

## Bonfires – Suggested Code for Oving Residents

### Advice on holding Bonfires

Bonfires can be very irritating and upsetting to neighbours. The most usual problem is smoke, particularly when neighbours are using their gardens, have washing out or windows open. Annoyance can also be caused by charred debris, even from a bonfire which is burning with relatively little smoke. Bonfires burning close to garden fences or hedges can cause concern about the spread of fire to neighbouring property.

You can reduce the risk of upsetting or causing concerns to your neighbour by following the advice below. It is not possible for this list to cover every eventuality and it is for guidance only.

Firstly, it is rarely (if ever) essential to have a bonfire. There are other ways to dispose of garden waste, which are "friendlier" for the environment and your neighbours.

**DO** compost as much garden waste as possible

**DO** take the remainder to a public waste disposal site

If you still wish to have bonfires, much ill-feeling can be avoided if you discuss the subject informally with your neighbours beforehand and try to conform to their wishes. If they are strongly against it, reconsider the alternatives before going ahead. It is not always practical to consult neighbours, in which case the following guidelines should help.

**DO** have as few bonfires as possible

**DO** try to tell your neighbours when you intend to light it

**DO** build it as far away from neighbours' property as possible

**DO** keep bonfires away from fences, hedges or other combustible materials which might catch fire accidentally

**DO** have plenty of water ready

**DO** attend the fire at all times

**DO** continually monitor whether the fire might cause annoyance and extinguish it if there is potential for nuisance.

**DO NOT** light a bonfire if a neighbour is using or is likely to use the garden

**DO NOT** light a bonfire if there is washing on a neighbour's line

**DO NOT** light a bonfire if neighbours' windows are left open

**DO NOT** light a bonfire if the weather is wet, windy or misty.

**DO NOT** burn wet material

**DO NOT** leave a fire smouldering

**DO NOT** burn household waste, plastics, rubber or any other material, which could cause dark smoke or harmful combustion products

**DO NOT** allow smoke to blow across a road

You may find that neighbours are less likely to be annoyed by a bonfire between lighting up time and 11pm. This is not always the case however, especially in warm weather when windows may be left open and people may be enjoying their gardens well after lighting up time. You should respect the wishes of your neighbours at all times. Contrary to popular belief, there is no exemption from the law of nuisance after lighting up time. Having a bonfire at these times may also have a bigger effect on air quality, generally.

If, in spite of following this advice, your bonfire still causes annoyance to a neighbour, please consider any representations they make to you. Your neighbour could ask the Environmental Health Dept. at AVDC to intervene, or could take legal action of their own.

### **Affected By Bonfires?**

There are no specific bye-laws to prohibit bonfires, although they may be considered a Statutory Nuisance under the Environmental Protection Act 1990. A Statutory Nuisance occurs if the nature of the annoyance is such that it interferes unreasonably with the ordinary use or enjoyment of another person's property, taking into account the frequency, duration and intensity of the annoyance. If you are bothered by smoke from a neighbour's bonfire, it is usually best to approach your neighbour and explain the problem politely. You may feel awkward, but they may not be aware of the problem they are causing and hopefully it will make them more considerate in future. If this fails, you can contact Environmental Health. If they are asked to intervene they will respond as follows:

**THEY WILL** seek an amicable solution to the problem

**THEY WILL** ask you to keep records of the times and dates of bonfires and the nature of annoyance they cause to you.

**THEY MAY** make visits to the area to try and witness the bonfire for themselves.

**IF THEY** obtain evidence of bonfires causing annoyance they will notify the occupiers of the property causing the problem and discuss specific measures to avoid a recurrence. They would consider, amongst other things, the degree of interference caused, the duration, the frequency and how practicable it would be to avoid it.

**THEY WILL NOT** reveal your identity without your permission. Neighbours will usually try to guess who complained, and will sometimes guess right, but they will never confirm or deny their speculation.

**IF** the degree of annoyance is sufficient to amount to a Statutory Nuisance as defined in law, they will serve an Abatement Notice on those responsible. This is an instruction not to repeat the Statutory Nuisance.

**YOUR** neighbour could appeal against the notice to a Magistrate's Court.

**IF** the Statutory Nuisance should occur after the service of this Abatement Notice an offence is committed which could be referred to a Magistrates court and if found guilty could result in a fine being imposed.

**IF** the case should go to court, they may have to reveal your identity, but they would discuss this with you before taking enforcement action so that you could make a decision about what you wanted to do.

**SAFETY NOTE: Never use petrol, solvents or other spirits to light a bonfire and never try to burn aerosol cans or other pressurised containers.**

### **Bonfires and the Law**

Anyone allowing smoke to drift across a road faces a fine of up to £2,000 under the Highways (Amendment) Act 1986. Under the Clean Air Act 1956 it is an offence to cause a nuisance through the creation of smoke: the maximum penalty is again £2,000.

Where a bonfire is causing a significant nuisance and you are unable to resolve the matter with the person lighting the bonfire you can complain by contacting the AVDC Environmental Health Officer.