

APPENDIX E

Kilmington Cross Services – Responses to Notice of Hearing

Applicant

Motor Fuel Limited	Response to 24/04 hearing	Response to 21/06 hearing
Hearing Unnecessary	-	No response received at time of writing report
Attending	No - requested change of date	
Supporting documents	-	
Summary of key points	-	

Other Persons

1.	Mr Peter Ball	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	No	No
	Attending	Yes and also representing Kilmington Parish Council as Chair.	Yes (states attending to represent views of Kilmington residents)
	Supporting documents	None	Minutes of Parish Council meeting (relevant sections attached to this appendix)
	Summary of key points	Prevention of Crime and Disorder Extending licensing hours is likely to increase the likeliness of crime and disorder. Research indicates alcohol is a fact in 392 of violent crimes in England and contributes to public disorder and anti-social behaviour.	Already submitted

	<p>A 24hr off sales will attract drivers from a wide area to buy alcohol through the night. It will increase consumption in village car parks and recreation areas.</p> <p>Public Safety One member of staff in a locked shop, serving through a window cannot manage customers in the immediate vicinity of an 80 long forecourt.</p> <p>Prevention of Public Nuisance 24hr alcohol sales will attract customers from a wide area, the noise of car doors slamming, shouting, car stereos, sports exhausts will create a public nuisance throughout the night and early hours of the morning. It is likely to increase the use of the village car park at the school/church for alcohol consumption creating noise and rubbish in the residential area.</p> <p>Protection of Children from Harm Children use the village car parks where rubbish and drugs rubbish are left at night.</p>	
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2.	Ms Nicola Bayley	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	Yes	No response received at time of writing report
	Attending	No Will be represented by Peter Ball	
	Supporting documents	None	
	Summary of key points	<p>Prevention of Crime and Disorder As the garage is only accessible on foot by residents of Kilmington, I fear other customers who want to purchase alcohol in the early hours may drink and drive. Local youths who drive their cars fast along the A35 will be</p>	

	<p>further encouraged to hang out at the garage along with the local dealer/users, increasing the likelihood of crime & disorder taking place in/around Kilmington. How easy will only one late night staff member control trouble?</p> <p>Public Safety If crime or antisocial behaviour are taking place at the garage this could put the safety of both their staff and other customers at risk. If it's taking place in the village, this potentially puts residents at risk. Drink driving/reckless driving obviously puts both other road users and pedestrians at risk.</p> <p>Prevention of Public Nuisance Despite the garage stating refuse bins will be available on-site, I foresee an increase in littering, especially as the drinking of purchased alcohol is not permitted on the site. I believe the garage will become a late night meeting point for local young people resulting in an increase in traffic, plus revving car engines, slamming doors, loud music and shouting. There will also be an increase in light pollution.</p> <p>Protection of Children from Harm There is a risk to the safety of children if they are travelling in a car in the vicinity of either drink or reckless driving.</p>	
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3.	Ms Sian Plant	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	No	No response received at time of writing report
	Attending	No	

Supporting documents	-	
Summary of key points	-	

4.	Mr David Simpson	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	Not received	No response received at time of writing report
	Attending	Not received	
	Supporting documents	Not received	
	Summary of key points	Not received	

5.	Mrs Judith Simpson	Response to 24/04 hearing (Key points attached to Nicola Bayley's response, no other information received)	Response to 21/06 hearing
	Hearing Unnecessary	-	No response received at time of writing report
	Attending	-	
	Supporting documents	-	
	Summary of key points	<p>Prevention of Crime and Disorder Opportunity to sell alcohol throughout the night sounds to me an invitation and opportunity for increased levels of drink driving and drunken anti-social behaviours in the forecourt and surrounding residential area.</p> <p>Public Safety Anything that increases the likelihood of people drinking and driving to and from the filling station very obviously increases the risks to all members of the public including nearby residents whatever the time of day or night.</p> <p>Prevention of Public Nuisance There is already increased public nuisance on the forecourt lighting throughout the night. There is also</p>	

	<p>ongoing nuisance/noise from drivers who rev their engines unnecessarily and sound their horns at totally unacceptable hours. 24hr availability of alcohol will exacerbate the problem!</p> <p>Protection of Children from Harm Our 2 young grandchildren sleep in rooms backing onto the filling station – increased levels of noise/light and nuisance will lend to disturbed sleep, when prolonged is a very real harm.</p>	
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6.	Kilmington Parish Council, C/O Adrian Jenkins (Clerk to Parish Council)	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	No	No
	Attending	Yes Represented by Peter Ball (Chair of Kilmington PC) As chair of Kilmington Parish Council, (Mr) Councillor Ball is aware of the views of residents in the village, existing anti-social behaviours and has met with managers of Motor Fuel Ltd. He will represent Kilmington Parish Council and the residents who have complained to the Parish Council.	Yes – Chair Peter Ball will attend
	Supporting documents	Yes –additional images and text – see text/images below Summary of Key Points on the next page.	
	Summary of key points	<p>Prevention of Crime and Disorder Extending hours of alcohol sales is likely to attract customers who have been drinking elsewhere. Research states that alcohol is a factor in around 392 of</p>	

	<p>violent crimes in England, as well as contributing to public disorder and anti-social behaviour. The premises is located on a trunk road which, arguably, may encourage drink driving in late night visitors.</p> <p>Public Safety One member of staff in a locked shop serving through a window cannot manage customers on a very large 80m forecourt. (East Devon Licensing Act 2003 Statement of Licensing policy 3.4)</p> <p>Prevention of Public Nuisance At night background noise is low and the village is dark. Extension will increase nuisance from customers, vehicle engines and exhausts, doors slamming, loud in-car stereo's when doors are left open. Customers will visit from a wide area and will use village amenities to gather and consume purchases. This will result in anti-social behaviour at a time when the national policy is to reduce problems. Forecourt lights defeat "Dark Skies"</p> <p>Protection of Children from Harm When customers use the school/village hall car park to gather and consume alcohol and refreshments they frequently leave litter and occasionally drugs paraphernalia and needles on the ground. Parents remove this to protect children attending morning school.</p>	
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Supporting Document from Kilmington Parish Council

055338 Variation Application for Premises Licence Kilmington Cross Services

Can one staff member locked in the shop, serving through a window, manage customers at night on a forecourt 80m long to: *‘ensure that customer behaviour does not cause offence or undermine the licensing objectives’?*

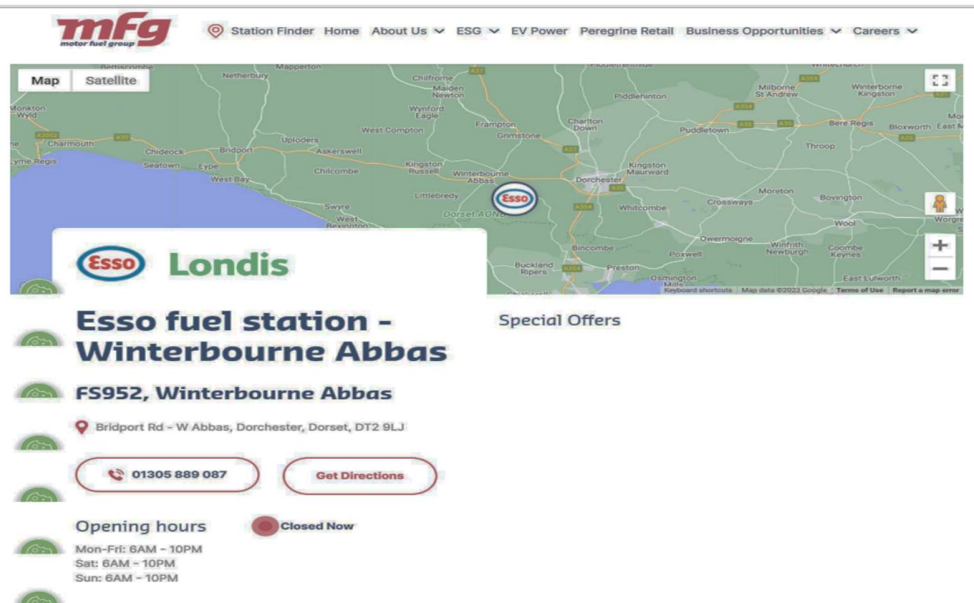
The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises: 3.4 *‘noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The authority will expect applicants and licence holders to have 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.’*



24hr Alcohol Sales are heavily promoted by MFG with banners and a large area of instore display. Alcohol is not ‘just another’ grocery line.



Below: The MFG station on the A35 at Winterbourne Abbas closes at 22.00.



**Minutes of the Parish Council Meeting 13/03/23 at which the Kilmington Cross Services application was discussed.
Relevant sections provided here:**

A number of residents spoke about Item 10 on the agenda (the Licensing Variation application for Kilmington Cross Services, Gammons Hill (A35), Kilmington,) and their objections to this application being granted.

They expressed their concerns about the Public Safety, the Public nuisance including the noise and light issues, possible and Crime and Disorder issues from the 24 hour sale of alcohol. The recently introduced 24 hour opening hours had already created public nuisance issues.

Councillors discussed this matter at length taking into account the representations made by residents in the Open session. Cllr. Seward proposed that the Parish Council object to the Licence variation on the grounds of Public Safety, Prevention of Public nuisance, Prevention of Crime and Disorder, seconded by Cllr. Collier, all in favour. The Clerk and Chair to submit a detailed representation of the objections to EDDC licensing.

