

CONTROL OF POLLUTION ACT 1974

PART III-NOISE

POLLUTION CONTROL AND LOCAL GOVERNMENT
(NORTHERN IRELAND) ORDER 1978

Code of Practice on Noise from Audible Intruder Alarms 1982

DEPARTMENT OF THE ENVIRONMENT

WELSH OFFICE

SCOTTISH DEVELOPMENT DEPARTMENT

DEPARTMENT OF THE ENVIRONMENT FOR
NORTHERN IRELAND

This code of practice from pages 1 to 9 was approved, and approval was given for its issue, by the Control of Noise (Code of Practice on Noise from Audible Intruder Alarms) Order 1981 (SI 1981 No.1829) made under section 71 of the Control of Pollution Act 1974 by the Secretary of State for the Environment (in respect of England), the Secretary of State for Wales (in respect of Wales), and the Secretary of State for Scotland (in respect of Scotland). (In Northern Ireland this code of practice from pages 1 to 9 was approved, and approval was given for its issue by the Control of Noise (Code of Practice on Noise from Audible Intruder Alarms) Order (Northern Ireland) 1982.) This code of practice came into operation on 1 February 1982 in England, Wales and Scotland (and on 1 July 1982 in Northern Ireland).

Section 71 of the Control of Pollution Act 1974 empowers the Secretary of State to prepare and approve and issue such codes of practice as in his opinion are suitable for the purpose of giving guidance on appropriate methods for minimising noise. Section 72 of the Control of Pollution Act 1974 provides that regard shall be had to any relevant provision of a code of practice approved under section 71 of the Act in construing references to 'best practicable means' in Part III (Noise) of the Act.

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Introduction

- 1.1. Noise made by the operation of audible intruder alarms is a frequent cause of complaints. These relate mainly to the duration of ringing rather than to the volume of noise produced. Owners and occupiers who seek to protect their premises, whether private or commercial, by installing an audible intruder alarm system, or by taking over an existing system on acquiring premises, have a responsibility to ensure that a device fitted primarily for their own benefit does not become a nuisance to the public at large.
- 1.2. This code of practice applies equally to all types of premises, and to all types of intruder alarm systems incorporating audible signalling which is clearly audible outside the premises protected. The code of practice should be observed by people already responsible for alarm systems at the date of its coming into operation as well as by people assuming responsibility for systems after that date.
- 1.3. This code of practice, if followed by alarm-holders, their nominated key-holders, the police and local authorities, should reduce the incidence of nuisance caused by the ringing of intruder alarms. The code of practice does not in itself create offences or have the force of law, but is intended to be of assistance to local authorities and magistrates' courts* in the exercise of their powers and functions under Part III of the Control of Pollution Act 1974.** (See paragraph 7.)

Definitions

- 2.1. In this code of practice:
 - a. an **alarm-holder** is the occupier or person otherwise responsible for premises or a part of premises where an alarm system has been installed, whether or not that person owns the alarm system;
 - b. a **key-holder** is a person nominated by an alarm-holder, who has been authorised to gain access to and operate the controls of the alarm system to

* In the application of this code of practice in Scotland, references to a magistrates' court should be construed as references to the sheriff.

** Control of Pollution Act 1974, Part III: Noise. Copies of the Act can be bought at Government bookshops or through other booksellers. A layman's guide to the law on noise in England and Wales is provided in a free booklet *Bothered by Noise? -What you can do about it*, obtainable from the Department of the Environment.

In the application of this code of practice to Northern Ireland, references to the Control of Pollution Act 1974 should be construed as references to the Pollution Control and Local Government (Northern Ireland) Order 1978.

switch off the bell or other audible signal; an alarm-holder may, of course, have nominated himself as a key-holder;

c. the **key-holder response time** means the interval between notification to the key-holder that the alarm is sounding, and the arrival of the key-holder at the premises to switch it off;

NB. This expression therefore does *not* mean the interval between activation of the alarm signal and the silencing of the signal.

d. **alarm condition** means the condition of an alarm system whose audible alarm signal has been activated, whether accidentally or otherwise, and which has not been reset; in such a condition the alarm will either be sounding or it will have been silenced by a cut out device.

Operating guidelines

Installation, maintenance and reliability

- 3.1. The best way to avoid needless disturbance to the public from audible intruder alarms is *by preventing false alarms*. A large majority of occasions when alarms are set off at present arise from faulty design, faulty equipment, faulty installation or incorrect use. It is therefore of the first importance that the system should be properly designed and installed, that it should be maintained in good order, and that equipment which has proved unreliable or ineffective should be replaced.
- 3.2. British Standard 4737 (1977/78/79) *Specification for Intruder Alarm Systems in Buildings** sets out specifications and procedures for the installation, operation and maintenance of intruder alarm systems. Proper installation and maintenance of alarm systems so as to conform to BS 4737 or equivalent standards should help to reduce the incidence of faults and other conditions leading to false alarms. This would reduce the number of occasions on which the public is disturbed. It might also serve to make members of the public more ready to assume that the activation of an alarm has been caused by an intruder and to report it promptly.
- 3.3. Conformity with BS 4737 requires that an intruder alarm system should be regularly maintained under a contract with an alarm company, with a specified maximum interval between visits. Alarm-holders who have not been required to undertake, in an agreement with insurers or for whatever reason, that their alarm system will conform strictly to those maintenance requirements of the BS 4737, should nevertheless be aware of its contents and should adhere to comparable standards in the installation, operation and maintenance of their systems.

Testing

3.4. Alarms should be fitted in such a way that they are not automatically set off as part of the normal opening and closing procedure for the system. (This is also specified in BS 4737.)

Identification

3.5. In situations where a number of premises which are close to one another are protected by audible intruder alarm systems steps should be taken to make it as easy as possible to identify the particular premises where an alarm is ringing. This will help the police to get in touch with the appropriate key-holders as quickly as possible. One way of facilitating identification is to fit a flashing light, resistant to malicious interference, adjacent to the bell unit, to operate when the audible alarm has been activated.

Automatic cut-out devices

4.1. In the interests of avoiding risks of serious disturbance to the public it is desirable that audible intruder alarms should be fitted with an automatic cut-out device. Such a device would automatically stop the ringing after a period of about 20 minutes from activation of the system. A cut-out device can be supplemented with a flashing light which continues to operate after automatic termination of the ringing, and indicates that the premises are still in alarm condition (see also paragraph 3.5.).

4.2. *In all cases where an automatic cut-out device is to be fitted, whether on the initiative of the alarm-holder or as a result of action by the local authority, or magistrates' court (see paragraph 7 below), it is MOST IMPORTANT for the alarm-holder to inform his insurers.* Alarm-holders should note that failure to inform insurers could result in the failure of a claim in view of the breach of policy conditions.

Nomination of key-holders to the police

- 5.1. The alarm-holder should
 - a. *within 48 hours of installing a new alarm system or of taking over an existing one, notify the police station* covering the locality in which the premises are situated, in writing, of the names, addresses and telephone numbers of at least 2 key-holders. The nominated key-holders should be well versed in operating and silencing the alarm. They should be telephone subscribers and where necessary have their own means of transport. The alarm-holder himself or a security firm may be nominated as key-holders. Details of nominated key-holders should also be notified to the police by those already responsible for an alarm system at the time this code of practice comes into operation.
 - b. *at the same time notify the local environmental health authority (the District Council, London Borough Council, or, in Scotland, the District or*

Islands Council) that *the alarm has been newly installed, or that he has taken over responsibility for an existing alarm system*. Those already responsible for an alarm system at the time this code of practice comes into operation should also inform the local authority that an alarm is installed on their premises. In addition, all alarm-holders should tell the local authority the address of the police station to which notification has been made under paragraph 5.1a above.

c. *notify changes in nominated key-holders to the police within 24 hours*. This will allow the local police to build up and maintain an accurate register of key-holders for all alarm systems within their area.

5.2. Alarm installers and maintenance contractors should

i. provide, with each alarm they install or maintain, forms which alarm-holders may use for nomination of key-holders to the police, for giving the police and local authority initial information about alarm installations, and for notifying any subsequent changes in that information; the Annex to this code of practice contains a suggested layout for 2 forms on which the appropriate information could be provided;

ii. give their customers, in a form suitable for display, reminders of the three notification requirements stipulated in paragraph 5.1.;

iii. with a view to reducing the risk of false alarms occurring, provide clear printed instructions on the operating procedure in a form suitable for display on or adjacent to the control equipment (this is also a requirement of BS 4737).

5.3. Alarm-holders should in any event ensure that the operating instructions are displayed on or adjacent to the control equipment, or are otherwise brought to the attention of all persons concerned with the operation of the alarm system.

Key-holder response time

6.1. Where an alarm has *not* been fitted with an automatic cut-out device of the kind described in paragraph 4.1., the alarm-holder should, when notifying the names, addresses and telephone numbers of the key-holders to the police, undertake that one or other of them *will always turn out*, and will take responsibility for silencing the alarm within a specified period of time from receiving notification that the alarm is ringing.

6.2. The key-holder response time should not normally exceed 20 minutes, especially when the alarm is located close to noise-sensitive buildings, such as hospitals and residential property. Unless specifically agreed to the contrary, it should be assumed by all those concerned that the agreed response time is 20 minutes. In circumstances where it seems appropriate, however, a longer response time may be agreed between the alarm-holder and the local authority (who should inform the police), taking full account of environmental

considerations. Such an individually agreed response time should not exceed 45 minutes other than in very exceptional cases and should be clearly noted by the police and the local environmental health authority on their records relating to the alarm system in question.

6.3. Failure to respond within 20 minutes (or within such longer time as may have been agreed) will be relevant to any consideration of whether a noise nuisance has occurred in any particular case of prolonged ringing. *The fact that the alarm went off outside working hours, or that the key-holders were temporarily unavailable, should not be allowed to justify failure to adhere to the response time*. It is up to the alarm-holder to ensure that one or other of the nominated key-holders will *always* be available to silence the alarm within the appropriate response time.

6.4. The police should note that the local authority may require information about incidents involving the ringing of audible intruder alarms to be made available so that it can decide whether action under the Control of Pollution Act 1974 should be taken (see following paragraph).

Requirement to fit an automatic cut-out device

7.1. In cases where nominated key-holders are repeatedly unavailable or fail to act within the appropriate response time, or repeated false alarms occur, the local authority should be prepared to use its powers under Section 58 of the Control of Pollution Act 1974 to require the alarm-holder to have an automatic cut-out device (of the kind mentioned in paragraph 4) fitted to the system for which he is responsible.

7.2. The exact circumstances would be for the local authority to decide. A requirement to fit a cut-out to an alarm would probably be well justified, however, after four episodes of prolonged ringing by that alarm in a period of 12 months. An episode of prolonged ringing may be taken to mean an occasion when the alarm continued to ring for a period of at least twice the agreed response time for that alarm system, following notification to a key-holder that the alarm was sounding, or, if it proved impossible to contact either or any of the key-holders immediately, following attempted notification to a key-holder.

7.3. When extremely prolonged ringing had taken place without reasonable excuse, similar action might be justified after only a single occurrence. A requirement that a cut-out device be installed might also be reasonable in cases where the number of false alarms was considered to be significantly greater than average, even though the agreed response time had generally been adhered to.

7.4. Alarm-holders should be aware that local authorities have wide discretion in

laying down steps to be taken to abate a noise nuisance, by means of a notice under section 58(1) of the Control of Pollution Act 1974. The recommendation in paragraph 7.1. above should not be taken as excluding the possibility that an alarm-holder may be required by a notice under section 58(1) to take steps additional to, or other than, the fitting of a cut-out device. Any person on whom a notice is served under section 58(1) has a right of appeal to a Magistrates' court.

7.5. A Magistrates' court has powers under section 59 of the Control of Pollution Act 1974 to make an order requiring abatement of a noise nuisance, on a complaint by an occupier of premises affected by the noise. While this code of practice is intended to be of assistance to magistrates' courts when considering the use of these powers in cases involving noise from audible intruder alarms, it does not limit their freedom to decide whether and in what terms to make an abatement order.

ANNEX

Model forms for notification of police and local authority

1. Paragraph 5.2. of this code of practice calls for alarm installers and maintenance contractors to provide forms for use by alarm-holders in notifying the police of the names of their nominated key-holders, or of any changes in their nominated key-holders, and in notifying the local authority of the installation of alarm systems or change in alarm-holder .

2. Suggested lay-outs for such forms are set out on the following pages of this Annex. There may be cases where information not covered by the forms might also be needed.

3. Where the maintenance of the alarm is not carried out by the alarm's owner, the name of the maintenance contractor, with emergency telephone number if any, should be entered for easy reference.

4. It may be helpful to alarm-holders if installers and maintenance contractors can indicate to them the relevant *addresses* to which notifications should be sent, namely, the *police station* covering the locality in which the premises are situated, and the *Environmental Health Department* of the District Council; or (in Greater London) the London Borough Council; or (in the Scottish Islands) the Islands Council.

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