



12th Report

JOINT SELECT COMMITTEE ON
LOCAL AUTHORITIES, SERVICE COMMISSIONS
AND STATUTORY AUTHORITIES
(INCLUDING THE THA)

on an

**Inquiry into the operations of the Environmental
Management Authority
(with a specific focus on noise pollution)**

Third Session (2022/2023), 12th Parliament

Twelfth Report

Of the

Joint Select Committee on Local Authorities, Service

Commissions and Statutory Authorities

(including the THA)

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Environmental Management Authority

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12th Report on an Inquiry into the Operations of the Environmental Management Authority (with a Specific Focus on Noise Pollution)

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ACRONYMS AND ABBREVIATIONS

<u>ABBREVIATION</u>	<u>ORGANISATION</u>
CANPTT	Citizens Against Noise Pollution in Trinidad and Tobago
EMA	Environmental Management Authority
EPU	Environmental Police Unit
MALF	Ministry of Agriculture, Land and Fisheries
MPD	Ministry of Planning and Development
NPCR	Noise Pollution Control Rules
TTSPCA	Trinidad and Tobago Society for the Prevention of Cruelty to Animals
TTPA	Trinidad and Tobago Promoters Association
TTPS	Trinidad and Tobago Police Service
VR	Noise Variation
ZSTT	Zoological Society of Trinidad and Tobago

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EXECUTIVE SUMMARY

1.1 At its 16th meeting held on Wednesday, 10 March 2023, the Committee resolved to conduct an Inquiry into the operations of the Environmental Management Authority (with a specific focus on noise pollution) and agreed that the following three (3) objectives would guide the inquiry:

- i. **To examine the performance and impact of the strategies of the EMA as it pertains to noise pollution management in Trinidad and Tobago;**
- ii. **To determine the challenges which inhibit the application of policies and guidelines regarding noise pollution management in Trinidad and Tobago;**
- iii. **To determine whether the legislation adequately empowers the EMA to effectively execute its mandate concerning noise pollution management in Trinidad and Tobago.**

1.2. To this end, the Committee identified relevant stakeholders it wished to engage to acquire a holistic perspective on the issues under consideration. Further to this, on April 05, 2023, and May 03, 2023, the Committee convened public hearings with the primary stakeholders involved, including:

- i. Ministry of Planning and Development;
- ii. Environmental Management Authority;
- iii. Trinidad and Tobago Police Service;
- iv. Port of Spain City Corporation;
- v. San Fernando City Corporation;
- vi. Arima Borough Corporation;
- vii. Chaguanas Borough Corporation;
- viii. Trinidad and Tobago Promoters Association;
- ix. Trinidad and Tobago Society for the Prevention of Cruelty to Animals;

- x. Zoological Society of Trinidad and Tobago; and
- xi. Citizens Against Noise Pollution.

1.3. Some of the issues which were highlighted during the course of the inquiry included:

- a. the impact of noise on the population;
- b. the resources required to effectively regulate noise pollution in the country adequately; and
- c. the multi-stakeholder approach necessary to adequately address noise in the country.

1.4. From observations made during this inquiry, the Committee has proffered recommendations that it believes will appropriately address the issues and challenges identified based on the evidence received. A summary of these recommendations follows this Executive Summary.

1.5. We anticipate that the MPD, EMA, and other stakeholders will give due consideration to the findings and recommendations contained in this Report to ensure that the EMA can adequately execute its mandate. The Committee looks forward to reviewing the Ministry's response to this Report, due sixty (60) days after it is presented to the Houses of Parliament.

SUMMARY OF RECOMMENDATIONS

The key recommendations proposed by the Committee are as follows:

- i. That the EMA conduct more consultations with the general public to boost education and public awareness on the effects of noise and the avenues available to them to report potential breaches;
- ii. The EMA examine the feasibility of creating provisions specific to the Carnival season. This recommendation can be pursued based on consultations with Carnival stakeholders;
- iii. Furthermore, the EMA should review the Code of Practice for the Entertainment Industry in consultation with the Entertainment Industry and Creative Arts sector to achieve greater compliance and overall buy-in;
- iv. that the Municipal Corporations, TTPS and the EPU collaborate to establish transparent and efficient systems and procedures to allow for inter-agency communication concerning noise pollution/ nuisance complaints;
- v. The EMA examines and documents the most prominent sources of noise, considering the country's cultural norms and practices, with the aim of publishing guidelines for the public's consumption and
- vi. Provide a progress update on the plans, strategies and initiatives arising from the EMA's Strategic Plan that are relevant to noise pollution management.
- vii. The EMA, the TTPS, and the Municipal Corporation should adopt a collaborative approach to sensitising the public about each entity's role in managing noise and noise pollution. This should assist with alleviating the ambiguity associated with enforcing laws governing noise generation.
- viii. The Ministry of Planning and Development should collaborate with the Ministry of Tourism, Culture and the Arts, and other relevant stakeholders to assess the feasibility of establishing entertainment zones or districts that meet environmental requirements.
- ix. The EMA and the TTPS evaluate the effectiveness of existing communication channels for the public to submit complaints.

- a. Specifically, the EMA should examine the feasibility of creating its own digital application that will allow members of the public to conveniently track and lodge complaints on their mobile phones/devices. The EMA should seriously pursue this modern form of direct citizen engagement and feedback, which can serve as a useful means of collecting public feedback. It may be helpful for the EMA to examine the *SeaITT* App managed by the Institute of Marine Affairs.
- x. Stakeholders indicated that the TTPS' response regarding noise complaints has been lax. While the Committee acknowledges the significant demands currently being placed on the TTPS's resources, we must be mindful of the principles of the "broken windows theory" and strive to respond appropriately to all breaches of the law and anti-social behaviour.
- xi. The Committee acknowledges and agrees with the recommendation from CANPTT, which proposed introducing "quiet time laws" like those in other jurisdictions, such as Germany and New York in the United States. The Committee, however, recommends that cultural norms and practices be considered if the enactment of such a law or policy is to be pursued;
- xii. A status update on the implementation of the recommendations (related to the EMA) contained in the 2018 Joint Select Committee on Social Services and Public Administration inquiry on the adverse effects of traditional fireworks should be provided to the Parliament;
- xiii. The Ministry of Planning and Development provide an update regarding the EMA's proposed legislative amendments. In this regard, the conclusions of the Court of Appeal in *Civil Appeal No. P133 of 2021, The Environmental Management Authority of Trinidad and Tobago v Wild Goose Limited*, should be duly considered in the preparation of said legislative adjustments;
- xiv. Given that the TTPS is responsible for enforcing the existing suite of legislation regarding noise and nuisance management, the EMA should

examine the feasibility of expanding the Environmental Police Unit to adequately address noise-related incidents and

- xv. In addition to the previous recommendation, sufficient allocations should be made to procure more sound meters to enhance the overall surveillance capacity of the TTPS and EPU officers.**

INTRODUCTION

Background

2.1. The Environmental Management Authority (EMA) was established in 1995 under the Environmental Management Act, Chap. 35:05, and is mandated to, among other things, coordinate, facilitate and oversee the execution of the national environmental strategy and programmes, to promote public awareness of environmental concerns and to establish an effective regulatory regime that will protect, enhance and conserve the environment. The primary functions of the EMA include:

- Promoting a better understanding and appreciation of the environment;
- Encouraging the integration of environmental concerns into private and public decision-making;
- Coordinating efforts among the various institutions with responsibility for the environment to establish an integrated environmental management system designed to protect, enhance and conserve the environment;
- Developing and implementing laws, policies and programmes to promote sustainable development, achieve economic growth and meet international obligations; and
- Enhancing the legal, regulatory and institutional framework for environmental management.

Mission

- 2.2. The EMA's mission is to manage natural resources and the environment sustainably by providing a transparent framework to facilitate policy and decision-making in development. This will be undertaken within an approved regulatory system, utilising intensive public education and a collaborative cross-sectoral approach.

Board of Governors

- 2.3. The Environmental Management Authority is governed by a Board of Directors which consists of **Ms. Nadra Nathai-Gyan**, the Chairman of the Board of Directors, **Ms. Jaqueline Wilson**, the Deputy Chairman and **Mr. Hayden Romano**, the Managing Director / CEO.

Definition - Noise Pollution

- 2.4. For this inquiry, any noise that causes environmental and or public health harm, in addition to exceeding the limits set out in the Environmental Management Act (EMA) and its existing Rules and Regulations, will be classified as "noise pollution".

Sources of Noise Pollution

- 2.5. According to the World Health Organization, sound levels less than 70 dB are not damaging to living organisms, regardless of how long or consistent the exposure is. Exposure for more than 8 hours to constant noise beyond 85 dB may be hazardous. As such, some sources of noise pollution may include¹:
- Road Traffic Noise (cars, buses, pedestrians, ambulances);
 - Construction Noise;
 - Aircraft Noise;

¹ <https://www.environmentalpollutioncenters.org/noise-pollution/>

- workplace sounds, often common in open-space offices;
- constant loud music in or near commercial venues;
- industrial sounds like fans, generators, compressors, mills;
- train stations traffic;
- household sounds from appliances;
- events involving fireworks, firecrackers, loudspeakers, and
- Noise from conflicts through explosions, and gunfire.

The EMA and Noise Pollution

2.6. The EMA's role in controlling noise pollution is limited to the **Noise Pollution Control Rules (NPCR)**² and the **Certificate of Environmental Clearance (CEC) Rules**³, which are both subsidiary legislation subsumed under the Environmental Management Act. The EMA addresses matters that breach the prescribed standards of the NPCR. While many sources of noise may be considered a nuisance, not all of these may exceed the prescribed standards. The *Noise Pollution Control (Amendment) Rules, 2022* (NPCR) specifies Prescribed Standards (or noise levels) throughout Trinidad and Tobago, across three zones: I - Industrial Area, II - Environmentally Sensitive Area and III - General.

EMA and Noise Complaints

2.7. The EMA investigates instances of recurring noise with the assistance of the **Environmental Police Unit (EPU)**. The Trinidad and Tobago Police Service (TTPS) can provide immediate relief from noise pollution. The Police can use various

² Noise Pollution Control Rules (NPCR) 2000.

https://drive.google.com/file/d/1HKyNtNJZKcXj_hA66aoh3lvaxF5vBk8I/view

³ Certificate of Environmental Clearance (CEC) Rules.

<https://drive.google.com/file/d/1bXGwUkr1YFIBQDBM1CymY1Hx8Zrca3IC/view>

pieces of legislation including the *Summary Offences Act* and the *Motor Vehicles & Road Traffic Regulations* to address the situation immediately.⁴

⁴ <https://www.ema.co.tt/our-environment/noise/>

EMA and Noise Variations

- 2.8. If a person intends to exceed the standards set by the Noise Pollution Control Rules such as for a party or any other event, they must first apply for and receive a **Noise Variation** from the Environmental Management Authority.⁵ A Noise Variation is a permit, with conditions, that allow sound pressure levels to exceed the prescribed standard for that area, up to a specified sound level, stated in the Noise Variation, for a set period.

Line Ministry

- 2.9. Under the purview of the Ministry of Planning and Development, the Environmental Management Authority is charged with the overall management, and execution of the national environmental strategy and programmes, to promote and establish an effective regulatory regime which will protect, enhance and conserve the environment.

Inquiry Rationale

- 2.10. The usage of fireworks during holiday celebrations and the loud music and performances associated with Carnival events and fetes can result in noise variations above the regulated levels, resulting in noise pollution. The Environmental Management Authority (EMA) is the body responsible for regulating the parameters for noise pollution in keeping with the existing regulatory framework. During this inquiry, the Committee examined the EMA's operations related to the regulation and curtailment of noise pollution within Trinidad and Tobago.

⁵ <https://www.ema.co.tt/our-environment/noise/>

Methodology for obtaining evidence

- 2.11. On Wednesday, April 05, 2023, and Wednesday, May 03, 2023, public hearings were held with governmental and non-governmental organisations, respectively. The Committee then interviewed the representatives on issues relevant to the inquiry objectives. The respective entities represented are provided in **Appendix I**.
- 2.12. The Minutes and Verbatim Notes relevant to the Committee's public hearing with the listed entities are attached in **Appendix II** and **Appendix III**, respectively.

Summary of Evidence Together with Findings and Recommendations

Objective 1: To examine the performance and impact of the strategies of the EMA as it pertains to noise pollution management in Trinidad and Tobago.

The Noise Unit

3.1.1. The Noise Unit was established in 2014 under the Technical Services Department and consists of four (4) employees:

- two (2) Environmental Programme Assistants (EPA);
- one (1) Technical Officer I; and
- one (1) Technical Officer II.

3.1.2. The Technical Officer I and the EPAs report to the Technical Officer II while the Technical Officer II reports to the Assistant Manager of Technical Services responsible for Air and Noise.

The Functions of the Noise Unit

3.1.3. The Noise Unit is responsible for processing Noise Variation applications as required under the Noise Pollution Control Rules (NPCR). The Unit also conducts research to support the implementation of legislation, develops guidance documents, makes recommendations for the amendment of legislation, and implements projects to help the EMA with its strategic objectives related to Noise management.

3.1.4. Additionally, the Unit provides technical support to other EMA units as required such as:

- a. reviewing noise-related matters for Certificate of Environmental Clearance (CEC) applications, Environmental Impact Assessments (EIA) and noise monitoring plans and reports;
- b. maintaining noise meters;
- c. assisting in legal matters involving the application of the NPCR; and
- d. providing support in conducting public education and corporate relations matters.

Noise Variations

Defining Significant Sources of Noise Pollution

- 3.1.5. Any exceedance of the prescribed standards of the Noise Pollution Control Rules 2001 (as amended), which is not permitted by a Noise Variation, is considered a significant source of noise pollution.

Procuring Noise Variations

- 3.1.6. Persons wishing to utilise facilities such as parks, squares, promenades and playgrounds for functions that may exceed the standards set by the NPCR must apply for a Noise Variation Permit from the EMA. The EMA has published an instructional guide for the application of a noise variation permit⁶.

⁶ https://drive.google.com/file/d/1zdHpD_CzyXA05AwhCaY4GWUOOL47tWcR/view

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TABLE 1 - THE NUMBER OF APPLICATIONS FOR AND ISSUED NOISE VARIATIONS

YEAR	APPLICATIONS RECEIVED	NOISE VARIATIONS (VRs) ISSUED*
2018	489	520
2019	609	558
2020 (Jan 01 – Mar 31)	143	158
2021	1	1 ⁺
2022 (Apr 04 – Dec 30)	265	207
2023 (Jan 01 – Mar 01)	92	124
* Figures represent VRs issued in each year, and not the determinations of the applications received each year. An application may be received in 1 year and issued the following year e.g. an application received on Dec. 29, 2022 will be issued in 2023.		
+ Applications related to construction works proposed for outside the exemption period under the NPCR.		

Challenges Faced by Stakeholders

3.1.7. Stakeholders have indicated that the thirty-five (35) day period to apply for a noise variation before the proposed event is too lengthy as some events are promoted within two to three weeks – such as pop-up events.

3.1.8. Furthermore, no clauses or guidelines regarding emergency or ‘Act of God’ alterations for approved noise variations exist.

Environmental Police Unit (EPU)

3.1.9. The Enforcement Unit of the Environmental Management Authority – now known as the Environmental Police Unit (EPU) – was established as a six (6) month pilot program in June 1999 with a manpower complement of nineteen (19) Special Reserve Police Officers with one (1) Sargeant, two (2) Corporals and sixteen (16) Constables.

3.1.10. Currently, the EPU consists of thirteen (13) Special Reserve Police (SRP) Officers. In Trinidad, there are ten (10) officers – nine (9) SRPs of Constable Rank and one (1) SRP of Corporal Rank; and in Tobago, there are three (3) of Constable Rank.

These officers are responsible for identifying, investigating, and prosecuting environmental offences.

3.1.11. The EPU programme is being reevaluated with the Trinidad and Tobago Police Service (TTPS) to facilitate a 24-hour shift system to manage noise and noise pollution in the country adequately.

3.1.12. Stakeholders have indicated that while they recognise noise pollution and the management of such being under the EMA's purview, ultimately, the responsibility for treating with such is that of the TTPS.

Training

3.1.13. The Noise Unit is trained – alongside the Environmental Police Unit (EPU) – in using sound level meters. This training is facilitated by the meter's supplier – Rose Environmental Limited - on an as-needed basis; this is usually when there is new equipment or new staff. The last training exercise was conducted in 2016.

Stakeholder Engagement

3.1.14. The EMA has implemented a WhatsApp hotline that enables citizens to file noise complaints and report potential breaches as they occur.

3.1.15. Furthermore, the EMA, through its Corporate Communications and Public Education Units, has engaged in several public awareness sensitisation sessions with multiple stakeholders to educate the general public about noise management, noise pollution, and the EMA's general work.

3.1.16. While some of these were privately held, given the nature of the information and the relevant authorities, most of the initiatives target the wider public.

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TABLE 2 - STAKEHOLDER ENGAGEMENT SESSIONS HELD BY THE EMA

<u>YEAR</u>	<u>STAKEHOLDERS</u>	<u>SUMMARY OF OBJECTIVES</u>
2014-2018	Municipal Corporations – Aldermen, Councillors, Municipal Police and other staff.	<ul style="list-style-type: none"> • The role and functions of the EMA include treating complaints, permit monitoring, and enforcement.
2014	Trinidad and Tobago Police Service (TTPS)	<ul style="list-style-type: none"> • Discussion of the laws pertaining to noise pollution and the provisions available for enforcement. • Training in the use of noise meters.
2016	San Fernando City Corporation	<ul style="list-style-type: none"> • Discussion of the role of the EMA concerning the NPCR • Treating with Noise in the City • Powers of the Municipal Police
2016	“Fete Promoters”	<ul style="list-style-type: none"> • Education regarding the requirements of the NPCR and the Noise Variation process.
2018	Public Health Inspectors	<ul style="list-style-type: none"> • Education on the CEC Rules, Processes and Compliance Enforcement Procedures
2022	“Industry Stakeholders”	<ul style="list-style-type: none"> • Education regarding the CEC process and its requirements.

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TABLE 3 - THE SENSITISATION INITIATIVES TARGETTING THE OVERALL PUBLIC

<u>YEAR</u>	<u>FOCUS OF THE INITIATIVE</u>
2014 - 2015	National Sensitisation Plan on Environmentally Sensitive Areas (ESAs) and Environmentally Sensitive Species (ESS); included public ESA tours, the National Poster and Art Competition, the development of ESS models, and other information materials for public dissemination.
2019 - 2020	A communication, Education, and Public Awareness Plan was rolled out to inform the public and relevant stakeholders about the Water Pollution Rules, 2019.
2019	The public Awareness Plan will sensitise the public to the Air Quality Index and the Ambient Air Quality Monitoring Stations.
2021 - present	Sensitisation of the public on the Waste Management Rules, 2021
2021	Knowledge Series – Eleven (11) topical webinars on various environmental issues. <u>One focused on the topic of noise.</u>
2022	“The Role of the EMA” published via traditional media and social media.
2022	National Environment Policy (NEP) video published via traditional and social media.
2022	7 video interviews (via TTT) where the EMA’s Mandate was explored.
2023	Established the “Listen Responsibly/Stop Noise” campaign.

3.1.17. The EMA’s 2023 “Listen Responsibly/Stop Noise” campaign will be expanded to include webinars and strategic partnerships to raise awareness of noise pollution's impact.

Effectiveness of the Campaigns Conducted

3.1.18. The effectiveness of the public awareness campaigns is measured using a range of techniques employed by the EMA. The major tools are:

- i. the establishment of key performance indicators – these are usually the growth of the social media platforms, and engagement of the publications on the respective social media platforms as well as the EMA official website;
- ii. post-publication feedback through forms distributed at the outreach sessions; and
- iii. the annual customer satisfaction survey and comments.

3.1.19. Stakeholders have noted, however, that the EMA has “turned off comments from the public” on the campaign videos posted to the YouTube platform.

Challenges Identified by Stakeholders

3.1.20. Stakeholders engaged by the EMA have identified challenges regarding noise pollution management and its associated processes. These are:

	<u>ISSUE</u>	<u>DESCRIPTION</u>
1.	Low decibel levels	The standard permitted decibel levels of 65DbA Nighttime (8 pm-8 am) [General Areas] are generally too low for the enjoyment expectation of music industry event patrons. Leisure events need to be considered regarding the infrequent and low duration of exposure.
2.	There is no consideration for Carnival.	No special consideration is given to music events during Carnival season/week regarding noise variation levels.
3.	Noise emission differentiation	No method exists for differentiating the noise emissions of simultaneous events occurring in close proximity, particularly on festive occasions.

4.	Inconsistent guidance	Reports indicate an inconsistency in EMA guidance in noise impact mitigation before the event.
5.	Unavailability of procedure	The procedure for managing noise levels at an event is not available for public knowledge.
6.	Unclear verification process	Clarification of the EMA verification process should be made available at the time of application approval to promoters.
7.	Decibel level measurement	During an event, decibel levels are not always measured one hundred meters (100m) away from affected source receptors as stipulated in regulations.
8.	Applications	Application submission with supporting documents needs to be hard copy.
9.	DbA Level Testing	DbA level testing should be at the nearest receptor and not the event's fence line.
10.	No consideration for an emergency venue change	There is no consideration if there is an emergency change of venue within 35 days of the event.
11.	International guidance	The Alpine Hearing Protection stipulated that volume is about 90 to 100 decibels at outside stages, while inside a festival tent or concert hall, it would be between 95 to 110≥ decibels.

Carnival Season

3.1.21. The EMA manages the monitoring of noise levels of Carnival events as well as the action. No requests for assistance were made to the TTPS by the EMA or the EPU during the 2023 Carnival period.

Code of Practice for the Entertainment Industry

3.1.22. The EMA published guidelines in December 2003 as a result of an Entertainment Industry Forum conducted among various stakeholders. The guidelines were established to be followed in accordance with the Noise Pollution Control Rules, 2001.

3.1.23. At the Committee's first public hearing held on 5th April, 2023, the EMA stated that "a meeting was held with the TTPA in July 2022, where the Code was discussed among other matters." However, at the Committee's 2nd public hearing pursuant to the inquiry, the TTPA stated that they were not aware of the existence of the Code until the Committee's invitation to participate in the inquiry.

Role of the Trinidad and Tobago Police Service

3.1.24. The Trinidad and Tobago Police Service (TTPS) is equipped with ten (10) pieces of legislation with which they may exercise their general police powers to respond to noise-related matters.

3.1.25. These are:

- (i) Police Service Act Chap 15:01;
- (ii) Summary Offences Act Chap 11:02;
 - a. Fireworks Permits Regulations (made under section 101 of the Summary Offences Act);
- (iii) Theatres & Dance Halls Act & Regulations Chap 21:03;
- (iv) Liquor Licenses Act Chap 84:10;
- (v) Shops (Hours of Opening & Employment) Act Chap 84:02;
- (vi) Motor Vehicles & Road Traffic Regulations Chap 48:50;
- (vii) Maxi Taxi Act Chapter 48:53/Maxi Taxi (Radio) Order ;
- (viii) Registration of Clubs Act Chap 21:01; and
- (ix) Occupational Safety & Health Act Chap 88:08.

3.1.26. The TTPS has received several noise complaints under the Classification Heading of Loud Music. Some examples of reports received under such classification are:

- (i) Vehicle Playing Loud Music;
- (ii) Loud Music reported in residential areas;
- (iii) Loud explosions heard;
- (iv) Excessive noise from persons conducting repairs on vehicles, equipment, etc.;
- (v) Construction; and
- (vi) Persons conducting repairs to their residence.

TABLE 4 - THE NUMBER OF NOISE COMPLAINTS RECEIVED BY THE TTPS

No. of Noise/Nuisance Complaints received by the TTPS for the period 2018 to February 28, 2023						
YEAR	2018	2019	2020	2021	2022	2023
NUMBER OF COMPLAINTS	5872	6649	10260	9537	8743	1181

3.1.27. When a member of the public contacts the TTPS to inform them of an instance of excessive noise/nuisance, they record the statement and then visit the location of the noise source to make observations.

3.1.28. A major challenge with the procedure identified is that upon the officers' arrival, the alleged offenders would have already eliminated or reduced the noise. Under such circumstances, the TTPS is restrained and can only issue a warning.

3.1.29. The TTPS also conducts community interventions in the following ways:

- (i) Communicating with the EMA to conduct enquiries on frequent offenders;

- (ii) Engaging complaints and sourcing the information from nearby residences of noise pollution/noise nuisances by responding to such reports, warn alleged offenders and return to the complainant for follow-up;
- (iii) engaging the community through walkabouts, lectures, town meetings and council meetings to keep individuals sensitised and knowledgeable in this area,;
- (iv) Utilizing various mediums such as social and mainstream media platforms – like Facebook and the TTPS app to receive complaints;
- (v) Objecting to licensed premises at court;
- (vi) Engagement with the owners of licensed premises; and
- (vii) For areas prone to complaints, such as the Woodbrook neighbourhoods, a register of the bars and restaurants in which complaints were filed was opened to keep track and ensure follow-up. In addition, a WhatsApp Group was created with the Station's Administration to facilitate the effective and efficient treatment of reports made.

The EMA's Relationship with the Ministry of Planning and Development

3.1.30. The Ministry of Planning and Development financially supports the EMA for projects and programmes and other work through the Environmental Policy Planning Division and the Ministry's Town and Country Planning Division.

The EMA's Relationship with other State Agencies

3.1.31. An arrangement exists where officers of key collaborative Ministries and state agencies are appointed as environmental liaison officers. These appointees are primary contact points for communication and collaboration on environmental-related matters. The EMA conducts regular meetings with these environmental liaison officers to improve coordination.

3.1.32. The EMA has signed numerous Memorandums of Understanding (MOUs) with various stakeholders directly responsible for environmental management.

3.1.33. The EMA established oversight and coordinating committees to assist with the management of environmentally sensitive areas and species. Some examples are:

- (i) The National Sea Turtle Task Force – established to facilitate cross-sectoral application and adoption of programs for sea turtle research and conservation activities;
- (ii) The National Sustainable Development Council – established to oversee the implementation of the National Environment Policy;
- (iii) A committee to produce the annual state of the environment report; and
- (iv) The Clearing House Committee established to facilitate coordination and collaboration between the EMA and the THA concerning the implementation of the National Environmental Policy and other environmental functions and services in Tobago.

Municipal Corporations and Noise

3.1.34. Municipal Corporations do not have any stipulated responsibility under the law to assist the EMA in regulating noise pollution; however, the Municipal Police officers have a duty of care to the burgesses under the Municipal Police Regulations.

3.1.35. Given the geographical features and demographics of the burgesses, municipal corporations implement unique responses to noise complaints/nuisances received.

TABLE 5 - EACH MUNICIPAL CORPORATION'S RESPONSE TO NOISE COMPLAINTS

MUNICIPAL CORPORATION	SUMMARY OF RESPONSE
Port of Spain City Corporation	<p>Complaints are made to the Disaster Management Unit or City Police Department.</p> <p>If made to the DMU, the nature of the complaint is recorded and then forwarded to the City Police for further investigation.</p> <p>The EMA is contacted to obtain their audiologist's services to ascertain whether there is a breach of the lawful decibel levels.</p> <p>In the event of no audiologist obtained from the EMA, the City Police engages the person(s) responsible and informs them of the report made as well as the effects on the community; the persons are then instructed to reduce the level of noise with the location being further monitored to ensure adherence.</p>
San Fernando City Corporation	<p>The Corporation advises the burgesses to report incidents of noise pollution directly to the EMA.</p> <p>The Corporation logs details of each complaint to maintain accurate records.</p>
Arima Borough Corporation	<p>This Corporation utilises a five-step process of:</p> <p>Initial Reporting - from a member of the public with details such as source, location, time and nature of the noise;</p> <p>Referral to the EMA - the Corporation forwards the complaint to the EMA who then conducts a technical</p>

	<p>investigation to determine if the noise levels exceed the prescribed standards;</p> <p>Investigation/Measurement – The measuring of sound levels as conducted by the EMA;</p> <p>Issuance of Permits/Variations – if the noise exceeds legal levels, the EMA requires the application for a variation;</p> <p>Enforcement – if there are violations of the prescribed noise levels, the EMA issues notices of violations or administrative orders to the offending party.</p>
Chaguanas Borough Corporation	The CBC does not receive noise complaints and, therefore, does not have to respond to such offences.
Diego Martin Borough Corporation	<p>Telephone Calls from a Complainant:</p> <p>The complainant is advised to provide details in writing via the Corporation CEO's email;</p> <p>The complaint is forwarded to the Corporate Secretariat, the Diego Martin Municipal Police and the Registry Department where it is logged for record keeping;</p> <p>The complaint is brought forward to the Regional Coordinating Committee Meeting held every third Thursday, where a representative from the EMA is present and would undertake the responsibility to address and provide feedback to the CEO and Council on the status of treating the complaint.</p> <p>Directly to the Councillor who would go to the Municipal Police</p>

	<p>Upon receipt, the officer records all necessary details to facilitate an investigation;</p> <p>The scene of the potential breach is investigated where the alleged offender is informed of the complaint made against them;</p> <p>Follow-up site visits are conducted to ensure compliance with directives given by the Municipal Police;</p> <p>In the event of alleged infringement after 6 p.m., the matter is referred to the TTPS or the EMA or relayed at the sitting of the Regional Coordinating Committee.</p> <p>Note: The Corporation has recently engaged in an online tracking system where all requests brought to the Corporation's attention are now monitored from 'receiving the request to distributing to the relevant Department Head/Agency responsible, and following through to the conclusion of the request.'</p>
Point Fortin Borough Corporation	<p>Upon receipt of a complaint, the Point Fortin Municipal Police investigates the type of noise and the validity of the complaint. Based on the investigation findings, the complaint could be addressed via the Corporation or referred to the Environmental Management Authority.</p>
Siparia Borough Corporation	<p>The Municipal Corporation does not treat noise pollution complaints as they are not equipped to determine noise decibels and/or treat those complaints as nuisances.</p>

	Should a complaint be received, the Municipal Corporation advises the public to direct their complaints to the EMA's southern office.
Couva/Tabaquite/Talparo Regional Corporation	<p>The Public Health Department receives the complaint, where it is assigned to a Public Health Officer for investigation; On-site investigation is conducted to confirm specific details such as the source of noise pollution, and further information relating to the offender;</p> <p>The information is submitted to the Principal Medical Officer of Health and Chief Executive Officer. It may be forwarded to the following departments of external agencies: County Medical Officer of Health (CMOH), Environmental Management Authority (EMA), the CTTRC Technical Department or the Corporate Secretary for additional contribution to rectify the matter.</p>
Mayaro/Rio Claro Regional Corporation	<p>All complaints received are forwarded to the EMA for action within the legislative framework.</p> <p>Residents are advised to visit the EMA for further guidance.</p>
Penal/Debe Regional Corporation	<p>For an event held on the Corporation's Assets (i.e. the recreational grounds):</p> <p>The Corporation checks its records to ensure the individual or entity has a Noise Variation Permit issued by the EMA. If there is none, the complainant is advised to report the matter to the EMA.</p> <p>From a Private Residence:</p> <p>Complaints of this nature are seldom received</p>

	<p>From a Business (Woodworking, Mechanical, or other Industrial companies, etc.):</p> <p>A public health officer visits the site (depending on the nature of the complaint – such as noise from a factory),</p> <p>The building inspector visits the premises to discern whether the alleged offender has the approval to conduct the business, the matter is referred to the EMA for further investigation and management.</p>
Princes Town Regional Corporation	<p>Upon receipt of a complaint:</p> <p>Administration reviews same to determine the appropriate method for handling;</p> <p>The complaint is brought to the subsequent Committee/Council meeting where the Council tends to resolve to forward the complaint to the EMA, the Municipal Police or both for further investigation;</p> <p>Upon Council resolution, the Secretariat sends a notification letter informing the complainant that the matter has been referred for action.</p>
Sangre Grande Regional Corporation	<p>The Sangre Grande Municipal Police will be informed, and an investigation will be undertaken whereby the complainant will be advised to report the matter to the EMA;</p> <p>Additionally, a verbal warning is given to the alleged perpetrators.</p>
San Juan/Laventille Regional Corporation	<p>One of two actions is taken:</p> <p>The complaint is forwarded to the EMA; or</p> <p>The complaint was read at the Corporation's Regional Coordinating Meeting, which a representative of the EMA</p>

	was expected to attend, effectively bringing it to their attention.
Tunapuna/Piarco Regional Corporation	Complaints are referred to the Municipal Police for initial investigation; based on the findings, the matter is then referred to the Environmental Police Unit of the EMA. However, under challenging circumstances and only under direction from the Counsel, the Municipal Police Officers may be advised to discharge their powers under the Police Service Act and the Summary Offences Act.

EMA Strategic Plan – 2022 – 2026: Greater Compliance for a Greener Future

3.1.36. The EMA's Strategic Plan aligns with Trinidad and Tobago's Vision 2030 National Development Strategy (NDS), the 2018 National Environmental Policy (NEP), and the United Nations Sustainable Development Goals (UN SDG).

3.1.37. The first objective of the Strategic Plan is to lead and manage Trinidad and Tobago's environmental integrity. Its ultimate goal is to protect human health and the natural environment from the effects of noise, maintain the individual's fundamental right to enjoyment of property, and allow reasonable social, cultural, and economic activity.

3.1.38. According to the EMA, the noise variance process aids in achieving Objective 1 by allowing economic, social, and cultural activity while managing the impacts on the receiving environment through permissible decibel levels.

3.1.39. A technical paper, which informs the MPD of the proposed amendments, was submitted in 2022 to initiate the legislative amendment process.

Effects of Noise on Health

3.1.40. The Committee sought feedback from the Regional Health Authorities on the extent to which excessive and loud noise caused injury to persons. In response, the South-West Regional Health Authority indicated that there was one (1) case of injury due to excessive noise during the period January 2022 to March 2023.

3.1.41. For the same period, the Eastern Regional Health Authority, North Central Regional Health Authority, North West Regional Health Authority, and the Tobago Regional Health Authority have no recorded data on this subject matter from January 2022 to March 2023.

3.1.42. Before 2019, no recorded data listed injury with noise as the cause.

Findings and Recommendations

Based on the evidence set out in this section, the Committee concluded as follows:

- i. It was noted that the EMA does not use social media to notify the public of pending or approved noise variation applications. This is counterproductive, as current marketing and communication trends demand greater use and application of social and digital media platforms.
- ii. Based on:
 - a. The TTPA's apparent unfamiliarity with the Code of Practice for the Entertainment Industry before this inquiry;
 - b. The TTSPCA's contribution during the public hearing held on May 03, 2023; and
 - c. The prevention of the public from posting comments on the YouTube platform as a response to the Campaigns.

the Committee believes that the EMA must re-evaluate its stakeholder engagement strategy to ensure that the Authority captures a comprehensive perspective on stakeholder views and evaluates the efficacy of stakeholder proposals.

- iii. Public health care facilities recorded a negligible number of cases of physical injury due to excessive noise. However, major stakeholders, such as the Environmental Management Authority, have highlighted noise pollution's mental and psychological effects.
- iv. Although stakeholders presented the Committee with evidence of modern international practices such as designated entertainment zones, the extent to which these ideas and concepts are implementable in this country requires further assessment.
- v. While reports of noise disturbances may be considered a low priority within the overall spectrum of criminal activities, the Committee acknowledges that these incidents can potentially escalate into severe interpersonal conflict.

Recommendations

Based on the evidence received and further to the preceding findings, the Committee respectfully recommends as follows:

- i. **That the EMA conduct more consultations with the general public to boost education and public awareness on the effects of noise and the avenues available to them to report potential breaches;**
- ii. **The EMA examine the feasibility of creating provisions specific to the Carnival season. This recommendation can be pursued based on consultations with Carnival stakeholders;**
- iii. **Furthermore, the EMA should review the Code of Practice for the Entertainment Industry in consultation with the Entertainment Industry and Creative Arts sector to achieve greater compliance and overall buy-in;**

- iv. that the Municipal Corporations, TTPS and the EPU collaborate to establish transparent and efficient systems and procedures to allow for inter-agency communication concerning noise pollution/ nuisance complaints;
- v. The EMA examines and documents the most prominent sources of noise, considering the country's cultural norms and practices, with the aim of publishing guidelines for the public's consumption and
- vi. Provide a progress update on the plans, strategies and initiatives arising from the EMA's Strategic Plan that are relevant to noise pollution management.

Objective 2: To determine the challenges that inhibit applying policies and guidelines regarding noise pollution management in Trinidad and Tobago.

Fireworks

- 3.2.1. Some stakeholders consider the strategies implemented for fireworks to be ineffective due to their intermittent nature.
- 3.2.2. Concerning the Zoo, the EMA has collaborated with the Zoological Society of Trinidad and Tobago (ZSTT) on the main issue of concern, which is the launching of fireworks within the vicinity of the Zoo for Independence Day celebrations and other occasions.
- 3.2.3. Non-governmental stakeholders – specifically the TTSPCA and the Animal Welfare Network (AWN) established a programme in 2001 that addresses the mitigation of fireworks' impact on animal welfare. The mitigation program addressed the following four categories:
 - (i) Advisories to the public for keeping their animals safe during the festive “season”;
 - (ii) Providing a forum for reporting on lost and found pets;
 - (iii) Gathering information on the impact of fireworks; and
 - (iv) Lobbying for greater regulation in the use of fireworks.

Animal Welfare

- 3.2.4. According to stakeholders involved with animal welfare, the EMA's strategies and programmes do not cover their main areas of concern.
- 3.2.5. The EMA has engaged some stakeholders regarding their areas of concern; however, additional gaps have been identified, and no efforts have been made to reduce them.

Other Sources of Noise

3.2.6. The TTSPCA identified instances of barking dogs as another source of noise nuisance that is often reported.

Resource Constraints

The Environmental Management Unit (EMA)

3.2.7. The EMA's hotline via WhatsApp requires more manpower to respond efficiently to noise complaints, as members of CANPTT have repeatedly claimed incidents of non-response when utilising the said hotline.

Trinidad and Tobago Police Service

3.2.8. The TTPS lamented and underscored that the EMA's officer complement currently consists of six to eight officers responsible for managing and mitigating noise and noise complaints throughout the country.

Municipal Corporations

3.2.9. The limited financial resources at the level of the Municipal Corporations have contributed to the challenges in procuring the necessary equipment to measure sound.

Noise Complaints

3.2.10. For the period of 2015 to 2023⁷, the EMA received a total of one thousand six hundred and forty-seven (1647) noise-related complaints. This figure represents twenty-seven per cent (27%) of all environmental management complaints received by the EMA.

⁷ The actual period reported by the EMA was from 2015 to 28th February, 2023.

3.2.11. As mentioned previously, the EMA uses a WhatsApp Hotline to facilitate the receipt of noise complaints in “real-time.” Additionally, the TTPS app remains available to receive complaints from people.

3.2.12. In collaboration with residents, the TTPS has identified noise-sensitive areas where flags and alerts were posted to notify passing music trucks of the status of such designated areas.

3.2.13. The CANPTT has had numerous unsuccessful attempts to report noise complaints to the TTPS. The TTPS's response includes assertions that noise-related issues do not fall within their purview and outright refusal to take the reports of noise nuisances.

Challenges Identifying Suitable Event Venues

3.2.14. Stakeholders have indicated that finding suitable venues that will not disturb residents is challenging. Suggestions to use more rural areas have been blocked due to the risk of disturbance to wildlife.

Multiple Entities Involved in Noise Pollution Management

3.2.15. While the EMA is the primary organisation regarding noise pollution management, the TTPS primarily oversees the enforcement of measures to mitigate noise pollution.

3.2.16. Furthermore, Municipal Corporations also play a crucial role. Their burgesses often report noise complaints directly, as they are a close point of contact.

Findings and Recommendations

Based on the evidence set out in this section, the Committee concluded the following:

- i. Several stakeholders have demanded more stringent regulation of the use of fireworks, specifically near facilities that accommodate animals. However, the State has yet to respond commensurately with appropriate policy and legislative action;
- ii. The lack of designated entertainment districts within the country may be a limitation that has contributed to the lack of a more structured and effective management of noise nuisances generated by the entertainment industry;
- iii. Due to the involvement of different state entities in regulating noise pollution, namely the EMA, the TTPS, and the Municipal Corporations, the public appears to be naturally confused about the role of each entity in responding to complaints;
- iv. The use of instant messaging services such as WhatsApp has allowed noise complaints to be forwarded to the EMA in a timely manner which is commendable. However, there appears to be a challenge with the response rate associated with EMA's WhatsApp account;
- v. According to stakeholders, the TTPS has not been accommodating or receptive in its response to nuisance/noise complaints. Additionally, there is a lack of clarity regarding who has enforcement powers regarding noise complaints.
- vi. The EMA appears to have limited capacity to enforce noise pollution rules. It was clear that, at present, inter-agency collaboration with the TTPS is required. This division of roles often leads to confusion among the complainants, delays in responding to complaints and, ultimately, dissatisfaction with the complaint's eventual outcome.

Recommendations

Based on the evidence received and further to the preceding findings, the Committee recommends that:

- i. The EMA, the TTPS, and the Municipal Corporation should adopt a collaborative approach to sensitising the public about each entity's role in managing noise and noise pollution. This should assist with alleviating the ambiguity associated with enforcing laws governing noise generation.
- ii. The Ministry of Planning and Development should collaborate with the Ministry of Tourism, Culture and the Arts, and other relevant stakeholders to assess the feasibility of establishing entertainment zones or districts that meet environmental requirements.
- iii. The EMA and the TTPS evaluate the effectiveness of existing communication channels for the public to submit complaints.
 - a. Specifically, the EMA should examine the feasibility of creating its own digital application that will allow members of the public to conveniently track and lodge complaints on their mobile phones/devices. The EMA should seriously pursue this modern form of direct citizen engagement and feedback, which can serve as a useful means of collecting public feedback. It may be helpful for the EMA to examine the *SeaiTT* App managed by the Institute of Marine Affairs.
- iv. Stakeholders indicated that the TTPS' response regarding noise complaints has been lax. While the Committee acknowledges the significant demands currently being placed on the TTPS's resources, we must be mindful of the principles of the "broken windows theory" and strive to respond appropriately to all breaches of the law and anti-social behaviour.

Objective 3: To determine whether the legislation adequately empowers the EMA to effectively execute its mandate with regard to noise pollution management in Trinidad and Tobago.

Legislation/Legislative Amendments

- 3.3.1. The EMA has proposed legislative amendments, currently under review by the Ministry of Planning and Development that will address, among other things, how notices of noise variations are disseminated to the affected citizenry.
- 3.3.2. The Noise Pollution Control (Amendment) Rules, 2022,⁸ amended Rule 2 of the NPCR by reducing the time authorities are required to monitor noise emanating from a source from three hours to thirty minutes.

Enforcement of Noise Management Policies/Legislation

- 3.3.3. The TTPS is responsible for enforcing the Summary Offences Act, the primary law used to respond to complaints of noise disturbances. In contrast, the Municipal Corporations and the EMA rely on moral suasion concerning noise management in the case of events and their noise levels.

Breach of Noise Pollution Control Rules

- 3.3.4. If a person or entity generates noise over the prescribed levels, the EMA is authorised to register the party committing the offence as ‘being in breach of an environmental requirement.’ The offender is then given a Notice of Violation after the event, which is noted for further applications for Noise Variations.
- 3.3.5. The EMA considers all the circumstances of breaches; the offender, accompanied by an adviser, will be permitted to respond to the EMA’s Notice of Violation in a

⁸ Noise Pollution Control (Amendment) Rules, 2022

representation meeting. If the matter is resolved amicably, a Consent Agreement between the EMA and the offender can be entered into to ensure that the breach does not reoccur.

- 3.3.6. The Municipal Police has attempted to create and utilise a database that captures details about repeat offenders. This information proves useful when these persons reapply for noise variations to host events. A report is generated regarding breaches by repeat offenders, whereby they are flagged based on past non-compliance. The concerns of residents and other stakeholders are taken into consideration when these offenders are flagged.

Firework Legislation

- 3.3.7. According to stakeholders, there is little to no law enforcement regarding using traditional fireworks in residential areas.
- 3.3.8. The Trinidad and Tobago Society for the Prevention of Cruelty to Animals (TTSPCA) proposes banning traditional fireworks and introducing silent fireworks for national events such as Independence Day celebrations.
- 3.3.9. The TTSPCA has received one hundred and ninety-eight (198) complaints regarding fireworks from October 2016 to January 2017, with approximately thirty-six (36) lost animal reports being made.
- 3.3.10. The TTSPCA noted a 95 percent increase in people requesting sedatives for animals and an 80 percent increase in calls about lost animals, particularly during the Divali to Christmas period.

Findings and Recommendations

Based on the evidence set out in this section the Committee concluded as follows:

- i. Traditional fireworks continue to generate a significant amount of noise, which is a source of complaint, particularly among pet owners and stakeholders who promote the welfare of animals. Based on the evidence from stakeholders, there has been limited progress in reducing the usage of traditional fireworks nationally;
- ii. The existing suite of legislation does not contain adequate provisions for treating all noise sources, such as the noise from barking dogs;
- iii. Notwithstanding the TTPS' use of the Summary Offences Act and the penalties associated with public nuisance and the impact of breaches of the Noise Control Pollution Rules seems dubious, particularly in the case of repeat offenders, and
- iv. Further to the findings above, the Committee found certain aspects of the Court of Appeal's ruling in *Civil Appeal No. P133 of 2021, The Environmental Management Authority of Trinidad and Tobago v Wild Goose Limited*, very instructive. In its judgement, the court lamented, in particular, the lack of immediately enforceable remedies available to the EMA to effectively respond to alleged breaches of Noise Pollution Rules made under the Environmental Management Act. The court concluded that *inter alia*:

"What this appeal has placed into stark relief is the inadequacy of the Act in its current form to allow for the efficient fulfilment by the EMA of its mandate specific to the prevention of noise pollution. This deficiency is made all the more obvious when one considers that no readily available avenue exists to address breaches of the statutory requirements and the potential damage which may be caused in situations or events of a transient nature. It is pellucidly clear that the ordinary avenues of redress provided for in the Act cannot be easily tailored for rapid

deployment in such circumstances. Satisfying the qualifying criteria for an emergency response, the revocation of a noise variation, or even obtaining an injunction as contemplated by the Act all face obvious challenges as remedial options when the events themselves last only a matter of hours. This court cannot begin to speculate as to why, in a society in which fetes and revelry are such common features, particularly around Carnival time, such practical considerations were overlooked when the potential for noise pollution looms so large...⁹

- v. Some municipal Corporations' attempts to track repeat offenders using a database are commendable approaches to holding repeat offenders accountable.

Recommendations

Based on the evidence received and further to the preceding findings, the Committee respectfully recommends the following:

- i. **The Committee acknowledges and agrees with the recommendation from CANPTT, which proposed introducing “quiet time laws” like those in other jurisdictions, such as Germany and New York in the United States. The Committee, however, recommends that cultural norms and practices be considered if the enactment of such a law or policy is to be pursued;**
- ii. **A status update on the implementation of the recommendations (related to the EMA) contained in the 2018 Joint Select Committee on Social Services and Public Administration inquiry on the adverse effects of traditional fireworks should be provided to the Parliament;**
- iii. **The Ministry of Planning and Development provide an update regarding the EMA’s proposed legislative amendments. In this regard, the conclusions of the Court of Appeal in *Civil Appeal No. P133 of 2021, The Environmental***

⁹ Civil Appeal No. P133 of 2021, *The Environmental Management Authority of Trinidad and Tobago v Wild Goose Limited* (Pp 32-33)

- Management Authority of Trinidad and Tobago v Wild Goose Limited*, should be duly considered in the preparation of said legislative adjustments;
- iv. Given that the TTPS is responsible for enforcing the existing suite of legislation regarding noise and nuisance management, the EMA should examine the feasibility of expanding the Environmental Police Unit to adequately address noise-related incidents and
 - v. In addition to the previous recommendation, sufficient allocations should be made to procure more sound meters to enhance the overall surveillance capacity of the TTPS and EPU officers.

12th Report on an Inquiry into the Operations of the Environmental Management
Authority (with a Specific Focus on Noise Pollution)

The Committee respectfully submits the preceding for the consideration of the
Parliament.

Ms. Sunity Maharaj
Chairman

Mr. Esmond Forde, MP
Vice-Chairman

Mrs. Ayanna Webster-Roy, MP
Member

Mr. Laurence Hislop
Member

Ms. Khadijah Ameen
Member

Mrs. Renuka Sagrarsingh-Sooklal
Member

Mrs. Jayanti Lutchmedial-Ramdial
Member

January 07, 2024

APPENDICES

Appendix I

List of Officials

Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA)

Officials Attendance Sheet

Wednesday April 5th, 2023

17th Meeting at 10:15 a.m. (in public)

Officials - Environmental Management Authority (EMA)

NO.	NAMES	POSITION
1.	Hayden Romano	Managing Director
2.	Wayne Rajkumar	Manager, Technical Services
3.	Jenell Partap	Manager, Legal Services
4.	Jiselle Joseph	Assistant Manager, Technical Services
5.	Maurice Wishart	Legal Officer III (Noise Portfolio)

Officials – Ministry of Planning and Development

NO.	NAMES	POSITION
6.	Marie Hinds	Permanent Secretary (Ag.)
7.	David Persaud	Environmental Manager, EPPD
8.	Candice Ramsaran	Director (Ag.), TCPD

Officials –Trinidad and Tobago Police Service

NO.	NAMES	POSITION
9.	Mr. Collis Hazel	Assistant Commissioner North West
10.	Mrs. Sharon Cooper	Assistant Commissioner- Administration
11.	Mr. Terrence Dick	Inspector

Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA)

Officials Attendance Sheet

18th Meeting

Wednesday May 3rd, 2023 at 10:15 a.m. (in public)

Port of Spain City Corporation

NO.	NAMES	POSITION
1.	Mitra Sooklal	Public Health Inspector IV
2.	Glen Charles	Superintendent of Police

San Fernando City Corporation

NO.	NAMES	POSITION
3.	Junia Regrello	Mayor/ Alderman
4.	Mrs. Kathy- Ann Mills- Mark	Chief Executive Officer

Arima Borough Corporation

NO.	NAMES	POSITION
5.	Mrs. Cheryl Sirju- Chong	Chief Executive Officer
6.	Dhanash Sagam	Public Health Insp. 1
7.	Ramanan Beharry	Ag. Asst. Supt

Chaguanas Borough Corporation

NO.	NAMES	POSITION
8.	Ms. Dianne Lakhan	Chief Executive Officer
9.	Balliram Lalla	Asst. Supt. of Police
10.	Nesha Serrette	Public Health Officer

Trinidad and Tobago Promoters Association

NO.	NAMES	POSITION
11.	Mr. Jerome Precilla	President
12.	Mr. Colin Miles	Secretary

Trinidad and Tobago Society for the Prevention of Cruelty to Animals

NO.	NAMES	POSITION
13.	Ms. Sara Maynard	Operations Manager

Zoological Society of Trinidad and Tobago

NO.	NAMES	POSITION
14.	Mr. Narine Lutchmedial	President
15.	Mr. Nirmal Biptah	Curator Manager, Emperor Valley Zoo
16.	Mrs. Kerry-Ann Harrison	2 nd Vice President, Zoological Society of Trinidad and Tobago, Attorney at Law

Citizens against Noise Pollution

NO.	NAMES	POSITION
17.	Mr. Joey Maharaj	President
18.	Lindy Ann Bachoo	Public Relation Officer
19.	Tamara Chatar	Public Relation Officer

Appendix II:

Minutes

**MINUTES OF THE 17TH MEETING OF THE JOINT SELECT COMMITTEE
APPOINTED TO INQUIRE INTO AND REPORT ON LOCAL AUTHORITIES,
SERVICE COMMISSIONS, STATUTORY AUTHORITIES (INCLUDING THE THA)
HELD ON WEDNESDAY APRIL 05, 2023**

This meeting was held virtually via Zoom

PRESENT

Members

Dr. Varma Deyalsingh	Chairman
Mrs. Lisa Morris-Julian, MP	Member
Ms. Jayanti Lutchmedial	Member
Ms. Khadijah Ameen, MP	Member
Mr. Laurence Hislop	Member

Secretariat

Mr. Julian Ogilvie	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Ms. Sherlana Ramdeen	Procedural Officer Intern
Ms. Terriann Baker	Graduate Research Assistant
Ms. Aaneesa Baksh	Graduate Research Assistant
Ms. Cherylee Legair	Parliamentary Researcher Intern

Absent/ Excused

Mr. Esmond Forde, MP	Vice-Chairman
Mrs. Renuka Sagrainsingh-Sooklal	Member
Mrs. Ayanna Webster-Roy, MP	Member

PRE-HEARING DISCUSSIONS

- 1.1. The Chairman advised that the following entities will be appearing before the Committee:
 - Environmental Management Authority;
 - Ministry of Planning and Development; and
 - Trinidad and Tobago Police Service.
- 1.2. The Committee was advised that written submissions were received from the aforementioned entities on March 31, 2023 and circulated to Members via email on April 04, 2023.

The meeting was suspended at 10:19 a.m.

PUBLIC HEARING

- 2.2. The Chairman reconvened the meeting at 10:30 a.m. and advised that the meeting will be streamed live.
- 2.3. The Chairman highlighted the objectives of the inquiry and introductions were made.
- 2.4. The Chairman then invited the lead official of each delegation to make a brief opening statement.

Witnesses Who Appeared

The following officials appeared before the Committee:

Ministry of Planning and Development

- | | |
|------------------------|------------------------------|
| • Ms. Marie Hinds | Permanent Secretary (Ag.) |
| • Mr. David Persaud | Environmental Manager, EPPD, |
| • Ms. Candice Ramsaran | Director (Ag.), TCPD |

Environmental Management Authority

- | | |
|-----------------------|---------------------------------------|
| • Mr. Hayden Romano | Managing Director |
| • Mr. Wayne Rajkumar | Manager, Technical Services |
| • Ms. Jenell Partap | Manager, Legal Services |
| • Ms. Jiselle Joseph | Assistant Manager, Technical Services |
| • Mr. Maurice Wishart | Legal Officer III (Noise Portfolio) |

Trinidad and Tobago Police Service

- | | |
|----------------------|--|
| • Mr. Collis Hazel | Assistant Commissioner, North West |
| • Mrs. Sharon Cooper | Assistant Commissioner, Administration |

KEY ISSUES DISCUSSED

The following are the main issues highlighted during discussions with the **Environmental Management Authority (EMA)**

Overview:

- i. Noise Pollution is a growing area of concern nationally, regionally and internationally.
- ii. Noise related complaints are the main complaint received by the EMA's hotline. During the period 2018 to 2022, 913 complaints were received.
- iii. According to a 2022 Harvard Medicine Report, noise pollution can cause hearing loss, tinnitus and hypersensitivity to sound. It can also exacerbate cardiovascular disease, type 2 diabetes, sleep disturbances, stress, mental health and cognition problems, including memory impairment and attention deficit, childhood learning delays and low birth weight.
- iv. The Environmental Management Act and the Noise Pollution Control Rules are the main authorities that guide the regulation of noise pollution.
- v. The legislation provides that the EMA's remit is to regulate noise pollution from events, industrial and commercial sources. The Authority does not regulate sound originating from moving vehicles such as music trucks or party boats. Those matters are under the purview of the Ministry of Works and Transport.
- vi. The decibel level limits as prescribed by the Noise Pollution Control Rules are 80 decibels (db) between the 8:00AM to 8:00PM, and 65db between 8:00PM to 8:00AM.

Environmental Police Unit (EPU)/Enforcement

- vii. The Environmental Police Unit (EPU) is currently comprised of thirteen (13) Special Reserve Police Officers appointed by the Commissioner of Police and are assigned to the EMA.
- viii. The EMA is in active discussions with the TTPS to expand the complement of officers assigned to the EPU to 40 officers.

- ix. The EPU have all the powers and privileges of police officers and can enforce both the Environmental Management (EM) Act and other laws in the exercise of their duties.
- x. In terms of enforcement power, the EMA can only request that the perpetrator turn down their music.
- xi. In relation to the power of the EPU to shut down events that are in breach of the prescribed noise levels, this is an active matter before the Courts.

Legislation/Legislative Amendments

- xii. There are proposed legislative amendments, currently under review, that will address the manner in which notice of public nuisances are given among other things.
- xiii. The 2022 amendment to the Noise Pollution Control Rules reduced the time of monitoring from a three-hour period to that of thirty minutes.

Noise Variations

- i. A noise variation is an approval to make sound at an event above the prescribed levels identified in the Noise Pollution Control Rules. In instances where a noise variation was not given, the event can still take place, however, it must be in compliance with the Rules.
- ii. The application process for a noise variance is extensive and is said to consider all stakeholders involved such as the surrounding area and its residents.
- iii. The Noise Unit of the EMA is responsible for processing and issuing noise variations. Currently, the main focus is on the processing of applications for one-off event variations. The Unit is in the process of moving towards processing variations for facilities such as industrial premises.
- iv. The notices for noise variances are published in the newspaper by the applicant; however, an increase in the required size of the ad has been requested by the EMA to ensure it is seen clearly by persons.
- v. A condition to obtain a noise variation includes the applicant notifying residents within a specified geographical area of the impending event.
- vi. There are stipulated decibel levels and durations for events that obtain a noise variation. These decibel levels do not exceed 85db as WHO standards recommend 80db as the maximum in terms of an eight-hour exposure period.

- vii. Variations are not granted past 2:00AM and in the case of “breakfast parties”, a variation is not granted before 6:00AM.

Measurement of Noise

- viii. The measurements for sound pressure levels are taken at the property boundary line of the source of the sound.

Breach of Noise Pollution Control Rules

- ix. When above the prescribed noise levels, the EMA registers the person committing the offence as being in breach of an environmental requirement. The offender is then given a Notice of Violation after the event and may have to pay a fine.
- x. The EMA considers all the circumstances; the offender, accompanied by an adviser, will have the opportunity to reply to the EMA’s notice of violation in a representation meeting. If the matter is resolved amicably, a consent agreement between the EMA and the offender can be entered into to ensure that the breach does not reoccur.

Collaboration/Discussions with Stakeholders

- xi. The EMA and the Trinidad and Tobago Promoter’s Association (TTPA) engaged in conversations in July 2022 where the TTPA was made aware of the *Code of Practice for the Entertainment Industry*.

Social Media Usage/Public Education

- xii. The EMA does not currently use social media to give notice of noise variances.
- xiii. The EMA’s public education include giving explanations of the dangers of noise and some precautions that can be taken such as the use of earphones.

The following are the main issues highlighted during discussions with the **Ministry of Planning and Development (MPD)**:

Relationship with EMA:

- xiv. The MPD provides administrative support and guidance with regard to budgeting, auditing and organizational restructuring, assistance with the preparation of budget estimates for the Public Sector Investment Programme (PSIP) proposals and the release of funds for the operation of the EMA.
- xv. The MPD facilitates the attendance of EMA staff at training exercises, meetings and conferences both at the local and international level.

- xvi. The MPD endorses the work of the EMA by attending its events, workshops and meetings.

Residential/Commercial Areas:

- xvii. Appropriate standards are examined when considering applications for developments in both residential and commercial areas based on policies existing for the specific area.

The following are the main issues highlighted during discussions with the **Trinidad and Tobago Police Service (TTPS):**

Complaints/Mitigation of Noise

- xviii. The TTPS app remains available to facilitate any complaint by persons.
- xix. The TTPS is guided by their Standing Orders, Acts and regulations in treating any report as that of a serious nature.
- xx. A meeting was held with residents of the Woodbrook area to devise strategies to mitigate the adverse impacts of noise.
- xxi. In collaboration with residents, noise sensitive areas were identified where flags and alerts were posted to notify passing music trucks of the status of such designated area.

Equipment and Training

- xxii. The TTPS has acquired at least ten (10) noise meters and are in the process of familiarizing officers with the use of such.
- xxiii. These instruments will be distributed for use in the field as soon as the training is completed.
- xxiv. The EMA has not provided such training since 2017 but are prepared to facilitate more training upon request.
- xxv. The noise meters will be distributed to officers in areas where there is heightened noise levels, in relation to Carnival activities, such as Port of Spain and San Fernando.

Enforcement:

- xxvi. According to the EMA, the TTPS can curtail noise pollution using:
 - a. the Summary Offences Act;

- b. the Fireworks Permit Regulations;
- c. the Theatres and Dance Halls Act and Regulations;
- d. the Liquor Licenses Act (Hours of Opening and Employment) Act;
- e. the Motor Vehicles and Road Traffic Regulations;
- f. the Maxi-Taxi Act and the Maxi-Taxi Order; and
- g. the Registration of Clubs Act.

ADJOURNMENT

10.1 The Chairman thanked Members and adjourned the meeting.

10.2 The meeting was adjourned at 1:12 p.m.

I certify that the Minutes are true and correct.

Chairman
Secretary
April 19, 2023

Appendix II B – Minutes - Eighteenth Meeting

**MINUTES OF THE 18TH MEETING OF THE JOINT SELECT COMMITTEE
APPOINTED TO INQUIRE INTO AND REPORT ON LOCAL AUTHORITIES,
SERVICE COMMISSIONS, STATUTORY AUTHORITIES (INCLUDING THE THA)
HELD ON WEDNESDAY MAY 03, 2023**

This meeting was held virtually via Zoom

PRESENT

Members

Dr. Varma Deyalsingh	Chairman
Mrs. Lisa Morris-Julian, MP	Member
Mrs. Renuka Sagrarsingh-Sooklal	Member
Ms. Khadijah Ameen, MP	Member

Secretariat

Mr. Julian Ogilvie	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Ms. Sherlana Ramdeen	Procedural Officer Intern
Ms. Terriann Baker	Graduate Research Assistant
Ms. Aaneesa Baksh	Graduate Research Assistant
Ms. Cherylee Legair	Parliamentary Researcher Intern

Absent/ Excused

Mr. Esmond Forde, MP	Vice-Chairman
Mrs. Ayanna Webster-Roy, MP	Member
Mr. Laurence Hislop	Member
Ms. Jayanti Lutchmedial	Member

CALL TO ORDER

- 1.1. The Chairman called the meeting to order at 9:46 a.m.

PRE-HEARING DISCUSSIONS

- 2.1. The Chairman advised that the following entities will be appearing before the Committee:
- Port of Spain City Corporation;
 - San Fernando City Corporation;
 - Arima Borough Corporation;
 - Chaguanas Borough Corporation;
 - The Trinidad and Tobago Promoters Association;

- Trinidad and Tobago Society for the Prevention of Cruelty to Animals;
 - Zoological Society of Trinidad and Tobago; and
 - Citizens against Noise Pollution.
- 2.2. The Committee was advised that written submissions were received from the aforementioned entities and circulated to Members via email:
- The Trinidad and Tobago Promoters Association received and circulated on March 31, 2023 and further circulated on April 25, 2023;
 - Trinidad and Tobago Society for the Prevention of Cruelty to Animals received and circulated on March 31, 2023 and further circulated on April 25, 2023;
 - Zoological Society of Trinidad and Tobago received on April 28, 2023 and circulated on May 02, 2023; and
 - Citizens against Noise Pollution received on April 28, 2023 and circulated on May 02, 2023.
- 2.3. Members reviewed the Issues Papers and selected questions and issues each would focus on during the public hearing.

OTHER BUSINESS

Consideration of the Committee's Work Programme

- 3.1. The Chairman invited Members to consider the draft list of proposed topics for examination/investigation prepared by the Secretariat.
- 3.2. The Committee agreed to prioritize its next three (3) topics for examination as follows:
- a. A follow-up inquiry on the 2nd Report of the Committee in the 11th Parliament (2015-2020) on an inquiry into certain aspects of the administration of the THA;
 - b. An inquiry into the impact of the operations of the National Commission for Self Help on communities; and
 - c. A follow-up session with the Regulated Industries Commission (RIC) to be updated on the outcomes of the public consultations on proposed rate adjustments.

The meeting was suspended at 10:26 a.m.

PUBLIC HEARING

- 4.1. The Chairman reconvened the meeting at 10:41 a.m. and advised that the meeting will be streamed live.
- 4.2. The Chairman highlighted the objectives of the inquiry and introductions were made.
- 4.3. The Chairman then invited the lead official of each delegation to make a brief opening statement.

Witnesses Who Appeared

The following officials appeared before the Committee:

Port of Spain City Corporation

- Ms. Mitra Sooklal Public Health Inspector IV
- Mr. Glen Charles Superintendent of Police

San Fernando City Corporation

- Mrs. Kathy-Ann Mills-Mark Chief Executive Officer
- Mr. John Kissun Local Economic Development Officer

Arima Borough Corporation

- Mr. Walter Thomas Deputy Chief Executive Officer (Ag.)
- Ms. Sharon Juste Personnel and Industrial Relations Officer II
(Ag.)

Chaguanas Borough Corporation

- Mr. Balliram Lalla Assistant Superintendent of Police
- Ms. Nesha Serette Public Health Officer

Trinidad and Tobago Promoters Association

- Mr. Jerome Precilla President
- Mr. Colin Miles Secretary

Trinidad and Tobago Society for the Prevention of Cruelty to Animals

- Ms. Sara Maynard Operations Manager

Zoological Society of Trinidad and Tobago

- Mrs. Kerry-Ann Harrison 2nd Vice President, Zoological Society of
Trinidad and Tobago

Citizens Against Noise Pollution

- Ms. Lindy Ann Bachoo Public Relations Officer
- Ms. Tamara Chatar Public Relations Officer

KEY ISSUES DISCUSSED

- 10.1 The following are the main issues highlighted during discussions with the **Citizens Against Noise Pollution of Trinidad and Tobago (CANPTT)**:

Overview:

- i. The World Health Organization (WHO) published numerous guidelines and sources regarding environmental noise and noise pollution over the years.
- ii. The CANPTT started as an online support group in 2015, but was registered as an NGO in 2021. The organisation uses a Facebook and WhatsApp Group to communicate amongst the membership. Their communication often includes advice to treat with noise that originate from a variety of sources, including commercial noise from fêtes, as well as residential noise from neighbours.

EMA Hotline/Response:

- iii. The EMA hotline via WhatsApp requires an increase in manpower in order to efficiently respond to noise complaints as members of CANPTT have repeated claims of non-response when utilising the said hotline.
- iv. The EMA's response is to report the incident to the TTPS where the Summary Offences Act can be used for enforcement.

Relationship with the EMA:

- v. CANPTT and EMA had a meeting in November 2021 where a CANPT delivered a presentation to highlight the shortcomings of both the EMA and the TTPS with regard to the handling of noise complains.

- vi. The EMA has not engaged CANPTT subsequent to the initial meeting and does not currently have a presence within the Facebook Group that CANPTT operates.
- vii. There is sporadic communication between the EMA and CANPTT. The Authority provided responses to CANPTT's letters on two occasions in 2022.

Carnival Season:

- viii. CANPTT acknowledges the difficulty encountered by the Trinidad and Tobago Promoters Association in finding a suitable location to host events.

Relationship with the Trinidad and Tobago Police Service (TTPS):

- ix. CANPTT has had numerous unsuccessful attempts with reporting noise complaints to the TTPS. The response of the TTPS include assertions that noise related issues do not being fall within their purview as well as the outright refusal to take the reports of noise nuisances.

Noise Variations:

- x. CANPTT mentioned that they polled their members on whether or not they were notified of noise variations via the fliers, as mentioned in the previous hearing. Out of over 100 members who participated in the poll, most members stated that they have never received fliers notifying them of noise variations related to proposed events.
- xi. CANPTT identified limitations regarding the noise variations published in the daily newspapers with specific reference to the lack of fixed dates for the noise variance permits to be published.
- xii. They have identified the benefits of digitalization of the notices, as such a change would allow ample time for the noise variation to be challenged by residents.

Effects and Response to Noise Pollution by Citizens:

- xiii. Some citizens have had to seek refuge at other locations such as family members' residences due to noise disturbances and excessive noise.

Recommended Legislative Measures:

- xiv. CANPTT recommends the introduction of “quiet time laws” such as those in other jurisdictions such as Germany and the state of New York in the United States.

10.2 The following are the main issues highlighted during discussions with the **Trinidad and Tobago Promoters Association (TTPA)**:

Overview:

- xv. The Trinidad and Tobago Promoter’s Association (TTPA) was registered as a non-profit organisation in 2016 and represents and attempt to regulate the entertainment industry.
- xvi. The TTPA seeks to be the mediator between its membership and other entities such as copyright organizations in the case of music usage rights, the TTPS, the EMA and the fire service in relation to safety measures at event venues.
- xvii. The organization has a versatile membership and includes organisers of events such as weddings ceremonies and receptions, gospel concerts, fêtes and comedy shows.
- xviii. The TTPA has highlighted the importance of the entertainment industry to the economic development of Trinidad and Tobago such as the generation of \$460M in revenue during the Carnival season as well as the opportunities for employment.

Relationship with the EMA:

- xix. The TTPA was unaware of the *Code of Practice for the Entertainment Industry* prior to the Committee’s inquiry.
- xx. The association has initiated communication with the EMA and has continued to build a relationship with the Authority that results in proactive action being taken to mitigate noise pollution.

Noise Variations:

- xxi. As part of the application process, the distribution of fliers is not a requirement but rather it is a recommendation for the consideration of applicants.
- xxii. In terms of shortcomings with the noise variation application process, there are no clauses or guidelines regarding emergency or ‘Act of God’ alterations for approved noise variations.

Challenges for Venues:

- xxiii. There is a challenge to find suitable venues that will not disturb residents as suggestions to utilise more rural areas have been blocked due to the risk of disturbance of wildlife.

Recommendations:

- xxiv. The EMA should conduct more consultations with the general public with the aim of boosting education and public awareness.

10.3 The following are the main issues highlighted during discussions with the **Zoological Society of Trinidad and Tobago (ZSTT)**:

Use of Fireworks:

- xxv. The ZSTT has continued to advocate for the mitigation and management of the use of fireworks through the use of designated times and areas to set off fireworks.

Effect on Animals:

- xxvi. Fireworks, particularly larger displays taking place at the Queen's Park Savannah, have caused distress to the animal exhibits in the zoo.
- xxvii. The zookeepers attached to the relevant exhibits are called out to assist with caring for the animals when the ZSTT becomes aware of a planned event utilising fireworks.

Other Sources of Noise:

- xxviii. There have been some consideration regarding the volume levels of portable sources of noise, such as speakers and music trucks, when near the zoo.

10.4 The following are the main issues highlighted during discussions with the **Trinidad and Tobago Society for the Prevention of Cruelty to Animals (TTSPCA)**:

Legislation (Fireworks):

- xxix. There is little to no enforcement regarding the use of traditional fireworks in residential areas.
- xxx. The TTSPCA proposes a ban on traditional fireworks and an introduction of silent fireworks for national events such as for Independence Day celebrations.

Effects of Fireworks:

- xxxi. The TTSPCA has received one hundred and ninety eight (198) complaints regarding fireworks for the period October to January with approximately thirty-six (36) lost animal reports being made.

- xxxii. The TTSPCA noted that there was a 95 percent increase in people asking for sedatives for animals, and an 80 percent increase in calls pertaining to lost animals, particularly during the Divali to Christmas period.

10.5 The following are the main issues highlighted during discussions with the **Port of Spain City Corporation, the Arima Borough Corporation, the Chaguanas Borough Corporation and the San Fernando City Corporation:**

Responding to Events/Venues:

- xxxiii. The Municipal Corporations have a process that allows burgesses to share concerns regarding a proposed event; the promoter is also interviewed in this process.
- xxxiv. There are frequent patrols to ensure no nuisances are caused for the duration of the event. Conversations are held with event promoters to ensure compliance with the standard per the noise variation permit.
- xxxv. Complaints received by the Chaguanas Borough Corporation are mainly from residents that live in close proximity to bars.
- xxxvi. The San Fernando City Corporation receives complaints when events are held in the car park of SAPA and Skinner Park.
- xxxvii. The Arima Velodrome is under the Arima Borough Corporation's jurisdiction with regard to the approvals to host events at that venue. However, the lack of equipment to measure sound makes it difficult for the officers to address reports of noise pollution and mitigation of noise in the area.

Relationship with the EMA/Other Entities:

- xxxviii. The EMA accompanies the municipal police to different locations as the Authority is the frontline agency responsible for the regulation of noise pollution.
- xxxix. One of the challenges the municipal police face is a lack of adequate training and equipment to effectively address noise nuisances especially those that emanate from events.
 - xl. The Municipal Corporations are willing to engage with any organization or entity to provide noise relief to their burgesses.
 - xli. In scenarios involving excessive barking of dogs, the municipal corporations would usually engage the owner of said dogs to mitigate the noise or will engage other entities to manage the incident.

Non-Compliance/Breaches:

The Municipal Police has attempted to create and utilise a database that can treat with repeat offenders in their subsequent application to host events. A report is generated in terms of breaches by the repeat offenders whereby they are flagged based on past non-compliance. The concerns of residents and other stakeholders are taken into consideration when these offenders are flagged.

ADJOURNMENT

11.1 The Chairman thanked Members and adjourned the meeting.

11.2 The meeting was adjourned at 12:53 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

May 31, 2023

Appendix III

Verbatim Notes

Appendix III A - Verbatim Notes - Seventeenth Meeting

VERBATIM NOTES OF THE SEVENTEENTH MEETING OF THE JOINT SELECT COMMITTEE ON LOCAL AUTHORITIES, SERVICE COMMISSIONS AND STATUTORY AUTHORITIES (INCLUDING THE THA), HELD (IN PUBLIC) IN THE LINDA BABOOLAL MEETING ROOM, GROUND FLOOR, CABILDO PARLIAMENTARY COMPLEX, OFFICE OF THE PARLIAMENT, ST. VINCENT STREET, PORT OF SPAIN, ON APRIL 05, 2023, AT 10.30 A.M.

PRESENT

Dr. Varma Deyalsingh	Chairman
Mr. Laurence Hislop	Member
Ms. Jayanti Lutchmedial	Member
Ms. Khadijah Ameen	Member
Mrs. Lisa Morris-Julian	Member
Mr. Julien Ogilvie	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Ms. Sherlana Ramdeen	Procedural Officer Intern
Ms. Terriann Baker	Graduate Research Assistant
Ms. Anneesa Baksh	Graduate Research Assistant
Ms. Cherylee Legair	Parliamentary Researcher Intern

ABSENT

Mrs. Renuka Sagrainsingh-Sooklal	Member
Mr. Esmond Forde	Member
Mrs. Ayanna Webster-Roy	Member

ENVIRONMENTAL MANAGEMENT AUTHORITY

Mr. Hayden Romano	Managing Director
Mr. Wayne Rajkumar	Manager, Technical Services
Ms. Jenell Partap	Manager, Legal Services

Ms. Jiselle Joseph	Assistant Manager, Technical Services
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Mr. Maurice Wishart	Legal Officer III (Noise Portfolio)
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MINISTRY OF PLANNING AND DEVELOPMENT

Ms. Marie Hinds	Permanent Secretary (Ag.)
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Mr. David Persaud	Environmental Manager, EPPD
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Ms. Candice Ramsaran	Director (Ag.), TCPD
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TRINIDAD AND TOBAGO POLICE SERVICE

Mr. Collis Hazel	Assistant Commissioner North West
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Mrs. Sharon Cooper	Assistant Commissioner - Administration
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Mr. Terrence Dick	Inspector
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Mr. Chairman: So a pleasant good morning, again, ladies and gentlemen. Welcome to the Seventeenth Meeting of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (Including the THA) in the Twelfth Parliament. This meeting is being broadcast live on the Parliament Channel and it is also being streamed on the Parliament's YouTube Channel, *ParlView*.

Today we are convening our first public hearing pursuant to our enquiry into the operations of the Environmental Management Authority with specific focus on noise pollution. We are pleased to have before us officials of the Ministry of Planning and Development, the Environmental Management Authority, and the Trinidad and Tobago Police Service. I would like, at this stage, to ask representatives of the Environmental Management Authority to please introduce yourselves.

[Introductions made]

Mr. Chairman: So, morning, members. At this stage, the Ministry of Planning and Development, could you please introduce members present?

[Introductions made]

Mr. Chairman: The Trinidad and Tobago Police Service, please introduce yourselves.

[Introductions made]

Mr. Chairman: So welcome all and thank you, again, for being here. I would like to advise the public here, really, that this enquiry here, myself, I am Dr. Varma Deyalsingh. I am Chair of this Joint Select Committee and would like my members present to introduce themselves.

[Introductions made]

Mr. Chairman: And member Jayanti Lutchmedial is here, so she would be stepping in, in a moment. So the purpose of this enquiry, the objectives really, is to examine the performance and the strategies of the EMA as it pertains to noise pollution management in Trinidad and Tobago. And it is also to determine the challenges which inhibit the application of policies and guidelines regarding noise pollution management in Trinidad and Tobago. And lastly, to determine whether the legislation adequately empowers the EMA to effectively executes its mandate with regard to noise pollution management in Trinidad and Tobago.

Now, I would like to ask the following persons to give a brief two-minute opening statement, starting with Mr. Hayden Romano.

Mr. Romano: Thank you, Chairman, members. The EMA is pleased to engage with the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities on the issue of noise pollution. These opening remarks are made in support of the written responses previously submitted for the attention and review of the Committee.

Noise pollution is an area of tremendous concern, not just nationally but, indeed, regionally and globally. The UN Environment Programme 2022, Frontiers report states that noise pollution in cities is a growing hazard to public health. The World Health Organization also reports that:

“Noise”—pollution—“is the second largest environmental cause of health problems, just after the impact of air pollution.”

At the EMA, noise-related complaints are the number one complaint received via the EMA’s hotline. In the last five years, 2018 to 2022, the figures reflect 930 noise-related complaints. This is truly a national issue, especially when we consider the deleterious effects of noise pollution. According to a 2022 Harvard Medicine report:

“...noise pollution not only drives hearing loss, tinnitus, and hypersensitivity to sound, but can cause or exacerbate cardiovascular disease; type 2 diabetes; sleep disturbances; stress; mental health and cognition problems, including memory impairment...”—defects—“childhood learning delays...low birth weight.”

And:

“Scientists are investigating other possible links, including to dementia.”

Therefore, the question that must be contemplated is: What legislation is in place to address noise pollution?

The EMA’s roles in the management of noise pollution is governed by the provisions of the Environmental Management Act and regulated through pieces of subsidiary legislation, which primarily includes the Noise Pollution Control Rules. This confines the EMA’s remit to noise pollution from events and commercial and industrial sources. The Noise Pollution Control Rules, helpfully sets out the statutory space that the EMA is mandated to occupy by rule 24, which states as

follows:

“Nothing in these Rules affects the operation of—

- (a) the Summary Offences Act; and
- (b) the common law regarding nuisance.”

Accordingly, there is a tripartite legislative thrust to treat with noise pollution in Trinidad and Tobago. We have the jurisdiction of the Trinidad and Tobago Police Service under the Summary Offences Act and other relevant pieces of legislation. We have the right of every citizen to take action against noise pollution under the common law for nuisance and, of course, the EMA’s remit to treat with noise pollution from events and commercial and industrial sources.

Moreover, rule 9 of the Noise Pollution Control Rules provides that:

“...where a person proposes to conduct an activity or an event that will cause sound in excess of the prescribed standards, that person shall submit an application to the Authority for a”—noise—“variation.”

Further, the rules provide that the EMA shall establish conditions for each variation. The conditions included in the variation all speak to attempting to avoid, minimize or mitigate noise pollution from the activity, including monitoring of the conditions of the variation and sound abatement. The primary condition embodied in noise variation relates to the decibel levels to be maintained during dependency of the activity or event.

As previously mentioned, there are multiple pieces of existing legislation which fall under the remit of the Trinidad and Tobago Police Service, which were promulgated to curtail the nuisance caused by noise pollution and these include: the Summary Offences Act, the Fireworks Permit Regulations, the Theatres and Dance Halls Act and Regulations, the Liquor Licences Act, the Shops (Hours of Opening and Employment) Act, the Motor Vehicles and Road Traffic Regulations,

the Maxi-Taxi Act and the Maxi-Taxi Order, and the Registration of Clubs Act.

During the COVID-19 pandemic, Trinidad and Tobago instituted the requisite public health measures which had a collateral effect of significantly diminishing the sources of anthropogenic noise pollution in relation to amplified soil. However, following the relaxation of these public health measures and the return to normal, the EMA recorded a concomitant increase in the number of complaints and reports of noise pollution.

Accordingly, the EMA considered an isolated, most significant amendment to be made to the rules to deliver more efficient monitoring of important sources of noise pollution: events that employ the use of amplified sound. A specific amendment was advanced to rule 2 of the rules to allow the EMA to broaden its impact on the response to the complaints of noise pollution, generally, and with respect to events that had been granted a noise pollution—a noise variation.

Previously, the rules required a three-hour monitoring period, and this was reduced to 30 minutes to allow the EMA to monitor and respond to a greater number of noise complaints and to provide relief to more stakeholders. This amendment became effective in February of 2022.

Such monitoring of events is conducted by the EMA's Environmental Police Unit. The EPU comprise of Special Reserve Police Officers appointed by the Commissioner of Police and are assigned to the EMA. The EPU officers are imbued with the powers and privileges of police officers, and are appointed Environmental Inspectors under the EM Act. The remit of the EMA, however, is not limited to investigating noise pollution, but extends to the prosecution of all offences under the EM Act and its subsidiary legislation. Specific examples include, monitoring of events, with or without variations; investigating noise complaints; serving legal documents; patrolling environmentally sensitive areas;

and accompanying EMA officers on site visits for security purposes, if and when required.

Fireworks are another major cause for concern and the EMA notes the growing voices to nationally address this issue. The EMA has made its position abundantly clear with the recommendations of its 2021 Position Paper on the Management of Fireworks in Trinidad and Tobago. This position paper outlines the damaging effects—impacts of traditional fireworks on human health and the welfare of animals, and a ban on traditional noise-producing fireworks has been recommended. And, of course, this position paper is available to the Committee and can be accessed by the general public on EMA's website.

As I close, Chair, the EMA is encouraged by the convening of this JSC with a specific purpose on noise pollution, and we are confident that the discussions embarked upon today will kick-start the much needed national dialogue and an all-of-society approach that is required to address the scourge of noise pollution.

Perhaps, from this dialogue, we may see the emergence of a better understanding of the roles and remit of partner agencies and support from key stakeholders, such as fete promoters, event organizers, bar owners, the general public, and heightened support and collaboration from the TTPS. Thank you for your attention and we look forward to your questions.

Mr. Chairman: Thank you, Mr. Romano. That was very comprehensive, and I think you are making our jobs easier, because you have answered some questions that we were going to, you know, put to you. At this stage, I will like the Permanent Secretary of the Ministry of Planning and Development, Ms. Marie Hinds, to please give us some opening statements.

Ms. Hinds: Good morning, again, Chairman, and members. After such a comprehensive statement by my colleague, I thought you might have dismissed the

entire—I was prepared to head out, feeling really good that we got the job done. Notwithstanding same, we, the Ministry of Planning and Development, really do thank you for the invitation into this enquiry of the operations of the EMA with specific focus on noise pollution. So, as my colleague said, we look forward to the guidance and recommendations that may proceed from this discourse.

Mr. Chairman, as you know, as you are well aware, the EMA is responsible for the sustainable management of the natural resources and environment by providing a framework to facilitate policy and decision-making in development. In this regard, the Ministry of Planning and Development continues to support the work of the EMA, in terms of providing funding for the development of their projects and programmes, and works synergistically together, particularly through the Environmental Policy Planning Division and the Town and Country Planning Division of the Ministry. As the arm of the Government responsible for environmental policy, in keeping with Government's policy framework for sustainable development, the MPD supports the EMA as they function to establish an integrated environmental management system, implement policies and programmes to promote sustainable development, and enhance the legal and regulatory framework for environmental management.

Mr. Chairman, the Ministry of Planning and Development, in its efforts to support the EMA's legislative agenda, we do so by reviewing and obtaining the necessary approvals for any new legislation and amendments. The hon. Minister of Planning and Development signed in February of 2022, the amendment of the Noise Pollution Control Rules, rule 2 of the Noise Pollution Control Rules. This amendment, as my colleague shared, reduced the period of continuous monitoring of sound pressure levels from three hours to 30 minutes, thereby making it more effective for the Environmental Police Unit, attached to the EMA, to monitor

multiple events on the same night.

We would also like you to know that we facilitate coordination and partnerships between the EMA and other state agencies, such as the IMA, the Institute of Marine Affairs, and the Chaguaramas Development Authority, in an effort to address environmental concerns. This type of collaboration has commenced through quarterly meetings held by the Minister of Planning and Development, with all chairmen of statutory bodies that are under our Ministry, to foster synergies and to provide support and updates on ongoing and new projects and events.

Some of the other areas in which the Ministry supports the EMA to achieve their mandate include: providing administrative support and guidance to the EMA with regard to budgeting, auditing and organizational restructuring; assisting with the preparation of budget estimates for the Public Sector Investment Programme—their PSIP proposals, that is; and the release of funds for the operation of the EMA.

In addition, we provide opportunities for staff to attend international and local training, conferences and meetings, aimed at building capacity as well as establishing networks with institutions, and finally, endorsing the work of the EMA by attending their events at community symposia workshops and meetings.

So, in closing, Chairman, and members, I would like to reiterate that the Ministry is committed to continue working with the EMA as it pertains to noise management in Trinidad and Tobago. I, once again, thank you for this opportunity to meet with the Committee. My team stands ready to provide further information that would assist the Committee on our fruitful discussions on this very important enquiry. I thank you, Chairman.

Mr. Chairman: Thank you, Ms. Hinds. And I feel encouraged that your support and quick support of reducing the time from three hours to, you know, a lesser time

would have helped, you know, the plight of persons waiting, you know, and even your staff to be able to go around to different events. So we see the synergy, the encouragement and the cooperation, and this is welcoming to see.

At this stage, I would like Mr. Collis Hazel, the Assistant Commissioner, North West Police Service, to please give us an opening statement.

Asst. Comm. Hazel: Good morning, members of the Committee. The Trinidad and Tobago Police Service is delighted to be part of this enquiry, as we look forward to working in collaboration with all the other agencies as we address this issue coming out of the EMA. We are mindful and we have noted as well, in our various town meetings that we are having, that noise pollution has been an issue and continues to be an issue on the nation's agenda of the population. And therefore, we are confident that with the discussion and what will take place here today, the Trinidad and Tobago Police Service is quite prepared, in working with other collaborative agencies, to see a mitigation of this problem which exists in society today. I thank you.

Mr. Chairman: Thank you, Mr. Collis Hazel. I guess—so the three major stakeholders are here this morning to see if we can, you know, assist each other and we, as the members of the Committee, could make suggestions that could help our citizens against the effects of noise pollution.

I would like to remind both committee members and officials to direct their questions and concerns through the Chair. And I would like to remind members and officials to kindly activate your microphone on your devices when they are acknowledged by the Chair and turn it off when they have concluded their contributions.

So I am very heartened to hear the effects and Mr. Romano's, you know, whole idea—he gave a comprehensive idea about the issues facing—you

mentioned the UN report, you mentioned medical reports. You have gone and even, you know, told us about the fact that there were improvements, as I mentioned before, from the three years to the period now that you are looking to help and appease the public. So I must commend you for that and I must say that we all appreciate your comments made about the UN and WHO concerning the health risk of noise pollution.

So as I want to come in with a little opening statement, I must mention that our member is here, Ms. Ameen is here, Khadijah Ameen, so she has joined our team here as well this morning. So noise pollution is a nuisance to any civilized society. It is a public health hazard, as you mentioned, Mr. Romano. It is not just the hearing it affects. It has the physiological effect and changes that you mentioned: high blood pressure, cardiovascular disease, stroke, insomnia and diabetes, which is high in our population. The Minister of Health has been trying to control this chronic disease and noise pollution is one of the factors that can probably help him if we can reduce this.

So then, besides the health and the mental health effects of health—I am a psychiatrist, so I am totally in agreement with what you read, that, you know—depression. I have patients who were depressed, trying to sleep and they could not sleep and their illness got worse—people with anxiety, post-traumatic stress. So all these things are very important. So we are here this morning to look at the medical benefits, not just the hearing problems, because I think hearing disability is a global disability. I think it is the fourth leading cause of disabilities. So it is something that we have to look at here. So it not only affects health, it also affects educational aspects, achievement of our children.

There was a 1974 study in New York where they looked at a school and on the east side of the school, there was a train line running—every four and a half

minutes a train will run and for 30 seconds. And they compared the children on the east side to the west side, which had no noise. And they actually found that those children, who were not exposed to the noise, they were better achievers. So they were better achievers, they did better in tests and in reading and skills. So this was a study, an old study, but it comes to the point that it is not just health. It looks at the education of our children and other studies have proved that.

But besides health and besides education, in the United States, they looked at certain areas and they found that it is an environmental justice issue—so, we here today are looking at issues that are very important—where they found that the burden of noise was not shared equally across the population. The study looked at certain population. They said the lower income population in the minority groups, they are exposed to more noise levels—be it the roads, be it there more industries and even where they are living in houses that are closer to each other. So it is an environmental justice issue that we also have to look at.

So, again, environmental noise would have to be addressed also from this level because it also would have prevented these improvised individuals from not getting their full potential. Because if you now have disrupted learning, if it is going to affect your academic studies, we may be encouraging a cycle of poverty to exist if those people are exposed to noise. So it is important that we understand that we have to get these people to escape from that, and anything we could help them get out of this would be beneficial.

So noise also affects wildlife, and I am so happy the PS mentioned your leanings with the IMA, your cooperation, because we know sound in the ocean affects whales, the dolphins, their main communication means. So the mating effects are down, shrimp activity and activity in coral reefs. So all those are issues that would be affected, the noise in the ocean. So the IMA has a part to play

because we found that even the ships that are coming in, the propellers, all of these are issues that we have to now address, what is going on in the ocean, because the whole ecosystem could be affected by this. And certain countries, like Germany, have recognized this and tried to actually decrease the acoustic footprint, which is what we will also be trying to achieve.

So I think I have laid the groundwork and I have heard what you, Mr. Romano, have said, that we can use this Committee and the recommendations to assist citizens. And I think we know, even though you mentioned there were a lot of complaints—your major complaint is noise pollution. So we realize now we have to keep up with that and give citizens who are crying out some sort of relief. And this, I think, is what we would be looking to go into.

So my first question—I would like to direct this question to the Environmental Management Authority's team. And for the benefit of the public, can you tell us, again, about the—you had mentioned it, Mr. Romano, but for the viewing public, the main roles and responsibilities of the EMA, and the role and responsibilities of the EMA as it relates to noise control and noise pollution.

Mr. Romano: So the EMA, the Environmental Management Authority, which was established in 1995 and the Act was repealed and replaced in 2000, when the EMA was established and we had both sides of the House or all sides of the House, I mean, agreeing to the establishment of this Environmental Management Authority—because our legislators, at the time, saw the importance of the environment with respect to development. And this authority was established, not only to coordinate environmental functions; not only to build public awareness and do sensitization sessions, public education sessions with respect to the environment, but also to put in place the regulatory framework. So we are a regulator and the regulatory framework consists of a number of pieces of

subsidiary legislation. And included in this legislation would be the CEC Rules, the Water Pollution Rules, the Noise Pollution Control Rules, the Air Pollution Rules, the waste rules, the Environmentally Sensitive Areas and the Environmentally Sensitive Species Rules.

11.00 a.m.

So all these rules are what the EMA uses to regulate the environmental impact of development, really to try, as much as possible, to have sustainable development in Trinidad and Tobago. We do this in accordance with all policies in Trinidad and Tobago, including Trinidad and Tobago's National Environmental Policy, and the EMA's role in developing Trinidad and Tobago's National Environmental Policy is as facilitator. So we facilitate the development of the policy, and the most recent policy was done in 2018 and laid in Parliament, I think, somewhere in maybe November of 2018.

So with respect to noise pollution, which is where we sit today and which the enquiry is focusing on, the EMA's remit, with respect to events, where persons having events and wanting to make sound above the prescribed levels—and there is a daytime level and there is a night-time level. And if you want to make sound above that level, you are required to apply to the EMA from a noise variation and there is a process to apply for it. I mean, you have to make the application at least 30 days before the event which gives the public, the major stakeholders, the opportunity to know of the event and to put in any objections that they may have with the event taking place. And from that, the EMA will craft a noise variation.

I think it is important for us to recognize that a noise variation in no way gives you approval to hold the event. It is not an approval to have an event. It is an approval to make sound above the prescribed levels identified in the Noise Pollution Control Rules. In instances where you do not have a noise variation, it

means that your event can take place but it must be in compliance with the Noise Pollution Control Rules. And the EMA will monitor and, of course, we will advise you if you are above the levels, for you to turn down the sound. I do not know if I have missed anything. I do not know if any of them—

Mr. Chairman: No. No. Very comprehensive. And I am happy that you mentioned that people have to apply 30 days before.

Mr. Romano: I am corrected, 35.

Mr. Chairman: Thirty-five. Okay. But sometimes somebody may have an event and people may not see it in the newspaper. Is there a way that—let us say you are going to have an event in a residential area, a house, is there a way to get the public around that area, the neighbourhood, the residents, to know there is going to be an event, that we could probably suggest some signage or some sort of a—you know, that could say that this event will be held here on a noise variation instead of just the newspapers, where people may miss it? Is it something that we could really, you know, not wait until an event is held and people are not able to object with?

Mr. Romano: Chairman, so we have recently requested an increase in the size of the ad so that people are seeing it clearer in the newspapers. But as part of the process, once you make an application one of the things that you have to do and come back to the EMA with, is that you have to distribute flyers, advise all your neighbours that this event is taking place, and the neighbours with—I mean, and the neighbours have to sign something to say that you spoke with them, and then you come back to us demonstrating that you have informed the stakeholders in your community that this event is taking place. So that is actually one of the requirements before you get the variation.

Mr. Chairman: Okay. So let us say the neighbours that are going to be held—do you have an area zone? Because, you see, you can just go on that street in front

but two streets behind, they are getting that noise. Do you have like an area that you can say, you have to go a certain area? Because, you see, some people may be left out behind in an event. So that is one question. The second question, do you use social media also to, you know, say that an event is going to be planned at this event, if people have objections?

Mr. Romano: Chairman, I am going to ask Jiselle Joseph who is more intimate with the actual granting of the variations to give you some more details.

Ms. Joseph: Thank you very much, Mr. Romano. And, of course, through you, Chair, just to clarify that the request for engagement happens based on a condition included in the variation and what we do is we actually specify the zone within which you need to distribute the flyers and whatnot. We specify the actual streets. We specify the distance within the venue, the location of the venue that they have to engage the members of the public. So that is all stipulated in the variation and it is the same radius that we would use in terms of when we are processing the actual variation, who we need to consider, who are the sensitive receptors located in proximity.

Mr. Chairman: And what about social media now? So at least you gave us an idea that there is the area. Social media—do you use social media? Because some members of the public may claim that the print is too small in the newspaper?

Ms. Joseph: No, that is not something—because it is not stipulated in the legislation, it is not something we specify at this time. We do have in our proposed detailed amendments, additional measures. So prior to you submitting an application, a more comprehensive way of engaging the public, notices, not just in the papers but also the same type of flyer notices going out, prior to you submitting the application, et cetera. Also, the EMA posting as well, officially, within their space, of course, with respect to the legislation for a prescribed fee. But we

recognize that that was an issue that needed to be addressed and we are now dealing with it through proposed detailed amendments.

Mr. Chairman: So we are looking at probably signage by the event, social media to expand it.

Ms. Joseph: Social—yeah.

Mr. Chairman: Yeah. So, member Ameen has a question.

Ms. Ameen: Yeah. Chairman, thank you very much. Good morning to all. You know, we talk so much about legislation and what the legislation requires, but the public wants to know about action. When you have an event that is loud, what are the measures for enforcement? You have mentioned that you can measure the sound to see if it passes what you give them approval for the variation. The practical reality is that there are events, one-off events, or spaces within residential areas, as well as built-up areas that continuously have high levels of noise. And numerous complaints come to the EMA, to the police, and there seems to be no action in terms of a reduction in the noise or enforcement. And I am saying this as a representative who has numerous letters in the EMA, at the police, for spaces that were once residential but now seems to be a regular occurrence where you have parties. I will mention in Valsayn South, in Trincity, those are residential areas but they have lil upscale parties and the noise disturbs the residents and it happens continuously. You have areas such as, let us say, Curepe and so on, where you do have bars and it is recognized as a commercial centre, but certainly there must be some sort of discretion for the duration of the noise beyond, let us say, 11.00 p.m. or midnight. There must be a stipulated time.

And then, who goes out there, besides the MP and the councillor, who—they are “calling down” our phones. Who goes out to ensure that the noise is not just lowered down when the police pass but that it stays down, and that if the noise

level goes up after the police pass, that there is some sort of penalty for these agencies? That is my question to you. It is one question, eh, but—

Mr. Romano: Chairman, through you—and, yes, we understand because we are in the battlefield with respect to noise and enforcement. With respect to our legislation—this is the EMA legislation under the EM Act—it is clear what the EMA can do. And what the EMA can do, in terms of its powers, is really request the perpetrator to turn down the music. And if that does not happen, we would register that you are in breach of an environmental requirement and we go through the process of doing a request for enforcement and then a notice of violation which we serve on you, which will be after the event—

Ms. Ameen: Right.

Mr. Romano:—and, of course, I mean, there might be a fine or something like that. But the challenge with that is that it is not immediate relief. However—and this is where I have to be very careful and I will go to my lawyers in a little while—our environmental police officers are police officers with police powers. And if we look at nuisance, this is a nuisance, and therefore, the police power should be able to be used to shut down these events.

There is an active—my lawyers tell me to be very careful—we have an active case now because we lost in the High Court. It is now in the Appeal Court. And I am told I must just not say anything about it because hopefully we will have a decision soon from the Appeal Court, not only with respect to the powers of the EMA but the powers of the police with respect to noise. Lawyers, am I right?
[Laughter]

Ms. Ameen: Yeah. Chairman, I am aware of the case because I have been told that this is one of the reasons your enforcement has a little hurdle at this time where there is a toss-up in terms of who is responsible for enforcement. But there

is the perception, even before this case came before the court, that, you know, the EMA does not have the teeth to shut down events or even to regulate noise, especially in residential areas. That is the view. And then, where does the police come in and how, perhaps, can the police assist? Because apart from the noise, it is a nuisance. Right? There is a nuisance. So even if you measure—you use your instrument and you measure, how can the TTPS move in, in terms of enforcement, while this case is going on in the court?

Mr. Romano: Chair, maybe the TTPS could help us here.

Ms. Ameen: Yeah.

Mr. Chairman: Yeah, sure, if you have any suggestions how you may proceed.

Insp. Dick: Chair, through you, Terrence Dick, Inspector of police. Hon. member, we are still at the same point raised because even our powers are scrutinized in that said case. And because the case was decided the way it was, the status quo remains. And as the status quo remains, we are creatures of statute. And because we are creatures of statute, our powers are enshrined in that statute, and we all know that those powers—as you said, you are aware of the case, you would have seen how the court went through that. So it would be difficult to even comment based on what happened there. All we can do—

Mr. Chairman: I appreciate because of the sub judice—

Insp. Dick: Yes. Correct.

Mr. Chairman:—you would not want to go there. But our function here today is to give you all the teeth via the legislation. So we could now look at different ways that we can—

Ms. Ameen: Or recommendations—

Mr. Chairman: Recommendations or suggestions also, eh—

Ms. Ameen: From them.

Mr. Chairman: Yeah—which will come out of this. So we would need some recommendations.

Now, you mentioned also that you go into a place and it is after the event that you would now be able to give that fine, and the members of the public may not like that, eh. They will say that they are still bombarded with the noise. So we will have to get a way that you can work in tandem with the police officers. Now, let us look at a bar. Let us say you see a noisy bar in a town. You are going down the road, music is hitting, and people with dementia get more confused, eh, with that noise. Remember, there is a bass line noise also. Is there a way that we can formulate a ticketing system like how, you know, you have vehicles now you could ticket them for defective—a ticketing system which will save time from the police officers having to go to court, where once you can go in with your meter and, you know, it is above a certain area, it is easier to get that ticket and also a fact that with, not just tickets, but if somebody is now breaching it a few times, you take away the licence of the bar? Is that something you would be willing to put in any sort of consideration or is it a good idea?

Mr. Wishart: Mr. Chairman, just to add to what the Managing Director said, I noticed you mentioned bars in residential areas. From the outset, we must contemplate whether or not that location is allowed. So immediately we bring into focus the planning aspect of the whole thing. So what we will try to do, fundamentally, is to make sure that in all the circumstances we do not impose, as the member said, through you, about specific locations within residential areas.

In addition to that, every single bar would have to have a licence. They will go to the Licensing Committee and they will have the licences determined. There have been instances where loud music and other activities have resulted in the revocation of licences or the annotation of certain things on licences. I think

officers above the rank of sergeant can request the licences from the bars and make certain annotations that are brought to the attention of the Licensing Committee upon renewal of those licences.

So if the licence is the not granted or the licences are granted subject to conditions, then we can see, automatically, we have some kind of abatement in that regard. So what we want to do, fundamentally, from the outset, is to eliminate instances of those pockets of noise in residential areas from a planning perspective. In instances where we have done so, then we go into towards the licensing requirement itself. So this would attack, fundamentally, the ability of the bar to actually operate, and there have been instances of this happening and instances of the Licensing Committee acting according to information received from investigating police officers and so on.

Coming back the EMA's role, when the EMA finds that there has been a breach of an environmental requirement, and that is how it is couched in the legislation, the EMA issues what you call a Notice of Violation; for short, an NOV. The so-called violator is given this notice. They have the natural justice requirement to actually reply to the EMA in what we call a "representation meeting", accompanied by any adviser. The EMA considers all the circumstance and if the matter can be satisfactorily resolved between the parties, something called a "consent agreement" can be entered into with the EMA and the so-called violator. Now, that agreement points the violator specifically to do all the necessary things to make sure that does not reoccur.

So once the EMA grabs you with that Notice of Violation, it is not a mere find only, so we point you towards a requirement of getting a variation and that variation has within it measures. Some of it have been discussed previously which allows for the mitigation of sound, the arrangement of speakers, decibel levels,

notification of the surrounding, sensitive receptors and so forth.

Mr. Chairman: So I see what you are saying. When you are planning a bar or some noise-emanating business, you have to come into the EMA and get that sort of permission, know where to put your equipment. But what I am thinking, let us say you are going down the street and there is a guy with a box with speakers just making noise, is it a simple way you could just go with a meter and say, I am three feet away from this guy or five feet away and the level of the meter reads high, a certain level above, you know, the danger level, that you could now give him a ticket? Is that a feasible thing?—not looking at bar areas. Because even if a bar is open and you can go in there and just get a reading from a certain distance, I think a ticketing system may—you know, persons have to pay the money out, you know, and then you could negotiate after, and, you know—so I am looking at, is there a way that you can get that into your plans?

Mr. Wishart: Right. So in terms of the ticketing system, which is already established in a certain way and only specific people can issue those tickets, that is a very good idea. It can happen, but it can only happen through the auspices of the TTPS. This cannot be something that the EMA undertakes. In terms of the measurement that the EMA does, this occurs from the property boundary line of the source of the sound. So the intention was to put the EMA to deal with premises that we issue CECs and other clearances to, and events that have amplified sound. So there is that tripartite coinage in the legislation that Mr. Romano spoke about which allows for the operation of the Summary Offences Act, expressly; the EMA's remit; and also the ability of anyone to personally undertake under the common law.

Mr. Chairman: Normally you would come outside the property, on the boundary, and make that determination about the noise. So the individual in the street

making noise with a box or something, how would you—

Ms. Ameen: Or a vehicle.

Mr. Chairman: A vehicle, yeah—how do you tackle that? You have like a distance to say, well, you know, you come, he is making himself a nuisance, how would you put that into any sort of legislation if it does not exist?

Mr. Wishart: Mr. Chair, through you, that is the remit of the TTPS.

Mr. Chairman: Member Lutchmedial, I think you have a question for us.

Ms. Lutchmedial: Thank you, Chair. I have a couple of questions actually. So I understand some of the challenges you all have with enforcement given the matter which is sub judice and being considered currently by the Court of Appeal. Now, whilst enforcement may be a challenge, what about being a little more circumscribed in terms of where we allow events and we allow variations? MP Ameen would have spoken about her area, let me talk to you about my area. I live—I could see SAPA, Skinner Park, from where I live. Whether I wanted to enjoy Carnival or not, I was forced to enjoy it, and I do enjoy Carnival, let me say that upfront. But if I choose not to attend a particular event, I would like to not feel like it is my living room, but I do feel like they are in my living room. I called TTPS about 100 times—you could check San Fernando Police Station—absolutely zero assistance, none whatsoever, and I live in a residential area, a traditional residential area.

So what we have happening, for example, and I will speak specifically about San Fernando, we have something that was supposed to be a performance arts centre which has now turned into a fete car park because the SAPA car park is hosting fetes and the music is very loud. You all spoke about sensitive receptors, there are two homes for the aged very close to SAPA, as in walking distance from SAPA. You have one run by the Catholic church and one run by the Presbyterian

church, very close proximity to that. How is it that noise variations and licences and permissions are granted to have these events with these sensitive receptors and so on, within, you know, distance of residential areas and so on? I mean, if you cannot physically be there to—and I will get that later on. But if you cannot physically be there to monitor every single event and to check decibel levels as well—because I am talking about at three o'clock in the morning the burglar proofing in my house is still vibrating from noise. How is it then that, you know—would it not make more sense to take front, as we say, and just not permit these types of events because enforcement is a challenge as it stands right now? Do we not have to do and be a little more careful with where we allow these events to take place, knowing full well that we have a challenge with enforcement, knowing that it is almost impossible to go in and shut down something right now pending the outcome of a court matter and so on? I mean, does the EMA not do—are you all doing site visits? Are you all ensuring—you talk about flyers being passed out. I have never in all my years of living within the city seen a flyer about a proposed variation and almost every weekend—

Ms. Ameen: [*Inaudible*]

Ms. Lutchmedial: You ever see a flyer?

Ms. Ameen: No. You are correct.

Ms. Lutchmedial: Yeah. I have never seen a flyer. And I could tell you, every weekend I hear noise. If it is not from the South Trunk Road side, it is from the other side. All right? So I have never seen a flyer. So, perhaps, before—what sort of groundwork is the EMA doing before you allow these variations? So that is my first thing.

The second thing is that if it is that you have this Notice of Violation being issued to someone or you get a number of reports about a specific event, is that

counted against the record of the person? So, for example, when they apply, that same promotor or that same organizer, or whoever it is, if they apply for a future variation, do you take into account how many complaints and reports you have had about previous events that they have had? Because if the same person is coming over and over and over to apply for variations to hold different events, or some of them are in the same location, because some of these things are annual or biannual events, and every time they have an event you get a complaint which you cannot treat with because of either manpower issues or the law, or whatever it is, are you making a record of those things?

And my third question is—and we had the TTPS in another committee recently where it was asked and I am sure you saw it in the newspaper, because promoters are complaining about the high cost of police, that extra duty for events. If you have police at an event, they are not just there to “break up fight” and make sure “man doh pelt bottle and thing”, but can they also ensure that the noise levels are within the parameters that are set and that there is some sort of compliance with the rules set out?

I see a problem here with silos because I am hearing about people having things to check decibel levels and so on, belonging to the EMA, but the people who could actually enforce it, being the TTPS, and unless the two of you all partner up and are there together, then clearly somebody has to shift the authority to somebody else, because it is hard enough to get one agency to do its job in this country, far less to get two, and I think that is a serious problem.

Now, I will tell you this, I am one of those people who monitor those publications in the newspaper and I call the EMA very regularly to complain about the locations of some events. And I am regularly told, “Well, you know, we do not have enough officers to send out to test the decibel levels for enforcement,” and so

on. Are you not or has it not entered into discussions or, you know, in anybody's contemplation that it would be more useful for the police to be equipped to test the decibel levels seeing that they are already there and that they have to be there at the event in any case? Is that not something that should be considered or has been considered, or have you all at least tried to implement in some way? So those are my three big, you know, areas that I would like to hear from both TTPS and EMA on.

Mr. Romano: Chairman, thank you very much, member. I will start and I will get the experts to fill in. So, one, the EMA is not approving any event or approving any venue for an event. The EMA is approving sound above the prescribed levels.

Ms. Lutchmedial: Stick a pin—sorry—but if you do not approve the sound above the approved level, the event cannot happen, not so?

Mr. Romano: No. The event can happen but you must be in compliance with the noise pollution rules which is—so it means, between 8.00 in the morning and 8.00 in the evening, you can go up to 80 decibels. And from 8.00 in evening to 8.00 in the morning, you have to go down to 65 decibels. So you can have your event but it has to be at 65 decibels. So the EMA does not—so we cannot stop an event, because you will go and get your bar licence and whatever else.

Ms. Lutchmedial: Got you. Okay. But—sorry—through you, Chair, but if you apply for a variation at a specific—you have to say where the location is, right?

Mr. Romano: Yes.

Ms. Lutchmedial: And you all have the power to deny the variation at that particular—

Mr. Romano: We can, yes. We can say no to the variation.

Ms. Lutchmedial: In which case they would either have to keep it under 65 in the

evening—

Mr. Romano: Sixty-five, yeah.

Ms. Lutchmedial:—or violate the law.

Mr. Romano: Correct.

Ms. Lutchmedial: Right. Okay.

Mr. Romano: So I am happy you brought that up because if there are complaints against a venue—and remember it is the venue, so it does not matter with the promoter—a number of things will happen. We may lower the decibel level, so maybe if we had given you approval to be at 85 decibels, we might reduce it to 80 decibels or 75 decibels based on the complaint, one. Two, some venues have been asked to post bonds so that, you know—because they went through the enforcement process and they were above the decibels levels. And we will monitor once we have significant complaints about a venue.

Ms. Ameen: Monitor.

Mr. Romano: We will monitor. Hence the importance of members of the public building our database with respect to complaints. So that is always a challenge.

11.30 a.m.

Ms. Ameen: Chairman, with all due respect, I do not think there is a shortage of complaints from the public at all. The public has been doing their part in terms of putting forward complaints. The question is, what happens after the numerous complaints? What teeth does the EMA, the TTPS or any authority in this country have to deal with noise pollution, and especially where you have it happening over a period of time continuously? Saying that we are allowing them to have something over 85 decibels—70 decibels is like your hairdryer, right?—or a blow-dryer. Louder than that, you should not be hearing it in the road. Okay. What happens next?

In Trincity, I have Starhouse Entertainment for years having events. Every so often you see numerous cars and the residents are up every night. And you are telling me for years they have been complaining. They have been calling the police. They have been calling the EMA. This is in Trincity, Orange Grove, Trincity area, Tacarigua area, and they have had no redress for years, even before I became MP.

There are numerous places in Valsayn, for instance, where it is residential, but they often throw parties. Now, if it is a one-off event, they might be courteous and inform the neighbours, but there is no handbill circulated in the community. There is nothing in “yuh” mailbox to say, “Ay, up de road having an event,” so that you could either take precautions or make an objection. It is while the event is going on and the disturbance, and old people cannot sleep, and people with heart problems are calling and complaining, that is when the complaints come. But these instances have been happening for years.

As soon as the COVID pandemic lockdown lifted, in Curepe and so, those areas, the complaints that come to me, where these bars, they are trying to make up for their lost income, so they are having all these events, and “bailamos” every night and you cannot get any kind of action to at least lower—we do not want to stop them from earning an income and generating revenue, but we must be reasonable. And so, we have been at pains to try to get to where does the enforcement take place.

I understand you register complaints, “yuh” take a record, but who gets law and order in “dis ting man?” “Ah starting to feel like de public here”, totally frustrated.

Ms. Lutchmedial: This comes to my last question about whether or not these—when you talk about building your database, does the EMA consider the number of

complaints against a specific applicant when you are considering a future variation firstly? Because perhaps if people are not getting their variation based on past infractions, that may encourage them to comply. I know it is not much, but it is a bit limited.

The other thing is, I do not know if you all would have this information or if you would have participated in any way, but in terms of persons losing licences for commercial premises, bars, restaurants, whatever it is, based on complaints about noise, do you have any information about how many licences, or are you consulted in the process of when people make objections to bar licences at the Magistrates' Court, so that you participate in these proceedings? Because I have sat through many licensing sessions at Magistrates' Court, and I have never seen or heard of or from the EMA, and I just see the police come and say, "No objection." So I would like to know if you think, perhaps, the EMA should be involved in that process, and if you have any information on licences being revoked because of noise specifically?

Mr. Wiseart: Just to clarify that specific issue, I know my colleague will speak on the variation process subsequently. The police officer is the only person with the locus standi to investigate and report back to the Licensing Committee on the licensing. Now, he can consult any number of people. He has that discretion to consult the EMA, gather information, contact his colleagues in the EPU, because as you know the EPU is staffed with police officers. Right? So he has a wide ambit to consult and to report back to the Licensing Committee and see what the objections are and what his investigations show.

Ms. Lutchmedial: They can, but are they?

Mr. Wiseart: And the answer is no.

Mr. Chairman: So what I am trying to get at, your unit has the SRP officers, but

those officers can stop an event?

Mr. Romano: That is the matter that is before the courts, but they are full police officers. They have all the authority of police officers.

Mr. Chairman: So therefore, you are highly dependent now for the officers now in the station itself to come on board and stop an event, if that is so. So if we are going to change legislation, do you think there is room for—just how they have traffic wardens—a noise warden, or somebody who could now go with this meter and have a real-time thing that, “Okay, you have now exceeded that limit, you are going to get a ticket”? So this is something we can look at in the future.

Mr. Romano: We are supporting you with that. I mean, we agree the magnitude of the problem, we need something different.

Mr. Chairman: So we are looking at solutions. But you see, Mr. Romano, you mentioned that the daytime and the night-time for the—like if they are having a party, what are the decibels you are telling me about?

Mr. Romano: Eighty for daytime, 8:00 a.m. to 8:00 p.m., and 65 at night-time, 8:00 p.m. to 8:00 a.m.

Mr. Chairman: Because why I am asking this, you remember the WHO had given guidelines. The WHO, I think they have given good guidelines in terms of the noise level and they had recently decreased the threshold. So if they are decreasing that threshold—and now I think they mentioned that the correct—that no more than 55 decibels, noise, should be there. And you may have background city noise as 55 to 67, but anything greater than 65 can cause the physiological effects that you mentioned.

So when I am looking at these figures of 80 and 65, I know we have a culture of noise in Trinidad, feting culture, but I want to just read this, because we are now looking at what these members are saying according to what they are

seeing in the—neighbours and also your constituents. But the Trinidad and Tobago Promoters Association, we wrote to them and we asked them what are recommendations that they would want, and they actually found that the decibel level was too low. So they say the standard permitted decibel level of 65 night-time, 8.00 p.m. to 8.00 a.m., are generally too low for the enjoyment expectation of the music industry. So we have to probably know how we are going to move in empowering citizens who seem helpless, and knocking on doors and are not getting any sort of objective.

So I think right now we are looking at—we made the issue of not having something in a format, not just with flyers, but probably, as I said, something that people would say, an event is going to be hosted at—we have to get a better way of getting the residents around there, or the neighbours, to be involved. So we have to look at that. Member Hislop.

Mr. Hislop: Thank you, Chairman. My biggest concern right now is where we are at the decibel levels in terms of the time. When promoters or organizers apply for a variation, what is the standard decibel level that they are looking at for an event?

Mr. Romano: They do not look at a standard. We know what the prescribed level is, which is 65 in the evening and during the night, and 80 in the day, and we will give you what decibel level you are allowed. Jiselle, you want to help me out?

Mr. Hislop: What is the standard variation?

Ms. Joseph: Yes. So, again, through you, Chair, when we issue variations, it must be stressed that the variation is not just a piece of paper saying, make how much noise you want. We actually have stipulated levels. We have stipulated durations. We do not ever go above 85, recognizing that WHO standards, in terms of exposure over an eight-hour period, recommends 80 decibels as the max. So in

order to issue a variation, we only give five above the decibel.

What we do for the night-time is we actually look at calculations using the inverse-square law, as a way of estimating how would the noise dissipate if we want it to be at the standard. So if we want to be 65 at the nearest receptor, what would we be able to grant at the property boundary, and we do those calculations. Typically for night-time, we do not go over 75 decibels.

We also, in terms of duration, we do not grant variations pass 2.00 a.m. For breakfast parties, we do not start any variation before 6.00 a.m., even though they may apply for something at starting at three. So those are the types of restrictions that we actually stipulate in the variations that we issue.

Mr. Hislop: So, Chairman, just a follow up, in my cursory investigation here. So if I am to understand, you do not give more than five above what is the stipulated?

Ms. Joseph: No, we do not give more than five above the daytime limit, which is up to 85. For night-time, we can go as high as 75, depending on, as I said, the calculations that we do using the inverse-square law.

Mr. Hislop: Right. So give me an example. Based on the little information I have in front of me, give me an example of what—when you say 65 or 85 decibels, what is an example of that?

Ms. Joseph: Okay. If you—to remind, the standards specified in the Noise Pollution Control Rules are 80 for daytime and 65 for night-time. It means you do not need any permission if you are operating at 80 or less during the daytime, and in the night-time—

Mr. Hislop: What does 80 sound like? I do not want to sound like I am badgering you, but what does 85 sound like, Mr. Chairman, or what does 85 sound like?

Ms. Joseph: Eighty can actually—in some cases, you can get traffic being at 80 decibels. So background noise, depending on where you are, if you are in a high

traffic area, in the heart of the city, you can get 80decibels.

Mr. Hislop: So could we safely say that every fete that takes place in Trinidad and Tobago is above the stipulated guidelines?

Ms. Joseph: Not in terms of what is measured by the law. Because remember, we are measuring for a specific time period utilizing specific methods. So the standard is based on what we call the “equivalent level” over a 30-minute period. So I can monitor you for 30 minutes and during that 30 minutes, the average must be either 80 or less, or 65 or less. So we can monitor you for 30 minutes and record a level that is either 80 or less, depending on the event, depending on how they have managed the noise levels, et cetera, and we have measured events within the actual—now, this is when we actually—

Mr. Hislop: That is when it is being measured?

Ms. Joseph: When it is being measured, exactly. So unless we can do that for the entirety of the event, there is no way for us to prove that someone has gone above that based on what—because, of course, we have to present the evidence which is the monitoring level.

Mr. Hislop: Well, let us just be fair.

Ms. Joseph: Yes.

Mr. Hislop: Let us just be fair. My ears, your ears, the population’s ears are not decibel meters, but if I am living three streets from an event and I feel, as my fellow member feels like her burglar proofing is coming out of its foundation, that is clearly above 65 or 85 decibels. It may not be when you are recording.

When officers go to record, the DJ may turn it down to 65 or 85, but clearly a fete is not—let us just be honest with ourselves. Clearly, realistically, a fete does not normally run at 65 or 85 decibels. Because if 85 decibels is street noise—because I am seeing here that hammering a nail could get you up to 125 decibels—

between 125 to 155 decibels.

Ms. Joseph: That is the instantaneous peak levels, yes.

Mr. Hislop: Right. That is hammering a nail. And so, rock concerts are 120/140. We understand the limitations of the EMA. But when we are being realistic when we are dealing with citizens and with the nation, you have to understand that 65/85 is not what a fete runs at, Mr. Chairman.

Mr. Romano: But, Chair, through you, let us be clear. Within the confines of the event, the sound levels will be different depending on the proper placement of speakers to what happens on the fencelines and further back. So it is two different things. So within the venue, it might be over 85. But what we are doing, in terms of the variation, is actually plotting out what it will be at the fenceline, and therefore to mitigate against sound levels. I mean, we have been successful.

You have events at various venues where you have lots of complaints. We are talking major venues here, Brian Lara in south, Queen's Park Oval in North, Hasely Crawford in north, St. Mary's grounds in north. You have events where you have no complaints. So it means the promoters were compliant with respect to how they set up their speakers. It is actually a science in terms of setting up the speakers. Whereas there are other events which did not benefit from the science and, of course, the decibel levels were ridiculous. So I think, yes, we have a challenge but once the science is employed, you can have events and really not disturb your neighbours.

Ms. Lutchmedial: I just want to follow up from what member Hislop was asking about, and you mentioned about the consistent testing over a period, I think it is 30 minutes now. Again, let us be realistic. You are not going to, even from—now there is a whole highway between some of these venues that I spoke about and where I live. Right? So it is not that I am talking about inside the venue, I am

talking about very far from the venue. But you are not going to get 30 minutes of consistent noise. I think everybody in this room has been to a fete. Music goes on and off, the DJ is talking in between and that kind of thing. If you are going to measure, from whatever distance, and expect to get 30 minutes of consistent noise over the 80 decibel level, that is just not going to happen.

I am sitting here and I am listening to you all describing all your processes and testing and all of that, and the only word that, I am very sorry, I could come up with to describe it is “useless”. Because I cannot see how you will ever achieve anything if you have to meet those standards. And, perhaps, it is a challenge that you have, I do not know. But it sounds to me like you would never really fine anybody or be able to justify taking action if that is the process that you have to go through, and the evidential threshold that you have to meet in order take action. It just does not seem practical.

So some sort of recommendation, I think, has to be made that it cannot be that you have to test for this over this period of time, and taking into account all of these things before you can do something to impose some penalty or something on persons who go above the decibel limit. It is very challenging, I think, even for 30 minutes, and I understand it was three hours before. Well, that was probably most impossible. But to get that consistent—if it has to be consistent noise over the 80 decibel level for a period of 30 minutes, I cannot see that any party in Trinidad and Tobago you can go to and have that being done, and that you would be able to achieve that threshold.

So I do not know what is your view on that, and if the type of measurement you do, if there is something that you have looked at in other jurisdictions, how they do it. Is there is something else you could propose that would be more practical and, perhaps, allow you to enforce rules and so on a little bit better?

Mr. Romano: Chair, through you, I think—I mean, the mere idea that we are now in the Appeal Court shows that we are successful in terms of measurement because in this case, the person got a Notice of Violation and paid a fine, so they were above the prescribed levels. So we do get good results. Of course, we can always look at doing it differently. We can always look at doing it better, but it is working, especially now with the 30 minutes, because I think in the Wild Goose—sorry, yeah, “ah cyah help mehself”. *[Laughter]*

Ms. Lutchmedial: Free advice—*[Inaudible]*

Mr. Romano: In that matter, I think it was three hours.

Member: No, no.

Mr. Romano: It was still 30 minutes? Yes, it was 30 minutes. Okay. Yeah, yeah, yeah.

Mr. Chairman: So how did you arrive at the 30 minutes? Is that an international standard, or you on your own decided, let us see what is best for our situation?

Mr. Romano: Well, Chair, it was actually in the legislation. Events without variations were 30 minutes and events with variations were three hours. So we actually just brought it down so all events, with or without variations, will be 30 minutes.

Mr. Chairman: Member, I am hearing something. Do you suggest that we could decrease the limit of the decibels? I mean, is it something we could consider?

Ms. Lutchmedial: Apart from the decibel level, I am just concerned about the method of the measuring because, for example, firework; fireworks are very loud but it is not consistent. So if you had to measure decibel levels of fireworks, for example, are you really going to get a 30-minute reading? You are not, exactly. That is why I am saying it is useless because the things that really affect people—again, San Fernando Hill and fireworks, it looks lovely, I like to see it. But look, let

me be very honest, I have a special needs child who I have to have special headphones for every event because she is terrified, not to mention my animals. I think a kangaroo in the zoo, they blamed the fireworks for him dying, on noise and fireworks. So you all have to be conscious of the fact that if what you are doing and the method that you are allowed to use to measure is not working, and cannot work for something like fireworks, then you have to find some other way to measure.

So apart from the decibel level, even if we give people a variation—and we acknowledge Carnival, special events, we could tolerate a little bit of noise. If they are breaching it, your method of actually detecting and enforcing—because detecting it is the first problem, so if you cannot detect it, you cannot enforce. So it is like any other crime, you have to be able to detect and then enforce. So the method of detection, I think, has to be looked at to be improved, because it cannot be 30 minutes of consistent noise. A whole host of noisy events and issues will not be able to be detected and then, of course, the enforcement, we know you have your challenges there, but you will entertain recommendations for that as well.

Mr. Chairman: Do you have like a continuous spectrogram instrument, which could have continuous noise, or is it that your decibel unit just gives you a basic time?

Mr. Romano: Again, it is measuring continuously with a readout. Jiselle, you are the expert, again.

Ms. Joseph: Thank you. Through you, Chair, the equipment that we utilize and the measurement standard is specified in Noise Pollution Control Rules. It is under schedule two, and is in keeping with international best practice, what is required, especially when you are looking at standards and measuring noise levels against specific decibel levels. So it is something that we must follow in terms of the

requirements to get a proper measurement and what would be considered an accurate measurement of what the sound level is at that particular point in time.

The type of instrument, the standard specified is in accordance with IEC. So what we do, what we purchase, it must be in line with those standards. The equipment we use, it is calibrated annually. It is sent for master calibration to ensure it is always optimally functioning at the time of use. And it is within those parameters that we must operate, in terms of establishing what is a breach—what would be considered a breach.

Mr. Chairman: They do the best practices. They follow the best practices.

Ms. Joseph: Yes.

Mr. Chairman: But then, look at WHO. They had recommended lower values of decibel levels. So why do we not look at it as a public health issue, just as how—consider it like second-hand smoke then. It comes like, the noise comes to me, I am not asking for it, I have no control over it, and it causes harm. Can we now not seriously look at that discussion? If WHO recommends lower values for noise, could we now look at that option of having these venues have a lower value to protect our public who may not know? They may go to Carnival fetes whole season and end up with damage later on, with their hearing problems and hearing impairment. Now, you are looking at an elderly population, Trinidad and Tobago has an aging population. So imagine you are going every Carnival to these things, you are now going to have a greater degree of impairment later on. So as a public health benefit, would you all consider looking at lowering the values also?

Mr. Romano: Chairman, we have no objection to lowering the values. I mean, Trinidad and Tobago's values are high compared to—and we did give you a listing of other countries and the values. However, as you noted, the promoters are of the opinion that the values are too low.

Mr. Chairman: But I am looking at WHO. We followed all their COVID guidelines and their things. So, right now, we have to look at the guidelines for hearing impairment, all the other disorders. I think the promoters is one issue, but then we have to look at protecting the environment, and the burden of health later on for the Minister of Health to have to go now and see high pressure, stroke, hearing problems. So this is what we have to look at, protecting the public also.

Ms. Ameen: Very quickly. Whether the decibel level is 65, 85, 105, the EMA has not proven itself to be effective in enforcing the levels and in bringing relief to complaints in the public.

My question to you is, what challenges you face? Because the purpose of this enquiry is to make recommendations to fix the problem. You have indicated concerning your staff. Does the EMA have a shortage of staff? Does the EMA have vacancies right now that are not filled, that require filling, or is it that your cadre has to be expanded to meet your demands? What challenges do you face when it comes to executing your responsibility, responding to complaints and so on, based on your staff complement?

Mr. Romano: So, Chairman, I mean, just to remind yourself and members of the Committee, that the remit of the EMA is with respect to our EM Act and Noise Pollution Control Rules. Really, the EMA is controlling sound from events, commercial and industrial sources. The other pieces of legislation is what is supposed to be dealing with noise from your neighbour, noise from bars, and all other noise is supposed to be well handled in other pieces of legislation, under the Summary Offences Act and other pieces of legislation. Just to remind the Committee of this.

With respect to staffing, yes, I mean, we need to relook at our complement with respect to our noise unit. We surely need more people, and especially if we

are looking at an amendment to the rules. And secondly, with respect to the Environmental Police Unit—and we are in active discussions with the TTPS with respect to expanding the Environmental Police Unit because, at present, we just have 13 officers. The complement we are looking at is closer to 40 officers, both in—well, in Trinidad and Tobago, up to 40 officers and, of course, this will assist in terms of more surveillance. Because we remind you that our EPU are police officers and therefore have the powers of the police. Yes, they have the EM Act legislation to enforce, but they can also use police legislation to enforce.

So, yes, we need more staffing. We have, I mean, of course, put in for more staffing in terms of increased budget to the line Ministry. We know—I mean, we are among everybody else who is looking for more and hopefully, I mean, either the new financial year we will see the increase.

Ms. Ameen: Do you have vacancies now that are not filled?

12.00 noon.

Mr. Romano: We have vacancies now that are not filled, yes. Not in the noise unit, no, but in other units—because remember, the waste rules only came into effect in last year and so therefore, we have lots of vacancies in that unit, the waste unit. The revision of the Water Pollution Rules meant that we needed more people there. The air rules, we need more people there. As we move towards the Green Climate Fund certification, we will need more people there. So, of course, yes, we do have vacancies.

Ms. Ameen: I know this enquiry is specifically to deal with the noise, the focus on noise pollution, but we often meet agencies who have vacancies but they—we have to know what the challenges are with filling those vacancies. Right?

Mr. Romano: Yeah. No problem. Thank you for that.

Ms. Ameen: Perhaps you can submit it in writing to the Committee.

Mr. Romano: Sure. We will submit in writing.

Ms. Ameen: If it is that the Government has not provided the funding for you to fill the vacancies, is it an issue with the public service, with the Service Commissions or—

Mr. Romano: No. No. No. We do not deal with the Service Commissions. We get a transfer from Parliament.

Ms. Ameen: Right.

Mr. Romano: Sadly, I mean—

Ms. Ameen: So—

Mr. Romano: Sadly, the transfer has been very consistent at \$40million for the last—

Ms. Ameen: So it is not—

Mr. Romano:—seven years.

Ms. Ameen: —meeting your needs? So that is something I would like if they could submit. They could submit in writing: what are the challenges with filling your vacancies.

Mr. Chairman: Member Morris-Julian, you have a follow up.

Mrs. Morris-Julian: Thank you so much, Chairman. Chairman, through you, I noticed that you said in the noise unit you only have four persons. All right? What are the roles and responsibilities of these, well, only four persons?

Mr. Romano: Jiselle, you want to—you want to handle that? She is the person in charge of noise.

Ms. Joseph: So the noise unit is responsible primarily for processing applications received for noise variations. So we process the permits and then we hand over to the EPU for monitoring. Currently, we focus mainly on processing applications for event variations, that is, variations issued for persons having one-off events.

We are in the process of working towards, moving towards processing variations for facilities. So activities that do not fall within the sphere of events, you know, woodworking shops and those types of things, those are the areas that we are working towards. Of course, as the Managing Director indicated, there are certain things that have to be addressed through amendments, which we have proposed, and that will, of course, require an increase in the staffing of the unit.

Mrs. Morris-Julian: Thank you very much. Through you, Chairman, I am very happy to hear the EPU come up yet again. Your submission indicated that:

The EMA is in discussions with TTPS to revise the programme and ascertain the manpower necessary for effectively operating a 24-hour shift system.

Can you provide us on the status update on these discussions? And what is the proposed time frame?

Mr. Romano: The last meeting would have been earlier on this year with one of the Deputy Commissioners of Police. We are—I mean, we have gotten information from the police because one of the big challenges, of course, is going to be budget and therefore we need to be very clear what it will cost the EMA in terms of this additional component. So we are getting that information from the TTPS. And the time frame that we are looking at is based on the time of year we are in, that we will have everything in, so that we will have an expanded police unit come the new financial year which is October of this year.

Mrs. Morris-Julian: So through you, Chairman, are you all in any discussions with the municipal police for assistance when it comes to noise pollution matters?

Mr. Romano: We attend the—all regional corporations, we attend their meetings and we started a conversation in terms of—and I do not know, it is either San Fernando and a couple other corporations, in terms of actually educating the

corporations about the noise pollution rules and how the noise pollution rules operate. Specific—I mean, municipal police would have been present at those events. We really have not had specific discussions with the municipal police and we hear you, I mean—and it is something we will take on board. And in terms of—I mean, can they enforce. Well, they cannot enforce under the EM Act but maybe they can enforce under other pieces of legislation.

Mrs. Morris-Julian: Chairman, one more question, please. Thank you. Through you, Chair, I thought it was a bit, well, interesting that it was stated that:

No requests for assistance were made to the TTPS by the EMA or the EMA Police Unit for assistance during the 2023 Carnival period.

The reason why I thought this was particularly interesting, I hope it does not imply that the reason why there were not any requests is because there were not any complaints. Obviously, there would have been complaints.

Now, I live in a commercial area, so I cannot sleep without noise. Right? I am so used to it. But given the current manpower resources of the EPU and the fact that it is inadequate, we have established that, why was not the assistance of the TTPS not required or requested during the 2023 Carnival period?

Mr. Romano: I am sure that we talked to TTPS, and EPU talked to the TTPS consistently in terms of events. so I am unsure who would have said that no requests were made to the TTPS.

Mrs. Morris-Julian: Well, this is what was submitted to us by the TTPS.

Mr. Romano: By the TTPS. Well, okay. So maybe—I mean, the challenge here is that we have our EPU officers talking with their colleagues in the police service—

Mrs. Morris-Julian: In a more casual manner than—

Mr. Romano:—in a more casual manner in terms of, they will call—if there is an

event at—in a district, they will call the police station to say that they are going to the district. And maybe what it is, the TTPS is requesting that we do it more officially but we have had that before.

Mr. Chairman: I would suggest that the TTPS answers that question for us.

Mrs. Morris-Julian: Yes. Yes, Chairman.

Asst. Comm. Cooper: Yes. Thank you, Chair. ACP Cooper. What happened or what actually happens on the ground, the officers who do the monitoring of events, the big fetes, the large fetes, what they will do, they will come, that is the EPU personnel, they would come at the events and whomever the officer is at that event, the senior person, they will communicate with them, indicating that the promoter, the music is beyond the decibel level. And that is where something is done unofficially and it would not be recorded. So I know of instances where some things are done on the spot.

And the other parts of the reports concerning the noise pollution, persons would call, that is the public, will call in and make that request. Those are the reports that we have recorded. But to say specifically EPU persons making official reports, we may not have that but we would have them doing it unofficially. So as the events are taking place, they would seek the assistance of the officers and that is where we will act immediately. Thank you.

Mr. Chairman: But, again, it was mentioned we would need to register those breaches also. So we would have a file compiled that you were called in and you had to put it in—because we will have no record of that. And, you see, the impression we would have gotten here is either the EPA was doing such a good job, they did not need you guys or the public is just disillusioned, so they are not calling again. So we need to have that documented, please. Right?

Mrs. Morris-Julian: Chairman, through you, to the TTPS. I do have a question

because there would be—it is not under the EM, it would be under summary, I would guess. But, for example, I noticed someone spoke about a machine shop, a woodwork shop, a mechanic, a gym, all in a residential area, or maybe a karaoke place that opened in the middle of Malabar perhaps and very often the public would come to their MPs or councillors and make these complaints and we would direct them to TTPS, but nothing happens. There is—what can they be charged under? What can we request with regard to these particular noise pollutants?

Asst. Comm. Cooper: So through the Chair, reports, such as persons doing construction work, persons doing repairs to their vehicles, the TTPS, based on the complaint from the public or citizen, the officers on receiving the report, they would direct it to the officers who are out there on patrol, who, at the time, would go to that specific individual or business and speak to them concerning the nuisance in relation to noise emanating from the business place and make such recommendations. The police officers, you know, do not have anything to test the noise level. However, I think by the officers speaking with business persons or the persons who are actually doing the construction there, may make recommendations as to how to reduce the noise level once it is effecting the residents within the area.

Mr. Chairman: Before that. I remember reading somewhere that the previous Acting Commissioner of Police, Mr. Mc Donald Jacob, said officers were being trained in the use of these devices. So I was under the impression you all already got some of those devices. Could you give me an update?

Asst. Comm. Cooper: So, Chair, we have acquired, at least, 10 noise meters. We have started the process with familiarizing the officers as to the use of the noise meters. So we are yet to have that proper training through the EMA, who are the experts. And following that training, the noise meters “and them” will be distributed to assist with noise pollution within the public space.

Mr. Chairman: So, EMA, do you have any sort of suggestion, a time frame that you may allow this?

Mr. Romano: We have done it before. I cannot remember the last year we would have done it in—20 what, Wayne? Maybe the last time we would have done training with the TTPS is around 2017. So we are prepared—I mean, once the request is made, we are prepared to facilitate more training.

Mr. Chairman: Thank you.

Ms. Lutchmedial: Chair, through you, is it the intention that these 10 noise meters would be deployed to officers who are doing extra duty at events where noise variations were requested? That is one question.

The second question, could you give us any statistics about the number of persons charged, let us say, within the last five years with the offence of a nuisance, I think it is under the Summary Offences Act, based on noise specifically? Because police speaking to people who are causing a disruption and so on, let us say it is a machine shop or whatever it is, might be, you know, a soft approach, which we understand if somebody is carrying out renovations at their home or if it is part of their business and so on. But there are instances—and I “doh” mean to be constantly referring to my personal experiences, but I think that is what we are here for. We are here to—we have the opportunity to explain what the average citizen, which we function as when we leave here, what the average citizen endures. The person who is simply parking a vehicle by a gas station and pounding music out of a vehicle at two o'clock in the morning—personal experience, contacted San Fernando Police Station, nothing. Perhaps it might go down for five minutes. Apparently that is when the police leave and then it goes back up. You know, is there some sort of directive or policy that these sort of, you know—how do the police treat with these matters? Because the EMA cannot.

Quite simply, they cannot. So it is left to the police to treat with it.

I remember calling a police station—and I know this will sound funny but it is very real—to complain about somebody bursting bamboo for over a period of two hours during Divali time. And after spelling my name about three times for the officer, he said, “Buh is Divali. I mean, what kinda”—and he said, “What kinda Hindu you is?” You know, that is the response that you get from police when it is—I do not know that there is a serious—that these sort of complaints are taken seriously enough by the police. The police have a discretion to exercise when it comes to, for example, somebody renovating their home versus somebody who is just creating what is a real nuisance, particularly in residential areas. And from everything we have heard today, I think it is very clear that it is only the police that can treat with these matters and take immediate action to deal with it. So what is really the policy, if there is a policy, of the police to treat with these issues and to really bring immediate relief, not long term after you have filed violation and notice and due process and natural justice and thing, immediate relief as in to stop a nuisance that is taking place—that is in the process of taking place?

Asst. Comm. Cooper: Through the Chair, with respect to our immediate approach, our immediate approach is to speak to the persons “and them” that are committing the offences and we also expect our citizenry to be responsible. So events—when we have events, such as Divali, such as Christmas, such as New Years; when we have the heightened noise that, you know, may take place, noise pollution that may take place, what we do, we take—we are proactive. We use our social media, we use our platform, our TTPS media, and we try to speak with the public to let them know the need to actually reduce the noise level; the need to not allow persons to be uncomfortable within their environment. So we hope that the public themselves could be held responsible; could be responsible enough because

we all have to live here.

With respect to the distribution of the noise meters, as soon as the training is fully done, those meters will be distributed. I know it is not enough but hopefully they will be distributed in areas where we have the heightened noise level in relation to Carnival activities, for instance, in the western area, and also in Port of Spain and San Fernando. And I think we just need to start somewhere and hope that we reach, at least, to cut down on the amount of reports that we have been receiving. With respect of the data on nuisance, I do not have that data here before me, so we could supply that at a later stage. Thank you.

Mr. Chairman: You all had an app once, the TTPS app. Does it still exist where people can make complaints? So therefore, if I have a noise complaint, I could—so, at least, hopefully that will be a way that it is documented there. Do you have that system still?

Asst. Comm. Cooper: Chair, yes. We still have that app where persons could make any complaint they need to make.

Mr. Chairman: Okay. And the initiative to give the—to buy those 10 meters, was it from the policing side, or was it the EMA that had directed that? Did you take it on your own to say, let us go and—an initiative from your Acting Commissioner of Police then?

Asst. Comm. Cooper: Chair, I am unable to say where it came from.

Mr. Chairman: Okay. Sure.

Asst. Comm. Cooper: But it was purchased through the TTPS.

Mr. Chairman: Sure. Yeah. EMA, was it from your side or was it—

Mr. Romano: A long time ago when we were buying the meters and we were trying to engage the police, we had—we were of the hope that the EMA would have been able to buy the meters for the police and that fell through. And therefore,

I think the police, on their initiative, they would have bought the meters.

Mr. Chairman: I also understood what member Lutchmedial was saying. You know, the police officer now saying, “It is just Divali.” Do you—police officers have any retraining for your officers to take persons’ complaints with a certain degree of, you know, seriousness and efficiency and professionalism?

Asst. Comm. Cooper: Chair, as professionals within the TTPS, we are guided by our Standing Orders, we are guided by our Acts, regulations, and police officers are supposed to treat whatever report they get as something serious.

Mr. Chairman: Is it—okay. I know you all are dealing with major crime. Right? Is it a low-lying fruit for you to come and interfere with noise? Do you also figure that police time would be better served policing for crime, like going after criminals, thieves, burglary, bandits? And the EMA now developing a greater degree power to look at machine shops, to look at other sources of noise, other sources of nuisance where your officers would be like, as I am saying, a noise officer or like a noise warden or whatnot, and you could now take the brunt from, you know—you mentioned a lot of other pieces of legislation that would have to be filled by other entities. Could you take that into your account that you will now be able to bring those things into your ambit?

Mr. Romano: Chairman, it is possible. I mean—but, of course, I mean, the resources will need to be provided.

Mr. Chairman: Yeah.

Mr. Romano: I mean, but it is possible. I think the idea of ticketing, I mean, we have seen it has worked with driving under the influence. It has worked with speeding. So therefore, I mean, based on the nature of the problem, the extent of the problem, I mean, maybe we can do ticketing for noise too.

Mr. Chairman: Okay. It was mentioned that marine causes of noise pollution,

the effects on their—on the marine life and the habitat. There are—in our area, we are drilling for oil, we are sending down these piles, it causes a major problem in other countries. And Germany has recognized that and they have a system where they have bubbles, a bubble system where, if you are going to put a pile, you have water bubbles coming up there to nullify that sound. Do you recommend to the oil industry to have these measures in place?

Mr. Romano: Well, as part of CEC, the Certificate of Environmental Clearance process, we would make recommendations for various activities that would have an impact on marine life, surveys for the oil and gas industry, costal projects, reclamation projects. So we do have conditions. As to whether—I mean, now the conditions are always related to best practice and affordability. Wayne, help me out here. Best practice—

Mr. Rajkumar: Best available technology.

Mr. Romano: Best available technology.

Mr. Chairman: Available. Okay. Okay.

Mr. Romano: So therefore, I mean, it might not go to the extent of Germany and these other places.

Mr. Chairman: Okay. All right. Because I was looking at the fact that, as I said, Germany has the bubble curtains in any sort of construction. That is their standard now. And I think Taiwan is also going to follow suit. So, again, if we are going to explore for oil, this is something you may have to say, do we bring that on board?

And also, there was the Maersk, a Danish shipping company, and I think it was in 2017, they looked at the propellers in these large ships and they realized that the propellers, you know, would cause a lot of noise and they actually made a circular damping effect which, again, has the efficiency of these vessels in terms of saving of their fuel, as well as against the noise pollution. And they actually saw

that this would have decreased the acoustic footprint of some of the large vessels by 75 per cent, by slowing down the vessels' speed as well as having the propeller enclosed. Do you do checks for the ships coming in here? Would that be something you will have to do in the future or looking into that?

Mr. Romano: Chair, it will not be the remit of the EMA. It will be the remit of the Maritime Services and we do have a new Shipping Act. I am not sure what is the status of the new Shipping Act but it is happening.

Mr. Chairman: Member Hislop. Yeah. You can go ahead.

Mr. Hislop: Thank you, Chairman. I just want to look at two things as it relates to fireworks, both in the TTPS' submission and the EMA's submission. We are seeing a correlation here between the issue of fireworks. The first thing—the first question to the TTPS is that the Commissioner of Police made a decision that they will grant written permission to let off fireworks in Trinidad and Tobago. How many written approvals have been issued or granted in 2022? And how has your public relations—communication—how has the communication been with the public with regard to applying for the written permission?

Asst. Comm. Cooper: Through the Chair, with respect to the data concerning how many applications were made and granted, I do not have that with me here today but that can be supplied.

With respect to the information going out there to the public, we use our media forum to ensure that that message was conveyed to the public. So the Commissioner ensured that if any fireworks needed to be, you know, displayed, the public was aware that they had to make an application in order for that to be granted. Other than that, no agency or no one on their own could have, you know, had any sort of display without that permit. And if they did, it would have been stopped.

Asst. Comm. Cooper: So, Chairman, just a follow up on that. So we still have the scenario where various entities are selling fireworks on the side of the road and I could go as a regular citizen and purchase the fireworks. The written permission is to be given or is to be sought by whom, the regular citizen or an agency that wants to send off fireworks?

Insp. Dick: Through you, Chair, member, the licensing regime is really for the people who sell. So the average citizen still goes and buys. When the Explosives (Prohibition of Scratch Bombs) Order was made, it targeted scratch bombs. So what that did is, it just particularly pointed to scratch bombs. However, there were other things that could have exploded in the same way but they were not targeted, so this is why you still have the ability to apply for permits. Under the Act, the Summary Offences Act, there is the process of the application still being made and granted by the committee to persons who want to sell and even import.

So this Order, because of the complaint made by the citizenry at the time, based on the fact that you would throw it, you would have it explode in something, that complaint only targeted scratch bombs for that issue. The whole other aspect of applying for it, which is the licensing regime and persons selling it and persons being able to buy, that was not targeted.

Mr. Hislop: Well, Mr. Chairman, I am not even dealing with the licence to sell. If I am—I am looking—I am reading here and it says:

The Commissioner of Police made a decision that, administratively, we will grant written permission to let off fireworks in Trinidad and Tobago. However, this written permission is granted by the COP under certain conditions which must be adhered to.

So I am just asking for clarity. The written permission to let off fireworks, who is to seek that written permission? If I, member Hislop, want to send off some

fireworks at my home, do I have to have written permission from the Commissioner of Police to do so or is it just for large events?

12.30 p.m.

Insp. Dick: Well, the large events, yes. But also the average citizen, based on the language used in the legislation, does not require the licence. It is for the people who actually selling. So the individuals who sell in large quantities on the highways and the byways and whatever, they will make the application for the licence. That is why the average citizens still goes and applies—[*Inaudible*]

Mr. Hislop: Mr. Chairman, sorry, not to interrupt you, Inspector, but I am looking at the quotation here, “will grant written permission to let off fireworks”, not to sell. So it means that I have to have—that is why I am asking. If the permission to fire off the fireworks or shoot the fireworks, am I, as a regular citizen, to seek written permission to shoot off the fireworks? If I go by one of the suppliers of fireworks for Old Years, for Divali, for New Years, do I have to have written permission?

Asst. Comm. Cooper: Through you, Chair, what happens, as you said, you saw persons on the side of the road selling these fireworks but the permission is granted to persons who want to actually use the fireworks for displays and, you know—

Mr. Hislop: Right, that is what I am asking.

Asst. Comm. Cooper:—that is the purpose of the permission being granted.

Mr. Hislop: Is this for personal use or—is the permission for personal use or for an event?

Asst. Comm. Cooper: Well, as it says here, “under certain conditions must be adhered to”. And that is in the Commissioner’s remit.

Ms. Lutchmedial: Chair, if I may—

Mr. Hislop: Sure. I will give way to member Lutchmedial.

Ms. Lutchmedial: Is there not a requirement in the law that—or is it not a breach of the law that sending off fireworks within, I think it is 60 feet within the city, or something like that, is an offence? So even a person—as member Hislop is referring about personal use, so people are having a party at their home, a big birthday party, and they are sending off fireworks. Should they not either have permission or are they not breaking the law once they live within a built up or residential area within the city limits?

Asst. Comm. Cooper: Chair, as I said before, the purpose of the fireworks is for events where persons will actually use the fireworks, but persons, as the document states, “under certain conditions”. Under no conditions would the Commissioner grant any licence to any person to actually use the fireworks within a residential area.

Mr. Hislop: So, Chairman, I think we got to the bottom of it.

Asst. Comm. Cooper: Yeah, yes.

Mr. Hislop: So, in all reality, we are dealing with a situation where we are shooting ourselves in the foot. So someone has the permission to bring in fireworks, sell it on the side of the street but I should, under the regulations, get written permission from the Commissioner of Police to purchase the fireworks, to launch it. But I could still go to side of the streets and purchase the fireworks without the written permission.

Asst. Comm. Cooper: Yes.

Mr. Hislop: Okay. So just to follow up. I am dealing with fireworks as well, and this is to the EMA, Mr. Chairman. It relates to the United Kingdom’s Pyrotechnic Articles Regulations 2015, categorization of fireworks into the local legislation framework. The questions are, what resources and systems are required in order to successfully incorporate the UK’s categorization of fireworks into the local

legislation framework? What progress has been achieved in pursuing the implementation of this categorization after information regarding noise, nuisances—sorry, yeah. I think those are the two questions, sorry.

Mr. Romano: Well, Chairman, members, I mean, I think the EMA has, since 2021, made its position abundantly clear with respect to fireworks, you know, that we have said it should be noise reducing or noiseless, or whichever way you want to categorize it, in accordance with the UK legislation. It is with the Office of the Attorney General and, I mean, we would have to ask, I mean, the Attorney General what is the status of this because we are not aware.

Mr. Hislop: I think there are consultations taking place with regard to that, the fireworks and legislation.

Ms. Lutchmedial: Chair, through you, if I may ask two questions? Just a follow up from member Hislop's question. I just want to—maybe I will put you on the spot, but would the EMA, based on what you do, your research and so on, would you support a total ban on the importation of non-noiseless fireworks?

Mr. Romano: That is what we have recommended in our position paper.

Ms. Lutchmedial: I am happy to hear that. And my second question is to the Ministry of Planning and Development. I think we have spoken about a lot of issues today that we keep saying the legislation and perhaps we would have to make recommendations coming from here as well about legislative amendments. In your submission, you spoke about a technical paper submitted by the EMA which is under review with the intention of—that may be, you know, I guess the catalyst for legislative amendments. Do you have any sort of timeline for the completion of that review? And the paper that was submitted, could you give us a little insight into what amendments you may see coming out of those recommendations and what impact it may have on the operations of the EMA?

Ms. Hinds: What I can commit to is probably before the end of this fiscal ensuring that we review it, but the EMA, if they think that they want to put that out there just yet because, you know, there is a process. So you do not necessarily want to put things out there that may or may not happen. So it is going to be reviewed and then the Minister and so on—the process will be followed. Yes?

But even, member and, Chair, as I have the floor, I must say that I have listened very closely to the discoveries in terms of gaps in legislation and I do understand the purpose of this joint select and I hear what you say in terms of let us go after solutions. And I am wondering, I mean, clearly you have discovered the gaps in legislation, clearly you have seen that there is a problem with coordination, and I am wondering if some of the solutions could be—I mean, Trindadians are very innovative and creative people. If in other jurisdictions—my colleague has spoken to the science of how to use the boxes and the speakers and so. If in other jurisdiction the science has guided the acoustics level, I am wondering if, in terms of your further examination and maybe in terms of your recommendations, more could be said even in terms of, and I have to be very careful here, that would support even the regulators like Town and Country within my own Ministry, again the EMA, to come up with standards that may point to certain kinds of designs.

So you talked about NAPA and SAPA. If we understood the kinds of things that could happen there—because we are Trini, it is gone way beyond culture and arts—and insist on certain kinds of designs to keep the acoustics and the sounds where it supposed to stay as opposed to leaking out to everybody. Because you always cannot guarantee that only certain things will happen in certain places, if you understand what I mean. You are not in the backyard of SAPA but you chose to live in the city and by just doing that, you have been exposed to a number of things.

So suggestions like that, further thoughts along those lines—even in residential areas the challenge is they got an approval for a house but once every blue moon that becomes more than a blue moon they have a party, they have a fete and you cannot run to enforce against—that is not enforceable, because it is a home and they are having entertainment, so it is not something that is immediately enforceable in that particular way. Yes, we know what EMA does. I am just thinking broad-based in terms of other opportunities for enforcement. But again, we have seen some churches have blossomed in residential areas and some have been very supportive in basic air conditioning the entire property so that the sound of the music during worship stays there and it is not such a nuisance—Trincity has done a few of that. It is not a nuisance to the neighbours. You get where I am going? So as we focus on solutions and possibilities, I am just thinking that further research—and the Ministry is willing to support any kind of coordination of this kind of approach and not just a legislative approach. But we understand the power of having the right kind of legislation, the big stick to back up the other ways in which, I think, it could be done. Just a thought.

Ms. Lutchmedial: But, PS, I agree to some extent with what you are saying. Perhaps within your own Ministry the issue of planning and permission, in terms of construction of venues and facilities and its proximity to residential areas, and the legislation, I think, is it Planning and Development Act?—when that is fully rolled out and implemented, which we have looked at in another JSC actually, the delays in implementing that legislation, it would lend some value to this. Because at the end of the day, I have attended numerous concerts in foreign jurisdictions and it does not affect neighbours because they are not held in places where there are neighbours. They specifically—they plan, which is what the your Ministry supposed to be encouraging, they plan with intent. So you do not build a

performance arts centre that is fully enclosed but then rent out the carpark to throw a fete with speakers facing an old age home. That is not heard of in developed countries. But it is done here and it part of our culture. You see a big open space where you could put a tent and put speakers and build a stage, it is a fete venue for Carnival, right? So we have a sporting venue in San Fernando which was a cricket stadium, which has now turned into the biggest J'ouvert-style party space. So the problem is not really that somebody choses to live in the city, it is that places are being built in close proximity to residential areas and are then being used for purposes for which they were never intended. Had residents, for example, in Gopaul Lands in Marabella or in Coconut Drive or Gulf View or Les Effort West in San Fernando known that SAPA or the Brian Lara stadium were going to be fete venues, I am sure they might have had the opportunity to object and to do those things. And all of that falls under Town and Country Planning Division and all of those things which fall within your Ministry.

So that is one aspect that I think we need to look at as well. So it cannot be that everybody—we get creative and so on. And with respect to people having more than a blue moon event at their home, the law still has to be enforced. And to say that something like that is not enforceable, I think that that is actually encouraging the culture of noncompliance with the law that we have in Trinidad and Tobago. Regardless of where you live, you have to have a minimum standard of compliance with the law and you cannot create a nuisance, because that is the law and there is reason why we have a law on nuisance.

And the third thing is that we recognize legislation cannot do everything, but that is why every time we sit here on every JSC, not only on this one, on each one, we have a discussion about enforcement, because the law could be there, as we do have a law on nuisance, but it is the enforcement and equipping the right people to

be able to enforce the law. Because as we have seen here, the EMA could test but they cannot enforce. And the TTPS could enforce, but they do not have enough of the equipment and training and so on to do the testing. And therefore, we lack a lot of synergy in terms of how—organizations who have responsibilities under the law and we have a distribution of resources in a manner that really is not achieving anything at the end of the day because every single citizen—if you walk outside here and poll a hundred people right on St. Vincent Street here, I am sure about 90 of them will complain about noise where they live and problems that they have with noise.

So it cannot be that such a—that so much of the population is affected by an issue and we do not really treat with it from all angles and deal with the enforcement issues and look for solutions that would better—because it definitely is a problem. And being creative is one thing but enforcing the law, as it stands, knowing that it has been there, I think it is part of the mandate on something that we have to consider and propose and support as a responsible group of representatives.

Ms. Hinds: Chair, allow me one minute in response. Absolutely agree in terms of what you are saying. When I said it was not enforceable, in my mind I was actually referring to one particular bit of legislation. But, of course, it is enforceable under nuisance and summary offences and that sort of thing. So just to make it clear. And I think we are on the same page. We are actually agreeing. And I did not at all mean to imply that it is your fault that you chose to live in the city at all. What I am saying is also what I think everybody else is saying. This is an opportunity—this kind of investigation has revealed some serious gaps in the legislation, but it is also gaps in processes and I think we do have an opportunity to have a coordinated response and a coordinated approach. And that is all I am

agreeing with, that it is going to take more than—legislation is important, but we are going to have to really work together as a team and there are other stakeholders who may not be here yet. I could give one little example of the way in which the EMA and local government—I think local government really has a part to play in this as well and we may not have spent a lot of time with them or on them about this.

I have always put forward the view, enforcement—enforcement continues to be a problem and everybody continues to say they do not have enough staff to do enforcement. But there are so many agencies that have the responsibility and have staff pertaining to enforcement. Is it so impossible that we could have an almost generic, possibly all-embracing kind of training for enforcement officers? We may then discover that we actually have staff than we thought. So you have Town and Country that enforces, you have EMA that enforces, you have Forestry Division, you have local government but everybody is complaining we do not have staff.

At one point in time in another era, in another dimension, another time, there was talk about—you will see another agency, but there was talk about how we could collaborate all of those resources. So even if you are a public health officer, you are going out there, you will notice more than grease in the drain that should not be there. You would notice other kinds of enforcement. So, again, we are continuing to say, let us find creative approaches as well as the standard approaches to address the matter. So we are agreeing.

Mr. Chairman: Speaking about the city, right, remember we live in a city, it may be noisy but if we look at the ambient noise levels, medical research has shown us now that we have to aim to decrease that average level from around 75 to 80. So some countries may decide they are going to buffer like more the transport areas, like where they have the trains coming in, they want to buffer so the public would

not have level of noise. Because there was a study, I think it was 2007, where they did 200,000 hearing tests worldwide on city residents and they noticed they lost as much hearing, you know, the ones in the city, as if you are 20 years older. So it is significant.

We now will have to see how are we going to reduce the level of noise in the towns, what could we put in place. So this is why looking at—okay, bars. When a bar is opening, is it your department from—Ms. PS, that would go in and say, well, they have to have sound proofing? Is it the—you know, like sometimes they go for a licence, they have to get fire services to grant them that. So in terms of sound proofing, whose ambit does that fall under?

Ms. Hinds: A number of agencies are involved in that process in terms of getting the liquor licences and all of that. If my Director does not mind, I can let her share a little bit about what the process entails.

Mr. Chairman: Oh, the statutory approvals. Okay, thanks.

Ms. Ramsaran: Thank you. Through you, Chair, I would like to address this matter. The matter of opening a bar, opening a restaurant and bar, it has been raised at this hearing and what is excepted is that, prospectively, the person who desires to develop, that is to conduct building operations for direction of a building that would be used for the purpose of a bar, restaurant, that this person would submit, prospectively, an application for that purpose. Of course, it would be considered at the Town and Country Planning Division. We will look at our standards—the commercial standards, we will look at the policy, we will look at the location and determine accordingly.

Ideally, the developer would be able to comply with the set standard. We do not live in an ideal world. We sometimes get applications where the person has clearly very visible infringements, et cetera. And even if they were to submit, they

would not be approved based on maybe the policy for the area, it may be a residential area, it may be an area where they may have site development issues, et cetera.

Now, one must bear in mind, because we are speaking about the bars, the restaurant, et cetera, that it does not end there. Even if we were to give this permission to grant the planning permission in respect of the application with—in line with the site development standards and which, of course, would address matters of—and I know, Chair, you raised it, the distance from the neighbouring properties, et cetera. Of course, it is always minded and there are standards for that. Even if we were to grant the permission, this, of course, would be conditioned and PS has rightly mentioned that. We also have the fire services involved. We also have the regional corporation involved but it does not end there. If you want to sell an alcoholic beverage, then you will have to go to the liquor licences committee and apply accordingly. One of the requirements to be submitted, of course, to that committee is the grant of the final planning permission in respect of the building and the use, it is not just the building. The building might have planning permission but the use for the bar may not be the case, whether it is a bar, or a restaurant and bar, it matters.

Mr. Chairman: Okay, okay. Let us say I am going to build my house near to a highway or a development, does the EMA come in now and say you have to have sound barriers, you have to have your house equipped in a particular way? So the EMA gets involved, or even planning, to say that, okay, we know that noise pollution is a serious thing now so therefore, in the future, if you are going to build a house near a highway or a noisy environment, like the airport, you may have to have certain insulated noise barriers in that house. Is that something that could be feasible?

Ms. Hinds: Let me respond very quickly to that. It is not a current standard, to tell you the truth. But coming out of discussions, I think it is something for consideration because you want to help members of the public and you want them to think through things that they have not yet considered and it is a developing thing. The creation of standards and land use polices is a developing thing, as we discovered that something could be improved by suggesting something else. So it is good for consideration as a matter of fact.

What I would tell you, one of the things that we do, very quickly, in terms of design, if it is a green field site, meaning there is nothing on it, it is much easier, of course, to introduce the barriers that you spoke about, in terms of trees, just to help manage the sound. I mean, I am thinking of one gated community that got approval for what—their little community space. I do not know when the people bought into it, they realized that fetes are what happens there. So you bought into the community, it is gated, you got all the approvals and then, at some point in time, a decision was made, so you are living there and you kind of have to live with that. So the point is, upfront, there are things we can now consider doing and improving on, but we still have to have a strategy, and I know the police and others, for when it is already happening and they are breaking all of the regulations, how could we support members of the public.

Mr. Chairman: Okay. Thank you. So the other thing is, let us look at protecting the public, right? Now, remember, we have already mentioned the fact that in the—city dwellers, they have a greater problem with noise and we have already said if you have noise, you have problems with learning and reading, et cetera. So let us say you have an HDC development going up, the apartment buildings, people are close to each other, this is something in the future you have to know what proper barrier—because, you know, will be affecting that community—who

are going in that area. So this has to be something that, in any building codes, I think it is a suggestion we have.

And also, some cultures now have what you called a noise score. So a noise score is like a—what I am looking at is, I am going into a restaurant and there is a sign saying, it is not going to go beyond this decibel. So if I know I have to go in there, I could put on my ear muffs and go in and enjoy the restaurant. So probably a noise score is something we have to look at in various places. I am going to a transit area and it is a higher level, I will be able to do—so this is something I am looking at we could develop for our country to help the people.

And, you know, there are apps now in the phones, like there is an app called something—SoundPrint. So if I am going into a restaurant and it is too noisy, I could now take my app, measure the thing and make a complaint, you know, that it is affecting me, it is harming me, it is harming my family going there. So I think all these are things we would have to look at and see how we could develop further. Member?

Ms. Ameen: Mr. Chairman, I would very quickly like two ask questions.

Mr. Chairman: Sure.

Ms. Ameen: One is to the Permanent Secretary at the Ministry of Planning and Development. Sometime ago I had cause—

Mr. Chairman: Before we go—

Ms. Ameen: Sorry.

Mr. Chairman:—we are planning to close at 1.15 p.m., so we would have to make sure we can wrap up after questions. So go ahead.

Ms. Ameen: I do not mind this answer being submitted in writing if time does not permit. As a Member of Parliament, some time ago I had cause to enquire into the status of the—whether it is residential, commercial or agricultural lands at Bamboo

Settlement. Because we had an agricultural area and there were a lot of parts and vehicle places, through the foreign used industry, springing up and so you had a lot of commercial activity but you still have residential as well. And I was advised that the entire area is considered residential/commercial/agriculture. So all of these activities are permitted.

My concern with areas like that is that while we want to support commercial activities and people being able to generate an income, how do you prevent, for instance, a bar from operating in an area like that? They have approval because they are a commercial entity and they would get approval from Town and Country Planning to have a bar, but they would be playing music as is, you know—they are expected to, but the disturbance, and the person who has residential approval also is permitted to be there, and the agricultural and the health aspect, where you would have animals in that same area, you may have a stench, as is expected, from a farm. And how does the Ministry of Planning and Development treat with that? I do not know if it is a new trend, but it does not seem to be practical when you do not separate the areas. That is one.

Secondly, in giving support to our culture, music trucks on the road for Carnival is a normal thing. Do you regulate the levels for the music trucks with the safety of the masqueraders in mind? Because masqueraders are very close to the trucks and their ear bells will be—their ears will be affected. Most people—a lot of people wear ear plugs of some sort but really to enjoy the music, you should not have to wear ear plugs. So do you regulate music truck volumes for Carnival and those type of cultural event?

And my third question is, technology now allows for noiseless parties where patrons are given headphones and earbuds and you can go into—you can be in an open space, in a car park, and everybody has their headphones that is connected to

the music of the event and they could enjoy the event without disturbing surrounding areas. Are there incentives or can you recommend incentives for use of technology, not only noiseless headphones but in other aspects where noise pollution is concerned, where you can have a regime for incentives to, whether it is promoters or private persons, using technology that is noiseless or that will reduce noise? Thank you.

Mr. Chairman: I think we could take question one—

Ms. Hinds: Chair, do I do a part response?

Mr. Chairman: Question one could go in writing. I do not know if you want to answer—yeah, question one for writing, but the others, if you want to—

Ms. Hinds: And the others seem to be more targeted to the EMA since we do not give approvals for music trucks and it does not fall within my remit. I would say 10 seconds about the first question and I know that it will be sent to us again in writing to make sure we get it correctly. But just off—based upon what you said—and I do understand the challenge. It is almost, in some cases, what came first because we know the agriculture came first and it is almost that you cannot penalize somebody for having a farm and then you have to deal with the stench. So it is real conflict and it is a real issue.

Notwithstanding that, the power of the Town and Country approval is really in the conditions and I truly appreciate this discussion because it is making us aware that perhaps there are additional conditions we could consider. Conditions do not fall from a hat. It means we have a sister agency who has the power to enforce it. So, again, we point to issue of collaboration. If we were to say, look, a condition has got to be the residential area was there first, you want to put up your bar, then all of these other things must be there if we are to give you the approval and then the local government who gives the final construction permit will then

have the power to enforce against that. So there is opportunity for consideration in dealing with challenging areas, such as the Bamboo. Yeah? But point taken.

1.00 p.m.

Mr. Romano: So, Chairman, the EMA does not regulate sound from moving vehicles, so whether it is party boats or music trucks. Just think about how we are going to measure music is moving when you look at the EM Act. So it is not the EMA in terms of music trucks. So this falls within the Transport Division and the TTPS.

Mr. Chairman: Yeah.

Mr. Romano: And with respect to Carnival, remember, there is a Carnival proclamation that gives—I mean, it is a very specific thing that Carnival is declared for X hours in the cities of, whatever it is, and what we do there is public education in terms of telling people the dangers of noise and hopefully some people are paying attention by wearing earphones and that sort of thing.

Mr. Chairman: TTPS, any suggestions on how we could get those cars and loud music—

Asst. Comm. Hazel: Yes, Chair. I must mention that, as the gold commander for Carnival 2023, we were able to utilize the meeting with the residents, specifically in the Woodbrook area. And what we came up with, which worked this year, was the fact that we identified specific areas as noise sensitive areas, where residents were part of that discussion. And we had seven such areas where we posted flags and alerted the music trucks that at those areas, those are music sensitive areas, and the compliance was really one in which we all were—that worked well and we utilized that because of the information that we just learnt as it relates to the proclamation of Carnival. But despite that, we had respect for the citizens and, of course, what had been happening all along with the residents in Woodbrook

community, that we were able to mitigate that risk and we were able to deal with the issues, especially where places we had senior citizens' homes and stuff like that. So that had worked.

Mr. Chairman: Thank you for that initiative, eh, because we heard the complaints from the Woodbrook residents for years. I want to just go on one thing. I got a message, WhatsApp, somebody mentioned, "they go to the beach, they like to sit with their family but somebody next to them just blasting speakers". Who will be able to monitor that situation? What do you do? Is it that you have a space where, if I have a speaker, noise level, who will monitor, who will give a sense of mitigating factor to the complaints here?

Asst. Comm. Hazel: So in a situation like that, of course, persons will respond to the police and where these reports are made, of course, one has—the issue is just before us again where the decibel measurement is what is required in terms of ensuring that we are able to measure the noise level in that circumstance. And therefore, we have just learnt in a situation where, if we have—what we will be doing at times is to use moral persuasions to talk to people, in terms of treating with such a situation. Outside of that, we have now acquired—we are looking—we have acquired and where training can take place, where we acquire our own decibel meters, where we can be able to test on our own and to treat with such a situation.

Mr. Chairman: So what about noise free areas in beach within a flag area as you mentioned? This is the area, it would not—I mean, "who want to make noise, they go to the other side of the beach".

Mr. Hazel: Well, of course, those are other recommendations that can be put in place in terms of how we treat with that.

Asst. Comm. Chairman: Some countries like, I think, Germany has a situation

where, I think, Sundays, they do not allow people to use lawnmowers and those devices and other—you know, and some people, you know, they say they have a quiet space. So even within a city, certain hours, people may say like between 12:00 and 2:00, quiet space where you are not going to get noise so people could get that peace. So these are things that we need to look at if it is on the agenda. I think Member—yeah.

Ms. Lutchmedial: Just for completeness and, I guess, it would inform perhaps some of our recommendations, would the TTPS support, instead of acquiring more of those monitors and so on, would you all support a shift in the responsibility for enforcing noise levels away from the TTPS towards—because I think the question was put out there about the EMA, a separate agency, whether it be the EMA, municipal corporations or whatever. Given the amount of serious crime that you are also tasked dealing with, would you support a movement away from the TTPS and empower some other agency to, not make arrests, but to issue tickets and impose fines and penalties for breaches of noise levels and to do the actual monitoring and enforcement of those rules?

Asst. Comm. Cooper: Through the Chair, we would totally support that, Ma'am.

Mr. Chairman: Okay. Thank you. Member Hislop.

Mr. Hislop: Just a quick question. In other jurisdictions, we have—I know in Trinidad and Tobago, we have any day, any time, as it relates to bars opening. I do not know if the officials who are here would—I know our culture in Trinidad and Tobago and sometimes what we need is a culture change. I do not know if the officials here will support recommendations to a point that you have a cut-off time for bars as in some other jurisdictions. Because in some jurisdictions, when it gets to 2.00 a.m., no more alcohol is sold at bars and bars are closed at 2.00 a.m. So you hear the old phrase, “last call”, that is a real thing, that this is the last call, we

close off at 2.00 a.m., and I think it may assist with the noise situation in some communities where bars and karaoke areas want to run until four and five o'clock in the morning. So, Chairman.

Mr. Chairman: And again, it will help productivity, “people go home earlier, they sleep earlier, they go to work”.

Members: [*Laughter*]

Mr. Chairman: A question for the EMA, in your submission, you stated that there is a code that you have currently available on the EMA's website. So given that the Trinidad and Tobago Promoters Association in their submission to the Committee dated March 31, 2023, indicated that they were not aware of the code—so what other media has the EMA utilized to ensure that all stakeholders are aware of the code?

Mr. Romano: Well, Chairman, we actually had a meeting with the Promoters Association in July last year and we brought them up to date in terms of the code and everything else. So we are trying to meet with persons and, I mean, make them aware of the website and all other resources that are available with respect to dealing with noise pollution.

Mr. Chairman: Yeah, sure. Because, you know, they are claiming that they do not know about the code of practice.

Mr. Romano: I am just being reminded that in all the noise variations, we also refer to it, so it is one of the conditions in the variations where you have a—

Mr. Chairman: We will have to question them on that. Yeah. Does any other member have any questions they would like to pose? Good. All right.

So, at this stage, I think we had a fruitful morning. A lot of information was sent and given, and new information, new things we could look at. So I would now like to ask Mr. Hayden Romano to please give us some brief closing

comments.

Mr. Romano: And I have been told to make it short. [*Laughter*] Chair, Members, thank you. I mean, this was really a productive morning and we look forward to the continuation of this conversation because noise, we all are aware, is a serious nuisance in our country which needs to be treated with. Again, Chair, thank you and members, and I look forward to further deliberations to deal and treat with the scourge of noise.

Mr. Chairman: Thank you, Mr. Romano. Would Ms. Marie Hinds now give us brief closing comments?

Ms. Hinds: I will also say, on behalf of the Ministry of Planning and Development, that this has been quite a productive and interesting session from our perspective. We thank you for the level of details that we were able to pursue and look forward to being part of the team that closes some of those gaps and facilitates and supports new approaches to addressing this issue of noise pollution. So we thank you.

Mr. Chairman: Thank you. Mr. Collis Hazel.

Asst. Comm. Hazel: Thank you very much. And on that, I would like to as well say that the Trinidad and Tobago Police Service is indeed happy to a part of and to collaborate with this tripartite arrangement that we have entered into in working in terms of dealing with noise.

The session this morning and throughout the—we really learnt a lot and we are appreciative of the importance. Clearly in society, we have noted the noise is a concern based on the records of complaints and reports available to us and we are prepared to work with the team, including all the others who have been noted that are absent, in order to ensure that we mitigate these instances outside there that are troubling to society and we look forward to working in collaboration in solving

these problems within the Trinidad and Tobago space.

Mr. Chairman: Thank you, Mr. Hazel. So, again, it is really for the persons out there to get some sort of relief and I think we are all combining our efforts to try and see if we can give them that relief. And the next hearing we will be having next month actually was for some stakeholders who would come on board and give us some of their instances. We will be having the—who are we having again? The noise pollution group—some NGOs would be coming on board as well as the promoters. So, again, we will be hearing some of their concerns also.

So, at this stage, I would like to thank officials of the Environmental Management Authority, the Ministry of Planning and Development, and the Trinidad and Tobago Police Service for your contribution in today's hearing. I would like to thank my committee members and the staff of the office of Parliament for your procedural and logistical support and the viewing and the listening audience. I now declare this meeting adjourned. Thank you.

1.12 p.m.: *Meeting adjourned.*

Appendix III A - Verbatim Notes - Eighteenth Meeting

VERBATIM NOTES OF THE EIGHTEENTH VIRTUAL MEETING OF THE JOINT SELECT COMMITTEE ON LOCAL AUTHORITIES, SERVICE COMMISSIONS AND STATUTORY AUTHORITIES (INCLUDING THE THA), HELD (IN PUBLIC) ON WEDNESDAY, MAY 03, 2023, AT 10.41 A.M.

PRESENT

Dr. Varma Deyalsingh	Chairman
Mrs. Lisa Morris-Julian	Member
Mr. Laurence Hislop	Member
Mrs. Renuka Sagrarsingh-Sooklal	Member
Ms. Khadijah Ameen	Member
Mr. Julien Ogilvie	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Ms. Sherlana Ramdeen	Procedural Officer Intern
Ms. Terriann Baker	Graduate Research Assistant
Ms. Anneesa Baksh	Graduate Research Assistant

ABSENT

Mr. Esmond Forde	Member
Mrs. Ayanna Webster-Roy	Member
Ms. Jayanti Lutchmedial	Member

PORT OF SPAIN CITY CORPORATION

Mr. Mitra Sooklal	Public Health Inspector IV
Mr. Glen Charles	Superintendent of Police

SAN FERNANDO CITY CORPORATION

Mrs. Kathy-Ann Mills-Mark	Chief Executive Officer
Mr. John Kisson	Local Economic Development Officer

ARIMA BOROUGH CORPORATION

Mr. Walter Thomas	Deputy Chief Executive Officer (Ag.)
Ms. Sharon Just	Personnel and Industrial Relation Officer (Ag.)

CHAGUANAS BOROUGH CORPORATION

Mr. Balliram Lalla	Supt. of Police
Ms. Nesha Serrette	Public Health Officer

TRINIDAD AND TOBAGO PROMOTERS ASSOCIATION

Mr. Jerome Precilla	President
Mr. Colin Miles	Secretary

**TRINIDAD AND TOBAGO SOCIETY
FOR THE PREVENTION OF CRUELTY TO ANIMALS**

Ms. Sara Maynard
Operations Manager

ZOOLOGICAL SOCIETY OF TRINIDAD AND TOBAGO

Mrs. Kerry-Ann Harrison	2 nd Vice President, Zoological Society of Trinidad and Tobago, Attorney at Law
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CITIZENS AGAINST NOISE POLLUTION

Lindy Ann Bachoo	Public Relation Officer
Tamara Chatar	Public Relation Officer

Mr. Chairman: Good morning, ladies and gentleman. I would like to welcome

you to the 18th Meeting of the Joint Select Committee on Local Authorities, Service Commissions, Statutory Authorities (Including THA) in the Twelfth Parliament. This meeting is being broadcast live on the Parliament Channel and is also being streamed on Parliament's YouTube Channel, *ParlView*.

Today we are convening our second public hearing pursuant to our enquiry, into the operations of the Environmental Management Authority, with specific focus on noise pollution.

We are pleased to have officials from the following entities joining us virtually. We have a sample from the municipal corporations, namely from the Port of Spain City Corporation, the San Fernando City Corporation, the Arima Borough Corporation, the Chaguanas Borough Corporation. We also have non-governmental stakeholders: The Trinidad and Tobago Promoters Association and the Trinidad and Tobago Society for the Prevention of Cruelty to Animals, as well as the Zoological Society of Trinidad and Tobago, and lastly the Citizens against Noise Pollution.

So, I would like to facilitate, at this stage, the introduction of representatives from our various entities. Would the members of the Port of Spain City Corporation please introduce yourselves?

[Introductions made]

Mr. Chairman: Welcome. Would the San Fernando City Corporation members please introduce yourselves?

[Introductions made]

Mr. Chairman: Welcome. Would the members of the Arima Borough Corporation now introduce ourselves?

[Introductions made]

Mr. Chairman: Would the members of the Chaguanas Borough Corporation now

introduce yourselves please?

[Introductions made]

Mr. Chairman: Good morning. Would members of the Trinidad and Tobago Promoters Association please introduce yourselves?

[Introductions made]

Mr. Chairman: Would the members of the Trinidad and Tobago Society for the Prevention of Cruelty to Animals please introduce yourselves?

[Introductions made]

Mr. Chairman: Welcome. Would the members of the Zoological Society of Trinidad and Tobago introduce yourselves?

[Introductions made]

Mr. Chairman: Good morning. Would the members of the Citizens against Noise pollution please introduce yourselves?

[Introductions made]

Mr. Chairman: So, I welcome you all and thank you for being here. I am Sen. Dr. Varma Deyalsingh. I am Chair of this committee. At this stage, I would like members of my committee to please introduce yourselves.

[Introductions made]

Mr. Chairman: The objectives of the enquiry are:

- (1) to examine the performance and impact of the strategies of the EMA as it pertains to noise pollution management in Trinidad and Tobago;
- (2) to determine the challenges which inhibit the application of the policies and guidelines regarding noise pollution management in Trinidad and Tobago; and
- (3) to determine whether the legislation adequately empowers the EMA to effectively execute its mandate with regard to noise pollution

management in Trinidad and Tobago.

So, last meeting we had, we actually had the EMA present. The TTPS had representatives and we had a meeting where we looked at certain shortcomings. We looked at certain ways that we could improve the system. And now, at this meeting today, we would now like to widen our knowledge in terms of the presence of stakeholders, presence of the corporations who also would assist the population in alleviating any sort of noise that may serve a nuisance to them.

At this stage, I would like members present from each entity to at least give us a brief two-minute opening statement. So, would members of the Arima Borough Corporation; would Mr. Thomas please give us a brief opening statement, please?

Mr. Thomas: Okay. Good morning again, Chairman. We are happy to be part of this committee at this point in time. What I would tell you is that, in terms of the noise pollution arrangement, our city police department basically would take charge. There is not much more that I can say at this point in time except listening, in terms of what is being presented at this point in time. If it affects us, I could probably add to the discussion at this point. Thank you.

Mr. Chairman: Thank you. But again your presence here, if there are any recommendations, how to improve, I think you would be here to at least carry that forward.

Would a member of the Chaguanas Borough Corporation please give us a brief two-minute opening statement?

Supt. Lalla: From a municipal police perspective at the Chaguanas Borough Corporation, we were never part of the operationalization process of the Act. However, with this new arrangement, we are prepared to work with the agencies to help police this Act with the other organizations. That is where we stand at this

point in time.

Mr. Chairman: Would a member of the Port of Spain City Corporation please give us brief opening statements?

Supt. Charles: Good morning again, Chair. Port of Spain Corporation once again is happy to be part of these proceedings. We look forward to identifying the salient issues affecting the national community and also how the corporation can bridge the gap in addressing these issues towards working towards a better quality of life for all persons involved. Thank you.

Mr. Chairman: Thank you. And would a member of the San Fernando City Corporation give us brief opening statements?

Mr. Kisson: Good morning, ladies and gentleman, on behalf of the San Fernando City Corporation, we are pleased to be here. San Fernando is very unique when it comes to noise pollution and how we interact with the EMA, in particular with the Brian Lara Stadium and the orientation of the speakers affecting our citizens in St. Joseph Village and now with the completion of Skinner Park, again, the orientation of the speakers and the direction of the sound that affects our residents in the vicinity. In both areas we are both residential areas with elderly people. So, we look forward to a very rousing discussion as to how we can come together and find a good solution where the EMA and the city corporation can work to solve these issues.

Mr. Chairman: Thank you. Would a member of the Trinidad and Tobago Promoters Association give us opening statements?

Mr. Precilla: Good morning again everyone. We are happy to be invited to this meeting, to have this open discussion. Because a lot of our membership would be the ones who would carry out most of the events throughout Trinidad and Tobago. And what we want to make sure is that we have a partnership with all of the

different entities when it comes to the animals, the residents, the different corporations so, that there is a synergistic approach moving forward, that we could work together, that our industry could flourish without affecting anyone in a harmful manner.

Mr. Chairman: Thank you. Would a member of the Trinidad and Tobago Society for the Prevention of Cruelty to Animals give us an opening statement?

Ms. Maynard: Good morning everyone. Thank you again for including the TTSPCA in this meeting. Our focus is going to be mainly concerning fireworks and the EMA's role, as we see it, in determining the decibel levels of fireworks. However, looking at the laws that pertain to the EMA and noise levels, we think that some of the strategies the EMA have will not be effective in regards to intermittent loud noises. And as for barking dogs, it is a problem and we do receive many complaints. But again, I do not think that that can be covered under the EMA's portfolio. But we do hope that fireworks will be addressed because, obviously, as an animal welfare organization, this affects the animals that we care for and the citizens that do have companion animals. Thank you.

Mr. Chairman: Thank you. Would a member of the Zoological Society give us an opening statement?

Mrs. Harrison: Good morning, Mr. Chairman. The Zoological, Society welcomes the opportunity to be part of this discussion this morning. We are particularly concerned about noise pollution, as it affects the animals at the Emperor Valley Zoo. The ZSTT has been very active in dealing with the issue of noise pollution through collaboration with stakeholders and public sensitization using our various social media platforms. And we have had some success with this, especially with relation to the Carnival-related events. Two examples which we wish to place on the public record are the examples of Mrs. Fay-Ann

Lyons-Alvarez, who is very collaborative with us and she was very professional in the manner in which she hosted her Saturday morning Chancellor events during the last Carnival season.

And we also wish to also put on the record Mr. Brian Charles Lara, who is a property owner adjacent to the zoo, who also been very collaborative, in terms of always ensuring that the decibel levels of events held at his residence are minimized with the least disturbance to animals at the zoo.

However, our main focus is not on those Carnival- related activities or socially-related activities in that sphere. We are mainly concerned with the noisy fireworks and the impact of these fireworks on the animals of the zoo. And we hope today to get some sort of collaborative effort, in terms of stemming this, and we look forward to a successful outcome from this enquiry. Thank you.

Mr. Chairman: Thank you. And would a member of the Citizen against Noise Pollution please give us opening statements?

Ms. Chatar: Good Morning, Mr. Chairman. I am Tamara Chatar, Public Relations Officer, Citizens against Noise Pollution. We would like again to convey our sincere appreciation to the committee for the invitation to voice our concerns and submit recommendations here. We have been in existence for about eight years, registered as an official NGO in September 2021. The cause was mobilized by several empathetic and passionate volunteers and we were inspired after the sobering realization that those who are tasked with safeguarding our right and peace were slipping in the execution of duty.

We would like to remind the public and all stakeholders that, under Section 4 of the Constitution, all citizens have a right to liberty, security of the person and enjoyment of property and the right not to be deprived thereof, except by due process of law.

We have our social media group of over 3,000 people and growing. We have had them voice concerns where, from the EMA, they have been making complaints and basically have been dismissed. We are here because we want to work with everyone present. We are asking you all to help us help the public. We have evidence. When anybody is prepared to listen, in the form of scores of testimonials from citizens all over the country and of different demographics. So, our goal is simple, to have noise controlled and regulated in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose and the human right that is the quality of life. Thank you.

Mr. Chairman: Thank you for that commitment to the citizenry. I would like to remind both committee members and officials to direct your questions through the Chair and remind members to please activate your microphone on your device when you are acknowledged by the Chair and turn it off when you have concluded your contribution.

At this stage, I would like to start by mentioning noise pollution is a public health hazard and it is like an environmental toxin and the WHO has been sending us warning throughout the years. In 1999, they gave us the community health guidelines. In 2011, the burden of disease from environmental noise; 2018, environmental noise guidelines. And they actually lowered the threshold that they thought harmful noise would be. And they recommended 53 decibels for ambient noise and city dwellers, 55 to 67. Anything greater than 65, would cause some sort of high blood pressure, stress hormones, increased problems in physiological problems. And they said you can even tolerate 85 decibels, sometimes without damage. And the fact remains that WHO has these recommendations out there. And we know noise has its health problems, and we know it has effects on cardiovascular disease, stroke, diabetes, mental illness, and even a Scandinavian

studies show breast cancer.

So, therefore, what we are doing here today is an important venture into the health of the nation also. And what we are doing here today is looking at the fact that even the European Environmental Agency stated that noise pollution is the second highest environmental threat to death and causing—they said it causes 12,000 premature deaths a year.

So, we have an important role today, to see how we can protect our citizenry. We have an important role today to protect our citizens from this invisible danger. And I appreciate your presence here today in assisting us to come to some sort of agreement; how we can best manoeuvre, in terms of legislation, in terms of failures of the entities, and how we can move forward.

I want to start with the Citizens against Noise Pollution. Because you mentioned the fact that you had to come on board because the entities were failing. And this is a reason I think our joint select committee decided to come on board to have this hearing. Because we saw a lot of newspaper articles, people complaining about noise, about the effects of it and the effects on their family. So we are here today to look into this.

So, for the benefit of our population, your organization, you mentioned you had 3,000, I think, WhatsApp membership. In terms of your organization, how old is your organization?

Ms. Bachoo: Good morning, Chair once again. So our organization would have stated as an online support group in 2015. And in 2021, we decided to register officially as an NGO, simply because the complaints that were flooding our Facebook group at the time, we decided that we needed to do something a little bit more formally and, therefore, we registered as an NGO.

Mr. Chairman: And your WhatsApp group, do you have that available for the

public so that they can look at your complaints? And have you gotten a way to give this information to the EMA, so they could now see the complaints out there in the population what they are having? You gotten that link with the EMA?

Ms. Chatar: So, in November 2021, we would have reached out kindly to the EMA and they did facilitate a meeting with us. The meeting was very cordial. We would have done a presentation for them, outlining the number of complaints, some of the shortcomings of the EMA and the police service in response to noise complaints. However, after that collaboration, there was no follow-up.

With regard to our Facebook group, the group is open. Members keep tagging the Environmental Management Authority Facebook page in an effort to get a response. However, there has never really been a formal or even an interaction, in terms of a social media presence in that group as well.

Additionally, we also have a WhatsApp group that has nearly over "60-something" members. And these members would have joined from the Facebook group, because they have no avenue to actively express their frustration and to actually get advice. Because most people will tell them to go to a lawyer to get advice. And many of our citizens just do not have the financial means to access a lawyer. So, therefore, they are looking for advice, in terms of how to handle the noise complaints that come from a variety of sources. And these sources include, not only commercial noise and from fêtes, et cetera, but these also include private citizens who do not understand the impact that noise can have when they are blaring music from their cars, from their homes, on children, the elderly, and the most probably in our society.

Mr. Chairman: So, I am happy to hear about your group, but do you think that the EMA should have some sort of public group, some sort of public platform where people can lodge their complaints directly to them?

Ms. Bachoo: They definitely do. They would have started. They made an initial step in actually having a hotline. And this hotline would have included a WhatsApp number. However, from all indications from our membership, this WhatsApp hotline is in need of, perhaps, more manpower, or simply they do not have the resources to respond in an efficient manner. So, many times our members, when they WhatsApp this number, and we have screenshots, et cetera, that members would have sent us, there is no response from the EMA's hotline. And if they do get a response, a lot of the times, the complaints are coming from residential noise and sometimes in mixed areas where there are bars, et cetera, operating.

The EMA's response is to direct them to the TTPS, where the Summary Offences Act is supposed to look at noise complaints. However, this is the biggest problem that we are having in the country, and the average citizen. The TTPS response is that they also are saying that they do not have meters to respond to noise pollution. They are very dismissive, on most occasions, of the frustration and the torture that members are undergoing. Most of the constables who are at the desk and who have to take reports tell citizens that they do not take noise reports.

Mr. Chair, we have testimonials from, the last one we would have gotten would have been last week, where a citizen would have gone to the Chaguanas Police Station to make a report, and the officer there would have told her that this was not their purview and they should go to the borough corporation to see about this. And when she went to the borough corporation, the constables there were surprised that she appeared there. And, therefore, the average citizen is there like a tennis ball going back and forth from the EMA to the TTPS, and the offenders live to play music another day, loudly.

Mr. Chairman: I see the plight of the citizens having to just be thrown from one to another, and not get that relief. Our last meeting, we suggested somehow we have like what you may call a noise warden, that could be called out, and also a ticketing system. So, therefore, if you have that decibel and it is above a certain level you give a ticket one time, then another ticket. And just as how you have the system in transport, where, if you eventually accumulate an amount of points you would be disbarred. So, do you think that is something that could work in our present situation?

Ms. Bachoo: Of course, Mr. Chair. We actually want to recommend three key legislative changes. And one of them is actually the ticketing system. This ticketing system has actually worked in other countries. For instance, in July 2022, Florida for instance has made blasting music in a car a ticketable offence. And I would just like to go further to explain. So, the police can now hand out tickets to people blasting music from cars, if the music is audible at least 25feet away from the vehicle. And I would like to also note that music from vehicles is also one of the major complaints that members from the public actually have a problem with.

Another legislative change that we would like to introduce that we understand the Trinidad and Tobago Police Service have their constraints. We understand that. We note that they are also missing adequate meters. However, if a legislative change is made, in the sense of implementing a plainly audible noise clause, this will circumvent to a great extent the need for meters by police. Because then all that they would need is their ears and a measuring tape to identify and to ascertain whether the music is being played, right, or, the noise that is being omitted is beyond the boundary line of the offender. So, that is another one.

We also would like to advocate for the introduction of quiet time laws, which forbid excessive noise from neighbours and from commercial

establishments. And these are protected hours of sleep that are used in developed countries. So, for instance, in Germany, quiet time laws are quite an important aspect of their culture and their home. They protect these hours for the vulnerable and for their citizens. And there is also nighttime hours in the UK, 11.00 p.m. to 7.00 a.m. New York also has quiet time laws in terms of 10.00 p.m. to 7:00 a.m. So these are legislative changes that can definitely work hard in hand with making noise pollution a ticketable offence. And this can also become a generator of revenue for the Government as well. Yes?

Mr. Chairman: Yes, I think Germany also have a situation where you are not allowed to cut your lawn, et cetera, on a Sunday—

Ms. Chatar: Correct.

Mr. Chairman:—or make any sort of noise. So, in terms of your changes, legislative changes in your recommendation, I certainly welcome this and I want to ask a question. You had mentioned that it is not just problems with parties and fetes, but we also have other noise from the home, alarms, barking dogs, noise in the streets, licensed premises from commercial premises; you know different areas that you need to look at, street works, building sites. So, I guess your organization would be able to give us recommendations in terms of the hours that need be and the advice that we could look to go forward.

11.10 a.m.

Do you think that in terms of the response that your members are getting being shifted around, do you think the municipal police, you know, which we were trying to see if they can also come on board, would be able to now be an add on to your group of persons that you can get to come on board?

Ms. Bachoo: Yes, definitely, we would welcome any resource from any of our state entities, especially the TTPS, to help us because at this point in time we only

have access in terms of the different police stations across the country, their different responses to when citizens go to make a noise complaint. Some are met, like I said before, dismissively, and some they actually tell us—they actually tell members that this is not a serious complaint, and they will get to it when they get it. Right. And sometimes that runs days, sometimes there is no response. We have had, I would like to, for instance, bring into evidence here, a testimonial from one of our citizens, and her case would have been highlighted last year in the *Express*, and her name—we will call her “citizen S”—and citizen S” right, and her family would have been tortured over the years by a neighbour, and this would have happened in particularly the incident we are speaking about in October 2021.

Citizen S and her family was subjected to over three days of nonstop loud music from a neighbour, her children sleep with earplugs on most occasions, she herself has been diagnosed with anxiety, depression and heart palpitations and is now dependent on medication. She has considered suicide as she has become frustrated with no peace in her home. The above mentioned incident took the combined efforts of strangers from our group, from on CANP’s Whatsapp group to call the Freeport Police Station. It took over twenty something calls to get a response and only then, the report was acknowledged. No one was charged when the police entered the premises to—they let off the offender with a warning. So, he lives to play music like I said, another day. And this would have been highlighted in the *Express* on October 10th 2021, entitled: “Hell from noisy neighbour...Man blasting music at 3 a.m.”

So, in cases like these, if the police, the TTPS, they are unable to respond to a nonemergency call, which is what they generally think a noise complaint is, we would welcome the municipal police or any uniformed authoritative body who can respond to our citizens. Because we have children here. We have vulnerable

elderly citizens, we would have gotten an email three days ago from a citizen who sent a screenshot of messaging the TTPS, because she was advised to by the EMA to contact them with regard to noise because it is residential noise. There was no response on the TTPS app. And she also sent a follow up email to let us know that her Dad would have passed away last year and there was no peace, her uncle who went across to the neighbour to ask kindly for the music to be lowered was assaulted and that would have happened in December of 2022. And we have had an escalation of these types of reports where, it is actually leading now, in some cases, where members are becoming frightened, intimidated and physically assaulted.

Last year, we would have also had another member a young mother, newborn, going through postpartum with a newborn and she was being blasted with music from, as well, a neighbour. She went across, because the TTPS were unresponsive to her calls over a couple of—a span of hours and this is again documented in a testimonial and when she went over she was manhandled and assaulted. And the end result of that was that, she had to leave her family home, her generational home that she was living in for the last five to six years. She was forced to leave and find different accommodations because the health of her baby was at risk because she sent us a picture with the baby sleeping, a small baby, a couple of months, with hands over her ears.

Mr. Chairman: Do you have the capacity as an organization to assist those individuals with legal action against certain entities who are failing to act on the behalf as well as, the perpetrator of the noise?

Ms. Bachoo: At this point, Chair, no. We are comprised of a kind group of volunteers. We take our time, we have put out over the years we are looking for anybody who would like to volunteer their help in terms of lawyers, et cetera,

however, we do not have the resources to actually take to task these offenders. So therefore, we are limited in terms of providing advice, we have as best as we can able to sensitize the members on our WhatsApp group as well as the public through writing letters to the editors and over the years through the mass media, about the laws that govern Trinidad and Tobago with noise pollution. And that is as much as we are able to do at this point in time, sensitization.

Mr. Chairman: I think, I read somewhere the UK, there was sort of a measurement were certain approved noise measuring devices, that residents could have this device and also help with self-reporting and it is a form of citizen empowerment that, you know, even I know now that phone apps are available now will actually give a sound measurement. So, do you think there is sort of a need or a way that citizens themselves could come on board to record these events, in approved devices, as well as, go through the various entities to see if they can seek some sort of address?

Ms. Bachoo: Of course, once these apps—many citizens actually download apps, but it is obviously not calibrated to be at an accurate level with what the EMA would recognize. So, if the EMA or any state body would, you know, inform the citizenry that this is the type of device that we should use, I am quite certain they will be lining up to buy it. And we would like to also advocate as well, that these noise meters should also be placed in commercial areas, whereby they can also measure it. Because a lot of the times, many commercial establishments are not aware, they are not aware that they as well are making noise. They think that it is okay, but it is not and it is affecting, in particular the bass, because many of these establishments and this is a huge problem, amplified noise that comes from loudspeakers that are placed outside. And this is one of the—in terms of the top three complaints, Chair, amplified noise from commercial establishments is a huge

problem from Woodbrook go straight down to south, right. This is a huge problem in Trinidad and Tobago. These loudspeakers are being placed outside, there are no noise barriers, and although the EMA through their code of practice, control of noise in the music industry, has advocated for things like these, the noise barriers and strategic placement of the of these barriers to mitigate noise, these things are not followed, because it is just that, it is a code of practice.

Mr. Chairman: So, I see your distress in having these commercial places not have a special code, because you know, when you are giving permission for certain commercial activities, the corporation they come into this answer, you know, you have to give approval like fire officers will have to come in—

Ms. Bachoo: Right.

Mr. Chairman: —a public health department, they have to come in, I guess, you know, part of that planning and structure for any sort of commercial activity like bars, et cetera, should have to be—

Ms. Bachoo: They should.

Mr. Chairman: —insulate that area—

Ms. Bachoo: Um-hmm.

Mr. Chairman: —from noise penetrating outside at which could—

Ms. Bachoo: Correct

Mr. Chairman: —disturb people. So, I think we may have to get the input later on from the corporation to see how we could best go about this. And I, in the last meeting, I suggested we have something called noise caused. So venture you are going into a restaurant, and they have a sign up, this is the level of decibel there, you choose if you want to go into that area, or if I know that certain area, it is a noisy area, I may choose to wear a muffs. So, I think this is something your group also, could advocate for that we have these noise caused, placed at certain areas

where people would know they are walking into some sort of noise pollution that could damage them.

In terms of, what I would like to say, according to your submission, right—

Ms. Bachoo: Um-hmm.

Mr. Chairman: —this Carnival season citizens were at the mercy of promoters.

Ms. Bachoo: Um-hmm.

Mr. Chairman: What type of feedback did you receive from members and non-members of the group regarding the effects of noise pollution on their lives with Carnival season?

Ms. Bachoo: It was a torturous experience for many of them. We would like to state categorically, we understand totally the culture of Trinidad and Tobago in terms of the importance of Carnival and our music. Right. And what has happened over the years many of our citizens, our members have complained that they no longer feel any pride or they no longer even enjoy it, they dread it. There is a feeling of anxiety once Carnival is coming up, because they know for that long weekend there is no respite. No one is responding to any calls and our favourite response from the TTPS is that, let the people enjoy themselves, right. However, we all each—we each have a right in our home. So, if I choose not to go to a fete, I should not be bothered the sanctity of my home by the noise that is being admitted.

Sen. Lutchmedial, in her contribution in the last Joint Select Committee would have stated the effects that the—I think the fete at that time in SAPA would have had, because there are these open areas, these open venues that would have affected her children, her child, who is a special needs child, as well as the various residents across San Fernando. And that is because, and we go back again to the code of practice, that no one is actually actively checking if noise barriers and all

the mitigation strategies that are supposed to be used as ethical standards by other groups of people, right, it is not been adhered to.

Mr. Chairman: Has the—your organization engage with the EMA, as well as the Trinidad and Tobago Promoters Association on these incidents, so to at least try to see if you could get some relief for from these incidents.

Ms. Bachoo: In terms of the EMA, we would have written responses that would have been published in the papers. I think we would have had two letters in 2022, that the EMA would have responded to. However, we have not taken the step to contact the Fete Promoters Association, we would really like to work with them as well, so that we could have, you know, a type of synergy as well in terms of when they have to hold their events so that they can be prosperous, and that our citizens can also have peace in their homes.

Mr. Chairman: —I firmly believe a man's home is his castle and—

Ms. Bachoo: Correct.

Mr. Chairman: —he should be, if you does not want to go to the Carnival, you do not want to go to the noise, you do not want to go out to the crime, you stay home and you enjoy your home, and nothing should invade it especially noise which we know is a health hazard.

My thinking, should there be areas, residential areas that we should ban public fetes from these areas?

Ms. Bachoo: Definitely. Our two—probably we would have in 2022, we would have had two key events that would have emerged and that would have, I think, “Josie’s” forgive me, if I cannot remember the correct name, there was one in Tarouba, “Josie’s Jamishness” or something along that line, I cannot remember the correct name, please forgive me, but there would have been two events. And one—these events the problem is that we understand, again, the challenge of the

Fete Promoters Association in getting suitable event areas. Because our culture is one that is outdoors, you know, it is a culture that we are outside, right. And they have that challenge of finding a suitable areas. So therefore, any big open area, it, you know, becomes then this fete [*Laughs*] you know, this area where they will try to hold the fete. However, these areas in most cases are in mixed areas. So therefore, you have residential areas that are close by and that are being affected and are being affected badly. So for instance, I think the last fete that would have been held, the one in Tarouba, the hours—when they were testing was actually quite worst before so, the residents in that area were hearing noise from at least three to four hours before and then the event continued into the late morning and the thing is, there was no relief because the right now according to the EMA, the EMA is embroiled in a legal battle in terms of who has the power to shut down these types of events. So therefore, if citizens call the TTPS, the response of the TTPS and understandably so will be that their hands are tied because it is in the courts. So, who is suffering again, the citizens, because the EMA is in court and the TTPS as well, by extension because they would have been the ones the shutdown the last event that would have been I think, “Wild Goose Entertainment” or something and the average citizen is there covering their ears and sleeping on the floor trying to get relief.

Mr. Chairman: So, then sometimes you may be caught unawares that you know, just so you see a fete being held and there—

Ms. Bachoo: Um-hmm.

Mr. Chairman: —were no notification before. Even though the EMA had said that there is a notification should—and a requirement should be given where pamphlets should be distributed—

Ms. Bachoo: Um-hmm.

Mr. Chairman: —in persons around a fete venue or proposed venue—

Ms. Bachoo: Um-hmm.

Mr. Chairman: —to warn these citizens there. Have any of your citizens ever gotten these pamphlets?

Ms. Bachoo: Chair, we actually—when this when this matter was brought up in the last joint select committee, because we recognize that it was actually stated that flyers and all these things were supposed to be distributed to community. Our group on Facebook actually took a poll and over 100 and something—over approximately over 100 members answered the poll and the resounding response was no. The resounding response was no that no fliers or anything like that have ever been distributed to members to inform them. And this brings us to another problem we have with these noise variance permits, these noise variance permits they are applied for, right, and they must be published in the newspaper, however, there is no set date for when these noise variance permits when they are publishing these notices, there is no set dates in the newspaper when they are going to come out. And this is pretty archaic in the times that we are living in a digitalized world where we do not understand why the EMA has not taken the step thus far to digitalize these types of permits and actually put it on their website. So therefore, the public has a fair chance to raise valid concerns regarding fetes, et cetera, or any type of event that requires a noise variance permit.

Mr. Chairman: I had suggested last time if there is a venue that is going to, a proposed venue, we should have a big signage outside there, a big billboard suggesting this is a proposed venue for this date and a call where you can call the corporation to give your objection. So, this may be something else that we could consider—

Ms. Bachoo: Yes, yes.

Mr. Chairman: —that you know, you just pass a place and that is it.

Now, I want to have something there is a—so, the fact is, there should be residential areas that are strictly for residents and not for fetes, and fetes should have a separate entertainment area. So, if each corporation, and I see the members are there, within a corporation you have a space where you can have it designated for fetes, but around that place you have the green belt around it so, you have that greenery around it to muffle the sound and you have the requirements that at only certain places like that you would allow fetes within your corporation. It may take some distress out of the population, as well as, you are now getting that area in such a way that you would have the speakers turned inwards, you would have the greenery around it, you have a buffering system. So, this is something that we may have to look at, in view of the light that the—this organization would look at having areas designated for fetes.

Now, one thing I want to ask the organization again, the fact that certain areas have silent zones, or what I should say noise free zones, like around schools, 100 meters from schools, hospitals, and also hospitals and also the court. Does that exist in Trinidad; do you know if it that exists here?

Ms. Bachoo: I think it is in the legislation that it is in existence in terms of, I think, schools and churches but again, and I think hospitals as well. Perhaps someone in the TTPS et cetera, who would know a little bit more in terms of the legislation right, specifically the details of it. But this is something that needs to be reiterated once again to all stakeholders, right, so if you are holding an event that these are areas that perhaps also to the corporations when they are granting permission and approvals for these spaces to be used, that, listen, this is close to a nursing home, this is close that the meter away—how many meters away from these vulnerable areas and perhaps then this is not the best area or if they cannot

get around, right, anywhere else to using these areas then perhaps what are your—submit then a noise mitigation strategy. How are you going to buffer this noise then?

Mr. Chairman: I am looking at certain areas where now have old age homes—

Ms. Bachoo: Yes.

Mr. Chairman: —certain residential areas and probably this may need to be extended, this noise free zones also. And so, you suggested also that we should have silent zones within each community and probably the corporation may have to look at even having certain parks designated noise free or silence zones where people could just get that inner peace. I would like to go to my member, Mrs. Morris-Julian, who would have a question to pose.

Mrs. Morris-Julian: Thank you very much, Chairman. Chairman, I am not sure if I missed it, but I want to find out from the NGO, according to the submission, these noise variation ads are lost in the—hold on second Chairman, I am having some noise variation myself. All right, these noise variation ads are lost in the clutter of the newspaper and there is no specific date when the ad is due to appear and thus far, thus, the public is at a loss to identify events that may disturb their rest. Now, I am old enough through you Chairman, to remember when these ads would be painted on a sign and stuck on a tree. All right. Can you tell us what other shortcomings related to the EMA's procedure for granting noise variation permits? If you could let us know perhaps then the EMA can help.

Ms. Bachoo: And I think Mrs. Julian that one of the key things immediate, immediate effect that can go into with immediate effect, is that they just digitalize, right. There is no reason why these noise variance permits should just be published in the newspapers. All right. They can create a little tab on their website that states noise variance permits, right, and then itemize them by month.

So, we know in January, there are four events that are coming up and when they click on the link, the four events, wherever the areas et cetera, and then the public can if there is a valid concern, they can email the EMA and let them know—we'll listen we would have had this fete last year and this was our experience thus far and be able to submit perhaps any type of evidence, right, and let the EMA respond in kind to those concerns. So, that is probably the number one challenge that we have with these noise variance permits, along with the fact that the price for these noise variance permits are \$250 or \$1,000 right.

So, for instance, let us say one of the fetes in Tarouba, perhaps may have paid let us say \$1,000. What was the cost to the citizenry? What was the cost in terms of productivity? In terms of sleep? In terms of the elderly, who would have probably become sick? Where are people going to go at 3.00 a.m. at 2.00 a.m. to get away from the noise that they are hearing, the bass that is vibrating their homes?

Sen. Lutchmedial would have stated that, that her burglar proofing would have been vibrating at the time of the SAPA fete that they had last year. Where are they going to go? So, for the cost of \$1,000, the productivity and the ill health that comes with it is paid for by the citizenry.

Mrs. Morris-Julian: Thank you very much. Through your Chairman, I would like to go on to further ask Ms. Bachoo—

Ms. Bachoo: Yes.

Mrs. Morris-Julian: —all right. During the Committee's previous public hearing held on April the 5th—

Ms. Bachoo: Um-hmm.

Mrs. Morris-Julian: —the EMA reported that the promoters also required to distribute printed copies of flyers—

Ms. Bachoo: Um-hmm.

Mrs. Morris-Julian: —within communities which are expected to be affected by a proposed entertainment event. For our clarification, is your organization aware of this practice? Is this practice—you keep speaking about Tarouba and Josie Jamishness—I do not know how I know that but I do, right. Is it that persons are passing it out? Did you receive it? What are your general views on the efficacy or usefulness of this practice? Now, we spoke about digitalization, but I live in the heart of Arima, I live in a very commercial area, I may be one of the last residential houses. So, I do not receive any flyers. In fact, I sometimes feel I am bothering them. So, I would not mind a flyer. “I quicker” open my mailbox than I would go online and check a website. So, just for our edification, please, thank you.

Ms. Bachoo: Right. So, we would have taken note of that practice. Our organization was not aware from our own understanding is that, the noise variance permit would have had to be published in the newspaper for the 35 days, and that was it. So, what we would have is members scouring, in particular, in high times during the—in the year, when events probably would have—upcoming events would be there and trying to see when this variance would come out, and they would clip it and then they would try to email the EMA about it, right. In most instances, they would not be able to because they would lose the day when it would come out. So therefore, the opportunity is lost to raise their concerns.

We would have taken like I said, previously, a poll on our Facebook group, in particular, over 100 members would have responded to that poll. And no one indicated that they ever received in the areas mixed and residential areas a flyer. So, it seems that it is just that the granting of the variance is or the execution after they are granted is limited to just the publication of the permit in the newspaper.

Mrs. Morris-Julian: Chairman, I just have one question, one last follow up question, because Ms. Bachoo, you made a point that, why can go at two, three o'clock in the morning, but I am asking—

Ms. Bachoo: Um-hmm.

Mrs. Morris-Julian: —would you, if you know in advance—

Ms. Bachoo: Um-hmm.

Mrs. Morris-Julian: —if you are given a reasonable time frame, if you are very much aware, would you leave your particular residence because you know that this noise is going to be happening, then and there or, is it more about you need to address the noise situation?

Ms. Bachoo: I think citizens have been pushed into a corner, so I can speak personally for myself because I am also a victim of noise pollution. Right. And I have had days, I have two very small children and there was a bar and there were days when I had nowhere else to go, so what I would do when they had events is that I would pick up myself and my little family and I would go to our relative's home. That is unfair, that is unfair.

Then there are citizens, they have nowhere else to go, they have nowhere else to go. And I would like to tell you about a citizen, "citizen R" very, very briefly. Citizen R is plagued by loud noise, loud noises emanating from immigrants, right, living in an apartment next door to her. And there is no help, there is no relief when she makes calls to the police, et cetera, and she is forced on a Sunday because that is when everyone is home and this noise is escalated, she is forced to go to Price Plaza carpark and she packs her lunch and she eats her lunch in the carpark and then she goes home. That is unfair. And that is wrong. So, it begs the question that, yes, some citizens will, because of the current setup, they will leave but then there are those, there is no way for them to go and therefore, we

need to adjust then, we need to adjust our laws, our guidance, in terms to be able then listen, it is too loud, let us look then at another way in which we could perhaps bring down the noise especially if it is in mixed areas. Hope that answers your question.

Mrs. Morris-Julian: No, it does. Thank you Chairman, because as someone who lives in a commercial area it is odd to me when I hear quiet so, I am always very much interested to find out exactly what is the outcome that organizations such as yours really want. Thank you very much Chair, I will ask questions later.

Mr. Chairman: Thank you. So, I am hearing that citizens are trapped and tortured as you use the word in their homes. And so now I know we have we have a lot of young people like they are ingrained in the culture of noise, the party mongers and I have teenage boys so, sometimes even in my home I have to be turning down the volume of the radio and their CD or their computer whatever.

The thing is, so catering for the young persons, catering for the party-goers—and remember, not a lot of persons—I think it is about 20 per cent of persons who actually engage in Carnival, so a lot of other persons might be in their homes just relaxing, just wanting to get away from it. So my issue now—I want to address the Trinidad and Tobago Promoters Association; so you know that noise, according to WHO, is a health hazard. You know in our country, you know, that noise would be adding to the burden of illness; mental illness, depression; the cost to treat these people with anxiety, diabetes, hypertension. So you know that this is also endangering person's health, as the WHO stated, and you also know that you are providing some relief from some party-goers, and we were hearing discussions here, "Should we have residential zones, entertainment zones?". What is your take on that having in every corporation you have a certain entertainment—a zone where it could be buffered, adequate parking, not causing distress but something

that the corporations or the State could provide for persons who may want to party? What do you think about the concept of having that rather than going into residential areas where it can cause distress?

Mr. Precilla: Thank you, Chairman. So first of all I want to say thanks to Ms. Bachoo and her team for highlighting all of the plights of the citizens because we know that a lot of citizens do complain and we know that the noise does affect a lot of them, so let me start by saying that. But there was something that Ms. Bachoo would have mentioned within her speech that promoters are limited in terms of our access to venues to have events. So, I am going to backtrack a bit to say that the entertainment industry is, as the name says, an industry. These are not just people who are throwing a party because they want to make noise or they want to affect a resident or people in the area. These are people who do an event and employ a lot of people when it comes to their event. So this is an industry and this is a thriving industry and this is not only part of Trinidad's culture but it is a part of our tourism as well.

So just some quick notes would be that, for Carnival alone our industry would have generated \$460 million to the GDP, to the economy of Trinidad and Tobago, and we employ thousands; tens of thousands of people are employed by our industry. So I do not want it to be considered as a "wine and jam industry" or an industry that is there just to disturb people, but this is an industry that provides a lot of employment. So you mentioned the question, Chairman, in terms of how we would take having certain zones earmarked for events, we would definitely welcome that. The problem that we face is that there have not been things put in place for event venues throughout Trinidad and Tobago and that is why you would find that a lot of events happen in, what we would call, residential zones. Because unlike internationally where they have huge concert venues and huge parks and

areas where concerts can take place, here in Trinidad and Tobago we do not have that. We have had cases where promoters try to throw events as far away from residents as down, as you would say, into the forested areas of Chaguaramas and they were stopped because the EMA came out to say that the event would be affecting the wildlife in Chaguaramas.

So you are moving from places where you are affecting people with the noise, where now you are being told you are going to affect the wildlife with the noise of the events. Now, that is not—we are not talking about fireworks; fireworks is where you have an instantaneous loud level of—a loud decibel level that would affect wildlife, but when you are talking about decibel levels in a party, as you would have mentioned earlier when you would have made your introduction, Chairman, is that they are permitting 85 decibels without it creating any significant damage, and the EMA gives out noise variations of 70 and 70 decibels in order to have an event. So when you have events with 70 and 75 decibels and you have the CBC and these organizations who would tell you that, noise is permissible depending on the length of time up to 85 decibels, you have the promoters in a difficult situation where we cannot find venues to have our event without someone complaining, whether it is based on the wildlife or whether it is based on the people.

So we would love to have that synergy where we could have events, where people can be employed, where people can enjoy themselves without affecting residents. So if there were venues earmarked in each borough in Trinidad and Tobago where we could say, “This is an event zone, it is buffered and the infrastructure is in place”, we would more than welcome that, but currently that is not allowed.

Mr. Chairman: Sure. But this is why I threw it out that this is something we

could look at, at recommending. So for the benefit of the public, can you tell us about the roles and responsibilities of your organization?

Mr. Precilla: So our organization consists of a lot of members that do various types of events. So we have members who would do gospel events. We would have doing carnival fetes. We would have people doing comedy shows. We have people who do weddings. So various types of events make up our membership. As an association what we try to do is to regulate our industry. Things like these in terms of having discussions with the EMA, being mediators between the promoters and these institutions is one of the main roles of our organization. So we would have had meetings with the copyright organizations in terms of music rights, the EMA, with the Trinidad and Tobago Police Service, with the fire services. All of these various entities within which we would have to have discussions with for us to have safe and enjoyable events; so that is our main role. And we would also try to educate our organization's membership in terms of safety regulations and in ways that they could improve their events without affecting the public.

Mr. Chairman: So you do have that promotion that you actually—your awareness among your membership to at least mitigate this excessive noise, which is good to hear. Now, according to your submission, the TTPA was not aware of the code of practice for the entertainment industry as of 31st of March, 2023, and at the public hearing held on the 5th of April, 2023, the EMA stated that:

A meeting was held with the TTPA in July, 2022, where the code was discussed among other matters.

Can the TTPA confirm its participation in the said meeting with the EMA?

Mr. Precilla: Okay. So I would throw this over to our Secretary because I was not the President at that point in time and I was not a member of the Association at that point in time. So, Colin, could you shed some light on that one for us?

Mr. Miles: Personally, I am not aware of any meeting that was discussed with the EMA. I know at a particular time the EMA did call in certain event promoters to meet with them, but to say it was a board meeting with the EMA, no.

Mr. Precilla: So, Chairman, on that note I could tell you, since I have been there as the President of the Trinidad and Tobago Promotes Association, which is going on three years now, no, we have not had such a meeting. As a matter of fact, we were the ones to initiate talks with the EMA, asking for a meeting with their chairman and their president. They refused to have the meeting at that point in time but they did communicate with us via email that they would have a subsequent meeting, which they did; which the chairman and the CEO did not attend but they sent members of the EMA, and since we had those meetings with the EMA, we have been having better relationship with the EMA; a better collaboration, and we have been taking more proactive steps versus reactive steps when it comes to noise pollution. So I would say that efforts are being made between both organizations to help to prevent noise pollution.

Mr. Chairman: Because I was a bit disturbed that, you know, that it was said that the code of ethics—the code of practice for the entertainment industry, you know, that was discussed, but are you aware of such a code of practice? Did you see any sort of copy or formula that was given to you or did you get your hands on any code of practice?

Mr. Precilla: Yes, I did. So since we were sent the invitation by the Joint Select Committee, and you all mentioned that in your email to us, then we were aware; the board was aware of this code. So I went and I googled it and I found it online. It is on the EMA's website and this was actually done since 2003, so which was baffling to me that we were not aware of it, and I could tell you that the majority of the membership of the Trinidad and Tobago Promoters Association is not aware of

this. So in taking a proactive step, I would say—what I would suggest to the EMA is that they have better communication when it comes to rolling out things like these that would help to guide those who are actively involved. It makes no sense to us that you have a document sitting there with all of these guidelines and the people who need to use the guidelines are not aware that it even exists.

I could tell you, when we go to the EMA to apply for our noise variation licences this is not mentioned to us. We are not given the guidelines; a discussion is not had, and the process is really you apply for the variation; you publish it in the newspaper. You have to publish it within 35 days of your event. That is why you all would see it is coming out sporadically and not at a specific date and time in the newspaper that residents could look out for; that is because, based on the EMA Regulations, we have to submit within 35 days of our event, otherwise they are not going to accept your application. So you cannot say, well, you have to put it on a Monday or a Tuesday; they just count it from 35 days from your event. So when we do that, the next step is that once they issue your—once you issue your notification into the newspaper, you pay the application fee, you fill out your application form. Once you are granted your variation, you go and you collect it.

In terms of the pamphlets that you all have mentioned, in terms of giving it out to residents, that is not a requirement by the EMA for you to get a noise variation. I have seen it as part of the guidelines which I just mentioned to you all that we had no idea even existed. So if people say that that is something that we have to do as promoters, it is not something that we have to do. It is part of the guidelines that we are not aware of, and I do say that that is a great idea for pamphlets to be given out to residents in close proximity of events. At least they would be aware of what is taking place. So we would support something like that. Again, this is ignorance on the part of the promoters not knowing that something

like this even existed because we were not informed by the EMA in terms of a general way.

Mr. Chairman: Well, at least something good came out of our last meeting. I would like to pose a question to the Municipal Corporation because you have been hearing the discussion going on and I want to ask the Port of Spain Corporation, for benefit of the public, can you tell us about the role of your corporation as it relates to the management of noise pollution?

Supt. Charles: Good morning, Chair, and other members. What is happening, from time to time, the Port of Spain Corporation receives application for different events to be hosted in different location in the city. What happen is that is borne out to the—that is passed on to the police who conducts investigation in the sense that we reach out to the promoter; we interview the promoter. We go so far as the location, the proposed location. We interview the residents to see if they have any concerns, if they have any objections, and so forth, and then we submit a report to the CO who in return submit that to the council. That report will determine whether or not the approval will be granted or not granted.

If the approval is granted, what we do is that at the date and time of the event, we try to police the event in the sense that we have frequent patrols, mobile patrols to ensure that the music is kept at the requisite decibel, and if not, we have some serious conversation with the promoters to see how best, you know, we could bring it to the required standard. But we too have been doing our part, but in terms of training and having that resources and the capacity, that is posing a challenge to us right now. So with the requisite training and with the right equipment, seeing that, you know, that the Government has taken the initiative to increase municipal police throughout Trinidad, I think we could make a contribution in the sense that filling the void in the gap between the EMA and the Trinidad and Tobago Police

Service. Because I know the EMA right now have some serious concerns and challenges in terms of their manpower. They are very short of manpower. I think their manpower strength must be down to about six or eight officers to police the whole of Trinidad and Tobago.

So given the right training and the resources, we, the municipal police, could make a favourable impact in terms of bringing some comfort and some form of contribution to this matter.

Ms. Ameen: Mr. Chairman—

Mr. Chairman: Yeah. Sure. Yes.

Ms. Ameen: If I may, could the municipal police share with us—you mentioned that you do not have the training to deal with, you know, noise pollution, when you police an event, you visit the event while it is ongoing once the corporation would have had a request to approve the venue, and so on, do you have the equipment required to measure the noise to determine whether it is over the decibel level or not?

Supt. Charles: No, ma'am. Most of the time what we do, we collaborate with the EMA police to see how best we could move together to partnership to visit these locations. In the absence of the EMA police, we go the old fashion way in terms of, you know, the noise, as what a reasonable person will be thinking in terms of the noise affecting, and sometimes we try to have some serious conversation with the promoters—

Ms. Ameen: Yeah.

Supt. Charles:—in a stringent way to see how best we could bring some sort of resolution.

Ms. Ameen: Right. So one of the things that we recognize is that without—just as when you have to charge a person for driving under the influence, you must

have it measured with a breathalyzer, similarly with noise pollution you must have as evidence a measurement, and while the police officers could use their discretion, we really do need that instrument as a measurement to be presented as evidence. My other question is, have you ever had—I mean, well, what teeth do you have because we have been hearing since the last discussions with the EMA and the police, the TTPS that is, and the frustration faced by citizens? The question is, who has the teeth? Does the Municipal Corporation—does the municipal police have the teeth to go and stop an event or to force the promoters to lower the volume?

Supt. Charles: Ma'am, well, what does happen is— I would not say to really stop the event but with persuasion in a very stern and stringent way, sometime, you know, we get the message across, but it really rely on our partner, the EMA, who really is the person that, you know, the frontline agency who really has the requisite training and expertise to really accompany us to the different locations to have that—to really police that event and bring about the required desired standard in terms of—

Ms. Ameen: Right. And my other question would be, where you have— sometimes you have habitual offenders, so where you have an event or a promoter having events that take place; sometimes there is an annual event, sometimes it is every so often, how do you treat we those habitual offenders when they apply to the corporation for use of a venue or to host another event?

Supt. Charles: Well, ma'am, we try to create a database in respect of all these requests, and what we do is that we flag them in the sense that we generate a report in terms of some of the breaches, the previous breaches. So when time come around again and they are asking to host an even, most of the time, based on their past performance and you have non-compliance, most of the time you get turned

down—

Ms. Ameen: All right. Because—

Supt. Charles:—with supporting statements from the residents and other stakeholders.

Ms. Ameen: All right. So we do have events but we also have bars and other establishments that operate mostly on weekends that are offenders. Now, bars are required to go to the Magistrates' Court for a bar licence, does the Municipal Corporation—does the municipal police have a say in that recommendation when an establishment goes to get their bar licence renewed?

Supt. Charles: Yes, ma'am. And if I may, I could give an example, when mayor Louis Lee Sing was then mayor of Port of Spain, what the mayor used to do is to come out with the police on a weekend; Friday and Saturday and Sunday, he out on Ariapita Avenue just policing that area, and he had several conversations with the residents and the different groups there and generate some statements in respect—some signatures in respect which would constitute a petition, and they used to visit the Magistrates' Court along with the police and had some strong objection in respect of that bar licence being renewed. So I think, you know, that was very effective. I mean, it lapsed over the years but we need to rekindle it and really, you know, to really have it going forward.

Ms. Ameen: “Um-hmm.” Alright. Mr. Chairman, my next question is, the Association representing the promoters, and so on, Mr. Precilla, your organization really, it is a conglomeration of people who have just come together, how do you regulate yourselves and ensure—because you mentioned in terms of getting your members to be on board, getting your members to understand the requirements and what they should and should not do? There was another NGO before who mentioned that they started on Facebook; they started as a social media group, but

later they went to become registered as an NGO, what is the legal status of your organization?

Mr. Precilla: So I would let Mr. Miles reflect this out.

Mr. Miles: Thank you. We are registered as well as a non-profit and we became registered in 2016.

Ms. Ameen: All right. So, Mr. Chairman, there may be need to, as part of our recommendations, to have some sort of body in terms of promoters having membership and subjecting themselves to some sort of regulation there, if there is not one already. So that would require a simple Act of Parliament so that that organization is recognized and promoters would be required to have membership; they would be required to register, but it would also allow for the State and other agencies regulating the promoters. So it is a suggestion for us to consider when we make recommendations.

Mr. Chairman: I would like now to recognize Ms. Morris-Julian.

Mrs. Morris-Julian: Thank you very much, Chairman. I just wanted to ask a question to Mr. Charles, my good friend, at the Port of Spain Corporation, where it is you spoke about the shortage of municipal police officers as being one of the reasons that you cannot respond?

Supt. Charles: No, ma'am. No, ma'am, and good morning to you, ma'am. What I was saying is that with the recent decision by the Government to increase the members of municipal police, we have the capacity to really visit the establishment, but what the challenge is, is in terms of equipment and training.

Mrs. Morris-Julian: All right.

Supt. Charles: So if we are being given the requisite training and provided with the equipment, we will be more effective to make a better contribution in respect to the other stakeholders, like here, the Trinidad and Tobago Police Service, to treat

with this problem.

Mrs. Morris-Julian: So, through you, Chairman, so I am glad that I misheard because—so what you are stating to the Committee here publicly is that the municipal police is more than willing and able and in fact the only thing you need would be training and equipment, correct?

Supt. Charles: Quite so, ma'am.

Mrs. Morris-Julian: All right. Thank you very much, Chairman. I hope EMA is listening to this very carefully.

Mr. Chairman: Thank you for that question.

Mrs. Sagrarsingh-Sooklal: Chair, could I—

Mr. Chairman: Yeah.

Mrs. Sagrarsingh-Sooklal:—respectfully—

Mr. Chairman: Yeah. One minute. Yeah. One minute. The police themselves, the municipal police, do you have—are you on call after working hours, like from 4.00, 5.00, 6.00, all in the night where somebody has a problem and, you know, in the night there is a big noise going on in your neighbourhood? What hours do you work up to and do you have vehicles to carry you to and fro to any sort of site visits?

Supt. Charles: Yes, Sir, we work on a 24-hour basis. Also in Port of Spain we have a command centre that communicate with the Trinidad and Tobago Police Command Centre. We receive reports and we do attend to the report. What report we do not—cannot really treat with, we also seek assistance from the Trinidad and Tobago Police Service, but, for instance in Port of Spain, we have patrols during all hours of the night.

Mr. Chairman: Thank you. Mr. Jerome Precilla, I saw your hand, you wanted to raise a point?

Mr. Precilla: Yeah, and it is a point that—I know that a lot of citizens will complain about noise in Trinidad and Tobago—right—and it is based on something that you would have said, Chairman, based on the data that you have in front of you that only 20 per cent of the population actively takes part in Carnival. There is another percentage of the population who would look on and still enjoy the Carnival, but there is still a large percentage of the population that does not really enjoy Carnival or does not really enjoy events and that is why I want that we take a more of a scientific approach and a measuring approach, which Ms. Ameen would have mentioned or alluded to. It is because sometimes if you give the public the opportunity, they will probably—a lot of them will object to having events at any point in time; anywhere that they could even hear an event they would object to it.

So that is why I want to make sure that whenever you all are making suggestions that we do it in a basis where it has a scientific and measured approach, because we want to make sure that one of the things that we ask for with the EMA is that one of their guidelines and rules was adjusted. Because according to section 6 of their Noise Pollution Control Rules, it says that the:

“Sound pressure level shall be measured at the property line of—

(a) the property of the person affected by the sound; or

(b) the property where the...”—sound—“...source...is located.”

—and if there is a difference:

“...that...the latter shall be used to determine...”—where the—“...infraction of these Rules.”—occur.

I am mentioning that because a lot of the time in the past we have seen where the EMA will come and measure the sound level right on the perimeter of the venue and you may not have had a resident anywhere near that. And I would give

examples of in St. Joseph where we have had cases of people who are hundreds of miles away from an event and the EMA will come to measure right outside of the event or on the very perimeter.

So what I am saying is that, what we are suggesting is that that is modified where the measurement taken by the EMA is at the nearest resident; at the nearest person that could—at the nearest human being that is affected by the noise, you measure at that level and not right outside the party or the event that is taking place, and use the measurements that are stipulated that actually affect human beings' health, as you would have mentioned as a hazard, because there are noise levels that are permissible that will not affect someone's health, will not affect someone's hearing, but you will have residents who are just faintly hearing music and because they are not part of the Carnival culture or they do not like events, they will want to make a complaint, and I do not want us going down that road of just trying to police everything to the point where our industry itself suffers, where people are not really being affected by their health. Now, we are taking their concerns but we just want to make sure that it is a measured approach and that it is affecting someone's health otherwise our industry would just be stifled.

Mr. Chairman: Thank you. The Chaguanas Borough Corporation, I wanted to ask a question, what sort of—what are the main sources of noise, nuisance that you have gotten complaints in the area of Chaguanas?

Ms. Serrette: Hi. Good day, Chair. On a public health standpoint when it comes to complaints, we have not really had any complaints in terms of noise pollution from citizens. We regularly get bar complaints off and on from citizens around the area that lives close proximity to bars and that is the most that we get.

Mr. Chairman: So this is to the other corporations, I want to ask the San Fernando Corporation, do you receive frequent complaints regarding noise

pollutions, and if, yes, what are your main sources of the noise/nuisances?

Mrs. Mills-Mark: Chairman, good day. We do not generally get a lot of complaints concerning noise pollution but we get complaints from SAPA and from Skinner Park. Some residents call us concerning the noise at Brian Lara Stadium and that does not fall under the city, so that is not under our purview, but mainly from SAPA and Skinner Park. Some bar complaints but generally that is it.

Mr. Chairman: So these are people complaining of events in SAPA that occur or in the car park? Is it in the car park or is it inside the venue itself?

Mrs. Mills-Mark: In the car park. In the car park of SAPA.

Mr. Chairman: So then that may be an easy fix for you in terms of if it is causing some sort of disturbance and persons are aggrieved, but who gives them the permission to hold these venues in the car park?

Mrs. Mills-Mark: That is what I was now going to say, permission to hold events in the car park of SAPA does not fall under the corporation and they do not generally inform us if they are having an event at SAPA.

Mr. Chairman: So therefore if there is an event that is causing a disturbance and you may get a complaint but you could still step in with your officers with their noise devices to see if there is any sort of breach occurring, can you also step in, in cases like that?

Mrs. Mills-Mark: Generally in cases like that we would refer it to the TTPS because my officers do not have any noise devices or anything like that. So we generally do not step in, we would normally refer it to the Trinidad and Tobago Police Service.

12.10 p.m.

Mr. Chairman: Would you be acquiring any sort of noise devices, noise metres for your officers, so in future they could be part of a team that would help citizens

if they are having that distress and not able to get any sort of relief from the other entities?

Mrs. Mills-Mark: It was not on the agenda previously, but if it is a recommendation, if it is something the corporation could look into, whatever assistance we may be able to give.

Mr. Chairman: Thank you. A question to the Arima Corporation. You have heard discussion saying that we should have within each borough, each corporation area, you should have zones that could be earmarked for those fete venues or entertainment venues. Is that something that you think could be feasible in your corporation?

Mr. Thomas: Chairman, I want to say hello to the MP, Lisa Morris-Julian. She is the MP for the area on this side. I know she is aware. Usually the Arima velodrome is that they know that persons would most likely ask to utilize for certain events. Now, the velodrome basically is under the corporation's control, so we have some say in terms of the events that are held there. What happens is that persons would apply to utilize the velodrome itself, it comes to the CEO, the CEO will then pass it to council, council would look at it and they would give approval.

So in giving approval, I know council would look at the venue, they would look at the noise level, to some extent, and they would give approval or not, depending on the type of event, the size of the event and so on. So we have some control. I do not want to say further as well.

In terms of our public health inspectors and our building inspectors, in terms of noise levels that might be created in terms of buildings, in terms of warehousing, et cetera, we have some control there. Because if we recognize that there may be some building that would eventually cause noise to a residential area, we can issue show cause notices, and this will be through our building inspector.

Our public inspectors through the Public Health Ordinance as well may have some control in terms of varying noise levels, but it is limited. Basically, as I said before, we would utilize our city police, to some extent. We have challenges in terms of equipment, in terms of complaints, measuring sound and so on. We have some challenges, again, we know we have limited financial resources as well that may prevent us, to some extent, in terms of providing the equipment and the human resources necessary to deal with noise control, but we are open to any suggestion at this point in time.

Mr. Chairman: Thank you. At this stage I would like to go on to the Zoological Society. In your opening statements I got that level of comfort that you said that things seemed to have improved with two events that were held recently near the zoo. It seems that somehow your message maybe getting through. This again is very important, because the fact remains there were some studies done in terms of—I think it is Fay Clark did a study in Anglia Ruskin University, noise pollution is hurting animals, where they actually looked at the fact that noise pollution could cause distress to the animals that are in the zoo. They say:

“One noisy event such as a local music festival or extreme weather can trigger long-term fear in animals.”

So we have instances where I think you had mentioned that the animals were distressed, and that research definitely shows that the animals would be affected. It was a research done by some environmentalists and also some veterinary persons.

So, do you still have any issues with any sort of noise harming your animals? I think you mentioned fireworks was one. So we still have a challenge there. Could you give us an idea when last you had a disturbance with the fireworks that caused some distress to your animals?

Mrs. Harrison: Thank you, Mr. Chairman. I would like to say that, yes, we have

had quite a few incidents where fireworks have caused distress to the animal exhibits of the zoo, and they are centred around the times that we have the big fireworks display at the Queen's Park Savannah.

In 2019, I recall very clearly, we had a kangaroo which was so disturbed it literally beat itself up onto the cage, and it eventually died the morning after the fireworks event. After the fireworks event, members of the zoo volunteers, members of the council, we usually take a walk alongside the zoo, we see the effects of it. There are countless—dozens of birds die, because they beat up themselves in the enclosures. We also have instances where we have wild birds that are not in enclosures, but they live on the zoo compound, they feed on the zoo compound, and they themselves we see that they are dead the next morning. The effect of the loud fireworks is so traumatic on them.

We do try to mitigate the effects at the zoo by if we know we have a planned event of fireworks, we call out the zookeepers attached to the particular exhibits so they could provide, as much as they can, console to the animals that they take care of, but that could just really go so far.

The major concern of the zoo is the loudness of the fireworks. We do understand that there is a big segment of the population that enjoys fireworks, but we are advocating for less loud fireworks, more silent fireworks, perhaps proper zoning of areas where fireworks are emanating from, and probably time limits in terms of how long the sessions go on. So those are our major concerns.

We are a city zoo as it relates to the Carnival and the sound levels. We have had a good buy-in from our stakeholders and our neighbours, because we have actively used social media and other forms of persuasion to have them assist us.

So we have noticed say around Carnival time a speaker passing around the zoo, they do lower the level of noise. They do it around the zoo, they do it around

the hospital, we notice that. Because we have been there for 70 years, so we do have some sort of collaboration in terms of the noise levels from the Carnival scene, but our major concern is the impact of the loud fireworks on the animal exhibits.

Mr. Chairman: Yes, I guess the police could easily tell the trucks that are passing say, look, you have to lower it at this zone, and this could solve that problem.

But we also found that sometimes even the vibration, inaudible noise vibration can also hurt animals by shaking them up physically.

Mrs. Harrison: Yes.

Mr. Chairman: So I am pleased to hear that at least you have given us some positive things that have come out with the zoo, where you are getting some relief. So I am glad to hear that.

So right now I will like to go on to—I think there is a question from, a comment I think from Ms. Chatar.

Ms. Chatar: Thank you, Mr. Chairman. It was just a response in accordance with—around the science of being measurable, which all of us need to, even when we present recommendations, I just want to refer to the SMART acronym: Specific Measurable Achievable Relevant and Time Sensitive.

So I am also—just to say to the panel—I am also in entertainment, I am a musician, so I can speak from a place of empathy. I believe on the promoters' standpoint, many promoters are in my circle. I do believe that we have a code of ethics, a personal code of ethics that we live by. Our country is under, of course as we know, a plague of crime, and I want to categorically again state, we are willing to work with the TTPS and the EMA. We have deep respect for both organizations, but we need to collectively come together and do something about this. Because I, being in the entertainment industry, in the small capacity that I am,

have been deeply affected, as you say Chairman, by this plague.

I have invisible illnesses, and I can show you, although fete promoters, Carnival, generate income, what about our 3,000 people on Facebook as an NGO group, our income? How do we measure the damage? And all we ask is to really sit from a place of empathy, and not let money, but health of our country—when a noise happens, I have been in positions and our members have, where you cannot hear the level of crime that is taking place, when a bar is playing music, a neighbour is playing music, et cetera. I do not even have to go into the points again and repeat myself, but it is all interlinked—it is all. And we need to really press on educating the public having empathy, a moral code of conduct. That is as far as I will go, Mr. Chairman. Thank you for letting me say something.

Mr. Chairman: Thank you. San Fernando Corporation, how do you deal with complaints from noise from bars?

Mrs. Mills-Mark: In that instance, Chairman, the municipal police would drive by and have a discussion with the bar owners, and just try to interact with them and bring some sanity to the situation.

Mr. Chairman: So if you find that they lower down the music, but then they keep putting it up, and it is the same complaints over and over, are you willing to link with this organization against the noise pollution, to somehow get a petition to close that bar down?

Mrs. Mills-Mark: The Corporation is willing to partner with any organization that wants to bring relief to the distress of the citizens of San Fernando. As long as we could legally do that, yes, we would partner with them and do as much as we can do to assist the situation.

Mr. Chairman: Sure, thank you. I would like now to go to the Trinidad and Tobago Society for the Prevention of Cruelty to Animals. In your opening remark

I think you had mentioned that the fireworks is still an issue, and also you mentioned the fact that sometimes barking dogs may also cause a nuisance. So I would like to go into the fireworks. Are you satisfied with the recent legislation we had? Do you think it is working? Do you think it needs to improve? What do you think can be done to assist your organization in giving some relief to these animals who get disoriented with fireworks?

Ms. Maynard: Thank you, Chair. I do not think the recent legislation—we keep going back and forth with fireworks issue. I know that the recommendations were made a few years ago by the Joint Select Committee concerning fireworks also from the EMA. There is little—well, basically, there is no enforcement in regard to fireworks in residential areas.

We keep calling for the complete ban on conventional fireworks, and perhaps the use of silent fireworks for Government events that they sometimes have for Independence, et cetera. But fireworks affect the society in general. I am talk not just the Trinidad and Tobago society, but the society in general.

During the period we did a data study and a survey, and during the period of October to January we had 198 calls of complaints regarding fireworks and lost animals. We got in something like 36 lost animals during that period. So it is a problem, because again the NGOs like TTSPCA are having to bear the cost of that, and we keep going back and forth on the issue and there is no resolution to the issue of fireworks.

What we are calling for is to take conventional fireworks out of the hands of members of the public. Because it is all well and good with the sort of stepped—we can schedule, and people in areas can come home, look after their animals, secure their animals. I am not just talking about companion animals, I am also talking about people that have farms. That is a huge problem. I remember years

ago someone lost almost all of their chickens—they were egg producers—because fireworks were let off by neighbours in the area.

We have seen studies. We have talked to veterinary clinics in various areas, and we understand during those periods where fireworks are most prevalent—so you are looking at sort of Divali to Christmas—there is a 95 per cent increase in people asking for sedatives for animals. There is also an increase in lost—they had reports of something like 80 per cent of lost animals, calls regarding lost animals. So it is a problem.

I know personally—I mean, I am coming from the animal point of view, but I also know in a personal point of view how devastating fireworks can be to some. My father was in the Second World War. He was brain damaged, and neighbours in the area let off fireworks during the Christmas period—and I say “Christmas period” because it extends. So basically the month of December into January—and he thought he was being bombed, and we had to sedate my father.

So it is not just, as people have mentioned, an animal problem. It is a societal problem. It affects the vulnerable in society. They have homes for the aged, homes for the disabled. They have various other organizations that deal with the vulnerable in society, and fireworks prove and continue to prove a huge problem.

Mr. Chairman: I can attest to the fact that I also had a patient who got shot some years ago, and was re-traumatized when there were fireworks in their neighbourhood. Post-traumatic stress came back in a full-blown session. I am glad that you now mentioned that humans could also be affected by the fireworks, because I was getting the impression sometimes that the dogs may have more rights than humans in this society. But I want to take a point.

You had mentioned in your opening statement that barking dogs could also

produce a problem to residents. How do you think we could address this?

Ms. Maynard: Yes, so we do know that barking dogs affect people. We get calls continuously from people saying that neighbours have an excessive amount of dogs, or that perhaps their dogs bark continuously and nothing is done. I think under the legislation there is nothing really there pertaining—that the EMA can do under the regulations of noise pollution that they can do to stem the barking dog situation.

A lot of times we get people to take matters into their own hands, and they poison their neighbour's animals, because they cannot take the constant barking of a dog in the middle of the night. They say they are not getting sleep. We have had a number of complaints concerning that, but as to the EMA's role and what they can do to prevent that, I am not sure. I would maybe say that would sort of fall under the corporation to perhaps limit the amount of animals that a person can have, but then again that goes into different legislation as far as dog control is concerned.

Mr. Chairman: Yes, so definitely we have to look at. Some corporations did get complaints I think in the past, where persons were saying about dogs barking, persons are breeding dogs in their neighbourhood, you have a constant turnover of puppies yapping and, you know, it is really a nuisance to the individuals. I think the EMA would be more electronic noise, but they can, in fact—probably we can see if they could expand their portfolio.

But the corporation now, I would like to get an input from the corporation for Port of Spain. How do you deal with complaints for that? Because if a neighbour has like 10 dogs howling in the night, disturbing my sleep, I had stents put in, cardiac, I cannot get a good night's sleep. How would the corporation deal with that? Could the Port of Spain City Corporation elaborate?

Mr. Charles: So Chair, what we do is that we try to visit the premises and engage a mutual conversation with that owner, and see how best we could persuade them to see how best they could probably bring some kind of calmness to the animal, and secure the animal. Point it out to him that complaints were made, and see how best we could have that dialogue and that conversation. Sometimes it works, sometimes it does not work. If it does not work, we will have to engage other agencies to see how best we collaborate and treat with the problem, but it is a work in progress.

Mr. Chairman: So again we may have to develop some way where we could at least protect, as I say, certain individuals from these barking dogs, and in such a way, as I think it was mentioned by the Citizens against Noise Pollution, that sometimes persons may not have the means to take legal action for our nuisance. So we will have to look to develop that.

Could the Citizens against Noise Pollution group tell me, do you any suggestions? How could we mitigate against barking dog that may be causing a problem, and not just the electronic noise.

Ms. Bachoo: Good morning Chair. I am glad that you brought up the issue of barking dogs. Livestock and these domesticated animals are also another complaint in residential areas. Basically, there is no relief in a short-term manner. I am heartened to hear that the corporations, in particular the Port of Spain City Corporation, who would have just answered, that they actually are proactive in actually talking to members of the public about their responsible pet ownership. There is no legislation right now that is in place to deal with the noise that comes from livestock, and that comes from, in particular, barking dogs.

I would like to draw the attention of members, as well as the Chair, to the New York Noise Code. They would have revamped their Noise Code after a

decade or more, and they actually—and I am quoting here:

“Owning a pet in New York requires increased responsibility to ensure that pets are not disruptive...and owners must do their best to limit...”—barking and other animal noises, especially during the night.

“The Noise Code holds pet owners accountable for their animals’ noises,...”—and establish the following guideline.

If barking is:

“unreasonable and plainly audible from within nearby residential property... After 7:00 am and before 10:00 pm for a continuous period of 10 minutes or more.

After 10:00 pm and before 7:00 am for a continuous period of five minutes or more...”

Then enforcement action may be called for.

So there is a dire need to insert this. In general, Chair, there is a need to revamp the Noise Pollution Control Rules. They not in sync right now with the ever changing dynamics of our society, and the noise complaints that are emerging. So we would like to also recommend that when we are looking at recommendations, that animals noises also be included as well.

Mr. Chairman: Yes, sure. Definitely, even in Australia I think there is total of six minutes barking at any hour from 7.00a.m. to 10.00p.m. on any day, and a total of three minutes in any 30-minute period from 10.00 p.m. to 7.00 on any day. So those are laws that have been developed, as you say, for responsible pet control.

So I guess this is something we would have to look to put in some recommendation, because the noise made by animals that are barking—a howling or barking dog can produce noise up to around 60 to 80 decibels. So therefore I think we have to now get something in sync of what is going on abroad to keep the

pets at a level that would not cause a nuisance.

There is also what you may call a “noise abatement order”, which certain countries have, where the local courts can issue to stop offensive noise or prevent it from occurring. I think probably we may have to look at the corporation liaising with the JPs, and probably see if the magistrates could have another feature on board, by giving these orders, if you find that where it is escalating and nothing happens.

So there are even animal nuisance complaint forms that are available in certain areas, certain countries, where they look at persons actually recording the animal. Sometimes the corporation in certain countries may even come there and install recording equipment into your property, arrange monitoring visits to witness the noise against the problem.

So sometimes it is really the level of the corporation deciding now we are coming into the area, we are going to have log sheets, how often, for how long. I think this is the way we would need to go. So having an animal nuisance complaint form, log sheets, the buy-in from the corporation to come in and set up recording devices, as occurs in other countries. So all these are things we may have to put in our recommendation to the benefit of the persons.

I am looking at the time now, and I am wondering if any of my Committee members have any further questions? If not I think the Port of Spain Corporation, you indicated you wanted to say something?

Mr. Chairman: Yes, Chair. I just wanted to add a little, bit, maybe to one of your previous questions, and I think also member Ameen, in relation to noise coming from bars. Just speaking in the context, because I also sit on the Licensing Committee, the Liquor Licensing Committee for Port of Spain. I can say that we do receive objections from persons, in relation to noise complaints coming from

bars. So that is also an avenue that is available. It is something that comes to us from time to time, and it is something that the committee treats with.

To clarify further, in treating with those issues, the input of the police is also sought in coming to some determination, because we do try to mediate as a first instance in relation to where we receive objections, noise being one of the principles by which you have an objection. Thank you.

Mr. Chairman: Thank you. Ms. Maynard, you want to have an input?

Ms. Maynard: Yes, I would like to go back to the Port of Spain City Corporation, the officer. Most of the complaints we have actually—most of the complaints from the officers and police stations have been referred to the TTSPCA. I am aware of the fact that the Trinidad and Tobago Police Service has actually gone out and investigated situations in which there are noise complaints regarding dogs. I know that generally what they say is they refer it to the Trinidad and Tobago Society for the Prevention of Cruelty to Animals.

I am also unaware of the fact that—we are actually surrounded by two venues that hold regular fetes, and we have never, again, been approached or interviewed as to how we feel about the noise levels in those fetes. We also have a school that flanks us as well and, again, no notifications have ever been sent to us in regard to those fetes. Basically, we are unaware until it happens, or we hear it perhaps on the radio being advertised, and then we know how to proceed. So with regard to enforcement, again, with noise and definitely fireworks, I think there is little to none, as I have mentioned before.

Mr. Chairman: Yes, thank you. I think Mr. Jerome Precilla you wanted to say something?

12.40 p.m.

Mr. Precilla: Yes. Before we close what I would say is that I think a more

proactive approach needs to be taken, because a lot of the things that we discussed was more on the policing, which is more of the re-active approach as to the measuring of sound levels and the rules affecting and getting the reports in. But I think a more pro-active approach needs to be taken. And that is where I would ask the EMA if they can hold a bit more consultations with the general public and with the promoters so that people could be given this knowledge. Because I think a lot of these things happened because of a lack of knowledge and a lack of guidance. So if they hold some more—well, actually I have not seen any of these things being held. If they hold some conferences or some sort of correspondence with the public or with promoters or event creators or anybody who would be, the persons who are creating the noise, then they can pass on this knowledge and help to guide them as to mitigating this.

One of the other recommendations that we would put forward there is that if consideration is taken in the Boroughs to earmark ventures to have events is that when we are constructing events in the future that the EMA give guidelines in terms of noise pollution as part of the construction process. And as they were talking about that, green belt, there are trees that help to dampen the effect. So that in us earmarking zones we can say, well okay, we are putting things in place for the infrastructure to mitigate against these things instead of our reactive approach.

And finally, one thing that we would ask for in terms of the regulations of the EMA that we would have put in our submission was that, for the promoters there is no place for act of God or emergency cases when it comes for us applying for our variations. I would just give a quick example of that, meaning that, if you have applied for your noise variation 35 days in advance, you put your ad in the newspaper or you are putting in your application in time and then something like you are having an event on Maracas Beach and there is a landslide that takes place

two days before the event and people cannot access that venue, if you decide as the promoter to change your venture there this is no place in the EMA to allow that to occur.

So now you are not allowed to switch venues because you cannot get a noise variation from the EMA within a short space of time. There is no place in the Act that allows that. They said that they are governed by the law and the law does not allow for that. What we would ask that that is discussed in terms of emergency cases because the promoters want to work with the EMA but in cases like that our hands are tied and people cannot switch their venues after you have already sold all of your tickets, the patrons are already getting ready to go there what are you going to do.

And as well, mention was made to Josie Jamishness and I want to pay special mention to her and the promoter that is putting on that event, is that when that incident occurred last year since then she has become a member of the Association and she has been working with the EMA. And I would say that she, as well as many other members have been trying to work with the EMA and the residents to make sure that no disturbances happen. Remember promoters are always citizens of Trinidad and Tobago and we do understand that we as promoters would like to have a peaceful night's rest as well and not have our dogs affected or not have our family member affected as well. So just know that we as the promoters are willing to have these correspondence with our members and to work with the EMA and the TTPS and the residents to mitigate all of these—

Mr. Chairman: I hear you. So I guess that would have been your closing comments, right, remarks. I would like to move on now to the operation manager of the Prevention of Cruelty to Animals to give us some closing remarks, please.

Ms. Maynard: Thank you, Chair. Again in closing we are calling for the

regulation of fireworks especially in the hands of members of the public. We are calling for the ban of conventional fireworks and silent fireworks to be used. Silent fireworks are actually not silent but they are reduced in levels, to be used for events that are held by Government. Again, things like the Independence Day, because animals hear, their levels of hearing are 10 times that of a human being. So the trauma that they receive at the end of these fireworks is extensive. And also as citizens of this country pet owners are held hostage because they cannot go anywhere, they cannot enjoy things, they cannot do anything during certain periods of the year because they have to stay home with their animals and they have to make sure the animals is safe and secure. And I would imagine this applies to people that have farm animals and wild life organizations, they are basically held captive by things like fireworks and loud noises. So, again, we appeal that the recommendations earlier made a few years ago by the Joint Select Committee and the EMA that they look into the regulation of fireworks. So that would be my closing remarks. Thank you. Thank you again for having us.

Mr. Chairman: Would the member for the Zoological Society, Mrs. Harrison give us some closing remarks.

Mrs. Harrison: Thank you, thank you, Mr. Chairman. Like the member from the TTPSCA we too would advocate for the use of silent on all noise reducing fireworks. I think that will provide some sense of relief to the zoo animals and to the wild animals in general. And we do, like the TTPSCA support the position of the EMA, I think they did their proposal or their study in 2020 I believe, that was the reports of the Joint Select Committee and we do support that in terms of having proper area zoned for fireworks and proper times, specific times in which they could be emanated. Those are our recommendations, Mr. Chair.

Mr. Chairman: Thank you. I would like to go through the Corporations. Would

Arima Borough Corporation, someone there give us closing remarks?

Mr. Thomas: I too have been a victim of noise pollution. I understand it. I have neighbour close by every once in a while he wants to make noise and so on. What I would say is this, the Corporations are, they are organizations that are governed by law and I would say that amendment to the Municipal Corporations Act may assist in terms of partnering with the EMA to assist us to guide noise pollution. We are willing and able to partner and to assist in terms of reducing noise pollution. Thank you, Chairman.

Mr. Chairman: Thank you. Would Chaguanas Borough give us closing remarks?

Mr. Lalla: Yes, Chair. I think the problem we had with noise pollination and the EMA stems from the fact that from inception the EMA was entrusted with the responsibility to manage and policed that Act. However, going forward, giving the municipal corporations the authority, the training and equipment to help manage that noise pollution we will be able to get along quite—[*Technical difficulties*—]—a long way. Thank you.

Mr. Chairman: Thank you. Would someone from Port of Spain Corporation give us closing remarks?

Mr. Charles: Yes, Mr. Chair. Firstly I want to thank you for the opportunity to really come here to contribute in this matter of noise pollution. What I want to is that the municipal police comes like the sleeping giant in law enforcement and we need to awaken this giant because we have the capacity in terms of the human and resource. What we need is the requisite training and equipment to be really effective to assist the EMA and the TTPS to really bring a meaningful contribution in terms of addressing this matter and really bringing some form of relief to the citizenry who are really affected night after night. I thank you.

Mr. Chairman: Well the sleeping giant that is awoken hopefully will allow our citizens to get more sleep. So I thank you for that spirit you have there. Would somebody from the San Fernando City Corporation give us closing remarks?

Mr. Kisson: Thank you all for inviting us to attend today's meeting and we would like to echo the sentiments of our colleagues in our other respective Corporations. I will look forward to meaningful changes to the legislation that would allow us to legally enforce the laws with the EMA to ensure that all our citizens have the best quality of life that we can afford them. Thank you.

Mr. Chairman: Thank you. And would the Citizens against Noise Pollution perhaps someone there give us a closing remarks.

Ms. Bachoo: Chair and members of the Committee we would again like to reiterate very strongly that there is a dire need for public sensitization done by the EMA and the TTPS in order to clarify the roles of who is handling noise complaints in a short term. If members of the public are complaining about noise we are not supposed be battered, we are not supposed to be tossed around like a tennis ball, going from one authoritative body to the other when we are in need of help. We would also again like to advocate for the introduction of quiet time laws, the implementation of a plainly audible clause that noise pollution can become a ticketable offence, as well as that income base fines can also be something that we can think about in terms of targeting miscreants who go against the noise pollution control rules.

We would like to advocate that the granting of noise variants permits should become digitalized and that fete promoters, et cetera, should also submit a mitigation plan with their noise variants permits so that we can ensure that their fete can be held successfully and not disturb residents. We would also like to state that we are willing to work with all organizations and to partner with them to help

stop this scourge of noise pollution. We are heartened to hear the responses of the various Corporations and their willingness, especially the Port of Spain Corporation, we thank you, and we would also like to extend our hand to Mr. Jerome Precilla. Sir, any time you are ready, please, contact us and we will be willing to work with you. We would like to also endorse the comments by Mrs. Maynard and Mrs. Harrison. We also would like to see that animals, et cetera, are also protected. Thank you.

Mr. Chairman: Thank you and I think this morning we had the stakeholders involved, give us ideas how we should go forward. And as we conclude I must say there was a German Physician, Robert Koch, I think it was 1870, he was a physician, a microbiologist who discovered the TB anthrax, the cholera organisms which were invisible at the time. He discovered that. And since then he said:

“One day”—mankind—“will fight...noise as”—relentlessly—“as cholera and pest.”

So even since then, 1870, he realized the effects of noise.

So we heard that we treat noise as an invisible toxic agent, we also see that it has a great economic burden to health and the physical and mental wellbeing and the responsibility of this JSC was to try to mitigate the effects of the noise side or noise pollution for the benefits for our citizens. And I thank you all for being here and partaking in this venture, to let us see how we can go forward to serve the citizenry a little better.

At this stage I would like announce that our Committee’s Eight Report on a Follow-Up Examination into the Recommendations Contained in the First Report of the Committee on the Administration and Operations of the Land Settlement Agency in Relation to Squatter Regularisation, 11th Parliament was recently presented in the House of Representatives and the Senate. And this Report can be

reviewed and downloaded via the Parliament's website, www.ttparliament.org.

And I would like to thank all the stakeholders again for being present, for sharing your wisdom, your knowledge, at least letting this Committee being able to go with certain recommendations that can help all parties involved. I would like to thank my Committee members, I would like to thank the staff of the Office of the Parliament for your procedural and logistics support and the viewing and listening audience. I now declare this meeting adjourned. Thank you. Good afternoon.

12.53 p.m.: *Meeting adjourned.*