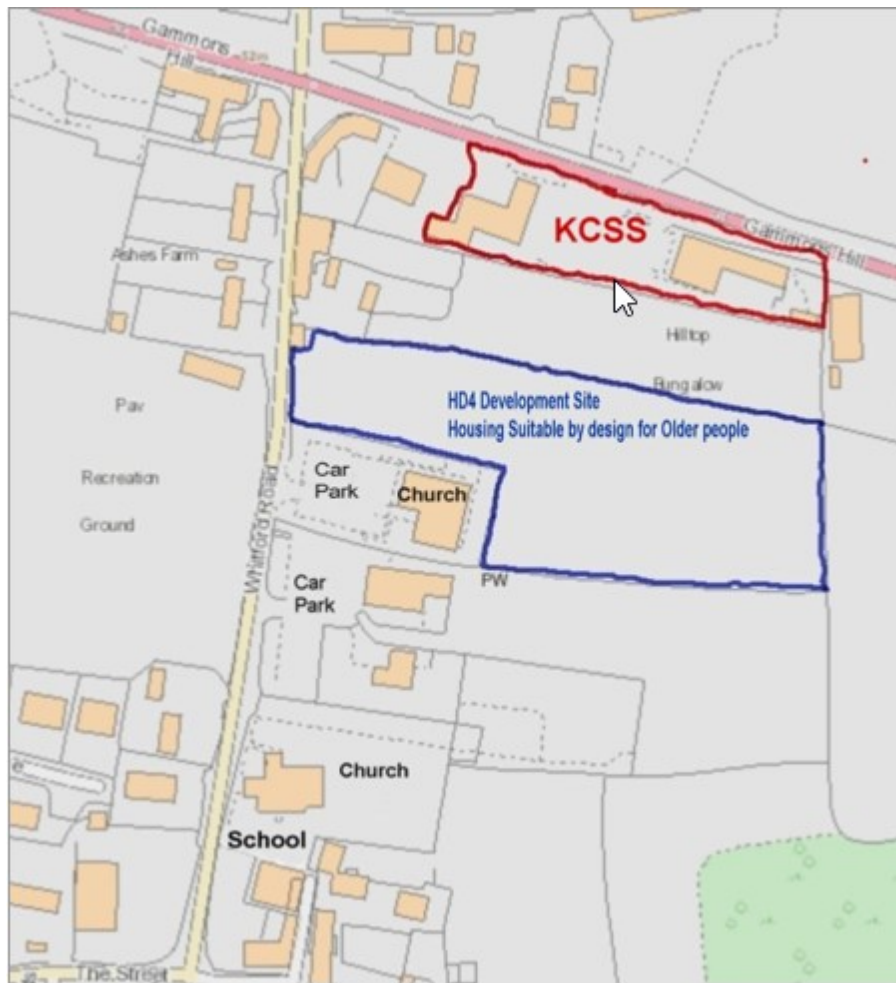
Thank you.

END 250323

Evidence:

Suggestion:

Location plan supporting Sian Plant's representation above



Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: David Simpson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:
From: David Simpson
Sent: 23 March 2023 18:31
To: Licensing EDDC
Subject: Licensing Application No 055338

We wish to object to the variation in the licensing application to 24 Hours at Kilminster Cross Services Station on the A35. We have lived here for almost 9 years.

We live [REDACTED] the filling station and would be [REDACTED] effected by the granting of this application. It is likely to cause considerable nuisance to ourselves at an unsociable time during night hours. Recent house building close to the junction means that the cross roads is now a significant residential area. Increasing the commercial business and their hours of operation, particularly the sale of alcohol is not at all appropriate. We have [REDACTED] there are a number of young children in the surrounding housing.

Currently, after 10.00 at night there are no street or business lights, this allows ourselves and the children to sleep relatively uninterrupted despite some traffic on the A35 road close by. We appreciate the dark skies policy that the parish council has for the village.

We already have the experience at weekends and during the week of joy-riding in the streets and unnecessary revving of vehicles outside the house and along the A35. This application if successful is most likely to exacerbate that problem. The opportunity of purchasing alcohol during night hours would be even more attractive for those, generally younger people who are bored and have no alternative out-of-hours activity, in the nearby town of Axminster.

David and Judith Simpson
[REDACTED]

Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Judith Simpson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: From: David Simpson
Sent: 23 March 2023 18:31
To: Licensing EDDC
Subject: Licensing Application No 055338

We wish to object to the variation in the licensing application to 24 Hours at Kilminster Cross Services Station on the A35. We have lived here for almost 9 years.

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David and Judith Simpson
[REDACTED]

Evidence:

Suggestion:
