

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.