

### Common misconceptions about bonfires

There are many beliefs about bonfires which are not true and these are:

- you can have bonfires after 6pm
- you can have bonfires before 7pm
- you can have a bonfire if you tell your neighbours first
- you can have a bonfire as long as it's only once a month
- you can have a bonfire as you don't live in a smoke control area
- if a builder is working on my property, their burning is nothing to do with me
- you can always burn garden waste on a bonfire

### Service requests in respect of bonfires

In 2019/20, Public Protection dealt with 58 complaints regarding bonfires.

In the financial year to date, (until the end of June 2020), 36 complaints relating to bonfires have been received.

When a complaint about a bonfire is received, a letter is sent to the alleged offender advising that concerns have been reported and advice on alternative methods of waste disposal is given. The complainant is sent a diary sheet and advised to log the occurrences and detail how they are being affected for further assessment.

Whilst occasional bonfires can cause significant issues, it is unlikely that the Council would be able to take any further formal action for an occasional or sporadic bonfire. In addition, if the person reporting the problem has experienced regular bonfires but they are all from different sources, account cannot be taken of the cumulative effect on the resident.

If bonfires occur regularly from the same source, officers have to identify whether any further formal action can be taken. Evidence from diary sheets will be an important part of any decision, but where possible an officer will try and witness the bonfires.

If the bonfire is occurring regularly **and** having a detrimental effect on the quality of life of those in the locality **and** the conduct is unreasonable, the powers within the Anti-social Behaviour, Crime and Policing Act 2014 can be used. These powers are newer, discretionary and enable the Council to take action in cases where previously, formal action was not possible. If the Council are satisfied that the conduct is unreasonable, continuing and having a detrimental effect on the quality of life of those in the locality, a community protection warning may be served to prevent

further detrimental impact. If the problem continues, the Council may then serve a community protection notice. If a breach of the notice occurs, further action can be pursued including initiating a prosecution for breach of the notice or service of a fixed penalty notice. Sufficient evidence would need to be obtained to pursue further action and this would be taken in line with the Council's Enforcement Policy.

If the situation was assessed to be a Statutory Nuisance in the opinion of the authorised officer, an abatement notice under the Environmental Protection Act, 1990 must be served. Failure to comply with an Abatement Notice can also be dealt with by means of legal proceedings.

In 2019/20 one abatement notice was served in respect of bonfires. Since April 2020, 7 community protection warnings/notices have been served in respect of bonfires.

### **Remedies for bonfires in connection with a trade or business**

Bonfires caused by any trade or business disposing of waste will be signposted to the Environment Agency for investigation as they are the enforcing authority.

It is an offence for trade or business premises to emit dark smoke.

### **Bonfires during Lockdown**

In addition to the increased concerns of residents during Lockdown and increased demands on the emergency services during this time, the Environmental Health team participated in communications messages asking people not to have bonfires and giving advice on alternative ways to get rid of their waste. The Fire Service also issued press releases asking people to refrain from having bonfires.

### **Recommendations**

In view of the points made above, and taking into account the Council's carbon neutral agenda, Broxtowe Borough Council should continue to discourage people from having bonfires and continue to provide advice on more sustainable waste disposal methods.