



The Control of Noise at Work Regulations 2005

What does this mean for your business?

Most bars and clubs are in breach of the Control of Noise at Work Regulations 2005. Local authorities are becoming active both in providing information to employers and enforcing the provisions of the regulations.

DACS can make compliance a pain free cost effective process.

The breadth of DACS' expertise and depth of knowledge regarding hearing, acoustics and sound systems is unrivalled. We are uniquely placed to tell you what this means for your business, carry out the specialist tasks required by the regulations, and make sure your staff and your business are protected.

TECHNOSPEAK - What is daily exposure and how is it measured

“The daily personal noise exposure level is the equivalent continuous A-weighted sound pressure level [SPL], in decibels, that represents the sound the person is exposed to during the working day.” It is written as $dBLA_{ex,8h}$.

To arrive at this figure the varying SPLs to which someone is exposed are measured over the working day, and then a calculation produces an averaged value, which as a continuous level would be *equivalent* to the varying levels.

If someone is exposed to an *equivalent* sound pressure level in excess of the first action level in their working day, $80dBL_{EX,8h}$, then action needs to be taken. If over $85dBL_{EX,8h}$ then more action is required. $87dBL_{EX,8h}$ is the maximum allowable exposure level.

This exposure is measured on the basis of the power applied to the eardrums by the sound to which they are exposed. Each doubling of the power halves the time for which an employee may be exposed to an SPL that is higher than the first action level. A doubling of the power adds 3dB to the SPL.

What are the real world consequences

Look at the table below. In basic terms, if you double the power, ie add 3dB to the sound pressure level (SPL), you halve the amount of time that it is permissible for an employee to be exposed. The sound in most bars and clubs is continuous and unremitting; there are no significant quiet periods. This means that the SPL does not vary significantly, so the measured SPL at any time throughout the work period can be treated as the *equivalent* SPL described above.

Sound pressure levels in bars and clubs are usually at least 100dBA on a busy weekend night, and between 90dBA and 100dBA the rest of the time. Even in bars with no music, the background from people talking loudly on a crowded night will be more than 80dBA – the point at which you should start taking action.

Average SPL over work period	Maximum allowable working time hh:mm:ss	Average SPL over work period	Maximum allowable working time hh:mm:ss
80dBA	08:00:00	104dBA	00:01:52
83dBA	04:00:00	107dBA	00:00:56
86dBA	02:00:00	110dBA	00:00:28
89dBA	01:00:00	113dBA	00:00:14
92dBA	00:30:00	116dBA	00:00:07
95dBA	00:15:00	119dBA	00:00:04
98dBA	00:07:30	122dBA	00:00:02
101dBA	00:03:45	125dBA	00:00:01

Table showing maximum allowable working time for different SPLs

As you can see, at 101dB the maximum time an employee is allowed to work is around 4 minutes. The regulations tell employers to “eliminate or control” employee exposure before providing hearing protection – which is considered to be a last resort.

If you make simple changes to the sound system and introduce acoustic absorption behind the bar you can reduce the SPLs in the bar area. Add to that careful staff job rotation and you are well on the way to controlling exposure to damaging sound levels.

But even so most of your staff may well need hearing protection, and you must “ensure so far as is reasonably practicable that no employee enters [the noisy] area unless that employee is wearing personal hearing protectors.” All a bit vague but it does mean you must make more than a token effort although you don’t have to force your staff to wear protection.

The regulations do require employees to play their part too; they are expected to make full and proper use of personal hearing protectors and any other control measures provided by the employer, and report any defect in personal hearing protectors or other control measures to his employer as soon as is practicable.

This also applies to DJs as the legislation specifically refers to self-employed people. The main difference between DJs and your employed staff is that responsibility for compliance largely rests with the DJ himself. But as he or she is working on your premises, you will have some responsibility to protect him too. Exemption can only be granted if it can be shown that wearing the hearing protection will increase the risk to that person’s health and safety, and will not be granted for ‘artistic’ reasons.

How can DACS help you comply?

DACS can guide you through the legislation in six straightforward steps:

1. Risk assessment to assess exposure levels with recommendations for action
2. Eliminate or reduce exposure to noise as far as possible

3. Provide personal hearing protection (as a last resort)
4. Maintain and use any equipment supplied in complying with the regulations; this responsibility applies to employees as well as employers
5. Periodically test the hearing of vulnerable employees; to protect you from future legal action as well as inform employees about the state of their hearing
6. Provide “suitable and sufficient information” for employees, including a number of specific items listed in the regulations

By taking these steps and keeping records of the activities, you will be compliant. DACS will work with you to produce the most cost effective route through this legislation.

**To arrange a convenient time to talk through how we can help
speak to Jill Stevens or Douglas Doherty on
0191 438 2500**

Link to *Statutory Instrument 2005 No. 1643, The Control of Noise at Work Regulations 2005*:
<http://www.opsi.gov.uk/si/si2005/20051643.htm>