

Environment and Sustainability Committee

18 January 2022



Title	Bonfires and anti-bonfire campaign
Purpose of the report	To note
Report Author	Susan Turp, Principal Environmental Health Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Environment
Recommendations	Committee is asked to: Take note of the anti-bonfire campaign that is running
Reason for Recommendation	Not applicable

1. Key issues

- 1.1 Bonfires can be hazardous to people, property and wildlife. The fumes from bonfires are harmful to health, particularly for those with respiratory illnesses such as asthma, COPD and Covid. Smoke from a bonfire can affect the throat and respiratory system, and the inhalation of carbon monoxide can cause symptoms such as headaches, vomiting. Bonfires can not only cause a nuisance for nearby residents but be distressing as well.
- 1.2 Bonfires are harmful to the environment, causing air pollution and impacting climate change. This is a particular concern in light of discussions at the recent COP26 UN Climate Change Conference.
- 1.3 The Vice Chair of the Environment and Sustainability Committee was keen to see a Borough wide ban on bonfires due to all the issues they cause.
- 1.4 There are no byelaws or other legislation that outright prevents people from having bonfires, but there is legislation in place that ensures some controls in relation to the problems that bonfires create.
- 1.5 Environmental Health had noted a rise in complaints about bonfires during the pandemic and had attributed this to the following factors:
 - (a) Increase in number of people being at home, many of whom found they had more time, leading to an increase in gardening and subsequent accumulations of garden waste

- (b) Difficulties in accessing civic amenity sites to dispose of garden and other waste
- (c) Increase in construction and DIY projects leading to accumulations of building waste and vegetation through clearance of land
- (d) More people at home to be affected by bonfires lit near them
- (e) With Coronavirus being a respiratory illness, there is concern that smoke from bonfires could exacerbate breathing difficulties.
- (f) Greater awareness of pollution and climate change during the pandemic
- (g) Increased anxiety and reduced tolerance from residents as a result of the pandemic.

2. Options analysis and proposal

- 2.1 Our Legal team researched the possibility of introducing byelaws for bonfires. but established that there is no enabling legislation for such byelaws to be introduced.
- 2.2 Since legislation does not permit an outright ban, the Vice Chair proposed an anti-bonfire campaign be launched to discourage residents and businesses from having bonfires.
- 2.3 Environmental Health have been working with the Communications team to put together an anti-bonfire campaign. It was agreed that to reach as many people as possible and make best use of resources, the following actions would be taken:
 - (a) An article would go in the Borough Bulletin explaining the risks of bonfires, alternative ways of properly disposing of waste, and asking residents to avoid having bonfires. Also giving people the information on reporting bonfires.
 - (b) Some messages with strong graphics to be sent via all our social media channels.
 - (c) A revision of the bonfire and smoke webpage to give a stronger anti-bonfire message
- 2.4 Our campaign started with a simple message incorporated in our fireworks campaign advising people that if they were going to have a bonfire during the Bonfire Night period, to ensure that they do so without causing nuisance. This was considered the appropriate approach at this stage since the main message at this time was to remind people of the distress that fireworks can cause to animals and some people. We were mindful that we did not want to be construed as a 'killjoy' Council by giving a strong anti-bonfire message around Bonfire Night.
- 2.5 The message has since been strengthened to strongly discourage people from having bonfires reminding them of the many problems they cause including harm to health, to the environment and to wildlife, not to mention the risk of fire spread. We have also reminded people that commercial burning is not acceptable and can be unlawful.
- 2.6 This message is currently being conveyed via the recently published Winter edition of the Borough Bulletin and subsequently via Spelthorne eNews;

social media messages including some eye-catching images; and through our webpage which is linked in other messages, and which has now been updated to reflect our stronger anti bonfire message. The social media messages began to be posted earlier this week and will continue through the next few weeks.

- 2.7 Environmental Health have also recently reviewed and updated our department's bonfire procedure to ensure that we act promptly and adopt a low tolerance approach to reports of bonfires, readily taking enforcement action where this is appropriate to address statutory nuisance, anti-social behaviour and offences relating to the Clean Air Act.
- 2.8 We have made people aware in the campaign and on our website of the alternatives to burning, such as composting, recycling, the bulky waste collection service, and garden waste scheme.

3. Financial implications

- 3.1 The costs involved were officer time in preparing the information to be included in the campaign, and the cost of the graphics which were contracted out due to other constraints and priorities for the Communication team.
- 3.2 It is expected that there might be an increase in complaints received by Environmental Health as a result of the campaign as awareness is increased and people are invited to report bonfires to us. It is hoped, however, that over time, it will lead to some change in behaviour which will reduce officer time spent in dealing with such complaints.

4. Other considerations

4.1 Legislation

Although there are no byelaws or other legislation that outright prevents people lighting bonfires, there is legislation in place that ensures some controls in relation to the problems that bonfires create.

(a) The Environmental Protection Act 1990

This legislation defines certain types of 'nuisances' as statutory nuisance and includes '*smoke emitted from premises so as to be prejudicial to health or a nuisance*'. For it to count as statutory nuisance, it must either:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises, or
- injure health or be likely to injure health

In order to determine statutory nuisance, an experienced officer Environmental Health must consider factors such as severity, frequency, duration, time of day and impact or potential impact on anyone who is or could be affected. For this reason, it is usual to carry out witness visits from the complainant/s property where possible to understand the severity and impact, and in some cases, log sheets need to be completed by the complainant to determine and demonstrate that the situation is ongoing, rather than a one-off incident. If statutory nuisance

is established or deemed likely to occur, an abatement notice would be served requiring the nuisance to be stopped. Failure to do so after service of a notice is an offence. This could lead to prosecution and a fine, the Council carrying out action to abate the nuisance and even applying for an injunction if necessary.

(b) The Anti-Social Behaviour, Crime and Policing Act 2014

This legislation gives Councils powers to serve Community Protection Notices to deal with a range of behaviours that negatively impact on the community's quality of life. The regular lighting of bonfires would likely be considered anti-social behaviour under this legislation.

(c) The Clean Air Act 1993

Although not relating to domestic bonfires, this legislation is designed to control smoke from commercial activities, and this includes building works taking place by contractors at residential premises.

4.2 Although there is no specific law preventing domestic bonfires, action can and will be taken where these are established to be causing statutory nuisance or anti-social behaviour. Commercial burning will continue to be reported to the Environment Agency who although may not act in every case, will provide them with intelligence to identify regular offenders and may lead to future enforcement action by them. This is in addition to Environmental Health acting under the legislation that we enforce where appropriate.

4.3 To measure the success of the campaign, we will monitor the number of complaints received over the duration of the campaign and compare this with the number that were received over previous years over the same time frame and time of year. We would expect initially to see an increase in complaints about bonfires due to increased awareness and encouragement to report them and would hope to over time see a drop in complaints compared to the same time over previous years.

5. Equality and Diversity

5.1 No impact

6. Sustainability/Climate Change Implications

6.1 The anti-bonfire campaign has a direct positive impact on climate change since a reduction in bonfires (which is the goal of the campaign) will directly lead to a reduction in carbon dioxide being released into the atmosphere which contributes to climate change.

7. Timetable for implementation

7.1 The campaign is already running and social media messages will continue to reinforce the message for the next few weeks. It will then be repeated again at the start of the summer.

Background papers: There are none.

Appendices:

Appendix A – Bonfire and waste articles in Winter Borough Bulletin

Appendix B - Social media graphics for anti-bonfire campaign

Appendix C - Council's updated bonfire webpage

<https://www.spelthorne.gov.uk/bonfires>

Appendix A

Bonfire and waste articles in Winter Borough Bulletin

Bonfires

Complaints regarding bonfires at residential properties have dramatically increased since the beginning of the Covid-19 pandemic.

Bonfires can be a danger to people, property and wildlife. Fumes from bonfires are harmful to health and can be distressing for nearby residents. They are also harmful to the environment, causing air pollution and impacting climate change. Repeated bonfires can cause statutory nuisance, and it's illegal to burn commercial waste, including builders' waste, on a bonfire.

Composting is a good way to get rid of your green waste and we also offer a garden waste collection scheme. Materials such as paper and cardboard should be put into your recycling bin. It is better for local air quality and the health of the community to use these facilities rather than having a bonfire.

For more information on bonfires visit www.spelthorne.gov.uk/bonfires. Visit www.spelthorne.gov.uk/gardenwaste for information on our garden waste collection scheme and composting.

Your waste is your responsibility

If you hire someone to dispose of your waste, always make sure they are a licensed waste carrier to avoid being fined or prosecuted.

In September Spelthorne Council introduced a £200 fixed penalty notice for households that fail to ensure their waste is managed properly. Residents and businesses are required to take reasonable steps to check that people removing waste from their homes and premises are authorised to do so. Make sure you:

- Ask the waste carrier to provide you with their full address and telephone number
- Ask to see their waste carrier licence issued by the Environment Agency
- Contact the Environment Agency directly on 03708 506 506 and ask for a free instant Waste Carrier Validation Check (or check on the Environment Agency's website)

To check a licence visit <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or call 03708 506 506.

Appendix B

Social media graphics for anti-bonfire campaign

A graphic for an anti-bonfire campaign. The background is a dark blue sky with a large, billowing black smoke cloud. In the foreground, a bonfire is burning brightly with yellow and orange flames. The bonfire is made of logs, cardboard boxes, and a white, fluffy object. A bird is flying in the sky above the bonfire. The text 'Stop before you burn!' is written in large, bold, yellow letters at the top. Below it, the text 'Burning household waste causes toxic fumes, is anti-social and endangers wildlife.' is written in white. At the bottom left, a red box contains contact information. At the bottom right, the Spelthorne Borough Council logo is displayed.

Stop before you burn!

Burning household waste causes toxic fumes, is anti-social and endangers wildlife.

If you are affected by, or concerned about burning, report in confidence...

☎ 01784 446251
✉ eh.residential@spelthorne.gov.uk
🌐 www.spelthorne.gov.uk/bonfires

**SPELTHORNE**
BOROUGH COUNCIL

Stop before you burn!

Fumes from bonfires are harmful to health and the environment.

**If you are affected by,
or concerned about burning,
report in confidence...**

☎ 01784 446251

✉ eh.residential@spelthorne.gov.uk

🌐 www.spelthorne.gov.uk/bonfires



Stop before you burn!

The burning of commercial waste is illegal* and has harmful impacts.

*with some exceptions



**If you are affected by,
or concerned about burning,
report in confidence...**

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🌐 www.spelthorne.gov.uk/bonfires



Appendix C

Council's updated bonfire webpage

Bonfires and smoke

Report a bonfire nuisance online

Can I have a bonfire?

Although there are no byelaws that forbid residents from having bonfires, they can be a danger to people, property and wildlife. Fumes from bonfires are harmful to health and can be distressing for nearby residents. They are also harmful to the environment, causing air pollution and impacting climate change. Repeated bonfires can cause statutory nuisance or be determined as anti-social behaviour, and it's illegal to burn commercial waste including builders' waste on a bonfire.

For these reasons, we strongly advise against having bonfires.

Bonfires cause smoke and other pollutants, and the levels and intensity of these is dependent on what is being burned and whether it is damp, the size of the bonfire, and the local weather conditions.

Things that should not be burnt on a bonfire include: -

- household rubbish
- plastics
- rubber tyres
- damp material, eg plant matter and wet cardboard

The Council offer waste disposal for domestic garden plant waste at the Shepperton Community Recycling Centre, Charlton Lane, Shepperton, TW17 8QA. Residents can subscribe to the [garden waste collection service](#) for disposal of garden plant waste. It is better for the health and wellbeing of the community and for local air quality, to use these facilities rather than burning waste on a bonfire. Alternatively, composting is a good way to dispose of garden waste and provides you with free soil conditioner. The Surrey Environment Partnership offer [subsidised composters](#).

The Council also offer a [bulky waste collection service](#). If you have items that are rubbish and are not suitable for reuse or recycling, contact our Neighbourhood Services team or a licensed waste carrier for a quote or take them to the [Community Recycling Centre \(tip\)](#).

If you do have a bonfire, it is advisable to consider the time of day that it might impact neighbours the least, and contact all the neighbours surrounding your property to warn them, as they may wish to close windows or take washing in. Since it is difficult to tell how far the smoke, ash, and smell will travel, it is best to let as many people know as possible. However, warning your neighbours does not prevent action against statutory nuisance or anti-social behaviour.

The law

The Council can take action against anyone responsible for bonfires that are causing or likely to cause statutory nuisance, such as if a bonfire is resulting in lots of smoke and is having a significant impact on neighbours, or if bonfires are lit on a regular basis and are deemed to be anti-social behaviour. The Council can use its legal powers in these cases to stop bonfires and may even prosecute offenders, which could result in large fines.

Bonfires can also be a danger to traffic, and it is an offence to allow smoke from a bonfire to drift across a highway, which can result in a fine. Smoke affecting visibility for road users should be reported to Surrey Police by calling 101.

Builders and businesses

Businesses including builders have a duty of care to ensure that any waste arising from their business is properly disposed of, and without causing harm to the environment. Since burning is not considered as 'proper disposal' and can harm the environment, the burning of commercial waste, including builders' waste on a bonfire is not allowed.

It is also an offence to cause dark smoke from any trade or industrial premises or process, or to burn any material that is likely to result in dark smoke, and such incidents should be reported to Environmental Health.

If there is a bonfire incident on a commercial property in Spelthorne, then this should be reported to the Environment Agency by using the free phone number 0800 807060. The Environment Agency may ask you to also contact Environmental Health.

Reporting a bonfire nuisance

If you are bothered by smoke, start by approaching your neighbour and explain the problem. You might feel awkward, but they may not be aware of the distress they are causing and it will hopefully make them more considerate in the future.

Please bear in mind that if the fire is only occasional it is unlikely to be considered a nuisance in law.

If it is more regular or is having a significant impact, you can contact Environmental Health. You will be asked to fill in [log sheets](#) to record instances of when smoke is unreasonably affecting you. You will need to be sure of the location of the bonfire for each instance.

Smoke control zone

What is a smoke control zone?

A smoke control area or zone is a legally defined area in which it is an offence to allow smoke to be emitted from a chimney, regardless of the colour of the smoke. However, if an authorised fuel is being burnt it is accepted that occasionally small amounts of light smoke may be produced. Also, there are some exempted appliances (such as wood burning stoves).

Lists of authorised fuels and exempted fireplaces can be found on the [DEFRA website](#). For a current list of approved solid fuel products and services you can contact the [Heating Equipment and Approval Scheme \(HETAS\)](#) by telephone on 0845 634 5626 or via their website.

Is my house in a smoke control zone?

Most of Spelthorne is in a smoke control zone. You can find out if your house is covered by a smoke control order by going to [My Spelthorne](#). Once you type in your address, information available on the 'My House' tab includes whether your property is in a smoke control zone or not.

Reporting smoke from a chimney

To report smoke from a chimney in a smoke control area, please contact Environmental Health's Pollution Control team. If the address is in a smoke control zone then we will write to the occupants highlighting the law. If the address is not in a smoke control zone we will require you to fill out log sheets and the complaint will be treated in the same way as a bonfire complaint.