

Prees release
January 2007

The Síndic raises the alarm about the Administration's inactivity on noise problems, which may be infringing the right to rest and is leading conflicts to court proceedings

Rafael Ribó presented to the Parliament a report on noise pollution

The Catalan Ombudsman (síndic de greuges), Rafael Ribó, raised the alarm about the Administration's inactivity to face noise problems often ends up violating the victim party's right to rest. Ribó regretted also the Administration's inactivity is causing to have recourse to law. He said that during the presentation of a new report on noise pollution to the Catalan Parliament Members.

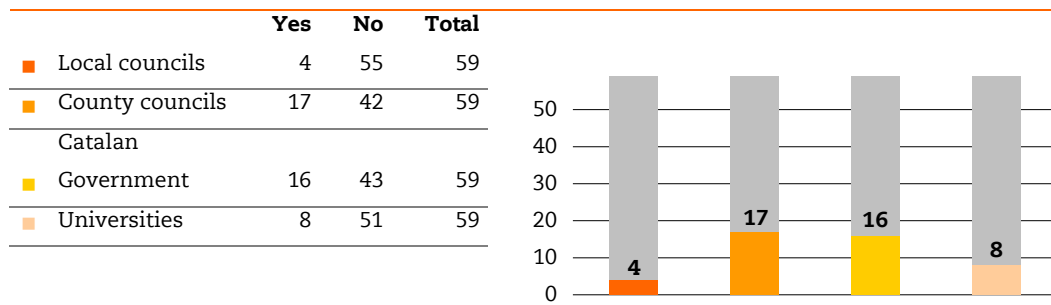
The report is meant to be a useful guide for the several agencies and authorities taking part in the noise control, thus trying to realise the Catalan Ombudsman's mission of cooperating with the Administrations by defending people's rights and supervising the Administration' activities.

It also states the problems of the complaints issued to the Catalan Ombudsman's office regarding this subject, 150 closed in two years, and includes the opinions of Local Ombudsmen and 59 City Councils, which answered a survey specially draft out for this report.

City councils feel neglected by the rest of Administrations to apply the Noise Pollution Protection Act

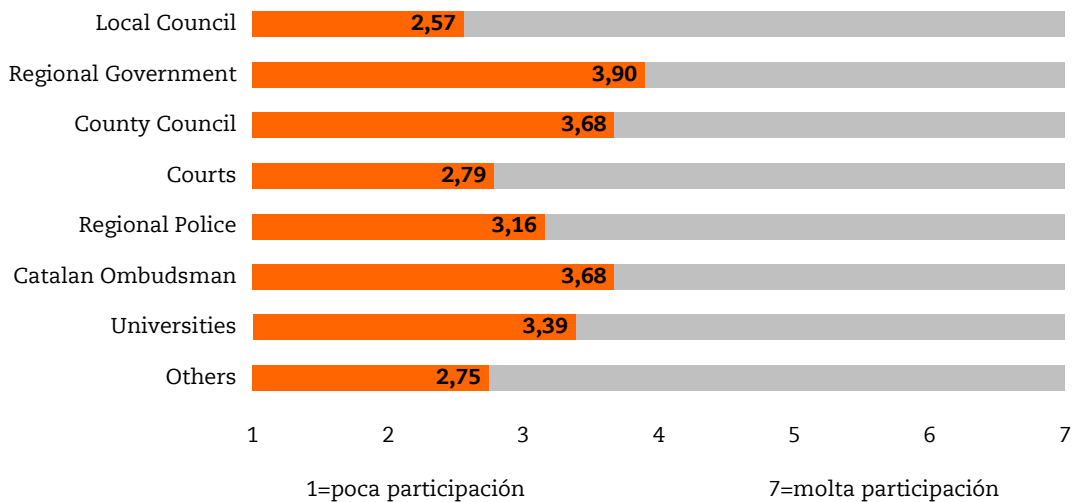
This is one of the conclusions we can gather from the Catalan Ombudsman's survey on noise pollution, answered by 59 City Councils. The cooperation of the rest of administrations (local councils, county councils, Regional Government, etc.) should be promoted to supply to all the City Councils officially approved equipments for measuring noise, since, today, there are some town councils still lacking of them and having to measure outside of the rules.

Amount of City Councils supported by other Administrations



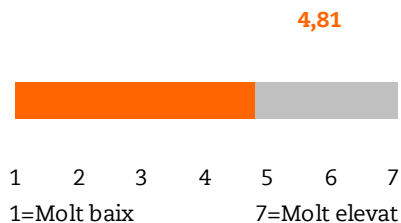
City Councils consider that Local Councils (consejos comarcales) and Courts are the less involved bodies in the noise pollution issue. Their low participation scores 2.8, in a scale from 1 to 7.

Valuation of different bodies' participation on the issue



Citizens' concern about noise pollution is high and scores 4.83, in a scale from 1 to 7.

Citizens' concern on noise pollution issue, according City Councils



From the survey we can also gather it should be necessary to increase the dedication of the city councils' experts on noise pollution issues and to offer more information to the non-expert staff.

Also, it should be necessary to favour the intervention of mediators or local judicial institutions, like justices of the peace, who could solve some noise conflicts with agility and flexibility.

Reflections and recommendations regarding some specific problems on noise pollution

Roadworks:

In case a formal complaint has been reported the City Councils should verify if the machinery comply with the regulation. Assuming the requirements are not fulfilled, they can ask to the Department of Innovation, Universities and Enterprises to remove it.

Local Administration can also regulate the machinery use in those areas regarded as particularly sensitive and, if necessary, limit the hours of operation. In addition, during the planning permission proceedings, City Councils can ask for information on the machinery to be used, thus having more scope for action to adopt correction and restrictive measures, for instance, time zones, uses, etc.

Public bars and recreational activities

Defective soundproofing

Due to territorial closeness, City Councils are not comfortable carrying out and executing measures of closure or suspension of activity.

The Home Office Department, through the Regional Police (Mossos d'Esquadra), is also entitled to order and execute the aforementioned measures. It also can temporarily seize music sets in extreme cases.

Clients leaving public bars with drinks

Regulations establish some leisure activities and establishments need to take on a security service to ensure the activity's regular carrying out. Clients should also be reminded and warned about not disturbing at the bar's exit.

When these requirements are ignored, the security guards should contact the Police.

Concentration of public establishments and leisure activities

The city councils are entitled by their bylaws to state minimum distances and other limitations between premises and activities to prevent neighbouring residents from possible disturbances.

Pavement Cafes

We should not forget that outdoor activities have no other acoustic protection than the surrounding housing own one, which becomes ineffective in opening the windows.

The pavement cafes' setting up should be controlled by City Councils through a bylaw. This regulation should not only state the highway's occupation

(street's width, street furniture's arrangement, etc) but also anticipate measures regarding possible noise disturbances, like putting a ban on incidental music, keeping them at a certain distance from the houses' frontage or stating more restrictive closing hours.

Outdoor festivals

Local Administration tends to relax control and supervision on leisure activities related to popular festivals. It is necessary to find a fair balance between the residents' right to rest and the right to leisure. It is essential to choose the more suitable locations and inform and warn about it the residents liable to be disturbed in advanced.

Noises in the streets due to people's gathering

Local Administration can not shelve its mission regarding noise disturbance only because a people's gathering in a public space is considered a fundamental right. If the City Council does not have enough police forces to intervene in some cases in some known "hot locations", other prevention measures should have been anticipated, like the Local Police and Regional Police control.

Home buildings soundproofing

Although the buildings' acoustic conditioning application must be executed by the different parties involved in the construction's process, the Administration (City Councils and the Department of Environment and Housing) are in charge of granting habitability licenses. In case acoustic conditioning requirements are not fulfilled, permits should not be granted.

Air-conditioning machines

City councils should specify in a single bylaw all the provisions on noise pollution, including the terms of air-conditioning machines' installation. That would make easier the installation engineer's job.

Noise-free places and towns

Noise-free places would be town areas of highest acoustic standards. Like the *smoke-free spaces* created from the anti-smoking Act, these ones would help to inform public opinion about the situation, promote changes in leisure education, and inculcate the silence culture. Within the same line of creating noise-free spaces, the Catalan Ombudsman has also suggested to establish the category of *noise-free towns*. This could help to carry out promotion, conservation and planning measures, as well as to set subventions, economic aids and other financial incentives.

These *noise-free towns* could be an attraction to certain kind of quality tourism.