

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.