



Bonfire Nuisance

It's not illegal to have a bonfire and there are no time restrictions or smoke control areas in Wychavon.

Bonfires produce smoke, especially when damp and smouldering. We receive a lot of complaints about smoke, smut, and smell from bonfires. Smoke prevents people from opening windows, enjoying their gardens, hanging out washing, and can reduce visibility on roads.

What can you do?

Quite often the persons causing the smoke nuisance are unaware that they are disturbing other people.

We recommend that the first step you take is to speak to the person directly. However, it is important that you remain calm. You may 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. However if this fails contact us.

Factors considered:

We will consider the following factors to decide whether a Statutory Nuisance exists:

- Time, duration and frequency of bonfires
- The effect of the smoke on neighbours' use of their property.

What the Council can do

We can carry out a standard nuisance complaint investigation, detailed as follows:

- We receive your complaint and acknowledge it by letter, telephone or a visit.
- We contact the alleged offender and advise them that a complaint has been made and provide advice to prevent a nuisance.
- We provide detailed record sheets for you, the complainant, to fill in. These provide us with important evidence as to whether a nuisance is being caused and show us if there is any pattern or routine in its occurrence.
- On receipt of completed record sheets identifying a potential nuisance we will try to witness the nuisance, either in person during office hours, or via a pre-arranged visit outside normal office hours.
- Once a nuisance has been witnessed by an officer, we can undertake enforcement action, which may include serving the offender with an Abatement Notice.
- If the notice is not complied with we may prosecute the person causing the nuisance. There is a maximum fine of £5000 in domestic cases and £20000 for commercial and industrial premises.

Alternate action -Taking your own action

It may be that we are unable to witness the smoke or are of the opinion that a Statutory Nuisance does not exist. In such cases it is possible to complain directly to a magistrates Court under section 82 of the Environmental Protection Act 1990. The clerk to the justices can be contacted at: Worcester Magistrates Court, Castle Street, Worcester.

**Contact: Environmental Protection Section, Environmental Services,
Civic Centre, Queen Elizabeth Drive, Pershore, WR10 1PT**
Telephone: 01386 565015 Fax: 01386 561826
Email: environmental.health@wychavon.gov.uk
Website: www.wychavon.gov.uk/es