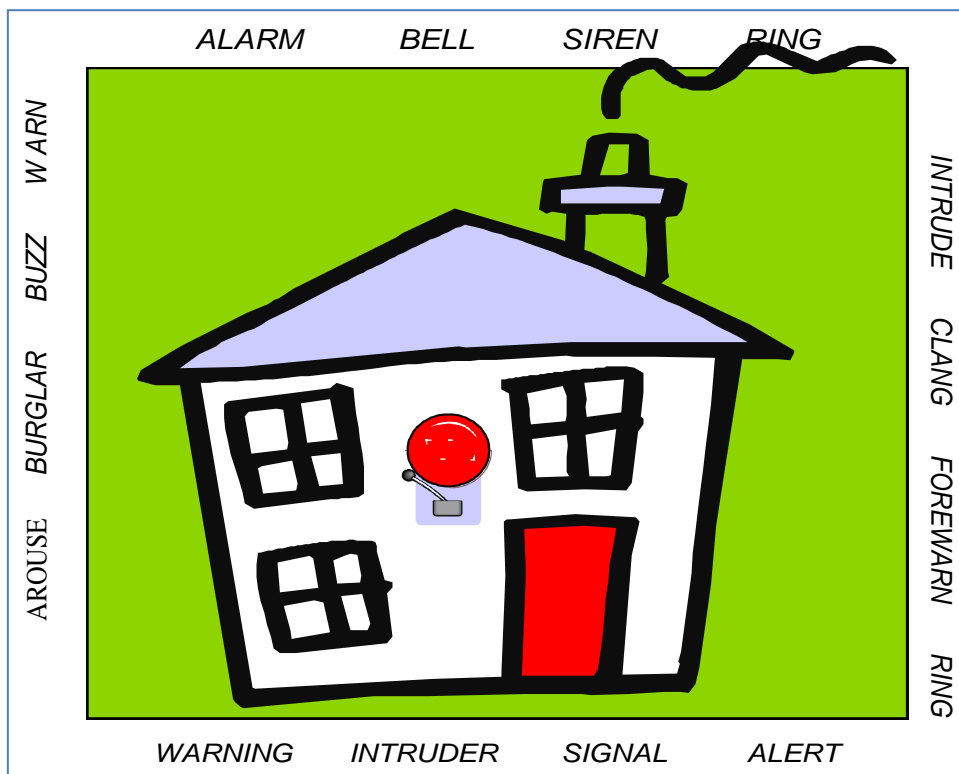


Environmental Health

Noise from Alarms



A burglar alarm may be one of the best ways to protect property, whether domestic or commercial. But a continuously ringing alarm lets everyone know that the property is unoccupied. A badly fitted alarm can be a liability or an open invitation to an intruder, and a serious noise nuisance to neighbours if sounding persistently.

If you have a burglar alarm, follow these useful tips to avoid false alarms:

- Have your alarm fitted and maintained by a company from a registered trade association such as NACOSS (National Approval Council for Security Systems).
- Ensure your alarm is fitted with a cut off device, which disconnects both the internal and external sounders after a period of not more than 20 minutes following activation. Such devices can then be supplemented with a flashing light, which continues to operate after the sounding alarm has ceased, to show the alarmed state of the property.
- Arrange for someone (neighbour/friend) to keep a key to your house and alarm so they are able to gain access to deactivate the device, should it sound when you are not at home.
- Make sure your neighbours know where you or your nominated key holder can be contacted, should the alarm be activated.
- Register your nominated key holder(s) with 'BOING' - a key holder registration service run in conjunction with the Police. This will ensure, in cases of emergency, the Police or Emergency Services have access to elected key holder contact details. Further information on this scheme is available by contacting the Pollution Team (if not already attached in your correspondence).
- Check that all windows and doors are closed before setting the alarm.
- Don't switch the alarm system on again until you know what has caused the false alarm and/or you have had the fault repaired.
- Check the movement sensors for insects or dirt. Make sure that moving objects, for example pets, are not within range of the sensors.

What is nuisance?

There has to be an unreasonable element to the activity causing the problem, not just an annoyance.

A nuisance can be defined as an unreasonable interference with the use and enjoyment of someone else's property. This takes account of frequency, duration and intensity of the nuisance amongst other factors.

What if I am affected by noise from an intruder alarm?

The friendly approach

In most cases we advise that the informal approach is the best course of action in the first instance. This gives the person responsible for the alarm time to take steps to address the issue. They may not be aware that a problem exists or to what extent it affects those nearby. By staying calm and taking on board both points of view, the problem can hopefully be resolved straight away.

How do I complain?

To investigate a complaint, we need the following information:

- the address to where the alarm is sounding*
- the complainant's name and address (details are not disclosed in the initial stages of the complaint)*
- when and how the alarm affects the complainant*
- any other relevant information would be useful*

What to do if still suffering a nuisance?

If the problem cannot be resolved informally an official complaint can be made. The Council has a duty to investigate complaints of this nature and we have a standard procedure for investigation to ensure that each complaint is treated fairly and with no bias. An investigation may last over 6 months while sufficient evidence is gathered, however, if a complaint is open for longer than this, we will keep all relevant parties informed.

Due to the complexity involved in dealing with intruder alarm complaints, an immediate result cannot be guaranteed. Calls received late in the afternoon may not be addressed until the following day. Each case is assessed individually and appropriate action is taken accordingly.

- ❖ **It may not be a false alarm, if you have any suspicions please contact the Police.**

- **Please note: if the alarm is sounding sporadically and there is no set pattern, then the complainant is asked to keep a diary sheet for a short period.**

Once an official complaint has been made the following procedure is followed:

1. Contacting the 'Key Holder'

We first check with a local key holder registration company to see if there is a known key holder (a nominated person who is able to gain access to the house to where the alarm is sounding, so as to de-activate the alarm).

If a key holder exists, then every effort will be made to contact them. However, if we do not know of a key holder or we cannot get in touch with the key holder, then officers from the department will visit the property where the alarm is sounding.

On arrival, officers will check with other neighbours to see if they know of anybody who can help resolve the problem. If the officers manage to contact someone who can turn the alarm off, then this course of action will be taken.

We do **not** disclose details of the complainant during the initial stages of the complaint. However, during the investigation we may have to identify who is affected in order to resolve the situation. In some cases the complainant's address may be included on an enforcement notice or the complainant may need to appear in court to give evidence, though this is very rarely necessary.

If the above proves unsuccessful, then the following steps will be taken:

2. Witnessing the intruder alarm

If we think the alarm is a potential problem, then we will make arrangements for officers to try and witness the nuisance in the complainant's home. Please note – if witnessing cannot be achieved in office hours, arrangements can be made for officer availability 'out of hours', if it is felt justified.

3. Taking a witness statement

Before further action can be taken, the person being affected will be asked to supply a Witness Statement. The statement is used to show how the alarm affects them, how long it has been happening and details other important facts. A statement is a legal document and could be used as evidence in court, if needed.

4. Establishing a nuisance and taking formal action

Once officers are satisfied that the alarm is having a detrimental impact on neighbouring properties we will use the most appropriate legislation to take enforcement action. In the first instance, this would be an Abatement Notice under the Environmental Protection Act 1990 or where appropriate action under the Clean Neighbourhoods and Environment Act 2005.

5. De-activating the alarm

If the alarm has not been de-activated after the time stated on the notice, an attempt will be made to de-activate the alarm externally at the property. If this is not possible, then the officer will have to attend the Magistrates Court to obtain a warrant. This will give permission for an officer, electrician and locksmith to gain entry into the property and de-activate the

alarm, ensuring to leave the property secure, but without an operating alarm.

To ensure we cause no more damage than necessary, we always employ a specialist electrician and/or locksmith, if action is required.

- ❖ **NOTE: if the sounding of an alarm is of a sporadic nature, then a diary sheet is required in this instance. The completion of the diary sheet by the complainant is an essential part of the procedure, in order to justify continuing with the investigation. Once in receipt of the completed diary sheet, an officer will assess this to determine whether further investigation is required. Follow step 2 onwards for remainder of procedure.**

Who pays for the works to be carried out?

The owner/occupier of the property to where the alarm is fitted will be invoiced for the cost of all the works carried out. They will be additionally charged for officer(s) time.

Is there anything I can do as a house holder with a burglar alarm to prevent this type of action being taken?

Yes, you can protect yourself from this type of action being taken, firstly by following the tips detailed in the front of this leaflet and more importantly by making sure you have registered your burglar alarm with a 'Key Holder Registration Service'.

Although this Authority no longer provides a registration service, Staffordshire Police have formed a partnership with Boing (UK) Ltd to create a county-wide key holders register known as the 'Key Holder Data' Scheme. Further information on this scheme is available by contacting the Pollution Control Team or by contacting Boing (UK) Ltd directly on 0845 0678 999 or alternatively on the web at www.boingrapidsecure.com .

It is also important to ensure that the alarm is fitted with an automatic 20 minute cut-out device, should it be activated. This device would also help the installation to comply with the Code of Practice on Noise from Audible Intruder Alarms 1982 published by the Department of the Environment.

Do we always take formal action?

In some cases after careful consideration further action cannot be taken. The reasons for this may be due to lack of evidence, sensitivity, the fact that the problem only occurs occasionally, is hard to witness or because there is no unreasonable element to the complaint.

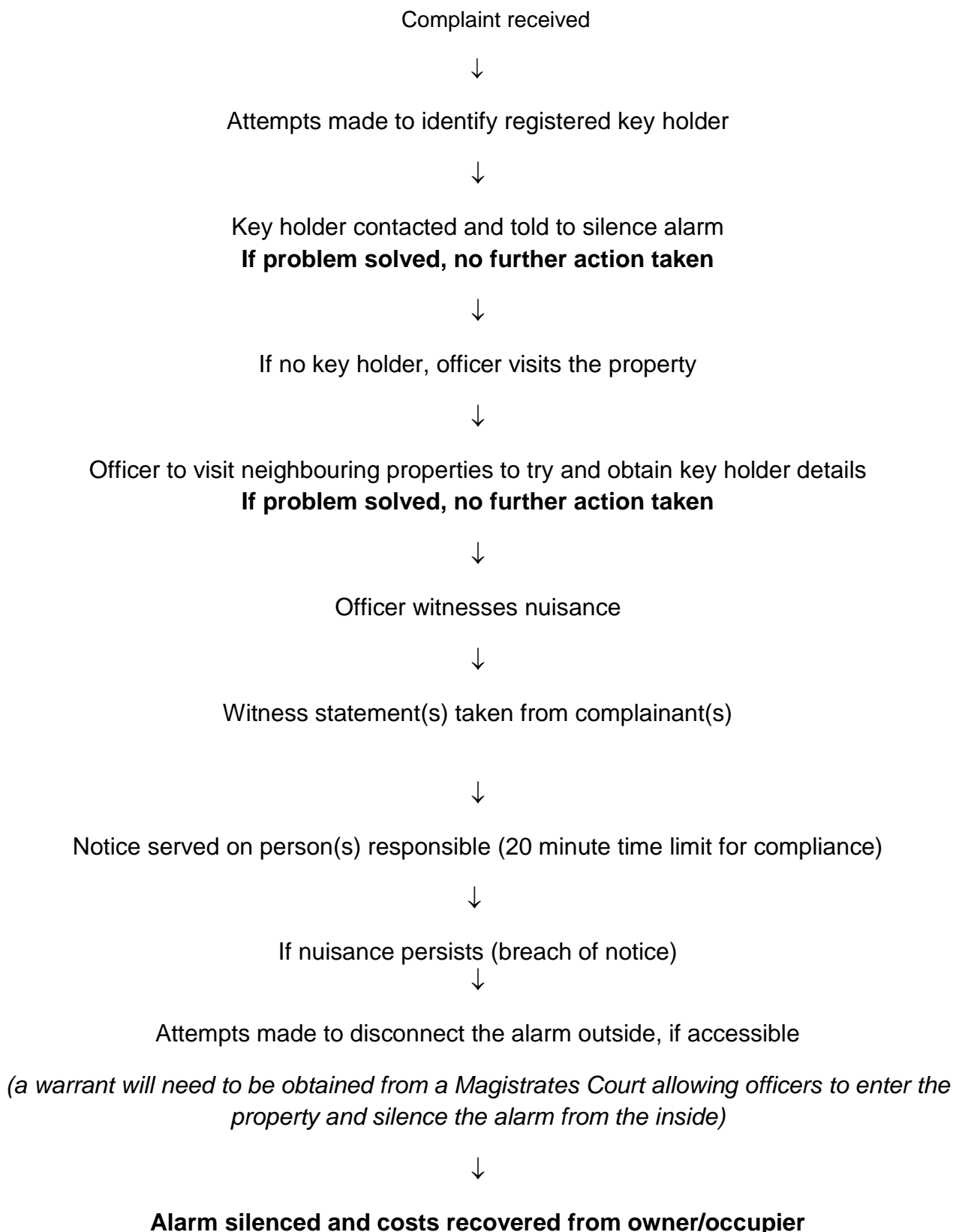
Advice for complainant's – taking your own action

As an alternative, the complainant may decide to take their own action under Section 82 of the Environmental Protection Act 1990, by complaining directly to the Magistrates Court. For further information on this please contact us directly or alternatively visit the Council's website (our contact details can be found at the end of this booklet).

- ❖ **Note: The procedure detailed in this leaflet is generally followed in similar cases such as noise from a car alarm.**

Complaints Procedure – Noise
Environmental Protection Act 1990 (Statutory Nuisance)
Clean Neighbourhoods and Environment Act 2005

The flow diagram below shows the general procedure which is followed by the Environmental Health Department in the investigation of noise complaints:



Contact Us

You can contact us:

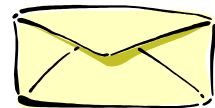
- By telephone: 01283 508524 or 01283 508578



- By email: ehsupport@eaststaffsbc.gov.uk



- By post: Environmental Health
East Staffordshire Borough Council
Burton Town Hall
King Edward Place
Burton upon Trent
Staffordshire
DE14 2EB



- By calling in at ESBC Customer Service Centre, Market Place, Burton upon Trent

Visit our website at: www.eaststaffsbc.gov.uk

Environmental Health Pages: <http://www.eaststaffsbc.gov.uk/environmental-health>