

CONTROL OF POLLUTION ACT 1974
PART III-**NOISE**
POLLUTION CONTROL AND LOCAL GOVERNMENT
(NORTHERN IRELAND) ORDER 1978

Code of Practice on Noise from Ice-Cream Van Chimes Etc. 1982

DEPARTMENT OF THE ENVIRONMENT

WELSH OFFICE

SCOTTISH DEVELOPMENT DEPARTMENT

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

This code of practice from pages 1 to 6 was approved, and approval was given for its issue, by the Control of Noise (Code of Practice on Noise from Ice-Cream Van Chimes Etc.) Order 1981 (SI 1981 No. 1828) made under section 71 of the Control of Pollution Act 1974 by the Secretary of State for the Environment (in respect of England), the Secretary of State for Wales (in respect of Wales), and the Secretary of State for Scotland (in respect of Scotland). (In Northern Ireland this code of practice from pages 1 to 6 was approved, and approval was given for its issue by the Control of Noise (Code of Practice on Noise from Ice-Cream Van Chimes Etc.) Order (Northern Ireland) 1982.) This code of practice came into operation on 1 February 1982 in England, Wales and Scotland (and on 1 July 1982 in Northern Ireland).

Section 71 of the Control of Pollution Act 1974 empowers the Secretary of State to prepare and approve and issue such codes of practice as in his opinion are suitable for the purpose of giving guidance on appropriate methods for minimising noise.

Section 72 of the Control of Pollution Act 1974 provides that regard shall be had to any relevant provision of a code of practice approved under section 71 of the Act in construing references to 'best practicable means' in Part III (Noise) of the Act.

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Introduction

- 1.1. This code of practice gives guidance on methods of minimising annoyance or disturbance caused by the operation of loudspeakers fixed to ice-cream vans and similar vehicles used to convey and sell perishable commodities for human consumption to the public. Because most loudspeakers used in this connection are fixed to ice-cream vans and play a chiming call signal, this code of practice refers to 'chimes' and 'ice-cream vans'. The code should however be taken as applying equally to any other sounds made by a loudspeaker fixed to a vehicle from which food is sold to the public in a street.
- 1.2. The code of practice does not in itself create offences or have the force of law, but it is intended to be of assistance to local authorities and magistrates' courts¹ in the exercise of their powers and functions under Part III (Noise) of the Control of Pollution Act 1974², and particularly section 62.³

Legal restrictions on the use of loudspeakers in streets

- 2.1. Under section 62 of the Control of Pollution Act 1974³ it is an offence to operate or permit the operation of any loudspeaker of the 'ice-cream van chimes' type in a street unless the following conditions are complied with:
 - a. the loudspeaker is operated only between the hours of noon and 7 pm;
 - b. the loudspeaker is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption;
 - c. the loudspeaker is operated solely for informing members of the public (otherwise than by means of

words) that the commodity is on sale from the vehicle;
d.the loudspeaker is so operated as not to give reasonable cause for annoyance to persons in the vicinity.

- ¹ In the application of this code of practice in Scotland references to a magistrates' court should be construed as references to the sheriff.
- ² In the application of this code of practice in Northern Ireland, references to the Control of Pollution Act 1974 should be construed as references to the Pollution Control and Local Government (Northern Ireland) Order 1978.
- ³ In Northern Ireland, article 42 of the Pollution Control and Local Government (Northern Ireland) Order 1978.

Operating guidelines

General

- 3.1. Annoyance to persons in the vicinity is most likely to be caused if the volume of chimes is excessive, if the chimes are played too frequently or for too long, if the chimes are sounded in areas where people are particularly sensitive to noise, or if the sound of the chimes is distorted. The methods by which such annoyance may be minimised are described in the following sections of this code of practice.
- 3.2. Owners should ensure that the main points of this code of practice are displayed in all vehicles fitted with a loudspeaker of the 'ice-cream van chimes' type, and that it is brought to the attention of all persons concerned with the operation of the chimes; the Annex to this code of practice contains a summary of the code of practice which could be used for display purposes.⁴

Volume

- 4.1. No chimes should be operated which produce a noise level in any direction of more than 80 dB(A).⁵ In addition, when operating in areas where houses are particularly close to the road, such as in narrow streets, it may be necessary to reduce the volume of the chimes below 80 dB(A) to avoid unnecessary disturbance.
- 4.2. Care should also be taken to avoid distortion of the chimes, which may occur if the volume is too high, or if the equipment is faulty or the component parts of the equipment are not correctly matched.
- 4.3. When, for the purposes of this code, the level of noise emitted by the chimes is being measured in

accordance with the measurement method described in footnote 5 and the Annex, the restrictions on the use of the chimes recommended in paragraphs 5 and 6 below would not apply.

⁴ Additional copies of the summary of the code of practice are available from the Department of the Environment.

⁵ Noise measurements should be undertaken with a meter which conforms to BS 5969:1981 (Type 1) (*Specification for sound-level meters*) set to the A-frequency weighting and the S-time weighting. The microphone should be at a height of 1.2 metres above the ground, and at a distance of 7.5 metres from the loudspeaker. The microphone should, where necessary, be fitted with a windshield and the meter should be calibrated prior to use.

Playing time

- 5.1. The passage of music played should not last more than 4 seconds. Where the mechanism contains a timed cut-out device which can automatically limit the playing time to 4 seconds or less, it should be used.

Frequency

- 6.1. The chimes should be played once only on the approach to each stopping place, never when the van is stationary, and never at intervals of less than 3 minutes.
- 6.2. The chimes should not be played more often than once every 2 hours in a particular length of street.⁶
- 6.3. The chimes should not be played when in sight of another van (whether moving or stationary) which might reasonably be taken to be on the road for trading purposes.
- 6.4. Subject to those considerations, the chimes should be played only as often as is necessary to let customers know that the commodity is on sale from the vehicle.

Use of chimes in sensitive areas

- 7.1. The chimes should not be played in areas where people may be specially sensitive to their sound. In particular they should not be played:
 - a. within 50 metres of any hospital or similar institution;
 - b. within 50 metres of a school during school hours;
 - c. within 50 metres of a place of worship on a Sunday or other recognised day of worship.

⁶ A 'particular length of street' should normally be interpreted as being a length of street between 100 and 150 metres long.

Annex: Summary of the code of practice on noise from ice cream van chimes etc. 1982

It is an offence to sound your chimes before 12.00 noon or after 7.00 pm. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:

Do not sound chimes

1. for longer than 4 seconds at a time;
2. more often than once every 3 minutes;
3. when the vehicle is stationary;
4. except on approach to a selling point;
5. when in sight of another vehicle which is trading;
6. when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
7. more often than once every 2 hours in the same length of street;
8. louder than 80 dB(A) at 7.5 metres;*
9. as loudly in quiet areas or narrow streets as elsewhere.

***REMEMBER: It is an offence to sound your chimes before 12.00 noon or after 7.00 pm
It is an offence to sound your chimes at any time in a way which gives reasonable cause for annoyance***

* Noise measurements should be undertaken with a meter which conforms to BS 5969:1981 (Type 1) (*Specification for sound-level meters*) set to the A-frequency weighting and the S-time weighting. The microphone should be held at a height of 1.2 metres above the ground, and at a distance of 7.5 metres from the loudspeaker. The microphone should, where necessary, be fitted with a windshield and the meter should be calibrated prior to use.

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