



NOISE NUISANCE AUDIBLE INTRUDER ALARMS ON BUILDING

INTRODUCTION

This leaflet advises on how to avoid causing unnecessary noise nuisance from an alarm, and applies specifically to audible intruder alarms on buildings, which can be houses, offices, shops or other commercial or industrial property. The law applies equally to all types of premises.

Frequent or prolonged disturbance by noise is not only an annoyance, but may also cause stress and ill health, particularly if sleep is affected. Most complaints made by members of the public to Environmental Health concern noise nuisance, and noise from audible intruder alarms is a frequent cause of complaint.

Complaints can arise because:

- An alarm is ringing continuously after it was first activated, particularly where the alarm has been ringing throughout the night and resulted in sleep disturbance to many neighbours in the general area
- A local alarm is perceived by neighbours to be ringing too often, causing an intermittent noise nuisance problem, and this will be particularly distressing to neighbours where the alarm sounds most often late at night or in the early hours of the morning
- An internal alarm which is set off simultaneously with the external bell may continue to ring even though the outside bell has stopped ringing. The leaflet also applies to an internal alarm if it is causing the adjoining neighbours a problem

If your premises have an audible intruder alarm, you have a legal responsibility to ensure that a device fitted for your own benefit does not then become a source of noise nuisance to your neighbours, even in the event of an actual or attempted break-in.

WHO CAN TAKE ACTION?

YOUR NEIGHBOUR

▪ INFORMAL ACTION

Informal action will normally only apply where your alarm is ringing intermittently. A continuously ringing alarm, particularly where no one can be found to sort out the problem, will usually be dealt with by the City Council using the formal action which is discussed later.

Your neighbours may approach you directly to let you know that your alarm is the source of a frequent noise disturbance, or they might prefer to drop you a note. Whichever, do look at the complaint sympathetically and try and sort out the matter amicably. Whether they choose to meet you, or write to you, in either case they are being fair because they are giving you a chance to consider their problem and to take action in an informal and polite manner. Most neighbours will not complain unless they have already suffered with the problem for some time.

Of course, **your neighbours also have the right to tell the council about their problem and to ask for assistance at a very early stage.** A visit, or a letter, from an officer of the City Council may be the first time that you are being made aware of the nuisance. Whichever is the case, you

will be given the opportunity to put your side of the story if you wish, and **to take corrective action on an informal basis. If the nuisance stops, then there will usually be no need for further investigation or more formal action by the Council.**

▪ **YOUR NEIGHBOURS LEGAL RIGHTS**

Your neighbours also have legal powers to take a complaint further. Under Section 82 of the Environmental Protection Act 1990, they can make a complaint about the noise nuisance direct to the Magistrates Court. Your neighbours are obliged to give you notice in writing of the complaint, and to tell you that they intend to take legal action. They must notify you at least three days before making a complaint to the Court. This gives you a further opportunity to sort matters out before the case comes to Court.

If the Court is satisfied that your neighbours have good evidence to support their complaint of noise nuisance, you will be summonsed to appear at a court hearing where a Magistrate will hear the full case against you. If you lose the case, the Magistrate can make an Order requiring you to abate the nuisance, and, additionally, you may face a fine. You might also be required to pay for the costs of the case. If the nuisance still continues then you will have committed an offence, and you will be required to return to Court.

THE CITY COUNCIL

Your neighbours have the right to make a complaint of noise nuisance to the City Council, and the **Council has a duty to investigate and to take action if the complaint is substantiated.** It is usual practice to keep the complainant's details confidential.

The Council's powers in relation to statutory nuisances are contained in Sections 79 to 80 of the Environmental Protection Act 1990, as amended by the Noise and Statutory Nuisance Act 1993.

- **If the initial alarm complaint is of an INTERMITTENT NUISANCE** you will be asked to remedy the problem and allowed reasonable time to abate the nuisance arising from your premises. If the nuisance stops, then there will be no further action taken. This request will usually be made in writing. If the nuisance continues, then an informal letter will usually be followed by more formal application of the powers contained in the above legislation which can include service of a noise abatement notice, and finally prosecution if the notice is not complied with and the noise nuisance persists.
- **If the complaint is of a CONTINUOUSLY RINGING ALARM,** Council officers will **try to establish your whereabouts** by speaking to immediate neighbours, or other contacts obtained in the course of their enquiries. **If it appears that no one is available to deal with the problem the same day,** then:
 - **The Council and police records will be checked for any details of a key holder.** If a key holder or other agent cannot be found who can enter the property and stop the alarm ringing within a reasonable period of time, then a **legal nuisance abatement notice will be served at the premises.**
 - **At the earliest opportunity, a warrant of entry to the property will then be obtained from the magistrates court.** Two officers will execute the warrant.
 - **A locksmith will be hired to enter the premises,** and the minimum work necessary will be carried out to stop the alarm ringing. If the alarm is suspected of being faulty or damaged, then you will be asked to make your own arrangements to have the alarm system checked and repaired by a competent alarm engineer to stop the problem happening again. **A bill for the work will be sent to you later.**

- **If a new door lock needs to be fitted**, you may need to collect a new set of door keys from the Council. Adequate proof of your identity and occupation/ownership of the address will be required before keys will be released.

- **The police will not deal with the alarm problem** - your neighbours will be asked to report the matter to the Council during normal office hours.

TO AVOID ANY ACTION BY THE COUNCIL, PLEASE READ AND FOLLOW THE GUIDELINES WITHIN THIS LEAFLET!

The following guidelines include the recommendations given in the **CONTROL OF POLLUTION ACT 1974 - CODE OF PRACTICE ON NOISE FROM AUDIBLE INTRUDER ALARMS 1982:**

- **DO nominate a relative or friend who lives locally, or a neighbour, to be a key-holder for your property** in case the alarm is activated when you are away and gives rise to problems. Inform the local Police station and City Council of the name/address/contact telephone numbers of your key-holders, whose records will be kept on a confidential register. Suitable forms are available from the alarm company or contact this Division on the number below and we'll send you copies.

- **DO fit a suitable cut-out device to your alarm.** If your alarm is activated, then it should ring for not longer than 20 minutes. Modern system alarm boxes also incorporate a flashing light which continues to operate after the ringing stops to indicate that the premises are still in alarm condition. However, do remember that if there is a fault on the system causing the alarm to be activated, then an alarm with cut-out fitted may cause serious local nuisance by ringing continuously in an 'on and off' mode until the alarm receives attention.

- **DO prevent frequent false alarms.** Ensure the alarm system is properly installed and operated, and maintained in good working order at all times. Do not operate an alarm that sounds when being opened up or closed down. If you have a card electricity meter, problems frequently arise if your alarm is of the type activated when the electricity supply is interrupted - the alarm will run on the back up battery. Ensure you maintain an adequate electricity credit, particularly if going on holiday. Back up batteries can run down in freezing weather and activate alarms in unheated buildings.

- **DON'T go away on holiday etc. without notifying your neighbour of a contact**, (e.g.. a relative, friend or your landlord/agent), in case your alarm activates and gives rise to problems. If you do not propose to leave reasonable contact information and your alarm is activated, you risk causing your neighbours considerable nuisance over a long period of time, and having the City Council break into your home and sort out the problem *for which you will be charged*.

Please feel free to contact us if you require further advice or information:

Manchester City Council, Public Protection, Environment on Call, PO Box 204, Manchester. M12 5WL or telephone: 0161 234 5004, Fax: 0161 274 7245 Email: envhealth@manchester.gov.uk