In practice, to be considered a statutory nuisance, a bonfire would have to be a regular problem that unreasonably interferes with the use and enjoyment of your property.

If the bonfires occur often enough to be a statutory nuisance, the Council will serve an abatement Notice requiring certain steps to be taken.

Breach of that Notice may result in prosecution so the Council can and will take bonfire complaints very seriously.

**Taking your own action**

If the Council does not think there is enough evidence to take action, the same Legislation allows you to take your own private action in the Magistrates Court. Similarly if you are being troubled by bonfires from different neighbours, each only burning occasionally, a nuisance investigation by the Council would be difficult as there are several offenders. In this situation encourage them to consider the alternatives - give them a copy of this leaflet!

**What about smoke from barbecues?**

This would be dealt with by the Council in the same way as smoke from bonfires.

**Smoke drifting across roads**

Under the Highways Act 1980 anyone allowing smoke to drift across a road faces a fine if it endangers traffic. Contact Northamptonshire Police on 03000 111222 if you see this happening.

**Dark Smoke**

If a bonfire on a trade or industrial premises is emitting dark smoke it is dealt with under the Clean Air Act 1993.

Please contact us immediately if you see a dark smoke bonfire.

Kettering Household Waste Recycling Centre
Garrard Way
Telford Way Industrial Estate
Kettering
Northants
NN16 8TD

For information contact the Northants County Council Waste Management Team on 01604 237440

Environmental Health
Kettering Borough Council
Bowling Green Road
Kettering
Northants
NN15 7QX

Tel: 01536 410333
Fax: 01536 410795
Web: [www.kettering.gov.uk](http://www.kettering.gov.uk)

Revised June 2010
Bonfires - do I or don’t I?
A bonfire can be a convenient way of getting rid of a large amount of waste. But the smoke and smell from a bonfire can upset your neighbours, prevent them from having their windows open, using their garden or hanging their washing out.

Think about it - do you really need a bonfire?
A bonfire releases pollutants such as carbon monoxide and dioxins into the air that are damaging to local air quality and to human health. They have a particularly acute effect on asthmatics, bronchitis sufferers, people with heart conditions, children and the elderly. Is a bonfire really the best way to dispose of your waste?

What do I do with my waste then?
Household waste should always be disposed of through the household waste collection service. For further information please contact 01536 410333.

What about composting and recycling?
Kettering Borough Council have dedicated website pages with all the information you need about composting and recycling.

But I really want a bonfire!
If a bonfire is the most practicable and environmentally friendly way to dispose of dry garden waste (for example, diseased plant material that cannot be composted), follow the steps below to avoid complaint and/or an enforcement visit from a Council Officer.

1. Warn your neighbours well in advance. They are much less likely to complain. This gives them a chance to bring washing in and/or close doors and windows.

2. Make sure you locate your bonfire as far away from neighbouring properties (and fences) as possible.

3. Think about the weather conditions, will the wind blow the smoke directly onto your neighbours house?

4. Avoid burning when people are likely to want to enjoy their gardens, weekends and early evenings for example.

5. NEVER leave your bonfire unattended. You risk a visit from the Fire Brigade and being billed for their call out fee. Make sure you have a means of extinguishing the fire if it gets out of hand.

6. Only burn dry materials and NEVER EVER burn old tyres, foam, painted or other treated wood such as MDF, chipboard or any kind of plastic.

7. NEVER use petrol or lighter fluid to light the fire or encourage it to burn.

If you follow these guidelines it is unlikely your bonfire will give your neighbours cause for complaint.

However if you produce dark smoke like this when you have your bonfire, it is very likely that a Council Officer will visit you if your neighbours complain.

My neighbour is having a bonfire, should I approach them to put it out?
If you’re bothered by smoke from your neighbours bonfire, approach your neighbour and explain the situation. You might feel awkward, but they may not be aware they are causing you a problem. They can’t put things right if they don’t know something is bothering you.

Action by the Council
If your neighbour doesn’t respond well, contact Environmental Health who will offer advice on whether a formal investigation is appropriate. You may be asked to keep a diary to see how often the bonfires cause you a problem.

A one off or occasional bonfire is not generally actionable by the Council. It may be an inconvenience to you but it is unlikely to constitute a statutory nuisance. Under the Environmental Protection Act (EPA) 1990, a statutory nuisance includes “smoke, fumes or gases emitted from premises so as to be prejudicial to health or a nuisance”.

If you produce dark smoke like this when you have your bonfire, it is very likely that a Council Officer will visit you if your neighbours complain.

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