

# DRAFT

## KILMINGTON PARISH COUNCIL

### MINUTES OF THE PARISH COUNCIL MEETING ON MONDAY 3rd APRIL 2023 AT 7.30PM IN THE CRICKET PAVILION

**Present:** P. Ball (Chair), S. Huscroft, S. Seward,  
M. Collier, K. Veberth, J Mear, M. Jones, B. Trott

**In Attendance:** A Jenkins (Clerk/RFO),

**Members of Public:** 2

The Chair welcomed everyone to the Council meeting and outlined / reminded everyone of the Covid-19 measures which had been adopted for Council meetings.

### **OPEN SESSION**

No matters raised

### **COUNCIL BUSINESS**

- 1. To receive apologies for absence and to approve reasons given (LGA 1972 S.85 (1))**  
Cllr. A. Dare, DCC/EDDC Cllr. I. Chubb
- 2. To receive any declarations of interest relating to items outlined in this agenda (this does not preclude the duty to declare further interests as applicable)**  
None.
- 3. Minutes of the Meeting held on 13<sup>th</sup> February 2023**  
The minutes were declared a true record of the proceedings, proposed by Cllr. Seward seconded by Cllr. K. Veberth, all in favour.
- 4. Matters arising from the Minutes**
  - a) Cllr. Ball advised that the following detailed objection had been submitted to EDDC Licensing regarding the Licensing Application 055338 extension of the licensing hours for the sale of alcohol and refreshments at Kilmington Cross Service Station.

#### **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.

## Introduction

At a meeting of the Kilmington Parish Council on Monday 13<sup>th</sup> 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.

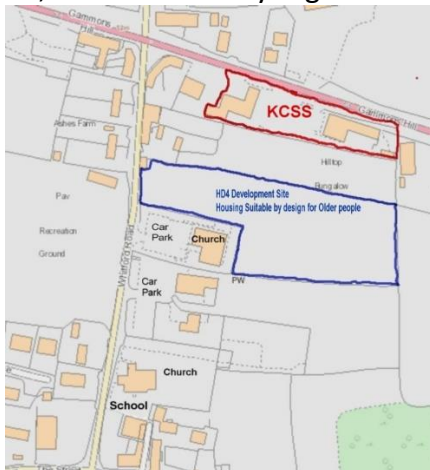
Therefore, one assumes the target market must be:

- 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.



### **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.

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 28<sup>th</sup> March 2023 demonstrates the noise problem of late night opening. And this is without a 24hr alcohol license.

### **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.

### **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.

- b) Cllr. Seward said that it appeared that Highways had not actually done any repairs to Gore Bridge and had merely put some hazard cones around it. The Clerk will contact to Dave Ashford, the Highways Officer.
- c) The Chair advised that the bricks and waste material which had been dumped in potholes and in the roadside ditch on Roman Road was still there.
- d) Judith Chapman, the Village Hall Chair had confirmed to the Clerk that the Parish Council's direct purchase of the battery equipment would not affect the Village Hall's ability to receive the payments for when they export excess energy to the grid.

## **5. Reports:**

### **a) Police**

The Clerk understood that the Police were revamping their website and the newsletters and crime information would be issued in a different format in future.

### **b) District and County Councillors**

Cllr. Chubb had submitted a written DCC report which the Clerk had forwarded to Councillors.

### **c) Clerk – Parish Council Elections May 2023**

The Clerk advised that he understood that 4 persons had submitted nomination forms so far but that he would not know until later in the week as to how many nomination forms had been received by EDDC and whether there will be a contested election or an uncontested election. He would advise everyone once EDDC issue the official notice.

### **d) Kilmington Neighbourhood /Warm Welcome Support**

Nothing to report

### **e) Highways Matters**

#### **1) 20 mph Speed limit submission to DCC**

Cllr. Ball said that he had not heard anything further from Devon Highways and will contact them again.

#### **2) Speed Watch Scheme**

Cllr. Seward advised that 6 volunteers had now received the training in addition to himself. They were now looking to agree with the Police the actual specified sites where the speed watch equipment can be used and the practicalities etc of use.

#### **3) A35 Meeting with National Highways**

Cllr. Ball advised that he had spoken to the new National Highways Officer in charge of the project and that they hoped to carry out the various walk throughs in the next few months. Cllr. Ball will keep in contact with them.

#### **4. Other matters**

With regard to the safety issue of the posts and railings on Silver Street, the Clerk advised that he had reported the matter to the Highways Officer who had been and inspected them. He had advised however that he did not consider them a safety defect. He had however offered to meet with the Clerk or a Councillor at the site in order to discuss the matter. Cllr Ball is to contact him to arrange the site meeting.

#### **f) Playground**

The Clerk advised that the RoSPA inspection had recently taken place and that he had met the RoSPA engineer. He was presently waiting for the written report.

#### **g) Trees**

##### **1) Tree Management Plan**

Councillors considered the draft Tree Policy that Cllr. Jones had submitted. Cllr. Collier proposed that the Council adopt this policy, seconded by Cllr. Trott, all in favour.

##### **2) Kilmington Common Management Plan**

Deferred to future meeting

#### **h) Footpaths Report**

The Clerk advised that he had received an email earlier in the day from Devon PROW advising that they had received a landowner's application to divert Public Footpath No. 1, Kilmington under s119 highways act 1980, the cost of which will be covered by the landowner. Devon PROW had asked if the Parish Council wished to make any comments. The Clerk said that he had spoken to the PROW officer and explained that the Council would not be able to consider the matter until it's meeting on the 15<sup>th</sup> May and would then submit it's comments.

Councillor's did briefly discuss the matter but deferred it to the meeting on the 15<sup>th</sup> May.

#### **i) Any Other Reports**

Cllr. Seward queried why the tax rates demand notices from EDDC showed that the Kilmington Parish Council required an increase of 0.5% when we had in fact not increased our precept from the previous year. The Clerk will ask EDDC to investigate this apparent error on their part and advise.

### **6. Correspondence**

None

### **7. Finance**

#### **a) Current Financial Position**

The Clerk advised that the present balance in the Lloyds Account was £21,209.55

This did not include any payments to be approved at this meeting on the 13th March 2023.

NSI Account	£42,397.33
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Santander Account	£ 1,095.66
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#### **b) Expenditure to be ratified**

1) Purchase Order placed with HAGS for works required on playground equipment - £1,688.40

2) Purchase Order placed with HAGS for bi-annual operational inspection - £204.00  
Ratification proposed by Cllr. Collier, seconded by Cllr. Trott, all in favour.

**c) Expenditure to be approved for which bills have been received**

- 1) Payments to A. Jenkins for the Clerk's net amount of salary after tax/NIC deduction for the month of April 2023 (30/03/2023 to 27/04/2023) and to HMRC for the appropriate amount based on a gross salary amount of £392.96.
- 2) Payment of £38.00 to Kilmington Playing Fields Committee for room hire on 09-01-2023 and 13-02-2023.
- 3) Payment of £90.00 to HAGS for Engineer's site inspection on 6<sup>th</sup> March 2023 of playground equipment and works required
- 4) Payment of £10,283.70 to Total Renewable Solutions for purchase of the battery equipment for the Village Hall PV project.
- 5) Payment of £253.81 to DALC for 2023/24 membership renewal fees.

Payments proposed by Cllr. Trott, seconded by Cllr. Collier, all in favour.

**d) The King's Coronation Celebration**

Cllr. Ball gave an update on the planned celebrations

**e) Quotations for purchase of picnic bench and plaque to mark the King's Coronation.**

The Clerk advised that he had obtained 3 quotations for a recycled plastic picnic bench. The lowest quote was from DCW Polymers, a local company based in Exeter who would be able to supply a bench with a bespoke brass plaque and deliver it ahead of the Coronation Day. Their quotation was for £449.40 incl. VAT. Cllr. Seward proposed that the Council proceed to order and purchase this bench for delivery ahead of the Coronation Day, seconded by Cllr. Mear, all in favour.

**f) Assets Register review**

Cllr. Ball and Cllr. Seward undertook to carry out a review of the items on the Assets Register and supply the Clerk with an updated list of the Assets, their exact locations and photographs. The Clerk queried who owned the War Memorial as it was not mentioned on the Asset Register and as such did not appear to be owned by the Parish Council. Cllr. Seward believed that it was owned by the Parish Council but undertook together with Cllr. Ball to check the historic documentation relating to the War Memorial and whether it had been formally adopted by the Parish Council. They will advise the Clerk.

**g) Insurance Policy – consideration and completion of pre renewal questionnaire pre renewal questionnaire**

The Clerk advised that he would complete this questionnaire once he had received the reviewed asset register in order that the sums insured for the various assets could be considered.

**8. Planning Applications:**

None

**9. Risk Management Plan**

Deferred to next meeting

**10. Agenda Items for Next Meeting**

None

**11. Date and Time of Next Meeting**

Annual Council meeting – 15<sup>th</sup> May 2023 at 6.30pm

Annual Parish Meeting – 15<sup>th</sup> May 2022 at 7.45pm

Meeting closed at 9.40pm