

Is it the Lawmaker's fault or Administrative negligence?

The legislators & governance process do nothing much to bring about a swift and a lasting solution to those suffering from noise pollution. Delayed action increases the frustration and the negative effects to the health & wellbeing.

WHO definition of Health

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

European Commission

Prolonged exposure to noise can lead to serious health effects; such as sleep disturbance, cardiovascular diseases, annoyance (a feeling of discomfort affecting general well-being), cognitive impairment and mental health problems. It can also cause direct effects such as tinnitus

Subject: Noise pollution from loud Amplified Music (AM)

Regulations for the abatement of noise from AM in Catering Establishments & Clubs:

Trading Licences Reg (TLR)

Catering Establishment Reg CER)

Police Licencing Reg (PLG)

Related regulations:

Police Licencing Reg 128.01

Maintenance of Good order at places of Entertainment SL10.40

Local Councils Activities Requiring Permit SL441.04

Licence/Permits for the playing of amplified music in the Catering Establishments.

- a) Trading licence; regulation (38) underlines the conditions for the playing of amplified music.
- b) Catering licence; regulation (12) the playing of AM require a permit by the Authority
- c) Police SL 410.40 @ regulation (17) relating to health, safety, noise pollution and civil protection.
- d) COPL; section 41 regulate against noise from AM

Regulators

The regulators responsible for monitoring & enforcing the regulations:

MTA -Enforcement Section

Trade Service - Trading licence unit

Police – Officers at HQ or police station

There should be effective cooperation among regulators, through appropriate channels.

In an ideal world the regulators should have the means to ensure compliance & enforcement of the regulations at all times but in the real world this is rarely the case. Therefore, whenever the resident draw the regulator's attention about an irregularity the regulator would carry out the necessary investigation. The promptness given to the complaint depends on the priorities and personnel available at the time.

Infringements are subject to a fine, the amount depend on the gravity of the breach. As a norm the operator is cautioned several times before the fine is imposed. A relapse will increase the amount of the fine. The regulator would ask for police intervention if the operator fails to regulate his position.

The police will attend to the regulator's request at the opportune time and even so would issue a number of cautions to the operator before finally serving him with a court summons. There is an exception if, the conditions underlined @ regulation 38 2(e) and 3 of the TLR are applied to the letter by the police.

The timeframe between the summons and the court hearing is never the same. Furthermore, the case could be differed to several sittings. A judgment favouring the injured party does not necessarily bring a lasting solution.

This situation is a disadvantage to the receptor, since the effect to the health from loud amplified music is not removed but deferred.

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