



CITY OF  
*Lincoln*  
COUNCIL

# Noise Nuisance Policy

# CITY OF LINCOLN COUNCIL

## NOISE POLICY

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**1. Vision**

To provide an effective, trusted, fair, and consistent service which is accessible for all residents of Lincoln.

**2. Policy summary**

<b>Service commitments</b>	
<b>Our response</b>	
Making a complaint	We will assess the level of risk to each victim
Recording of complaint	We will record all complaints consistently and securely
Investigation of complaints	We will investigate reports of noise nuisance without bias and clearly communicate actions and/or intentions to victims/witnesses
Tools and powers	We will use our powers proportionately and incrementally with a focus on long term resolutions to noise nuisance
Going to court	We will support victims and witnesses through the process
Closing cases	We will close cases if no further contact has been made by the complainant. Where the case has progressed beyond initial letters we will consult with the complainant prior to closure.

Seeking your views	We will seek views from all who engage the service in order to improve the service
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### 3. Introduction

- 3.1 Noise nuisance has been complained of and dealt with throughout the 20<sup>th</sup> century. Originally dealt with through common law and on the periphery of other legislation in the 1980's the government began to legislate more rigorously against noise in statute law. In 1990 the Environmental Protection Act (EPA 1990) received royal ascent, and included within it was specific reference to noise amounting to a statutory nuisance. Whilst other Acts give reference to noise nuisance such as; the Noise Act 1996 and the Control of Pollution Act 1974 (COPA 1974), to date the EPA 1990 is still the most appropriate legislation for the majority of noise complaints.
- 3.2 In addition to the above, specialist areas such as noise from construction sites, Code of Practice for Ice Cream Chimes and Code of Practice for Concerts are contained within the COPA 1974. Some codes of practice are issued by the Chartered Institute of Environmental Health (CIEH) and should be given consideration. Other British Standards deal with noise in respect of the planning process and acceptable noise levels to be achieved in terms of sound insulation inside buildings. The World Health Organisation also issues guidance on noise levels particularly with reference to sleep disturbance criteria. All these aspects are considered as a part of this policy, and throughout investigatory processes.
- 3.3 Under the EPA 1990 statutory noise nuisance is described as noise that 'materially affects the use and enjoyment of a person's property or is prejudicial to health'. The Council must consider a number of factors during investigations such as; the level of noise; the type of noise; the duration of the noise; the frequency of events and the times that events occur.
- 3.4 The legislation, and the Councils' Policy, is intended to protect victims of unreasonable noise but should not be used to place unreasonable restrictions on reasonable people.
- 3.5 In 2014 the Anti-Social Behaviour, Crime and Policing Act received royal ascent. This carries tools and powers that can also be used to tackle noise nuisance and these will be considered in appropriate cases however, where a nuisance is established, appropriate action should and will be taken under the EPA 1990.
- 3.6 The City of Lincoln Council (hereafter referred to as we/us/our) and its partners recognise the impact of noise nuisance on victims, and that the most effective resolution is to effectively deal with and stop the behaviour. This policy also recognises that each victim is different and that noise nuisance can affect people in different ways and to differing extents, particularly where the victim may be vulnerable or feel as though they are targeted for a particular reason.

## 4. Aims

4.1 By way of implementation of this policy, and subsequent service delivery, we aim to provide an environment where those living within the city of Lincoln do not suffer noise nuisance, and show confidence in our multi-agency response.

4.2 The aims of this Policy and subsequent service delivery are to;

- respond to complaints promptly (against established targets, to be reported to elected members)
- determine the most appropriate approach based on evidence
- provide effective enforcement
- support and reassure victims
- resolve noise nuisance where possible
- provide a consistent response to noise nuisance

The council's vision 2025 priorities are as follows;

- Let's drive economic growth
- Let's reduce inequality
- Let's enhance our remarkable place
- Let's address the challenge of climate change
- Let's deliver quality housing

## 5. Scope of this policy

This policy applies to all people living within the City of Lincoln Council's boundaries. Every reasonable effort should be made to ensure that all persons have equal access to the service.

## 6. Policy statement

6.1 This policy is designed to inform members of the public what they can expect from us in terms of its handling and response to issues of noise nuisance.

6.2 This policy also makes clear the type of behaviour that can be effectively tackled as noise nuisance.

6.3 Whilst we recognise our differing roles, both as a landlord and a local authority, this policy sets out clearly the standards of service that all can expect in response to reports of noise nuisance. Where additional provision is made for council tenants, due to their relationship with us as their landlord, this will be clearly stated.

- 6.4 We also acknowledge our role as a part of a wider partnership with responsibility for tackling noise nuisance alongside key partners, including the Police, Social landlords, University of Lincoln and others. Where appropriate we will support and work with key partners to deliver projects designed to reduce the impact of noise nuisance on our residents.
- 6.5 Issues relating to; safeguarding; domestic abuse; mental health; lack of community cohesion; violence and extremist views can often be present in relation to noise nuisance, and therefore services are acutely aware of, and actively involved in, partnership working to tackle these issues.

## **7. Publicity**

- 7.1 This document will be published, on our website. Residents of Lincoln will be informed of the existence of this policy through local media along with our own publications such as 'Your Lincoln' or 'Home' magazine. Alternative formats will be made available on request, from the Public Protection and Anti-Social Behaviour Team, City Hall, Beaumont Fee, Lincoln, LN1 1DD, 01522 873378 or email: [ppasb@lincoln.gov.uk](mailto:ppasb@lincoln.gov.uk)
- 7.2 We will take an active approach to publicising action taken in response to noise nuisance, where this presents no risk to individuals involved and is deemed of benefit to the wider community.

## **8. Service structure**

- 8.1 Our response to noise nuisance is managed through both the Directorate of Communities and Environment (DCE) and the Directorate of Housing and Investment (DHI). The DCE is responsible for the corporate public protection and anti-social behaviour service (which holds general responsibility for the authority's response to noise nuisance). Whilst the DHI is responsible for housing services, which is responsible for the management of council housing tenancies and stock.
- 8.2 We have a statutory responsibility to work with others to tackle crime and disorder in our local area, along with a range of tools and powers available to the Council to deal directly with noise nuisance issues. We have a wide remit in relation to this which not only involves directly responding to complaints from members of the public, but also a responsibility to inspect our district for nuisance from time to time.

8.3 We also have a clear role in our capacity as a landlord. There are currently around 7,800 properties in the city owned and managed by us in our capacity as a social landlord. Our relationship with tenants is covered by a tenancy agreement, which contains conditions relating to individuals' behaviour, both within and in the immediate vicinity of their property; and is an additional tool which can be applied to the most serious cases of noise nuisance. This policy ensures a risk-based approach to dealing with noise nuisance.

## 9. What is Noise nuisance?

9.1 Noise nuisance is defined as noise that 'materially affects the use and enjoyment of a person's property or is prejudicial to health'. The noise must arise on one person's property and affect another person's property. Therefore, the legislation does not allow for the complainant and perpetrator to be of the same household. The noise must usually be of a repetitive nature however, in some circumstances where the noise is so severe, a one-off event may constitute a statutory noise nuisance. Noise must normally be evidenced and assessed by a trained and authorised officer, in order for the council to take action.

9.2 In understanding and interpreting the definitions of noise nuisance, we must be realistic and proportionate in the action we take, and the scope of complaints we deal with. Community or individual tolerance is recognised as a contributor to complaints and the expectation for local authorities and partners to respond to behaviours that may not fit with individual lifestyles, or community expectations, can be significant. Our officers need to have the confidence to challenge perceptions that certain behaviour constitutes noise nuisance where they feel complaints may be unreasonable. However, this must be done sensitively and in consultation with the victim (complainant).

9.3 Noise nuisance may include, but is not exclusive to:

- loud music
- loud T.V
- shouting
- singing
- banging
- barking dogs
- crowing cockerels
- other animal noise
- the use of musical instruments
- low frequency noise
- DIY/Construction noise done at unreasonable times
- industrial noise
- noise from licensed premises
- noise from machinery
- car or house alarms sounding

Noise nuisance is not:

- children playing at reasonable times
- babies or small children crying
- noise from pedestrians passing by
- isolated gatherings or single noise incidents
- temporary works or DIY home improvements when carried out within reasonable times
- everyday reasonable living noise
- noise from moving traffic
- noise from RAF/MOD aircraft
- road or rail works carried out as urgent repairs or as part of a wider scheme where reasonable steps to use best available techniques are being observed.
- poor sound insulation between properties rather than unreasonable behaviour by a neighbour

9.4 We will make individual assessments of each case, and the above should be taken as a guide only.

## **10. Our response to noise nuisance and recording of reports**

10.1 We are committed to providing all people living within the City of Lincoln with a high standard of service as follows.

10.2 What people reporting noise nuisance can expect of us

Subject to consideration of 9.3 above, everyone making a complaint of noise nuisance can expect us to:

- take the matter seriously;
- explain what we can do and what we cannot do;
- deal with the matter in accordance with this policy statement and its associated operational procedures.

10.3 What we expect of people reporting noise nuisance to us

If someone reports noise nuisance to us and we believe that it is within the scope of noise we are able to investigate, we require the co-operation of complainants. This involves providing, as best they can, evidence of the noise nuisance and details of how it effects them over a period of time, on the understanding that, without evidence, it will be very difficult to secure a successful outcome to their complaint.

10.4 Making a report of noise nuisance

Complaints of noise nuisance may be reported to us in a variety of ways, including:

- in writing by letter or email;



- in person at any of the council's offices;
- by telephone during the day;
- in person to front line staff such as Customer Services Assistant and housing officers;
- to caretakers and other site-based staff.
- on-line at [www.lincoln.gov.uk](http://www.lincoln.gov.uk)

10.5 All persons making a report of noise nuisance will be subject to an initial risk assessment. This assessment is completed for the following reasons:

- to understand the regularity of noise nuisance;
- to understand the individual's circumstances and the impact this may have (would they be considered as vulnerable?);
- to understand if the case may link to a hate crime;
- to enable us to react correctly, according to the type and severity of the incident being reported.

10.6 Where individuals are identified as carrying a high level of risk, a full risk assessment will be completed which will make a more detailed assessment of the above factors. This assessment will produce a score that will guide the officer in charge in relation to their handling of the case. High risk victims must be referred immediately to our Anti-Social Behaviour Risk Assessment Conference (ASBRAC), a partnership group dealing with the most serious cases of ASB across Lincoln.

10.7 All reports across the authority will be logged on a single system (Authority Public Protection or 'APP', or the preferred/updated system in use at that time) to ensure that officers are aware of full histories relating to particular complaints. Every complaint made to us will carry a unique reference number, which will be quoted on all correspondence, along with having a stated single officer in charge throughout the duration of the case. This person will be made known to the complainant and they will be given the contact details of the lead officer.

10.8 Where persons are assessed as 'high risk', along with automatic referral to the ASBRAC, the case must also be placed on ECIN's (or the preferred/updated system in use at that time). This system is accessed by relevant partners who have a role to play in tackling anti-social behaviour and it ensures that those responding to complaints have access to information they may require. Records will be held and disposed of in accordance with our retention and disposal policy.

## **11 Investigation of reports**

11.1 We will approach all reports without bias or preconception. Investigations of complaints may involve the sharing of, or access to, partner information relating to the individuals or complaint. Investigatory techniques may include

- diary sheets (to be completed by the complainant);

- assessment of police/partner incidents/information;
- visiting all parties;
- interviewing witnesses/complainants/perpetrators;
- conducting 'letter drops' for corroborating information;
- patrols;
- covert/overt monitoring;

#### 11.2 Things we generally cannot do include

- acting without any evidence;
- immediately evicting people from their homes (except for cases of the utmost severity, where closure orders may be used)
- move victims of noise nuisance (unless clear risk is identified)
- install CCTV on-street or in homes (only in cases of the utmost severity and where we have the power to do so under relevant legislation)

11.3 Where action cannot be taken the complainant will be informed and given advice regarding any further options available to them.

11.4 The complainants will be kept up to date throughout the course of the investigation and will be consulted prior to action being taken.

11.5 If an alleged perpetrator makes counter-allegations against the original complainant, a separate case will be opened and investigated accordingly.

11.6 Where the subject of the complaint is a council tenant the housing officer will investigate in the first instance. The housing officer may at a later date ask for the complaint to be investigated by the PPASB Team in order that further evidence can be obtained. Any subsequent action will be taken in consultation with the housing officer so that where appropriate action can be taken against the tenancy in order to ensure the best outcomes for the victim, along with a coordinated approach.

11.7 On receiving a complaint we will, where appropriate, and with the details and consent of the complainant, write to the complainant detailing our response and requiring a diary to be completed. We will also write to the person who is the subject of the complaint, or representing the organisation that is the subject of the complaint, outlining the nature of the complaint and advising of what action the council may take, should we establish a statutory noise nuisance in line with this policy. It is made clear to complainants at the outset of making a complaint that if they do not complete and return the diary sheet that it is unlikely that any further action will be taken, and that the case may be closed without prior notice. Should they not contact us again about the same issue no action will be taken without the evidence base completed. This is made clear in the initial letter. The subject of the complaint is advised in the initial letter that investigation of the complaint may involve monitoring of the noise either by council officials and/or the use of monitoring equipment, this is in line with this policy and relevant legislation.

11.8 Anonymous complaints

We are generally unable to accept complaints of an anonymous nature due to the requirement to obtain evidence from the complainant in order to legally demonstrate a nuisance. The council will not take action based on anonymous complaints.

#### 11.9 Return of diary sheets

Where a completed diary sheet is returned, the investigating officer will assess the diary and advise the complainant of the next steps. This may include;

- Monitoring being undertaken
- Further diaries being requested
- Visits to the complainant or subject
- Reviewing other agencies information
- Closure of the case

In all circumstances, the complainant will be advised of the next steps.

#### 11.10 Monitoring

Where monitoring is necessary this will be offered and arranged in a timely manner. During periods of high demand there may be a wait for equipment; complainants will be advised of this and the likely implementation date. Monitoring equipment will generally only be offered a maximum of twice. If the monitoring equipment does not provide suitable evidence for us to progress the case the complainant will be advised of this and the case may be closed unless the situation materially changes. We have to balance our duties, the needs of victims and an individual's right to privacy. This fulfils the Council's statutory duty to investigate under the relevant legal provision, ensures our resources are appropriately utilised and provides protection for an individual's privacy and freedoms.

#### 11.11 Service of notices

Where the evidence collected through monitoring is deemed by the council to constitute a statutory noise nuisance the council shall serve a noise abatement notice. Where a nuisance is not established, but we have evidence to suggest an individual's quality of life is being affected, we may consider use of other appropriate powers. The notice shall be served in accordance with the relevant legislation.

#### 11.12 Appeal of notices

Appeals must be made directly to the magistrates' court. Details of how to appeal a legal notice will be contained within the notice.

#### 11.13 Breach of notice

Where we receive complaints that a legal notice is not being complied with, we will take steps to investigate the complaints. This may include but is not exclusive to;

- asking the complainant to keep diaries,
- sending warning letters to the subject,

- undertaking monitoring,
- interviewing the subject,
- involving landlords,
- reviewing other agencies information,

Where the council is satisfied that a legal notice is not being complied with the council may,

- apply to the courts to seize equipment
- complete works in default
- prosecute the responsible persons
- offer formal cautions
- seek to utilise additional powers such as Injunctions or Closures

## **12. Noise falling outside of the standard procedure**

12.1 Complaints made about the following issues may be subject to alternative measures and/or processes;

12.2 Alarms currently sounding – see appendix 1

12.3 Licensed premises – Shall be dealt with in line with the policy with the addition of the initial letter containing licencing obligations and warning of the various penalties that they may face in relation to their premises licence.

Noise is currently an area for statutory consultation on all licence applications, variations and Temporary Event Notices. These consultations will be undertaken in line with our 'Statement of Licensing Policy'.

12.4 Permitted processes – The permitting authority will be consulted and where appropriate a joint approach will be taken.

12.5 Noise arising outside of the City of Lincoln Council Boundary – Where the noise is affecting our residents we will investigate the noise and will consult with and update the subject's local authority accordingly.

12.6 Primary Authority – Where a complaint is received about a business with a primary authority covering noise we will advise and provide information as requested by the primary authority.

12.7 Planning – Where a noise is being caused by an action or activity restricted by means of planning conditions the Planning Enforcement officer will be notified and the most effective tools and powers used.

Noise is an area of consultation for planning applications. Considerations, recommendations and final decisions will be made in line with the National Planning Policy Framework (NPPF) and the Local Plan regarding noise from proposed development.

### 13. Tools and powers

- 13.1 The legislation governing statutory nuisance from noise is found in part III of the Environmental Protection Act 1990. This is the piece of legislation used in the vast majority of noise cases.
- 13.2 Section 79 of the Act includes "noise emitted from premises so as to be prejudicial to health or a nuisance" in the list of matters which constitute statutory nuisances.
- 13.3 The Council is under a duty to inspect its area from time to time to detect statutory nuisances and, when a complaint has been made, to take such steps as are reasonably practicable to investigate the complaint.
- 13.4 Where a Local Authority is satisfied that a nuisance exists, or is likely to occur or recur, it must then serve an Abatement Notice requiring the abatement, or prohibiting the occurrence or recurrence, of the nuisance.
- 13.5 Section 82 gives a complainant the right to go directly to a Magistrates' Court if s/he feels he is being aggrieved by a statutory nuisance whether or not he has previously complained to the Local Authority.
- 13.6 Various other pieces of noise legislation are available (e.g. Control of Pollution Act 1974, Noise Act 1999) to deal with specific noise issues.
- 13.7 Anti-Social Behaviour, Crime and Policing Act 2014 deals with some noise issues through the provision of a Community Protection Notice (CPN). It also gives additional powers to close properties in circumstances where severe and repeated noise nuisance or disorder is occurring, has occurred and/or is likely to reoccur
- 13.8 The action taken may include but is not exclusive to the following;
- Warnings;
  - Statutory notices;
  - Community protection notices;
  - Criminal behaviour orders;
  - Closure orders;
  - Mediation;
  - Injunctions;
  - Victim advocacy services;
  - Acceptable Behaviour Contracts;
  - Neighbour Agreements;

For council tenants (dependent upon the severity) the following options are also available:

- Application to the county court for an outright possession order, leading to eviction;
- Application to the county court for a suspended possession order;
- Application to the county court for a demotion of the tenancy to an introductory one;
- Introductory tenancy extension.

#### **14. Going to court**

Where cases do reach the stage that court action is required it is recognised that this can often be difficult for many complainants. These stages often require the victims or witnesses to reveal their identity in court and to the alleged perpetrators. We are committed to providing relevant and appropriate support which can include

- victim support;
- evidence via video link;
- evidence from behind screens;
- submission of hearsay evidence (not possible in all cases);
- target-hardening (panic alarms etc).

#### **15. Support for victims and witnesses**

Subject to resources and/or the availability of external support, the needs of the individual, their known vulnerabilities and the circumstances of the case, we will offer support to victims and witnesses during the life of the case. We will also offer support for a period after a case has been closed if, again, the circumstances, resources, and the individual's needs and known vulnerabilities suggest that that is necessary.

#### **16. Support for perpetrators**

While the needs of victims and witnesses will always be given priority, we are aware of the positive impact that support might have on perpetrators. We also recognise that some perpetrators may themselves be vulnerable, disabled or suffering from an illness or condition. We acknowledge our responsibilities under the Equality Act 2010 and will seek to identify and offer or direct to, support for those who have protected characteristics and otherwise vulnerable perpetrators of noise nuisance. As part of our noise nuisance process we will act upon any indicators of vulnerability, disability, mental illness or addiction, which may affect the perpetrator's behaviour. Indicators might include:

- information that the perpetrator has a diagnosed condition, disability or illness;
- the presence of support from probation, social services, mental health team and any other statutory or voluntary support provider;

- a person's inability to read or write;
- their housing history and any links with the care system or supported housing provision;
- observing behaviour that may indicate a degree of vulnerability, disability or mental illness such as hoarding, erratic behaviour, unpredictability, paranoia etc.

## **17. Closing cases**

- 17.1 Where a complainant has not returned a completed diary sheet then complaints will be closed without further contact with the complainant, this will be made clear upon initial receipt of the complaint as this is a necessary part of the investigative process.
- 17.2 Where a completed diary has been returned cases will only be closed following contact with the complainant, unless reasonable effort has been made to contact the victim with no success. Cases may be closed without agreement; however complainants should be advised as to how they can challenge this decision by writing to the next most senior officer to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter if an individual remains dissatisfied they can use the Council's complaints procedure.
- 17.3 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence of the noise nuisance.

## **18. Seeking complainants'/victims' views**

Following closure of a complaint of noise nuisance, complainants/victims will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

## **19. Oversight**

- 19.1 Operational oversight of individual cases of noise nuisance will be provided by the line manager responsible for the officer in charge of that particular case. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.

- 19.2 Corporate oversight of noise nuisance will be discharged by the Assistant Director for the service area. The Public Protection and ASB Manager will have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. Either the Assistant Director or PPASB Manager will also represent the council in respect of local, regional or national noise nuisance matters, depending who is available
- 19.3 Leadership and strategic oversight will be provided by the Director and Assistant Director for the service area.

## **20. Information sharing**

- 20.1 Generally, the information-sharing activities conducted in response to community safety issues, such as noise nuisance, will be delivered in line with the requirements laid out within the Lincolnshire Community Safety Partnership Information Sharing Agreement, to which the council is a signatory.
- 20.2 We respect individuals' rights to privacy and will adhere to all relevant legal principles in relation to information sharing and document management. We will update complainants of any action we take in response to their complaints, where this is not legally privileged information. We will not disclose details of complainants unless required to do so by law. In cases of noise nuisance, the risk that people may suspect they know the source of complaints will be outlined to the complainant. Where serious cases progress to court, it will generally be necessary for people to provide evidence which would identify them and this will be explained to the complainant.
- 20.3 Our privacy statement sets out how we use your information and can be found at [www.lincoln.gov.uk/privacy-notice/privacy-notice-services](http://www.lincoln.gov.uk/privacy-notice/privacy-notice-services)

## **21. Legal framework**

This document has been drafted in compliance with the following Acts:

- Environmental Protection Act
- Human Rights Act 1988
- Data Protection Act 2018
- Equality Act 2010
- Housing Act 1985 (as amended)
- Housing Act 1996
- Crime and Disorder Act 1998
- ASB, Crime and Policing Act 2014
- Police Reform Act 2002
- Licensing Act 2003
- UK general Data Protection Regulations



## 22. Relevant policies/published documents

Policies/published documents which may be relevant to the application of this document are:

- Code of Practice on Environmental Noise Control at Concerts
- Code of Practice on Noise from Ice Cream Van Chimes etc, in England 1982
- Guidance on the Control of Clay Target Shooting
- Code of Practice on Noise from Organised Off-road Motor Cycle Sport 1994
- British Standard 4142: 2014 'Methods for rating and assessing industrial and commercial sound'
- British Standard 8233: 1999 'sound insulation and noise reduction for buildings'
- City of Lincoln Licensing Policy
- ASB, Crime and Policing Act statutory guidance;
- The Lincolnshire community trigger process;
- City of Lincoln anti-social behaviour strategy;
- City of Lincoln Council domestic abuse policy;
- City of Lincoln safeguarding policy
- Lincolnshire SLP ISA;
- Lincolnshire ASBRAC ISA;

## 23. Monitoring/Review

23.1 Noise nuisance services are the responsibility of the Portfolio Holder for Reducing Inequality.

23.2 Monitoring of our services is provided by democratically elected members through a robust scrutiny process.

23.3 This policy will be reviewed biennially in conjunction with the relevant portfolio holders.

## 24. Policy tracker

Policy tracker				
Author/s	Responsible Director	Responsible Portfolio Holder	Version	Date implemented
Public Protection and ASB Manager	Director Communities and Environment	Cllr Sue Burke Reducing Inequality	2.0	

## **Appendix 1: AUDIBLE INTRUDER ALARMS**

### **Following receipt of a complaint:**

Following a complaint that an intruder alarm is sounding and has been sounding at regular intervals or is currently sounding the following procedure will be used:

Checks will be made to locate and contact the owner or key holder. These checks may involve the following;

- Searches of our own complaints system,
- Searches on our council tax system,
- Searches of public address systems,
- Searches on land registry
- Checks with local police
- Checks with neighbours

Where the person responsible can be located, attempts should be made to contact them and get them to silence the alarm.

Where the person responsible cannot be located or cannot be contacted following reasonable attempts being made and the investigating officer is satisfied that the alarm is causing a statutory nuisance a noise abatement notice should be served in line with the requirements set out by the Environmental Protection Act 1990 (EPA 1990). The notice should specify a period of one hour for compliance; the "time notice served" field must therefore be completed.

A nuisance is likely to be where either:

- The alarm has been sounding for more than 20 minutes, or
- The alarm appears to be malfunctioning in some other way such that it keeps going off unnecessarily in a short period.

### **Following service of the Abatement notice:**

Should the alarm continue to sound or malfunction following the time period specified on the notice. The investigating officer will consider whether it is appropriate to silence the alarm by means of completing works in default.

Where it is deemed necessary to silence an external alarm, arrangements should be made to meet the alarm company contractor outside the premises. The Police should be notified of the intended action and where appropriate attend while the alarm is silenced. The contractor should then disconnect the alarm causing the minimum of damage to the alarm system.

Should the alarm causing a nuisance be situated within the property an application must be made to the Magistrates court for a warrant to enter the premises under Part 111 of the Environmental Protection Act 1990. This warrant, if granted will allow essential persons to enter the premises. The use of force may be required in order to gain access and take action to abate the nuisance, most likely the removal of door locks by a locksmith. The property must then be secured following successfully abating the nuisance, and suitable arrangements made to ensure that the property's owner/responsible party is instructed how entry may be gained.

After disconnecting the external alarm, an internal alarm may still sound although this is unlikely to cause the same degree of nuisance as the external alarm.

Subsequent arrangements should be made to pay the contractor and to charge the occupier with the cost of the work.