

Little Comberton Parish Council

Bonfire Protocol - November 2019

Legislation and Bonfires

There are no laws against having a bonfire, but there are laws for the nuisance they can cause.

A single bonfire is unlikely to be a nuisance even though it may cause annoyance to one or more neighbours. To be a nuisance smoke must be substantially interfering with a person's enjoyment of their property and there has to be evidence about the frequency of the bonfires, their duration, the locality and how the bonfire directly affects the complainant, for example where smoke from smouldering garden waste is drifting across or into someone's property, if they can't open windows or hang their washing out.

If it can be shown that an individual has repeatedly had bonfires that cause a nuisance, under the Environmental Protection Act 1990, Worcestershire Regulatory Services have a duty to act and take enforcement action, which could lead to an Abatement Notice, requiring that the smoke nuisance is abated. The individual can be fined up to £5,000 if they don't stick to the notice.

Under the Highways Act 1980, anyone lighting a fire and allowing smoke to drift across a road faces a fine if it endangers traffic. In this case the police should be contacted by calling 101.

The role of Parish Councils

While Parish Councils play a vital part in representing the interests of the communities they serve, and improving the quality of life and the local environment, contrary to common belief they do not have any specific responsibilities regarding bonfires.

In the interests of community wellbeing Little Comberton Parish Council repeatedly reminds residents to ensure that they do not cause a nuisance to neighbours when burning domestic waste, especially when the material being burnt is damp, leading to smoke drifting around the village. The Parish Council encourages people to compost garden waste, to make use of Wychavon District Council's brown bin service or to take it to the Household Recycling Centre at Hill and Moor.

Responding to bonfire complaints

In response to specific complaints about bonfires Little Comberton Parish Council will:

- 1. Remind complainant that *'householders can burn garden waste, hedge clippings or prunings as long as garden fires do not create smoke that is that is prejudicial to health or a nuisance under the Environmental Protection Act 1990.'***

2. Remind complainant that parish councils do not have any specific responsibilities regarding bonfires and refer them to Worcestershire Regulatory Services' advice on bonfires: <https://worcsregservices.gov.uk/nuisances/bonfires/domestic-bonfire.aspx>.
3. Suggest the complainant follows the informal engagement steps outlined in Worcestershire Regulatory Services advice. In brief the complainant should:
 - a) Talk to neighbour about the issue
 - b) Write to the neighbour – sample letters are in the toolkit on the website
 - c) Keep a record of the incidence of bonfires that are a nuisance:
<https://worcsregservices.gov.uk/media/2117167/Nuisance-diary.pdf>

The next steps

When there are 3 recorded incidences of a nuisance bonfire from the same individual within a few months the complainant can ask the Parish Council to write to the resident to ask them to be more considerate.

If the Parish Council is satisfied:

- a) that there is evidence that the bonfires emanated from one clearly identified property and
- b) details of the nuisance caused have been properly recorded

it will write to the individual concerned, but it will take no action if the complaint is vague, unsubstantiated, based on hearsay or not a genuine nuisance.

If there is no positive outcome from the process above the complainant will need to follow the issue up with Worcestershire Regulatory Services, who will only assist if all of the options in the informal engagement route have been explored.