

To: Hon. Dr. José Herrera

Ministry for Sustainable Development, the Environment and Climate change

From: Noise Abatement Society of Malta (NASoM)

28th September 2016

Overview: “The government’s responsibility to reduce the widespread increase of noise and its adverse impact on the health & wellbeing.”

Major noise sources:

Road & Air Traffic

Leisure activities (Catering establishments, Local Councils, Private Organizations)

Infrastructural & Construction works

The regulators often complained that their resources are limited to investigate noise complaints in real-time, hence their reactive response. Nevertheless effective management necessitate a proactive approach.

Assessment of the noise level is in most cases a major drawback. The absence of an objective criterion for determining the noise levels bring into play the unreliable mode of noise evaluation; subjective assessment of how loud is too loud!

Although noise after 5 pm does not diminish in volume or intensity, it nevertheless, bring about the most controversial element concerning noise management; Enforcement. Since all complaints after 5 pm have to be addressed by the police. Do they have the resources, the expertise or the time to check the elusive culprit, ‘NOISE’?

Furthermore, can the police close down an establishment as underlined in the regulations. The ruling by of Mr Justice Joseph R. Micallef has left its mark on the police proactive approach. The last solution is for the residents to present a court injunction against the offending party. Whichever, a just-in-time solution is never an option in favour of the victim! This situation is detrimental to the health & wellbeing to the thousands exposed to unwanted noise.

Suggestions:

- A. Legislation for noise emission limits and the assessment methodology
- B. Inclusion of the following stipulations in all regulations/permits related to noise management
 - a. Daily acceptable noise levels L_{DEN} . Noise monitoring is to be undertaken by the operator/contactor/owner if necessary
 - b. Noise levels from any leisure activity in the evenings must not exceed 55 dB (A) measured one metre from the resident’s façade
 - c. Noise levels from construction sites: must not exceed 65 dB (A) from 07:00 – 17:00 or 55 dB (A) and 50 dB(A) from 17:00 till 20:00; measured one metre from the resident’s façade
- C. Exhaust noise level of moving motor vehicle to be in line to EU regulation 540/2014. 70 to 80 dB (A) dependent on engine power
- D. Exhaust noise level of the moving motorcycles to be in line to EU regulation 168/2013 66 to 80 dB (A) dependent on engine power
- E. Review the local VRT exhaust noise levels to be in line with the EU regulations

Monitoring the noise levels

In the absence of a national web based noise monitoring system (most European Countries have such systems) noise level assessment must be measured in situ by the regulator or by his delegated. When or if necessary noise assessment could be delegated to the police, the Local Council or NGOs. A doable proposition is that a selected number of trained personnel will be seconded to those districts mostly affected by noise nuisance in order to assess the noise levels in real time.

Proactive Enforcement

1. Permissible noise levels & sound insulation must be obligatory in all commercial establishments
2. On-site inspection to validate the soundproofing quality & random inspection thereafter to assure compliance
3. Soundproofing must include a two door system
4. Introduction of a Noise Limiter Device similar to those introduced in UK, France & Germany.
 - a. This is an electronic device which will switch off the audio output if it exceeds the agreed limits.
5. Application of the regulation that authorise seizure of equipment that cause noise nuisance.
6. Amplified Music must not be heard outside of the premises after 10 pm.

The hazardous noise effects on the health and wellbeing

Chronic exposure to noise above 85 dB (A) is a cause of hearing impairment. Furthermore, long term exposure to noise at a lower level which interferes with; communication, concentration or rest, can cause temporary or permanent stress¹. A noisy environment reduces the density and reproductive success of some bird species, and reduces their abundance.

In 2009 Prof Caruana conducted a Noise Awareness Survey on behalf of NASoM. The following are of interest: 95% of the population were aware that noise has a negative effect on health. 92% were the victims of noise pollution. 79% were of the opinion that reporting noise was a waste of time! ***Annex I***

In 2010 the effect of Noise pollution in our households was highlighted in the report, “The environmental health inequalities in the Maltese Islands”². A topic discussed during the Fifth Ministerial Conference on Environment and Health, held in Parma. Nevertheless the Maltese Authority’s commitments to address the issue to reduce noise pollution had not been fulfilled.

In 2015 The EEA, in its annual report, stated that 90% of the Maltese urban areas were exposed to high noise levels.³

- a. Even a reduction of 10 dB (A) can present little tangible benefit to inhabitants of an urban area experiencing an Lden of 75 dB (A) or more.
- b. Road traffic is the most dominant source of neighbourhood noise, with the highest people affected by noise levels greater than 55 decibels dB (A) L_{den}. ***EU legislation Annex IIA & IIB***

The fact is that Noise Pollution is **rampant** has little to do with population density. It has more to do with legislators disbelieve that; noise pollution is of serious concern to the health. The noise control legislation doesn’t reflect today’s realities. Hence, it impedes an already weak administrative system. Therefore, a systematic revision of both will bring into play a streamlined system to drastically reduce noise. ***Urban density Annex III***

Urban acoustic pollution is generated from several sources such as; traffic, industrial, commercial equipment, construction and infrastructure works, places of entertainment, aircraft, and traditional activities; like village feasts and fireworks. “Neighbourhood Noise”⁴ is a collection of this acoustic pollution in the urban areas. Framework Regulations for the control of neighbourhood noise were introduced in 2013 but not enforced. ***Annex IV***

The management of noise comprises several pieces of legislation; these are implemented by eight regulatory agencies, accountable to eight Ministries. This is the main shortcoming in the present system. The different players involved operate under different pieces of legislation, which are not in sync with today’s reality. Furthermore the system lacks institutional mechanism for coordination on the matters related to noise. This limitation results in the fragmentation of institutional responsibilities. ***Administration System Annex V***

Moreover, as a norm the regulators lack sufficient resources to fulfil their remit efficiently. For instance their work time period preclude them from investigating complaints after office hours. Furthermore, as a rule the noise level loudness, is resolved subjectively by whoever is investigating the complaint! Needless to say the relevance of this procedure is time-consuming and not reliable. ***Nuisance from Amplified Music Annex VI***

Change is not an option; “The population has the right to the quiet enjoyment of their property”.

¹https://www.ccohs.ca/oshanswers/phys_agents/non_auditory.html

² <http://www.euro.who.int/en/countries/malta/publications2/environmental-health-inequalities-in-malta.-assessment-report-2013>

³ High noise levels' are defined in the 7th EAP as noise levels above 55 dB L_{den} and 50 dB L_{night}.

³ <http://www.eea.europa.eu/publications/noise-in-europe-2014>

⁴ ***Neighbourhood Noise*** – the noise from pubs, commercial or local industry and construction sites, and transportation

⁴ <http://www.cieh.org/policy/default.aspx?id=13864&LangType=2057&terms=Neighbourhood%20noise>

Survey synopsis

Annex I

A. Bothered by Noise

- a. 92 % of the population at one time or another experienced noise which was a nuisance
- b. During the day (47%),
- c. During the night (22%) and at
- d. Both day and night (31%) .

B. Health Concerns

- a. 95 % are aware that noise is a health hazard
- b. 95% are aware that excessive noise can cause hearing impairment
- c. 92 % believe that unwanted noise can cause other health problems. Changes in -Blood pressure, sleep and digestion, nervous tension and cardiovascular diseases

C. Noise Complaints

- a. Effective redress to complaints about noise nuisance are few and far in between
 - i. 79 % never complained; 21 % did complain.
- b. The complaints were addressed; to the perpetrator 35%; the police 45%; Local Council 20%.
- c. Reason for not complaining:
 - i. Not bothered at all 19%
 - ii. Do not know the procedure to lodge a complaint 13%
 - iii. Enforcement not effective 31%
 - iv. Other 18%

D. Is there a need for a citizen organization

- a. Contribute 10%
- b. Support 19%
- c. Very good idea 59%
- d. Not worth it 12%

Table: Most annoying noise

Type	%
Construction noise	87%
Traffic noise	84%
Petards	81%
Amplified music	79%
Dogs barking	73%
Air Conditioners	60%
Loud voices / screaming	21%

Survey characteristics

Professor Albert Caruana, lecturer at the University of Malta in marketing research prepared the technical aspects of the survey. The survey contains 48 pages, 10 of - graphic presentations, 74 Tables, and 5 textual documentaries.

Statistics:

- ✚ Margin of error 5.56% (Sample's population 303)
- ✚ Confidence level 95%-
- ✚ Age spread 19 – 64 years
- ✚ Population spread across the 13 Districts (Malta & Gozo are divided into 13 Districts)
- ✚ Gender proportion – 50/50

Interviews – 3 different localities; Interview periods 9 days; sessions 18

EU Motorcycles legal instruments

Annex II/ A

Regulation 168/2013

1. This Regulation establishes the administrative and technical requirements for the type-approval of all new vehicles, systems, components and separate technical units referred to in Article 2(1).

This Regulation does not apply to the approval of individual vehicles. However, Member States granting such individual approvals shall accept any type-approval of vehicles, systems, components and separate technical units granted under this Regulation instead of under the relevant national provisions.

2. This Regulation establishes the requirements for the market surveillance of vehicles, systems, components and separate technical units which are subject to approval in accordance with this Regulation. This Regulation also establishes the requirements for the market surveillance of parts and equipment for such vehicles.

Sound-level limits — Euro 4 and Euro 5					
Vehicle category	Vehicle category name	Euro 4 sound level ⁽¹⁴⁾ (dB(A))	Euro 4 test procedure ⁽¹⁶⁾	Euro 5 sound level ⁽¹⁵⁾ (dB(A))	Euro 5 test procedure
L1e-A	Powered cycle	63 ⁽¹⁴⁾	Delegated act/UNECE regulation No 63		UNECE regulation No 63
L1e-B	Two-wheel moped $v_{max} \leq 25$ km/h	66			
	Two-wheel moped $v_{max} \leq 45$ km/h	71			
L2e	Three-wheel moped	76	Delegated act/UNECE regulation No 9		UNECE regulation No 9
L3e	Two-wheel motorcycle Engine capacity ≤ 80 cm ³	75	Delegated act/UNECE regulation No 41		UNECE regulation No 41
	Two-wheel motorcycle 80 cm ³ < Engine capacity ≤ 175 cm ³	77			
	Two-wheel motorcycle Engine capacity > 175 cm ³	80			
L4e	Two-wheel motorcycle with side-car	80			
L5e-A	Tricycle	80	Delegated act/UNECE regulation No 9		UNECE regulation No 9
L5e-B	Commercial tricycle	80			
L6e-A	Light on-road quad	80	Delegated act/UNECE regulation No 63		UNECE regulation No 63
L6e-B	Light quadrimobile	80	Delegated act/UNECE regulation No 9		UNECE regulation No 9
L7e-A	Heavy on-road quad	80			
L7e-B	Heavy all terrain quad	80			
L7e-C	Heavy quadrimobile	80			

NB: refer to the end of Annex VIII for an overview of the notes to the annexes.

S.L.65.15 Motor Vehicle Roadworthiness Test

C. Exhaust sound level testing

Class I Vehicles - shall be tested to an exhaust sound level rating **not exceeding 119 dB (A)** when the engine revolutions are at three-fourths of the maximum rated speed

EU Motor Vehicle Legal Instrument

Annex II/B

REGULATION (EU) No 540/2014

On the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC

(1) In accordance with Article 26(2) of the Treaty on the Functioning of the European Union (TFEU), The technical requirements for the EU type-approval of motor vehicles and their silencing systems with regard to permissible sound levels should be harmonised to avoid the adoption of requirements that differ from one Member State to another, and to ensure the proper functioning of the internal market while, at the same time, providing for a high level of environmental protection and public safety, a better quality of life and health, and taking account of road vehicles as a significant source of noise in the transport sector.

(11) The overall limit values should be reduced with regard to all noise sources of motor vehicles including the air intake over the power train and the exhaust, taking into account the tyre contribution to noise reduction referred to in Regulation (EC) No 661/2009.

(17) The provision of information on sound emissions to consumers and public authorities has the potential to influence purchasing decisions and accelerate the transition to a quieter vehicle fleet. Accordingly, manufacturers should provide information on sound levels of vehicles at the point of sale and in technical promotional material.

(21) Vehicle sound levels have a direct impact on the quality of life of Union citizens, in particular in urban areas in which there is little or no electric or underground public transport provision or cycling or walking infrastructure.

Article 15 Entry into force from 1 July 2016

LIMIT VALUES

The sound level measured in accordance with the provisions of Annex II, mathematically rounded to the nearest integer value, shall not exceed the following limits:

Vehicle category	Description of vehicle category	Limit values expressed in dB(A) [decibels (A)]		
		Phase 1 applicable for new vehicle types from 1 July 2016	Phase 2 applicable for new vehicle type from 1 July 2020 and for first registration from 1 July 2022	Phase 3 applicable for new vehicle type from 1 July 2024 and for first registration from 1 July 2026
M	Vehicles used for the carriage of passengers			
M ₁	power to mass ratio ≤ 120 kW/1 000 kg	72 (*)	70 (*)	68 (*)
M ₁	120 kW/1 000 kg < power to mass ratio ≤ 160 kW/1 000 kg	73	71	69
M ₁	160 kW/1 000 kg < power to mass ratio	75	73	71
M ₁	power to mass ratio > 200 kW/1 000 kg number of seats ≤ 4 R point of driver seat ≤ 450 mm from the ground	75	74	72
M ₂	mass ≤ 2 500 kg	72	70	69
M ₂	2 500 kg < mass ≤ 3 500 kg	74	72	71

Exhaust noise level limits for Vehicles before 2016 refer to Articles 4 & 14 Reg. 540/2014

S.L.65.15 MOTOR VEHICLE ROADWORTHINESS TEST

Class II Vehicles and Class III Vehicles - shall be tested to a sound level as listed below for various engines when revolutions are at three-fourths of the maximum rated speed

All petrol engines at **100 dB (A)**

All diesel engines less than 150KW (200bhp) at **101 dB (A)**;

All diesel engines equal to or in excess of 150KW (200bhp) at **105 dB (A)**.

Malta & Gozo Urban population density

Annex III

Northern Harbour District



Population: 131938
District Area: 24.1 Km
Urban area: 22.5 Km
Urban density: 6000

Northern District



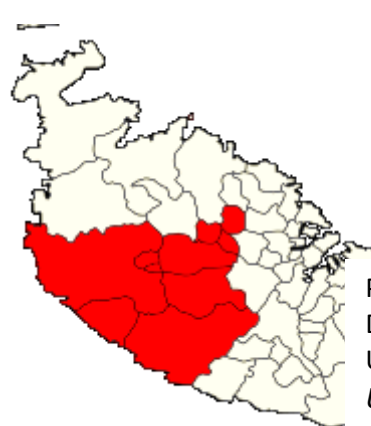
Population: 70580
District Area: 71.6 Km
Urban area: 11.00 Km
Urban Density: 6500

Southern Harbour District



Population: 81834
District Area: 26.1 Km
Urban area: 16.6
Urban density: 5100

Western District



Population: 54315
District Area: 72.5 Km
Urban area: 7.8 Km
Urban density: 6980

South Easter District



Population: 66060
District Area: 52.3 Km
Urban area: 10.6 Km
Urban density: 6300

Gozo & Comino



Population: 37432
District Area: 67 Km
Urban Area: 4.01Km
Urban density: 8980

Urban population density Malta & Gozo:

District area: 314 sq. Km

Urban area: 72.5 sq. Km (23%)

Population: 442,159

Average Urban density: 6647/ sq. Km.

Urban Population density in European Cities

City	Population	Area (km ²)	Density (/km ²)
Paris	2,203,817	105.4	20,909
Athens	745,514	38.96	19,135
Barcelona	1,621,537	101.9	15,991
Monaco	35,586	1.98	15,142
Lyon	500,715	47.87	10,460
Bilbao	353,187	40.65	8,688
Bucharest	1,926,334	228	8,449
Naples	959,574	117.27	8,183

Noise Prevention and Control (Framework) Regulations, 2012

Annex IV

Extracts:

2. The purpose and scope of these Regulations is to:

- (i) Recognise that unreasonable noise is a form of pollution, as defined by the Act;
- (ii) Prevent and control those sources of noise that are not already regulated by related laws included in Schedule I to these Regulations,
- (iii) Provide guidelines listed in Schedule II to these regulations to determine reasonable and unreasonable noise levels which shall be applicable for any activity or product regulated by these regulations and other laws referred to in Schedule I;
- (iv) Set up the Noise Control Board that will have the function to coordinate the regulation of noise by noise regulatory bodies listed in Schedule III and to establish the necessary administrative and regulatory procedures for dealing with all issues related to various forms of noise pollution.

Definitions:

“**Noise level**” objective criteria that establish guidelines for tolerable noise levels as prescribed in Schedule II to these Regulations and any noise levels referred to in the related laws as prescribed in these Regulations

Noise Emission Levels

8. (1) Without prejudice to subparagraph (2) of this Regulation no person may at any time of the day and night disturb the peace or cause annoyance to any other person by generating unreasonable noise that exceeds the corresponding noise levels listed in the guidelines found in Schedule II to these regulations.

Administrative Fines and Criminal Punishment:

10. (1) Any person who infringes the provisions of Regulation 8(1) shall be subject to an administrative fine of not less than one hundred (100) Euros and not more than one thousand (1000) Euros.

(2) If after having been so fined, such person persists in infringing Regulation 8, or if a person infringes the provisions of Regulation 8 sub para (2) (i) (ii), he shall be guilty of a criminal offence subject to a fine (*multa*) of not more than two thousand five hundred Euros (2500).

4. Noise From Products Placed on The Market Regulated Under the Product Safety Act.

LN148 of 2009, as amended by Legal Notice 330 of 2009; Act XV of 2009; and Legal Notice 7 of 2011 16 transposes Council Directive 70/157/EEC (and the equivalent UNECE Reg.51) which sets the limits on permissible sound levels of road vehicles and procedures for measurement¹⁷. Limiting values may be accessed from Annex I

Annex I

Specific environment	Critical health effect(s)	LAeq [dB]	Time base [hours]	LAm _{ax, fast} [dB]
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	-
Inside bedrooms	Sleep disturbance, night-time	30	8	45
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60
School class rooms and pre-schools, indoors	Speech intelligibility, disturbance of information extraction, message communication	35	during class	-
Pre-school Bedrooms, indoors	Sleep disturbance	30	sleeping-time	45
School, playground outdoor	Annoyance (external source)	55	during play	-
Hospital, ward rooms, indoors	Sleep disturbance, night-time	30	8	40
	Sleep disturbance, daytime and evenings	30	16	-
Hospitals, treatment rooms, indoors	Interference with rest and recovery	#1		
Industrial, commercial, shopping and traffic areas, indoors and Outdoors	Hearing impairment	70	24	110

Ministries & Legislative System

Annex V

MINISTRIES

1. OPM (PA)
2. Ministry for the Environment (ERA)
3. Ministry Transport & Infrastructure
4. Ministry for Social Dialogue **CONSUMER AFFAIRS AND CIVIL LIBERTIES**
5. Ministry for Justice
6. Ministry for the Economy, Investment and Small Business
7. Ministry for Tourism
8. Ministry for home affairs
9. Ministry for Competitiveness and Digital, Maritime and Services Economy

LAWS

1. Authority For Transport in Malta Act
2. Malta Travel & Tourism Act
3. Env. Protection Act
4. Env. & Development Planning Act
5. Building Reg. Act
6. Trading Licence Act
7. Occupation Health & Safety Act
8. Code of Police Law
9. Criminal Code

U L A T I O N S

- a) Motor Vehicles Reg. *SL 65.11* (3)
- b) MVR Test Reg. *S.L.65.15* (3)
- c) Pedal and Low-Powered Cycles *S.L.65.26* (3)
- d) Carriage of Goods by Road *S.L.65.19* (3)
- e) Recreational Craft Reg. *L.N. 128/2005* (3)
- f) Labelling of Tyres *L.N. 448/2012* (4)
- g) Code of Practice for the Safety of commercial vessels (9)
- h) Env Mgmt. Cons. Site Reg. *L.N. 295/2007* (3)
- i) Catering Establishment Reg. *L.N.409.15* (7)
- j) ***Business Hrs. L.N. 441.08. Trading Licence Act. (6)**
- k) ***L.N. 420/2016 Trading Licence Reg.(6)**
- l) Protection from Noise @ the place of work *L.N.158/2006* (4)
- m) Maint. of good Order *S.L.10.40* (8)
- n) Assessment & Management of Env.Noise *L.N.193/2004* (END) (2) #
- o) Class Uses *L.N. 74 /2014* (2)

****Trading licence regulations revised in 2016/17***

Noise level Limits in line to EU regulations

Noise level higher than EU Regulations: 540/2014 & 168/2013

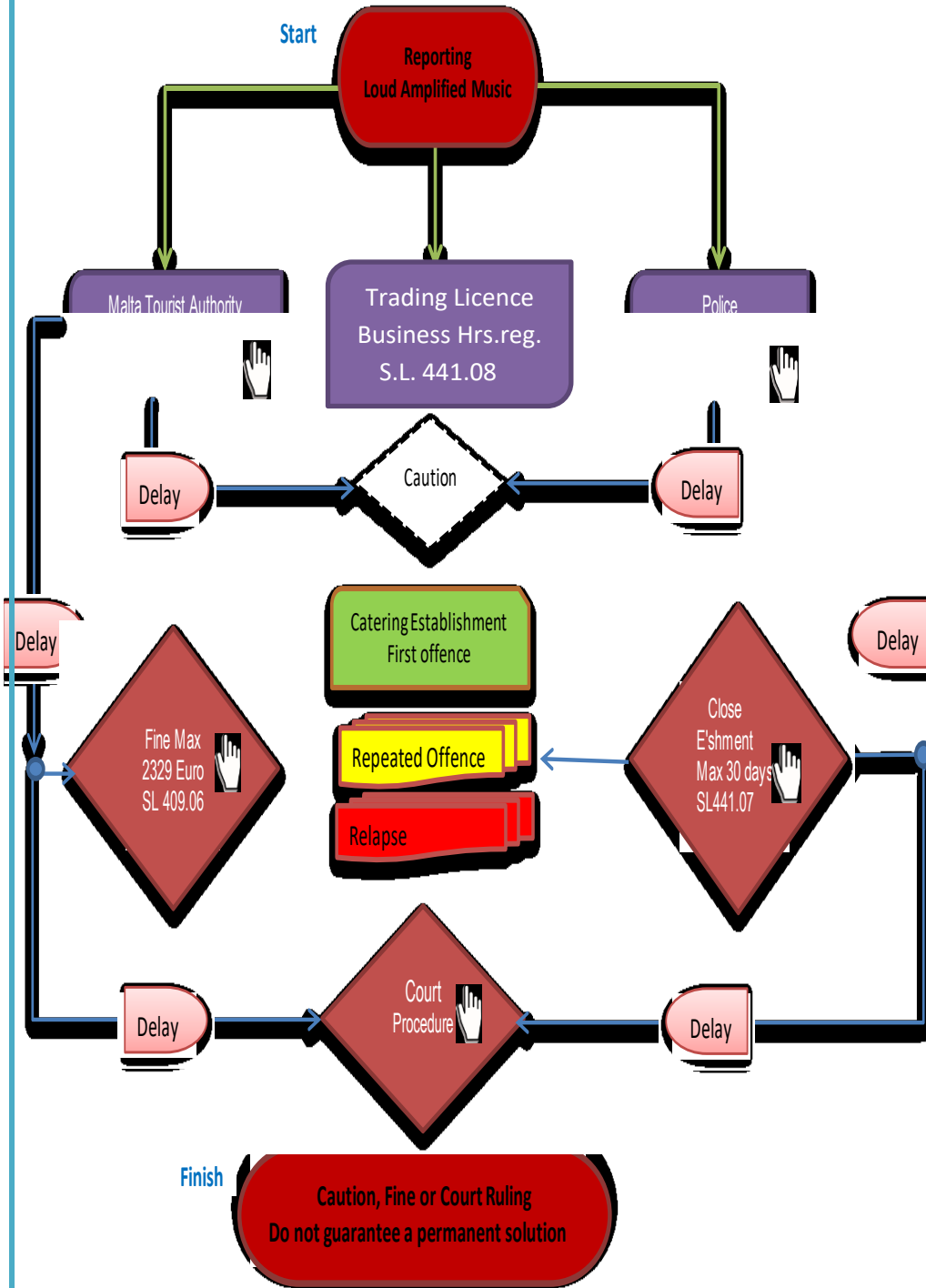
Noise action plans not implemented <> Implementing date 2013

Number in () Denotes Ministry responsible

Reporting Loud Amplified Music from Leisure Establishments

Annex VI

Reporting Noise Nuisance from Amplified Music (AM)



Chronic Noise which interfere with, concentration communication or rest causes stress.

WHO Community Sound level Guidelines:
 At one metre from dwelling's façade
 Daytime LAeq levels below 55 dB (A)
 Evening LAeq levels below 50 dB (A)
 Nighttime LAeq levels below 45 dB (A)

EU: Noise level Criteria

Delay monitoring or enforcement

Delay Repeated Offences

Relapse after fine

Catering Establishments	
Bars/Kiosks	2300
Restaurants	565
Hotels	103
Night clubs	10
Band Clubs	83



is not

Community noise guidelines BSI and WHO

Annex VII

Extracts:

The scope of this Standard (BSI, 1999) is the provision of recommendations for the control of noise in and around buildings. It suggests appropriate criteria and limits for different situations, which are primarily intended to guide the design of new or refurbished buildings undergoing a change of use rather than to assess the effect of changes in the external noise climate.

The standard suggests suitable internal noise levels within different types of buildings, including residential dwellings, for steady external noise sources. It suggests that an internal noise level of $L_{Aeq, T} 30$ dB within bedrooms is a 'good' standard, whilst $L_{Aeq, T} 35$ dB is a 'reasonable' standard.

For living areas in the daytime, the standard recommends $L_{Aeq, T} 30$ dB as a 'good' standard and $L_{Aeq, T} 40$ dB as being a 'reasonable' standard.

BS 8233 also states that individual noise events should not normally exceed $L_{AFmax} 45$ dB in bedrooms at night.

With regards to noise levels in external amenity areas, BS 8233 states: "it is desirable that the steady state noise level does not exceed $L_{Aeq, T} 50$ dB and $L_{Aeq} 55$ dB should be regarded as the upper limit."

BS 8233 also provides guidance on appropriate internal noise levels within different types of work place. For cellular offices, 40 dB is described as described as a 'good' standard with 50 dB described as being 'reasonable'. Corresponding values for meeting rooms and executive offices are identified to be 35 and 40 dB respectively.

World Health Organisation (WHO) Guidelines for Community Noise (London 1999)

With respect to the $L_{AFmax} 45$ dB criterion presented in BS 8233, the WHO guidelines state: "For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB L_{AFmax} more than 10-15 times per night."

Annoyance: The capacity of a noise to induce annoyance depends upon its physical characteristics, including the sound pressure level, spectral characteristics and variations of these properties with time. During daytime, few people are highly annoyed at L_{Aeq} levels below 55 dB (A), and few are moderately annoyed at L_{Aeq} levels below 50 dB (A).

Sound levels during the evening and night should be 5–10 dB lower than during the day. Noise with low-frequency components requires lower guideline values. For intermittent noise, it is emphasized that it is necessary to take into account both the maximum sound pressure level and the number of noise events. Guidelines or noise abatement measures should also take into account residential outdoor activities.

To protect the majority of people from being seriously annoyed during the daytime, the outdoor sound level from steady, continuous noise should not exceed 55 dB L_{Aeq} on balconies, terraces and in outdoor living areas.

To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50 dB L_{Aeq} .

Where it is practical and feasible, the lower outdoor sound level should be considered the maximum desirable sound level for new development.

Reference:

Guidelines for Community Noise (London 1999)

<http://www.euro.who.int/en/health-topics/environment-and-health/noise/policy>

Environmental noise — an unwanted or harmful outdoor sound — is spreading, both in its duration and geographical coverage

<http://www.eea.europa.eu/themes/noise/intro>

Magistrates ruling in regards to noise nuisance from Amplified Music

❖ **Three years of protests on restaurants nuisance**

Neighbours of two Balluta establishments are incensed that police have failed to stop what they claim are offences, despite scores of reports filed over the last three years.

Residents said they could not understand why no action had been taken to silence the music coming from The Villa restaurant and U Bistrot

❖ ***The police have to obtain a court ruling to close down commercial premises***

The First Hall of the Civil Court today ordered the Commissioner of Police to desist from closing down the Villa Brassiere, which forms part of the Hotel Meridian at Balluta Bay in St Julian's, or hindering it from organising parties, weddings, conferences or other meetings.

In a court sentence handed down by Mr Justice Joseph R. Micallef, the court said the police order could not be used against a business establishment's legal conduct. The police was found to have taken the law in its hands by the court, after "threatening" to close down the premises, following a judicial protest filed by the entrepreneur Marin Hili, who lives close to the bar and restaurant.

The Court held that the Commissioner of Police may not decide unilaterally to close down a commercial operation on its own initiative and without due process of Law. The Court upheld Cassar Torregiani's thesis that is only the court that may close a shop, restaurant or other commercial premises and not the Commissioner of Police acting in his executive capacity.

"I believe this decision breaks new ground. Until only last week, and during the hearing of the case, Superintendent Stephen Gatt insisted with the judge that the police have the right, if they believe the provisions of a particular permit are being breached, to close down a commercial premises.

The Court ordered that the police should first obtain a court ruling that decides in the Commissioner's favour or in favour of the competent authorities, to close down commercial premises or withhold it from holding an event

<http://www.timesofmalta.com/articles/view/20121127/local/Three-years-of-protests-on-restaurants-nuisance.447017>

❖ ***Magistrate furious at noise pollution inertia***

"A coward's mentality" is how Magistrate Ian Farrugia described the authorities' inertia towards noise pollution from St Julian's entertainment establishments. He made the strongly-worded statement while presiding over a case filed against the operators of various Paceville establishments accused of generating noise pollution to the detriment of residents. Magistrate Farrugia appealed directly to the Prime Minister to get his ministries together to solve the problem

<http://www.timesofmalta.com/articles/view/20160711/local/magistrate-furious-at-noise-pollution-inertia.618480>

❖ ***Nightclub ordered to stop loud music***

Sunday, August 30, 2015, 00:01 by

The Aria nightclub on the outskirts of San Ġwann has been hit by a court injunction, stopping it from playing loud music in the early hours of the morning after disgruntled residents decided to take action. Mr. Justice Joseph Micallef said the court was not seeking to prevent the nightclub from going about its business – but it had to respect people living in the vicinity.

<http://www.timesofmalta.com/articles/view/20150830/local/nightclub-ordered-to-stop-loud-music.582392>