

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 30 July 2025

Attendance list at end of document

The meeting started at 9.33 am and ended at 11.11 am

8 Minutes of the previous meeting

The minutes of the previous meeting held on 18 June 2025 were agreed and signed as a true record.

9 Declarations of interest

There were no declarations of interest.

10 Matters of urgency

There were no matters of urgency.

11 Confidential/exempt items

There were no confidential or exempt items.

12 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

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the Officers present.

The Sub Committee's Legal Advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the 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 Street, Sidmouth EX10 8LP.

The applicant for the review, present and entitled to make representations, was Mr Steven Chalkley. Mr Chalkley was accompanied by Mr Stephen Spencer.

Present and entitled to make representations was the premises licence holder Mr Trevor Fudge. Mr Fudge was accompanied by Ms Michelle Anning.

Also present and entitled to make representations was Ms Denise Thomas.

The Licensing Officer highlighted the following points in the report:

- With regard to the dray work, the premises licence holders had now agreed to move the barrels to an alternative location during Sidmouth Folk Week. The alternative location was at the furthest point from the applicant for the review's property;

- Section 1.10 of the report [page 8] read as follows: “restricting dray work in the vicinity of bordering properties, limiting this to between 18:00 – 21:00 daily.” This section should read: “dray work in the vicinity of bordering properties should be restricted from 6pm to 9am daily.”
- The premises licence holders had confirmed that the maximum capacity of the beer garden was 547 people, however, the premises operated on the maximum number of 500 people.

In response to questions from Members it was noted that any noise complaints would be dealt with by Environmental Health rather than Licensing. An unwritten noise management plan was in place for the premises under review and the Environmental Health Officer had discussed this with the premises licence holder. It was noted that there was no requirement to have a noise management policy in place. Two complaints had been received in the previous year, one of which was from the applicant for the review.

The applicant for the review, Mr Chalkley, made his case and advised the Sub Committee that he had lived at his property, which shared a boundary with The Anchor Inn, since 2006. The applicant noted that noise levels had increased over the years, and he had made a complaint in September 2023, to which the Environmental Health Officer had responded. The applicant for the review was of the opinion that EDDC had wrongly interpreted the recommended noise levels in the Noise Council Code of Practice. Local residents did not want to affect business at The Anchor Inn, but did want unnecessary noise levels to be lowered. A noise limit of 65 decibels would be acceptable to residents.

The Environmental Health Officer advised that the noise management plan set an external decibel level of 70. In response to a question from Members, the Environmental Health Officer advised that, in his view, residents would only just notice a reduction of 5 decibels. The smallest perceived reduction in decibels is 3db. When The Anchor Inn garden was full, it would be likely that noise from the public audience would exceed noise from music played outside. The presence of the public audience would also attenuate the noise levels from the music to some extent.

The applicant for the review confirmed that the windows of his property were kept shut at all times during Folk Week in order to keep out noise and requested that Noise Council guidelines be adhered to.

In response to a question from Members, the applicant advised that music during the evenings of Folk Week was heavy rock and disco and therefore differed from folk music played during daytimes.

The Folk Week 2025 music listings for The Anchor Inn were submitted to the Sub Committee with the agreement of those present.

The applicant for the review advised that he had known the area when he bought his property and he was asking for a reduction in noise levels.

There were no questions from the premises licence holder or the interested person for the applicant for the review.

The premises licence holder's case was put by Ms Anning who advised that every effort had been made to be neighbourly and that the premises licence holder was happy to negotiate. Consideration should also be given to the number of people enjoying themselves during Folk Week.

In response to questions from Members of the Sub Committee, it was confirmed that an in-house professional sound engineer was always present during events and had been in post for the past 14 years. The Anchor Inn did not use bands' own sound engineers. Noise levels for amplified music were controlled through a sound desk.

The Environmental Health Officer advised that noise levels were the same regardless of the genre of music played, although it was noted that there would be a wider range of frequencies associated with rock music.

Regarding the applicant for the review's request for a reduction in noise levels to 65 decibels, the premises licence holder would not find this acceptable unless it applied to the whole of Folk Week and was not limited just to The Anchor Inn.

As Folk Week was so busy, the premises licence holder advised that flexibility was needed as to when to undertake dray work. Removing this flexibility would incur additional costs for the business if conditions on the timing of dray work were imposed for the whole of the year.

The interested person put her case and advised that her property was in close proximity to The Anchor Inn garden. In her view, The Anchor Inn was a nice family pub which provided a variety of music entertainment. In contrast to the applicant for the review, the interested person had not found noise levels intolerable during the previous years' Folk Week and advised that she had been able to hear her television and conduct phone conversations without difficulty or interference from noise. It was important for residents to remain objective with regard to the one week per year when Folk Week could be difficult for some. Residents should not be stipulating terms of business for premises trying to make a living.

The interested person responded to questions from Members of the Sub Committee regarding the proximity of her property to The Anchor Inn.

In response to a question from the Sub Committee regarding possible conditions, the Legal Advisor advised that any conditions imposed on The Anchor Inn solely for Folk Week would be publicised and that this may then generate complaints about other venues from complainants seeking the same conditions.

With regard to the current guideline of 70 decibels for Folk Week, the Environmental Health Officer advised that noise levels would be monitored during the upcoming week in order to establish whether there was a basis for complaints. The applicant for the review invited the Environmental Health Officer to visit his premises during Folk Week.

The applicant for the review made his closing statement and advised that he had no issue with the running of The Anchor Inn. The offer to relocate the dray work during Folk Week was accepted with thanks. The applicant reiterated that he sought a reduction of agreed noise levels to 65 decibels during Folk Week.

The hearing was adjourned for a short time to enable the Sub Committee to obtain legal advice.

On the resumption of the meeting, the Legal Advisor advised that the Sub Committee was of the view that it would be appropriate to adjourn the decision until after Folk Week to enable Members to visit Folk Week and to allow time for the Environmental Health Officer to undertake noise monitoring during the daytime at The Anchor Inn.

The premises licence holder expressed concern that Members visiting the premises during Folk Week would add additional stress during an already busy week. The premises licence holder was of the view that monitoring noise levels was the responsibility of Environmental Health.

The Chair advised that the Sub Committee was happy to rely on the noise monitoring data collected by the Environmental Health Officer during Folk Week.

The hearing was adjourned to a date following receipt of the noise analysis to be undertaken by the Environmental Health Officer during Folk Week. All parties would be informed of the date on which the decision would be made.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)
O Davey
J Whibley (Chair)

Councillors also present (for some or all the meeting)

Y Levine

Officers in attendance:

Lesley Barber, Licensing Officer
Sarah Jenkins, Democratic Services Officer
Phillippa Norsworthy, Licensing Manager
Giles Salter, Solicitor
Zoe Jones, Licensing Officer
Ian Winter, Environmental Health Officer

Councillor apologies:

Chair

Date: