

**Re: Management & Enforcement of neighbourhood noise**

**From:** john fenech [mailto:johnfenech@onvol.net]  
**Sent:** 27 March 2014 18:12  
**To:** brincat.leo  
**Cc:** Dr S Borg  
**Subject:** NASoM - Noise management proposals

On 27 March 2014 18:11, john fenech <[johnfenech@onvol.net](mailto:johnfenech@onvol.net)> wrote:  
Hon Minister Leo Brincat  
Ministry for Sustainable Development,  
the Environment and Climate Change,  
Dear Minister,

In the absence of news from your office, regarding the Management & Enforcement of neighbourhood noise, I wish to bring to your attention the following concerns to clarify the issues raised in our memorandum of June 2013.

In our original memorandum, we stressed that the current noise Laws & regulations are antiquated, and so are the roles of the regulators, who are appointed through the related laws. Where there is a division of regulatory responsibilities, substantially the same type of conduct generally should not be subject to inconsistent regulatory requirements. Therefore, the Legislation should be designed to ensure that any division of responsibility among regulators avoids gaps or inequities.

The main sources of noise pollution originate from;

1. \*Transportation
  2. Building Industry
  3. Catering and Industrial Establishment
- \* The management of transportation does not support regulations for the control of noise; therefore, it is appropriate to dedicate a separate session to this matter.

Noise abatement regulations and the respective regulators:

- A. Environment Construction Site Regulations ( ECSR); Enforcement unit BRO
- B. Catering Establishment Regulations (CER); Enforcement unit MTA
- C. Trading Licence Regulations (TLR); Enforcement unit TLU

Present state of affairs regarding noise management:

- A. BRO: As in the attached document, "NASoM memorandum CSR"
- B. MTA: The concern revolves around the absence of objective criterion regarding the acceptable noise level in urban areas. Reference: Guide lines for community noise, WHO & EU Env. Commission - Acceptable noise level, one meter from the façade LAeq 55dB, 16 hrs
  - a. MEPA permits for entertainment outlets in residential areas.
  - b. Police permits for social clubs.
  - c. Insufficient deterrent contemplated by the law for the breach of the existing noise regulations
  - d. SL 441.04 the regulations do not provide adequate guidelines for the management of noise from social activity.
- C. TLU: Quoting the Trade Service Director, email attached; the regulators are responsible to enforce regulations (9) & (10) below;

**9.** (1) The Trade Licensing Unit shall, as soon as possible, acknowledge receipt of a notification made in terms of regulation 5(4) and the applicable licence fee in writing to the applicant.

**10.** (1) The Trade Licensing Unit shall every three months publish a notice in the Gazette listing the licences of commercial

premises, street hawkers, market hawkers, commercial fairs, marketing agents, car boot sales, buskers and the licences regulating late night shopping and extension in business hours, issued during that period.

Ø *Although, regulation 38 (3) put the onus on the TLU to undertake appropriate action, as below:*

Ø 38 (3) In the case of persistent breaches the Commissioner of Police shall inform the Trade Licensing Unit of the provisions of **sub-regulation (2) (a) to (d)** have been encountered in any licenced commercial premises the **Trade Licensing Unit may, after granting the licensee of the said premises an opportunity to make submissions, revoke the licence** for the extension of business hours from 1.00 a.m. to 4.00 a.m. in respect of such commercial premises....

Ø Furthermore, the responsibilities for the monitoring & enforcement of the conditions in the second schedule is obscure.

**Second Schedule** (Conditions for Carrying Out a Commercial Activity)

02. The commercial activity carried out in the premises or things stored within the premises shall not:

**02.1 cause annoyance to neighbours;**

02.2 are likely to occasion any fire or explosion;

02.3 emit exhalation, fumes, vapours, gases, dust or emit noxious or offensive odours into the atmosphere that may cause damage or are injurious to health;

**02.4 cause annoyance by way of noise.**

Ø Nevertheless, the monitoring & enforcement of regulation, (38) which underlines the conditions for the playing of music is assigned to the police, who lack the adequate structure to; monitoring, evaluating and prepare adequate measures to reduce the effect cause by noise nuisance. This, after all is a priority for the health & wellbeing of the population. Prosecution is the progression required by law but rarely an effective remedy of noise pollution.

As evident by the foregoing, Monitoring & Enforcement is ineffective due to fragmented administration, antiquated laws, ambiguous regulations and non-existent framework to support the enforcement of the regulations. The regulations should include a criterion for the tolerable noise level during the different times of the day.

Therefore, the Association is of the opinion that these issues have to be discussed before the enactment of the regulations to ensure that our concerns receive adequate attention.

Awaiting your reply,  
Best regards

John Fenech  
NASoM

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**From:** Leo Brincat [<mailto:brincat.leo@gmail.com>]  
**Sent:** 27 March 2014 19:02  
**To:** john fenech  
**Subject:** Re: NASoM - Noise management proposals

Work is in progress on draft legislation at our end.

Thanks for the update

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**From:** john fenech [<mailto:johnfenech@onvol.net>]  
**Sent:** 28 March 2014 09:11  
**To:** 'Leo Brincat'  
**Subject:** RE: NASoM - Noise management proposals

Dear Minister,

Thank you for the prompt reply, nevertheless if our concerns are not taken on-board for the drafting of the legislation than the uncertainties might turn out to be an actuality. Since it is beyond the realm of possibility to explain, in an email, the complicated issues arising from noise pollution. Therefore, we expected that the Association would be involved first hand in the drafting of the legislation. Otherwise, we would be looking from the outside on an issue, which as you know, had been our mission for the past three years.

Thank you for your attention,  
John Fenech

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**From:** Leo Brincat [<mailto:brincat.leo@gmail.com>]  
**Sent:** 28 March 2014 10:32  
**To:** john fenech  
**Subject:** Re: NASoM - Noise management proposals

You will be consulted