

Alarms:

Frequently Asked Questions

Environmental Protection Act 1990

Can the council investigate noise from an alarm?

If an alarm is reported to be misfiring (ie sounding for prolonged or frequent periods), the council can investigate the noise under the Environmental Protection Act 1990.

Will the police investigate such matters?

The police are often contacted about noise arising from someone's alarm. However, they will only attend a premises where there is a report of suspicious or criminal activity. They will refer all complaints of noise to Environmental Services.

Is there a fixed noise level above which the council can take action?

No, there is no fixed noise level, time of day, frequency or duration defined in law. These ARE however taken into consideration in any investigation. However, the council can only take formal action if it is satisfied that the noise is causing a statutory nuisance under the Environmental Protection Act 1990.

What is a Statutory Nuisance?

There is no set definition but case law has defined a Statutory Nuisance as a "material interference with the comfort and enjoyment of another's home."

What does this mean?

In practice, to be a Statutory Nuisance, the noise would have to be excessive and unreasonable in the circumstances and significantly interfere with the use and enjoyment of someone's home. Examples could be: disturbance of sleep, forcing you to close your windows, preventing you from using your garden etc due to the level, time, frequency and duration of the noise. To avoid Alarms: causing a nuisance the external sounder unit to an alarm should silence automatically after a maximum of 20 minutes. Any internal units can continue to sound after this time so long as they are inaudible at the boundary of the property. Any light units can continue to operate after this time.

How does the council investigate complaints about noise?

Complaints are investigated under the Environmental Protection Act 1990. Normally, complaints are received in office hours. An officer would start by trying to establish whether there is a contactable key holder who can silence the alarm after confirming whether the police have

attended. Failing this, it can be necessary for an officer to visit the area to determine whether the noise is causing a statutory nuisance.

What action could the council take?

If the council is satisfied that the noise is causing a Statutory Nuisance, a notice can be served on the person responsible. If the alarm is still sounding after a period of 1 hour and if all reasonable steps have been taken to contact either the owner or occupier of the property or any nominated key holders then the Council can undertake works in “default”.

What are works in Default?

This means that the Council can take steps to silence the alarm. Depending on the type of alarm this may involve gaining entry to the premises or property to do so.

But this would leave someone’s house unsecured?

A misfiring burglar alarm is evidence that there is nobody at home and may actually encourage burglars to investigate the property more closely, secure in the knowledge that neighbours will ignore the sounding of the alarm, as they are aware it is misfiring.

But I own an alarm. What can I do to prevent the need for the council to get involved?

In accordance with the Control of Noise (Code of Practice on Noise from Audible Alarms) Order 1981, upon installation of a burglar alarm the details of two key holders should be registered with the local authority. In addition, new provisions contained within the Clean Neighbourhoods Act 2005 gives a local authority the power to designate all or any part of its area as an alarm notification area.

What does this mean?

The council may require everyone within its district who owns an alarm to provide us with key holder details. Failure to do so could result in a fixed penalty notice.

What if I don’t want to make a formal complaint?

Many situations can be resolved on an informal basis, perhaps by speaking with your neighbour to discuss your concerns and trying to reach an agreement. Environmental Services are unable to investigate anonymous complaints under the Environmental Protection Act 1990. However, there is the option for any individual to take a private action under the same Act without any involvement by the council. We have produced a leaflet with some guidance on how to tackle your neighbour, entitled “Direct Negotiation with a Neighbour”.

How do I take a private Action?

1. Under section 82 of the Environmental Protection Act 1990, any person may make a complaint directly to the Magistrates’ Court on the grounds that they are aggrieved by a statutory nuisance.
2. You may take your own legal action for an injunction or damages in respect of private nuisance.

Environmental Services would advise contacting a Solicitor regarding private action. Please note that you would be responsible for any costs incurred by this course of action.