

Agenda for Licensing and Enforcement Sub Committee

Wednesday, 30th July, 2025, 9.30 am

Members of Licensing and Enforcement Sub Committee

Councillors: K Bloxham (Vice-Chair), O Davey and J Whibley (Chair)

Venue: Council Chamber, Blackdown House, Honiton

Contact: Sarah Jenkins;

01395 517406 email Sarah.Jenkins@eastdevon.gov.uk

(or group number 01395 517546)

Tuesday, 22 July 2025



East Devon District Council
Blackdown House
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Honiton
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- 1 Minutes of the previous meeting (Pages 3 - 5)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Matters of urgency
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 6 Application for a REVIEW of a Premises Licence under Section 51 of the Licensing Act 2003 - The Anchor Inn, Old Fore Street, Sidmouth EX10 8LP (Pages 6 - 154)

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 18 June 2025

Attendance list at end of document

The meeting started at 9.30 am and ended at 11.49 am

1 Matters of urgency

There were no matters of urgency.

2 Minutes of the previous meeting

The minutes of the previous meeting held on 2 April 2025 were agreed and signed as a true record.

3 Declarations of interest

There were no declarations of interest.

4 Confidential/exempt items

There were two items which officers recommended should be dealt with in this way at minute numbers 6 and 7.

5 Exclusion of press and public

RESOLVED:

That under Section 100 (A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out in the agenda, is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B).

6 Hackney carriage driver suitability

The purpose of the item was to determine whether the person named in the report is a fit and proper person to continue to be licensed as a Hackney carriage driver in line with legislative and policy requirements.

The Chair introduced the members of the Sub Committee and the officers in attendance.

The driver and a supporting person were in attendance.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, presented the report and outlined the background to the application and the reasons as to why it had come before the Sub Committee.

The Licensing Officer responded to questions from members.

The driver had no questions for the Licensing Officer.

The driver addressed the Sub Committee and presented their case. In response to a question from the Chair, the driver confirmed that they had had sufficient time to make their case.

The driver then responded to questions from members. The supporting person also responded to questions where appropriate to do so.

The Chair thanked the driver and the supporting person for attending and advised that the Sub Committee would retire to make its decision which would be notified in writing within five working days.

The driver and supporting person left the meeting.

7 Application for consent to street trade

The purpose of the item was to determine an application for street trading consent.

The Chair introduced the members of the Sub Committee.

A representative for the applicant was in attendance.

Two objectors to the application were present.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, outlined the background to the application and the reasons why it had come before the Sub Committee.

The Licensing Officer responded to questions from members of the Sub Committee and a question from one of the objectors.

The representative for the applicant presented the applicant's case.

The representative for the applicant responded to questions from members of the Sub Committee.

There were no questions from the objectors for the applicant's representative.

One of the objectors presented their case and left the meeting.

The second objector presented their case and responded to a question from the Sub Committee.

The applicant's representative made a final statement and responded to further questions from the Sub Committee.

The Chair thanked the applicant's representative and the objector for attending and advised that the decision would be notified in writing within five working days.

Attendance List

Councillors present:

I Barlow
K Bloxham (Chair)
T Dumper (Vice-Chair for this meeting)

Councillors also present (for some or all the meeting)

Y Levine

Officers in attendance:

Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor
Emily Westlake, Licensing Officer
Zoe Jones, Licensing Officer
Shannon Manning, Licensing Officer
Lee Staples, Licensing Officer

Councillor apologies:

Chair

Date:

Report to: Licensing and Enforcement Sub Committee

Date of Meeting 30 July 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Application for a REVIEW OF A Premises Licence under Section 51 of the Licensing Act 2003

Report summary:

The report summarises an application to review a premises licence.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the committee consider an application for a review of the following premises licence:
PLWA0408 The Anchor Inn, Old Fore St, Sidmouth EX10 8LP.

Reason for recommendation:

To comply with statutory processes

Officer: Lesley Barber, Licensing Officer, lesley.barber@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☐ Communications and Democracy
- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☒ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information:

[EDDC Statement of Licensing Policy 2021-2026](#)

[Licensing Act 2003 Guidance issued under Section 182](#)

APPENDIX A – Review application

APPENDIX B – Review application – supporting documents & statements

APPENDIX C – PLWA0408 Premises Licence

APPENDIX D– Premises Plan

APPENDIX E– Location map & photos

APPENDIX F – Environment Health Officer Report

APPENDIX G – Representations List

APPENDIX H – Responses to Notice of Hearing

APPENDIX I - S182 Guidance (reviews)

APPENDIX J – Noise Management Plan

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ A supported and engaged community
 - ☐ Carbon neutrality and ecological recovery
 - ☐ Resilient economy that supports local business
 - ☐ Financially secure and improving quality of services
-

Report in full

1 Description of Review Application

- 1.1 The Licensing Authority has received an application from a member of the public for a review of the premises licence under Section 51 of the Licensing Act 2003 at The Anchor Inn, Old Fore St, Sidmouth. The application has been submitted by a member of the public.
- 1.2 The Anchor Inn is located in the centre of the town, in a mixed business and residential area. It is in close proximity to Market Square.
- 1.3 The application is provided at **APPENDIX A**.
- 1.4 The applicant has provided a number of documents in support of the review application. These are provided at **APPENDIX B**. These include:
 - review covering letter from the applicant to the Premises Licence Holders
 - statements and supporting documents & photos from the applicant
 - statement from Suzanne Jones
 - statement from Abigail Barker
 - statement from Cynthia Watson
 - statement from Lawrence King
 - statement from Harry Hopworthy
 - statement of Kathryn Spencer
 - statement of Stephen Spencer
 - statement of Mary Whitfield
- 1.5 In accordance with Section 51(3)(a) of the Licensing Act 2003 the applicant has served a copy of the application on the Premises Licence Holder and on all responsible authorities.

- 1.6 The Licensing Authority has complied with the requirements of Section 51(3)(b) of the Licensing Act 2003 by advertising the review application at the premises and by displaying a copy of the notice at the East Devon District Council offices and on the licensing pages of the East Devon District Council's website.
- 1.7 The purpose of the notice is to give others the opportunity to join the review application.
- 1.8 The review is submitted in relation to the 'prevention of public nuisance' licensing objective.
- 1.9 The review relates specifically to events that take place at the premises during the annual Sidmouth Folk Festival event. This is an eight day event, Friday to Friday inclusive, usually taking place during the first week of August. The 2025 Folk Festival will take place 1st August to 8th August.
- 1.10 A summary of the grounds on which the review application is made:
- Music noise levels from the daily/nightly Folk Festival events taking place in the beer garden to the rear of The Anchor, are affecting neighbouring properties adjacent to the premises.
 - Dray work being carried out after 23:00 is causing a disturbance to adjacent properties. The applicant is seeking a formal licence condition, restricting dray work in the vicinity of bordering properties, limiting this to between 18:00 – 21:00 daily.

2 Premises Licence Information

- 2.1 Premises licence PLWA0408 exists at The Anchor Inn, Old Fore St, Sidmouth.
- 2.2 The full premises licence is provided at **APPENDIX C**.
- 2.3 The premises licence holders are Denise Theresa FUDGE and Trevor John FUDGE.
- 2.4 The Designated Premises Supervisor is Trevor John FUDGE.
- 2.5 Both Mr Fudge and Mrs Fudge hold personal licences, issued by this Licensing Authority in 2005, becoming valid on commencement of the current Licensing Act. Personal Licence were obtained under the 'grandfather rights' system which permitted an existing licensee under the Licensing Act 1964 to convert this status to a personal licence.
- 2.6 The Anchor Inn premises licence was converted from the previous licensing regime (Licensing Act 1964) and granted by the Licensing Authority taking effect on the first appointed date of 24 November 2005.
- 2.7 The premises plan is provided at **APPENDIX D**. The area to the rear of the premises, referred to as the 'beer garden' within this report is shown as the 'car park' area on the plan.
- 2.8 Licensable activities are permitted in the areas outlined in red on the plan. The areas include the building ground floor, building first floor and an area surrounding the building which includes the rear beer garden and a smaller external area to the front of the building currently used for tables and chairs.
- 2.9 A location plan is provided at **APPENDIX E**, showing the location of the premises along with the location of relevant residential premises.
- 2.10 The following licensable activities are permitted:

- a) performance of live music (indoors and outdoors)
- b) playing of recorded music (indoors and outdoors)
- c) supply of alcohol for consumption ON and OFF the premises

2.11 The licence permits the performance of live music and the playing of recorded music between the hours of 10:00 and 23:00. Indoors and Outdoors.

2.12 As a result of deregulatory changes that have amended the Licensing Act 2003, no licence is now required for a number of activities. Including:

Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500

Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500

2.13 In practice this deregulation means that, providing the audience does not exceed 500, the performance of any live music within the beer garden during the folk festival events, between 08:00 and 23:00 is not a licensable activity. Any current licence conditions specifically related to this entertainment are 'suspended'. However, should the audience exceed 500 at any time then the activity is once again licensable and conditions would apply.

2.14 Section 177A of the Act does however make provision for such a suspension of these conditions to be lifted and/or further conditions added by the Licensing Authority, on a review of the premises licence.

Of particular relevance to Live music, the current premises licence contains the following conditions within Annexe 2:

50. The designated premises supervisor, or such person so authorised by him, will control the volume of music or other apparatus used.

51. A noise limiter device capable of being sealed to be installed and monitored to the satisfaction of the Council's Corporate Director - Communities

2.15 With respect to the licence condition proposed by the applicant to restrict dray work 18:00 to 21:00hrs daily, no current conditions exist on the licence and as such the premises are not currently restricted by the licence as to when they can undertake this work.

2.16 The premises licence contains a number of conditions that are specific to these particular premises. They are detailed at Annexe 2 within the premises licence at **APPENDIX C**. It is noted however that a number of these conditions could now be regarded as obsolete as they relate to matters now covered under separate legislation. Conditions relating for fire safety, for example.

2.17 Such conditions remain in place on the licence since there is no mechanism within the Act for these to be automatically removed. Such conditions could potentially be removed by way of a minor variation application, submitted by the Premises Licence Holders, should they wish to do so. This would have the effect of 'tidying' the licence conditions.

3 Statutory Bodies' Response

3.1 Devon & Cornwall Police

Comments received from Police Licensing Officer on 12/06/2025: I have checked our systems and I have no reason to offer any representations to this application

3.2 Devon & Somerset Fire & Rescue Service

Comments received from Fire Safety Inspector on 04/07/25:

I have been in contact with the premises and a fire safety check is scheduled for next week. The responsible person is aware that the premises requires a fire risk assessment and has had one undertaken for the premises.

Further notification received from the Fire Safety Inspector on 15/07/2025 advising that the following information had been forwarded to the premises, following a fire safety check on 11th July:

I am pleased to advise you that a reasonable standard of fire safety was evident in the areas that were sampled.

You should note that this was not a comprehensive check of all your fire safety arrangements and that you have an on-going responsibility to carry out periodic reviews of your fire risk assessment.

3.3 Area Child Protection Committee and Local Safeguarding Children Board

No representations.

3.4 Devon Trading Standards

No representations.

3.5 East Devon District Council, Environmental Health Service

A statement from the Environmental Health Officer, is provided at **APPENDIX F**.

3.6 East Devon District Council, Planning & Countryside Service

No representations.

3.7 Primary Care Trust

No representations.

3.8 Home Office

Comments received from Immigration Enforcement Licensing Compliance Team on 16/06/2025: Having checked Home Office databases, I was unable to find any immigration related offences. Therefore, on this occasion Home Office will not be making any representation.

4 Premises Licence Holders'(PLH) Response to Review Application

4.1 The PLHs have responded to the review application. The response includes:

- Statement including suggested Noise Management Plan (NMP)
- Extracts from the business facebook page – community feedback
- Letter from the contracted security provider
- Petition signed by individuals in support of the folk week live music at the premises

4.2 The PLH response is provided in full within the representations list at **APPENDIX G**.

4.3 The NMP, which the Premises Licence Holders are offering to put in place for the duration of the Sidmouth Folk Festival event is provided again on a separate document (for ease of reading) at **APPENDIX J**.

5 Additional Representations Received

5.1 Two additional representations have been received. These are provided at **APPENDIX G**.

- 5.2 Both of these additional representations are from residents (one living close to the premises and one living in Sidbury) in support of the folk festival entertainment provided in the beer garden at The Anchor.

6 Responses to Notice of Hearing

- 6.1 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX H**.
- 6.2 The applicant has submitted additional comments, including his responses to the representations made and a proposal to amend the Noise Management Plan offered by the Premises Licence Holders. **(APPENDIX H)**

7 Relevant Licensing Policy Considerations

- 7.1 Paragraph 4.4.1 states: A Responsible Authority and any other person can, at any time following the grant of a premises licence or club premises certificate, apply to the licensing authority to review the licence/certificate because of concerns arising at the premises which may have an adverse impact on any of the licensing objectives. The authority regards this as a valuable protection for residents and businesses. Applications for a review must be made in writing and will be considered by a Licensing Sub Committee at a hearing.
- 7.2 Paragraph 4.4.2 states: Any application for a review should be treated seriously. Responsible authorities will aim to give licensees early warning of any concerns identified at a premises, and talk to the licence or certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. Similarly those seeking a review and are not a responsible authority are encouraged to take initial steps. For example:
- asking the licensing authority to talk to the licence holder on their behalf
 - asking their local MP or Councillor to speak to the licence holder on their behalf
 - talking to the relevant responsible authority (for example Environmental Health in relation to noise nuisance or the police in relation to crime and disorder) to establish whether there is other action that can be taken to resolve the problem.
- 7.3 Paragraph 4.4.3 states: The review process is not intended as a means of challenging the grant of a licence following the failure of representations to persuade the licensing authority on an earlier occasion. No more than one review from a person other than a Responsible Authority will be entertained in relation to a particular premises within a period of twelve months on similar grounds, save in compelling circumstances (for example where new problems have arisen) or where it arises following a closure order made under s.160 or s.161 of the Act.
- 7.4 Paragraph 4.4.4 states: When considering a review of a premises licence or club premises certificate, the authority will expect the applicants for the review to provide evidence of infringements of licensing regulations, failure to comply with licence conditions and/or of failure to promote the licensing objectives.
- 7.5 Paragraph 4.4.5 states: Following a review, the authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available to the authority are:
- to modify the conditions of licence
 - to exclude a licensable activity from the scope of the licence
 - to remove the designated premises supervisor
 - to suspend the licence for a period of not more than three months
 - to revoke the licence
- 7.6 Paragraph 4.4.6 states: In cases where the crime and disorder objective has been undermined or where it can be demonstrated that a premises has a history of persistent offending, suspension or revocation of a licence, even in the first instance, may be seriously considered as a form of deterrence.

8 Guidance issued under Section 182 Licensing Act 2003 (revised February 2025)

- 8.1 A link to the full Section 182 Guidance document is provided at the beginning of this report.
- 8.2 The Section 182 Guidance offers guidance regarding a review of a premises licence. The relevant paragraphs 11.1 – 11.24 are provided at **APPENDIX I**.
- 8.3 Licence reviews: Live and recorded music
At section 16.55 the guidance states: on a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

9. Observations

- 9.1 No complaint has been made directly to the Licensing Authority regarding the matters disclosed in the review application.
- 9.2 No Responsible Authority has submitted representations in support of this review.
- 9.3 It is noted that the Premises Licence Holders (PLHs) have offered a Noise Management Plan (NMP) (**APPENDIX J**) to formalise the arrangements in place during the folk festival event.
- 9.4 As part of the NMP is it set out that:
'Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous noise level emanating from music on the premises, when measured at the boundary of any noise sensitive property over any 15-minute period with entertainment taking place, will be controlled not to exceed 70 dB (LAeq15min)'. The applicant has responded with a recommendation that this should 65 dB (LAeq15min).
- 9.5 With regard to the dray work, the PLHs have set out in their NMP that *'a new designated fenced area of the business will be used for empty barrel storage. This is located away from noise sensitive receptors'*. It is understood that the area in question is in the far corner of the beer garden. It can be seen in 'photo 9' and 'photo 3' at **APPENDIX E**.

Legal Advice

- 1 The Licensing Authority must determine the application in accordance with Section 52 of the Licensing Act which outlines the circumstances whereby a hearing is required and the options available to the committee when determining the application.
- 2 Section 52(4) sets out the steps available to the committee as follows:
(a) to modify the conditions of the licence;
(b) to exclude a licensable activity from the scope of the licence;
(c) to remove the designated premises supervisor;
(d) to suspend the licence for a period not exceeding three months;
(e) to revoke the licence;
(and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- 3 Section 52(11) states: a determination under this section does not have effect –

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

4 Any appeal must be made to the Magistrates' Court within 21 days from the date of notification of the decision.

5 **Human Rights Act 1998**

- 5.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.
- 5.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 5.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 5.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 5.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

Financial implications:

The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

Legal implications:

The legal framework is set out within the report and requires no further comment.

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Steven Chalkley

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Anchor Inn, Old Fore Street,

Post town Sidmouth

Post code (if known) EX10 8LP

Name of premises licence holder or club holding club premises certificate (if known)

Trevor Fudge

Denise Fudge

Number of premises licence or club premises certificate (if known)

PLWA 0408

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible /
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

/

(for example, Rev)

Surname

CHALKLEY

First names

Steven Richard

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance /
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The grounds for review relate to the prevention of public nuisance. Music noise levels from the daily/nightly Folk Week events at the rear of the Anchor Public House cause a public nuisance from 1130 hours to 2300 hours and beyond to neighbouring properties adjacent to the premises affecting the mental wellbeing of residents.

Music noise level guidelines from the Noise Council Code of Practice on Environmental Noise Control at Concerts are being ignored which allows for a disturbance to be caused to adjacent properties causing annoyance to several residents. The noise limits set in Section 3.1 Table 1 for Concert Days are clear and unambiguous. The event noise at the Anchor occurs over **8 consecutive days from 11.30am to 11.00pm**. Authorities are allowing MNLs at a level set for 1 to 3 Concert days per year these are in excess of the guidelines and cause a public nuisance. MNLs for performance days of concerts over 4 to 12 days should be applied to the licence.

Dray work has been carried out after 11pm to beyond midnight every night causing a disturbance to adjacent properties with residents unable to sleep. Following a letter from residents in December 2023 and a meeting with EDDC Environmental Health the Landlord agreed not to stack empty barrels against adjacent properties at these times. Conditions to control the hours of dray work adjacent to the rear of [REDACTED] should be added to the licence to prevent disturbance to present and future residents by present and future premises licence holders. Dray work in the vicinity of bordering properties should be restricted from 6pm to 9am daily.

Statements from 9 residents are included with this application.

Please provide as much information as possible to support the application (please read guidance note 3)

Excessive noise has been a problem ever since the venue has been hosting FW activities with music noise levels getting louder in subsequent years. Immediate neighbours and I made representation to EDDC in 2014/15 – regular weekend music nights during summer months were curtailed leaving 8 continuous performance days for FW and an agreement by the DSP to reduce noise levels. Music Noise Levels and noise from customers has gradually increased in the years since then.

Music noise levels exceed the levels stated in guidelines of the Noise Council in their Code of Practice on Environmental Noise Control at Concerts (1995) for performance days of between 4 and 12 days. The FW activities are over 8 consecutive days. EDDC state they are guided by Noise Council guidelines. Failure to enforce the MNLs is causing disturbance and misery to nearby residents.

Additional neighbours have since discussed these noise issues between themselves and all have agreed that this needs to be resolved. I have agreed to be the spokesperson in the representations to EDDC on their behalf.

I wrote to the Environmental Health Officer in September 2023 and subsequently requested that recording equipment be made available for FW 2024 so that this matter could be dealt with. No recording equipment was subsequently provided.

On behalf of residents, I wrote to the DSP on 14th December 2023 explaining our concerns. I did not receive a response.

After an exhaustive 2 years of correspondence between myself and the assigned Environmental Health Officer – Mr Ian Winter – issues still remain.

Statements of the following residents are attached :-

Steven Chalkley.

Mrs Cynthia Watson.

Mr Stephen Spencer.

Mrs Kathy Spencer.

Mr. Lawrence King.

Ms Suzanne Jones.

Mrs Mary Whitfield.

Mr. Harry Hopworthy.

Miss Abigail Barker.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them.

Representations to EDDC regarding excessive noise during Folk Week were first made in writing on 23.6.14. EDDC officer dealing – Mrs J.Wheller – considered a licence review committee but in the end decided to deal by informal agreement as she stated she “Preferred to do it that way”. Immediately after the so called agreement, of which there is no record, the officer agreed to allow a 5dB increase in MNL without referring this to complainants.

Music levels have increased during subsequent music events.

Please tick ✓

yes /

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Signed – S.R.Chalkley.

.....

Date 9th June 2025

.....

Capacity Applicant.

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

.....

Post town

.....

Post Code

.....

Telephone number (if any)

.....

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

.....

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

COPY OF LETTER SENT 5/6/25

Mr.S.R.Chalkley.



Mr & Mrs T.Fudge.
The Anchor Inn
Old Fore Street
Sidmouth EX10 8LP

5th June 2025



Dear Mr & Mrs Fudge,

Excessive Music Noise during Folk Week Performances Anchor Beer Garden.

As you are aware, your neighbours in residential properties bordering and adjacent to your premises, have been suffering from the excessive noise from the outside performances in your beer garden during Folk Week. We have tried to find an acceptable resolution to this issue with yourselves with the assistance of the Licensing/Environmental Health Dept. of EDDC but, sadly the problem persists with increased volume levels at night.


The Environmental Health Officer dealing with this matter has suggested that a licence review committee could be the way forward to which several residents are in agreement. I have volunteered to be the spokesperson for the residents and will collate evidence and represent them.

Please find enclosed copies of the necessary application form and evidential statements of 9 residents. A similar bundle has also been forwarded to the Licensing Officer.

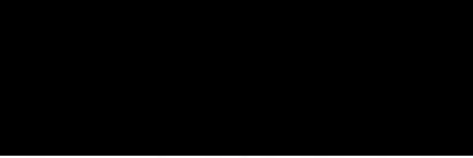
Yours sincerely,



(Enclosures)

Statement of: Steven Richard CHALKLEY. 

Date: 7th November 2024

Signature ... 

I am the above named person and live at the address overleaf. Further to my statement dated 4th November 2024 I produce copies of an email trail between myself and EDDC EH Officer I. Winter and myself from 13th August 2024 and 10th October 2024 as exhibit SC8 and a copy of the EDDC Environmental Procedure (Noise Investigation – Commercial Premises) Approved. Issued September 2013 as exhibit SC9.

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2/2

RE: Folk Week Noise from The Anchor Inn - Sidmouth

SC8

From: Ian Winter [REDACTED]

To: [REDACTED]

Date: Thursday 10 October 2024 at 08:56 BST

Dear Mr Chalkley,

In reference to your questions:

I do not know when the guidelines of COPENCC began to be used to determine the MNLs for Sidmouth Folk Week events but the attached EDDC Procedure was issued back in 2013 which makes reference to the guidance.

I have not been able to reference any other information on what committee, forum or group made this determination with regard to COPENCC 1995 in relation to Sidmouth Folk Week.

Kind Regards

Ian

Ian Winter MSc, REnvH
Environmental Health Officer

Environmental Protection Team
Environmental Health
East Devon District Council

[REDACTED]
Switchboard: 01404 515616



www.eastdevon.gov.uk

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Heathpark Industrial Estate,
Honiton, EX14 1EJ

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Registered Environmental
Health Practitioner

From: Steven Chalkley [REDACTED]
Sent: Thursday, October 3, 2024 12:27 PM
To: Ian Winter [REDACTED]
Subject: Re: Folk Week Noise from The Anchor Inn - Sidmouth

Dear Mr Winter.

Thank you for your email of 25 September 2024 explaining how the music noise levels have been determined for the folk week events throughout the town.

Could you let me know when the guidelines of COPENCC began to be used to determine the MNLs for Sidmouth Folk Week events?

Could you let me know what committee, forum or group made this determination with regard to COPENCC 1995 in relation to Sidmouth Folk Week and whether the meeting was ad hoc or recorded committee? Are the minutes available on request – FOI or otherwise?

Some councils have a published policy with regard to music noise at events incorporating the COPENCC guidelines. Does EDDC have a published policy? If so, could you send me a copy or internet link?

Thank you for your advice with regard to a Premises Licence Review.

Kind Regards,

Steve Chalkley.

On Wednesday 25 September 2024 at 12:04:10 BST, Ian Winter <[REDACTED]> wrote:

Dear Mr Chalkey,

Apologies for not getting back to you sooner. In answer to your questions:

For all the event locations in Sidmouth, a music noise limit of 70 dB(LAeq15min) at the boundary of any noise sensitive property has been recommended. These music noise levels have been based on the recommended decibel levels contained within the Code of Practice on Environmental Noise Control at

Concerts (COPENCC). The code defines acceptable MNLs for different scenarios i.e., types and numbers of events in a given location. These determined levels are defined in terms of the average decibel level based over the equivalent continuous sound pressure level of the music noise over a time period of 15 minutes expressed as the LAeq 15min. The COPENCC recommends that the MNL for events for 1 to 3 concert days per year should not exceed 65 dB(A) over a 15-minute period. This is when measured at the façade of a noise sensitive property. Although Folk Week has more than 3 concert days per year, as these events are grouped together, it has been considered that the 1 to 3 events per year still offers a fair description of the sites use throughout the year. In Sidmouth a MNL of 70 dB LAeq 15min has been set at the boundary of a noise sensitive property. This means that setting a level of 70 dB(A) would equate to 65 dB(A) 1m from the façade when allowing for the additional distance attenuation of a small garden. It is acknowledged that you do not have a garden area to provide this additional attenuation and you are regrettably unduly close to the beer garden but any stricter music noise levels on the premises would hinder their ability to run successful outdoor events. By setting MNLs to the levels prescribed within the COPENCC it was felt that a balance has been achieved where successful enjoyable events can still take place whilst at the same time ensuring that any disturbances to NSRs are kept to a minimum. The overall aims of setting the music noise levels have been to install a degree of consistency across Sidmouth, help manage and mitigate the impacts of noise generated at outdoor music events taking place.

New music noise level or any other conditions cannot just be added to a Premises Licence. For this to happen the Premises Licence would have to be called in for a Review. This can be done by a member of the public and if you require any more information on this procedure I would recommend that you contact EDDC's Licensing Team.

Kind Regards

Ian

Ian Winter MSc, REnvH

Environmental Health Officer

Environmental Protection Team

Environmental Health

East Devon District Council



Switchboard: 01404 515616



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Heathpark Industrial Estate,

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Registered Environmental
Health Practitioner

From: Steven Chalkley <[REDACTED]>
Sent: Monday, September 16, 2024 7:48 AM
To: Ian Winter <[REDACTED]>
Subject: Fw: Folk Week Noise from The Anchor Inn - Sidmouth

Good Morning,

I do not appear to have received a response to my email of 13th August 2024 - copied below for ease of reference.

Kind Regards,

Steve Chalkley.

----- Forwarded message -----

From: Steven Chalkley <[REDACTED]>
To: Ian Winter <[REDACTED]>
Sent: Tuesday 13 August 2024 at 13:16:30 BST
Subject: Folk Week Noise from The Anchor Inn - Sidmouth

Dear Mr. Winter,

Thank you for your email of 8th August.

Your answer regarding the separate licensable activities of Folk Week is appreciated. Could you give me an idea of the criteria that covers the noise management section of the event management plan, certainly any part that details the decision making around setting of the 70dB noise levels relating to boundary properties.

I am aware there are no noise (decibel) levels set on the Anchor Premises Licence. Can noise level restrictions and times for future events be added to the premises licence together with time and location constraints for late night Dray work?

FYI - the noise levels were constantly increased from between 7 to 9pm for the remainder of the night, every night. This facilitated the performances of the bands booked by the Anchor as shown on their website in the link I previously forwarded to you. None of these acts could be construed to be 'folk music' it is simply heavy rock and pop music.

Kind Regards,

Steve Chalkley.

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EH Commercial Noise Approved September 2013.doc
102kB

SC9

Environmental Protection Procedure

Noise Investigation – Commercial Premises

Approved
Issued September 2013



East Devon District Council

Knowle

Sidmouth

Devon

EX10 8HL

DX 48705 Sidmouth

Tel: 01395 517457

Fax: 01395 517407

www.eastdevon.gov.uk

1. Scope

This procedure provides additional information to assist in the investigation of noise from commercial, trade or industrial premises; it should be read in conjunction with the domestic noise investigation procedure.

2. Legislation

Environmental Protection Act 1990 S.79(1)(g);
Noise Act 1996 (as amended by the Anti-Social Behaviour Act 2003 and Clean Neighbourhoods and Environment Act 2005)

3. Summary

The Council has a statutory duty to check periodically for existing and potential statutory nuisances including noise from commercial or industrial premises (including construction sites). The Council is obliged to take reasonable steps to investigate complaints of alleged statutory nuisances.

If the noise comes from premises (such as a public house or club) or from an activity that is, or should be, licensed then additional powers may be considered. The consideration of public nuisance, including noise is one of the factors that a local authority must take into account in the granting, renewing or varying of a licence under the Licensing Act 2003. Where there is a public nuisance caused by noise from a licensed activity, there are closure powers available to the police and Local Authority.

4. Responsibility

EHOs are the officers responsible for the investigation of complaints about noise arising from non residential sources but Technical Officers may from time to time be tasked with specified elements of an investigation.

5. Procedure

The procedure for dealing with domestic noise provides the framework within which all noise complaints should be prioritised and investigated. The use of diary sheets and standard letters are an important part of this process.

This procedure does not include information about the timescales within which the complaint should be dealt with. Be aware that the Local Government Ombudsman has stated that standard letters may be used but they should be relevant to the case being investigated. Be also aware that the issuing of standard letters does not, of itself, constitute an adequate investigation of the complaint in the eyes of the Ombudsman.

6. Assess the noise

1. Where the noise complained of is regularly occurring or otherwise predictable and can therefore be easily witnessed by attending the alleged source of the noise, there will be a presumption that the investigating officer will arrange to attend promptly at an appropriate time to attempt to witness the noise first hand. For construction site noise this should be within 48 hours of receiving the complaint (or sooner) wherever possible.
2. Where the noise complained of is sporadic and unpredictable or where there is some other mitigating factor, diary sheets should be issued and completed by the complainant(s) to gather further evidence.

3. The completion of diary sheets should complement the investigation not be a substitute for it. Their routine completion should generally be encouraged in all cases, since this will provide excellent evidence of the historical longevity of the problem should the matter be subject to formal proceedings/licensing committee hearing etc.

7. Complainants

The investigating officer should ensure the complainant is kept properly updated during the investigation and informed of its outcome.

8. Contact with the subject

In addition to recording sound level measurements of the offending noise at locations that are representative of the noise levels experienced by the complainant, the investigating officer will need to make contact at an early stage and visit the premises from which the noise is emanating. The EHO will be expected to enter into a direct dialogue with the business, in order to establish the source of the noise being complained of and to negotiate appropriate strategies and timescales with the business for implementing corrective actions based upon Best Practicable Means considerations. The officer should obtain correct details of contacts and trading information (registered office etc) during the visit.

9. Methodology

The assessment of the noise under investigation should consider any appropriate and relevant objective methodologies. Investigation should generally have regard to the DEFRA / CIEH Noise Management Guide

<http://www.lacors.gov.uk/lacors/upload/11172.pdf>

and specific cases will draw upon subject specific sources such as section 182 Guidance for Licensed premises

<http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/publications/alcohol/guidance-section-182-licensing?view=Binary>

and our own Licensing Policy,

S:\Health\All_Health\Information_Cabinet\0-Environmental_Protection\Guidance_Notes\Licensing_Policy.doc



The code of practice on noise control at concerts

http://www.cieh.org/uploadedFiles/Core/Policy/Publications_and_information_services/Policy_publications/Publications/Noise%20Council%20Code%20on%20Noise%20Control%20at%20Concerts.pdf

British Standards

S:\Health\All_Health\Information_Cabinet\0-Environmental_Protection\NOISE\British_Standards

and so on.

10. Determination of nuisance

1. The EHO must apply professional judgement to determine whether the noise being complained of constitutes a statutory nuisance. There is now substantial case law to assist in this process. The

offending noise should represent a material interference with the enjoyment of the complainant's property and be a noise which is unreasonable in itself when considering what is to be expected from that use.

2. It is not necessary to show that the activity which is the source of the noise is in itself unreasonable – although that factor may be relevant. For example, a problem could arise by virtue of a poor planning decision that brings noise sensitive properties close to a well established business which leads to conflicts of interest. The business is doing nothing more than making a success of what it is entitled to do and could be described as acting reasonably and yet the complaints of noise could be considered to be justified and a statutory nuisance held to exist.
3. A complainant can become sensitised to noise events and in these situations a test of reasonableness needs to be applied by the officer. For example, an investigation that reveals the noise is barely audible within a premises and occurs very infrequently may not necessarily be sufficient for it to be judged a statutory nuisance. Low frequency noise (e.g. music with a significant bass component) played late at night when neighbours could be expected to be sleeping may, on the other hand, be considered to represent an unreasonable and material interference and hence be judged to be a statutory nuisance. Ultimately, it is the professional opinion of the investigating officer that will determine these issues.
4. If at any stage in the investigation the EHO forms the opinion that the noise complained of is unlikely to be a statutory nuisance he/she must inform the complainant and subject. The EHO may decide to provide advice to both sides but they are not obliged to do so. Whether or not the noise is a statutory nuisance, it is important to note that in the UK all businesses should expect to receive helpful (but not necessarily expert) advice regarding legal compliance from their local authority. This should not, however, prejudice any proposed action in respect of acting on a statutory nuisance.
5. Investigating officers should generally be encouraged to consider the value of taking sound level measurements if this is practicable, as part of their routine investigation of noise from commercial sources and in this context, digital recordings can produce useful streams of evidence. It is up to the investigating officer to determine the usefulness/reliability/admissibility of recordings and other noise measurements on a case by case basis. It is always best if the officer has witnessed the noise themselves as determination of nuisance is a subjective, not technical, professional opinion. Technical information may be useful when determining a solution.
6. In conclusion the EHO's assessment will need to determine whether or not the noise amounts to a statutory nuisance. The assessment will need to focus on the circumstances and conditions witnessed that render the noise a material interference with the enjoyment of the complainant's property. The document Neighbourhood Noise Policies and Practice for Local Authorities – a Management Guide published by DEFRA/CIEH 2006 re-iterates that our duty is not to satisfy the complainants per se but to abate statutory nuisances. In determining whether a noise being complained of amounts to a statutory nuisance, the document suggests that regard should be had to a range of considerations including the level and type of noise, its duration, the time of day or night when the noise occurs, whether any aggravating characteristics are present, any particular sensitivity of the complainant, the number of persons affected and perhaps whether the best practicable means are already being used to control noise emanating from industrial, trade or business premises.

7. Evidence should also describe the manner in which the quality of life of the complainant has been seriously affected such as sleep disturbance or interruption, interference with task concentration such as working from home, telephone conversations and interference with leisure activities such as sitting in the garden, listening to music or watching television.

11. Formal Action

Once satisfied that a statutory nuisance exists or may occur or recur, the Local Authority must issue an abatement notice in accordance with section 80 (1) and (2) of the Environmental Protection Act 1990 (EPA 1990). The notice should in the first instance, be served upon the person responsible for the nuisance or, where that person cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises from which it emanates, requiring the nuisance to cease or be abated within a set time scale. Where a nuisance arises from any defect of a structural character the abatement notice must be served on the owner of the premises.

Note: If a statutory nuisance has been witnessed or is likely to recur it is possible to defer action under s.79(1)(g) EPA 1990 for up to 7 days in order to persuade the person responsible to abate the nuisance and/or to continue investigations.

It is possible for persons aggrieved by noise from commercial premises to institute proceedings themselves in the magistrate's court by way of section 82 of the EPA 1990.

12. Best Practicable Means

The defence of best practicable means (BPM) is available where the person on whom the notice is served can demonstrate that BPM has been used to prevent or counteract the effects of a nuisance (S80(8) and S82(10)). Best practicable means is defined in Section 79 (9) of EPA 1990.

The investigating officer should have regard to the defence of BPM when carrying out their enforcement duties, and should be conversant with any standards, codes of practice, guidance, government circulars etc that may be used later in court to demonstrate that BPM has been applied. The Investigating officer may be asked to comment on, or be cross-examined where a BPM defence is used. These same standards and codes of practice etc should also be considered by investigating officers when reaching an overall judgement on the existence or otherwise of a statutory nuisance and in factoring 'reasonableness' into their enforcement decisions.

It is important to note the defence of BPM will rest with the courts when evaluating its application. The Local Authority's own enforcement protocols must be followed at all times when considering and evaluating enforcement action.

13. Licensed premises

1. A major source of "commercial" noise complaints relates to licensed premises, usually public houses or clubs. One-off events can also present acute noise problems. Investigation of such complaints, proposals or applications allows alternative considerations to the use of statutory nuisance powers. The prevention of public nuisance is a prescribed licensing objective and by extension noise is a recognised consideration within the Licensing Act 2003 regime and Environmental Health will act for the Council as the "responsible authority" with regard to "minimising or preventing the risk of pollution of the environment or of harm to human health". Complaints in respect of noise and the opinion of Environmental Health, must be considered by the Licensing Committee in the granting, refusal, varying or renewing of licenses.

2. The Licensing Act 2003 also introduced the provision of temporary event notices (TEN). EH are consulted on these and must respond with any comments within 3 working days.
3. Many larger events will be Local Authority run, or require a licence due to the numbers involved, therefore the Environmental Health Department will have opportunities to limit the impact from amplified entertainment at the planning/consultation stage. The positioning and orientation of sound equipment and type of music must be assessed and the impacts reduced at the nearest sensitive receptor. Many larger events will require formal noise monitoring with equipment at both source and noise sensitive receptor, and acceptable levels can be set at the "sound test" prior to the start of the event.
4. The Noise Act 1996 provides an additional enforcement mechanism for licensed premises, allowing the issuing of warning and fixed penalty notices. The provisions are for night time noise applicable between 2300 and 0700 hours and relate to any noise emanating from the envelope of the premises delineated in the premises licence. A warning notice can be served on the person responsible for the noise and then a fixed penalty notice served if the warning notice is ignored and the noise exceeds the "permitted level" (after a minimum 10 minute gap). Failure to comply can be followed up with prosecution and seizure of equipment. In these situations service of the notices on the person responsible can present difficulties and the appropriate health and safety risk assessments will need to be in place usually including reliance on police support.
5. There are closure powers available that apply to licensed premises. If noise amounts to a Public Nuisance then the Anti-Social Behaviour Act 2003 gives powers to the Council's Chief Executive and the Clean Neighbourhoods and Environment Act 2005, to the Police. The closure applies for up to a maximum 24 hours. There is little official guidance on the interpretation of "public nuisance" but by definition there is. Therefore the common law interpretation of public nuisance will need to be applied, ie any nuisance which materially affects the comfort and convenience of life of a class of Her Majesty's subjects or a nuisance that is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it but that it should be taken on response of the community at large [Lord Justice Denning quoted in the case of AG v PYA Quarries Ltd [1957] 2 QB. 169]

14. Sites with Environmental Permits

It is possible that the commercial activity is being carried out at a premises coming within the remit of the Pollution and Prevention Control regime. Action regarding noise from an A1, or A2 process will be through the permit route and statutory nuisance powers will not generally be available. Any such incident must be referred to the Environment Agency Permitting Department on their incident number 0800 807060 as soon as it has been proven that the noise is coming from that A1 process. A2 permitted processes are enforceable by the Local Authority and the case should be passed to the appropriate officer.

Statement of: Steven Richard CHALKLEY. [REDACTED]

Date: 4TH NOVEMBER 2024

Signature .. [REDACTED]

I am the above named person and live at the address overleaf. My home is situated in a quiet residential courtyard off Church Street Sidmouth. My property [REDACTED] of the Anchor Inn public house which is situated in Old Fore Street. Together with those of neighbouring cottages, my [REDACTED] Anchor car park. [REDACTED]

Anchor car park which is where Folk Week music events are held in July/August every year on 8 consecutive days – Friday to Friday – for 12 continuous hours a day. The Anchor beer garden/car park is surrounded on 3 sides by residential premises comprising of cottages, houses, apartments and the Parish Church. I accept that I may experience occasional noise associated with the business of a public house such as customers exiting the car park either on foot or in vehicles at varying stages of sobriety.

A nuisance is caused every year by excessive noise from daily live music events held in the Anchor outside beer garden. The noise disturbance commences daily around 11.30 a.m. with sound checks, banging of drums and tuning of instruments followed by loud amplified music acts commencing at midday. The acts continue throughout the day and night. Evening and night time performances are usually rock bands playing extremely loud amplified music, sometimes with an echo chamber effect, with the lead singer shouting and screaming into the microphone rather than singing.

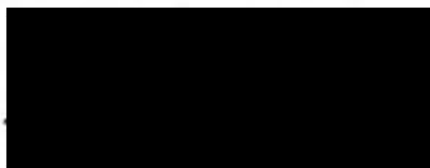


There is no respite from this noise within or in the vicinity of my home. Sound levels are so high that the noise from these events can be heard in all rooms within my home. The low frequency elements of the bass guitar and drums cause an increased nuisance from within my home. The noise nuisance is present continuously 12 hours a day for the 8 consecutive days of Folk Week. The overwhelming majority of acts mentioned above consist of extremely loud, excessively amplified music with unacceptable levels of bass instruments and drums. Powerful sound amplification systems are used with very large speakers on raised stands or on a raised stage. The use of such powerful amplification equipment with large speakers is not necessary for a relatively small outside area such as this venue and is totally unsuitable for such a site in a town centre that is bounded by residential properties to three sides with a parish church to the rear. During Folk Week 2023 and 2024 the noise levels were intolerable and unacceptable.

In 2014 with neighbours I made a noise complaint against the Anchor which involved the licensing department of EDDC. The issue was not satisfactorily dealt with then by the Licencing Officer who agreed music noise levels with the Anchor, assured us that these were within acceptable limits, but were actually in excess of the guidelines set by the Noise Council that EDDC relied upon at that time. In subsequent years I have occasionally spent the night at my late partner's house during folk week to avoid the noise disturbance.

During the 2023 and 2024 music events I have to firmly close all of my double glazed windows. This is not healthy as ventilation is restricted and the inside of my home is very warm during the summer months. With windows closed and if watching television, I would have to turn the hi-fi surround sound of my T.V. to near maximum. Sitting in my lounge and reading quietly is not possible. On occasion, the loudness of the bass and drum element of the music has caused fixtures in my lounge to vibrate. I am unable to relax in my own home at any time during any of these music events.

Signature

A black rectangular box redacting the signature.

3/7



I consider myself a good neighbour to those in the vicinity of my home. I have tried very hard to accept the noise caused by the music events every summer but, in recent years acceptable boundaries have been crossed, noise has increased to unacceptable levels and, on occasion, live music has been played beyond the allowed times of the premises licence continuing to 11.15 p.m. with recorded music played as late as 11.30pm as customers leave the area.

At the end of each live music event during previous folk week events, staff have rolled and dropped empty beer barrels across the car park [REDACTED]

[REDACTED] stacking them noisily against [REDACTED]
[REDACTED] The noise of the barrels hitting the ground and banging against the walls is very loud and reverberates throughout our homes. **The stacking of beer barrels [REDACTED] takes place as late as midnight and beyond whilst I try to sleep. I have never known a licenced premises carry out dray work at this time of night or so close to residential properties with no apparent respect for neighbours.** I have taken photographs of the barrels stacked [REDACTED] and exhibit these as SC1, SC2 and SC3. Whilst in bed, trying to sleep, I have also been disturbed by staff smashing empty glass bottles into a recycling bin after midnight.

On 2nd September 2023 I spoke to EDDC Cllr Ian Barlow who suggested I write to the Designated Premises Supervisor with my concerns. Following consultation with other affected neighbours I wrote to the DSP of the Anchor on 14th December 2023 and exhibit a copy of this letter marked SC4. I did not receive a response. I made a current noise complaint to the Environmental Health Department of EDDC on 2nd September 2023 and have been dealing with Mr Ian Winter up to the present day. Mr Winter wrote to the DSP outlining the complaint and met with Anchor management on 1st August 2024 the day before the start of Folk Week 2024. A copy of an email from Mr Winter of 2nd August 2024 detailing the meeting is attached as exhibit SC5. In this email I am advised that the DSP had given an undertaking to finish all live music by 22.45pm.

Signature [REDACTED]

4/7

The following is my diary record of finishing times for FW 2024:-

Fri 2.8.24. Live band finish 2259 hours.

Sat 3.8.24. Live band finish 2255 hours.

Sun 4.8.24. Live band finish 2300 hours – excessive loud bass and volume from 9.00pm – shouting/screaming vocals.

Mon 5.8.24. Live band finish 2258 hours. Increased volume for set starting at 2200 hours.

Tues 6.8.24. Live band started 9.00pm – very loud sound tests – then set consists of excessively loud drum/bass, shouting, screaming vocals. Music finishes at 2309 hours.

Weds 7.8.24. Live band starts from 9.00pm – the loudest so far this week. Band finishes 2258 hours.

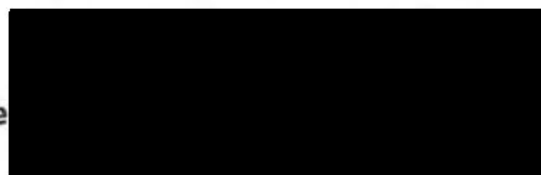
Thurs 8.8.24. Live band starts – excessive drum/bass/vocal noise. Finish 2308 hours.

Fri 9.8.24. Live band starts 8.00pm getting louder by 9.00pm. Finish 2150 hours. Early finish due final day fireworks display.

The DSP did not honour his undertaking to finish live music at 22.45 hours. Music levels were still excessive and caused a nuisance throughout the day and night every day during FW 2024. A noise nuisance was also caused by the shouting of 'callers' and associated musicians during the daytime Ceilidhs.

I received an email on 25 September 2024 from Mr Winter responding to previous questions. Within the email Mr Winter stated how the noise limits had been set for all the event locations in Sidmouth with regard to noise sensitive properties as defined by the Code of Practice on Environmental Noise Control at Concerts (COPENCC 1995). I have obtained a copy of COPENCC from the Institute of Acoustics, and note that Section 3.1 of the Code Table 1, which is clear and unambiguous, sets out the maximum music noise levels allowed for the venue type and number of days per calendar year. **The outside music events in the Anchor beer garden/car park are over 8 consecutive days from Friday to Friday with music noise from 11.30am to 11.00pm. The music noise level for this category should not exceed the background noise level by more than 15dB(A).**

Signature



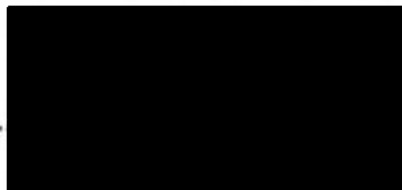
5/7

The Environmental Health Dept of EDDC have agreed with event organisers to ignore the mathematical facts and, notwithstanding there are obviously 8 days of consecutive events, have invented an alternative dimension where there are only a maximum of 3 venue event days at the Anchor. This allows for an increased music noise level of 65dB(A) at the façade of noise sensitive properties. He goes on to say this offers a fair description of the Anchor sites use throughout the year. This is seriously flawed, dishonest and a **misrepresentation of the facts.** It is certainly not worthy of district council officers, democratically elected councillors or others who have been charged with these responsibilities.

Mr Winter continues and states that for event numbers of 1 – 3 throughout the year the 65dB noise level at a property façade has been increased, in Sidmouth, to 70dB as this would equate to 65dB one meter from the said property when allowing for additional distance attenuation of a small garden. **This is pure fantasy, an insult to anyone with common sense and again a misrepresentation of the facts.**

Mr Winter goes further to acknowledge that myself (and my neighbours) do not have these imaginary garden areas to provide attenuation and that this is regrettable and that stricter music noise levels on the premises would hinder their ability to run successful outdoor events. That these level settings had achieved a balance and disturbances are kept to a minimum. There is no evidence to support the latter however, the statements from residents submitted would suggest just the opposite. There is no evidence that stricter music noise levels on the premises would hinder successful outdoor events at this site, this is just a presumption. Those in positions of responsibility have ignored the facts and based decisions on scenarios in their vivid and somewhat remarkable imaginations. They have completely manipulated guidelines from respected and esteemed organisations to suit an agenda that does not protect residents from serious noise nuisance.

Signature .

A large black rectangular box redacting the signature.

6/7

I attach page 6 & 7 of COPENCC guidelines as exhibit marked SC6 and a copy of email from Mr Winter dated 25 September 2024 as exhibit SC7.

Myself and neighbours who have submitted statements to this committee would like conditions added to Premises Licence PLWA0408 that restrict music noise levels in accordance with Music Noise Level guidance as defined by COPENCC (1995) for this outside venue with the current 8 event days per calendar year. This is a fair and honest request and look forward to a fair, honest and common sense response.

During Folk Week 2024 it is accepted that management of the late night dray work has been improved. The empty beer barrels are still stored [REDACTED] but the work is left until after 9.00am the following day. The use of a felt covering is a recent idea of the present DSP. To ensure this practice is continued by the current DSP and his successors, I consider it not unreasonable to request that the following paragraph be added to the Licence Conditions of the Premises Licence.

No dray work immediately adjacent to bordering property walls be carried out between the hours of 6.00pm and 9.00am the following day. A protective felt covering be deployed between the rear rank of barrels and walls of adjacent cottages to protect paintwork and render. Consideration be given to occupier residents of these properties when any dray work is carried out.

No light pollution from stage lights or otherwise must be allowed to illuminate windows or walls of adjacent properties.

Signature

[REDACTED]



125





Mr S.R. Chalkley.

[REDACTED]

[REDACTED]

[REDACTED]

Mr T. Fudge – Licencee Anchor Inn.
Anchor Inn,
Old Fore Street,
Sidmouth EX10 8LP.

14th Dec 2023.

Dear Mr. Fudge,

Late Night Excessive Noise Nuisance and Obtrusive Light Pollution during Folk Week.

Following this year's Folk Week, several residents who live [REDACTED] commented that the music had been excessively loud, unbearable and unacceptable at night and that due to these excessive noise levels were unable to peacefully enjoy their properties and homes which is a fundamental expectation. Some of them unable to get to sleep until midnight due to noisy dray work being carried out after the venue had closed.

Following noise complaints, I understand that East Devon District Council Environmental Health Department (EH) eventually wrote to you the text of which I have recently received a copy and hope it will be helpful if this letter gives you some idea of the affect the excessive noise and obtrusive light levels have on your neighbours.

Compared to the, often acoustic, day time folk week programmed performances the bands at night, presumably produced by yourselves, are simply too loud with excessive levels of bass, drums and screaming vocals which is quite unnecessary for a small venue such as your car-park. Noise levels are such that a serious nuisance is caused to residents within their homes in the surrounding area. Residents cannot ventilate their homes during these summer nights as they are compelled to keep all windows tightly shut to minimize the noise.

The dray work carried out after 11.00 pm after the venue has closed goes on until just before midnight resulting in residents not being able to sleep. Perhaps you are unaware of how the noise of empty beer barrels being humped and dragged about adjacent to neighboring walls reverberates throughout buildings at this time of night. Would you consider delaying the dray work and dragging of tables and chairs until the following morning – say after 9.00 am?

Since the installation of additional outside lighting a lot of unwanted obtrusive light pollution is washing over the rear of adjacent cottages and apartments. The flashing L.E.D. stage lighting, spotlights and floodlights are obtrusive even with curtains drawn.

With the assistance of EH and, I believe Matthew, we tried to address some of these issues in 2015 and 2018 but, noise levels have since increased and this matter needs re-visiting.

Finally, none of your neighbours wish to restrict your business revenue but, with regard to the outside music venue, feel there is absolutely no need whatsoever to have the volume level so high with the bass and drum levels and screaming vocals so intrusive. Your venue is relatively small and patrons should still be able to enjoy the performances at half the current volume and bass levels without heavy rock and reggae music being heard all over the town.

I hope this letter is of some help.

Yours Sincerely,

Mr. S.R.Chalkley.

For and on behalf of residents [REDACTED]

CC: Ian Winter EDDC EHD.

SC5

Ian Winter

From: [REDACTED]

To: Steven Chalkley

Fri, 2 Aug at 13:51

Dear Mr Chalkley,

Thank you for contacting Environmental Health. Yesterday's meeting went very well. During the meeting, the following points were raised with the designated premises supervisor (DPS) and his daughter, noise from the storage and movement of beer kegs, noise from regulated entertainment and light pollution from stage lighting.

A new management plan has been instigated for the handling and storage of empty beer kegs. Beer kegs will not be stored or moved to the [REDACTED] [REDACTED] during the evening period. During the evening period they will be stored in a different location [REDACTED]. The next morning (after 9am) the empty kegs will be moved back to the original location [REDACTED]. On Saturday padding should be put [REDACTED] to reduce any impact noise (but barrels will only be moved into this location after 9am the following day).

The stage lighting that was in place has been checked.

Given the location of the pub (in the heart of Sidmouth surrounded by residential properties) it's inevitable that when live regulated entertainment is being played, it will always be audible from neighbouring residential properties (even when being played at the correct level). The DPS has confirmed that they will be finishing live music at 22:45 during the evening and that regular checks will be made to ensure that the music levels are not too excessive.

Unfortunately, EDDC does not currently operate an 'out of hours' reactive service for noise. Any noise complaints should be logged with Environmental Health by using the following email: environmentalhealth@eastdevon.gov.uk

Many thanks

Ian

Ian Winter MSc, REnvH

Environmental Health Officer

Environmental Protection Team

3.0 GUIDELINES

- 3.1 The Music Noise Levels (MNL) when assessed at the prediction stage or measured during sound checks or concerts should not exceed the guidelines shown in Table 1 at 1 metre from the façade of any noise sensitive premises for events held between the hours of 0900 and 2300.

TABLE 1

Concert days per calendar year, per venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75dB(A) over a 15 minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65dB(A) over a 15 minute period
4 to 12	All Venues	The MNL should not exceed the background noise level ¹ by more than 15dB(A) over a 15 minute period

Notes to Table 1

1. The value used should be the arithmetic average of the hourly L_{Aeq} measured over the last four hours of the proposed music event or over the entire period of the proposed music event if scheduled to last for less than four hours.
2. There are many other issues which affect the acceptability of proposed concerts. This code is designed to address the environmental noise issue alone.
3. In locations where individuals may be affected by more than one venue, the impact of all the events should be considered.
4. For those venues where more than three events per calendar year are expected, the frequency and scheduling of the events will affect the level of disturbance. In particular, additional disturbance can arise if events occur on more than three consecutive days without a reduction in the permitted MNL.
5. For indoor venues used for up to about 30 events per calendar year an MNL not exceeding the background noise by more than 5dB(A) over a fifteen minute period is recommended for events finishing no later than 2300 hours.

6. Account should be taken of the noise impact of other events at a venue. It may be appropriate to reduce the permitted noise from a concert if the other events are noisy.
7. For venues where just one event has been held on one day in any one year, it has been found possible to adopt a higher limit value without causing an unacceptable level of disturbance.

3.2 For events continuing or held between the hours 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

Notes to Guideline 3.2

1. The use of inaudibility as a guideline is not universally accepted as an appropriate method of control. References 6 & 7 (Appendix 1) set out the various issues. This guideline is proposed as there is insufficient evidence available to give more precise guidance.
2. Control can be exercised in this situation by limiting the music noise so that it is just audible outside the noise sensitive premises. When that is achieved it can be assumed that the music noise is not audible inside the noise sensitive premises.

3.3 The nature of music events means that these guidelines are best used in the setting of limits prior to the event (see 4.0).

3.4 Assessment of noise in terms of dB(A) is very convenient but it can underestimate the intrusiveness of low frequency noise. Furthermore, low frequency noise can be very noticeable indoors. Thus, even if the dB(A) guideline is being met, unreasonable disturbance may be occurring because of the low frequency noise. With certain types of events, therefore, it may be necessary to set an additional criterion in terms of low frequency noise, or apply additional control conditions.

Notes to Guideline 3.4

1. It has been found that it is the frequency imbalance which causes disturbance. Consequently there is less of a problem from the low frequency content of the music noise near to an open air venue than further away.



RE: Folk Week Noise from The Anchor Inn - Sidmouth

Sc 7

From: Ian Winter [REDACTED]

To: [REDACTED]

Date: Wednesday 25 September 2024 at 12:04 BST

Dear Mr Chalkey,

Apologies for not getting back to you sooner. In answer to your questions:

For all the event locations in Sidmouth, a music noise limit of 70 dB(LAeq15min) [REDACTED] has been recommended. These music noise levels have been based on the recommended decibel levels contained within the Code of Practice on Environmental Noise Control at Concerts (COPENCC). The code defines acceptable MNLs for different scenarios i.e., types and numbers of events in a given location. These determined levels are defined in terms of the average decibel level based over the equivalent continuous sound pressure level of the music over a time period of 15 minutes expressed as the LAeq 15min. The COPENCC recommends that the MNL for events for 1 to 3 concert days per year should not exceed 65 dB(A) over a 15-minute period. This is when measured at the façade of a noise sensitive property. Although Folk Week has more than 3 concert days per year, as these events are grouped together, it has been considered that the 1 to 3 events per year still offers a fair description of the sites use throughout the year. In Sidmouth a MNL of 70 dB LAeq 15min has been set at the boundary of a noise sensitive property. This means setting a level of 70 dB(A) would equate to 65 dB(A) 1m from the façade when allowing for the additional distance attenuation of a small garden. It is acknowledged that you do not have a garden area to provide this additional attenuation and you are regrettably unduly close to the beer garden but any stricter music noise levels on the premises would hinder their ability to run successful outdoor events. By setting MNLs to the levels prescribed within the COPENCC it was felt a balance has been achieved where successful enjoyable events can still take place whilst at the same time ensuring that any disturbances to NSRs are kept to a minimum. The overall aims of setting the music noise levels have been to instil a degree of consistency across Sidmouth, help manage and mitigate the impacts of noise generated at outdoor music events taking place.

New music noise level or any other conditions cannot just be added to a Premises Licence. For this to happen the Premises Licence would have to be called in for a Review. This can be done by a member of the public and if you require any more information on this procedure I would recommend that you contact EDDC's Licensing Team.

Kind Regards

Ian

Ian Winter MSc, REnvH
Environmental Health Officer

Environmental Protection Team
Environmental Health
East Devon District Council

[REDACTED]
Switchboard: 01404 515616
[REDACTED]



www.eastdevon.gov.uk

Blackdown House, Border Road,
Heathpark Industrial Estate,
Honiton. EX14 1EJ

Statement of: Suzanne Jones. [REDACTED]

Date: 4/10/24

Signature [REDACTED]

I am the above named person and live at the address overleaf. My home is situated in [REDACTED] Sidmouth, a relatively quiet mixed residential and retail street [REDACTED] My property [REDACTED] which in turn is immediately adjacent to the car park/rear garden of the Anchor Inn.

I have lived at my property for just under 6 years and every year suffer from the excessive music noise from Folk Week activities primarily originating from the Anchor. The music played at this venue is set at too high a volume for the location and I must keep all of my windows closed from 11.30 am through to around 11.30 pm every day during folk week. I cannot hold a conversation on the phone if I have the windows even slightly open. Temperatures in my house reach 29 to 30 degs C whilst the windows are kept shut which makes life unbearable.

Noise from the Anchor carries on all day with amplified shouting into microphones during the dance programmes and is unbearable at night when the rock bands perform with screeching vocals and excessive bass and drums being played at excessive noise levels.

Between 11.00 and 11.15pm drunk, loud customers leave the Anchor carrying alcohol in plastic containers and congregate in Market Place where they scream, shout and play amplified music on instruments and phones until 1.00am and beyond.

Statement of:- Suzanne Jones.

I cannot even attempt to go to sleep until the music in the Anchor stops.

There has been absolutely no consideration given to residents when the Folk Festival was allowed to come into town without restricting the volume levels in the licenced premises.

The noise from the Anchor causes me stress and makes me depressed. There is no need for music volume levels to be set this high. Councillors should now step up to their responsibilities and demonstrate common sense and decency to residents and restrict these noise levels. The venues operate to entertain their paying customers, not those inside [REDACTED] properties in this part of town.

Signature: Suzanne Jones.

[REDACTED]

Statement of: Abigail Barker. [REDACTED]

Date:

14/11/2024

Signature: [REDACTED]

I am the above person and I have lived at the address overleaf since 2007. My flat is situated [REDACTED] the Anchor Inn public house. [REDACTED]
[REDACTED]

I accept that living [REDACTED] a pub I must expect some noise from the daily business of the staff and the customers. In recent years I have been significantly affected by the noise from the carpark caused by their activities during folk week. Each year the size of these events/concerts seems to increase, as too does the volume of the music played.

I have never approached the landlord to discuss my concerns about the noise because of previous verbal abuse I have received from him and his members of staff when I have been out in the street and when I have been in [REDACTED]

In Folk Week, there is music played pretty much constantly from around 11am/noon through to at least 11pm. There is one live act after another – normally of at least 4 instruments plus a vocalist. The music is always excessively amplified. In between the live performances recorded music is played over the loud speaker system. The final band of the day – usually from around 9pm, is always the loudest – and they are often rock/pop bands rather than anything to do with folk music. This means that there is a very strong drum/bass element and the singer shouts rather than sings.

During Folk Week, the sound levels are so loud that they can be heard across the town. Within [REDACTED] there is no escape from the noise, and it is impossible for me to do anything or live a normal life in my own home. I have to make sure that all my windows are tightly shut (they are double glazed) in order to even attempt to do things such as watch tv or concentrate to read – and even with the windows shut and the volume on maximum I can barely hear. It is impossible to do anything such as hold a telephone call. Given Folk Week takes place at the end of July/beginning of August, the evenings are still very warm so having all the windows shut makes my flat uncomfortable as it stops the cooling air flow. One evening I did try to keep one window open as it was very warm and muggy, but the noise of the music was too loud - it was just as if I had a pop concert in my living room – so I had to shut it again. The music that is played generally has a very strong drum/bass element to it, which means it carries through the walls/floor of the building and I can feel the floor vibrating. I have also witnessed a pen on my desk vibrating due to the noise.

Statement of: Abigail Barker.

In addition to the excessive noise from the music itself, the subsequent noise from the staff clearing up the car park and carrying out noisy dray work has significantly disturbed me. During the recent Folk Week (2024) beer barrels were stacked against the wall [REDACTED] which causes vibration and is an additional noise nuisance. This means it is often not until gone midnight that there is quiet and I am able to go to bed. This year, from the Sunday onwards, I was forced to stay at my parents' home in order to get any sleep as the noise was unbearable. I appreciate that during Folk Week there is an awful lot of extra work to be done in a short amount of time – but, clearing up finishing and start times together with volume levels of music need to be regulated on the Premises Licence so as not to disturb adjacent residents.

I have tried to 'live with' the noise from Folk Week for the past few years, but this year (2024) the noise has increased to ridiculously loud levels and had a significant impact on my quality of life. I have also noted that the music has played outside the permitted times of the pub's licence (11pm), and the outside cleaning has (and still does) start earlier than the acceptable time of 7am.

Signature . [REDACTED]

Statement of: Cynthia Watson.

Date: 22/9/24

Signature: [REDACTED]

I am the above named person and have lived at the address overleaf for 14 years. My home is [REDACTED]

[REDACTED] Folk Week activities that include dancing to very loud music, amplified screaming and shouting are just the other side of the wall in my kitchen, lounge, upstairs landing, bedroom and bathroom.

I have been disturbed by the noise from the Anchor every Folk Week since I moved to my home. The noise lasts for 8 days continuous, 12 hours per day. With other residents, I have previously asked the Environmental Health Department to do something about this noise and I think that reduced noise levels were agreed with the Landlord (or his son) but, these have been ignored over the past couple of years to a completely unacceptable level.

I accept that there will be some inevitable noise from a pub car park late at night such as people getting into and leaving in cars. I do not accept that I should put up with screaming bands accompanied by excessively loud bass guitars and drums crashing until gone 11.00pm for 12 hours a day, 8 days on the trot. The latter causes stress and depression as I cannot even think of trying to go to bed until well after the noise has stopped which is around 11.15pm. There is nowhere to escape the noise as it is at horrendous levels

[REDACTED]

In previous years, with the exception of 2024, empty beer barrels were stacked against [REDACTED] and the thumping noise, which lasted for about 15 to 20 minutes was very frightening. This would occur anytime between 11.30pm to 12.30 am.

Statement of:- Cynthia Watson.

I understand that the Landlord has verbally and informally agreed not to move beer barrels at this time of night. I request that this is formalised on the Premises Licence together with a much reduced noise level.

I do not want to stop Folk Week activities in the Anchor but, do want the noise levels to be much reduced so that they not a nuisance to neighbouring residential properties.

Signature:



Statement of: Lawrence King. [REDACTED]

Date: 13/11/2024

Signature: [REDACTED]

I am the above named person and have lived at the address overleaf for 12 years. [REDACTED] Anchor Inn (Old Fore Street Sidmouth) beer garden/car park.

When moving into my [REDACTED] accepted that I would hear low volume noise from the rear of the Anchor such as families eating and drinking, cars arriving and departing and the occasional raised voices associated with customers of a town centre pub who have consumed alcohol. [REDACTED] is the Parish Church.

I certainly did not expect to endure excessively amplified music during the summer especially the continuous noise from the folk week activities at the rear of the Anchor - 8 days continuous, for 12 hours a day, ending each day with loud rock music that is more akin to Glastonbury than Sidmouth Folk Festival.

I accept that the folk festival benefits some people and businesses in the town and, can put up with the folk music and dancing during the day as long as it is not too loud and a more acoustic style. The music is for the benefit of the dancers in front of the speakers not the nearby residents in their homes so need not be played at high volume.

The bands that play after the hours of 7 or 8 pm are nothing to do with Folk Week but are booked by the pub management. It is not folk music, it is heavy, excessively amplified rock music with loud bass guitars and drums with screaming vocals.

Signature: [REDACTED]

1/3

Statement of Lawrence King.

The loud music at night goes beyond 11.00 pm. When finished, there is the noise of drunk people leaving the premises together with the staff carrying out dray work up to and beyond midnight.

With the decision to allow folk week activities in the town centre no consideration whatsoever was given to the many residents in the area of the various venues. There are apartments above almost all retail premises in the town and houses/cottages in small back roads and courtyards adjacent to the public houses. All affected by the noise nuisance coming primarily from the Anchor.

The Anchor management need to show more respect for their neighbours by severely reducing the noise levels and finishing the night time performances at least 30 minutes earlier. The noise from their beer garden/car park activities is a nuisance to neighbouring properties.

A reduction in volume level and a finish time of 10.30pm/10.45pm would not affect the revenue of the establishment whatsoever but, would go a long way to improve the lives of all of the nearby residents.

Signature

Statement of: Harry Hopworthy. [REDACTED]

Date: 14th Nov 2024

Signature [REDACTED]

I am the above named person and have lived at the address overleaf for nearly 6 years. My home is situated [REDACTED] to the Anchor Inn Sidmouth. Every year, since I have lived here, I have been disturbed and affected by the very loud music played in the outside car-park/beer garden of the Anchor during the Sidmouth Folk Festival.

I do not go to bed until late but, find the noise during the day a nuisance from the starting time, usually around 11.30am, to the end of the day at around 11.30pm. It is very hot during Folk Week (end of July – beginning of August) but I have to close all of my double glazed windows in order to keep the noise out. I cannot watch television or live a normal life with the windows open during the above times.

I am not trying to stop the music but, action is needed to reduce the volume level of these events so that they do not disturb my neighbours or myself in this part of town. At current volume levels the music at this venue is causing a nuisance.

Signature [REDACTED]

Statement of: Kathryn Spencer. [REDACTED]

Date: 9TH OCT 2024

Signature: [REDACTED]

I am the above named person and, together with my husband, have lived at the address overleaf for nearly 2 years. Our home is situated [REDACTED] beer garden/car park of the Anchor Inn. I have experienced 2 Folk Festivals whilst a resident at this address and several more as a previous visitor to the town.

Whilst in our home, my husband and I have been disturbed for the past 2 years by activities in the Anchor beer garden caused by excessive amplifier volume levels of the music and vocal performances. Our [REDACTED] used by our grand-daughter, is uninhabitable during that particular week. Loud bass and drums can be heard throughout most of our [REDACTED] during the day with the volume level increasing from around 9.00pm onwards. We simply cannot loiter [REDACTED] as the noise is unbearable. We must keep all windows shut.

There is no need to have volume levels set this high for these outside events when the venue is surrounded by occupied, residential properties.

I support the Folk Festival in general but, cannot tolerate the excessive noise coming from the Anchor and would like to see volume levels greatly reduced.

Signature: .. [REDACTED]

1/2

Statement of: Stephen Spencer. [REDACTED]

Date: 9TH Oct 2024

Signature: [REDACTED]

I am the above named person and, together with my wife, have lived at the address overleaf for nearly 2 years. Our home is situated in [REDACTED] beer garden/car park of the Anchor Inn. I have experienced 2 Folk Festivals whilst a resident at this address and several more as a previous visitor to the town.

Whilst in our home, my wife and I have been disturbed for the past 2 years by activities in the Anchor beer garden caused by excessive amplifier levels of the music and dance performances. Our [REDACTED] used by our grand-daughter, is uninhabitable during that particular week. Loud bass, drums and shouting of the dance caller can be heard throughout most of our apartment during the day with the volume level increasing from around 9.00pm onwards. We avoid going into [REDACTED] as the noise is unbearable. We must keep all windows shut.

There is no need to have volume levels set this high when the venue is surrounded by occupied, residential properties.

I support the Folk Festival in general but cannot tolerate the excessive noise coming from the Anchor and would like to see them restrict noise levels for future years.

Signature: [REDACTED]

1/2

Statement of: Mary Whitfield. [REDACTED]

Date: 9th Oct 2024 [REDACTED]

Signature: [REDACTED]

I am the above named person and have lived at the address overleaf for 11 and a half years. My home is [REDACTED]

[REDACTED] Anchor Car Park. Daily Folk Week activities put on by the Anchor are just [REDACTED]
[REDACTED]

I am 96 years old and hard of hearing but was actually disturbed by the extremely loud music, bass levels and shouting coming from the Anchor car park on, I believe, the nights of Tuesday 6th and Wednesday 7th whilst trying to watch television. This must have been unusually loud as it was a an increased nuisance compared to the other loud music that occurs during this week at the Anchor.

I have heard, in previous years the thumping and vibration of empty beer barrels as staff roll and stack them against my rear wall at times up to and beyond midnight.

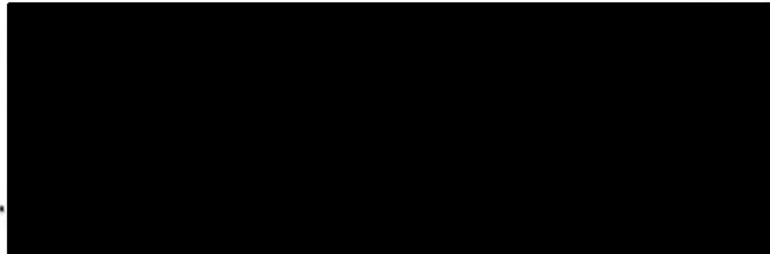
I have, in the past had my great grand-daughters to stay and they have been unable to get to go to bed until the music had stopped then we had to wait until the moving of empty beer barrels had finished before anyone could sleep.

We (myself and other neighbours) did speak to the council about the noise in the past during Folk Week but it seems no notice has been taken.

Statement of:- Mary Whitfield.

I am not seeking to get the music stopped but, steps must be taken to reduce and control the volume levels.

Signature:



Licensing Act 2003 Premises Licence

PLWA0408

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Anchor Inn (Sidmouth) (The)

Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

Telephone 01395 514129

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	10:00am	11:00pm
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	10:00am	11:00pm
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	New Year's Eve	10:00am	Midnight
	And from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	12:30am
Friday & Saturday	10:00am	1:30am
New Year's Eve	10:00am	Midnight
And from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises



Licensing Act 2003
Premises Licence

PLWA0408

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Denise Theresa Fudge

The Anchor Inn, Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

Trevor John Fudge

The Anchor Inn, Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Trevor John FUDGE

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. EDVE0595

Issued by East Devon



Melanie Wellman

Director of Governance and Licensing



Licensing Act 2003 Premises Licence

PLWA0408

ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

1.
 - (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
 - (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request,

Licensing Act 2003 Premises Licence

PLWA0408

ANNEXES continued ...

- before being served alcohol, identification bearing their photograph, date of birth and either-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 7(1) -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- where-
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this

Licensing Act 2003 Premises Licence

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ANNEXES continued ...

- paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.
5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.
6. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
7. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
8. All lavatories, water closets or urinals shall at all times be kept in good order and repair and be properly and effectually cleansed, ventilated and disinfected and supplied with water and all necessary requisites and all doors leading thereto shall be suitably marked.
9. Consideration will be given to setting a capacity limit to prevent overcrowding. This capacity figure will be agreed in writing with the Licensing Authority and Devon Fire and Rescue Service and will be based on fire safety issues, available floor space and the sanitary accommodation available.
10. The Licensee shall make efficient arrangements for ensuring that the maximum number of persons permitted to be on the premises at any one time is not exceeded. Such arrangements to include provisions whereby any authorised officer of the Licensing Authority or the Devon Fire and Rescue Service can determine the number of persons present (without a physical count).
11. (a) The licensee, or a responsible person nominated by him in writing for the purpose, not being



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ANNEXES continued ...

a person under 21 years of age, shall be in attendance during the whole period the premises are open to the public and shall be assisted by a staff of attendants or stewards according to the following scale:-

Under 250 persons present: 1 attendant or steward (including 1 male steward)
250 but less than 500 persons present: 3 attendants or stewards (including 1 male steward)
500 but less than 750 persons present: 4 attendants or stewards (including 1 male steward)
750 but less than 1000 persons present: 6 attendants or stewards (including 2 male steward)
1000 but less than 1250 persons present: 9 attendants or stewards (including 2 male steward)
1500 but less than 1750 persons present: 12 attendants or stewards (including 3 male steward)
1750 but less than 2000 persons present: 13 attendants or stewards (including 3 male steward)
2000 but less than 2500 persons present: 15 attendants or stewards (including 3 male steward)
Over 2500 persons present: 1 attendant or steward for every 120 persons, or part thereof (one male steward for every 600 persons or part thereof)

- (b) At every performance to which Section 12 of the Children and Young Persons Act 1933 applies, the number of attendants or stewards in those parts of the premises which are not more than ten feet above or below ground level, shall not be less than two per cent of the seating capacity of those parts of the premises, and in all other parts of the premises it shall not be less than four per cent of the seating capacity for those parts of the premises provided that where children are in the charge of school teachers, those teachers may be regarded as attendants or stewards in respect of not more than one half of the number of attendants or stewards required in section (a) of this condition.
- (c) At every performance where children are accommodated above ground level there shall be an attendant or steward at the foot of each stairway used for entrance while the audience is entering the premises and at the head of each stairway used for exit throughout the performance and while the audience is leaving the premises.
Where children are accommodated below ground level those attendants or stewards shall be stationed at the head of each stairway while the audience is entering the premises and at the foot thereof during the performance and while the audience is leaving the premises.
- (d) Throughout the time when the public are in attendance, attendants and stewards shall wear either distinctive clothing or suitable armbands.
12. All persons primarily employed in premises licensed to sell alcohol who vet customers in order to maintain good order shall be approved and licensed by the Security Industry Authority.
13. A register of names of persons on duty to vet customers and maintain good order at any given time, shall be kept on the premises and made available to a Police Officer or a duly authorised officer of the Licensing Authority on request by either of those officers.
14. A procedure to be followed in the event of fire or other emergency will be devised.
15. All persons employed to work in the premises and all attendants and stewards shall be given instruction and training in the procedure to be followed in the event of fire or other emergency.
16. The licensee shall be responsible for organising the training of staff and all attendants and stewards shall be responsible for co-ordinating the actions to be taken in the event of fire or other emergency. Effective arrangements shall be made for a nominated deputy to carry out the above



Licensing Act 2003 Premises Licence

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ANNEXES continued ...

- duties.
17. Before carrying out any alterations to the premises, including the wall and ceiling linings or any material alteration in the furnishings or in the internal arrangement of the premises, or equipment with which the premises are provided, 28 days written notice must be given to the Licensing Authority and to the Fire Authority.
 18. Any alterations, modifications or extensions to the electrical installation with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with I.E.E. Regulations and any portable electrical equipment or appliances used in the premises shall be in efficient working order and correctly wired and connected.
 19. A conspicuous notice clearly stating the location of the nearest telephone and the correct method of summoning the Devon Fire and Rescue Service shall be displayed in the foyer of or entrance to the premises.
 20. No portable heating appliances shall be permitted on the premises during the time they are used for the purpose to which this Licence applies.
 21. The use of pyrotechnics shall be permitted only after consultation and with the agreement of the fire authority. In this connection pyrotechnics means the use of apparatus or other devices for the production of smoke, coloured smoke or firework-like effects.
 22. The use of naked lights or flames during performances is prohibited unless prior written consent of the Licensing Authority has been obtained.
 23. All doors fitted with panic bolts or latches shall be prominently indicated by the words 'Push Bar to Open' in block letters in a distinctive colour, preferably white letters on a green background.
 24. If the premises are to be used for any entertainment involving a closely seated audience the Licensing Authority must have approved the seating arrangements in writing. Before such approval can be given, copies of a plan showing the proposed seating arrangements shall be submitted to the Licensing Authority and to the Fire Authority.
 25. Notwithstanding the foregoing condition: -
 - (a) In any premises exclusively used for a closely seated audience all seats shall be securely fixed to the floor.
 - (b) In premises not exclusively used for a closely seated audience, chairs, if provided shall be battened or otherwise securely fixed together to the satisfaction of the Licensing Authority in lengths of not less than four nor more than twelve chairs, and if more than 400 people are to be accommodated the chairs or seats adjoining any gangway shall be securely fixed to the floor.
 - (c) There shall be an unobstructed seatway or space of at least 12 inches (300 mm) measured between perpendiculars between the back of one seat and the front of the seat immediately behind.
 - (d) The maximum number of chairs or seats in any row shall not exceed:-
 - (i) Seven where there is a gangway at one end only of the row, and
 - (ii) Fourteen where there is a gangway at each end of the row *except* that the number of seats in a row served by only one gangway may be increased to eleven if the seatway is increased by one inch (25 mm) for each additional seat over seven and the number of seats in a row served by two gangways may be increased to 22 if the seatway is increased by one inch (25mm) for each additional seat or pair of seats over fourteen.

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ANNEXES continued ...

26. At any time when an entertainment to which this licence applies is being, or is about to be given and at any other reasonable time, a constable, authorised officer of the East Devon District Council, or authorised officer of the Devon Fire and Rescue Service in uniform shall be given free ingress to the premises for the purpose of inspection.
27. The use of the premises hereby licensed shall not be or become a nuisance to nearby residents or passers by.
28. The volume of any apparatus used shall be under the control of the Management, from a part of the premises, which is not accessible to the public.
29. Where volume-limiting devices are required to control the amplification of sound, they shall be effectively operated and maintained to ensure that the volume does not exceed the permitted sound level.
30. The Fire Officer's recommendations (if any) shall be strictly observed.
31. All fire fighting equipment with which the premises are provided shall be maintained in efficient working order.
32.
 1. Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of a public entertainments licence or under the provisions of the Hypnotism Act 1952.
 2. An application for consent under Condition 1 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7 - 14 days: less where the hypnotist has previously performed at the same venue. The applicant must at the same time forward a copy of the application to the chief officer of police: and the authority may also copy it to the local fire authority if it considers this necessary.
 3. The application shall contain the following:
 - (a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist"), along with details of their last three performances (where and when): and
 - (b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotist Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.)
 4. The following conditions shall apply to any consent given:
 - (a) No poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere:
 - (b) Every poster, advertisement or programme for the performance which is displayed, sold



Licensing Act 2003 Premises Licence

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ANNEXES continued ...

- or supplied shall include, clearly and legibly, the following statement: "Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance."
- (c) The performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested: and it must be available for inspection at the performance.
 - (d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.
 - (e) A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance.
 - (f) Before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform: informing the audience of the possible risks from embarrassment or anxiety: and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:
"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant."
 - (g) No form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques, which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.
 - (h) If volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety.
 - (i) The performance shall be so conducted as not to be likely to cause offence to any other person in the audience or any hypnotised subject.
 - (j) The performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include: (i) any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not

Licensing Act 2003 Premises Licence

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ANNEXES continued ...

- prohibit the hypnotist from asking subjects to act as if they were a child etc.);
 - (ii) any suggestion that the subject has lost something (e.g., a body part) which, if it really occurred, could cause considerable distress;
 - (iii) any demonstration in which the subject is suspended between supports (so-called "catalepsy")
 - (iv) the consumption of any harmful or noxious substance;
 - (v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).
 - (k) The performance shall not include giving hypnotherapy or any other form of treatment.
 - (l) All hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed.
 - (m) All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).
 - (n) The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell).
 - (o) Where -
 - (i) a constable, or
 - (ii) an authorised officer of the licensing authority, or
 - (iii) an authorised officer of the fire authorityhas reason to believe that a performance is being, or is about to be given, he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.
33. Staff will be trained on the requirements of the Licensing Act 2003 when they are recruited and given training in 'Drugs Awareness' as part of their induction.
34. A suitably qualified First Aider will be present at the premises at all times that the premises are open to the public.
35. Last food orders will take place at 7.00 pm.
36. There will be compliance with the Portman Groups code of Practice on the naming, packaging and promotion of alcoholic drinks and any retailer alert bulletins issued there under.
37. Children will be allowed on the premises only whilst food is being served.
38. Patrons will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
39. All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to give rise to noise.
40. The premises will have a zero tolerance policy to the use and supply of illegal drugs.
41. A minimum of two suitably qualified door staff will be employed at the premises at weekends.



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ANNEXES continued ...

42. Suitable door staff registered with the Security Industry Authority to be employed from 09.00 pm until 30 minutes after the end of the permitted hours on any day that live music or recorded music and any entertainment of a similar nature is planned to take place on the premises with event being open to the public and continuing after midnight.
43. All door staff will:
 - (a) Be correctly registered with the Security Industry Authority.
 - (b) Display the correct name badge.
 - (c) Carry proof of registration.
 - (d) Be used at a ratio to be agreed by the Police and Local Authority which is currently 1:75.
 - (e) Will wear clothing that can be easily and clearly identifiable on CCTV - i.e will wear a reflective number between 1 and 99 (at least 100mm high) in a prominent position on the upper part of the body.
 - (f) Where there are 5 or more door supervisors on duty, at least one of these will be female.
44. Radios will be used to provide two way communication between staff, the police and other licensed premises.
45. Radios used to provide two way communication between staff, the police and other licensed premises will be maintained in working order at all times.
46. The radios and equipment used to provide two way communication between staff, the police and other licensed premises will be on at all times the premises are open to the public, and will be monitored by the Designated Premises Supervisor or other responsible staff member.
47. A proof of age policy agreed by the police and local authority will be in force.
48. Notices will be displayed advising patrons of the Zero tolerance to illegal drugs policy the premises.
49. Suitable signage at the exit to request the co-operation, of patrons in particular, to make as little noise as possible when leaving the premises.
50. The designated premises supervisor, or such person so authorised by him, will control the volume of music or other apparatus used.
51. A noise limiter device capable of being sealed to be installed and monitored to the satisfaction of the Council's Corporate Director - Communities.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None.

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The extent of the areas within which the licensable activities will be permitted is as shown outlined in RED on the plan deposited with and approved by the Licensing Authority.

Licensing Act 2003

Premises Licence Summary

PLWA0408

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Anchor Inn (Sidmouth) (The)

Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

Telephone 01395 514129

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	10:00am	11:00pm
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	10:00am	11:00pm
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	New Year's Eve	10:00am	Midnight
	And from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	12:30am
Friday & Saturday	10:00am	1:30am
New Year's Eve	10:00am	Midnight
And from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day		



Licensing Act 2003

Premises Licence Summary

PLWA0408

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Denise Theresa Fudge	The Anchor Inn, Old Fore Street, SIDMOUTH, Devon, EX10 8LP.
Trevor John Fudge	The Anchor Inn, Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Trevor John FUDGE

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



Melanie Wellman
Director of Governance and Licensing



LEGEND

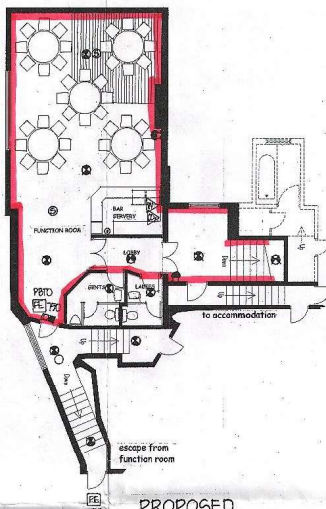
- Illustrated EXIT sign
- Emergency light
- Electric fire alarm call point
- Electric fire alarm siren (24V DC)
- Ionisation smoke detector
- Heat detector
- AFFF extinguisher - 6 litre capacity
- CO2 extinguisher - 2 kg capacity
- Dry Powder extinguisher - 2.25 kg or 4.5 kg capacity
- Water extinguisher - 9 litre capacity
- Fire blanket - 1.2m x 1.2m
- Half hour fire resisting self-closing door & frame, with combined intumescent fire & smoke seals. Door shows Fire Door - Keep Shut notices in both sides unless otherwise indicated.
- One hour fire resisting door & frame, with combined intumescent fire & smoke seals. Door to have Fire Door - Keep Shut notices to external face unless otherwise indicated.
- Door fitted with Panic Bar & PUSH BAR TO OPEN Notice
- Fire Exit Door - Clear opening width
- SWIRAMP machine
- Extent of licensed area

- Doors and partitions required to be fire resisting are to be in accordance with BS476 P12.
- Fire resisting doors required to resist the passage of smoke at ambient temperature conditions shall, unless tested in accordance with BS476 test 45A, be rated with smoke seals.
- The fire alarm system is to comply with BS5839.
- The emergency lighting installation is to comply with BS5266 P1.
- Illuminated exit signs are to conform to BS5460.
- Fire fighting equipment is to comply with BS5445.
- Fire safety related signs and notices are to conform to BS5449.
- Wall and ceiling linings are to be Class 1, surface spread of flame as defined in BS476 P1.7 in public areas. Class 0, in escape routes as defined in the Building Regulations.
- Upholstered seating furniture should satisfy, as a minimum standard, ignition source C, specified in BS5852, P1.2. Fire tests for furniture methods of tests for the ignitability by smokers materials of upholstered furniture for seating and BS5852 P1.2 fire tests for furniture methods of tests for the ignitability of upholstered furniture for seating by flame source this minimum required standard for the latter is crib ignition source G1.
- Any fabrics which have received a flame retardant treatment should be subjected to the water test, test specified in BS5852, requirement certification to the above standards should be provided from an accredited testing laboratory prior to installation.
- Curtains and drapes are to satisfy Type B performance requirements of BS5867 P1.2.
- Vertical foliage and other decorative effects are to be fire resistant to the satisfaction of the Fire Authority.
- Fire floor coverings should be tested to BS4563 for effects of small ignition source hot metal and match.
- Vertically hung textiles should conform to BS5852.
- Fire alarm and detection systems to cover all areas.

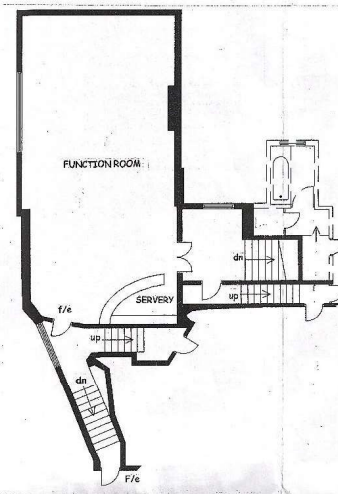


SITE LOCATION PLAN
1:1250

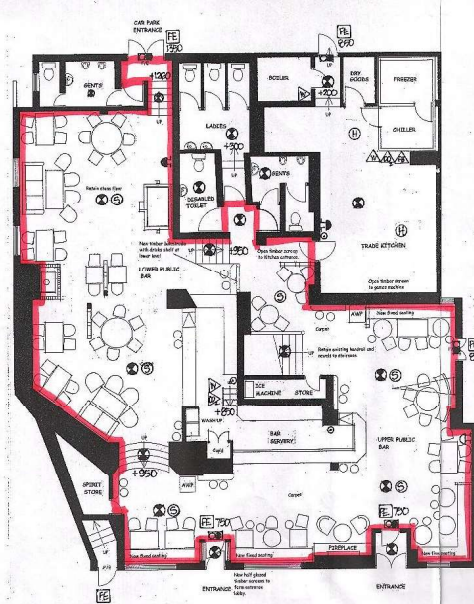
APPENDIX D



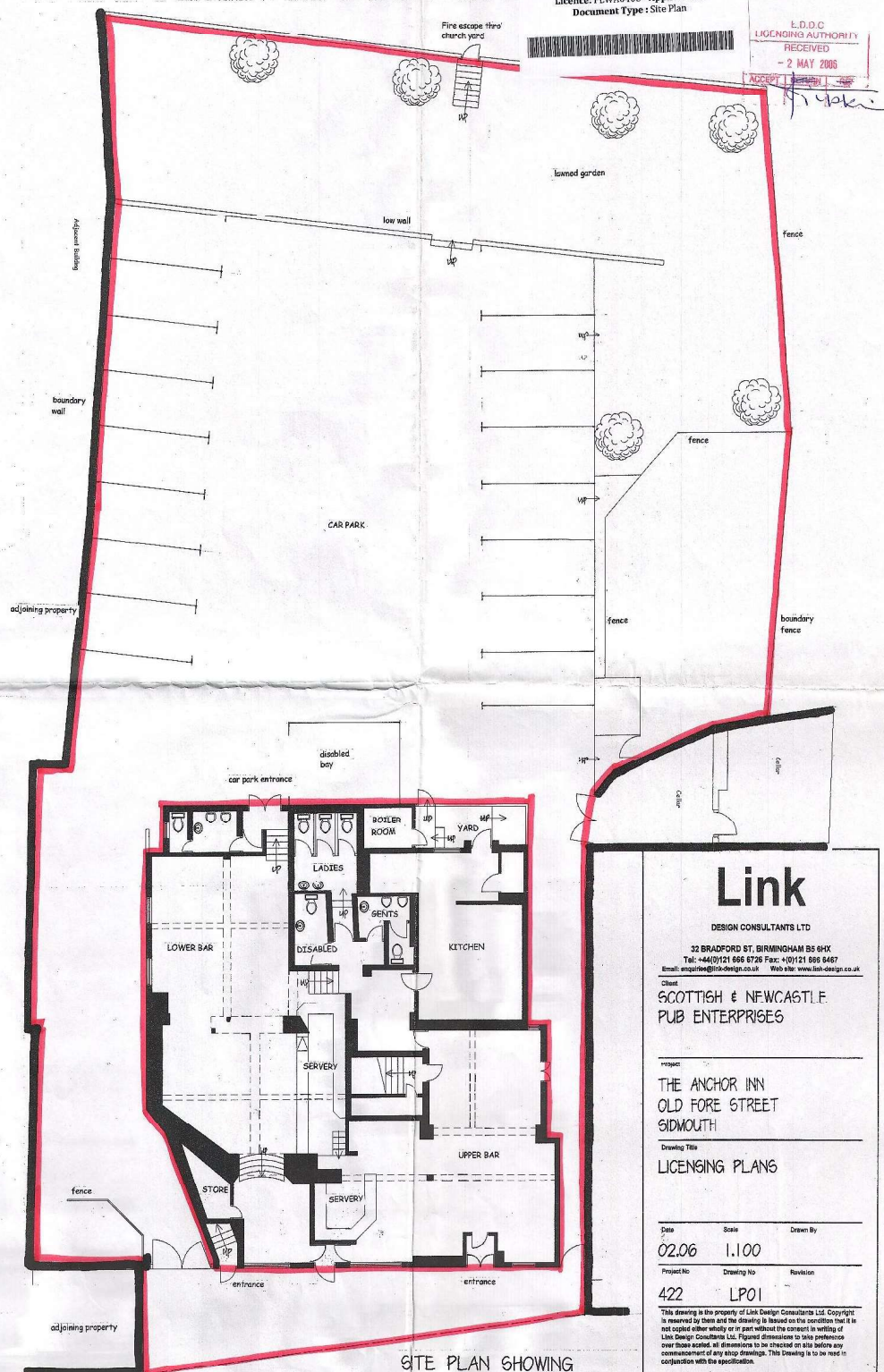
PROPOSED
FIRST FLOOR PLAN



EXISTING FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



EXISTING GROUND FLOOR PLAN
SITE PLAN SHOWING
OUTSIDE DRINKING AREAS

Licence: PLWA0408 - Application
Document Type: Site Plan

L.D.D.C
LICENSING AUTHORITY
RECEIVED
- 2 MAY 2005

Link

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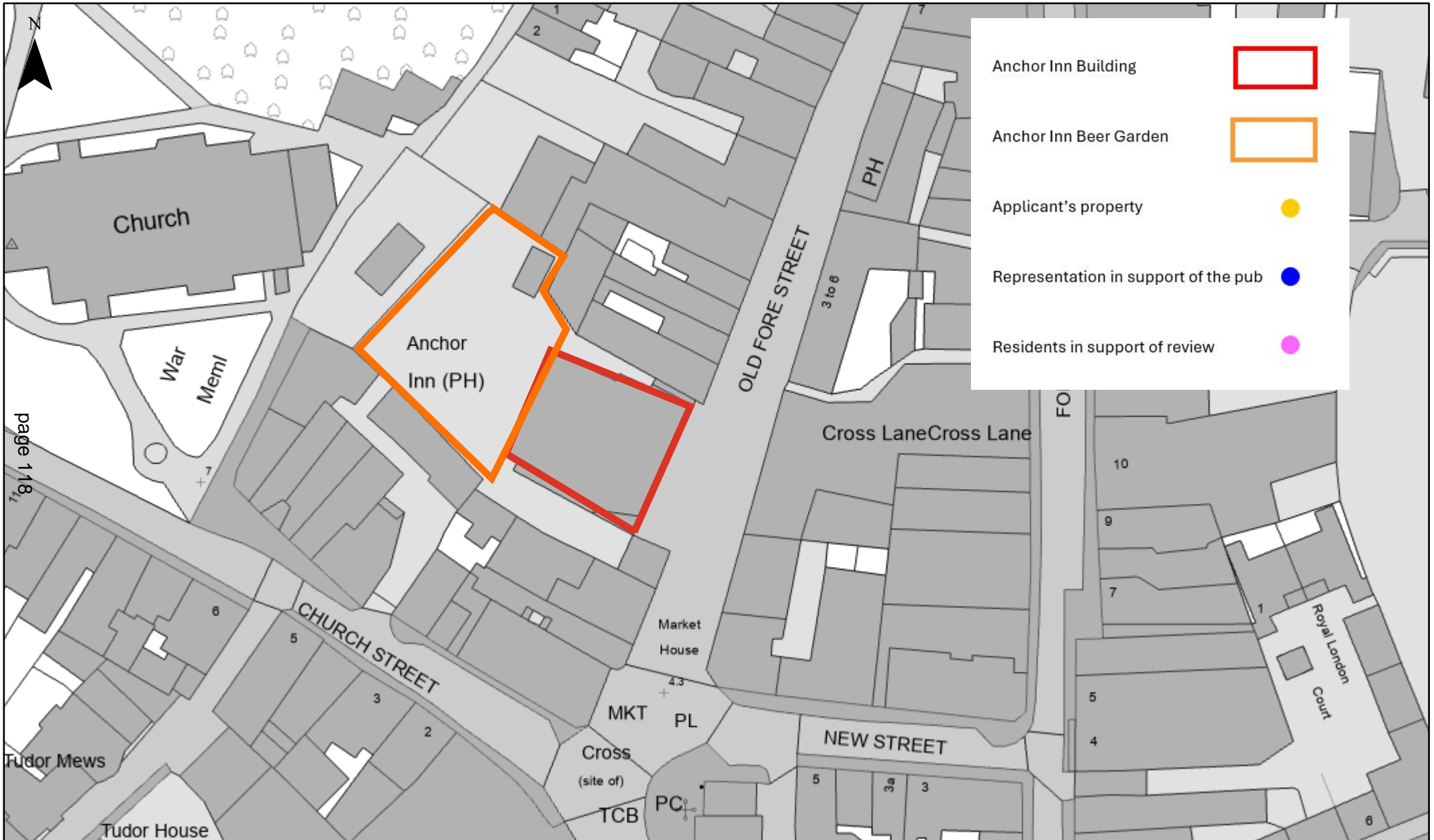
Client
**SCOTTISH & NEWCASTLE
PUB ENTERPRISES**

Project
**THE ANCHOR INN
OLD FORE STREET
SIDMOUTH**

Drawing Title
LICENSING PLANS

Date	Scale	Drawn By
02.06	1:100	
Project No	Drawing No	Revision
422	LPO1	

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Scale: 1:672

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Map Tile: SY1287SE Full Reference: SY12628 87346

Photo 1



Photo 2



Photo 3





Photo 5



Photo 6





Photo 8



Photo 9



Environmental Health Licensing Review Report; Anchor Inn

by Ian Winter

I am employed by East Devon District Council as an Environmental Health Officer. I am a registered Environmental Health Practitioner with the Chartered Institute of Environmental Health and an Associate Member of the Institute of Acoustics. I hold an MSc in Environmental Health from Derby University. I hold a Diploma in Acoustics and Noise Control through the Institute of Acoustics and a Certificate of Competence in Environmental Noise Measurement.

I have been employed by the Council since November 2020. Before that, I was employed for 13 years by Mid Devon District Council. Since 2015 I have been employed as an Environmental Health Officer. Before that point I was employed as an Environmental Protection Officer. I have extensive work experience gained from over 30 years of working within Environmental Health.

The evidence which I have prepared and provided for this Licensing Review is true to the best of my knowledge and belief and I confirm that the opinions expressed are my true professional opinions.

The submitted Review Application primarily concerns the prevention of public nuisance and asserts that the current controls for regulated entertainment, specifically live music in the beer garden during Folk Week at the Anchor Inn, are inadequate and inappropriate.

Currently the premises has an unwritten Noise Management Plan and they have been advised by Environmental Health to keep music noise levels below 70 dB(LAeq) over a 15-minute period (when measured at the façade of a Noise Sensitive Receptor).

It is important to note that responsibility for the live music events at the Anchor Inn lies with the licensees, not the folk festival organisers. However, distinguishing these events from the many other live music performances taking place across Sidmouth during Folk Week is challenging. Performances occur at multiple licensed venues, public spaces, churches, schools, community centres, car parks, streets, and various impromptu locations at simultaneous times throughout the event. This long-established event is generally well-received by residents and Environmental Health receive very few noise complaints given the densely packed setting and unique nature of the festival. The last instance of multiple noise complaints made against the Anchor Inn was in 2014.

Folk Week attracts thousands of visitors to East Devon, generating significant social and economic benefits. Many local businesses, especially in catering and hospitality, rely heavily on the income from this event, often earning up to a third of their annual revenue during Folk Week, which helps them sustain through the winter months.

Environmental Health has worked both proactively and reactively with licensees and event organisers to manage music noise levels effectively within Sidmouth. The town's dense property layout and minimal separation distances pose challenges in controlling noise from outdoor live music. Due to these spatial constraints, it is difficult to restrict

decibel levels because of other ambient noises. Consequently, the main emphasis is placed on controlling operating hours, specifically ensuring music events conclude by 23:00, before any night-time noise restrictions begin.

In establishing effective noise management measures, a balance must be struck between effective controls and avoiding overly restrictive burdens on the premises. This approach supports successful events while minimising disturbances to noise sensitive receptors (NSRs). However, given the close proximity of NSRs, some audibility of outdoor music inside homes is inevitable, making it a matter of reasonable compromise.

Realistic noise monitoring can only occur during sound checks when audience numbers are low and crowd noise does not affect readings. Due to the confined space, measuring noise during performances near the audience often results in artificially high levels (around 80 dB(A)) because of people noise near the sound level meter.

Music noise levels are best controlled by a sound engineer positioned front-of-house (at the mixing desk), who manages the volume to keep levels acceptable for both audiences and performers while complying with any limits set by this Authority.

Following the deregulation of live music legislation, the premises licence has no noise conditions relating to events held in the beer garden.

In 2023, 2 noise complaints were received by Environmental Health. During the investigation of these complaints, Environmental Health engaged with all parties, offering advice and discussing the implementation of an NMP. A NMP was introduced for 2024 but not a written NMP.

Since the Review Application was submitted, I have met with one of the Licensees/Designated Premises Supervisor and his daughter on-site to discuss the concerns raised and they have responded to the concerns being raised in the Review by developing a more robust, written Noise Management Plan (NMP) to better control music noise during Folk Week at the premises.

The NMP discussions have focused on setting an appropriate music noise level. The guidance document 'The Code of Practice on Environmental Noise Control at Concerts' is used to manage outdoor music noise. This guidance recommends the following:

- For urban stadia/arenas: music noise for 1–3 concert days/year should not exceed 75 dB(A) over 15 minutes (measured at an NSR façade).
- For other urban/rural venues: music noise for 1–3 concert days/year should not exceed 65 dB(A) over 15 minutes (measured at an NSR façade).
- For 4–12 concert days/year at all venues: noise should not exceed background levels by more than 15 dB(A) over 15 minutes (measured at an NSR façade).

Although the Anchor Inn hosts more than three concert days annually, these events are clustered together and end relatively early (by 23:00). No other outdoor music occurs in the beer garden outside the period of Folk Week. In considering this it is

considered that the “1 to 3 events per year” guideline remains a reasonable description of the site’s use when considering its wider annual use.

Environmental Health recommend using a control level that balances effective noise management without overly restricting the premises and this is:

- 70 dB(LAeq) over 15 minutes, measured at an NSR façade.

Meeting this level should allow successful outdoor music events to continue at the premises, while minimising noise disturbance. I acknowledge that due to the NSRs’ proximity, music will still be audible indoors, but setting this level will help in managing expectations and find a balance between the residents, attendees and Licensees. Full compliance with these limits does not guarantee zero complaints, as some arise simply because the music is still audible.

A typical double-glazed window reduces noise by around 33 dB and while Environmental Health does not usually recommend closing external windows to mitigate noise disturbance, in this situation, given the closeness of NSRs and the significance of live events during Folk Week, it is advisable for residents that they can introduce their own noise mitigation controls by closing their windows during periods of music.

On reviewing historic noise complaints linked to the timings of Folk Week, no multiple noise complaints have been received by Environmental Health since 2014. Therefore, Environmental Health has no evidence to support claims of public nuisance.

As already stated, the premises currently does not have a written NMP. Advice has been provided by Environmental Health in the development of a robust, written NMP for submission as part of the review hearing. This approach is supported by Environmental Health.

REPRESENTATIONS LIST

Application No: 060061 **Application Date:** 10 June 2025
Licence Type: Premises Licence WITH Alcohol **Licence No:** PLWA0408
Application Type: Review of Licence/Certificate

Premises: Anchor Inn (Sidmouth) (The)
Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

Applicant: Mr Steven Chalkley

Person making Representation: Denise Thomas

Representation Accepted: Representation has been accepted

Reason: Representation in support of The Anchor Inn

Details: Concerning review of the premises licence at The Anchor Inn, Sidmouth EX10 8LP
"Application to review failure to promote the following licence objective, the prevention of public nuisance, specifically music noise levels from the rear courtyard during the Sidmouth Folk Week events and dray work (storage and movement of barrels) during the Sidmouth Folk week events"

My family was approached during Folk Week last year by a resident from [redacted] to sign a petition to prevent The Anchor from having live music at the pub. I declined.

I would like to make the following points against the proposed review:

Folk week is only one week out of fifty-two.

The dates are known well in advance. Alternative arrangements can be made by residents to stay elsewhere to avoid the periods of live music.

[redacted] are in the town centre. This is bound to have both advantages and disadvantages. It is not possible, nor reasonable, to expect only advantages.

During the previous summers of Folk Week, the employees of The Anchor Inn ensured that the live music stopped immediately at a reasonable hour. No encores and no extra minutes. This has been enforced religiously by The Anchor Inn as agreed.

11 pm is a reasonable hour to finish. If this was midnight or 1 am, I would understand complaint.

I have single pane windows [redacted] The Anchor Inn, so not as fortunate [redacted] with double or triple glazing. Yes, unsurprisingly, I can hear the music during Folk Week. I can also hear noise from customers eating outside, from the café, from the church bells, seagulls, deliveries, and pedestrians. Also, from council workers leaf-blowing and grass-cutting in the churchyard - conducted at an annoyingly early hour and undertaken throughout the year! However, when I made the decision [redacted], I considered my proximity to all of these potential distractions. [redacted] must have done the same.

The music volume is not extreme - particularly by modern standards. I would argue that it is probably in line with music played at Dukes Inn and other venues during the Folk Festival Week, and certainly not as loud as the Jazz Festival, which I can hear clearly from Blackmore Gardens, but of course, is further away.

The Anchor Inn is busy during the Folk Festival Week. I would expect an increase of deliveries and dray work for the duration. Living near to a public house this is to be anticipated. There should be some realistic understanding of the practicalities.

We are fortunate that The Anchor Inn is a thriving pub that takes care with appearance and is a fine feature of the town. I would like to encourage its continuation. Many Sidmouth businesses hope to have an increase of custom during Folk Week, and it certainly helps to sustain over the quieter winter months. Equally, many Sidmouth businesses are struggling in this current economic climate and perhaps for once, support of a creative local business could be made a priority. I suspect that some of your complainants are enjoying retirement, and do not have the anguish of ensuring a livelihood for themselves or that of their employees.

Love it or hate it, Folk Week is a unique experience that changes the character of Sidmouth for a week. The Anchor Inn contributes hugely to the atmosphere and entertainment. I can see [redacted] people enjoying the ceilidhs and [redacted], the live bands. Should a small number of individuals be permitted to interfere with this enjoyment for so many? Regularly, we read of councils making unpopular decisions that favour the vociferous few - some common sense needs to prevail here.

Application No: 060061

Premises: Anchor Inn (Sidmouth) (The)
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No doubt a number of [REDACTED] to The Anchor Inn may have maintained how miserable both the dray work and live music is for the week, especially for the housebound. I sympathize, but some of these same residents also regularly complain about the church bellringing, DIY, and the seagulls. With the latter, neighbours have taken matters into their own hands, despite illegality. What will be the next target for those who wish for silence 24/7 in a seaside town that promotes tourism?

A decision upholding this public nuisance notice will set a precedent for the entertainment and working practices for other public houses in Sidmouth during the Folk Festival Week. All are positioned near residential housing - will Dukes Inn, The Volunteer Inn, The Swan, Radway Inn, The Black Horse and The Balfour Arms also come under scrutiny?

In conclusion, I make representation against any proposed review of the premises licence of The Anchor Inn, and I do not agree with the application. The Anchor Inn should be permitted to continue with their current arrangements.

Kind regards

Evidence:

Suggestion:

Person making Representation: Nikki Startup

Representation Accepted: Representation has been accepted

Reason: Representation in support of The Anchor Inn

Details: Sidmouth Folk festival brings people from all over the country to enjoy the performances that the festival put on and fill our beautiful town with excitement. Now in its 71st year the festival, in its various guises, has been a wonderful addition to Sidmouth. For the majority of locals the free events in The Anchor garden are the beating heart of the festival. For years it has put on Ceilidh's and excellent bands. The events are well organised, well attended and the security detail is second to none. The youngsters of the town are welcomed and underage drinking is vigorously policed. When I was young these gigs were something my friends and I looked forward to all year and now I am well into my fifties we still feel the same way. Long may The Anchor be licensed to put on these events and also it would be a great bonus to the town if they were allowed to reinstate their summer gig evenings. The events will obviously cause a certain level of noise disturbance to properties immediately adjacent to the pub from music levels and the moving of barrels. However, I cannot believe there is anyone in these properties that were unaware they were moving next to a pub garden and thus would have taken possession of the property with full knowledge of the possible noise factor. The majority of the time this pub garden is quite so I do not believe it is unreasonable to have a week of the year when the noise level steps up for the enjoyment of so many people.

Evidence:

Suggestion:

Application No: 060061

Premises: Anchor Inn (Sidmouth) (The)
Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

Person making Representation: Mrs Denise Fudge & Mr Trevor Fudge

Representation Accepted: Representation has been accepted

Reason: Premises Licence Holders

Details: STATEMENT

We write in response to the statements received by neighbouring residents represented by Mr Stephen Cha kley, in connection with the review of the Premises License Number PLWA 0408 held by [REDACTED] at the above-mentioned address.

It is with great sadness that we have received a formalised complaint of this nature in connection with concerns around the music noise levels and dray work being carried out during the Sidmouth Folk Festival period.

As a very proud Platinum Sponsor of the Sidmouth Folk Festival, equating to an annual cost to the business of approximately £8,000 per annum, we have made every effort to mitigate these concerns in previous years. We regrettably find ourselves having to work closely with authorities to address these concerns in writing. The heritage of The Sidmouth Folk Festival and the decades of revenue it has brought to the town is extremely important to us and we feel honoured to be part of it. The economical benefits to the both the business and the town as a whole are unequivocal.

The Anchor Inn is fully emersed in and committed to serving the community it is in and supports local concerns and charities regularly both through fundraising, sponsorship, and as a venue for meetings/events. Some examples of organisations and charities that have benefited are The Old Comrades, The Lions Club, The Rotary Club, Sidmouth Primary School, St Johns School, local sports clubs including sponsorship of youth football teams, Sidmouth Hospice at Home, RDE Charity and Sidmouth's Dementia Cafe to name just a few.

We take our [REDACTED] responsibilities very seriously and have put numerous procedures in place trying to balance the impact on noise sensitive receptors whilst holding a financially viable entertainment package for customers, many of which are local residents of Sidmouth to enjoy, The Anchor employs 24 staff members, all of which depend on the financial viability of The Anchor Inn.

Whilst we had hoped that a give and take relationship during the specified period would prevail, regrettably this is not the case.

Some of the procedures put in place during this period are for example and not exclusively are as follows:

1. We contract and remunerate a full-time in-house sound engineer who is responsible to the management of The Anchor Inn and works closely with the Duty Management team to ensure that noise levels are within parameters in keeping with the comfort of neighbours. In accordance with this, we have produced a Noise Management Plan (please see below) formalising our commitment to this.
2. We have worked with both the local EHO and the noise receptive properties to provide rubber matting to limit noise interference when dray work is carried out. We have now gone further with this and moved the designated area for the dray to the furthest point from the noise sensitive properties as physically possible.
3. We contract a Security Firm who provide first class care to our customers including the upscale to a full time medical first responder payable by us. They have a duty of care to the public who enjoy our space and uphold public order to the highest standards. They have outlined this in a statement attached. All Stewards are SIA badged.
4. Whilst we are licensed and permitted to operate to time constraints detailed in our license including the provision of live music for 365 days of the year, we withhold doing so with compassion and sensitivity to surrounding properties.

We have received such incredibly support from the local community hailing our music, both Ceilidhs provided by The Sidmouth Folk Festival and the music provided by us creating the most amazing, safe and happy place to be for both young and old, some of which comments I attach to this letter.

We have also reached out and connected with our neighbouring businesses who have nothing but praise for the way we operate so considerably both in and out of fo k week.

Whilst we continue to cooperate with the noise sensitive properties detailed in the application for review, we must be fair to the business, its staff members, its customers and the mental health of the proprietors namely [REDACTED] who have worked tirelessly to give and take in this situation.

Finally, please see attached a petition of support that we have had available within The Anchor Inn for customers to sign in support of our entertainment during fo k week continuing. Notably there are residents who live as close in proximity to us as the noise sensitive properties that enjoy the festival with us from their homes and wish to continue to do so.

We appreciate that we will never be able to please every person that visits us or resides near us, but arguably we do our very best to come as close to that outcome as we can and continue to strive to do just that.

The following noise management plan (NMP) details the measures that will be undertaken by the management of The Anchor Inn, to reduce the impact from music noise during the Sidmouth Folk Festival

Application No: 060061

Premises: Anchor Inn (Sidmouth) (The)
Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

period annually.

Front of house sound engineers will monitor the music noise levels (MNL's) at the mixing console and adjust the overall MNL's from the stage to remain within the following specified decibel levels.

Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous noise level emanating from music on the premises, when measured at the boundary of any noise sensitive property over any 15-minute period with entertainment taking place, will be controlled not to exceed 70 dB (LAeq15min).

The front of house sound engineer will conduct sound measurements during soundchecks to ensure that the specified MNL will be met.

A designated member of staff will be responsible for carrying out MNL checks at peak periods namely 9pm - 10.45pm. This will be monitored hourly within this specified period. The sound engineer will be advised on the observed MNL's and where necessary take action to adjust the MNL accordingly to ensure the recommended MNL is met. This action will be recorded.

Front of house sound engineers will respond to any instruction from the management regarding the MNL's emanating from the amplified sound system.

Speakers will be positioned so they minimise disturbance to adjoining residential properties. Prior to events, the speaker setup will be reviewed, and the latest technology will be used for any improvements in sound direction and reduction, as much as is viably possible.

Should any low frequency noise complaints be received, steps will be taken to reduce the low frequency content of the MNL particularly between 63 and 125 Hz.

A robust complaints procedure shall be in place for the duration of events. The landline number of 01395 514129 may be used during opening hours. In the event of a complaint, the MNL will be checked. The sound engineer will be advised on the observed MNL and where necessary take action to adjust the MNL accordingly to ensure the recommended MNL is met. Any action taken will be recorded.

Dray work will be carried out with sensitivity, causing as little interference to neighbouring properties as possible whilst balancing the need for the business to operate effectively. A new designated fenced area of the business will be used for empty barrel storage. This is located away from noise sensitive receptors.

EXTRACTS FROM OUR BUSINESS FACEBOOK PAGE WHEN ASKING THE LOCAL COMMUNITY FOR FEEDBACK ON SIDMOUTH FOLK FESTIVAL AT THE ANCHOR INN - JUNE 2025

'Music, Sunshine, friends, laughter and all of the hard work you all put in to make it special for everyone' - Donna A

'you guys are awesome' - Becky H

'It's the main place to go for the folk festival. Amazing ceilidhs in the day and the wonderful lively music in the evenings. So good to go during the festival and feel safe with security and looked after' - Tony P

'When I first moved to Sidmouth you used to have great bands on during the summer. Its such a shame that the summer gigs have had to stop - they brought life, energy and so much joy to the town. Were incredibly lucky to have a venue that showcases fantastic live music, especially during Fo k Week, with amazing local talent and rising artists. Not every town gets that' - Mark T

'The Anchor is the best place to be at any time but especially Folk Week' - Julie H

'Our most favourite venue to play, always has the best atmosphere and always the best audience' - Charlie R

'Amazing line up can't wait' - Amanda M

'Anchor has always been the hub of folk week ever since I care to remember and hopefully always will be' - Kay B

'It wouldn't be Folk Week unless you did all you do for everyone, main place for Folk Week is The Anchor. Thank you, absolutely love it and each year it gets better and better' - Kate J

'Its absolutely brilliant, the hub of fo k week. Lovely to see the young and old joining in and learning folk dancing and music. The venue is a safe place for great bands to enjoy through folk week with great people, drinks and food all being enjoyed. Long may it continue it brings life and joy. It's only a week so we should all get involved and enjoy. It's good for Sidmouth and all the businesses. So yes, Anchor is brilliant for all of this and safe' - Jow F

'I just feel the Anchor is the centre of Folk Week, it is brilliant, and I hear so many fantastic comments' - Local pub business

'The Anchor is the heart of Folk Week. Great gigs, brilliantly run. We have friends that come from all over the country just to join in at The Anchor. Would be great if you could bring back the summer gigs too' - Nikki S

'The Middle Bar!! This will be my 44th year in The Middle Bar' - Lynne T-W

'Fab atmosphere always at The Anchor Inn, looking forward to the gig on August 1st' - Julie ST

'Such a great atmosphere' - Deb S

'Always a great place to be, staff and service 100%' - Jane T

'The Lovely Anchor Team always go several extra miles to make the place extra special during Folk Week - its at the heart of it' - David L

Application No: 060061
Premises: Anchor Inn (Sidmouth) (The)
Old Fore Street, SIDMOUTH, Devon, EX10 8LP.

ADDITIONAL DOCUMENTS RECEIVED: LETTER FROM CONTRACTED SECURITY PROVIDE, ALPHA
PROTECT LTD & PETITION SIGNED WITHIN THE PUB



ALPHA
PROTECT

Alpha Protect Ltd Enys Close

Truro
Cornwall
TR1 3TF

M: 07889 072476

O: 01872 719737

E: Info@AlphaProtect.co.uk

W: www.AlphaProtect.co.uk

To:

Licencing Authority
East Devon District Council
Blackdown House
Border Road
Heath Park Industrial Estate
Honiton
EX14 1EJ

Date: 21 June 2025

RE: Security Provision and Public Welfare During Sidmouth Folk Week

Dear Licencing, Sub-Committee

We write in response to the current licencing review concerning The Anchor Inn, Sidmouth, and to outline the due diligence, professional standards, and operational assurances provided by Alpha Protect Ltd in relation to public safety and welfare during Sidmouth Folk Week.

As the contracted security provider for The Anchor Inn during this period, Alpha Protect Ltd has implemented and maintained the following measures, aligned with the four licencing objectives set out in the Licencing Act 2003, with particular emphasis on public safety and the prevention of public nuisance.

1. Staffing & Deployment

- All deployed security operatives are SIA licenced and vetted using BS 7858 standards as its guidelines.
- A full deployment plan is submitted in advance to the premises licence holder, including detailed rotas, positioning, and briefing schedules for all operatives.
- Alpha Protect maintains a rotational welfare system for the teams assigned to this task, to ensure they are kept well hydrated and fuelled so that standards maintain throughout.

2. Training & Briefing

- All security staff are briefed daily on:
- Crowd management procedures
- Alcohol-related incident de-escalation
- Vulnerability safeguarding protocols (e.g. Ask for Angela, first response to vulnerable individuals)
- Incident reporting and documentation, including evidence handling and cooperation with police if applicable.

3. Partnership & Communication

- Our team liaises in real-time with:
- Premises management and bar staff
- Local police community support officers (PCSOs)
- Sidmouth Folk Week stewards and safety coordinators (if applicable)
- A dedicated Security Supervisor is assigned on-site as the liaison point for responsible authorities throughout the event.

4. Public Welfare

- Welfare-focused patrols are conducted to identify and support vulnerable individuals, including those who may be intoxicated or separated from groups.
- Security teams are all trained at minimum to Level 3 first aid at work, and at least one First Response Emergency Care (FREC3) trained operative is always on duty with full medical kit to that standard.
- We ensure safe egress at closing time with dispersal measures to try and minimise street congestion and reduce local disturbance.

5. Documentation & Accountability

- All incidents are recorded in a digital Incident Log, available upon request.
- An after-action report is compiled at the end of the Folk Week event for review by both the premises and local stakeholders.

Alpha Protect Ltd is committed to maintaining the highest standards of public safety, professionalism, and cooperation with local authorities. We take our role in community events such as Sidmouth Folk Week seriously and strive to uphold the trust placed in us by licenced premises and the wider public.

Should the Licencing Sub-Committee or any responsible authority require further documentation or wish to discuss any of the measures outlined above, we remain at your disposal.

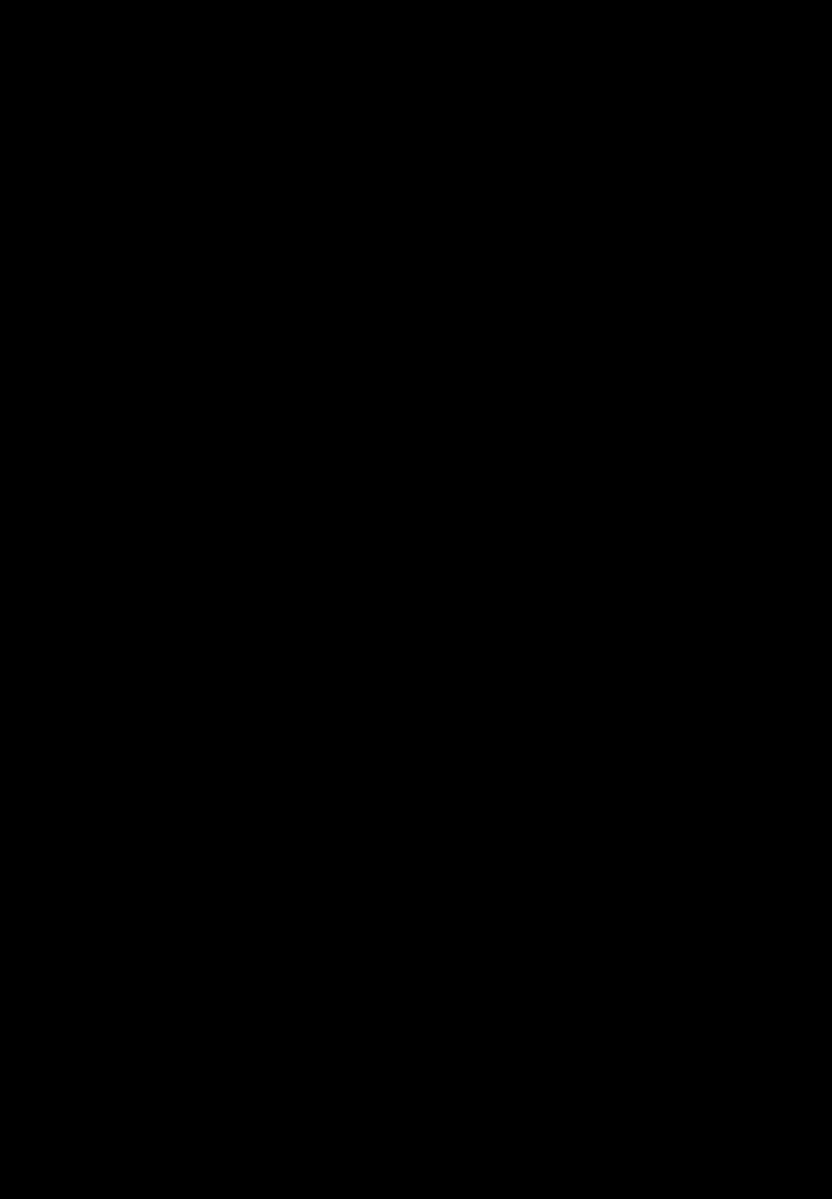
Yours faithfully,
Luke Megson
Managing Director
Alpha Protect Ltd

THE ANCHOR INN SIDMOUTH

We are working closely with the local licencing authority in relation to our boundaries around providing live music until 11pm daily during Folk Week. If you are in support of this continuing, please provide your name and address below. Thank you for your time.

NAME

ADDRESS

natali beglin	
Peter Grant	
marguerite gray	
S. TSARKER	
TO BRATT	
M. EVANS	
L DOWN	
M Williams	
JANE WARDROP	
Ed. ROBERTS	
Helen Adshard	
BILL CASSAR	
MR R TOUGHER	
Mrs R TOUGHER	
Shirley Bofford	
Adrian Bowers	

THE ANCHOR INN SIDMOUTH

We are working closely with the local licencing authority in relation to our boundaries around providing live music until 11pm daily during Folk Week. If you are in support of this continuing, please provide your name and address below. Thank you for your time.

BRENT NELSON
NAME SUE MC SMITH

Abi Hext
Kelsie Bernard
Ryan Prose
Suzie Tay
Derek Cody
KAZ HUMPHRIES
ALICE HUMPHRIES
TIM WICKENSON
J. WILKINSON
J. RICHARDS
S. POOL
A STEELE
Mike Deary
Shawn Harvey
Steve Russell
HANNA KIRK
Jacobs Sycamore
George Reynolds
Alison O'Hara
MICHAEL LAWRENCE
Jo Fisher
Debbie RATT
TONY PHILLIPS



THE ANCHOR INN SIDMOUTH

We are working closely with the local licencing authority in relation to our boundaries around providing live music until 11pm daily during Folk Week. If you are in support of this continuing, please provide your name and address below. Thank you for your time.

NAME

Christine Doddsworth

Maureen Davies

Myron Edwards

NEALE BARNES

PAUL GOLARDI

PAUL SMITH

ALISON SMITH

CHRIS
DODGE

D BARTON

OLIVIA THOMAS

DENISE THOMAS

PHOEBE THOMAS

Jow Whittle French

Martyn French

Harriet Taylor

Kevin Dunsford

Chloe French

Carolyn French

Terry French

Marie

Richie

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Responses to Notice of HearingApplicant

Steven Chalkley	
Hearing Unnecessary	No
Attending	Yes, Steven Chalkley will attend. Stephen Spencer will also attend. Mr Spencer submitted a statement as part of Mr Chalkley's review and will answer questions if required.
Supporting documents	<ul style="list-style-type: none"> • Response to representations • Proposal to The Anchor with regard to their suggested Noise Management plan, to achieve agreement before committee date <p>(These two documents are provided within this appendix, following the responses from all other parties.)</p>
Summary of key points	<ol style="list-style-type: none"> 1. Excessive music noise levels during folk week outside events at The Anchor Inn cause nuisance and distress to adjacent properties/residents 2. Flawed interpretation of noise council guidelines and reliance on non-existent garden areas at the façade of noise sensitive properties has led to EDDC suggesting higher music noise levels to the disadvantage of residents but to the advantage and gain of The Anchor. 3. Late night dray work has caused further noise nuisance up to midnight to adjacent residents. <ul style="list-style-type: none"> • Excessive music noise from the premises beer garden causes public nuisance over the eight days of folk week to nearby properties • Noise caused by night time dray work

Premises Licence Holder

Trevor Fudge & Denise Fudge	
Hearing Unnecessary	
Attending	Yes – Trevor Fudge & Michelle Anning (daughter of licence holders)
Supporting documents	No
Summary of key points	No

Responsible Authority

1.	Environmental Health
Hearing Unnecessary	Yes
Attending	Yes – Environmental Health Officer Ian Winter
Supporting documents	No
Summary of key points	No

Other Persons

1.	Denise Thomas	
Hearing Unnecessary	Yes	
Attending	Yes	
Supporting documents	No	
Summary of key points	<ul style="list-style-type: none">• Dates known in advance• One week out of fifty-two• 11pm is a reasonable hour, music never extends this time• The pub is a working pub so deliveries expected, especially during folk week• When purchasing property the pub was in existence• We live in the town centre and noise is to be expected. Noise is not excessive by modern standards.• Sets a precedent for other pubs during folk week• Businesses in locality have very quiet winters and folk week sustains and important for town to remain a working pub• Lived in Sidmouth most of my life, the Anchor has always contributed to folk week	

2.	Nicola Startup	
Hearing Unnecessary	No	
Attending	No	
Supporting documents	No	
Summary of key points	No	

FROM STEVEN CHALKLEY: RESPONSE TO REPRESENTATIONS

RESPONSE TO NOTICE OF HEARING REPRESENTATIONS (CONT.)

This response will deal with the representations in the order of presentation in the bundle dated 9th July, received from EDDC on 10th July 2025.

Representation of Denise Thomas.

I have agreed to represent neighbouring residents in this matter and have no knowledge of any petition proffered to Denise Thomas or her family.

The suggestion that residents make arrangements to move away from their homes during folk week is quite silly and somewhat arrogant. We are not suggesting that the folk week events stop at the Anchor but, the volume is lowered and late night dray work carried out up to and beyond midnight is moved away from noise sensitive properties and carried out at different times.

During folk week the 8 days of continuous music noise at current volume levels – 12 hours per day – is in excess of what can be realistically expected of living next to a public house. The music/dancing performances arranged by folk week organisers during the day cause less of a problem than the heavy rock bands put on by the Anchor management at night. Normal pub car park/garden noise throughout the year is expected and pub management have in the past quickly dealt with issues arising from unsupervised children kicking footballs against my lounge wall and Karcher pressure cleaning in the car-park at 6.15am.

The comment that there are no encores or extra minutes is not true. In previous years music has over-run at the end of the night during folk week. This has been followed by lengthy periods of noisy dray work against the lounge walls of adjacent noise sensitive properties up to and beyond midnight of which the contributor, who lives above ground floor level, would not be aware so can only offer an opinion. Prior to the contributor moving into their apartment, which has only been relatively recent, piped music was played until 11.20 – 11.30pm whilst patrons exited the area.

The music levels are far in excess of the Noise Council guidelines and certainly in excess of what is expected in a pub garden surrounded by residential properties whether in a rural or urban area.

None of the complainants wish to curtail the normal business activities of the Anchor but would hope for respect and understanding from the licensees regarding the night-time noise levels. The inference that some are housebound and reference to retirement status are discriminatory and have no relevance in this matter.

Complainants have given these issues much consideration before submitting this request for a review. It follows previous approaches to the licensee and several years of discussion between

the residents and others. The complainants are certainly not vociferous and have avoided making vexatious complaints in recent years.

I have agreed to speak for several residents from whom I have taken statements and submitted with the review application. I have no knowledge of any of these residents complaining about church bells, DIY or seagulls. The contributor should report matters of illegality to the relevant authorities and refrain from making un-substantiated irrelevant ramblings in an attempt to deflect away from how the noise affects others.

I do, however, agree with the words of this representation stating that “common sense needs to prevail!”

Representations of Nikki Startup.

The folk festival, Ceilidh's, and other dancing displays are not the problem. The Anchor appears to run well organised events with adequate security over the 8 days. The issues are the seriously flawed interpretation of Noise Council guidelines and reliance on non-existent garden barriers to calculate music noise decibel levels at the façade of noise sensitive properties at this site. This has caused music event organisers to think they can play music at excessive noise levels with complete disregard to the effect on nearby residents. The music noise levels are far in excess of what a normal person would expect from a pub beer garden, especially for 8 continuous days, 12 hours a day. The contributor cannot hope to comprehend the effect of noise levels on adjacent residents. This is opinion of one who lives out of town in another village.

Representations of Mr & Mrs Fudge.

We have no problem with the general running of core activities at the Anchor Inn. However, music noise levels and late night dray work, up to and sometimes beyond midnight, are the only issues that we seek to be addressed. Adherence to the Noise Council Music Noise Levels for Outside Venues guidelines would settle this issue to the satisfaction of the nearby residents and others and should not affect the enjoyment of patrons who can still dance and listen to the music. In the years prior to the current Licensees taking over the premises the Anchor put on successful Ceilidh's and music events in the beer garden. These were not excessively amplified, enjoyed by all and attracted no complaints from neighbours.

It is the flawed decision making of EDDC and others when setting noise levels by fabricating the number of performance days throughout the year together with inventing a non-existent stretch of garden at the façade of noise sensitive properties claiming this would attenuate noise levels by 5dBs that has led to unrealistic volume music noise levels being set. These noise levels together with the thump of bass instruments and drums have been soul destroying for nearby residents. The Anchor management undertook to reduce noise levels in previous years after representations were made to EDDC Licensing. The Licensing Officer at the time stated that she preferred to conduct matters informally but, volume levels have gradually increased over subsequent years. Following folk week 2023, on behalf of neighbouring residents, I wrote to the Licensees of the Anchor in a letter dated 14th December 2023 explaining the issues regarding increased music noise levels and the problem of late night dray work hoping it would give them further insight as to how these issues were affecting their neighbours. I did not receive any acknowledgement to this letter. I have adduced a copy of this letter as exhibit SC4 in my statement dated 4th November 2024. We were hoping to resolve this matter without the need of a license review and were encouraged after the Licensee

agreed, after a meeting with EH Officer Ian Winter on 1st August 2024, to monitor and ensure music levels were not excessive and that live music would finish at 22.45 hours. Unfortunately, the subsequent folk week music levels were still excessive and the offer of a 22.45 hours cut-off was not observed. Following further emails we were advised by Ian Winter to contact Lesley Barber from Licensing to consider a license review. This is the current position.

I would like to extend an invite to Mr & Mrs Fudge to visit my home during the coming folk week to observe how the music noise affects nearby residents in their homes.

All we require is that all involved parties approach this review in a dignified manner with integrity and consideration for others and that Noise Council guidelines are honestly applied without deceit.

The £8000 donation to the folk festival is a generous sum and is good investment when considering the financial returns during folk week as the Anchor is packed solid in all downstairs bars, the outside pavement area, the upstairs function room and the beer garden. The engagement of the Anchor with the charitable and other organisations is truly commendable. Adhering to Noise Council guidelines should in no way affect their income or relationship with these organisations and neither would we want it to.

We have absolutely entered into a give and take approach regarding the folk week music noise. However, as years go by the volume levels and noise of the night time acts increases. Putting things off year after year and waiting for informal approaches by successive Environmental Health and Licensing staff is no longer an option.

The recent management plan to move dray work away from noise sensitive properties is much appreciated. I have asked for this to be included in the review in order that a suitably worded condition may be entered on the premises licence to assist future landlords. I personally wonder why this could not have been done when it was first raised in 2015. Never have I known a public house carry out dray work so near to neighbours at that time of night.

The suggested NMP is set at noise levels near a level previously agreed in 2015 this has subsequently been proven too excessive. I refer the Licensee to the Noise Council publication with readings to be confirmed at the façade of the noise sensitive properties namely the rear of the cottages situated in Ebdons Court.

With regard to the petition, maybe it could have been headed:-

We are working closely with the local licensing authority in relation to our boundaries around providing live music until 11pm daily during Folk Week without causing nuisance or distress to our neighbours. If you are in support of this please provide your name and address below. Thank you for your time.

That I believe would have given a more balanced result.

I am sure most of the contributors to the Facebook page would continue to enjoy folk week at the Anchor if Noise Council guidelines were adopted. The Noise Council is an erstwhile organisation, consisting of experts and specialists in this field who have compiled the guidelines after a great deal of research, work and government co-operation.

Environmental Health Licensing Review Report; Anchor Inn. By Ian Winter.

EDDC purport to use the Noise Council guidelines to manage outside event music noise during folk week. The EDDC EH officer who dealt with our noise complaint in 2014 made an informal noise level arrangement with the Anchor in excess of those recommended by C.O.P.E.N.C. I was not aware of the COPENC guidelines at that time. These levels have steadily increased year on year. Noise levels during 2023 folk week were such that at least 9 residents of adjacent and neighbouring properties felt that further representation be made to EH of EDDC. Many others throughout the town have commented and wondered how we put up with the noise every year but, of course, could only give an opinion to this committee so they have not been included in this application.

Paragraph 8 refers to the town's dense property layout, minimal separation distances and ambient noise causing issues in controlling noise from outside music events. Why are environmental health not then placing restrictions on music levels instead of fabricating situations that allow music levels to be increased above Noise Council guidelines? Controlling operating hours, specifically ensuring music events conclude by 23.00 does not address excessive music noise levels at say 22.00!

With regard to paragraph 9 – how can the guidelines of an expert body such as the Noise Council be deemed overly restrictive?

Paragraph 10 – Noise readings should be taken at the façade of the noise sensitive property – not within the audience.

In his report, Mr Winter refers to the guidance of COPENC and admits that although the Anchor hosts more than 3 concert days per year (the true figure is 8 days per year) and due to the events being clustered together (consecutive) the council considers that there are only a maximum of 3 events during the year! **This is simply to allow an increase in music noise level which is the root cause of the problems experienced by nearby residents.**

Notes to table 1. on page 6 of COPENC – item 4. Reads – **For those venues where more than three events per calendar are expected, the frequency and scheduling of the events will affect the level of disturbance. In particular, additional disturbance can arise if events occur on more than three consecutive days without a reduction in the permitted MNL.**

The Anchor hosts 8 consecutive events during folk week – **EDDC ignores note 4 above which again contributes to the root cause of and compounds the problems experienced by residents.**

Even when applying this numerical speculative fiction that 8 is 3, the venue description of the Anchor is **other urban/rural venue** where the music noise level should not exceed 65 dB(A) when measured at the noise sensitive property façade and yet it appears that Mr Winter has recently suggested a noise level of 70 dB be set in a written Noise Management Plan for the premises.

Mr Winter failed to mention in his report that in addition to the fictional scenario above, EDDC also claim that a non-existent garden at the façade of the noise sensitive properties is part of their considerations and calculate that this garden would add 5 dB of noise level attenuation to the music noise level thus allowing for a MNL of 70 dB be set. In an official email to me Mr Winter mentions this fictional garden scenario and goes on to state that he acknowledges there is no such garden area at my location but maintains justification of the 70 dB level. **This is beyond deceit, truly remarkable and contributes to the root cause of the problems experienced by nearby residents.** I have adduced the email of 25th September 2024 as exhibit SC7 my statement dated 4th November 2024 included with the review application. Mr Winter, in his report to this review as an Environmental Health Officer, goes on to advise that residents could keep all windows closed during the periods of music. This would, of course, be for twelve to twelve and a half hours per day for 8 days at the height of summer. Considering situation regarding climate change and heat waves I find this a remarkable suggestion. If I opened my front lounge windows, which face away from the Anchor, I would not be able to hear the television even at high volume settings.

Post 2014 involvement by the EH officer the residents did not think it prudent to keep making further complaints, even though the noise levels steadily increased over the years. We wanted to avoid accusations of vexatious complaints.

Following folk week 2023 I began an email exchange with Mr Winter and on more than one occasion requested that he visit my home during the day or night during folk week 24 to see for himself how the noise levels were affecting neighbours and myself. Mr Winter declined to visit stating the council did not offer an out of hours service. I note that Mr Winter has made several visits to the Anchor.

Mr Winter states there is no evidence to support claims of public nuisance – this is because he failed to visit the site at relevant times. On 20th November 2023 I sent an email request for recording equipment to be made available for folk week 2024. The response from Mr Winter in an email dated 5th December 2023 was that this could be considered. No recording equipment was made available.

The recommended noise levels in a written NMP, supported by EH, include music noise levels not exceeding 70 dB. This is based on the flawed interpretation of COPENC guidelines and a non-existent garden providing additional noise level attenuation. This is not acceptable. However, on behalf of the complainants, in the interests of give and take and good neighbourly relations, I would make the following proposal:-

That the noise level mentioned in the Representation of Mrs Denise Fudge & Mr Trevor Fudge be set at **65db(A)**. This would remove the reliance on a non-existent garden at the rear of the NSRs which purports to lower MNLs by 5dB. We propose this on a Without Prejudice basis as it is not a true reflection of the restrictions required for 8 venue performances a year. We believe this is a fair proposal and will allow the Anchor to continue the outside events without causing issues with their neighbours.

Finally, EDDC must introduce an out of hours EH service to fully cover periods of outside and pub music venues during folk week and the jazz festival. The provision of an answer phone number that is not manned until the following day is woefully lacking and does not provide a satisfactory service level by the Environmental Health Department.

FROM STEVEN CHALKLEY: PROPOSAL TO THE ANCHOR

Proposal to the Anchor Inn.

That the Noise Management Plan referred to in representation be amended to change the MNL of 70dB(A), as mentioned, to 65dB(A).

This would still allow adequate audience enjoyment of the music venue without causing unnecessary and excessive disturbance to neighbours and without the need to rely on non-existent noise attenuating scenarios.

This is a genuine suggestion made in the interests of good neighbourly relations.

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
- representations considered by the licensing authority when the premises licence or certificate was granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order or illegal working compliance order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough

¹⁰ See chapter 16 in relation to the licensing of live and recorded music.

action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

NOISE MANAGEMENT PLAN (NMP) OFFERED FOR THE DURATION OF SIDMOUTH FOLK FESTIVAL EVENTS AT THE ANCHOR INN, SIDMOUTH

1. Front of house sound engineers will monitor the music noise levels (MNL's) at the mixing console and adjust the overall MNL's from the stage to remain within the following specified decibel levels.
2. Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous noise level emanating from music on the premises, when measured at the boundary of any noise sensitive property over any 15-minute period with entertainment taking place, will be controlled not to exceed 70 dB (LAeq15min).
3. The front of house sound engineer will conduct sound measurements during soundchecks to ensure that the specified MNL will be met.
4. A designated member of staff will be responsible for carrying out MNL checks at peak periods namely 9pm - 10.45pm. This will be monitored hourly within this specified period. The sound engineer will be advised on the observed MNL's and where necessary take action to adjust the MNL accordingly to ensure the recommended MNL is met. This action will be recorded.
5. Front of house sound engineers will respond to any instruction from the management regarding the MNL's emanating from the amplified sound system.
6. Speakers will be positioned so they minimise disturbance to adjoining residential properties. Prior to events, the speaker setup will be reviewed, and the latest technology will be used for any improvements in sound direction and reduction, as much as is viably possible.
7. Should any low frequency noise complaints be received, steps will be taken to reduce the low frequency content of the MNL particularly between 63 and 125 Hz.?
8. A robust complaints procedure shall be in place for the duration of events. The landline number of 01395 514129 may be used during opening hours. In the event of a complaint, the MNL will be checked.
9. The sound engineer will be advised on the observed MNL and where necessary take action to adjust the MNL accordingly to ensure the recommended MNL is met. Any action taken will be recorded.
10. Dray work will be carried out with sensitivity, causing as little interference to neighbouring properties as possible whilst balancing the need for the business to operate effectively. A new designated fenced area of the business will be used for empty barrel storage. This is located away from noise sensitive receptors.