



Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013

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

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This code of practice was developed with the involvement of mobile food vendors, particularly the ice-cream vendor industry. Approval was given for this code by the Control of Noise (Code of Practice on Noise from Ice-Cream Van Chimes Etc.) (England) Order 2013 (SI 2013 No. 2036) made under section 71 of the Control of Pollution Act 1974 (as amended) by the Secretary of State for the Environment, Food and Rural Affairs. This code of practice came into operation on 1 October 2013 in England.

It is an offence under section 62 of the Control of Pollution Act 1974 (CoPA) to use a loudspeaker in the street. There is a specific exception for the operation of loudspeakers fixed to vehicles used to convey and sell perishable commodities for human consumption to the public, such as ice-cream, provided that they do not give reasonable cause for annoyance to persons in the vicinity. Under section 71 of CoPA the Secretary of State has the power to approve codes of practice that help to minimise noise. This code gives guidance on minimising noise from ice-cream van chimes. It should also be taken as applying equally to any other sounds made by a loudspeaker fixed to a vehicle from which perishable goods are sold to the public. Compliance with this code will help to show that that a vendor has complied with section 62 of CoPA.

Noise that is prejudicial to health or a nuisance that is emitted from or caused by a vehicle, machinery or equipment in the street is a statutory nuisance under section 79 of the Environmental Protection Act 1990 (EPA). Under Part 3 of the EPA, action can be taken by local authorities and private individuals to require a business that is responsible for a statutory nuisance to abate that nuisance. A business that applies the 'best practicable means' to prevent or counteract the effects of the nuisance will have a defence against such action.

Under section 79 of the EPA, a code of practice made under section 71 of CoPA must be taken into account when determining whether the best practicable means have been applied. Compliance with this code will help to show that a vendor has used best practicable means to prevent, or counteract, the effects of any nuisance resulting from the chiming.

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 used to convey and sell perishable commodities for human consumption to the public. Most loudspeakers used in this connection are fixed to ice-cream vans and play a chiming call signal; nevertheless this code of practice should be taken as applying equally to any other sounds made by a loudspeaker fixed to a vehicle from which perishable goods are sold to the public.
- 1.2 The code of practice does not in itself create offences or have the force of law, but local authorities and magistrates' courts must have regard to it in any consideration of 'best practicable means' under Part 3 of the Environmental Protection Act 1990 (EPA).

Regulations regarding the use of loudspeakers in streets

- 2.1 Under section 62 of the Control of Pollution Act 1974 (CoPA) it is an offence to operate or permit the operation of any loudspeaker of the 'ice-cream van chimes' type in a street unless all the following conditions are complied with:
 - a. the loudspeaker is operated only between the hours of noon and 7 pm on the same day;
 - 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.
- 2.2 Under section 79(1)(ga) of the Environmental Protection Act 1990 noise that is prejudicial to health or a nuisance that is emitted from or caused by a vehicle, machinery or equipment in the street is a statutory nuisance. Under Part 3 of the EPA, action can be taken by local authorities and private individuals to require a business that is responsible for a statutory nuisance to abate that nuisance. A business that applies the 'best practicable means' to prevent or counteract the effects of the nuisance will have a defence against such action. Under section 79 of the EPA, a code of practice made under section 71 of CoPA – like this one – must be taken into account when determining whether the best practicable means have been applied.

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.

Volume

- 4.1. No chimes should be operated which produce a noise level in any direction of more than L_{Amax} 80dB.¹ When operating in areas where houses are particularly close to the road, such as in narrow streets or when stationary, it may be necessary to reduce the volume of the chimes below L_{Amax} 80dB to avoid 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 1, the restrictions on the use of the chimes recommended in paragraphs 5 and 6 below would not apply.

¹ At 7.5 metres over a 12-second period of continuous chiming. Noise measurements should be undertaken with a meter which conforms to BS EN 61672-1:2003 Electroacoustics. Sound level meters. Specifications (Class 1) set to the A-frequency weighting and the F-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 be fitted with a windshield and the meter should be calibrated periodically and checked prior to (and after) measurement by a calibrator conforming to BS EN 60942:2003 Electroacoustics. Sound calibrators.

Playing time

- 5.1. The passage of music played should not last more than 12 seconds. Where the mechanism contains a timed cut-out device which can automatically limit the playing time to 12 seconds or less, it should be used.

Frequency

- 6.1. The chimes should be played once only on the approach to each stopping place (or 'selling point'), only once when the van is stationary, and never at intervals of less than 2 minutes.
- 6.2. The chimes should not be played more often than once every 2 hours in a particular length of street.²
- 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 in the street 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 especially 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.

² A 'particular length of street' should normally be interpreted as being a length of street up to 500 metres long.

ANNEX:

Summary of the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013

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 at any time 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 12 seconds at a time;
2. more often than once every 2 minutes;
3. more than once when the vehicle is stationary at a selling point;
4. except on approach to or at 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 L_{Amax} 80dB at 7.5 metres;*
9. as loudly in areas of low background noise 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.*

* Measured in the way suggested in footnote 1.