

Noise Nuisance Vehicle Alarms



Noise from vehicle alarms, whether it is a car, van or motorbike etc, can cause a nuisance to neighbouring properties if sounding persistently.

Due to the complexity involved in dealing with vehicle 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.

We also receive complaints about warning systems on vehicles, which sound in advance of the alarm being activated. This is often due to the level of sensitivity set. In these cases the problem is usually sporadic, with no set pattern and therefore the complainant will be asked to keep a short diary sheet detailing when and how they are affected.

To prevent false alarms, follow these useful tips:

- Have your alarm fitted by a competent installer.
- All vehicle alarms must be fitted with a five minute cut out device, as stated in the Road Vehicles (Construction and Use) Regulations 1986.
- Maintain your alarm in good working condition.
- Regularly check your alarm and have any faults rectified quickly.
- Set your alarm to a reasonable level of sensitivity to minimise false alarms.

Q. What to do if suffering a nuisance?

Sensitivity to noise from vehicle alarms can vary significantly between individuals. It can be difficult to determine whether the problem would be excessive enough to cause a nuisance or simply cause annoyance.

There has to be an unreasonable element to the activity causing the problem. In the case of a one off incident it is unlikely that it would constitute a nuisance. However if the alarm sounds repeatedly and significantly interferes with the enjoyment of neighbouring properties this does have the potential to cause a nuisance.

There are many factors taken into account when determining if a nuisance exists, some are listed below:

- The time of day – noise can cause a nuisance at anytime, day or night
- Location
- Duration
- Frequency
- Level/volume of noise
- Reasonableness
- Is it affecting/spoiling the enjoyment of the complainant's property?

Q. What to do if suffering a nuisance?

In most cases we advise that the informal approach is the best course of action in the first instance. This gives those responsible for the vehicle time to take steps to resolve the problem, especially if they are not 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.

If the problem cannot be resolved informally you can contact us to make a formal complaint.

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

Q. How do I complain?

You can phone, write or email – all we need to know is:

- Address/premise to whom the vehicle belongs or the registration number, make, model and colour of the vehicle.
- Complainant's name and address – details are not disclosed in the initial stages of the complaint.
- When and how the vehicle alarm affects the complainant. Any other relevant information would be useful.
- ❖ Please note: if the alarm is sounding sporadically and there is no set pattern, the complainant will be asked to keep a short diary sheet.

Vehicle Alarm Complaint Procedure

1. Making a Complaint

If the problem cannot be resolved informally a formal complaint can be made. We, as an Authority, have a duty to investigate complaints of this nature.

Due to the complexity involved in dealing with vehicle alarm complaints an immediate result cannot be guaranteed. Calls received late in the afternoon may not be addressed until the following day. We have a standard procedure for investigating complaints to make sure that each complaint is treated fairly and with no bias. Each case is assessed individually and appropriate action is taken accordingly. This involves gathering evidence to support the case.

If the Authority is satisfied that the alarm noise amounts to a Statutory Nuisance, formal action can be taken. The main steps involved are explained below.

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

2. Establishing 'Keeper Details'

If the complainant cannot confirm who owns the vehicle and provide contact details i.e., residing address, telephone number etc, then we would try and obtain these details via the DVLA, by providing them with the vehicle registration number (make, model and colour – if known) to see if they can confirm 'keeper details' (registered owner of the vehicle).

3. Contacting the 'Owner' of the Vehicle

Once contact details for the owner of the vehicle are known - If the alarm noise is:

- a) **Persistent vehicle alarm** – If keeper details are known, then every effort will be made to contact them. However, if they are unknown or we cannot get in touch with the owner then an officer from the department will visit the vehicle.

On arrival, the officer will check with neighbours to see if they know of anybody who can help resolve the problem.

If the officer manages to contact someone who can turn the alarm off, then this course of action will be taken. If this proves unsuccessful, then Steps 7 to 8 will be taken.

- b) **Vehicle alarm sounding occasionally, no set pattern** - A letter is sent to the person responsible for the alarm making them aware that we have received a complaint and advising them accordingly. We also write to the complainant asking them to return a diary sheet detailing when the alarm is sounding and how it is affecting them.

The problem is often resolved when we send a letter to the person responsible for the noise. If the noise persists we then ask the complainant to return the diary sheet.

We do NOT disclose details of the complainant during the first stages of our investigation. However, if a Statutory Nuisance is witnessed at any time during the investigation, the complainant's address will be included on the 'Noise Abatement Notice', as being the property affected by the nuisance. The complainant may need to appear in court to give evidence though this is very rarely necessary.

4. Assessment of Diary

The return of a completed diary sheet is essential to continue with the investigation. We carefully look through it and decide if the complaint needs further investigation.

5. Witnessing the Noise

If we think the noise is a potential problem, then we will arrange for officers to try and witness the noise in the complainant's home.

6. Taking a Witness Statement and Serving an Abatement Notice

Before further action can be taken, we will need the person complaining to supply us with a witness statement. It will be used to show how long the alarm has been going off and how it affects the complainant personally. A Statement is a legal document and could be used as evidence in Court if needed. Without a Witness Statement from the complainant no further action can be taken.

Officers then witness the alarm from the complainant's property and if the officer is satisfied that a **Statutory Nuisance exists under the Environmental Protection Act 1990 we must then serve a Section 80 'Abatement Notice'**. The Notice is a legal document and is delivered to the owner of the vehicle or in their absence it is attached to the vehicle in question requiring the de-activation of the alarm and appropriate steps to be taken to prevent a recurrence of the nuisance. Once the Notice is served the owner has one hour to turn off the alarm before we take further action.

7. Turning off the Alarm

If the alarm has not been turned off after the time stated on the Notice, then the officer will de-activate the alarm leaving the vehicle in a secure state but without an operating alarm, or by removing the vehicle. To ensure we cause no more damage than necessary we always employ the services of appropriate engineers.

Q. Who pays for the works carried out?

The owner of the vehicle will be invoiced for the cost of all the works carried out, additionally they will also be charged for office(s) time.

Q. Do we always take formal action?

In some cases after careful consideration we decide that a Statutory Nuisance cannot be substantiated. The reasons for this may be due to lack of evidence, noise sensitivity, the fact that the problem only occurs occasionally and is hard to witness or because there is no unreasonable element to the complaint.

Advice for Complainant's - Taking your own action

If we are unable to substantiate a Statutory Nuisance or alternatively you decide to take your own action, you can complain about the alarm directly to the Magistrates Court. The Magistrates Court will need to be persuaded that the alarm problem amounts to a Statutory Nuisance, therefore this would mean supplying your own evidence to support your case.

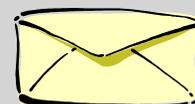
Before complaining to the Magistrates Court, it is important to informally approach the owner of the vehicle causing the problem. Before you start legal proceedings you must give at least 3 days notice in writing to the owner that you intend to take legal action. At this stage you should seek advice from the clerk at the court, tel. 01785 223144 and advise them that you wish to take action under Section 82 of the Environmental Protection Act 1990.

If the Magistrates think that you have an arguable case, a summons will be issued and delivered to the owner of the vehicle. This will confirm the date and time that has been arranged for a court hearing. If the Magistrates decide in your favour, then the court can take various steps to solve the problem.

Contact details

By post:

Environmental Health
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
Staffordshire, DE14 1LS



By telephone:

01283 508524 or 01283 508578



By email:

ehsupport@eaststaffsbc.gov.uk



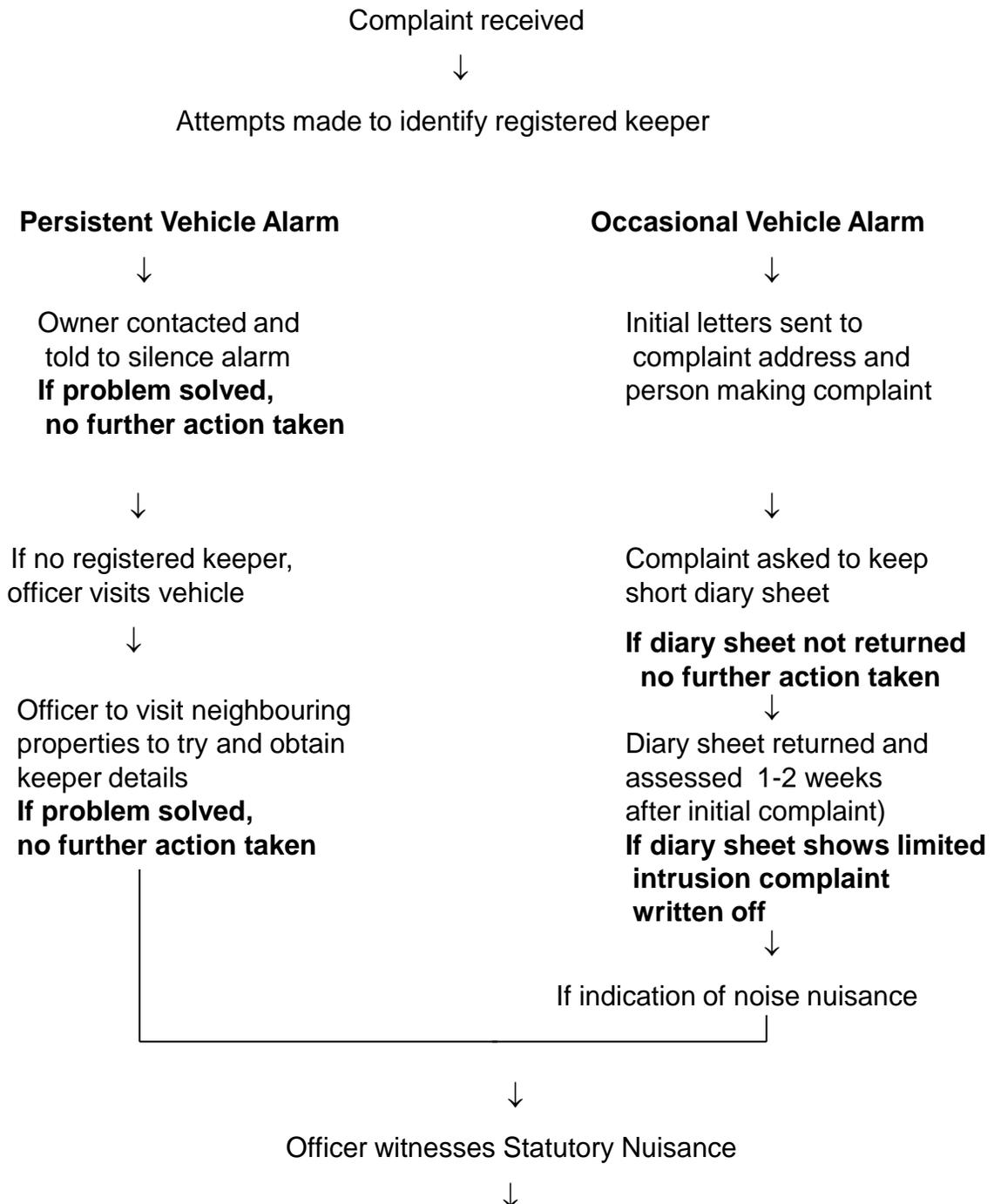
Visit our website at: www.eaststaffsbc.gov.uk

Pollution Pages: <http://www.eaststaffsbc.gov.uk/environmental-health/pollution>

Flow Chart

Vehicle Alarm Complaint Procedure

The flow diagram below shows the procedure which is followed by this Department in the investigation of vehicle alarm complaints:



Statement taken (from complainant)



Notice served (1 hour time limit for compliance)

If nuisance persists:



Breach of Notice



Alarm de-activated or vehicle removed



Alarm silenced and costs recovered from owner